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Turkish Commercial Aviation

Mieczyslaw Budek

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PREFACE

In 1944 the Graduate School of Business Administration of Harvard University established within Baker Library a Collection on the Business Aspects of Aviation. The goal set was to aid aviation research and to provide extensive reference sources for all concerned. The Collection was housed in a separate room with a special librarian in charge. Since that time, through the generous support of the aviation industry and friends of the School, particularly Mr. W. A. M. Burden, the Collection has continued to grow and its services have been expanded.

Early in the development of this newest division of Baker Library the decision was made to create within it a center of bibliographic information — one place which would list the holdings in the field of business aspects of aviation of all Harvard Libraries (some 85 in number). To further this effort, three studies have been completed. First, cards were prepared for insertion in our catalogue to indicate material on Belgian aviation. Second, Dr. Budek prepared a study entitled “German Civil Aviation, 1900-1953,” which currently exists in typed form only. Copies of the study may be consulted within the Library or may be borrowed on inter-library loan. The third study is this one. A fourth survey is nearly completed, one entitled “Ethiopian Civil Aviation, Legal and Business Aspects,” while a fifth study is under way — “Civil Aviation in Arab League States.”

Even the slightest perusal of Dr. Budek's study will show that he has gone far beyond the usual library practice of preparing bibliographies. This might well be described as an economic-legal-bibliographical study of Turkish commercial aviation. Originally our intention was to compile a guide to the sources of information on foreign civil aviation. But, because of the complexities of the subject and because of the tremendous wealth of information gathered during
the searchings for literature in Harvard libraries, the libraries of neighboring institutions, the Library of Congress, Governmental agencies, and the like, it soon became apparent that it would be to the advantage of the School to record this information and to make it available to people in the industry. We therefore encouraged Dr. Budek to expand the original scope of the study. We were indeed fortunate in having available Dr. Budek, with his training in law and political science and his working knowledge of some eight languages.

DONALD T. CLARK, Librarian, Baker Library, Harvard University Graduate School of Business Administration

FOREWORD

In analyzing the legal aspects of commercial aviation in Turkey, one is handicapped by the fact that a unified body of law, regulating civil aviation from the point of view of international law and Turkish domestic law, does not yet exist in that country. Although there were several bills proposed between 1934 and 1949, Turkey, apparently anxious to possess a modern air law, was still unable to bring about enactment until all fifteen Annexes to the Convention on International Civil Aviation had been adopted by the states that adhered to that Convention. The adoption of the above Annexes, which comprised a considerable number of provisions, standards, and practices, and which would have to be transformed into national provisions in the future Turkish air law, was not accomplished until the end of 1954. As a consequence, an appropriate action on the codification of a Turkish air law is under way now; and it may well be expected that, when finally voted, it will be a law of distinctly modern type.

For the time being, then, it has appeared advisable to draft the present monograph from the point of view of the efforts made by Turkish authorities and interested agencies in Turkey toward initiation and development of Turkish civil and commercial aviation under the successive regimes of the three presidents: Kemal Atatürk, İsmet İnönü, and recently Celal Bayar.

In drafting the present monograph, the author has intended to emphasize the structure of the Turkish State Airlines, and the characteristics of its organization at different stages of evolution, stressing the efforts aimed at the conversion of this organization into a business-like enterprise. Statistical data, as far as they could be made available, have also been inserted at the relevant points. In order to facilitate an understanding of the development, two geographical sketches have been introduced, one presenting Turkish and foreign air routes and aerodromes as they existed in the years between 1925 and 1939, and
the other, Turkish foreign and domestic air routes, airports, and aerodromes as they existed in 1955. (The terms "aerodrome" and "airport" were used throughout this work in consonance with I.C.A.O. definitions.) The Legal Appendix contains English translations of regulations relating to aerial navigation still enforced there, as well as two laws relating to the organization of the Turkish State Airlines.

Special efforts have been made to use all possible Turkish official, semi-official, and private source of information relating to Turkish civil aviation and allied problems. Source data are offered in a Bibliographical Appendix.

The accomplishment of the research was made possible largely by materials in the Aviation Collection of the Baker Library, Harvard Graduate School of Business Administration, and in the Turkish Section of the Harvard Law School Library.

Thanks are due to the Turkish Embassy in Washington. D. C., and to the Turkish Consulate General there for supplying much necessary information. I am indebted to Mr. Soyan and Mr. Yalman of the Turkish Information Office in New York for their valuable assistance, as well as to Professor Dr. Zeyyat Hatiboğlu of the Technical University of Istanbul, and Mr. Mukarram Hiç of the Faculty of Economics at the University of Istanbul for their aid in translation.

I am very much indebted to Dr. Mazhar Nedim Göknil, Professor of Commercial and Air Law of the Law Faculty at the University of Istanbul, for the continuous assistance which he has rendered to me during my research, and to Mr. Ali Şakir Ağanoğlu, Member of the Faculty of the University of Istanbul, for very helpful advice. Final responsibility for the material presented here is, of course, the author's alone.

Mieczysław Budek
Soldiers Field
Boston 63, Massachusetts
September, 1955

INTRODUCTION

The interest of the Turks in aeronautics has paralleled that of other peoples. Indeed, Turkish activities in the construction of "flying machines" or in balloon ascensions may antedate those of some European countries, if factual proof were available as to the stories relating to the first Turkish experiment with a glider at the end of sixteenth century described by an English historian;¹ or of the ascension in a balloon of a Persian physician in the presence of Sultan in 1785.²

At any rate, two Frenchmen, Barly and Devigne, made an ascension

in a balloon in Istanbul as early as 1802, and the first ascension by a Turk, Selim Ogat, took place less than a quarter century later, specifically in Izmir in 1825.8

With the invention of heavier-than-air machines, the interest in flying was stimulated among the Turks as it was elsewhere. Civilian Ottomans took an active part in air-sport activities in Turkey and abroad; books on aviation and aerial navigation were as popular in the Ottoman Empire as they were in any other country; and the Turkish press did not fail to inform its readers on contemporary events in the field of aviation. In November 1909, de Caters flew an airplane at an air-show in Istanbul; on December 12, 1909, the famous French aviator, Blériot, performed several flights there; while on April 21 and 27, 1910, the German aviator Zipfel displayed his skill in flying.

At the International Air Navigation Conference in Paris (May 18- June 29, 1910), the Ottoman Empire was represented by two delegates: Mukbil Bey, a civilian, and Major Fethi. Both were elected to appropriate commissions of the Conference. Mukbil Bey became a member of the International Law and Administrative Commission and Major Fethi participated in the work of the Customs and Air Navigation Commission.4

Soon afterwards Fethi Bey and Sadik Bey, two prominent Turkish aviators, performed their first flight from Turkey to Cairo, and their success provoked great enthusiasm among the Ottomans. While returning to Istanbul, however, both were killed in an accident at Damascus. Yet the Ottomans acknowledged them as national heroes, and a monument was erected in memory of their pioneer flight.

At about this time, the Ottoman military authorities were considering the creation of an Ottoman Air Force, but war came before they had taken action. The unexpected outbreak of war with Italy in 1911 found the Ottoman armed forces with no useful military aviation at all. In order to meet the Italian air force, small as it was, with a similar one on the Ottoman side, the Sublime Porte decided to engage foreign aviators with their airplanes as mercenaries willing to fight in the Ottoman cause.5 Soon five French aviators with planes were operating with the Ottoman army, and one of them became instructor of twelve Ottoman officers. According to Zeytinoglu, the first Ottoman airplane was flown from the military aerodrome at Yeşilköy in 1911. The Ottoman planes, however, were not used on the battlefields in Tripoli.

In the following two Balkan wars (1912-1913), the Ottoman army was supported by airplanes at Koumanovo and on other battlefields.

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Buxton, in his memoirs, mentions that Ottomans had airplanes of German and British make. According to Jane's *All the World's Aircraft*, Ottomans had German Harlan and Mars planes as well as Nieuports and others. In the Ottoman War Bulletin of March 29, 1913, a German aviator named Scherf was mentioned in a dispatch for his successful flight (with an Ottoman officer as passenger) over Bulgarian military concentrations at Büyükçekmece.

At the close of these wars, the Ottoman Empire was forced to submit to new foreign intervention. In a basic reorganization of the Ottoman armed forces, provision was made for placing the Ottoman gendarmerie under the supervision of the French General Baumann, the Ottoman navy under the British Admiral Limpus, and the Ottoman army and the future Ottoman air force under the German Military Mission. Germany, in fact, had been interested for a long time in the Ottoman Empire. The first German military mission to the Ottoman Empire came under Colonel Helmuth von Moltke as early as 1835 and left after four years of advisory work. The relations between the Ottoman Empire and Germany moved closer under Bismarck and, at the Sultan's invitation, another German military mission—under General von der Goltz—was sent to Istanbul in 1880, and remained there for thirty-seven years, that is, until the end of World War I. After Bismarck's fall in 1890, Ottoman-German relations became closer still under the auspices of Kaiser Wilhelm II, and the Ottoman Empire was supported by Germany in diplomatic, economic, and military fields. An additional German military mission was sent on December 13, 1913 to the Ottoman Empire, comprised of seventy-two German officers. Their chief, Major-General Liman von Sanders-Pasha, was raised to the rank of an Ottoman Müsir (marshall), and was invested with full executive authority over Ottoman troops. German officers and German supplies, including airplanes, streamed into the Ottoman Empire all through the early part of 1914. Ottoman officers who had previously been trained in aviation in Germany or in other countries were now trained in the Ottoman Empire by German officers.  


In view of the increase in political tension among the European countries in early 1914 resulting, among other measures, in the establishment of prohibited zones for foreign aerial navigation in England, France, Germany, Austria-Hungary, Italy, and Russia, the Sublime Porte enforced a similar law on May 24, 1914, in the form of a Regulation on Prohibited Zones for Aerial Navigation (Sefaini Havaiye Dair Menatiki Memnua Nizammamesi, 24 Mayis, 1330). This Regulation provided for rigorous measures against foreign pilots and passengers illegally crossing prohibited zones or deviating from established air routes when flying in the Ottoman Empire. By this Regulation, foreign legal flights over Ottoman territory were limited to those for which permission had been granted by the Ottoman Government through diplomatic channels.

With the outbreak of the First World War on August 2, 1914, an alliance between Germany and the Ottoman Empire was signed. Although the Ottoman Empire did not participate in the first military operations of the Central Powers against the Allies, it was soon compelled to go to war. Russia declared a state of war with the Ottoman Empire on October 30, 1914, and she was followed by England and France on November 5, 1914, and by Italy on August 20, 1915. The United States, on the other hand, although declaring a state of war with Germany and Austria-Hungary in 1917, refrained from declaring war on the Ottoman Empire.8

The German-Ottoman air force was employed in nearly all of the Ottoman theaters of military operations on land. It was under exclusive German command, and the units were composed of both nationalities, except for the "Flieger-Abteilung 300-Pascha," which was comprised of German personnel only.9 According to Jane's compendium already cited, the German-Ottoman Air Force was not large but was uncommonly effective.10

Beyond combat action there had been expectation that the Ottoman-German Air Force could be employed in the maintenance of a regular air-transport service between Germany and Istanbul. It may be recalled that the German General Staff created such a service in 1916 between the West and East fronts, while the network of air routes

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8 Why Turkey was omitted from the U. S. War declaration: There were no Turkish representatives remaining in the U. S.; the number of Turkish subjects in the U. S. was insignificant; Turkish interests in U. S. were insignificant, while American missionaries alone had expended over $20,000,000, which, with other property, was subject to confiscation if war were declared. Besides there were hopes for a separate peace. New York Times Current History, Vol. VII, p. 74. Nevertheless the diplomatic relations between the U. S. A. and the Ottoman Empire were severed, Annual Register, Vol. 1917, pp. 262-63.


on the East front extended from the Crimean Peninsula to Reval (Tallin). The operation of this air-transport service by military personnel proved useful beyond expectation, and indeed served as an example immediately after the end of World War I for the organization of civil aviation on the German domestic air routes.  

The development of a similar service between Germany and Istanbul, however, met with considerable difficulties and never was fully established. At first German airplanes and parts destined for the Ottoman Empire were sent from Germany by rail to Herkulesbad in Hungary, whence they were flown to Lom Polanka in Bulgaria, where the planes had to stop for fuel. Ultimately the goods reached Istanbul aerodromes.

After the conquest of Rumania by Mackensen in 1916, the conditions in the Balkan theatre of war were too chaotic for the maintenance of aerial transportation, and, besides, Germany decided to concentrate all of her efforts on winning the war on the Western front. Accordingly, the plan for aerial transportation from Berlin to Istanbul was entirely abandoned.

Generally, the Ottoman Air Force succeeded in gaining considerable experience, and considerable knowledge of aviation during the First World War; and it acquired a number of thoroughly trained pilots and mechanics plus a number of landing places and hangars, as well as workshops equipped for the repair of aircraft. 

After the capitulation of Bulgaria, on September 28, 1918, at Salonica, it became apparent to the Sultan’s government that the war was lost. In the middle of October, 1918, a newly formed Cabinet under Izzet Pasha immediately entered into negotiations for an armistice with the Allied and Associated Powers, which was signed on board H.M.S. Agamemnon on October 30, 1918, at Port Mundros, on the island of Lemnos.

The terms of the armistice stipulated the immediate surrender of the Ottoman navy as well as general precautionary arrangements pending further orders of the Allies. There was no provision in the Armistice calling for the immediate surrender of any military or air materiel as was the case with Germany. However, a stipulation prohibited the destruction of any naval, military, or commercial materiel and obliged the Sultan’s government to comply with such orders of the Allies as might be conveyed for the disposal of equipment, arms, and munitions. In view of future events, and in particular the Nationalist movement of the Turks in Asia Minor, it was of great advantage to the Turks to be entrusted by the Allies with control over their own war materiel, including that of the Ottoman Air Force.

Ten days after the signing of the armistice, British and French

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12 Eversley, op. cit., p. 394.
troops entered Istanbul and the Allied High Command started its activities. The need of rapid means of communication between Europe and Turkey as well as the desirability of a civilian postal air service between France and Istanbul, led the French Commander-in-Chief of the Allied Armies, General Franchet d'Esperey, to organize an air-mail service, which was run by the French Air Force of the armies in the Orient. Certain regulations were issued to this effect on July 6, 1919; and on July 8, 1919, a bi-weekly aerial service was inaugurated between Istanbul and Bucharest, where the mail was put on the Orient Express. The air-rail mail transport from Istanbul to Paris required six days, but it was hoped that after the opening of an air line between Istanbul and Agram the time necessary for the mail transport would be reduced to four days.

This aerial service was intended to be the forerunner of a complete system which was to cover the Balkans and the Near East. The main and indispensable use of commercial aerial service in this area would undoubtedly be the carriage of urgent mails, paper money, and merchants' documents. Several of the largest firms in Istanbul were approached for their opinion as to the advantages of such a service; and it must be admitted that most of the older and conservative firms stated that they did not see to what use such a service could be put other than those just mentioned. On the other hand, the more progressive firms suggested the possibility of the transport of commercial travelers and the transmission of samples.

This service, however, had indifferent success. It operated during the summer of 1919, but, because of unfavorable weather conditions, it was stopped in 1920. In view of the fact that the French service did not function satisfactorily, civil representatives of different European airlines approached the Sultan's government offering to establish aerial service between Istanbul and Europe. Finally, early in 1922, the Ottoman government signed an agreement with the Societe Franco-Roumanie by which it was stipulated that a regular air service was to start one year after the date of agreement. The progressive firms in Istanbul promised their strong support for this kind of service. Towards the close of 1922, the passenger air service between Paris, Strasbourg, Vienna, and Bucharest was extended to Istanbul and for a few months a regular service was maintained. Shortly afterwards it was again discontinued.¹⁸

While treaties of peace were soon concluded with Germany, Austria, Hungary and Bulgaria during 1919, the "Turkish Peace Problem" was prolonged because of expectations on the part of the Principal Allied Powers that the United States of America might be willing to undertake a mandate over Turkey under the newly constituted League of Nations. At the end of 1919, however, it became clear that there was little prospect of the United States entering the League of Nations

in the near future; and so the British, French, and Italian governments took in hand the settlement of the peace terms with the Ottoman Empire, without reference to the United States. The above governments reached final decisions on this subject; and, at a meeting of the Supreme Council in London in February, 1920, the basic terms of the treaty to be imposed on the Ottoman Empire were agreed upon. The Sultan's government was inclined to accept any terms which the Allies thought fit to impose. The Allies, on the other hand, insisted on conclusion of the peace with the above government exclusively, underestimating the Turkish Nationalist movement in Asia Minor.

A realistic appraisal of the situation at that time, however, would have shown that the Sultan's government exerted influence upon only a small minority of Turks, while the Nationalist movement, headed by Mustafa Kemal Pasha, had spread over the whole of Asia Minor and had gained supporters even among members of the Sultan's government in Istanbul.

The Turkish Nationalist movement, inspired and led by Kemal Pasha, sent delegates to a Nationalist congress at Erzurum on July 23, 1919, while at another congress at Sivas on September 9, 1919, there were present representatives from all over the country. On September 9, 1919, the congress at Sivas voted a Declaration making a plea for the unity of Turkish territory; opposed the occupation of Turkish soil by Allied troops at Istanbul, the Dardanelles, and the Bosphorus, where British troops had been stationed since October 30, 1918, at Adalia and western Anatolia which had been controlled by Italian troops since April 23, 1919, and at Izmir and southwestern Anatolia where Greek troops had been at war with Nationalist Turks since May 14, 1919; objected to an independent Armenian state; denounced the Greek activities in western Asia Minor; and resolved to fight for Turkish integrity. On January 28, 1920, the Sultan's Parliament, in which in the meantime, Nationalist-minded deputies had secured a majority, ratified the Turkish National Pact, the "Declaration of Independence" of the new Turkey.

The reaction of the Allies to the attitude of the Nationalist-minded deputies of the Sultan's Parliament in Istanbul was harsh. The Allied (British) troops under General Milne occupied Istanbul on March 16, 1920, arrested and deported prominent Turkish Nationalists, and in connection with other reprisals destroyed all of the Turkish air materiel kept in the Istanbul area. The British action caused the Nationalists to move their government to Ankara. The Grand National Assembly in Ankara adopted the National Pact on April 23, 1920; voted the basic law for the organization of the new Turkish state;

denounced the Istanbul government and elected Mustafa Kemal its temporary leader.\textsuperscript{17}

At this stage of political events, the Allies decided to enforce their peace treaty upon the Sultan's government in Istanbul. But when the terms of the treaty which were handed over to the Sultan's delegation in Paris on May 11, 1920, became known to the Turkish people, they were received with dismay in Istanbul and with distain by the Nationalist Turks. In the opinion of all Turks the treaty proposed by the Allies aimed to "condemn Turkey to death." The Sultan's delegation protested against certain stringent stipulations of the treaty, but felt compelled to sign the document. As already suggested, the Sultan's government was inclined toward peace at any price.

The Treaty of Sevres provided for the regulation of the future Turkish civil aviation as follows:

Freedom of passage was assured to military and civil aircraft of any nationality in the Straits, the control of which was in the hands of the Allies alone. Aircraft of the Allies enjoyed full freedom of passage, landing at and departing from any place within the Turkish territory or on her territorial waters. Most favored treatment was stipulated for Allied commercial aviation operating in Turkey. Turkey was bound to build and maintain airports on terrain indicated by the Allies, and had to assure Allied aircraft the same rights at airports which might be granted Turkish aircraft. Turkish aircraft had to comply with air-traffic rules drafted by the International Air Navigation Convention in Paris of 1919 when flying within airport areas in Turkey. Without consent of the Allies, Turkey was not empowered to issue any kind of law or regulation relative to civil aviation until she became a member of the above Convention, or was permitted to adhere to the League of Nations.

The Treaty of Sevres was never ratified, and its air clauses actually became a dead letter.\textsuperscript{18}

At this period, the Nationalist government in Ankara under the leadership of Mustafa Kemal, supported by the Grand National Assembly and by an overwhelming majority of the Turkish population, displayed not only an uncommon skill in diplomatic negotiations with eastern neighboring states in its endeavor to establish friendly relations with them, but also, with Soviet Russia's help and support in war materials, was able to reorganize the Turkish armed forces and to lead them to the liberation of western Anatolia from the Greek and Allied troops.

Nationalist Turkey had been at war with Greece since the invasion of the Greek troops into Anatolia on May 14, 1919. In this Greco-Turkish war, the Greeks were supplied (at least at the beginning) with air materiel from the Allies. The Turks, supported by Soviet

\textsuperscript{17} Howard, op. cit., Chapter III. \textit{Illustrierte Flug Woche}, 1925, No. 18, p. 340.  
Russia and later by France, succeeded in acquiring airplanes from abroad (SPADs), and the Nationalist Turkish Air Force was efficient in air combat. Some of the leading Turkish aces, such as Fazil Halil and Zeki, gave their lives for the new Turkish State.\footnote{Melia, Jean, Mustapha Kemal, La Renovation de la Turquie, Paris, Bibliotheque Charpentier, 1929, pp. 25-48. Howard, op. cit., pp. 253-74. Annual Register, Vol. 1921, pp. 220-21. Toynbee, op. cit., pp. 211-54. Illustrierte Flug Woche, 1925, No. 18: “in the last war with Greece, Greeks were provided by Great Britain with the modern aircraft.” Jane’s, Vol. 1925, p. 88a.}

Immediately after the signing of an armistice at Moudros (in October, 1922), the Allies proceeded to call a conference in order to consider the Near Eastern problem, bring about peace, and to establish a new regime at the Straits. The Turkish Nationalist government took part in the conference, which gathered at Lausanne on November 20, 1922, to fight for Turkish territorial integrity, and to preserve its sovereignty from infringement, either through international control over the Straits or through judicial or financial capitulations, under which foreigners had previously been granted extra territorial rights and immunities.

After ardent debates, and even an interruption of the conference by the Turkish delegation, seventeen instruments were signed between January 1st and July 24, 1923, establishing the bases of the peace; in particular the most important territorial arrangements, including the Thracian frontier and the status of the Aegean islands; the status of minorities; the abolition of capitulations; economic and financial matters including concessions; the Ottoman public debt, and the protection of foreign economic interests. The solution of problems as specified in the above Treaty of Lausanne and its accompanying instruments marked the definite triumph of Nationalist Turkey and constituted a notable victory of Turkish diplomacy. The chief of the Turkish delegation, General İsmet İnönü, later became the second President of the Turkish Republic.\footnote{Great Britain, Cmd. 1814, Turkey No. 1 (1923), Lausanne Conference on Near Eastern Affairs 1922-1923. Records of Proceedings and Draft Terms of Peace (with map). London, H. M. Stationery Office, 1923. The above document contains proceedings, including all speeches of the First Turkish Delegate İsmet Pasha. Howard, op. cit., p. 279.}

The United States of America was not a party to the Treaty of Sevres of 1919 nor to that of Lausanne of 1923. Being, however, particularly interested in the preservation of the freedom of the Straits, protection of educational, philanthropic, and religious institutions, protection of minorities, and preservation of the “open door” for American enterprises in the Near East, the United States sent to the conference at Lausanne, a delegation which acted as an observer. The delegation was present in all discussions, and was treated and heard on a footing of entire equality with other delegations, without taking part in the actual negotiations, putting its signature to any documents, or making any engagements whatsoever.

Shortly after the Lausanne Convention was signed, the American delegation signed a separate treaty of friendship and commerce with
Turkey on August 6, 1923, providing for the renewal of normal relations between the two countries. The question of ratification of the treaty became, however, a political and religious issue in the United States Senate, preceded by ardent debate in the organs of American public opinion. Although the Senate declined to ratify the treaty, diplomatic relations were resumed on October 12, 1927 on the initiative of President Coolidge, who exercised his constitutional prerogatives to this effect.

By the signing and ratification of the Treaty of Lausanne and its accompanying instruments by the participating states, the long process of dissolution of the Ottoman Empire was ended. The new Turkish state, acknowledged de jure internationally, began its life as the Turkish Republic under the guidance of its first President, Mustafa Kemal.

II. LAUSANNE AIR CLAUSES

Section 1: Straits Commission

At the Lausanne peace conference in 1923, the participating states refrained even from the discussion of any measures which might impair Turkey's sovereign right to its air space, or might limit its aviation in the future. The principle laid down by the International Convention relating to the Regulation of Aerial Navigation of October 13, 1919,—called "the CINA Convention" for short—namely, that every Power had complete and exclusive sovereignty over the air space above its territory and its territorial waters, was acknowledged at the Conference as an axiom applicable to the new Turkish Republic, with the exceptions stipulated in two of the seventeen Instruments signed at Lausanne.

First, in Article 23 of the Treaty of Lausanne, the British Empire, France, Italy, Japan, Greece, Rumania, the Serb-Croat-Slovene State, and Turkey agreed that they recognized the principle of freedom of transit and of navigation by sea and by air, in time of peace and in time of war, in the Straits of Dardanelles, the Sea of Marmora, and the Bosphorus, as prescribed in the separate Convention, signed on the same day, regarding the Regime of the Straits. Further, in Article 100, item 13, of the said Peace Treaty, it was provided that Turkey was under obligation to adhere to the above-mentioned CINA Convention relating to the Regulation of Aerial Navigation.

Secondly, by the Convention relating to the Regime of the Straits, signed together with the Peace Treaty on July 24, 1923, the British Empire, France, Italy, Japan, Bulgaria, Greece, Rumania, the Serb-


Croat-Slovene State, Soviet Russia, and the Turkish Republic agreed to recognize the principle of freedom of passage and navigation by sea and by air in the Straits, as it was stipulated in the above Article 23 of the Peace Treaty of Lausanne, and defined the conditions under which foreign civil aircraft might enjoy this freedom of passage and navigation in time of peace, and in time of war when Turkey was neutral, or was belligerent. These provisions in general called for full freedom of passage by day and by night for the civil aircraft of all nations. In case of Turkish belligerency, Turkey was free to exercise its belligerent rights under international law relative to foreign civil aircraft.\textsuperscript{28}

For exercising control over the freedom of passage and navigation in the Straits, an international commission, called the "Straits Commission," was created by the said Convention, and its seat was established in Istanbul. It was to be presided over by the Turkish representative, and was to be composed of representatives of Great Britain, France, Italy, Japan, Bulgaria, Greece, Rumania, Soviet-Russia, and the Serb-Croat-Slovene State. Each of these Powers was entitled to representation as from the date of its ratification of the above Convention. The two last named states, the Soviet Russia and the Serb-Croat-Slovene State, refrained, however, from ratifying the Convention and therefore were not represented on the Straits Commission. A separate clause provided for the representation on the Straits Commission of the United States in the event of its adherence to the Convention.

The Straits Commission carried out its functions under the auspices of the League of Nations, and was bound to address to the League an annual report giving an account of its activities, giving all information which might be useful in the interests of commerce and navigation. Finally, the Straits Commission was bound to prescribe such regulations as might be necessary for the accomplishment of its task. The Commission started its activities on October 25, 1924, and established three sub-commissions: financial, legal-economic, and technical. Decisions were taken by simple voting majority. Its budget was based on subsidies paid by interested states according to League of Nations rules.

The Straits Commission issued its basic regulation relative to the exercising of freedom of passage and navigation in the Straits in general, its Articles 35-38 regulating in particular, civil air navigation. In brief, the freedom of passage and navigation by air in the Straits (Dardanelles, Sea of Marmora, and Bosphorus) was regulated by the Straits Commission directly relative to foreign civil aircraft passing the Straits from the Mediterranean Sea towards the Black Sea, via Istanbul, or vice versa. On the other hand, foreign civil aircraft passing over Turkish territory from West to East, that is, over land from

the direction of the Turkish western frontiers, to Asia Minor, or vice versa, were subject to the provisions of Turkish regulations only, which the Turkish Government was bound to promulgate in execution of stipulations in the Treaty of Lausanne and the Convention on the Regime of the Straits.

Section 2: Turkish Regulations on Aerial Navigation

In order to comply with Turkey's obligations under the Treaty of Lausanne and the Convention relating to the Regime of the Straits, as well as to meet the necessity of establishing conditions of aerial navigation in the Turkish air space in general, the Turkish authorities had to consider first the possibility of Turkey's adherence to the Convention relating to the Regulation of Aerial Navigation of October 13, 1919. Turkey had agreed to adhere to this Convention, but it found that the provisions of the above Convention relative to adherence by states which had been at war with the Allies in the First World War were harsh and demeaning. Article 42 of the said Convention stipulated that a state, which had taken part in the War but which was not a signatory to the Convention, could adhere to it only if it were a member of the League of Nations or, after January 1, 1923, if the adherence was agreed to by at least three-fourths of the signatory and adhering states voting under the conditions provided by Article 34 of the said Convention. The Turkish authorities were not inclined to be subjected to such treatment and, following the German example, Turkey never adhered to the Convention.

The provisions of the Convention, nevertheless, were implemented in the Turkish regulations on aerial navigation under the title: *Air Navigation Regulation of September 9, 1925* (Seyrüsefer-i-Havai Talimatnamesi, 9 Eylül, 1341/1925).\(^{24}\) This Regulation (Talimatname) was issued by the Council of Ministers (Bakanlar Kurulu) and was intended to serve temporarily until a Turkish air law (Hava Hukuku) could be voted by the Grand National Assembly.

The above Regulation is still in force in Turkey (1955), without having been amended, and constitutes for the time being, the one main set of legal provisions regulating aerial navigation in Turkey. It consists of thirty-five Articles, and three Appendices, and provides for the regulating of aerial navigation in Turkey as follows:

In Article 1, the definition of the Turkish air space was formulated to the effect that the Turkish air space (hudud havai) was limited by Turkish territorial frontiers and by those of Turkish territorial waters. Article 2 forbade foreign aircraft from flying over or landing in certain prohibited zones, seven in number, established in the areas of Ismir, Catalca, Izmit, Amasra, Samsun, Trabson, and Erzurum-Kars.

Adoption of the provisions of the CINA Convention of 1919 in effect was achieved by Article 3 of this Regulation, which stipulated that the right of freedom of transit within the Turkish air space was

\(^{24}\) *Düstur*, Vol. 6, p. 117.
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granted to non-military airplanes and balloons of the states “which signed the International Convention on Aerial Navigation of October 13, 1919.” The following states were named as those which had signed the said Convention: America, Belgium, Bolivia, Brazil, China, Cuba, Ecuador, France, Great Britain, Greece, Guatemala, Haiti, Hedjas, Honduras, Italy, Japan, Poland, Portugal, Rumania, Siam, Czechoslovakia, Uruguay and Yugoslavia.

This list of states, however, did not correspond with the official list of states which had in fact adhered and signed the above Convention. In particular, the United States, Haiti, Honduras, and Hedjas were states which had never signed nor adhered to that Convention, while China, Cuba, Ecuador, and Guatemala had signed it but had never ratified their adherence. Why the above States were included in Article 3 of the Regulation was never explained by the Turkish legislative authorities.25

It was provided further in the said Regulation that foreign aircraft and balloons crossing the frontiers of the Turkish air space were subject to Turkish jurisdiction and the CINA Conventional provisions. Articles 6-9 and 11 related to the definitions of aircraft and air-police regulations which were adopted from Annex A of the CINA Convention. Similarly, Articles 16-18 and 28-35, relating to traffic rules in aerodromes, airworthiness, and administrative and commercial documents for aircraft and crew were adopted from the provisions laid down by the CINA Convention and its Annex D. The requirement of appropriate documents for the aircraft and its crew, and of carrying radio, as established by CINA Convention, was imposed by the said Regulation on Turkish and foreign civil and commercial aircraft. It was also stipulated that foreign aircraft and balloons, when flying over Turkey, were to enjoy the same rights as Turkish aircraft relative to landing and staying at Turkish aerodromes, and were to be subject to the same fees. Under certain conditions, foreign aircraft could utilize military workshops for limited repairs, and could use military means of telecommunication.

With regard to aerial navigation in the Straits, it was expressly stipulated by this Regulation that, in the zones of the Straits, the provisions of the Treaty of Lausanne of July 24, 1923 had to be strictly observed. With reference to foreign commercial aviation, it was stipulated that, in the absence of agreement or concession, no foreign commercial aircraft could engage in providing transportation between any two points situated within the frontiers of the Turkish Republic. The last provision was of importance, as it was from the very beginning the policy of Turkey to reserve the whole domestic air-transport service for the future Turkish airlines.

Finally, Article 35 of the said Regulation provided for further enforcement of the old regulation on Prohibited Zones for Aerial Navigation of May 5, 1914 (Sefaini Havaiyeye Dair Menatiki Memnua

Nizāmnamesi—24 Mayis 1330) with the exception of provisions contrary to this regulation of 1925.

For the purposes of the Straits Commission, the Turkish authorities issued an excerpt of Articles 2 and 3 of the said Regulation in the form of a List of Aerodromes, Air Routes, and Prohibited Zones, dated September 14, 1925, which comprised the following:

1. *List of Aerodromes*, where alone foreign civil aircraft might land, namely, Mardin, Adana, and Yeşilköy (San Stefano);

2. *List of Compulsory Air Routes* for foreign civil aircraft:
   a) Sea planes, passing through Dardanelles: the route passing ten kilometers south of Şarköy-Silivri-Küçükçekmece to Yeşilköy, and that passing through the Bosphorus: to Yeşilköy;


Foreign civil aircraft were free to circulate in the Straits but the Turkish Government informed the Straits Commission by its note dated December 11, 1926, that any foreign civil aircraft desiring to fly over Turkish territory was bound to apply first for an appropriate permit from the Turkish Government, obtainable through diplomatic channels, and, secondly, to inform the Turkish Government at least ten days in advance of the date of arrival of planes. Such procedures considerably worsened conditions under which foreign civil aircraft could fly over Turkish territory; and therefore such air traffic preferred to avoid Turkey. As a result, the airports of Greece became the most important transit center in the Near East.

The substantial refusal of Turkey to allow operations by foreign commercial aviation on Turkish domestic routes is explained by Turkish scholars in various ways. Bilssel, and Göknil suggest that the real reasons were the contemporary requirements of national defense. Again, it is explained that Turkey, having no civil aviation at all at that time, was not interested in signing international conventions or agreements which would in effect offer unilateral advantages to other countries. Zeytinoğlu was of the opinion that the main reason for the policy was the feeling of deep resentment among the Turks against the Allies, and the conviction that Turkey, being for once liberated


from capitulations and their disastrous consequences, should never give a chance to foreigners to start a new exploitation of the country.

Nevertheless, in view of the fact that Turkish sovereignty over its air space in the Straits was submitted to the control of the International Straits Commission and freedom of passage and navigation by air was already assured there to all foreign civil aviation, both private and commercial, Turkish authorities decided to grant some temporary concessions to foreign airlines for operation of aerial transportation between Europe and Istanbul, whereby Istanbul became the only terminal for such operations. By this decision, Turkey succeeded in acquiring a direct air connection with Europe through foreign airlines, which were actually to operate a long time before the Turkish State Airlines could replace them.

Section 3: Concessions to Foreign Airlines

(a) The Franco-Roumanian Aviation Company, CIDNA

The first concession for running air services from Bucharest to Istanbul was granted to the above Company by the Sultan's government in 1922, as already indicated. This service was discontinued the same year.

The Turkish government gave its consent to a renewal of this service on the original route, with its terminal at the Istanbul aerodrome, in 1924. CIDNA's application for operation on the Istanbul-Ankara route, submitted nearly concurrently with that of the Junkers Werke (to be noted shortly) was not approved by the Turkish government. CIDNA's operations, then, were confined to the original route Istanbul, Bucharest, Belgrad, Vienna, Prague, Nuernberg, Strasbourg, and Paris. The service was conducted daily from the beginning of March until the latter part of October, and was suspended during the winter season. In 1936 the Turkish government decided to withdraw the concession, presumably in connection with an expectation on the Turkish side of the replacement of CIDNA services which had now merged into Air France, by domestic Turkish aviation. According to Jane's, only Turkish pilots were employed by CIDNA on the routes leading through the Turkish territory.

(b) The Italian Aviation Company, "AERO-ESPRESSO"

For the maintenance of communication with Italy, a concession was granted to the Societa Anonima Aero Espresso Italiana for the operation of aerial transportation of passengers, cargo, and mail between Istanbul and Brindisi, by way of Piraeus-Athens. The route was later extended on the Italian side to Venice. This service was run over sea

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routes to Turkey, and Turks piloted the aircraft. The Aero Espresso sent Turks to Italy for pilot training, and had ambitious plans for ordering several aircraft with a capacity of twenty-five passengers each for use on the Istanbul-Brindisi air route. Aero Espresso operated until the early fall of 1936, when, under the impact of the political situation caused by the conquest of Ethiopia by Italy, the Turkish government decided to abandon the services between Istanbul and Italy.

(c) The German Junkers Werke and the Deutsche Lufthansa

The Turko-German relations, which were not of the best at the time of the common struggle during World War I, improved after the war, and the memory of mutual comradeship and the common resentment against the Allies created a warm feeling in both nations, which soon turned into a friendship. A number of Germans were employed as experts with the new Turkish administration and with private enterprise in Turkey. Some German officers acted as instructors with the Turkish Air Force; others were in leading positions with the newly organized Turkish aircraft factory at Kayseri, as well as in other state-owned military or civil workshops.

German heavy industry, in particular companies interested in aviation, being cramped in Germany by the rigorous provisions of the Treaty of Versailles, tried by all possible means to find new markets abroad. Turkey was, along with South America and Soviet Russia, one of the areas which offered Germany considerable commercial possibilities in this field in the early 1920's.

Between 1919 and 1926, until the Deutsche Lufthansa was founded, Germany had over forty domestic airline companies, many of which combined the production of aircraft or engines with the transport of passengers, cargo, and even mail on the German domestic air routes. The operation of domestic aerial transportation and the production of aircraft and engines were dominated by two German concerns. One of them was the Deutsche Aero-Lloyd, which had established a "horizontal-pool system of the integration" of production and transportation, whereby each air-line operator belonging to it was free to choose any make of aircraft, provided that such choice aimed at the improvement of air-transport services. The Deutsche Luftreederei, on the other hand, under the leadership of Junkers Werke, based its organization and its community of interests on the "vertical system of the integration" of production and transportation, and insisted on unification under one management of both aircraft production and the

operation of aerial transportation, in order to assure for its products a permanent and exclusive market. No aircraft was to be used within the Deutsche Luftreederei other than that produced by the Junkers Werke.

First the Junkers Werke succeeded in getting a chance to start in Turkey by participating in the launching of the Turkish aircraft factory at Kayseri, aiming, according to its "vertical system," to control in the future all fields of production and operation of air transport in Turkey. In 1925, shortly before the merger of the Deutsche-Luftreederei and the Deutsche Aero Lloyd, under the auspices of the German Government, into Deutsche Lufthansa, the Junkers Werke got a concession from the Turkish government for a temporary inauguration of an air-mail service between Istanbul and Ankara. After a few flights, however, this service was discontinued. Allegedly, the Junkers Werke had submitted at that time a proposal to the Turkish government to reorganize the whole Turkish aircraft industry and to establish a Turkish domestic airline network, including airports, on the condition that the Turkish government would guarantee the sale of a thousand of Junkers aircraft yearly. Such a proposal was, however, contrary to the principles of the Turkish government's policy of the isolation of Turkey from the domination of foreign enterprise, and the Junkers Werke lost its concession. Soon afterward, the American Curtiss-Wright Corporation replaced Junkers Werke activities at Kayseri.

It was not until 1930 that the German airline, the Deutsche Lufthansa, succeeded in acquiring a concession from the Turkish government for the transport of air mail and cargo, but not passengers, between Istanbul and Berlin, for a period of twenty years. Lufthansa's services began in the spring of 1930 as a combination aerial-rail route for mail and freight via Belgrad, Sophia, six to nine months each year. Further conditions of the agreement stipulated that the Lufthansa was bound to construct a hangar and a reception building at the Istanbul aerodrome, and to employ Turkish mechanics. The Turkish Government agreed to a later extension of the air-mail route from Ankara to the Far East on condition that all German air-mail would be carried to Turkey over the Berlin-Ankara route. The problem of transportation of passengers over the same route was also considered, but not solved for the time being.

Finally, under auspices favorable to German policy, a contract was signed on April 25, 1939, between the Deutsche Lufthansa and the Turkish Ministry of Communications for the inauguration of passenger service between Berlin and Istanbul. This service started on June 1, 1939, and contemporary modern Ju 52 twelve-passenger aircraft were used for this mixed service, on a six day per week schedule. The above concession was effective until the breach of diplomatic relations with Germany in 1944.
(d) Other countries.

Except for the Franco-Roumanian CIDNA, the Italian Aero Espresso, and the German Lufthansa, other countries were either not interested in the establishment of air routes to Turkey, or, being chiefly engaged in the organization of their own domestic air routes, preferred to enter the Turkish market at a later date.

Great Britain concentrated its efforts in the early 1920's on the establishment of an adequate aerial communication with her vast dominions, colonies, and mandates. Being, however, very interested in the Near and Far East, she did not fail to enter into the competition with other countries in Turkey at the beginning of the third decade. Great Britain was successful in the sale of aircraft to both the Turkish air force and civil aviation. As early as 1926, Great Britain concluded a treaty with Turkey governing their mutual relations. The former feeling of resentment against the British slowly faded among the Turks. The British Navy paid a visit to Turkey in 1929; the reception was cordial; and, following it, Turkish Air Force officers were trained in England and in Turkey by the British. The pattern of British Air Force uniforms was accepted by the Turkish Air Force. Starting in 1934, British aircraft were ordered for the newly organized Turkish commercial aviation, and British deliveries of air materiel were made to Turkey until the outbreak of World War II.32

The United States enjoyed good relations with Turkey in view of its non-participation in the war against Turkey in 1914-1918 and in the Treaty of Sevres, and because of its philanthropic actions, which, although not always compatible with the Kemalist program (particularly in the field of education), were nevertheless quite acceptable to the Turks. The diplomatic relations between the United States and Turkey after 1927 were established and friendly.

The aviation industry and domestic aerial transportation in the United States were in the stage of initial development between 1920 and 1927, but in comparison to other states (except Great Britain) they were both large and active and enjoyed a good reputation abroad, particularly after Colonel Lindbergh made his conquest of the Atlantic in 1927.33 For the above reasons and because of previous good business relations between the countries, the Turkish government engaged some American experts from the Curtiss-Wright Corporation as advis-

32 Jane's, Vol. 1929, p. 52b; Lenczowski, Alliance with France and Britain, pp. 131, 134-35. London Times: 1936, July 10; 1937, April 20; April 21; April 26; April 27.
33 The Turkish Air League has presented to the senior Mrs. Lindbergh, for her son, the Medal of the Turkish Air League. Colonel Lindbergh was the first foreigner and the third person in Turkey to receive the medal. The Turkish Government sent a cordial invitation for Colonel Lindbergh to visit Turkey. Because Turkey was not a member-state to the CINA Convention, he could not obtain the consent of the U. S. Government for such a visit. The Turkish press objected, to Turkish Government reluctance to adhere to the CINA Convention.
ers for civil aviation when the German Junkers Werke ceased its activities.\textsuperscript{34}

American experts had a different approach from that of European companies. They preferred to act simply as advisers to Turkish aviation. Their mission was to organize the aircraft and engine factory at Kayseri, to study the question of the establishment of air routes among Turkish towns, and to accomplish an aerial survey of the country between Istanbul and Eskişehir. This was to be followed by another survey of the country between Eskişehir Ağana-Van up to the Soviet Russian frontier and between Ankara and Adana. Curtiss negotiations with the Turkish Ministry of National Defense resulted in its conferring upon Curtiss experts the management of Turkish commercial aviation affairs. Curtiss-Wright activities, however, had to cease in 1934, when the whole of the Turkish commercial aviation was transferred from the Ministry of National Defense to the Ministry of Public Works, and, when under the modern policy of étatism, the Turks took over its administration.

Among other American enterprises which showed interest in Turkey was the Bellanca Aircraft Corporation, which entered into negotiations for delivery of aircraft to the Turkish Government in 1934 without positive result.\textsuperscript{35}

Among the other countries which showed interest in the Turkish market, or tried otherwise to help in the development of Turkish civil aviation, were the following:

(a) Czechoslovakia, the Netherlands, and Poland. All of these countries were interested in the delivery of aircraft or engines to Turkey before World War II and succeeded in placing their products there;

(b) Soviet Russia which aided in the development of Turkish soaring flights and aviation sport; for some time Soviet instructors were thus employed in Turkey. At the tenth anniversary of the Turkish Republic, the Soviet Government donated three aircraft as its tribute to Turkish aviation. The contact between the Turkish aviation sport and that of Soviet Russia was for some time rather close.

With the foundation of the Turkish State Airlines in 1933, foreign interest in setting up air services within Turkey necessarily came to an end; with regard to foreign air-transport services operating to Istanbul, it was the intention of the Turkish authorities to replace them by Turkish facilities as soon as possible.


\textsuperscript{35} Interavia, Nos. 60, 318.
III. THE INITIATION AND DEVELOPMENT OF THE TURKISH CIVIL AVIATION UNDER KEMAL ATATÜRK, 1925-1938

Section 1: President Kemal Atatürk

Mustafa Kemal Pasha, was born in Selanik (Salonica) in 1881, and followed the career of a regular officer in the Ottoman military forces. In 1919, he inspired and led the Turkish Nationalist movement which resulted in liberation of Turkish soil from Greek and Allied troops in 1923.

Mustafa Kemal was elected the first President of the Turkish Republic on October 23, 1923. He was re-elected on November 1, 1927, and again on May 4, 1931. In 1934, as a consequence of a reform in Turkey, by which all Turks had to adopt family names, the Grand National Assembly chose and conferred upon President Mustafa Kemal the name “Atatürk” (Father of Turks). On May 2, 1935, Kemal Atatürk was elected for the fourth time President of the Turkish Republic, and he died still holding this office on November 10, 1938.

President Kemal Atatürk was an ardent promoter of the Turkish Air Force and of Turkish civil aviation. In the course of his military career, he became acquainted with aviation problems and recognized the value of aviation as early as the war with Italy 1911-1912. In the First World War, he acquired experience in the use of airforce for military combat. This was by virtue of his capacity as commander of a division in the Ottoman Fifth Army (Dardanelles), for a short time as commander of the Second Ottoman Army, and later of the Seventh Ottoman Army (Palestine). Finally, as commander-in-chief of the Nationalist Turkish armed forces in the war for Turkey’s Independence (1920-1923), he made it possible for the new Turkish forces to have some airforce formations. These units were used successfully in military operations.

In general, President Kemal Atatürk was interested in, and personally contributed to the creation of the Turkish Air Force and civil aviation, both in his capacity as chief executive officer of the State and as a man who had a special predilection for this new means of warfare and transportation. His (adopted) daughter was the only female pilot officer with the rank of a major in the Turkish Air Force.

Atatürk’s official and personal endeavors to initiate and develop civil aviation in Turkey extended over fifteen years and was characterized by strenuous efforts to maintain a close and co-ordinated control over appropriate state agencies with the objective of fostering all means of transportation and communications in Turkey.36

Section 2: Promotion of Airmindedness Among the Turks

President Kemal Atatürk, the Grand National Assembly, and the Turkish government were fully aware that the launching of a Turkish

36 The Economy of Turkey, p. 8.
Air Force and of civil aviation would require not only considerable funds but also—and perhaps first in time—the stimulation of a broad “airmindedness” among the Turks.

The organization of an “air league” which could be entrusted with these tasks was the only solution to which Turkish authorities have adhered. The idea of the creation of a “league” was not a novel one for the Turks and, of course, had been utilized elsewhere. Before the First World War, there was in the Ottoman Empire a “Sea League” which collected funds for the purchase of two warships from England. The population of the Ottoman Empire proved to be very patriotic, and Turkish women even sold their hair in order to make contributions to the Sea League and thus aid in the purchase of those warships. The ships were finally paid for, but England refused to transfer them to the Ottoman Navy in view of the pending possibility, in the summer of 1914, of a war in which she herself might be involved. A spontaneous reaction of dismay on the part of the population of the Ottoman Empire toward England’s attitude was one of the reasons for the Empire’s entry into the war on the side of the Central Powers. To build goodwill with the Ottoman Empire, Germany did not hesitate to “sell” to the Ottoman Navy two of her warships, Goeben and Breslau, which, under the names of Yavuz Sultan Selim and Midilli (with German crews), entered into Ottoman service.

After the First World War, there was also a general trend among the states which regained their independence by the Treaty of Versailles, toward the creation of “leagues” which would collect funds for the development of aviation. The system of collecting funds by those leagues was sarcastically called “benevolent-compulsory,” since many high officials in the countries in question did not hesitate to exert pressure on their subordinates to make monetary contributions to a “league” through direct deductions from their incomes or salaries. Such methods of course constituted another form of taxation, and were widely criticized by the citizens of those states.

The system for the collection of funds by the Turkish Air League differed from that employed elsewhere. Turks were not compelled by their official or private superiors to become members of the Turkish Air League by such a scheme as compulsory deductions from their salaries or wages. Turkish state servants or private employees and all Turkish citizens in general were free to decide whether or not they would like to become members of the League and, if so, they had to report and pay their fees directly to the League.

In addition, there was another and far better way by which the Turkish Air League gained a considerable monthly income. Gambling was generally forbidden in Turkey, and the only legal possibility for a Turk to indulge was to participate in the exclusive public lottery belonging to the Air League. Whatever disadvantages such a system might involve, the results achieved by the strenuous efforts of the

Turkish Air League were beyond expectations. Several millions of Turkish liras were collected by it and devoted to aviation purposes.

Section 3: Turkish Air League

The Turkish Air League, called initially "Türk Tayyare Kurumu" (Turkish Aircraft League) and later "Türk Hava Kurumu" (Turkish Air League), was created on February 10, 1925 [1341] by virtue of Law No. 689, and received a number of concessions.

The movable and immovable property of the former Sea League was transferred to it. The Air League was exclusively authorized to run a public lottery, as just intimated, which was exempt from any state, municipal, or other taxation (Law No. 710). State buildings at Laloli in Istanbul were transferred to the League (Law No. 751). Air League correspondence was exempt from postal fees (Law No. 723). Aircraft, hangars, implements, and tools bought by the League, as well as entry tickets for balls, concerts, and other entertainments organized by any committee of the League were exempt from any taxation (Law No. 928).

A Regulation relative to the By-Laws of the League, as amended by the Congress of the Air League on 28-30 November 1926, provided the following:

The Air League was under the high patronage of the President of the Turkish Republic (Kemal Atatürk), and its Honorary President was Ismet Pasha (who became later Second President of the Turkish Republic under the name of Ismet İnönü). The Headquarters of the League, and of its Administrative Committee, was Ankara. The League's aims were: to develop an appreciation of the military, economic, social, and political importance of aviation; to increase materiel and personnel sources necessary for aviation; and to develop air-mindedness among youth. The League was a "legal person" (corporate body) and was authorized to pursue its aims by all possible legal and moral means which might appear necessary for the realization of its aims as well as to acquire, possess, and dispose of movable and immovable property, and to issue testimonials and badges for its personnel.

Membership of the League was of two categories: ordinary members, who, provided they were Turkish citizens and possessed legal capacity, became members by agreeing to pay five piastres monthly into the League's treasury; and governmental members (virilists), who acquired membership in the League by virtue of their official functions. The latter included members of the Grand National Assembly, the Council of Ministers, the chief and deputy-chief of the Grand

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General Staff, inspectors of the Army, commanders of the army corps and of divisions, undersecretaries of State, ambassadors, ministers, chargés d'affaires, consuls, and vice consuls, inspectors of the Turkish Air Force, governors of the provinces and districts, directors of nahies (counties), and town mayors and prefects.

The Congress of the Air League was expected to meet every second year in November. The number of delegates to this Congress was restricted but comprised representatives from all organizations in the country. The Congress elected a General Central Committee which acted for the following two years and consisted of thirty members. Its duty was to meet every six months to aid and supervise the Central Administrative Committee in execution of its tasks. The Central Administrative Committee was the executive organ of the Congress, and its President represented the organization. The League had its branches in each province, district, county, and village. August 30 of each year was set aside as Turkish Aviation Day, and the 27th of January was selected as Commemorative Day for those who gave their lives for aviation. At noon of such commemorative days all aviation activities of non-professional character were supposed to cease, and nearby graves of aviators were to be visited.

Out of the manifold activities of the Turkish Air League, some achievements are deserving of note:

In 1925, it was the Air League which, at the very beginning of its career, instigated the reorganization of the Kayseri workshops into a factory for the construction of modern aircraft and for the repair of engines. In the same year the principle was established that women had to be admitted to aviation training on an equal basis with men.

In 1929, the first pilot training school for civilians was organized by the League. In 1930, the first Turkish Aeroclub was soon in possession of sixty-one gliders (three of them of domestic make) and three powered aircraft.

In 1933, a popular paper on aviation sport was issued under the name Havacılık ve Spor (Aviation and Sport). This has since appeared monthly, and reports developments in aviation and aerial navigation in Turkey and in foreign countries.

In 1935, on May 3rd, a new organization was created under the name Türk Kuşu (Turkish Bird) which, being a subsidiary of the Air League, was to foster among the young Turks soaring and power flights, parachuting, and primary education in aviation mechanics and ground organization. Five sections of Türk Kuşu were soon established in Istanbul, Izmir, Bursa, Adana, and Kayseri. The number of volunteers from among the youth soon increased to 876, and in 1955 thousands of persons belonged to this organization. Sixty of the first gliders were of Russian or German origin, but recently of the several hundred gliders, the overwhelming majority were of Turkish manufacture. Türk Kuşu branches have been organized in nearly all of the larger communities.
In 1941, a new aircraft factory was founded on the initiative of the League, bearing the name Türk Hava Kurumu Uçak Fabrikası. This establishment has produced the various types of Turkish aircraft, THK 13, THK 14, and THK 15.

In 1951, the League inspired the organization of the Üniversiteler Havacılık Derneği (The University Aviation Club), which has considerable possibility for further development.

The outstanding value of the Air League was and is, its strong influence on aviation policy in Turkey, exerted through the Congresses which enable the Turkish people to express their wishes. The League has provided a vehicle for channeling widely held desires into public policies.

Section 4: Advent of Turkish Commercial Aviation

When Kemal Atatürk came to power two objectives were uppermost in his mind, and in that of the Turkish people: the maintenance of Turkey’s territorial integrity and national independence, and the further development of Turkey’s economic possibilities. In the first decade of his regime, Atatürk performed the difficult task of clearing away various cultural obstacles inherited from the past, through a series of basic internal reforms. For the commercial and industrial development of Turkey, he relied largely on domestic private enterprise, and to help to finance private companies the İŞ Bank was founded in 1924. This was a state agency, which gave appreciable stimulus to industrial growth. In 1927, Law 1055 was promulgated, relating to encouragement of Turkish domestic industry, and providing grants to private industrial firms of government-owned land, buildings, and other assets. Tax exemptions and low tariff rates, as well as reduction of transport rates and preferential buying and selling prices in transactions with the Government, were other measures taken by the Turkish Government to help private Turkish initiative in the development of the domestic economy.

Foreigners were generally barred from private enterprise, and the general feeling of resentment against the former exploitation of the country by foreigners made it impossible for them to start any kind of commercial or industrial activities. Turks preferred to rely on their own resources, and it was generally expected that Turkish private initiative would effect a speedy development of the country. Some efforts were made, however, to attract foreign capital, as distinguished from foreign business enterprises, but with very little success. Only one foreign loan was secured.39

39 Royal Institute of International Affairs, The Middle East, London and New York, Broadwater Press, 1950, p. 439. The Kemalist Reforms; Turkish Law No. 633, of April 19, 1925, Relative to the Creation of the “IŞ” Bank for the Development of the Industry and Mines (Resmi Gazeta, No. 96, April 23, 1341/1925). Encouragement of the Turkish Domestic Industry: Turkish Law No. 1055 of May 28, 1927, relative to the Encouragement of the Industry (Resmi Gazeta, No. 608, of June 16, 1927), comprising forty-five articles and a list of products of primary
The results of the above policy, called the "Policy of Isolation," fell far short of expectations. The acute shortage of investment funds and the lack of domestic managerial and technical skill were two important factors that hampered a rapid development of Turkish private enterprise. And after the generally favorable conditions of the 1920's came the world depression of the early 1930's, when the Turkish national economy, depending mainly on agriculture and raw material production, was seriously impaired. It became impossible for any private system of enterprise in the area of manufacture to expand, unemployment grew, and private enterprise fell into disfavor. The Turkish Government also was disappointed by the failures of private enterprise, and its attention and preferences more and more turned toward a system of state enterprise and the policy of "Etatism" (statism). Moreover, economies managed and planned by the State were proving more resistant to economic depressions, and were being promoted already in several countries. Soon the Turkish Government turned towards étatisation of the key domestic industries; among such industrial or commercial enterprises which were converted into, or created as state enterprises managed on a bureaucratic principle, was the newly founded Turkish Administration for the Exploitation of Aerial Communication.

With references to the organic structure of Turkish state enterprises, two diametrically different types could be distinguished. One was created upon the principle of effective business operation and enjoyed a comparatively large autonomy; the other including, in particular, enterprises relating to transportation and communication (railways, roads, and civil aviation), was predominantly bureaucratic in character and depended on decisions of the appropriate ministers.40

To this second category belonged the State Administration of Airlines, which was created and maintained under the Ministry of National Defense in 1933-1935, controlled by the Ministry of Public Works in 1935-1939, and finally transferred to the control of the Ministry of Communications in 1939.41

This Administration was at first called the State Administration for the Exploitation of Aerial Communication and later the General Directorate of State Airlines. It based its operations upon an "Additional Budget to the General State Budget." Its surplus revenues had to be turned over to the Treasury. Funds for operational expenditures, investments, and depreciation were annually provided in the Additional Budget. The Court of Accounts post-audited all expenditures

importance. The above Law was supplemented by Regulation (talimatname), issued as Appendix to the above Law, under the same date and number of the Resmi Gazeta; and by an "Interpretation Clause" to Article 20 of Law No. 1055, issued by the Turkish Grand National Assembly on April 26, 1923. Turkish Laws, Nos. 2007 and 2249 relative to the Employment of Foreigners. (Aliens could not be employed as pilots.)

40 The Economy of Turkey: Introduction; The Policy of Etatism; State Enterprises.
41 Article 1, of Law 2186 of May 21, 1933, Resmi Gazeta, No. 2411. Article 1, of the Law 2744 of June 1, 1935, Resmi Gazeta, No. 3020.
under its budget. The chief accountant of the General Directorate of State Airlines had to be appointed by the Minister of Finance. Although he was nominally responsible to the General Director of State Airlines, he actually was quite independent, and in effect, made policy through his power to approve or disapprove each expenditure of the Administration. Authority was concentrated at the highest level and was not sufficiently delegated to lesser officials and employees. Its employees, with insignificant exceptions, were state civil servants (both ground and flying personnel), and conditions of work were exactly like those of other Turkish civil servants. Their dismissal was therefore not easy in view of their acquired rights.\textsuperscript{42}

Under such conditions it was obvious, especially after the Second World War, that a basic reorganization of the General Directorate of State Airlines in Turkey had become a necessity. Under the presidency of Celal Bayar, the I.C.A.O. Technical Assistance was invited in 1952 to aid in the organization of a Department of Civil Aviation, to survey the general organization of the Turkish State Airlines, to make recommendations for its improvement, and to instruct Turkish personnel in air-traffic control procedures in theory and practice.\textsuperscript{43}

Section 5: The Organization of the Turkish State Airlines Under the Ministry of National Defense: 1933-1935\textsuperscript{44}

The organization of the Turkish State Airlines under the Ministry of National Defense was based upon two legal enactments. First, there was Law (kanun) No. 2186, of May 23, 1933 relative to the Organization of the State Administration for the Exploitation of Aerial Communication (Havayolları Devlet İşletme İdaresi Teşkilatı Hakkında Kanun). This basic law contained 13 articles. It defined the Administration as a “juridical person” (corporate body) and directed the Administration to establish air routes in Turkey with the consent of the Ministry of National Defense. The Administration was to be headed by a general director who was to be appointed and discharged by the Council of Ministers at the request of the Minister of National Defense. It had to run its operations from the sources provided in an Additional Budget to the General State Budget. The property used by the Administration was owned, not by it, but by the State. The tariffs and fees were to be established under authority shared with other interested State agencies, and were to be approved by the Council of Ministers. Military depots had to make the necessary repairs, and military stores were required to deliver the spare parts for the Administration at cost. Accounting methods were shaped according to those of the State. Air-police regulations were to be published in the future,
and temporarily those of railways were to apply. Nobody was allowed to travel gratuitously on aircraft belonging to the Administration. The insurance of passengers amounted to ten thousand Turkish liras, and, in case of an accident, the interested legal heirs were to receive payment from the Governmental insurance company.

Secondly, the above Law No. 2186 was followed by a Decree (kararname), which provided the specific rules applicable to the organization of the Administration. The decree was drafted by the Ministry of National Defense and submitted, as an appendix to its note No. 11976/286 of October 18, 1933, to the Council of Ministers for approval. The draft proposal of the Decree was accompanied by a draft of an agreement concluded between the State Administration for the Exploitation of Aerial Communication and the Administration of Postal and Telecommunication Services relative to the principles and rules which were to govern the transport by air of mail and parcels. After some amendments of the draft proposal, made at the request of the Minister of Public Works and the Minister of Finance, the decree was approved by the Council of Ministers and was promulgated with the above Agreement under the following title: Decree (kararname) No. 15280, of November 12, 1933—comprising an Instruction relative to the organization of the State Administration for the Exploitation of Aerial Communication (Havayollari Devlet Idaresi Talimatnamesi), and an Agreement between the State Administration for the Exploitation of Aerial Communication and the Administration for Postal and Telecommunication Services, on carriage by air of mail and parcels.

The Instruction was comprised of fifty-five articles, the Agreement nine. The number of rules and of principles embodied in them was large. The Instruction had four Chapters:

Chapter one comprised general rules relative to the organization of the State Administration and the number of personnel to be engaged for a period of two years. Separate rules dealt with the time of business hours, business routines, leaves, salaries, wages, and internal discipline.

Chapter two described functions to be performed by the Director General, Chief Accountant, secretaries, chiefs of the Operating Department, Transport Department, managers of airports, pilots, chief mechanics, mechanics, radio-operators, interpreters, and drivers.

Chapter three dealt with passengers, cargo, and the procedures for issuing air-transport tickets and tariffs. Relative to the liabilities of the carrier, the rules provided for obligatory insurance of passengers at ten thousand Turkish liras per person, with the insurance premium included in the price of an air-transport ticket. The insurance company “Anadolu” was named as the insurer. The payments of indemnity for damage caused by accident had to be effectuated by mediation of the IS Bank. Further rules dealt with discipline on board the airships, and prohibitions against carrying certain objects on them, such as still cameras.
Chapter four was comprised of special provisions and directives relative to the complicated way by which the Administration was permitted to acquire or purchase necessary property through strictly established governmental channels, giving preference to products of Turkish domestic manufacture.

As to the Agreement on the transport by air of mail and parcels: the basic provisions in this area had already been enacted in Turkey by Law No. 376 of November 26, 1923 (1339), and supplemented by Law No. 2208 of May 24, 1933. This Agreement relative to the co-operation between the State Administration for the Exploitation of Aerial Communication and the Administration of Postal and Telecommunication Services, based upon the above Laws, aimed at coordination of both services and at the establishment of tariffs and fees for air-mail transport in Turkey, under which the Council of Ministers was required only to approve and enforce the tariff.

Section 6: Budget, Tariffs, and Fares

A. Budgetary Sources:

Concurrently with the creation of the State Administration for the Exploitation of Aerial Communication in Turkey, a three-year plan was laid out—specifically for 1934, 1935, and 1936—for procuring equipment and for putting the air services into operation. To this end, the sum of two million Turkish liras was agreed upon in the Budget estimates for the years in question according to Law No. 2282, of June 14, 1933.

The first operational budget for the State Administration for the Exploitation of Aerial Communication, on the other hand, amounted to 180,000 Turkish liras, was voted on May 30, 1933 by the Grand National Assembly, and promulgated as a Law No. 2245, on June 5, 1933.

B. Tariffs on Fares:

The first fares for the transportation by air of passengers were already provided for in the above mentioned Decree (Kararname No. 15280, of November 12, 1933), in particular by its Articles 29 and 31, as follows:

- Ankara to İstanbul—including insurance for 10,000 lira...
- Ankara to Eskişehir—including insurance for 10,000 lira...
- İstanbul to Eskişehir—including insurance for 10,000 lira...

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45 Law No. 376, of November 26, 1923, relative to the organization and functions of the Administration of Postal Service, Resmi Gazeta, No. 46, of December 6, 1923. Law No. 2208, of May 27, 1933, relative to the organization of the Administration of Postal, Telephone and Telegraph Services, Resmi Gazeta, No. 2415, of May 31, 1933.

46 Law No. 2282, of June 14, 1933, relative to the authorization for entering into obligations amounting to two million T. L. for the establishment of necessary constructions for airlines in the Budget Years 1934, 1935, and 1936, Resmi Gazeta, No. 2439 of June 17, 1933.

47 Law No. 2245, of May 31, 1933, relative to the establishment of an Operational Budget for State Airlines during the year 1933, Resmi Gazeta, No. 2419, of June 5, 1933.
Soon, however, the above fares proved excessive, and the Council of Ministers, after having ascertained that reduction of fares for traveling by railway had caused an increase of passenger traffic, issued Decree No. 2/1405, of October 11, 1934, by which the new fares for the air transport of passengers were reduced to the following rates:

Ankara to Istanbul, including insurance for 10,000 lira... 22.50 lira
Ankara to Eskişehir, including insurance for 10,000 lira... 12.50 lira
Istanbul to Eskişehir, including insurance for 10,000 lira... 12.50 lira

At the same time, rates for round trips were cut 20 per cent from full fares, while military and civil state officials were given a 50 per cent reduction from all public tariffs.

The above set of legal provisions relative to the primary stage in the organization of Turkish commercial aviation were all that the Ministry of National Defense thought necessary for the time being. It had been agreed in advance that the State Air Lines would be transferred to some other ministry; and, in March 1935, it was decided to transfer it to the Ministry of Public Works.

Section 7: Reorganization of the Turkish State Airlines Under the Ministry of Public Works, 1935-1938

The transfer of Turkish State Airlines from the Ministry of National Defense to the Ministry of Public Works took place on June 1, 1935. At the time of the transfer, the equipment in service consisted of a hangar and two aircraft. In order to establish the air services on a new footing, three English planes of the DeHavilland Dragon Rapid type, each carrying six passengers and wireless equipment, were obtained. A regular passenger and mail service between Istanbul and Ankara was inaugurated on May 25, 1935. Pilots and mechanics had received training in England.

Referring to his immediate program, the Minister of Public Works stated that it was proposed to acquire two larger aircraft of the same make equipped with four engines and providing accommodation for twelve passengers, these planes to cover service between Istanbul and Izmir, and between Istanbul, Adana, Aleppo, and possibly Diyarbakir. Ultimately, it was hoped to increase the number of aircraft to twelve, and to establish a service to Iraq and Iran, for which the necessary expenditures were estimated at a million lira. The Aero-Espresso station and equipment at the Büyükdere aerodrome (near Istanbul) had been bought with a view to running services from there to Odessa, Athens, and Varna. The old race course at Ankara had been acquired for use as an aerodrome for passenger traffic. It was also proposed to build new terminal buildings at Istanbul and at other points of Turkey.

The Budget for the year 1936-37 of the State Administration for the Exploitation of Aerial Communication for its operational purposes

48 Resmi Gazeta, No. 2834, of October 21, 1934.
49 Great Britain, Department of Overseas Trade and Economic Conditions of Turkey, H. M. Stationery Office, 1936, No. 661, p. 13 ff.
had been fixed at 600,000 lira for revenue and 597,000 for expenditure. The vote for the year 1936-37 was 600,000 lira under revenue and 600,000 under expenditure, but during the year their sums were increased to 850,000 lira on both the revenue and expenditure sides. The sources from which revenue was to be derived were as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental subsidy</td>
<td>450,000 lira</td>
</tr>
<tr>
<td>Exploitation (current receipts)</td>
<td>86,000 lira</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>64,000 lira</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>600,000 lira</strong></td>
</tr>
</tbody>
</table>

The principal items of expenditure were as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of aircraft and engines</td>
<td>140,000 lira</td>
</tr>
<tr>
<td>Installations</td>
<td>150,000 lira</td>
</tr>
<tr>
<td>Wireless and meteorological sets</td>
<td>50,000 lira</td>
</tr>
<tr>
<td>Spare engines</td>
<td>39,000 lira</td>
</tr>
<tr>
<td>Two aircraft for long-distance flight</td>
<td>50,000 lira</td>
</tr>
<tr>
<td>Material for workshops</td>
<td>10,000 lira</td>
</tr>
<tr>
<td>Bus, lorry, and three motorcycles</td>
<td>11,000 lira</td>
</tr>
<tr>
<td>Administration</td>
<td>150,000 lira</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>600,000 lira</strong></td>
</tr>
</tbody>
</table>

In view of the placement of the State Administration for the Exploitation of Aerial Communication under the Ministry of Public Works, the former legislative enactments in this field, in particular the basic Law No. 2186, of May 23, 1933, had to be correspondingly amended. This amendment was effected by Law No. 2744, of June 1, 1935 as follows:

The words “Ministry of National Defense” were replaced by the words “Ministry of Public Works” in Articles: 1, 2, 3, 5, and 6. Article 4 of the former Law, relating to the approval of the establishment of new air routes by the Ministry of National Defense, was entirely cancelled. Article 3 was redrafted in a new form: the “Additional Budget” of the above Administration became subject of the control of the Ministry of Public Works, whereby the Administration’s financial sources were to be comprised of revenues from operational income and subsidies were to be granted by the State Administration of Railways and Sea Ports. Article 6 stipulated that Turkish civil air services could use military aerodromes, and the Turkish Air Force, on the basis of reciprocity, could use those of civil aviation. Similarly, arrangements were provided for the use of meteorological and telecommunication services belonging to the Turkish Air Force by the civil air services and, reciprocally, those of civil authorities by the Air Force.

C. *Introduction of New Fares and Time Tables for Carriers:*

By virtue of Decree No. 2/4630, of May 19, 1936, the fares for passengers was reduced for the third time as follows: 50

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50 Resmi Gazeta, No. 3315, of May 28, 1936.
Ankara to Istanbul 22. lira
Istanbul to Ankara 22. lira
Ankara to Istanbul to Izmir 40. lira
Izmir to Istanbul to Ankara 40. lira
Izmir to Istanbul 20. lira
Istanbul to Izmir 20. lira

Time Table for Carriers:
I. Ankara to Istanbul — daily — Departure 10 a.m.: arrival 11:50 a.m.
II. Istanbul to Ankara — daily — Departure 3:30 p.m.: arrival 5:20 p.m.
III. Ankara to Istanbul — (on Saturdays only) Departure 14:30 p.m.: arrival 16:20 p.m.
IV. Istanbul to Ankara (on Mondays only) Departure 7:00 a.m.: arrival 8:50 a.m.

Sightseeing, both at Ankara and Istanbul: Saturdays between 2 and 6 p.m., and on Sundays between 9 a.m. and 6 p.m.

At this stage of the development of the Turkish State Airlines, which was planned to operate only on Turkish domestic air routes, the Convention of Lausanne and its air clauses applicable in the Straits were replaced by a new Convention signed at Montreux on July 20, 1936. Turkey, among others, regained direct control over the freedom of passage and navigation of foreign civil aircraft in the Straits.

Section 8: Convention of Montreux of July 20, 1936

Turkey had been compelled under the then existing circumstances to sign the Convention on the Regime of the Straits of Lausanne in 1923, but concurrently with Turkey's growing prestige among the nations, grew the desire among the Turks to get rid of the Straits Commission. In view of the increasing complexity of political relations in Europe, which could perhaps lead to a general war, the remilitarization by Turkey of the Straits became one of the basic problems for the Turkish Government.

Turkey tried to induce the interested Powers to agree to changes of the Lausanne Convention provisions in its favor. Turkey raised its demand to this effect at the Disarmament Conference of 1933 in Geneva,51 and again aired it at the Conference of the Balkan Entente States held in May 1935. At last, under political conditions favorable for such a demand, the Turkish Government, instead of yielding to the pressure for a unilateral denunciation of the Convention, preferred to follow the procedure of a revision of the Lausanne Convention under Article 19 of the Convenant of the League of Nations. It notified the

nine Powers commissioned by the League to apply the rules of demilitarization of the Dardanelles, of its readiness to enter into negotiation for a fresh agreement to regulate the regime of the Straits.

This approach won for Turkey considerable esteem among interested powers. As a result of Turkish efforts, the interested powers assembled at Montreux; and on July 20, 1936, a new Convention, called the "Convention regarding the Regime of the Straits," was signed with a full satisfaction of Turkish demands.52

States participating in the Montreux Convention were Bulgaria, France, Great Britain and the Members of the British Commonwealth of Nations (not being individual Members of the League of Nations), the Commonwealth of Australia, Greece, Japan, Rumania, the Central Executive Committee of the Union of the Soviet Socialist Republics, Yugoslavia, and Turkey. Italy, although a party to the Lausanne Convention on the Regime of the Straits in 1923, was involved in war with Ethiopia in 1936 and ignored the Montreux Convention. Later it gave adherence to it, effective May 2, 1938, with a reservation as to its membership in the League of Nations. Provision was made that the above Convention be opened to accession by any Power signatory to the Treaty of Peace at Lausanne signed on July 24, 1923. Each new accession was to come into force as of the date of notification to the French Government of such accession by any of these other Powers.

The Convention was to remain in force for twenty years from the date of its coming into force. It did in fact become effective on November 9, 1936 as by that time the required number of six ratifications by member-states had been deposited in the archives of the French Government. It was to be in force, then, until November 9, 1956. If two years prior to the expiration of the said twenty-year period no High Contracting Party should have given notice of denunciation to the French Government, the said Convention should continue in force until two years after such notice might be given. In the event the present Convention was denounced in accordance with the provisions of Article 28 of the Convention, the High Contracting Parties agreed to be represented at a conference for the purpose of concluding a new Convention.

The Japanese government ratified the above Convention, and deposited the Instrument of Ratification in Paris on April 19, 1937.

By conclusion of the Convention regarding the Regime of the Straits of 1936, the High Contracting Parties desired to regulate transit and navigation in the Straits in such a manner as to safeguard, within the framework of Turkish security and the security in the Black Sea of

the riparian states, the principle defined in Article 23 of the Treaty of peace signed at Lausanne on July 24, 1923, which reads as follows:

"The high contracting parties are agreed to recognize and declare the principle of freedom of transit and of navigation, by sea and by air, in time of peace as in time of war, in the Strait of Dardanelles, the Sea of Marmora, and the Bosphorus, as prescribed in the separate convention signed this day, regarding the regime of the Straits. This convention will have the same force and effect insofar as the present high contracting parties are concerned as if formed part of the present treaty."

In compliance with the above principles, the High Contracting Parties to the Montreux Convention of 1936 resolved:

(a) Only and exclusively, to replace the Lausanne Convention relating to the Regime of the Straits of 1923 by the new Convention of Montreux, called the "Convention Regarding the Regime of the Straits, signed at Montreux, July 20, 1936." Nothing in the last-named Convention should prejudice the rights and obligations of Turkey, or of any of the other High Contracting Parties, members of the League of Nations, arising out of the Covenant of the League of Nations;

(b) To transfer the functions of the International Commission set up by the Lausanne Convention relative to the Regime of the Straits of 1923 to the Turkish Government, which was bound to collect statistics and to furnish information concerning the application of Articles 11, 12, 14, and 18 of the present Convention, to address to the Secretary General of the League of Nations and to the High Contracting Parties an annual report giving details regarding the movements of foreign vessels of war through the Straits and to furnish all information which may be of service to commerce and navigation, both by sea and by air, for which provision was made in the previous Convention; and

(c) To regulate the freedom of passage of civil aircraft in the Straits by means of provisions drafted in Article 23 of the Convention regarding the Regime of the Straits signed at Montreux on July 20, 1936 which read as follows:

In order to assure the passage of civil aircraft between the Mediterranean and the Black Sea, the Turkish Government will indicate the air routes available for this purpose, outside the forbidden zones which may be established in the Straits; civil aircraft may use these routes provided that they give the Turkish Government, as regards occasional flights, a notification of three days and, as regards flights on regular services, a general notification of the dates of passage; and the Turkish Government, moreover, undertakes, notwithstanding any re-militarization of the Straits, to furnish the necessary facilities for the safe passage of civil aircraft authorized under the air regulations in force in Turkey to fly across Turkish territory...
between Europe and Asia. The route which is to be followed in the Straits zone by aircraft which have obtained an authorization shall be indicated from time to time.

According to the definition of “the sovereignty of a state over its air space,” as adopted by the Convention relating to the Regulation of Aerial Navigation dated October 13, 1919, and called for short “CINA Convention,” under which “every Power has complete and exclusive sovereignty over the air space above its territory,” it would be difficult to maintain that Turkey recovered complete and exclusive sovereignty over its air space in the Straits under the provisions of the Convention of Montreux, although the whole of the executive powers of the Commission of the Straits were transferred under Article 24 of the above Convention to the Turkish government. The mere existence of Turkey's obligations towards the League of Nations, and towards international civil aviation, as enumerated above, indicated clearly that Turkey's sovereign rights above its air space were, as before, limited by the Treaty of Peace with Turkey (Article 23, Basic) and by the Convention of Montreux (Article 23, Convention). The mere fact, however, that Turkey was entrusted with the execution of the above international provisions through its governmental channels according to its discretion as stipulated by Article 24 (Convention), constituted a great Turkish moral victory and an acknowledgment of Turkish ability to handle international affairs of importance in the name of other Powers and its own.

The Turkish government forthwith proceeded with the execution of Turkey's obligations towards the Convention and towards other signatory states by promulgation of the following legal enactments, regulating the relationship between Turkey and other signatory states under the said Convention:

By a Circular Note of August 5, 1936 the Turkish government informed all signatory States about the temporary enforcement of the Montreux Convention in the Straits effective August 15, 1936. The Grand National Assembly unanimously ratified the above Convention, and the French government notified all signatory States of the final enforcement of the above Convention between the States effective November 9, 1936. The above Convention was enforced in Turkey as the Turkish national law effective November 14, 1936. The Polish and United States Governments were notified about extension of the Conventional advantages to both of these countries, although they were in fact non-signatory States.53

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Section 9: Turkish Regulations Relative to New Air Routes and Aerodromes

In execution of the Montreux Convention in the Straits, the Turkish Government displayed considerable activity in order to comply with obligations imposed on it by the Convention.

1. The Turkish Decree relative to Regulations and Rules applicable in the Port of Istanbul dated July 25, 1933, as amended September 27, 1934, was held to be in force. The said Decree also regulated civil aerial navigation in the Istanbul area and in the Straits, through Part IV, which was amended as follows:

(a) Decree of the Council of Ministers, dated March 16, 1937, relative to the establishment of prohibited zones for civil aviation in the Straits of Dardanelles and the Bosphorus, including the establishments of air routes for flights between the Mediterranean Sea and the Black Sea.

(b) Under the Circular Note of September 9, 1937, two temporary aerodromes were suggested for international civil aviation at the Lake of Sigircik, at Enos and Iğneada, both to be provided with meteorological stations and operational buildings.

The above Circular was soon replaced by a new one dated October 4, 1937, stating that the aerodrome at Yeşilköy should be used for landing and take-off of civil aircraft flying between the Mediterranean and the Black Sea. At the same time a new route for such flights was established via Enez-Muratli-Çorlu and afterwards ten kilometers south and along the coast to Yeşilköy.

By virtue of a new Circular dated December 10, 1937, the former plan to build two aerodromes at Enez and Iğneada was finally abandoned, and the Yeşilköy aerodrome was to be the aerodrome of entry and departure for both the land and sea planes.

The appropriate air routes were established anew as follows:

(a) From the Mediterranean Sea: via Enez-Muratli-Çorlu-Silivri, then ten kilometers south along the coastline and then over the sea, to Yeşilköy,

(b) From the Black Sea: via Iğneada-Muratli-Çorlu-Silivri, then ten kilometers south along the coastline and then over the sea to Yeşilköy.

The above Decree was supplemented by maps and by sketches of airfields and of air routes to be followed by international civil aviation.

2. On January 1, 1938, the Minister of Foreign Affairs of Turkey submitted to the Secretary General of the League of Nations, the First Annual Report on the Movement of Ships in the Straits and
of aircraft between the Mediterranean Sea and the Black Sea.\textsuperscript{54} This Report covered part of the year 1936, i.e., August 15 to December 31, 1936, and the whole of the year 1937.

The Second World War broke out on September 1, 1939, and Turkey, being neutral, applied appropriate provisions of the Convention relative to the Straits. In 1941 the latter were closed for warships of belligerent states, although they were reopened before the end of the War for the passage of Allied ships.

Section 10: Second Reorganization of the Turkish State Airline under the Ministry of Public Works, in 1938

Several factors in 1938 seemed to dictate the formulation and enactment of a new law by Turkey relative to civil aviation: the recovery by Turkey of direct control over the freedom of passage and navigation in the Straits under the provisions of the Convention of Montreux; the necessity of an extension of Turkish State Airlines operation to foreign countries, in view that the fact that the Franco-Rumanian airlines and the Italian Aero Espresso ceased to operate to Istanbul in 1936; and the need of amendment of the existing laws relative to the organization of State Airlines. The new law was voted and promulgated in 1938 under the title: Law 3424 relative to the Organization of the General Directorate of Air Lines (Devlet Hava-yollari Umum Müdurlüğü Teşkilat Kanunu 3424).\textsuperscript{55} This Law provided for the abrogation of both former Laws: 2186, that of May 23, 1933, and 2744, that of June 1, 1935, and regulated the organization and operation of the Turkish State Air Lines.

Under the provisions of this new Law, the former name of the Turkish State Airlines “State Administration for the Exploitation of Aerial Communication” was changed into “General Directorate of State Airlines,” and its sphere of activities was made to extend not only over the Turkish territory, as it had previously been defined, but also to countries outside the Turkish frontiers. Articles 2, 3, 4, and Interim Articles 1 and 2 regulated the status of “functionaries” (state servants) of the earlier Administration, who came upon the Budget Personnel List of the new General Directorate, in particular as to their years of service, conditions of retirement and conditions of participation in the retirement fund and disablement fund, whereby the sums collected for this purpose from their salaries were to be transferred to appropriate funds of the General Administration of State Railways. The provision of chief interest over the long run was that which specified every year spent by flying personnel on flight duty was to be counted as the equivalent of two and a half years of ground service. (There were ten statutes passed later in amendment to Law 3424—between


\textsuperscript{55} Dïstur, Vol. 19, p. 1171 ff.
In case of accidents to its airplanes, the General Directorate was bound to pay the heirs of each deceased member of the crew, the sum of five thousand Turkish liras as indemnity, independent of pensions to be granted to widows and orphans.

The Director General of the above Directorate of State Airlines was to be appointed and relieved by a decree of the Council of Ministers made on the initiative of the Minister of Public Works. The Director of Accounts of the General Directorate, on the other hand, was to be appointed by the Minister of Finance. A special regulation was to be issued on the principles of appointment, transference, and exchange of employees and functionaries as well as on their duties and rights. Another regulation was to provide the procedure for the election of an Administration Committee and to establish its sphere of activities with respect to managerial problems.

As to the conditions of the transport by air of passengers, cargo, and mail, operational problems, and tariffs for this transport and for the use of aerodromes and hangars, the Minister of Public Works was empowered to proceed at his own discretion. This innovation relieved the Council of Ministers of dealing with such problems through legislative channels as it had done before.

Any surplus in the income of the General Directorate was to be transferred to the Treasury. The whole system of accounting was to be governed by the provisions of the Law relative to Public Accounts. Each expenditure was to be post-audited by the Finance Court. Functionaries of the above General Directorate were permitted to fly gratuitously on carriers belonging to the General Directorate only while on duty. It might be recalled that, according to the Article 10 of Law 2186, nobody had been permitted to fly gratuitously on carriers belonging to the State Airlines. This rigorous clause had caused many controversies in the past. Under a strict interpretation of the provision, even the crew should theoretically have had to pay fares for trips performed on duty.

The General Directorate was authorized to undertake repairs and improvements of its equipment at cost in military and civil workshops belonging to the State. Aircraft belonging to State Airlines could freely use military aerodromes and those belonging to the Turkish Air League. The co-operation between the General Directorate of State Airlines and the Administration of Meteorological Services was established on new principles aiming to the facilitation of mutually advantageous operations.

The provisions on liabilities to passengers, deriving from the contract of carriage by air, underwent some changes under the new Law 3424, compared with those stipulated by Law 2186 and Decree No. 1528.
Article 11 of Law 2186 had provided a maximum indemnity of ten thousand Turkish liras in cash to persons injured in an accident or to their families. This indemnity was to be procured by the State Administration for the Exploitation of Aerial Communication from the state-owned Turkish Insurance Company "Anadolu" (Anatolia) Ltd. and paid by it to the persons who had sustained the injuries.

Under Articles 29, 30, 31, and 33 of Decree No. 1528, it was ruled that, in case of accident, the payment of indemnity should be regulated by mediation of the İş Bank, according to the clauses of the insurance contract entered into with the Turkish Insurance Company. The insurance premiums were to be included in the price of air-transport tickets. Similarly, Decree No. 2/1405, which ordained new tariffs, provided for the inclusion in air-transport ticket prices of an insurance premium appropriate to cover an indemnity of a thousand Turkish liras.

Under the new Turkish Law 3424, the problem of liability was regulated as follows: passengers on State carriers were required to enter into insurance contracts stipulating payments from 1,000 to 10,000 Turkish liras, with each passenger bound to enter into such a contract for at least 1,000 Turkish liras. The insurance premiums were to be established by the insurance agency and approved by the Minister of Public Works. The insurance premium for 1,000 Turkish lira was to be included in the price of air-transport tickets; and the premiums were to be collected by the General Directorate of State Airlines and transferred to the insurance agency. The insurance agency (and not the General Directorate of State Airlines, as previously provided), was to pay the indemnity to the eligible persons according to the clauses of the insurance contract.

Finally, Law 3424 provided that any equipment acquired from abroad by the Ministry of Public Works for the General Directorate of State Airlines was to be exempt from all customs duties and taxation.

Section 11: Summary of Operational Data and Statistics, 1935-1938

1. Aircraft: For the transport by air of passengers, cargo and mail on the Turkish domestic air routes, the Turkish State Airlines possessed in 1935 only two aircraft, one Junkers F13 and one Curtiss "Kingbird." The number of planes increased during 1935-1937, and in 1938 amounted to eight, as follows:

One Curtiss "Kingbird"; two De Havilland 86 B (for ten passengers); four D. H. 89 "Dragon Rapide"; one D. H. 90 "Dragon Fly." A D. H. "Tiger Moth" was used for the training of pilots.

2. Air Routes: The first domestic air route to be inaugurated (on
May 25, 1933) was that between Ankara and Istanbul, and at first, was flown twice a week only. In 1936, it was extended to Eskişehir and soon the whole route Ankara-Eskişehir-Istanbul was flown daily. On April 23, 1938, a second air route was inaugurated from Istanbul via Izmir, Ankara, and Silifke to Adana. This route was flown rather irregularly. Both air routes were operated only during the summer time, approximately from the end of April until the end of October.

3. Subsidies and Earnings: The subsidies to the Turkish State Airlines as provided in the Additional Budgets to the Turkish State Budgets for the years 1933-1938 and the estimated earnings from operations over this same period, were as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Subsidies (in lira)</th>
<th>Earnings (in lira)</th>
<th>Total (in lira)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1933</td>
<td>60,000</td>
<td>7,549</td>
<td>67,549</td>
</tr>
<tr>
<td>1934</td>
<td>150,000</td>
<td>3,052</td>
<td>153,052</td>
</tr>
<tr>
<td>1935</td>
<td>650,000</td>
<td>898</td>
<td>658,898</td>
</tr>
<tr>
<td>1936</td>
<td>450,000</td>
<td>33,613</td>
<td>483,613</td>
</tr>
<tr>
<td>1937</td>
<td>750,000</td>
<td>28,941</td>
<td>778,941</td>
</tr>
<tr>
<td>1938</td>
<td>1,450,000</td>
<td>72,740</td>
<td>1,552,720</td>
</tr>
</tbody>
</table>

The “Earnings” as quoted above are taken from S. R. Jordan's “Report on Economic Conditions in Turkey” (British Department of Overseas Trade, H.M. Stationery Office, London, 1939, No. 510). It is not clear whether the term “earnings” was used as an equivalent for net income or for revenue.

4. Air Transport Operations of the Turkish State Airlines

(1) Data from U. S. Bureau of Foreign and Domestic Commerce ... Aeronautical World News No. 510, of November 20, 1937.

Operational data for the year 1936/37, on the Ankara-Istanbul air route:
- Distance flown: 274,364 miles
- Passengers carried: 1,248 persons
- Mail carried: 454 pounds
- Newspapers carried: 15,642 pounds
- Cargo carried: 30,324 pounds
- Revenues received: (U. S. Dollars) $23,476
- Distance flown by privately chartered planes: 2,740 miles
- Passengers carried in such flights: 31 persons

Data from the Bulletin of the Bank of the Turkish Republic:
Operational statistics for the year 1938 on the above route:
- Passengers carried: 879 persons
- Cargo carried: 90 tons
- Number of carriers used for air transport: 8 planes

5. Aerodromes: After 1936, Turkish and foreign aircraft, when flying in the Straits, were bound to land at the following aerodromes:

(a) Yeşilköy (San Stefano), near Istanbul, for land planes only:
(b) Büyükdere (in the Bosphorus), for sea planes only.

For foreign transit flights, above Turkish territory in Asia Minor, the following air routes were established by the Turkish Government:
From Europe to Asia: via Edirne (Adrianople), Lüleburgaz, Çorlu, Silivri, then ten kilometers out to sea, then to Yeşilköy, where landing was obligatory for control purposes, then to Erenköy, Şile, Kandira, Adapazarı, Eskişehir, Konya, Silifke, to Adana (where landing was again obligatory), and further on via Payas to the South.

From Asia to Europe: foreign aircraft had to follow the same route in reverse.

General: Foreign aircraft arriving from the South had to land on the aerodrome of Adana, and those from the North at Yeşilköy or Büyükderé. In addition, foreign aircraft, if permitted to fly in transit through the Turkish air space, had to comply with special regulations. These were issued from time to time by the Turkish Government, and covered the air-traffic rules to be observed. Foreign aircraft were to enjoy the same privileges at aerodromes as did Turkish.

Section 12: Turkish Plans for Expansion of Air Services

The Minister of Public Works planned the first extension of the Turkish State Airlines air-transport services to foreign countries as early as 1935, specifically to Odessa, Varna, and Athens. However, it soon appeared that an amendment of Law 2186 was first necessary, since that Law covered the operation of air-transport services on Turkish domestic air routes only. It was not until 1938 that this legal obstacle was removed. The extension of Turkish air services to foreign countries was legally sanctioned by the new Law 3424 which provided for the organization of the General Directorate of State Airlines.

The establishment of air-transport services to Iraq, Iran, and Syria was considered and negotiated between 1936 and 1938. Even a bilateral agreement on air-transport services, the first in Turkish civil aviation history, was concluded in 1937 between Turkey and Iraq. It was never implemented however.

In view of the fact that after 1936 Turkey had no direct connection with the European air-services network—since the Franco-Rumanian Company and the Italian Aero Espresso had ceased operation to Istanbul, and the Lufthansa transported only mail and cargo—the Turkish government announced its readiness in 1938 to negotiate also with foreign companies that might be willing to run a service from the exterior to the first aerodrome in Turkey. It was clearly stated, however, that no agreement for extension within the country would be envisaged, since it was intended to reserve to the Turkish Airlines all domestic air-transport service. It was planned to connect Turkey with the European network of Air France and other companies by an air route from Istanbul to Sophia, independent of the existing connection established already by the Deutsche Lufthansa from Berlin to Istanbul for transportation of air mail and cargo.

At this stage of negotiations and planning, the Turkish State Airlines was transferred from the control of the Ministry of Public Works to the Ministry of Communication.

IV. TURKISH CIVIL AVIATION UNDER İSMET İNAOĞLU

1939-1950

Section 1: Establishment of the Ministry of Communications

Coincident with the election of İsmet İnönü as President of the Turkish Republic in 1938, Turkey entered into a new chapter of her history due to the impact of external events upon the young republic, especially the stormy political situation in Europe before the outbreak of World War II; during this war; and in the first two years of the postwar period. These political events exerted a strong influence on Turkey as a neutral in 1939-1943, as a belligerent on the side of the Allies in 1945, and as a country exposed to Soviet-Russian political demands and to the threat of aggression between 1945 and 1947.

Turkey succeeded, due to her cautious policy, in overcoming many difficulties in the field of external affairs, and in emerging from the disorders of war by a strong and modern country and a member-state in the United Nations' Organization. However, her unavoidable restrictions on the imports of indispensable machinery, tools, and equipment for building railways, roads, and aerodromes during the World War, proved detrimental to Turkey's further progress at that time in the development of her domestic means of transportation.

From the date of the foundation of the Turkish Republic, the Turkish authorities had aimed under the policies of “isolation” and a qualified “statism” to achieve two main goals relative to the Turkish domestic transportation system: first, to provide the country with a railway and highway network adequate to meet the requirements of agriculture, commerce, and industry, which, at the same time, would effect a reduction of time in the transportation of goods and persons between the capital and all important localities in the whole country; and, secondly, to develop the domestic air-route network in such a way that, concurrently with the extension of railways and roads, even such localities as were temporarily deprived of railroad connections, could be linked to other areas at least by means of air services.

Thus, in order to unify the policies relative to the development of railroads, highways, and civil aviation, the Turkish authorities and public and private agencies had long desired the creation of a new ministry which would control all problems relative to transportation and communication and to establish for the various facilities a policy of co-ordination. The realization of this project became one of the first tasks of President İnönü.

President İnönü, whose previous name was İsmet Pasha, was himself an expert on communication and transportation. During his military career, he performed alternately the functions of a staff officer
and that of Chief of the First Department of the Imperial Ottoman Grand General Staff. As Commander-in-Chief of the Turkish National Forces on the western front in the war for Turkey's independence, he had to deal with Turkey's communication and transportation facilities on a great scale, and became fully aware of their importance for the future development of his country. His strenuous efforts at fostering development of Turkish railways earned him the nickname of “Father of the Turkish Railways.” His official and personal interest in the development of railways was accompanied by equal interest in the development of Turkish civil aviation. His long and outstanding activities as honorary president of the Turkish Air League enabled him to become acquainted with Turkish aviation interests and to represent them before the Grand National Assembly and the Council of Ministers. Under his Presidency, Turkey adhered to the International Convention on Aerial Navigation, whereby her former policy of isolation from foreign air services was abolished. By conclusion of several bilateral agreements on air services between Turkey and other countries, she became a state of importance for the world's civil aviation in the Middle East.

The Ministry of Communications was created at the beginning of 1939, and was placed in charge of the following Departments: Post, Telegraph, Telephone, Radio Services, Railway Transportation, Transport by Land, Transport by Sea, Maritime Services and Affairs, Ports and Port Equipment, Sea Food and other Sea Products. By virtue of a separate Decree, dated March 31, 1939, the Turkish State Airlines was also placed under the control of this new Ministry.

Section 2: Turkish State Airlines, 1939-1944

With the transfer of control over the Turkish Airlines from the Ministry of Public Works to the Ministry of Communications, the General Directorate of Airlines was required to operate domestic, and later certain foreign air routes, and at the same time to supervise the administration of all domestic civil aerodromes, navigational aids, and meteorological services. The organization of the Directorate of State Airlines was now divided into three Departments. The Technical Department was made responsible for the maintenance, repair, and control of all installations; the Department of Operations controlled all flight personnel and all aircraft operations as well as the training of flying personnel; and the Revenue Department was made responsible, beyond primarily fiscal duties, for the recommendation of the scheduling of air services from the point of view of their profitability.

As far as the operation of the domestic air routes was concerned, the Turkish State Airlines resumed, on May 2, 1939, its summer-scheduled flights on the route Istanbul-Ankara-Adana, and, on August

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7, 1939, on the route Istanbul-Izmir. Work on an extension of the Yeşilköy aerodrome was in progress and was expected to be completed in 1941. With reference to linking Turkish domestic air services to those of European countries, the Turkish government consented to the conclusion of two agreements. The newly appointed German Ambassador von Papen succeeded in obtaining an agreement between the Turkish Ministry of Communications and the Deutsche Lufthansa on April 1939, relative to the extension of Lufthansa's air services to cover the transportation of passengers from Berlin to Istanbul. (Under the terms of the contract of 1930, Lufthansa had been permitted to transport by air only mail and cargo to Istanbul.) Lufthansa started its operations on June 1, 1939; interrupted them in September 1939 (due to the German-Polish war); resumed them again on November 2, 1939, and finally ceased all services in 1944 due to the breach of diplomatic relations between Turkey and Germany. Another similar agreement for the transport of passengers, mail, and cargo was concluded in 1939 between the Turkish government and the Rumanian State Airlines "L.A.R.E.S." However, the operations of L.A.R.E.S. ceased after Rumania was occupied by the German Army in 1940.

With the outbreak of World War II, the Turkish air services had an opportunity to expand. The Directorate of the Turkish State Airlines, however, confined its efforts to the development of a domestic air-service network. Between 1939 and 1943 its fleet consisted of eight DH 89's and four DH 86's. The urgent demand for air transport during World War II, and the increased number of flights, called for more aircraft. While the work on domestic highways and railways had to be stopped, the domestic air routes were again extended to the Eastern provinces to include Elazig and Van, while surveys were made of the route Ankara-Beirut-Tebris-Tiflis-Mosul. The acquisition of aircraft from abroad was rather difficult in view of the fact that all belligerent nations had to satisfy their own demands in this field first. Due to the necessity of increasing its fleet, the Turkish government decided to purchase eighteen modern aircraft for the State Air Lines from the United States and Germany.

By this decision, the Turkish government attempted to acquire aircraft from two countries which were at war with each other.60 Turkey's position between conflicting interests of the two belligerents in 1943 was extremely difficult. The Western Allies pressed Turkey to go to war on their side against Germany, as she had agreed to do at the Second Cairo Conference. The Germans pressed Turkey to cooperate with German military action against the Western Allies and Russia. Turkey, despite being neutral, was bound to the Western Allies by the Treaty of Alliance, and with Great Britain by an agreement for the delivery of certain goods including chrome. After the invasion of Russia in 1941, Germany raised its demand for Turkish

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chrome. In this war-time situation, Turkey, very reluctantly, had to yield to the German pressure by signing, on October 9, 1941, a trade pact to last until March 31, 1943, which provided among other things, for the sale of 90,000 tons of chrome to Germany in 1943 and 1944, after the expiration of the Anglo-Turkish chrome agreement. Germany, in return, promised to deliver to Turkey, war equipment worth 100,000,000 Turkish lira, of which goods to the value of 18,000,000 lira were to be shipped before the end of 1942. The above Turko-German pact was to be renewed in March 1943. The opportunity for renewal of the pact created also a chance for the Turkish government to demand from the Germans, the delivery of a certain number of aircraft for the Turkish State Airlines, so badly needed for expansion of air routes in Turkey. The pact was renewed on March 31, 1943, and under its provisions Germany consented to deliver five Junkers Ju 52's.

The Western Allies, however, disappointed because of Turkey's continued neutrality, and strongly opposing any delivery of goods to Germany by Turkey, and of chrome in particular, stopped supplying Turkey in January 1944 with Allied goods under the Lend-Lease Agreement. Soon afterwards the United States issued "The Warning to the Neutrals" on April 9, 1944, and directed it against Sweden for deliveries of roller bearings to Germany; against Spain and Portugal for deliveries of tungsten to Germany; and against Turkey for deliveries of chrome to Germany. Sweden maintained that under her status of neutrality she was entitled to trade with both belligerents, as not only had both sides been informed by Sweden about such transactions, but both had given their consent to such transactions. The Turkish position was, however, different from that of Sweden. With the status of a neutral power, but tied by the Pact of Alliance to Great Britain and receiving Lend-Lease Assistance from the United States, Turkey's reciprocal obligations towards the Allies far exceeded the normal meaning of passive neutrality. Considering these circumstances, the Turkish government announced on April 20, 1944 that Turkey's position was not comparable with that of other neutrals, and, effective on April 21, 1944, Turkey would suspend chrome deliveries to Germany. In compliance with this new policy, Turkey had to sever diplomatic relations with Germany on August 2, 1944; and, in response to this action, the Western Allies resumed their assistance to Turkey on August 16, 1944.

These dramatic events in 1944 did not preclude acquisition by Turkey of the desired German aircraft (Ju 52), which had already been delivered in advance and could serve for the expansion of air services on the domestic air-route network. The delivery of aircraft by the United States had to be postponed in view of the concentration of all efforts on the part of Allies to win the war with Germany, which was then evidently in its final stages. On the other hand, Turkish civil aerodromes were not yet adequately prepared for serving Ameri-
can aircraft, and both the ground and air-approach systems had to be either changed or improved.

After the delivery of the above five Junkers, the domestic air-service network in Turkey was considerably extended, and in 1944 Turkey had scheduled services on the following air routes: Ankara-Istanbul; Ankara-Adana; Ankara-Sivas-Erzurum; Ankara-Elazig-Diyarbakir-Van; Ankara-Konia-Antalya; and Ankara-Afyon-Izmir.

Section 3: Turkey's Adherence to the ICAO Convention and Its Accompanying Instruments

At the end of World War II, it became obvious that the enormous development of intercontinental military air transport created a new basis for the postwar development of civil air-transport services; and Turkey decided to take part in the International Civil Aviation Conference which was to be opened on November 1, 1944 at Chicago.

On the invitation of the United States of America, Turkey sent a delegation to this Conference consisting of Mr. Sükrü Koçak, President of the Turkish Air League, Mr. Ferruh Şahinbaş, Director General of the Turkish State Airlines, and Mr. Orhan H. Erol, Counselor of the Turkish Embassy in Washington. The above Delegation was assisted by five technical advisers and a legal adviser.

At the close of the Conference, the Turkish delegation signed with the representatives of fifty-two states the following international instruments:

1. The Final Act, comprising principles, recommendations, and a review of future “International Standards and Recommended Practices,” which after adoption by the states were to become “Annexes” to the International Convention on Civil Aviation.

No provision of this Final Act provided for any form of “acceptance” or ratification by the interested states, as it was only to serve as protocol of the Conference for recommendation and purposes of information to the participating states.

2. The Interim Agreement on International Civil Aviation, defining the creation of the Provisional International Civil Aviation Organization.

This Agreement was intended to serve until the permanent body, the International Civil Aviation Organization, should come into force, or another conference on international civil aviation should agree upon
other arrangements; provided, however, that the interim period should in no event exceed three years from the coming into force of this particular Agreement. In compliance with Article XVII of the document, the Turkish delegation affixed its signatures to this Agreement with the understanding that the Government of the United States of America was to be informed at the earliest possible date by each of the governments—including Turkey—on whose behalf the Agreement had been signed, whether signature on its behalf constituted an acceptance of the Agreement by that government and an obligation binding upon itself. The above Agreement was to come into force when it had been accepted by twenty-six states. Thereafter it was to be binding on each additional state which indicated its acceptance to the Government of the United States as of the date of its acceptance by that Government. The Government of the United States was bound to inform all governments represented at the International Civil Aviation Conference of the date on which the present Interim Agreement had come into force and was likewise bound to notify them of all future acceptances of the Agreement.

3. The International Air Services Transit Agreement, and
4. The International Air Transport Agreement.

The Transit Agreement provided for what has since become known as the “first two Freedoms of the Air.” It afforded all signatory powers:
(a) The privilege of flying across the territory of any other signatory power without landing; and
(b) The privilege of landing for non-traffic purposes.

The Transport Agreement included the two Freedoms of the Transit Agreement and added the following “freedoms”:
(c) The privilege of putting down passengers, mail, and cargo taken on in the territory of the State whose nationality the aircraft possessed;
(d) The privilege of taking on passengers, mail, and cargo destined for the territory of the State whose nationality the aircraft possessed; and
(e) The privilege of taking on passengers, mail, and cargo destined for the territory of any contracting State, and the privilege of putting down passengers, mail, and cargo coming from any such territory.

These privileges were to be granted subject to certain conditions, including the right to designate the routes to be followed and the airports to be used for such services; the right to impose reasonable charges for the use of airports and other facilities; and the right of each of the signatory states to withhold such privileges from any air-transport enterprise when it was not satisfied that effective control and substantial ownership of this enterprise were vested in the nationals of the signatory State concerned.

The procedure of “acceptance” of both Agreements was the same, as follows:

“The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed
their signatures to this Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

"Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

"This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

"This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State."

In appending its signature to the above Agreements, the Turkish delegation made the following reservation with reference to the Transport Agreement:

The Turkish Government, when concluding bilateral agreements, shall have the authority to accept and apply for temporary periods the provision regarding the fifth Freedom of the Air contained in the International Air Transport Agreement.

5. The Convention on International Civil Aviation.

At the International Civil Aviation Conference at Chicago, it was decided to draw up a Convention on International Civil Aviation, which was to serve as a permanent body after its ratification by twenty-six states. For seven weeks the delegates of the fifty-two nations considered the problem, and the outcome was a draft Convention on International Civil Aviation comprising ninety-six Articles which was to come into force thirty days after twenty-six states had ratified it, as stated earlier and had deposited their ratifications with the Department of State of the United States of America. These ratifications required legislative action on the part of the various parliaments concerned.

The ratification procedure, clearly defined in Article 91 of this Convention, stipulated that the instrument of ratification should be deposited in the archives of the U. S. Government, which should give notice of the date of the deposit to each of the signatory and adhering states. It should be the duty of the U. S. Government to notify the

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63 Ibid., Table II, p. 7.
government of each of the signatory and adhering States of the date on which this Convention would come into force.

With reference to the above five Instruments, the Turkish authorities took the following actions relative to their acceptances or ratification:

(a) The Turkish Grand National Assembly voted the ratification of all five Instruments jointly in the form of a Law, on June 5, 1945.65

(b) The Turkish government, on June 6, 1945 forthwith notified the U. S. Government (as the depository state for acceptances and ratifications under the appropriate provisions of each of the above five instruments, with exception of the Final Act) that the Turkish Grand National Assembly had ratified all five Instruments on June 5, 1945.66

(c) The President of the Turkish Republic was bound under the Constitution to promulgate laws voted by the Grand National Assembly within a period of ten days. With the exception of the Organic and Budget Laws, the President could return to the Assembly for reconsideration—likewise within ten days and accompanied by an explanation of reasons—such laws the promulgation of which he did not approve. Should such laws be voted by the Assembly a second time, the President of the Republic was obliged to proceed with their promulgation. In the case of the above five Instruments, the President forthwith proceeded with their promulgation; and all five Instruments jointly appeared in the Turkish Law Gazette (Resmi Gazeta No. 6029) as Law 4749, on June 12, 1945, whereby the enforcement of all five Instruments in Turkey was made effective June 12, 1945, the date of promulgation.67

When the Government of the United States of America was duly informed by the Turkish Government, on June 6, 1945, that the Turkish Grand National Assembly had ratified all five Instruments by its decision of June 5, 1945, the U. S. Government acknowledged June 6, as the date of “acceptance” of all three Agreements by Turkey (Interim, Transit, and Transport), and informed the other interested states and Turkey accordingly. On the same date, the Interim Agreement on the Provisional International Civil Aviation Organization became effective among the twenty-six states, since by Turkey’s acceptance the required number of acceptances was attained.

With reference to the provisions regulating the ratification of the Convention on International Civil Aviation, the note sent by Turkey on June 6, 1945 carrying information about its ratification of the Convention on the previous day though an official act of the Turkish Government, could not be acknowledged as the “deposit of ratification

65 Düştuv, Vol. 1945, 26 II, No. 156, comprises the ICAO Convention and its accompanying Instruments, transformed into the Turkish National Law.
66 Zeytunoglu indicates the date of June 7, 1945 on which the U. S. Government was supposed to receive the Turkish notification about ratification of Chicago Instruments. According to official sources, the U. S. Government received the above notification not on June 7, 1945 but on June 6, 1945; Cf. PICA0, A/4, Report of the Interim Council to the First Interim Assembly, Doc. 1554, Table I, Turkey, p. 6.
67 Turkish Constitution, Article 35.
instrument" under Article 91 of the above Convention. The explanation is simple. Under Article 91 of the above Convention, not the date of ratification by a State but the date of "deposit of ratification Instrument" with the archives of the Government of the United States was decisive and binding. The Government of the United States was therefore compelled to ask the Turkish Government to produce instruments or evidences which might serve as proof of the ratification, such as authenticated copies of the Decision of the Turkish Grand National Assembly of June 5, 1945, and certified copies of Law 4749 of June 12, 1945, which was in effect the transformation into Turkish national law of the Convention on International Civil Aviation. The Turkish Government delivered the required documents, and the United States Government, after having ascertained that the documents produced by Turkey constituted the necessary features of a "deposit of ratification instruments" under the requirements of the above Article 91 of the Convention, acknowledged the date of "deposit of the ratification instrument" by Turkey as December 20, 1945, and notified all signatory states and Turkey accordingly.88

It must be said, in terms of the international obligations binding Turkey as a State, under the said Agreements, that Turkey strictly complied with the requirements of the acceptance procedures stipulated in the Interim, Transit and Transport Agreements. Likewise, in order to extend the binding force of the above three Agreements internally in Turkey, the Grand National Assembly voted their transformation into Turkish laws, and the President of the Turkish Republic promulgated these laws on June 12, 1945. By such legislative actions, the above three Agreements became internationally binding on Turkey on June 6, 1945, and on Turkey itself on June 12, 1945.

With reference to the ratification procedure of the Convention on International Civil Aviation (which was to replace the temporary organization), the Provisional Convention on International Civil Aviation Article 91 of the Convention stipulated as follows:

(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

As has been mentioned on previous pages, Turkey complied fully with the above ratification procedure provided for in Article 91 of the

88 U. S. Department of State Publication No. 2282, Table II, p. 7.
above Convention, from the point of view of the relationship existing, between Turkey, as a State signatory to the Convention, and her obligations under it. The question is whether the above Convention was duly enforced in Turkey, as a Turkish national law, after it became binding internationally among the contracting States on April 4, 1947.69

Turkey was the second State, among the signatory States to the above Convention, to ratify it at the early date of June 5, 1945. At the same time, the Grand National Assembly voted the transformation of the above Convention, into a Turkish law. In order to extend its binding force to Turkish authorities and inhabitants of Turkey, the President of the Turkish Republic promulgated and enforced this Law, as Law 4749, on June 12, 1945. At that time, however, the above Convention was not yet binding internationally, pending the fulfillment of the conditions embodied in its Article 91, nor was it binding internally in Turkey, as a Turkish law, for the same reasons. The Grand National Assembly was fully aware of the fact that both the Convention, and the Turkish Law on the Convention, would become binding at a later date, therefore, the Grand National Assembly, when voting the transformation of the above Convention into a Turkish law, imposed on the Council of Ministers the duty to “execute the law,” (Article 4, of the Approbative Clause to the Law 4749). The legal term “execution of a law” comprises, among others, the duty on the part of the designated authority (in the present case that of the Council of Ministers) to maintain the law in constant uniformity with the international instrument from which the said law had been transformed, and to make the Law 4749, in its part relating to the above Convention effective in Turkey, after the Convention would become binding internationally.

It was not until two years later, that the U. S. Government sent a Notification to all contracting States of the enforcement of the above Convention among them, effective April 4, 1947. The above Notification by the U. S. Government was a sufficient instrument under Article 91c of the Convention to make it binding among the contracting States, internationally. But such Notification, constituting a foreign document and a foreign decision, could not per se exert any direct influence on the Turkish sovereign domestic legislation, and could not enforce by itself, Turkish Law 4749, in its part relating to the Con-

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vention on International Civil Aviation, unless Turkish legislative authorities promulgated their own decision to this effect.

It must be stressed at this point that international instruments are not "self-executing" in Turkey. The Turkish Constitution provided for the absolute sovereignty of the Turkish legislative powers, as follows: Article 5 "The legislative authority and executive powers are concentrated in the Grand National Assembly"; Article 6 "The Grand National Assembly exercises direct legislative authority"; Article 15 "The right of introducing laws belongs to the members of the Assembly and to the Council of Ministers"; Article 26 "The Grand National Assembly directly exercises such functions as enacting, modifying, interpreting, and abrogating laws; conclusion of treaties and conventions . . . while the Council of Ministers (Article 52) "shall draw regulations determining the mode of application of the existing laws or particular sections of the law, provided, the said regulations do not contain new legal provisions and are approved by the Council of State."

The enforcement of international instruments among the States, which adhered to them, in the field of their international relations, and the enforcement of international instruments as national laws in the States which adhered to such international instruments, are two distinctly different procedures, requiring different legislative actions. Turkey previously complied by its national legislative procedure, relative to the enforcement of Turkish national laws, transformed from international instruments, to which Turkey has adhered. The Convention of Montreux already described in the previous chapter is an example. This Convention was signed by Turkey on July 20, 1936, and was immediately ratified and transformed, as well as enforced in Turkey, as a Turkish national Law, on August 1, 1936. At the time of its enforcement in Turkey, however, the Montreux Convention was binding only temporarily, pending the ratification by other contracting States. Thus, in order to enforce it temporarily in Turkey, as a Turkish national law, a Turkish notification to this effect was promulgated in the Turkish Law Gazette on August 15, 1936. When the above Convention was finally ratified by all contracting States, and became binding internationally on November 9, 1936, the French Government notified the Turkish Government accordingly. Such Notification, sent by a foreign Government to the Turkish Government could not per se enforce the Turkish Law on the Montreux Convention, in Turkey, therefore the Turkish Government promulgated its own notification to this effect in the Turkish Law Gazette on November 14, 1936, and effective that date the above Convention became binding on Turkish authorities and inhabitants of Turkey.

In the case of the Convention on International Civil Aviation, no action was taken to enforce it as a Turkish national law, after the Turk-
ish Government received the Notification of the U. S. Government about the enforcement of the above Convention, among the contracting States, on April 4, 1947, internationally. Law 4749 was not executed, although the Grand National Assembly clearly imposed such duty on the Council of Ministers. The result is, that the Convention on International Civil Aviation which was to be put in operation after April 4, 1947, in Turkey, is still suspended in that country under its Turkish Article 91, and formally not yet binding as a Turkish law.

Turkish domestic legislation on conventional provisions relative to civil aviation and aerial navigation is not a matter only of Turkish domestic concern. The international character of civil aviation and the international air transport services render it necessary for foreign countries to know what are the Turkish laws on this subject, as they directly apply to foreign civil aviation, when flying to, or over Turkey. All Turkish bilateral agreements on air services concluded with other countries, included the clause that Turkish laws and regulations are applicable to foreign aircraft, crews, passengers, and cargo, while flying within the limits of Turkish air-space or when staying in Turkish territory. Thus, taking into consideration, that the Convention on International Civil Aviation, of December 7, 1944, is formally not yet binding in Turkey as a Turkish law; that Turkish regulations on aerial navigation have never been amended or brought up to date since 1925, and still enforce the abrogated CINA Convention of 1919, and Lausanne Convention of 1923; it appears desirable, that the Turkish domestic legislation in the above field be brought up to date. It should reflect the same spirit and letter internally in Turkey, as was shown by Turkey in the field of her international relations.

It would be relevant at this point to mention that in the early 1920's the Permanent Court of International Justice stated in its advisory opinion on Turkey that “there is . . . a principle which is self-evident, according to which a State which has contracted valid international obligations is bound to make in its legislation such modifications as may be necessary to ensure the fulfillment of the obligation undertaken.” The duty to uphold domestic legislation in uniformity with the provisions of the Convention on International Civil Aviation of 1944, in particular that relating to aerial navigation, was clearly imposed on contracting States to the said Convention by its Article 12, stipulating “Each contracting State undertakes to keep its own regulations . . . uniform to the greatest possible extent, with those established from time to time under this Convention.” It appears then to be desirable, that prior to the enactment of a new Turkish air law, Law 4749, in its part relating to the above Convention, could be formally enforced in Turkey as it was in all other States after April 4, 1947 (including France), and that the Turkish Regulations of 1925 could be amended in conformity with the said Convention and its Annexes.
Section 4: Bilateral Agreements on Air Transport Services

The International Civil Aviation Conference was initiated for the creation of a world order for post-war civil aviation and for the regulation, on an international basis, of commerce by air. During the Conference the participating states early agreed on a number of technical controls for future international civil aviation, but the problem of exchange of commercial rights and privileges for air-transport services became the subject of strong controversy.

The United States, in furtherance of domestic interests in the future of international civil aviation, and because of its readiness and ability to cover the world with an efficient air-route network, demanded full air traffic rights and privileges throughout the world. Other states, in particular the "British block," aiming to protect existing or future commercial aviation of their own, demanded a number of control measures on commercial rights and privileges, and were not interested in the acquisition of the "fifth freedom of the air" from other countries for their own commercial airlines.

As a result of the divergence of opinions among the States at the Chicago Conference, the principal instrument of the Conference (the Convention on International Civil Aviation), did not encompass a multilateral agreement under which full commercial rights and privileges could be reciprocally granted to airlines of the several States. On the contrary, the provisions of the above Convention embodied the pre-war principles of absolute sovereignty of the air space of States and the prohibition of scheduled international air services to operate over or into territory of a contracting State, except with special permission or authorization.

Under such conditions, the United States, aiming at the conclusion of a multilateral agreement on the exchange of full commercial rights and privileges with other States which were willing to exchange these rights and privileges on a multilateral basis, proposed to draft "the International Air Transport Service Agreement," also called the "Five

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Freedoms Agreement." This Agreement was signed by a number of States, all parties to the Chicago Conference. The Agreement, however, contained a "reservation clause" enabling the contracting States to exclude the "fifth freedom of the air" and also contained reservations of an economic nature, preventing airlines from operating on circuitous routes in exploitation of their rights, to the disadvantage of domestic traffic within a given country.

Independent of the Transport Agreement, the United States delegates proposed another, the "International Air Transit Service Agreement," called the "Two Freedoms Agreement," by which each contracting State could grant to other contracting States the privileges of flying across its territory without landing and of landing for non-traffic purposes. The Transit Agreement was signed, and later adhered to, by a far greater number of contracting States than the "Five Freedoms," since it did not encompass commercial privileges. It was of importance, however, since the contracting States have shown a willingness not to interfere with foreign air services on their long distance routes when carrying air traffic in a manner which did not affect domestic interests.

Besides the Convention on International Civil Aviation and the Transport and Transit Agreements, the pressing necessity for the creation of a temporary body capable of functioning until the Convention on International Civil Aviation could be enforced among the contracting States, led to the drafting and signing of a temporary organizational agreement, "The Provisional Convention on International Civil Aviation," which set up the Provisional International Civil Aviation Organization, which was to last for three years. At that time it was expected that the principal Instrument, the Convention on International Civil Aviation, would be ratified by twenty-six States and, after coming into force among the States, I.C.A.O. would replace the P.I.C.A.O.

Finally, in order to promulgate a number of recommendations for future international civil aviation and to implement a number of resolutions voted at the Conference, the "Final Act" was drafted and voted. It provided for the reciprocal applicability among the contracting States of the "Standard Form of Agreement for Provisional Air Routes," and was to serve the purpose of bringing about uniformity in any agreement that might be concluded between contracting States for the operation of air services. The main characteristic of this "Standard Form" was that it did not contain any norms on economic controls or rights, as such matters were to be inserted in an Annex to the Standard Form of Agreement at the pleasure of the contracting States. This type of agreement was later commonly called the "Chicago Form of Agreement on Air Services."

The above five instruments, signed by some or all of the delegates of the States participating in the Chicago Conference, were the results of that Conference, which at the beginning seemed bound to be a
certain failure, but which soon proved to be one of the most important of international conferences.

The Anglo-American divergence of opinion on the control of rates and of capacity and frequency of flights lasted, however, beyond the above Conference and was disadvantageous to both in their bargaining with other contracting States for commercial rights for their airline operations. The United States wanted the International Civil Aviation Organization to be limited to technical matters, and desired to secure from the other contracting States full commercial rights and privileges, including all five freedoms of the air. The British block, on the other hand, wanted I.C.A.O. to become a controlling agency on economic matters such as regulation of rates and the strict specification and predetermination of routes and frequencies, and was not interested in the acceptance of the five freedoms of the air through international exchange.

In order to harmonize these divergent desires, the United States and Great Britain met at Bermuda in January, 1946, for a conference. Here they reached an agreement of primary importance. Under the terms of this agreement, a procedure on rate control was accepted but it was agreed not to control the allocation of frequency and capacity. Both States agreed to use their best efforts to make effective any P.I.C.A.O. (later the I.C.A.O.) advisory opinions which were issued in the case of a dispute on rates. Finally, with regard to the fifth freedom of the air, it was agreed to grant to each country this freedom, due regard being given to the following considerations:

“That it is the understanding of both Governments that services provided by a designated air carrier under the Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services, international traffic destined for and coming from third countries at a point or points on the routes specified in the Annex to the agreement, shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity should be related: (a) to traffic requirements between the country of origin and the countries of destination; (b) to the requirements of through airline operation, and (c) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.”

By the conclusion of the above Bermuda Agreement, both States not only settled their former divergencies of opinions but also created a new pattern for the conclusion of bilateral agreements on air transport services. This pattern, commonly called the “Bermuda Type” of bilateral agreement, has served as a model for other nations with similar problems. The United States, having formulated a new policy in matters of international air transport services, and taking into consideration the fact that other contracting States in the Convention were willing to bargain about rights and privileges of air commerce bilater-
ally, rather than multilaterally, denounced adherence to the Air Transport Service Agreement on August 10, 1946, effective July 25, 1947.

In summary, the multilateral agreement on the five freedoms of the air suggested by the United States was not accepted by the majority of the States, parties to the above Convention. The Transport Agreement was accepted only by a very limited number of contracting States, including Turkey (with reservation relative to the fifth freedom). The Transit Agreement was adhered to by many contracting States. The contracting States in general preferred to negotiate concerning the commercial rights and privileges on a bilateral basis rather than multilaterally.

When concluding bilateral agreements on air transport services, the interested States generally accepted the “Chicago Standard Form of Agreement for Provisional Air Routes” whereby the Annexes to these agreements comprised, with reference to the exchange of commercial rights, the principles established at the Bermuda Conference.

Turkey signed and accepted both the Transit and Transport Agreements, and concluded between 1946 and 1953, twenty bilateral agreements on air transport services with countries, which adhered to the above mentioned Agreements, as follows:

<table>
<thead>
<tr>
<th>TRANSIT AGREEMENT</th>
<th>COUNTRY</th>
<th>TRANSPORT AGREEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(date of acceptance)</td>
<td></td>
<td>(date of acceptance)</td>
</tr>
<tr>
<td>May 29, 1945</td>
<td>Brazil</td>
<td></td>
</tr>
<tr>
<td>April 18, 1945</td>
<td>Czechoslovakia</td>
<td></td>
</tr>
<tr>
<td>January 1, 1948</td>
<td>Denmark</td>
<td></td>
</tr>
<tr>
<td>March 13, 1947</td>
<td>Egypt</td>
<td></td>
</tr>
<tr>
<td>June 24, 1948</td>
<td>France</td>
<td></td>
</tr>
<tr>
<td>September 21, 1945</td>
<td>Greece</td>
<td>February 28, 1946 (Reservation: The fifth freedom temporarily not granted)</td>
</tr>
<tr>
<td>April 19, 1950</td>
<td>Iran</td>
<td></td>
</tr>
<tr>
<td>June 16, 1945</td>
<td>Iraq</td>
<td></td>
</tr>
<tr>
<td>—</td>
<td>Israel</td>
<td></td>
</tr>
<tr>
<td>—</td>
<td>Italy</td>
<td></td>
</tr>
<tr>
<td>March 18, 1947</td>
<td>Jordan</td>
<td></td>
</tr>
<tr>
<td>—</td>
<td>Lebanon</td>
<td></td>
</tr>
<tr>
<td>January 12, 1945</td>
<td>Netherlands</td>
<td>January 12, 1945 (Reservation: withdrawn on September 21, 1945)</td>
</tr>
<tr>
<td>January 30, 1945</td>
<td>Norway</td>
<td></td>
</tr>
<tr>
<td>July 30, 1945</td>
<td>Spain</td>
<td></td>
</tr>
<tr>
<td>November 19, 1945</td>
<td>Sweden</td>
<td>November 19, 1945</td>
</tr>
<tr>
<td>July 6, 1945</td>
<td>Switzerland</td>
<td></td>
</tr>
<tr>
<td>—</td>
<td>Syria</td>
<td></td>
</tr>
<tr>
<td>June 6, 1945</td>
<td>Turkey</td>
<td>June 6, 1945 (Reservation: The fifth freedom temporarily granted)</td>
</tr>
<tr>
<td>May 31, 1945</td>
<td>United Kingdom</td>
<td></td>
</tr>
<tr>
<td>February 8, 1945</td>
<td>United States</td>
<td>February 8, 1945 (Denounced July 25, 1946)</td>
</tr>
</tbody>
</table>

Among the above twenty States, only the Netherlands and Sweden accepted the Transport Agreement without reservation; Greece and
Turkey with reservations relative to the fifth freedom, whereby the Greek clause read:

“With respect to the rights and obligations contained in Article I, Section 1, paragraph (5) of the Transport Agreement, Greece does not wish, for the time being, to grant or receive” (the fifth freedom).

and the Turkish clause read:

“The Turkish Government, when concluding bilateral agreements, shall have the authority to accept and apply for temporary periods the provision regarding the fifth freedom of the air contained in the International Air Transport Agreement.”

Thus, taking into consideration that the United States denounced its adherence to the Transport Agreement, as already mentioned, Turkey, the Netherlands and Sweden are the only States upon which the Transport Agreement is, for the time being, binding de jure.

In general, all bilateral agreements on air transport services concluded between Turkey and the above twenty States were of the “Chicago form.” Some annexes to the above agreements reflected the influence of the Bermuda Conference relative to restrictions concerning commercial rights and privileges. The Anglo-Turkish Annex to the agreement on air transport services is an example. This provided only for the “four freedoms” privileges, but admitted the possibility of “five freedom rights,” if desired, whereby the contracting States had to enter into consultation to determine the adjustment of capacity, air transport needs, and economy of through airline operations. The United States-Turkish Annex to the similar agreement did not contain an arbitration clause entailing I.C.A.O. arbitration but provided for “five freedom” privileges for both countries, although for Turkey they were to be determined at a later date. Similar were the agreements between Turkey and Brazil, Czechoslovakia, Denmark, France, the Netherlands, Norway, Sweden and Switzerland. In each of them the fifth freedom was reciprocally granted by the contracting parties.

The bilateral agreements concluded by Turkey with the Arab States, and with Turkey’s neighboring States, included a special clause in the annexes, incorporating the main principles of the Final Act of Bermuda, and emphasizing the desire of the contracting parties to foster their own domestic airlines and to develop international commerce by air, as follows:

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 at 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 indirect benefits of this new form of transportation to the common welfare of both countries.
(b) The air transport facilities available to the traveling public should bear a close relationship to the requirements of the public for such transport.

(c) Equal facilities shall so far as possible 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 airlines of either Contracting Party of the trunk services described in the annex to this agreement, the interest of the airlines of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

(e) The understanding of the Contracting Parties that the capacity of the services provided by a designated airline under this annex shall in the first place be adequate 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 economical operation, reasonable profit, the different characteristics of the services and equipment with respect to speed and comfort, and the rates charged by any other airline operating on the same route.

The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes covered by this agreement and its annex 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 through 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 fixed 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 its annex 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.

Of the twenty bilateral agreements on air transport services concluded between Turkey and other countries, thirteen are named below in chronological order according to their date of signature. Five similar agreements concluded with Syria, Italy, Israel, Egypt and Brazil may also be mentioned. The agreements with Spain and Iran have not
yet been published and accordingly are not available for the present study.

1. Great Britain (February 12, 1946). British European Airways Corporation started its operations to Turkey on September 17, 1946. The British Overseas Airways Corporation maintained a Cairo-Istanbul service in 1946-47.71

2. United States of America (February 12, 1946). Pan-American Airways Corporation started its operations to Turkey on January 1, 1947.72

3. Sweden (June 26, 1946). The Aktiebolaget Aerotransport (ABA) started its services on the route Geneve-Rome-Athens-Istanbul in 1946.73

4. France (October 12, 1946). The Société Nationale Air France (which became the nationalized Compagnie Nationale Air France in 1948) started its services in 1945.74

5. Czechoslovakia (March 13, 1947). The Czechoslovenske Aeroline (CSA) operated only one year to Turkey (Istanbul), the year 1947.75

6. Netherlands (March 13, 1947). The Koninklijke Luchtaart Maatschappij, V.V., started its operations in 1948.76

7. Denmark (June 30, 1947). The Danske Luftfahrtelsakab A/S (DDL) inaugurated services in 1948.77

8. Iraq (June 30, 1947). Services have been established in 1948.78

9. Greece (July 22, 1947). Services of the Technikai Aeroporikai Ekme Talleuseis were started in 1947, discontinued in 1949, and resumed in 1952.79

10. Lebanon (September 16, 1947). The Compagnie Generale de Transports (Air Liban) started its services in 1950 to Istanbul, the Middle East Airlines in 1954 to Ankara.80

11. Norway (May 20, 1948). The Norske Luftfahrtelskab A/S has operated in a pool with the Scandinavian Airlines System since 1948.81

12. Jordan (May 20, 1948). Services have not yet been established.82

73 Sweden: Interavia 1162, 1170, in particular Nos. 1173 and 1175.
74 France: Interavia 1041, 1219, 1331.
75 Czechoslovakia: Interavia 1192 and 1220.
77 Denmark: Interavia, 1312, 1343, 1354, 1389.
79 Greece: Interavia 1261, 1682, 2058, 2085, 1355, 2103, 2751, 2756.
80 Lebanon: Interavia 1756, 1800.
81 Norway: See Sweden, supra.
82 Jordan: With exception of the existence of bilateral agreement between Jordan and Turkey other information not available.
13. Switzerland (February 16, 1949). The Société Anonyme Suisse Pour la Navigation Aérienne (Swissair) started services in 1947.88

None of these agreements provided the right of cabotage, that is, the privilege of picking up and setting down passengers between two points within Turkish territory, since such commercial activities were, as before, strictly reserved to the Turkish State Airlines.

Section 5: Airports and Aerodromes, 1944-195084

The rapid development of different types of aircraft during the period of World War II, and the trend toward giving preference to super-aircraft capable of transporting considerable weights of passengers and cargo, required the enlargement of airports, in particular the lengthening of runways, and the provision of the newest systems of air and ground approaches to assure safe air navigation in all weather conditions. Turkey had had international aerodromes at Yeşilköy (near Istanbul), at Büyükdere (also near Istanbul), at Ankara, and at Adana. All of them proved inadequate for international civil aviation purposes by the end of 1945. Turkey possessed at that time all-weather aerodromes for domestic air services, and others which could be used during summer months only. All of these aerodromes had to be enlarged and provided with new installations to meet the continuously growing demands of modern air services.

The Turkish delegation to the Chicago Conference of 1944 declared that Turkey intended to build three international airports within the country. As a result of this declaration, a mission from the United States, comprised of officials of the Civil Aeronautics Administration and of aviation experts, visited Turkey to advise the Turkish State Airlines on this subject.85 The Grand National Assembly, on February 8, 1946, voted Law No. 4860, authorizing the Ministry of Communications to make contracts up to a maximum of 15 million Turkish liras, in accordance with a five-year plan for the development of Turkish aerodromes. The above amount soon appeared insufficient, owing to increased world prices and to the devaluation of the Turkish pound (lira). Consequently the authorization was increased to 43 million Turkish liras, by Law No. 5076, of June 12, 1947.


In the meantime, in 1946, representatives of three American firms, Westinghouse, J. G. White, and E. H. Smith (Bourne Associates) visited Turkey to make a civil aerodrome survey in connection with the Export-Import Bank Credit of 25 million U. S. dollars. A report on the contemporary state of main Turkish aerodromes and their conversion into airports at Ankara, Istanbul, and Adana was prepared. The contracts for reconstruction of these aerodromes were signed in June 1947, and the above American firms divided the work among themselves. All three airports had to be of PICAO class B standard. The completion of the work was estimated for the end of 1951.

Concurrently with the work just noted on Turkish international airports in Istanbul, Ankara, and Adana, other Turkish domestic aerodromes were under reconstruction; and at the end of 1949 the Turkish State Airlines was operating internally nineteen aerodromes. Most of these had asphalt or concrete runways. All aerodromes at the same time were equipped with radio, tele-, and ground communication systems, efficiently developed.

Section 6: Aircraft and Engine Industry, 1937-1950

On the basis of the scanty data available for public information on the subject of the development of the Turkish aircraft and engine industry, it may be stated that production in these industries related mostly to military or sport aviation during the 1937-1950 period. The Turkish State Airlines limited its interest in this area to the repair of its carriers in the Türk Hava Kurumu Uçağ Fabrikası (Turkish Air League Aircraft Factory) at Etimesut (near Ankara). As far as it can be ascertained there were the following establishments in operation in these years:

Nuri Demirağ Aircraft Works (NURİ DEMİRAĞ TAYYARE FABRIKASI) at Beşiktaş (near Istanbul), with an aerodrome at Yeşilköy. This enterprise was established in 1937 by Mr. Nuri Demirağ. Two types of aircraft were built there:

1. Nu D. 36, a two-seat training biplane, and
2. Nu D. 38, a twin-engined four-passenger monoplane.

The Nu D 36 biplane was produced in quantities. In addition, gliders of different types were constructed there under license. Information relative to the activities of this factory after 1951 is not available.

Turkish Air League Aircraft Work (TÜRK HAVA KURUMU UÇAK FABRIKASI). The establishment with its aerodrome were located at Etimesut (near Ankara). This factory was built in 1941 by the Turkish Air League, and the enterprise combined in effect two factories, one for the construction of gliders and the other for the assembly of powered aircraft. The activities included the manufacture of aircraft of the firm’s own design and of other types under license.

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as well as the production of gliders of its own design. At the beginning, foreign aircraft were constructed under license. The first American model was built in 1942, and a total of 84 British Magisters were assembled. Since the beginning of production, the following Turkish models were built there:

- T.H.K. 2, a single-seat acrobatic trainer
- T.H.K. 5, a twin-engined low-wing monoplane
- T.H.K. 5a, differing from T.H.K. 5 by the size of the vertical tail
- T.H.K. 10, a twin-engine light transport plane
- T.H.K. 11, a three-seat light touring monoplane
- T.H.K. 13, a single-seat experimental aircraft
- T.H.K. 14, a two-seat, high-wing training sailplane
- T.H.K. 15, a single-engine all-metal two-seater
- T.H.K. 16, a twin-jet propelled trainer

The T.H.K. 15 and T.H.K. 16 became known later as M.K.E.K. Model 2 and M.K.E.K. Model 5. The change of designation of the above models was made after the Air League enterprise merged with the state controlled Engine and Chemical Industry League (Makine-Kimya Endüstri Kurumu), in 1952.

The Aircraft Engine Factory (TÜRK HAVA KURUMU UÇAK MOTOR FABRİKASI) at Çiftlik near Ankara.

Under the auspices of the Turkish Air League, it was decided in 1945 to build an aircraft engine factory near Ankara, and a group of Turkish engineers and technicians was sent to England for six months of training at the De Havilland factory. The new Turkish factory was laid out and tooled for production of some 200 Gypsy Major Type X engines annually. Its equipment permitted the manufacture of all the engine components. In the general plan of the industrialization of the country, this factory was to play an important role as a specialized subcontractor for such items as light crankshafts, camshafts, gears, valves, nuts, bolts, studs, and many other high-precision parts. The light alloy and brass foundry might also prove a useful asset. The aircraft engine factory of the Air League was the first modern plant in Turkey fully equipped for small-scale light precision production.

Contrary to the above favorable prospects for the usefulness of the Turkish Aircraft-Engine Factory for the industrialization of the country, as anticipated by the British authorities, the International Bank for Reconstruction and Development arrived at the conclusion, in its report on Turkey, made in 1951: that several industries were started in Turkey for which there was no pressing need, and these included this aircraft-engine factory.


Shortly after the war, three Douglas DC-3’s were delivered to the Turkish State Airlines from the United States, and soon a fleet of thirty

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87 Statistics compiled from: The Aeroplane, p. 253 (the years 1939-47); British Report, 1950, Appendix XXXI, p. 189 (the years 1948-49); Interavia, Nos. 925, 1823.
C-47's (military DC-3's) was bought from the Foreign Liquidation Committee. At the beginning of 1947, Turkey possessed the largest fleet in the Middle East, and the air routes connected the following towns: Ankara-Istanbul; Istanbul-Ankara-Sivas-Malatya-Elazığ-Erzurum; Istanbul-Ankara-Malatya-Elazığ-Diyarbakır-Van; Adana-Ankara-Afyon-Izmir-Istanbul; Ankara-Istanbul-Bursa-Istanbul-Afyon-Konya-İskenderun-Adana; Diyarbakır-Urfa-Gaziantep; Ankara-Samsun; Ankara-Konya-Antalya-Afyon; Ankara-Istanbul-Izmir; Ankara-Istanbul-Bursa-Istanbul-Izmir-Istanbul-Ankara. By the establishment of the above air-route network, the more important localities in the whole of the Turkish territory were connected by air.

The year 1947 was also a turning point in the history of the Turkish State Airlines by reason of the fact that its first external service was inaugurated, namely, from Ankara to Athens via Istanbul. The operation on this air route, however, was discontinued in 1949, the reason given being competition, but it was resumed in 1952 under supposedly more favorable circumstances. Two other external routes, organized by the Turkish State Airlines from Istanbul via Ankara and Cyprus to Beirut, and from Istanbul via Ankara and Beirut to Cairo, were operated successfully after 1950. It had been hoped also to establish air service between Turkey and Baghdad, Teheran, Sophia, Budapest, Belgrad, and Rome. These expectations, however, were not fulfilled in the period through 1949. The establishment of new external air routes depended upon the extent to which such routes could be made a commercial success under the particular circumstances of traffic volume and competition.

Turkish domestic services were operated on the basis of low rates (for passengers), at least low for the Middle East. Until 1947 the rate was equivalent to about four U. S. cents per mile. During 1947 it was increased to about five and a half U. S. cents per mile.

In 1948, a part of the fleet was grounded to serve as spares for other operating aircraft. A training school for air crews was organized, and crews were recruited from among the best of the ex-Turkish Air Force pilots or from the Turkish Air League pupils, provided that they had at least eight hundred flying hours to their credit. In 1949, a total of forty-two pilots was engaged by the Turkish State Airlines. Transport pilot certificates were issued to pilots after completion of an instrument flying course. All pilots and ground personnel had to be Turkish nationals.

Turkish State Airlines enjoyed the reputation of being one of the safest airlines in active operation. During the period 1936-1950, only after about 18 million kilometers had been flown, did the first accident occur (on March 25, 1950), when a Douglas DC-3 of the Turkish State Airlines crashed into a hill in bad weather while about to land at the Ankara airport at the end of a flight from Istanbul. The twelve passengers and the four crew members were killed.
Data on the operations and the financial position of the Turkish State Airlines for the period under examination are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Passengers Carried</th>
<th>Cargo Carried (Data in Kilograms)</th>
<th>Newspapers Carried</th>
<th>Mail Carried (Data in Kilograms)</th>
<th>Kilometers Flown</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>2,689</td>
<td>3,266</td>
<td>4,446</td>
<td>1,001</td>
<td>378,330</td>
</tr>
<tr>
<td>1940</td>
<td>1,221</td>
<td>2,544</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1941</td>
<td>2,189</td>
<td>3,225</td>
<td>2,191</td>
<td>294</td>
<td></td>
</tr>
<tr>
<td>1942</td>
<td>5,481</td>
<td>7,700</td>
<td>8,174</td>
<td>977</td>
<td></td>
</tr>
<tr>
<td>1943</td>
<td>5,691</td>
<td>28,560</td>
<td>12,178</td>
<td>2,492</td>
<td></td>
</tr>
<tr>
<td>1944</td>
<td>14,249</td>
<td>78,909</td>
<td>33,910</td>
<td>2,991</td>
<td>615,058</td>
</tr>
<tr>
<td>1945</td>
<td>18,221</td>
<td>82,882</td>
<td>38,566</td>
<td>5,042</td>
<td>718,073</td>
</tr>
<tr>
<td>1946</td>
<td>37,308</td>
<td>161,975</td>
<td>44,637</td>
<td>6,516</td>
<td>850,909</td>
</tr>
<tr>
<td>1947</td>
<td>78,844</td>
<td>396,905</td>
<td>107,354</td>
<td>15,785</td>
<td>1,813,218</td>
</tr>
<tr>
<td>1948</td>
<td>73,804</td>
<td>665,028</td>
<td></td>
<td></td>
<td>2,033,469</td>
</tr>
<tr>
<td>1949</td>
<td>77,262</td>
<td>1,157,720</td>
<td></td>
<td></td>
<td>2,365,773</td>
</tr>
</tbody>
</table>

The preceding statistics disclose two stages of considerable increase in operations. The first, in 1944, was due to an enlargement in the number of aircraft and aerodromes; the second, in 1946/1947, may be attributed to a further increase in the size of the air fleet.

The following figures refer to sums carried in the National government’s budget for the support of the Air Lines, the receipts, and the total income of the Turkish State Airlines for the above period.

<table>
<thead>
<tr>
<th>Year</th>
<th>Subsidies (in lira)</th>
<th>Operational Receipts (in lira)</th>
<th>Total Income Including Subsidies (in lira)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>1,020,700</td>
<td>42,853</td>
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<tr>
<td>1940</td>
<td>475,000</td>
<td>23,425</td>
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<td>1941</td>
<td>500,000</td>
<td>41,761</td>
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<td>1942</td>
<td>1,100,000</td>
<td>162,452</td>
<td>1,694,850</td>
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<td>1943</td>
<td>1,317,000</td>
<td>256,514</td>
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<tr>
<td>1944</td>
<td>2,100,000</td>
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<tr>
<td>1945</td>
<td>1,629,000</td>
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<td>1946</td>
<td>7,000,000</td>
<td>1,181,895</td>
<td>5,146,465</td>
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<td>1947</td>
<td>13,402,287</td>
<td>2,741,506</td>
<td>13,402,287</td>
</tr>
<tr>
<td>1948</td>
<td>not available</td>
<td>2,965,681</td>
<td>19,776,870</td>
</tr>
<tr>
<td>1949</td>
<td>not available</td>
<td>4,080,463</td>
<td>not available</td>
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Turkish civil aviation in the years 1939-1949 was generally notable for the lack of private flying. The Turkish Air League performed the functions of a nation-wide flying club and training organization, although some control over its activities, under the heading of national security, was maintained by the Turkish Ministry of National Defense, through its Air Force channels.

The Turkish air services were, as before, under the control of the Ministry of Communications, and, in comparison with other means of transportation, developed rapidly and covered the whole of the Turkish territory with a relatively adequate network of aerodromes.
In spite of the development of air services of the Turkish State Airlines in this period, the conviction grew that by private initiative far more transportaton by air could be accomplished, and cabotage air services considerably increased. This view became more and more widely held among civilians and attracted the attention of the governmental authorities. These problems, however, were not considered very pressing at that time.

V. CIVIL AVIATION PROBLEMS UNDER THE PRESIDENCY OF CELAL BAYAR

Section 1: General Conditions

On May 22, 1950 Mahmut Celal Bayar was elected the third President of the Turkish Republic. While the first two Presidents of the Republic had, by profession, been soldiers, the third President was a professional banker and politician.

President Celal Bayar was born on May 15, 1883 at Umurbey in the province of Bursa. He started a banking career, by becoming first a member of the staff of the Turkish Agricultural Bank. In 1905 he joined the Bursa Branch of the Deutsche Orientbank, where he was promoted to managerial status. His interest in political activities led to his becoming Representative and Executive Secretary of the Society for Union and Progress in Bursa, and later Executive Secretary of the above Society for the important province of Izmir. His activities at that time covered many fields. He contributed to the increase in the number of school buildings, was one of the first founders of the National Library at Izmir (1912), and in 1914 created the School of Railroading there. He also founded an association called "Toward the People" which aimed at raising the cultural and economic level of the middle class. At the time of Turkey's struggle for independence, Celal Bayar was one of the leading underground commanders and organized armed resistance in the war of 1921-1923. His extraordinary and successful achievements at that time were acclaimed by Kemal Atatürk in the course of his six-day address to the Grand National Assembly in 1927.

Bayar's legislative career started as early as 1919 when he was elected Deputy to the Sultan's Parliament in Istanbul. However, his criticism of the Istanbul Government and of foreign occupation, added to that of similarly minded Parliamentary colleagues, led to the suppression of the press and to widespread persecution. Celal Bayar escaped arrest and joined the Nationalist movement in Asia Minor, where he became Secretary to the Economic Affairs Committee of the National Assembly. Shortly afterwards he was appointed Deputy to the Minister of Economy, and on February 7, 1921 he became Minister of Economy. Between February and April 1922, he served as acting Minister of Foreign Affairs. On March 6, 1924 he was appointed Minister of Reconstruction, from which post he resigned in order to organize and open the
IS Bank. On August 20, 1924, he re-entered the cabinet as Minister of Economy. In 1937 he became Prime Minister, but resigned this post on January 25, 1939. During the years of World War II, he confined his efforts to legislative duties in the Parliament.

In his plans to establish in Turkey a fully democratic regime, he was strongly supported by his colleagues Refik Koraltan, Fuad Köprüülü, and Adnan Menderes. Their plans for reform, however, were rejected by the Republican Peoples Party's Parliamentary Group. Under such unfavorable conditions Celal Bayar resigned from that Party, and from his seat in the Grand National Assembly on November 5, 1945, in order to organize a strong opposition party to establish greater freedom in Turkey despite the opposition of the ruling Republicans. The Democratic Party was officially inaugurated on January 7, 1946, and Celal Bayar was chosen as its leader. In the accelerated elections on July 21, 1946, Bayar's Democratic Party won sixty-five seats in the Grand National Assembly, putting a definite end to single-party rule in Turkey. The popularity of the Democratic Party was so great that four years later, at the elections of May 14, 1950, the Democrats won 396 seats in the Grand National Assembly, came into office, and ended the Republican Party's uninterrupted rule of twenty-seven years. Forthwith Celal Bayar was nominated by the Parliamentary Group of the Democratic Party as the Party's candidate for the Presidency on May 21, 1950, and the next day he was elected the third President of the Turkish Republic. The new President appointed Adnan Menderes, an authority on Finance, as Prime Minister, and Professor Fuad Köprüülü, a known historian, as Minister of Foreign Affairs. Refik Koraltan was elected President of the Grand National Assembly. President Celal Bayar was re-elected President of the Turkish Republic on May 14, 1954, and his Democratic Party acquired 505 seats out of 541 in the Grand National Assembly. The other 36 seats were won by the Republican Peoples Party. His former chief assistants in the Executive and the Parliament were reappointed to the same offices.

Under the influence of Menderes, Köprüülü, and Koraltan, the program of the Government consisted mainly of financial and economic measures. Turkey's prestige in the field of international affairs, on the other hand, increased steadily by reason of the internationally recognized valuable contributions which Turkey made to the maintenance of peace. Turkey was one of the first countries to cooperate with the Security Council in positive action relative to the defense of Korea, sending out a contingent of 4,500 Turkish troops. Turkey's admission to the North Atlantic Treaty Organization was decided at the Ottawa Conference in September 1951, and Turkey was invited to join NATO
on February 16, 1952. As a new Member State, Turkey became very active, and due to its efforts and cooperation with Greece and Yugoslavia, the Tripartite Balkan Treaty was signed on February 28, 1952, and ratified by Turkey on May 18, 1952. The above Treaty was followed by its signature to the Agreement of November 1952 relative to joint defense plans. Turkish relations with the United States and Great Britain remained friendly and cordial. The United States continued to afford Turkey the fullest possible economic, military, and diplomatic support. With Italy, a Treaty of Friendship and Conciliation was signed by Turkey on March 24, 1952, and after that time, trade relations between the two countries increased. Turko-West German relations also grew closer. After 1949, Germany became Turkey's most important customer for its exports. Difficulties which arose with Bulgaria in 1950, because of the Bulgarian threat to expel 250,000 Muslims to Turkey, were favorably settled at the end of 1950.

Section 2: The Convention of Montreux, 1944-1953

Among the problems in the field of international policy directly concerning Turkey and the freedom of passage of civil aviation in the Straits, the settlement of the postwar position of the Montreux Convention was one of basic importance. At the end of World War II, in January 1945, Turkey opened the Straits to all Allies including Soviet Russia. Although this Turkish gesture was favorably appreciated by many Allied States, the Soviet Russian government denounced its previously existing Treaty of Friendship and Non-aggression with Turkey on March 19, 1945. Soviet Russia demanded at the same time, a new disposition of the Regime of the Straits so as to provide "effective guarantees" in Soviet Russia's favor. The Turkish government acknowledged the Soviet note on April 8, 1945 on this subject, and agreed to examine any proposal for a new and improved treaty.

At the Conference of the Four Allied Powers at Potsdam in June 1945, Soviet Russia demanded a revision of the Montreux Convention, and the United States Government jointly with the British and French Governments, agreed to the desirability of contacting Turkey on this subject. In the meantime, Turkey had learned, through an exchange of views in Moscow on June 7, 1945, that retrocession of the districts of Kars and Ardahan in eastern Turkey and a revision of the Montreux Convention which would admit Soviet Russia, by the session of bases, to a share in the defense of the Straits, were requested by Soviet Russia. The Turkish Government showed itself not disinclined to recognize the justices of the suggestion for a revision of the Convention, but was not prepared to accept any proposal for the establishment of foreign naval bases in the Straits. In a note to the Turkish Government of November 9, 1945, the United States Government suggested that it

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would be glad to participate, if invited, in a conference relative to the amendment of the Montreux Convention and, on its part, proposed the following:

1. The Straits should be open to merchant vessels of all nations in time of peace or war;
2. The Straits should be open to war vessels of the Black Sea Powers;
3. Freedom of passage through the Straits should be forbidden to war vessels belonging to other Powers, except with the consent of the Black Sea Powers, unless in the execution of a mission under the authority of the United Nations; and
4. Certain changes should be introduced to bring the new Convention up to date, such as substituting "the United Nations Organization" for the "League of Nations" and eliminating Japan from the signatory Powers.

The Turkish government showed itself not disinterested in negotiating these points and answered that it accepted them as a basis for further negotiations, with certain conditions and reservations.

On August 8, 1946 the Soviet Government sent a formal note to the Turkish Government also suggesting a modification of the Montreux Convention. Russia contended that Turkey had not properly applied the provisions of the Montreux Convention to Axis warships during the war; and, for this and other reasons, the Soviet Russian Government made the following proposals:

1. The Straits should be open to merchant vessels of all nations in time of peace or war;
2. The Straits should be open in all circumstances to war vessels of the Black Sea Powers;
3. Except in special cases, the passage of war vessels belonging to non-Black Sea Powers should be forbidden;
4. The authority to formulate the regime of the Straits should be left to Turkey and the Black Sea Powers; and
5. The Straits should be defended by the common means of Turkey and the Soviet Union.

The Turkish Government replied, on August 22, 1946, to the effect that the technical wording of the Montreux Convention required amendments in the light of modern experience, but denied strongly Soviet Russia's accusations relative to misapplication of the provisions of the Montreux Convention toward Axis warships during the war. It suggested that not only the Black Sea Powers but all the signatory Powers to the above Convention should attend a new conference. It accepted the first three points as a basis for discussion.

On September 24, 1946, the Soviet Russian Government replied that a new conference on the problem of the Straits should be preceded by a direct discussion between Soviet Russia and Turkey, and, by repeating former allegations, protested against Turkey's refusal to accept for discussion the last two of Soviet Russia's proposals.

On October 18, 1946, the Turkish government made a short reply, which was preceded by two British Notes to the Soviet Russian Government on August 21, 1946 and October 9, 1946. In the first Note
the British Government pointed out that a revision of the Montreux Convention was desirable, but that direct negotiations between Turkey and Soviet Russia could not be agreed to. Besides, in the Soviet Russian proposal there was no mention of the United Nations Organization, and the British Government saw the necessity of being consistent, in the modification of the above Convention, with the purposes and principles of the United Nations. Finally, the note disagreed on the point that the future regime of the Straits should be a concern of the Black Sea Powers and Turkey alone. In the second note of October 9, 1946, the British Government expressed its readiness to attend a conference of the four Powers and all the signatory States except Japan.

Among the eleven states which had adhered to the Montreux Convention by 1938, Bulgaria, Italy, Japan, and Rumania had taken part in the Second World War on the side of Germany. Bulgaria signed an armistice on October 28, 1944, and by virtue of the Treaty of Peace concluded with Bulgaria by the Allies on February 10, 1947 in Paris, Bulgarian rights as a riparian State to the Montreux Convention were not questioned. Italy overthrew the Fascist regime on July 25, 1943, signed an armistice on September 3 and 29, 1943, declared war on Germany on October 13, 1943, and after that time fought on the side of the Allies. No provisions of the Treaty of Peace concluded between Italy and the Allies on February 7, 1947 in Paris provided for any restriction on Italian participation in the Montreux Convention. The same applied to Roumania, which ceased military operations against the Allies on August 24, 1944, signed an armistice on September 12, 1944, and concluded a Treaty of Peace with the Allies on February 10, 1947 in Paris.

Japan fought to the last, surrendered on August 14, 1945, and signed an armistice on September 2, 1945. In the treaty of peace with Japan, concluded at San Francisco on September 8, 1951, it was provided, in Article 8, Chapter III, of the said treaty, that Japan renounced all such rights and interests as it might derive as a signatory Power of the Straits Agreement of Montreux of July 20, 1936, and from Article 16 of the treaty of peace with Turkey signed at Lausanne on July 24, 1923.

At this stage the whole question of the revision of the Montreux Convention rested, and it was not until June 1953 that the Soviet Government renounced its three demands of 1945 relative to the annexation of northeastern Anatolia to the Soviet Republics of Georgia and Armenia, the cession by Turkey of Kars, Ardahan, and Artvin, and the grant of military bases on the Straits. The Turkish reply carried an acknowledgment of the Soviet Russian renunciation of its former demands, and indicated that the provisions of the Montreux Convention had to prevail in matters relating to the regime of the Straits.
The years 1950-1954 are significant for Turkey because of persistent endeavors to achieve a speedy economic development of the country, and the tendency toward a relaxation of the former stiff statist policy in favor of private initiative. Turkish authorities, in carrying out this huge program, had not failed to consult foreign experts on these matters. The advisory activities of the International Bank for Reconstruction and Development, and the technical assistance of the International Civil Aviation Organization, related to Turkish State Airlines directly, and represented foreign opinion on the position of this new means of communication in Turkey.

The International Bank for Reconstruction and Development made, among others, the following remarks relative to the Turkish State Airlines: "While Kemal Atatürk maintained a close and coordinated control on transportation agencies, since his death, and as dictatorial controls have been relaxed, the different agencies have drifted apart and co-ordination has been lost . . . The State Airlines operates all air services . . . Two investment programs are now underway in this field. The first is for aircraft reconditioning, conversion, and equipment at an estimated cost of 20 million Turkish liras. The project is essential to enable the air fleet to carry the increased traffic expected when airfield facilities improve. The second program is for construction of three international airports, rated as Class B under the standards of PICAO, which is in progress at Istanbul, Ankara, and Adana. This program also provides for extensions of buildings, navigational aid equipment, and power supplies at eight provincial aerodromes, İzmir, Afyon, Konya, Eskişehir, Elazığ, Erzurum, Diyarbakır and Trabzon. Altogether it will require an estimated investment of sixty-five million Turkish liras, of which only twenty-five million have so far been expended. Both these programs are, we feel, essential to the efficient operation of Turkey's air services and should be completed. We recommend, however, that, in the light of the probable demands on it, the Adana field be lowered from Class B to Class C. The Government should also consider the eventual separation of the operation of the airlines from the operation of the airports. For the time being, however, operation of the airports should continue on the present basis."

As a result of the above advice, Turkey signed, on June 4, 1952, an Agreement with ICAO, providing for the appointment of three aeronautical experts to the Turkish Government under the United Nations Expanded Program of Technical Assistance, as follows: (1) A civil aviation assistant, to advise the Turkish authorities on the organization of a Department of Civil Aviation; (2) an airline organization expert, to survey the general organization of the Turkish State Air-
lines, and to make recommendations for its improvement; and (3) an
air traffic control instructor, to teach Turkish personnel air-traffic
control procedures in theory and practice. The above appointments
were made for a one-year period on a cooperative basis. By the above
agreement Turkey became the 24th nation to receive ICAO technical
assistance.

In conjunction with the above advisory action of the ICAO Tech-
nical Assistance, the Turkish government planned in 1953 to set up
a “Civil Aviation Directorate.” For this purpose the Director of the
ICAO European and African Bureau went to Ankara and Istanbul,
and an appropriate plan for the new Directorate was made. Under it,
three experts were to come to Turkey to organize and train the neces-
sary Turkish personnel.

The Grand National Assembly, on the other hand, voted, in June
1953, a sum of thirty-eight million Turkish liras for the reorganization
of the Turkish State Airlines and the acquisition of new flying equip-
ment. The newly appointed Director General of the Turkish State
Airlines, Riza Cercel, aimed at the separation of commercial flying
operations from the management and operation of the civil airports
and aerodromes, both of which activities were then governed by one
authority. The personnel of the Turkish State Airlines amounted to
eight hundred employees, and the air fleet comprised twenty-six Doug-
las DC-3’s and seven D.H. Heron’s. The domestic network served
twenty-five cities, and four new aerodromes had been inaugurated at
Ağrı, İsparta, Bandırma, and Çanakale. An effort at economy in
Turkish air-transport service operations on domestic air routes entailed
a reduction of the number of scheduled air services on secondary
domestic air routes in 1954. Turkish air service operations suffered
two accidents in 1953 and 1954. In the first accident four persons lost
their lives (September 25, 1953), and in the second eighteen passengers
and five crew personnel were killed (April 5, 1954).

The international network of the Turkish State Airlines comprised
the following air routes: Ankara-Istanbul-Cyprus-Beirut; Istanbul-
Ankara-Beirut-Cairo (the last route Beirut-Cairo being suspended in
1954); and Ankara-Izmir-Athens, which was inaugurated on July 14,
1953, and was operated jointly by the Turkish State Airlines and the
Greek National Airlines TAE. It was intended also to seek the creation
of a union of the Turkish State Airlines with Greek and Yugoslav State
Airlines, to form a community of interests similar to the Scandinavian
Airline System. By the creation of such an organization, it was
expected that a considerable reduction of operation cost could be
achieved. This new project also provided for granting to Greece by
Turkey, and reciprocally to Turkey by Greece, the right of cabotage
in the other country.

The number of bilateral agreements on air transport services signed
by Turkey with other countries increased from thirteen to eighteen in
1949, and 1950. On July 7, 1949 Turkey and Syria signed such an
agreement; and the Turkish State Airlines started its operations to Beirut in the same year. Turkey and Italy signed on November 25, 1949 a similar agreement, and the Linee Aeree Italiane (LAI) started its operations to Istanbul via Athens in 1949. The EL-Al Israel Airlines, Ltd., operated on the Tel-Aviv-Istanbul air route after 1950, its operations being covered by a subsequent agreement signed between Turkey and Israel on February 5, 1951. After Egypt and Turkey had signed a similar agreement on April 12, 1950, Egyptian Misrair, S.A.E., started its operations to Istanbul in 1950. This service was suspended in 1953; but the Turkish State Airlines extended its Ankara-Beirut weekly services in 1950 to Cairo, only to suspend them in 1954. Finally, the Turkish-Brazilian agreement on air services was signed on September 21, 1950 sanctioning operations by Panair do Brazil, S.A., on the air route Rome-Istanbul-Beirut.

Due to Turkey's financial difficulties at the end of 1953, it was decided to terminate the activities of the ICAO Mission in Turkey in May 1954. Under the terms of this Agreement, Turkey was bound to meet the expenses of this Mission. Mr. H. E. Elwell of the United States, Chief of Mission, terminated his assignment in February and Mr. G. M. Waller, also of the United States, at the end of March 1954. Mr. Duckworth, airlines organization expert, remained in Turkey until May. Mr. Waller was temporarily transferred to service with the United States FOA Mission, to enable him to bring his work to a conclusion. The ICAO Technical Assistance was soon replaced by that of the United States alone. The U. S. Foreign Operations Administration (FOA) announced on July 16, 1955 that, under a contract between the Pan American World Airways System and the Turkish State Airlines, twenty-four Pan American technicians would train Turks in modern techniques of airline operations. Under this program the F.O.A. would provide $475,000 for the project in 1955, and $550,000 in each of the next two years. The Turkish Government, on the other hand, would contribute yearly about $200,000 to this purpose.

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Similarly, the International Bank for Reconstruction and Development had to close its permanent mission to Turkey on demand of the Turkish government, effective March 20, 1954. This decision was the result of a dispute between the Bank and the Turkish government over Turkey's economic policies.

Section 4: Private Commercial Air Services

At the end of 1954, a new law was submitted to the Grand National Assembly which proposed concessions or authorizations for the operation of private air services in Turkey by Turkish citizens. Although no particulars were made available relative to the proposed law, the mere fact that promulgation of such a law was contemplated by competent authorities indicated that the Turkish State Airlines was no longer to enjoy a monopoly position. Long before this law was drafted, one of the leading Turkish scholars on air law, Professor Dr. M. N. Göknıl, expressed his view on this situation as follows: “The mere existence of one enterprise does not constitute a monopoly of the State within the domain exploited by it. It is correct that a factual monopoly of the State exists in matters relating to aerial transportation, at least from the legal point of view, but nothing prevents a private entrepreneur from carrying on activities in this field. According to the Turkish press and to opinions in commercial circles, private air services could turn out to be profitable.

The recent tendency in Turkey to encourage private initiative in order to achieve a broader and speedier development of the country was paralleled by efforts of the Turkish Government to encourage the investment of private foreign capital in Turkey.

The investment of such capital in Turkish enterprises constituted a sad story in the period of the Ottoman regime, and this memory from the past was for a long time discouraging to foreign entrepreneurs otherwise interested in making such investments. Again, it was undoubtedly true that foreigners encountered in the past distressing financial restrictions and annoyances in Turkey. One of the main grievances was the prevention of the repatriation of profits earned by foreign private capital invested in that country. Secondly, foreign citizens employed in Turkey were unable speedily to transfer their salaries and wages, or even part of them, to their families at home, due to a complicated "red tape" procedure which sometimes delayed the transfer of funds for months. Finally, exporters of goods to Turkey sometimes had to wait for one or two years until they were paid.

A partial reversal of these conditions occurred in 1947, when the

Minister of Finance was authorized to grant more favorable treatment to foreign private assets in Turkey on the basis of reciprocity. By virtue of Article 31, of Decree No. 13, dated May 22, 1947, it was stipulated that "the Ministry of Finance may undertake in advance, towards any enterprises, to grant the authorization required for effecting the transfer abroad, in whole and in part, of the yield of any capital which may have been imported in foreign exchange, or in capital goods, for use in industrial, farming, communications, and public works enterprises deemed likely to further the development of the country, or in commercial ventures calculated to expand exportations, and also of any assets of such enterprises."

It appeared, however, that it was the tendency of this Ministry to give consideration to the possibility of additional employment in Turkey of such private foreign profits achieved by foreigners in the country rather than to consent to their speedy export for the benefit of foreign investors abroad. Foreign private capital in Turkey, on the other hand, desired unrestricted use and speedy transfer abroad of such profits. This desire on the part of foreign capital evoked among the Turks the impression that foreign investors were bloodsuckers who had to be checked and repressed in every way. Such an unfavorable attitude, based on emotional feelings instead of a sound understanding of principles governing business transactions, was criticized abroad and, in the Thornburg-Spray Report, the view was bluntly expressed that if such conditions should continue to prevail in Turkey, and a sympathy for private enterprises and private foreign capital investments did not develop among the Turks, there would be no investment of private American capital at all.

Private foreign capital investments had been very small up to 1947. Turkey had, to be sure, participated in the benefits of the Marshall Plan as well as from loans obtained through the International Bank for Reconstruction and Development and the Export-Import Bank, not to mention other loans and credits which poured into Turkey's state enterprises from abroad. During the 1950's, however, it became apparent that both private Turkish initiative and private foreign capital investments were more and more needed. With reference to Turkish private initiative, the International Bank for Reconstruction and Development pointed out that it had to be fostered by the elimination of the many discriminations under which private industry was laboring, by the granting of assurances against expropriations, by the provision of better access to information, rationing of foreign exchange consistent with economic development policies, reasonable taxation, expanded credit facilities, and selective credit controls. With regard to foreign private capital investments, it was also realized by Turkish authorities that the existing laws and regulations in this field were still inadequate to provide sufficient incentive for foreign investment in Turkey. In order to create more favorable conditions for foreign private investments, Law 5583 was enacted, carrying the following provision: The
Ministry of Finance was empowered to tender, up to an aggregate amount not exceeding 300 million Turkish liras, its guaranty with respect to any long-term loans which Turkish private enterprises might raise abroad for use in facilities directly or indirectly connected with any industrial, farming, communications, public works, or tourist activities which were deemed useful in furthering the development of the country, or in any other activities calculated to increased production or to expand the export trade. The said Ministry was also empowered to issue to such industries any foreign exchange permits required to ensure the transfer abroad in whole or in part of the yield of any capital which had been imported in foreign exchange or in capital goods for the purposes just mentioned or of the assets of such enterprises.

To improve still further the conditions under which Turkish private initiative and foreign private capital investments might operate, the Turkish Government took two added steps: (a) it established the Industrial Development Bank, which was to provide medium and long-term credits for Turks and which, it was hoped, might provide an encouragement to them to increase their efforts in the private industrialization of the country; and (b) realizing that the Law 5583, and the complex additional regulations under it, were still inadequate to provide sufficient incentive for foreign private investments in Turkey, President Celal Bayar's government succeeded in pushing through a new law in this field called "The Foreign Investment Encouragement Law No. 6224."

There is no doubt that, by the enactment of Law 6224, Celal Bayar's government intended to eliminate most of the difficulties hampering the investment of foreign private capital in Turkey. The new Law for the first time regulated the problem of foreign private investments, not from the point of view of Turkish interest only, but also from that of the facilities which foreign private capital really needed.

Under the provisions of the pre-existing Turkish Laws 2007, 2249, and 2818, certain jobs and trades had been reserved for Turkish nationals (including pilots and ground personnel of commercial aviation operations), while, in mining, foreign experts could be employed in Turkey only by special permission. The new Law 6224 stipulated, in its Article 7a, that the above prohibitions were not applicable to aliens investing in Turkish enterprises during the period of survey, erection, and operation of such enterprises for such period of time as the Committee (defined in Article 8 of the Law) decided. This Committee was under the chairmanship of the General Manager of the Central Bank of the Turkish Republic and consisted of the following members: Director General of the Treasury, Director General of Domestic Trade, Director General of Industrial Affairs, Chairman of the Board of Research and Planning of the Ministry of State Enterprises, and Secretary General of the Union of Chambers. The Committee might ask for opinions, on an advisory basis, of representatives of other ministries.
and institutions. The Committee should give its decision on any application, at the latest, within fifteen days of its submittal.

Any decision of the Committee might be appealed by the parties concerned within thirty days from the date of the notification thereof. The authority to deal with such appeals was constituted of the Ministers of Finance, Economy, Commerce, and State Enterprises. The decision of this authority was final.

Further, it was clearly provided by Article 8c that aliens employed in Turkey under the auspices of that law might transfer into the currency of their respective countries such part of their earnings as was stipulated in their respective contracts of employment, for the maintenance of their dependents and for their normal savings. It seemed reasonably assured that, under the provisions of the new law, foreign private investors might be able not only to invest their capital but also to exercise some control over it within the limits to be established by the above Committee. If the private initiative of Turks and foreign capital investment could be combined, there might be a chance for private Turkish commercial aviation to arise and to develop.

Section 5: Proposals for Turkish Air Law

At present, there is not in existence in Turkey a body of air law which regulates all public and private matters relative to civil aviation and to aerial navigation in accordance with the provisions of international conventions and agreements. The Regulation on Aerial Navigation in the prohibited Zones of 1914 and the Turkish Regulation of September 9, 1925 have long been outmoded. Turkish authorities, interested private organizations, and scholars have long recognized this lack of an adequate air law, and, as far as can be ascertained, four proposals were drafted and discussed between 1934 and 1947 in an effort to provide Turkey with such legislation.

The first project called an "Air Navigation Law Proposal (Hava Seyrûsefer Kanunu Tasarısı) was drafted by General Rifat Taskin under the auspices of the Turkish Aircraft Association (Türk Tayyare Cemiyeti), later known as the Turkish Air League (Türk Hava Kurumu). This proposal was submitted to the Grand National Assembly on April 4, 1934, by the Ministry of National Defense. After examination by an appropriate Parliamentary commission, this proposal was withdrawn.

The second proposal, comprising 138 articles, was drafted by the Ministry of National Defense and by the General Staff jointly. It was submitted to the Grand National Assembly on May 5, 1939 for consideration and decision. The Grand National Assembly, however, decided to send it for examination to a Parliamentary commission composed of representatives from the Ministries of National Defense, Public

Works, and Justice. The outbreak of the World War II prevented further debate on the subject.

The third proposal was drafted by Professor Cemil Bilsel in 1947. It was based upon principles established by the Chicago Convention and comprised definitions on air space, aircraft, navigation personnel, airports, transport by air, air traffic rules, liabilities, insurance, seizure of aircraft, and penal provisions. An ample commentary to this proposal was made by Professor Mazhar Nedim Göknin in his book on the Turkish Air Law.

The fourth proposal was drafted about 1948 by the Ministry of Communications. Among its contents were provisions concerning mortgages on aircraft, seizure of aircraft, navigation by air, prohibited zones, certificates of airworthiness, navigation personnel, air traffic rules, air transport of passengers and cargo, documents, insurance, liabilities for risk and negligence, forum of Turkish courts, penal provisions, and procedure for the issuance of additional regulations in the application of the proposed air law. This proposal is under consideration by a commission chosen by the Grand National Assembly.

Section 6: Statistical Data, 1950-1955

I. Operational Data of the Turkish State Airlines

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<th>Year</th>
<th>Cargo Carried (in kilo-grams)</th>
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</tr>
<tr>
<td>1952</td>
<td>128,024</td>
<td>1,187,163</td>
<td>838,342</td>
<td>97,201</td>
</tr>
<tr>
<td>1953</td>
<td>183,799</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. Budget Allocations and Total Income

<table>
<thead>
<tr>
<th>Year</th>
<th>Budget Allocations (in lira)</th>
<th>Receipts (in lira)</th>
<th>Total Income (in lira)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>7,520,873</td>
<td>1,310,374</td>
<td>12,623,047</td>
</tr>
<tr>
<td>1951</td>
<td>11,630,327</td>
<td>6,322,412</td>
<td>17,952,784</td>
</tr>
<tr>
<td>1952</td>
<td>11,261,259</td>
<td>7,799,663</td>
<td>19,060,922</td>
</tr>
</tbody>
</table>

III. Total Expenditures and Investments Combined (in Turkish liras)

<table>
<thead>
<tr>
<th>Year</th>
<th>1950</th>
<th>1951</th>
<th>1952</th>
<th>1953</th>
<th>1954</th>
<th>1955</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>7,512,873</td>
<td>19,560,096</td>
<td>11,102,254</td>
<td>13,644,489</td>
<td>26,742,756</td>
<td>28,317,613</td>
</tr>
</tbody>
</table>

The State Airlines which had invested 18,641,000 lira between 1951 and 1954 in various installations put into effect in 1954 a new investment program of 38 million liras, aimed at improving the available airplanes and regulating flight conditions.

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Section 1: Official and Semi-Official Sources

Turkish civil aviation is state-owned and state-controlled, and all of its activities are regulated by laws, decrees, and ordinances. In order that the laws voted and passed by the Grand National Assembly or decrees and ordinances issued by the Council of Ministers or by an interested minister shall have binding force upon Turkish authorities and the inhabitants of Turkey, they must be promulgated in the Turkish official law gazette, called Resmi Gazeta (Official Gazette), which at one time was called Resmi Ceride.

1. The Resmi Gazeta was printed before 1927 in Arabic script but has appeared more recently in the Latin alphabet. It appears almost daily and contains the newest enactments and administrative regulations pertaining to all sorts of domestic Turkish affairs. It constitutes the chief official source of information on Turkey’s legislative and executive actions.

2. Düstur (Collection of Laws) is another official publication which contains the same legislative and executive material as is printed in Resmi Gazeta, but it is published once a year—in one or more volumes—and accumulates for each year the whole of the laws and ordinances promulgated during that year. Provided with an index, this publication is easy to use. In addition, there is published from time to time, a general analytical index to Düstur, called Umumi Tahliî Fihrist which covers all laws, decrees, ordinances, and decisions relating to affairs regulated by the legislative and executive authorities of Turkey. Düstur was published first between 1873 and 1881; between 1908 and 1912 it was published under the title Takvim-i Vekal; but since 1919 it has appeared again under its former title of Düstur. The publishing authority is the Office of the Prime Minister, General Directorate of Publication of Collections (T.C. Başvekâlet Nesriyat ve Mudevvenat Umum Müdürlüğü) in Ankara.

In the above mentioned Resmi Gazeta and Düstur, the following legal enactments are promulgated:

(a) International treaties and other international instruments if adhered to or ratified by Turkey;

(b) Laws (kanunlar) voted and passed by the Grand National Assembly and promulgated by the President of the Turkish Republic;

(c) Decisions of the Grand National Assembly (Türkiye Büyük Millet Meclisi Kararları) which are of two categories:
   1. Decisions relative to the interpretation of existing laws, called "Yorum Kararları" (formerly they were named "Tefsir Kararları"); and
   2. Decisions made on particular problems, called "Meclis Kararları";

(d) Decisions of the Council of Ministers (Bakanlar Kurulu Kararları), called now, by order of the Minister of Foreign Affairs, Fuad Köprüülü, "Vekiller Heyeti Kararları," which are also of two categories:
   1. Decisions on administrative problems of general applicability, which are subject to examination by the Council of State or "Danistay" (called previously "Devlet Şurası," or "Şura-Devlet"). Such decisions are called "Tüzükler" (regulations). Earlier the "Tüzükler" were called "Nizamnameler," and the
last term is still sometimes used as a synonym of "Tüzükler." The Tüzükler may be signed by the President of the Turkish Republic alone, and must be promulgated by him.

2. Decisions regulating particular problems that concern only certain persons or situations, called "Talimatname." Such decisions may be signed either by the President of the Turkish Republic or by a Minister.

(e) Decisions issued by any Minister within the scope of his authority and signed by him. They are called "Yönnetmelikler."

(f) Decisions handed down by courts of law in particular matters.

3. Türkiye Cumhuriyeti Büyük Millet Meclisi, Kanunlar Dergisi (Collection of Laws of the Turkish Grand National Assembly), which before 1926 was called Kanunlarımız. It contains only the laws and decisions passed by the Grand National Assembly and is issued by T.C. Başvekâlet Negeriyat ve Müdevyenat Umum Müdurlüğü (Office of the Prime Minister, General Directorate of Publication of Collections) in Ankara.

4. Türkiye Büyük Millet Meclisi, Meclis Zabıtları (Minutes of the Debates of the Turkish Grand National Assembly), previously called Zabıt Ceridesi. As its name suggests, this series presents the Parliamentary debates on laws and other decisions. It is published by the Grand National Assembly.

5. Türkiye Cumhuriyeti Devlet Yılığı (Annual Record of the Turkish Republic State), which has appeared since 1928 under the title of Salname (Almanac). It is printed by the State Printing Office (Devlet Matbaası) at Ankara.

6. Aşın Tarihi (Monthly Chronicle), issued by the Basın-Yayın ve Turizm Umum Müdürlüğü (Head Office for Press, Radio, and Tourism), formerly called Matbuat Umum Müdurlüğü (Press Head Office).


8. Münakâlat Vekâleti Dergisi (Publication of the Ministry of Communications).


10. Hariciye Vekâleti (Ministry of Foreign Affairs). There are a number of publications in English obtainable by courtesy of the Turkish Information Office, New York, N. Y., 444 East 52nd Street.

11. Adliye Vekâleti, Addel Dergisi (Ministry of Justice, Collection of Decisions). This publication was first called Adliye Ceridesi, then was changed to Ceridei Adliye (in 1929). It is edited by Hukuki Bilgiler Mecmuası, Istanbul, Ekspres Matbaası.

12. Temyiz Kararları (Decisions of the Supreme Court). This serial has been issued since 1925, published in Ankara.


14. İstanbul Üniversitesi Hukuk Fakültesi Mecmuası (Collection of dissertations of the Faculty of Law of the University of Istanbul), which has appeared quarterly since 1923. Printed by Sanayi Nefise Matbaası (Fine Arts Printing Office), Istanbul.

15. Annales de la Faculté de Droit d’Istanbul, which has appeared
annually since 1952 in the French language. Published by the Fakülteler Matbaası (Faculty Printing Office), Galata, Istanbul.

16. İstanbul Barosu Dergisi (Collection of the Istanbul Bar Association), Istanbul. A serial since 1927.

17. Sivil Havaçılık Enstitüsü; İstanbul Teknik Üniversitesi (Institute of Civil Aviation, Technical University of Istanbul). Its publications relate to technical problems of civil aviation. The Institute was founded in 1952.


19. Havacılık ve Spor (Aviation and Sport). This is a semi-official publication which has appeared since 1935 and deals with Turkish and foreign civil aviation affairs. It is printed at Ankara.

**Turkish Codes of Law**

1. Civil Code (Medeni Kanun). The Turkish Grand National Assembly passed the Code as a Turkish Law on February 17, 1928; and the Law was promulgated as Nr. 743 in the Resmi Gazete Nr. 339 on April 14, 1926.

2. Code of Obligations (Borglar Kanunu) was enacted and promulgated as Turkish Law 818 on May 8, 1926. Date of enforcement: October 4, 1926. It was adapted from the Swiss Code of Obligations of March 30, 1911.

3. Code of Civil Procedure (Hukuk Usulli Muhakeme Kanunu). This Code was voted as Law Nr. 1086 on June 18, 1927 (Resmi Gazete Nrs. 622, of July 2, 623 of July 3, and 624, of July 4, 1927). In compliance with the provisions of Article 580 of the Code, its enforcement was made effective October 4, 1927.

4. Commercial Code (Ticaret Kanunu): First Part. This Code was voted and promulgated as Turkish Law 865, on May 29, 1926 (Resmi Gazete Nr. 406 of June 28, 1926). By virtue of Article 14 of the Law 866, of May 29, 1926 (Resmi Gazete Nr. 403, of June 20, 1926), relative to the application of this Code, the date of its enforcement in Turkey was October 14, 1926.

5. Maritime Code (Deniz Kanunu), constituting the second part of the Commercial Code was passed as Law 1440, on May 13, 1929 (Resmi Gazete No. 1197, of May 20, 1929). By virtue of its Article 1484, the date of enforcement of the Code was established as six months after its promulgation, that is, on November 21, 1929.

All the above codes have undergone some changes since the date of their promulgation and going into effect.

**Section 2: Private Sources of Information Relating to Turkish Civil Aviation**

ALSAN, Zeki, Mesut

*Devletler Hukuku Dersleri “Hava Ulkesi”* (Course of International Law, “Air Space”). Publication of the Faculty of Political Science (Sakarya Basimevi), Ankara, 1947.

ARIK, Fikret


BAHAR, Yakim

BILSEL, Cemil

BILSEL, Cemil
Sülhde ve Harpte Hukuku Düvel, Hava ülkeşi (International Public Law in Time of War and Peace, Air Space), 1922, p. 96 ff.

BELBEZ, Hikmet, Dr.
Hava Seyrüşeferleri ve Mülkiyet Hakki (Air Navigation and Property Rights). Published in the Siyasal Bilgiler Fakültesi Mecmuası (Review of the Faculty of Political Science), University of Ankara, 1941, pp. 119-20.

BELBEZ, Hikmet, Dr.
Hava Hukukunda Sorum (Liability under Air Law), published in the same Mecmuası in 1937, Nrs. 1 and 2.

BELBEZ, Hikmet, Dr.
Hava Hukukunda Konusu ve Mahiyeti (Subject and Nature of Air Law), published in the same Mecmuası in 1946, Nr. 4, p. 743 ff.

BELBEZ, Hikmet, Dr.
Sikago Havacılık Konferansı (The Chicago Conference), article published in ülkü (Ideal), February (Şubat), 1945.

BELBEZ, Hikmet, Dr.
Devletler Arası Hava Hukuku (The International Air Law), published in the serial İktisadi Yüreğüş (Economic Advance), Mart (March), 1942.

GÖKNİL, Mazhar Nedim
Hava Hukuku Notları (Course on Air Law), Istanbul, 1947, Published by Ibrahim Horoz Basımevi.

GÖKNİL, Mazhar Nedim
Hava Hukukunda Yeni Gelişmeler (The New Development in Air Law), published in Hukuk Dergisi (Review of Law), Ankara, March (Mart) 1945, Nr. 12, and June (Haziran), 1945, Nr. 15.

GÖKNİL, Mazhar Nedim
İngiliz Ticaret Hukuku (The English Commercial Law), published in İleri Hukuk 1945, Nr. 4-5.

GÖKNİL, Mazhar Nedim
Türkiyede Bir Deniz ve Hava mahkemesi Kurmak Zamani geldi mi? (Has the time come for the creation of maritime and air courts in Turkey?). Article published in İleri Hukuk (The Future of Law), July (Temmuz), 1945, No. 1.

GÖKNİL, Mazhar Nedim
Hava Hukuku (Air Law), University of Istanbul, Law Faculty Series Nr. 107, University Series Nr. 484, Faculty Printing Office (Fakülteler Matbaası), Istanbul, 1951.
ILERI, Suphi Nuri  

KOÇAK, Şükrü  
*Şikago Türk Heyeti Başkanının Demeci* (Speech delivered by the Chairman of the Turkish Delegation at the Chicago Conference), published in *Ulus* (Nation), 1945, Vol. 4-5.

KÖKTÜRK, Necdet Dr.  

MENEMENCIOĞLU, Ethem  
*Devletler Umumi Hukuku Notları* (Course of International Public Law, Air Space), *Hava Ulkesi*, Istanbul, Türkiye Maatbasi, 1934.

PRIMI, G.  

SADULLAH, Tevfik  
*Harp Sonunda Uçak* (Post War Aircraft), published in *Aksam* (Evening), daily newspaper of İstanbul, April 4, 1945.

SEVIÇ, Mehmet Raşid  
*Devletler Hususi Hukuku* (Treatise on Private Law), Publication of the University of Istanbul. İsmail Akgün Matbaası, 1947.

SEVIÇ, Vedat  

TAŞKIN, Rifat, General  

TANER, Tahir  
*Cezâ Hukuku, Cezâ Kanununun Müllûği Bahsi* (Chapter on Civil Aspects of Penal Law), Publication of the University of Istanbul, 1953, Vol. 178, pp. 91-96.

ZEYTINOĞLU, Nazir  

**Section 3: Turkish Dictionaries**


5. Moran, Varid A., Türkçe-İngilizce Sözlük (A Turkish-English Dictionary), Istanbul, 1945. Published by the Turkish Ministry of Education. Included is an appendix on the new Turkish words used in the text of the Turkish Constitution.


NOTE: For a long time, and in particular after Kemal Ataturk's linguistic reform of 1928, the Turkish language underwent considerable changes due to the constant trend to replace Arabic, Persian, and other foreign words by genuine or newly invented Turkish ones. The result is that the Turkish language of 1925 cannot be compared with that of 1939, 1945, or 1955. Not only have thousands of new Turkish words been invented, or even old Turkish words reintroduced, but also a large number of complicated idioms have been created, the meaning of which is difficult for a foreigner to guess, even if the separate words of which they are composed are known to him. To quote only one example: the former Turkish word “tayyare” meaning “aircraft,” which was of Arabic origin, was replaced by the Turkish word “uçak,” which really means “climbing plant.”

Therefore, in reading Turkish documents, not one but several dictionaries are necessary for the establishment of the appropriate meaning of dubious words, and the dictionaries, as indicated above under Nos. 1, 3, 5 and 6, may be of great help for this purpose.

LEGAL APPENDIX

Contents:

Section I—Regulations on Aerial Navigation in Turkey: (in force)
A. Regulation on Prohibited Zones for Aerial Navigation of May 24, 1914, applicable as far as not contradictory to the undermentioned Regulation of 1925. (Free translation)
B. Regulation on Aerial Navigation of September 9, 1925. (Free translation)

Section II—Laws Relative to the Organization of the Administration of the Turkish State Airlines:
A. Law 2186 Relative to the Organization of the Administration for the Exploitation of Aerial Communication, enforced May 23, 1933, repealed on June 5, 1938. (Free translation)
B. Law 3424 Relative to the Organization of the Turkish State Airlines, as amended, enforced since June 5, 1938. (Free translation)

SECTION I.

Part A

Regulation Relative to the Prohibited Zones for Aerial Navigation of May 14, 1914/1330
(Sefaini Havaiyeye Dair Menatiki Menmua Nizamnamesi 24 Mayis 1330)

ARTICLE 1. All travelers desiring to enter the Ottoman Empire by air are bound to comply with the conditions cited hereunder.

ART. 2. The prohibited and non-prohibited zones are indicated on a special map of the scale 1:3,000,000.
ART. 3. All military or civilian travelers who intend to enter by air the Ottoman Empire are bound, before commencing the trip, to submit to the Diplomatic Missions or Consulate of the Ottoman Empire an application for this purpose sanctioned by their government.

ART. 4. The traveler shall append to such an application, his photograph, and that of persons accompanying him, if any, and of the aircraft.

ART. 5. In order to avoid all misunderstandings, the traveler shall indicate clearly in his application the type and color of the aircraft.

ART. 6. The representative of the Ottoman Government abroad (Ambassador, Envoy, Consul, etc.) will send the application to the Ministry of Foreign Affairs.

ART. 7. The Ministry of Foreign Affairs will send the application with the accompanying documents and appendices to the Ministry of War and the Navy.

ART. 8. A copy of the map of prohibited and non-prohibited zones shall be delivered through the channels of the Ministry of Foreign Affairs to a traveler who, after examination of the documents by the Ministry of War and the Navy, has obtained the required authorization.

ART. 9. The traveler's route will be shown on the map with red ink.

ART. 10. All military and civil authorities on the proposed route shall be notified of the trip.

ART. 11. The traveler is bound to follow the route drawn with red ink on the map. Any pilot who deviates from this route and undertakes landing on a point five kilometers distant from the route will be arrested together with the accompanying persons, and his aircraft seized. The aircraft shall be preserved in good condition.

ART. 12. The civil and military authorities shall render necessary facilities to all travelers landing on the route.

ART. 13. Aircraft shall not be fired upon in any case when it approaches a prohibited zone by reason of atmospheric influences (snow, rain, mist). But, after landing, the aircraft shall be seized and the flyer blindfolded and conveyed under escort by the shortest rail distance to the nearest military commander of a town.

ART. 14. Aircraft shall be fired upon in any case when, without being compelled by atmospheric influences, they approach the prohibited zones, voluntarily or for clandestine purposes. After landing, the aircraft shall be confiscated and the occupants shall be conveyed blindfolded to the nearest military commander of a town for imprisonment.

ART. 15. A traveler who lands during an air trip at any point outside a prohibited zone cannot remain longer than 48 hours without permission of the local military commander of the town. When an aircraft has trouble, or a traveler himself has an accident, authority shall be granted to him to carry through necessary repairs. Once the repairs are accomplished he shall be advised to continue his flight unless there are unfavorable conditions.

ART. 16. The prohibited zones shall not be flown over unless permission is granted by the Ministry of War and Navy.

ART. 17. From the moment of mobilization until the reestablishment of the peace, any trips into the interior of the Ottoman Empire are prohibited. And consequently any plane may be considered enemy aircraft and so fired upon.

ART. 18. The present Regulation enters into force on the date of its promulgation.
ART. 19. The Ministers of War and Navy and Foreign Affairs are charged with the execution of the above provisions.

I do hereby decree that it shall be enforced and inscribed in the legislation of the Empire. Recep. 1332, 24 May 1330, Mehmet Reşat.

Part B

Air Navigation Regulation of September 9, 1925
(Seyırüsefer-i Havâi Talimatnamesi, 9 Eylül, 1341)

Chapter I

Air Space, Prohibited Zones

ART. 1. The air space of the Turkish Republic is limited by its territorial frontiers and by that of the seas which constitute its territorial waters.

Note: Turkish territorial frontiers with Bulgaria, Greece, Iraq and Syria were defined by the Treaty of Lausanne of July 24, 1923 (Great Britain Cmd 1929/1923); and relative the vilayet of Mosul by the Treaty with Great Britain of June 5, 1925 (Permanent Court of International Justice, Frontier between Turkey and Iraq, Article 3, Paragraph 1, Leyde, Societe d’Editions, A. W. Sijhof, 1925); with the Governments of the Socialist Soviet Republics of Armenia, Azerbaijan and Georgia by the Treaty of Kars of October 13, 1921 (Law Gazette of the Vilayet of Istanbul No. 72, of March 21, 1339/1923); with Syria relative to the Sancak of İskenderun (Republic of Hatay) by the final incorporation of this territory by Turkey on July 23, 1938.

Turkish territorial waters are considered to be six kilometers distant from the sea shore. No Turkish law, however, regulates this problem directly.

Present position: Turkish territorial frontiers and waters are indicated on the World Aeronautical Charts issued according to requirements stipulated in the ICAO Annex 4 Aeronautical Charts.

ART. 2. Airplanes and balloons other than Turkish are forbidden to fly over or to land in the prohibited zones established within the Turkish air space frontiers, as follows:

A. İzmir Zone: The whole territory between the line Kuşada*-Torbalı-Manisa-Kilisali** (Reşadiye)—Çandarlı and the sea shore, and an area ten kilometers distant from all points situated between Çandarlı and Kuşada* (including the İzmir Bay).

B. Çatalca Zone: The whole territory between the lines: Silivri-Istranca-Çalıngamlı farm-Kuşuçakçam village-Pirinçi village-Çiftealan-Malus Cliff, as well as an area ten kilometers distant from the shore of the Black Sea and the shore of the Marmara Sea adjacent to these territories.

C. İzmit Zone: The whole of the territory within the line Bozburun-Gemlik-Izink town-Sapanca-Armaşakaymaz-Ömerli (Beykoz Bay)-Kartal-Bozburun east from Beykoz-Bozburun.

D. Amasra Zone: The territory within the triangle formed by the curve of the river Filyos-Bartin-Kuruca-Şile and an area twenty kilometers distant from the Black Sea shore adjacent to the above territory.

E. Samsun Zone: The territory comprised by the line Cap Bafra-Bafra-Kavak-Ayvacik-Çargamba — the source of the river Yeşilirmak-and Cap Bafra, and an area of twenty kilometers distant from the shore of the Black Sea.

* Kuşada: present name Kuşadası.
** Kirisali: present name Karaisalı.
F. Trabzon Zone: The whole territory comprised by the triangle Cap Perus-Cevizlik-Sürmene and the shore of the Black Sea adjoining this triangle up to a distance of twenty kilometers toward the sea.


Note: All definitions of prohibited zones as indicated above are obsolete now: İzmir-Catalca-İzmit-Amasra-Erzurum-Kars zones are differently established now; Samsun and Trabzon zones are not existent.

Present Position: All Turkish prohibited zones are indicated now on the World Aeronautical Charts. Flying over Turkey is generally prohibited except through corridors.

Chapter 2

Freedom of Passage—Air Space Limits—Entry and Exit

ART. 3. The right to freedom of transit flights within the air space of the Turkish Republic is granted to non-military airplanes and balloons of the States which signed the International Convention on Aerial Navigation of October 13, 1919. These States are as follows: (America, Belgium, Bolivia, Brazil, England, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, Hedjas, Honduras, Italy, Japan, Poland, Portugal, Rumania, Serbo-Croat-Slovene State, Siam, Czechoslovakia, Uruguay.)

Note: The United States of America (named above as America only), Haiti, Honduras and Hedjas never signed the above Convention. China, Cuba, Ecuador, and Guatemala have signed it but never ratified. See: International Commission for Aerial Navigation, Bulletin Official No. 26, of December 1938, pp. 114-115.

Present Position: The Convention Relating to the Regulation of Aerial Navigation of October 13, 1919 including its Annexes ceased to be binding after enforcement of the Provisional Convention on International Civil Aviation in 1944, and since April 4, 1947 the Convention on International Civil Aviation of December 7, 1944 was enforced. The provisions of the above Article 3 are entirely obsolete.

ART. 4. Unless it shall be regulated otherwise internationally non-military airplanes and balloons of above named States are permitted to use only the following air routes:

Sea planes:
A. The Strait of the Dardanelles: south of Şarköy, then at a distance of ten kilometers south from the shore between Silivri and Küçükçekmece to Ayastafanos*;
B. The Strait of Bosphorus to Ayastafanos;

Land planes:
C. Edirne-Babaeski-Lüleburgas-Çorlu, along the shore between Silivri-Küçükçekmece to Ayastafanos* at the minimum distance of ten kilometers from the shore;
D. İstanbul-Şile-Adapazari-Eskişehir-Ankara-Kırşehir-Kayseri-Malatya-Siverek-Mardin;
E. Ankara-Kırşehir-Ulukışla-Adana;
F. For the transit flights İstanbul-Halep the air route: İstanbul-Şile-Adapazari-Eskişehir-Afyon-Konya-Karaman-Silifke-Adana.

* The present name of this locality is Yesilköy. Present position: The corridors through which flying to Turkey and over Turkey is permitted are indicated on the World Aeronautical Charts.
ART. 5. All non-military airplanes and balloons entering Turkey from abroad and intending to land within the Turkish air space frontiers shall land first in the aerodromes of entry, depending on the direction of their approach, as follows:

A. When approaching the south-west frontier: at Mardin;
B. When approaching the south-east frontier: at Adana;
C. When approaching from the Black Sea, from the Archipel, and from Europe: at Ayastafanos.

Chapter 3

Rules Concerning Military and Non-Military Aircraft

ART. 6. Military airplanes and balloons are the following: All airplanes and balloons directly belonging to the air force of a State or employed in State service for custom, police, or postal duties, or operating under the command of an air force pilot.

ART. 7. Registration marks of non-military airplanes and balloons, and nationality marking used by the Powers which signed the Convention regulating International Civil Aviation, are listed in Appendix Number One.

Note: This problem is regulated now by ICAO Annex 7: “Aircraft Nationality and Registration Marks” in force since October 1, 1949. Appendix No. One is obsolete.

ART. 8. Airplanes and balloons flying within the frontiers of the Turkish air space shall not transport film negatives and plates for photographic purposes without a special authorization. Similarly, the use of any kind of airplane or balloon for the transport of inflammable material, arms, munitions, bombs, and war material is prohibited. In case of war, when Turkey is in a state of war, non-military airplanes and balloons of the neutral states shall not carry wireless apparatus for telegraphy or telephony when entering Turkey.

Note: The above provisions are within the limits established by Article 35 of the Convention of International Civil Aviation of December 7, 1944.

ART. 9. In the absence of an agreement or concession, no foreign commercial aircraft shall engage in transportation services between any two points situated within the frontiers of the Turkish Republic air space.

ART. 10. Foreign airplanes and balloons, entering the frontiers of the Turkish air space, are subject to the jurisdiction of Turkish laws, regulations, and provisions stipulated by the Convention of October 13, 1919, regulating International Civil Aviation.

Note: According to the above Article foreign aircraft, when flying in/or over Turkey, are subject to Turkish laws in general, and in particular to provisions of the Regulation on Prohibited Zones of 1914, to the present Regulation of 1925 and to the obsolete provisions of the CINA Convention of 1919. All foreign air transport services, when in/or over Turkey, are also subject to the above Turkish legislation by virtue of a basic clause, inserted in all bilateral agreements concluded between Turkey and interested countries, which reads as follows:

“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

**Obsolete provision, as World Aeronautical Charts define the corridors for flying over or to Turkey differently. Obligatory landings now are at Istanbul (Yeşilköy), Ankara (Esenboga), and Adana.
operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline or airlines of the other contracting party."

In view that the Chicago Convention of December 7, 1944, to which Turkey adhered, is not yet formally enforced in Turkey as a Turkish domestic law, and the above Turkish Regulations were not amended since 1925, and the Annexes to the said Convention were not yet implemented into Turkish provisions, the status of the above Turkish legislation is contrary to Article 12 of the Chicago Convention, under this article each State was bound to bring its legislation up to date in conformity with the last named Convention.

**ART. 11.** When Turkey is in a state of war, non-military airplanes and balloons belonging to the enemy shall be treated exactly as military airplanes and balloons belonging to the enemy.

**ART. 12.** Foreign military airplanes and balloons may obtain authorization through diplomatic channels to enter Turkish air space. The following data should accompany a demand for authorization:

A. Number and type of aircraft and the reason for the trip;
B. The names of officers and of the crew;
C. Indication of the intended air route;
D. Call letters of aircraft, if equipped with radio;
E. The date of proposed visit.

**ART. 13.** If a foreign warship authorized to visit ports and territorial waters of the Turkish Republic, is accompanied by aircraft, the last named shall not be flown in the ports and territorial waters.

**Chapter 4**

The Strait of Bosphorus

**ART. 14.** In the area of the Strait of Bosphorus the provisions of the Treaty of Lausanne of July 24, 1923, shall be strictly observed.

*Note:* The above provision is misleading and deficient. It should have been "Convention relating to the Regime of the Straits of July 24, 1923" as only the last named Convention, but not the Peace Treaty of Lausanne, regulated the conditions under which civil aircraft could enjoy freedom of innocent passage by air in the Straits in general, and in Bosphorus in particular.

The Lausanne Convention relating to the Regime of the Straits of 1923, was abrogated and replaced by the Montreux Convention Regarding the Regime of the Straits of July 20, 1936. It regulated anew the freedom of innocent passage in the Straits by foreign aircraft and Turkey was entrusted with the execution of its provisions. The Turkish Grand National Assembly unanimously ratified this Convention on August 1, 1936 (Law 3056). This Convention became binding internationally on November 9, 1936, and was enforced in Turkey as the Turkish national law on November 14, 1936.

Since the ICAO Convention of 1944 regulated aerial navigation among the contracting states and Turkey, the provisions on aerial navigation under the Montreux Convention could apply now to states not being parties to the ICAO Convention.

**ART. 15.** When Turkey is in a state of war, neutral military airplanes and balloons may cross the Straits at their own risk and responsibility. For identification purposes, however, they shall land as follows:
A. Sea and land planes arriving from the Black Sea, in the port and aerodrome at Ayastafanos*;

B. Sea planes arriving from the Dardanelles, in the sea ports; land planes, in the aerodrome east of Nara. There, they will be subject to control.

Chapter 5

Aerodromes: Landing, Parking

Provisions relative to aerodromes are temporarily applicable to military aerodromes of the Turkish Republic at Ayastafanos* and at Eskişehir, and shall be applicable in the future to non-military aerodromes which will be established by special authorization.

Art. 16. All Turkish and foreign airplanes and balloons, when landing, shall observe air-traffic rules above and around aerodromes, and shall approach against the wind from the left side of the aerodrome in order to land directly against the wind, and take off from the right side of the aerodrome.

Note: ICAO Annex 2 “Rules of the Air” now regulates these problems.

Art. 17. Performing dangerous flights within the limits of two kilometers from the airport is prohibited.

Art. 18. Commercial aircraft, Turkish or foreign, may stop in military aerodromes provided that a parking fee be paid. The parking-fees are established according to the space occupied by aircraft and they are listed in the Appendix Number Two.

Art. 19. All commercial aircraft landing in aerodromes are bound to pay additional fees, called landing fees, as indicated in Appendix Number Three. The above landing-fees cover such routine services as starting the engine, transportation of fuel within the aerodrome, and similar services. Such services as taxiing of aircraft from the place of landing to the hangar and from the hangar to the take-off-place are not included in the above landing fees. For landing and parking of aircraft in aerodromes which belong to societies created by virtue of a special concession, the above fees shall not exceed that established in Appendices Two and Three.

Note: The above Problems (Articles 18 and 19) are regulated now by Article 15 of the Convention on International Civil Aviation of December 7, 1944, and its Annex No. 2 “Rules of the Air,” No. 9 “Facilitation of International Air Transport,” and No. 14 “Aerodromes.”

Art. 20. The Turkish Air Force shall not assume any kind of responsibility for damages and losses which may occur to aircraft landing or parked in the military hangars, nor for damages and losses to pilots, mechanics, vehicles, passengers, or commercial goods, which might originate from an act of God, such as fire, flood, storm, or explosion.

Art. 21. As far as possible, non-military aircraft staying in a military aerodrome, shall be furnished with petrol, lubricants, and other supplies at market prices. The proceeds from this source of income shall be collected in cash and entered as income in the military budget.

Art. 22. If an aircraft, when landing at a military aerodrome, has suffered damage which prevents it from taking off, it can be repaired with military help but only to the extent necessary for enabling the aircraft to reach the nearest civil aerodrome, unless it can be repaired by non-military means or removed from the military aerodrome. In any case, carrying on

* Present name Yeşilköy.
repairs in the military aerodromes by military means which might cost more than eighty Turkish liras is prohibited. The cost of supplies and petrol shall not be included in the above mentioned sum. Such repairs shall be supervised by responsible authorities of the Air Force. If the aircraft has lost its airworthiness its take-off shall be forbidden. The competent authority shall not be made liable for such decision.

ART. 23. Civil pilots may use aircraft workshops for repairs except those belonging to the main aircraft factories, wherein material constituting the property of the State shall not be used. The necessary permit for such repair shall be granted provided that facilities for such repair are available.

ART. 24. Turkish and foreign aircraft, when in military aerodromes, shall be permitted to use such means of tele-communication as telegraph, telephone, or wireless sets.

ART. 25. The above provisions referring to military aerodromes shall equally apply to land and sea aerodromes.

ART. 26. Civil hangars and aerodromes erected by virtue of a concession shall possess the same characteristics and qualities as military hangars and aerodromes.

ART. 27. All fees and rates shall be collected by Treasury officials. Officers and personnel of an aerodrome shall offer the latter's facilities as part of their duties.

Chapter 6

Airworthiness, National, Administrative and Commercial Documents

ART. 28. Acquisition of Turkish nationality by any civil airplane or balloon depends upon whether the aircraft is owned by a Turkish national or by an airline company having Turkish nationality under the provisions of the appropriate Turkish laws.

ART. 29. Airplanes and balloons, from the documents of which it can be ascertained are of Turkish nationality, shall bear the national marking (T) as identification of their Turkish nationality. Airplanes and balloons operating to foreign countries may carry an additional letter (T). This letter, indicating the Turkish nationality, shall be painted as large as possible on the under wings or on the upper wings, on the fuselage, or on perpendicular steering surfaces.

ART. 30. Turkish private owners of commercial airplanes or balloons shall apply for airworthiness test to the supreme Air Force authorities nearer defined in the hereunder mentioned articles of the present Regulation. The result of a test shall be inscribed in a special register and the certificate of registration shall be handed over to the owners of the aircraft.

The registration sign is composed of four letters and shall be painted behind the National marking on the fuselage and on the wings with the possibly largest letters. All Turkish and foreign, private or commercial aircraft shall produce on demand certificates of registration.

Note: The above problems are regulated now by ICAO Annexes Nos. 6—“Operation of Aircraft”; 7—“Aircraft Nationality and Registration Marks”; and 8—“Airworthiness of Aircraft.” Therefore, Articles 29-30 became obsolete.

ART. 31. In order to operate within the Turkish air space frontiers or abroad, all Turkish airplanes and balloons shall be in possession of a valid airworthiness certificate issued by the supreme Air Force authority. Unless the aircraft meets all required technical standards applicable to its construction, material, and efficiency, no airworthiness certificate shall be issued.
For the carriage of tele-communication wireless sets in Turkish airplanes and balloons an authorization shall be obtained from the supreme Air Force authorities. Such wireless sets shall be examined before each flight, to test their fitness, by mechanics possessing license of technical ability issued by the supreme Air Force authorities.

In compliance with the provisions of the Convention relative to Aerial Navigation, all Turkish and foreign aircraft shall be in possession of the above documents issued and verified by the government of the nationality of the aircraft. These documents shall be examined in the land- and sea-aerodromes of entry by the appropriate Air Force officials.

ART. 32. Any person desiring to perform any kind of service on airplanes or balloons possessing Turkish nationality shall be furnished with an appropriate certificate of competency stating, that after having passed a test, such person met sanitary and technical requirements for the performance of such service. Such certificate shall be issued by the supreme Air Force authority. Turkish and foreign pilots, navigation and radio crews, and mechanics belonging to flying personnel are forbidden to exercise their functions without possession of the appropriate certificates issued by their governments. These documents shall be examined in the aerodromes.

Note: Airworthiness of aircraft and tele-communication are regulated now by ICAO Annexes: No. 8 “Airworthiness of Aircraft,” and No. 10 “Aeronautical Tele-Communication,” in conjunction with ICAO Annex 1, “Personnel Licensing.”

ART. 33. All Turkish private or commercial airplanes or balloons operating within the air space frontiers of the Turkish Republic only, and those which enter Turkish air space arriving from any of the Contracting Powers, are bound to maintain log books and register therein the point of landing and taking-off as well as all particulars concerning their routes; a journal for entries of remarks relative to the technical equipment (available) in the airplane or balloon as well as to their motors; and a journal of tele-communication messages. These documents shall also be examined at the aerodromes of entry. The points of departure and of destination, which have to be entered in the log books, shall be closely examined in matters relating to foreign aircraft.

Note: Documents carried in aircraft were defined by Article 29 in conjunction with Articles 31-35 of the Convention on International Civil Aviation of December 7, 1944 as well as by ICAO Annexes No. 1, “Personnel Licensing,” No. 6, “Operation of Aircraft”; No. 9, “Facilitation of International Air Transport.”

ART. 34. Turkish private or commercial airplanes or balloons, operating within the air space frontiers of the Turkish Republic and engaged in transportation of passengers and cargo, are bound to possess, as are the ships of the Merchant Marine, documents relative to their commercial activities as follows: attestation of passing a quarantine, list of passengers, affidavits, and consignment lists. Sanitary, customs, and police formalities shall be entered in the aircraft documents at the entry points, and an appropriate certificate to this effect shall be handed over to the crew of airplanes or balloons.

Note: These problems are regulated by the Convention on International Civil Aviation of December 7, 1944, Article 29, f.g.; Article 23; Articles 13 and 14, Article 10, and by ICAO Annexes No. 6, “Operation of Aircraft—International Commercial Air Transport,” ICAO Annex 9, “Facilitation of International Air Transport.”

ART. 35. The provisions of the Regulation dated May 24, 1330, relative to the Prohibited Zones for Aerial Navigation, are to remain in force unless they are contrary to the present Regulation.
Note: The 1914 (1330) Regulation was reproduced in translation in the precedent paragraph.

Appendices:

List No. 1. National marking of aircraft belonging to foreign countries and their colonies.

Appendix No. 2. Fees of storage for aircraft in military aerodromes.

Appendix No. 3. Landing fees in military aerodromes.

In view of the fact that all of the above appendices became obsolete long ago they are not reproduced here in translation.

SECTION II

PART A

Law 2186 of May 23, 1988 Relative to the Organization of the State Administration for the Exploitation of Aerial Communication

Law 2186 was the first of the Turkish legal enactments enforced on the foundation of the Turkish State Airlines. It provided for the organization of State Airlines which were to operate on Turkish domestic routes only. The above law was enforced from June 1, 1933 until June 1, 1935 as long as the Turkish State Airlines was under the control of the Ministry of National Defense.

With the transfer of the named State Administration from the Ministry of National Defense to the Ministry of Public Works in 1935, Law 2186 was correspondingly amended by a new Law 2477 of June 1, 1935, in order to replace the name of the former supervising authority with that of the Ministry of Public Works.

Both the above Laws, 2186 and 2477, were repealed by Law 3424 of 1938 relative to the organization of the General Directorate of State Airlines, at the time, when the State Airlines was transferred to the control of the Ministry of Communications. The operations of said Airlines were to be extended to foreign countries by a sanction of the Turkish Grand National Assembly.

With regard to the fact that Law 2186 was the first Turkish legal enactment on which the foundation of the Turkish State Airlines was based, it is reproduced in the Appendix in its English translation.

Translation of Law 2186 of May 23, 1988 Relative to the Organization of a State Administration for the Exploitation of Aerial Communication; Voted on May 20, 1933, and Promulgated in the Resmi Gazeta No. 2411, of May 27, 1933.

ARTICLE 1. A State Administration for the Exploitation of Aerial Communication under the Ministry of National Defense and possessing the status of a juridical person is hereby created. The Administration shall organize airlines in Turkey and carry traffic upon them.

Art. 2. The Administration shall be of civil status and shall be governed by a Director whose appointment and release shall be decreed by the Council of Ministers on the request of the Minister of National Defense. Its headquarters shall be in Ankara.

Art. 3. The activities of the State Administration for the Exploitation of Aerial Communication shall be conducted with sums provided for in an additional budget appended to the present law.

Financial sources of the Administration shall consist of funds provided for by the law relative to the State Budget, whereby the form of subsidies
to be granted is defined in the Chapter on Expenditures of the Air Budget of the Ministry of National Defense, and income derived from the exploitation of aerial communication.

ART. 4. The establishment of necessary air routes shall depend on the consent of the Chief of the Great General Staff of the Armed Forces and shall be defined in the Budget Estimates.

ART. 5. When entering into contracts or making decisions relative to physical or juridical persons, and in establishing relations between the Administration and its functionaries and employees, the Administration shall comply with general statutory provisions.

The whole property, objects, means, and assets of the above Administration shall be public property.

The fares for transportation of persons and goods shall be established by the Administration. The fees for transportation of air mail shall be established jointly by the Administration and the General Administration of Postal, Telegraph, and Telephone Services, and may be enforced only upon the approval of the Council of Ministers by the Ministry of National Defense. Changes and modifications of fees are subject to the same procedure.

ART. 6. All installations and equipment of the State Administration for the Exploitation of Aerial Communication shall be repaired or improved by workshops belonging to the Ministry of National Defense. Military depots and stores shall provide, only in case of emergency, parts and equipment at cost, to the Administration.

The costs shall be booked as an expenditure in the Chapter of Expenditures of the Air Budget and simultaneously as income in the same Chapter. If the Ministry of National Defense grants appropriate consent, persons whose status and salaries are regulated by the Air Budget may be requested in case of emergency to render services to the Administration.

ART. 7. Purchases and sales made by the Administration shall not be governed by provisions of the law relative to “The Acquisition or Disposal of Objects by Public Auctions,” but by means of a special regulation which shall be issued by the Council of Ministers.

ART. 8. Expenditures of the Administration shall be made, and the bookkeeping system shall be organized, in compliance with the provisions of the law relative to the principles of accountancy applicable to State funds. The expenditures of the Administration shall be audited by the Court of Accounts after the expenditures have been made.

ART. 9. Pending the promulgation of a separate regulation relative to the air-police functions, the penal provisions of the State Railway shall apply to offenders who damage installations and property of the Administration or in any other form prejudice air-traffic safety.

ART. 10. No one shall be transported gratuitously on aircraft belonging to the State Administration for the Exploitation of Aerial Communication.

ART. 11. The maximum indemnity in cash to persons injured in an accident or to their families shall not exceed ten thousand Turkish liras. For this reason every passenger is automatically insured for 10,000 Turkish liras. The insurance premium is included into the price of passage fare and is to be paid to interested persons by the Administration.

ART. 12. The present Law shall become effective June 1, 1933.

ART. 13. The Council of Ministers is charged with enforcement of this Law.
This is the law, which was enforced in 1938, and which constitutes the
basic set of norms regulating the organization of the Turkish General
Directorate of State Airlines. The above Law 3424 is reproduced here in
English translation. Between 1939 and 1953 a number of additional laws
and ordinances was promulgated in connection with the above mentioned
law. This additional legislation, however, referred in the most part to
Turkish internal problems of employees and airlines officials of the above
General Directorate, methods of dealing with funds, or, ways of acquisition
of wireless sets and spare parts for aircraft. Although the additional laws
and ordinances did not change the basic provisions of Law 3424 in matters
relating to Turkish State Airlines organization, they are named here for
order's sake:

1. Law 3607 relative to the execution of the provisional financial estimates
for the years 1939 and 1940 for the State Airlines services.
(Devlet Havayolları hizmetleri için 1939 ve 1940 mali yıllarına geçici
taahhüt icrasına dair Kanun.) (Dištur vol. 20, p. 637.)

2. Law 3660 relative to granting of pensions for widows and orphans of
pilot Ekrem Ermek and engineer Sami Demirel who lost their lives
while in performance of their duties.
(Devlet havyollarında vazife uçuşu esnasında şehit düşen pilot Ekrem
Ermek ile makinist Sami Demirel'in dul ve yetimlerine takaüt maası
tahsisı hakkında Kanun.) (Diştur vol. 20, p. 1546.)

3. Law 3717 relative to the ways of acquisition of installation of wireless
sets and spare parts for aircraft needed by the State Airlines.
(Devlet Havayolları Umum Müdürliği ihtiyaç için telsiz eihazi ve
tayyare yedek mazeme ve sair mubahasa hakkı hakkında Kanun.) (Diştur
vol. 20, p. 1748.)

4. Law 3822 relative to the amendment of the organization of the General
Directorate of State Airlines.
(Devlet Havayolları Umum Müdürüliği Teşkilatı Kanununda değişiklik
yapılmasına dair Kanun.) (Diştur vol. 21, p. 815.)

5. Law 4167 relative to the amendment of Laws 3424 and 3822 in matters
of the organization of the General Directorate of State Airlines.
(Devlet Havayolları Umum Müdürüliği teşkilatı hakkındaki 3424 ve
3822 sayılı kanunlardaki değişiklik yapılması ve bu kanunlara bazı
hükümler ilavesine dair Kanun.) (Diştur vol. 24, p. 1551.)

6. Law 4860 relative to additional funds granted to the General Directo-
rate of State Airlines for its needs.
(Devlet Havayolları Genel Müdürlüğü ihtiyaçları için gelecek yıllarda
geçici yüklenmelere girişilmesi hakkında Kanun.) (Diştur vol. 27,
p. 920.)

7. Law 5213 relative to the additional regulation of organization of the
General Directorate of State Airlines.
(Devlet Havayolları Genel Müdürlüğü teşkilatı hakkındaki 3424 sayılı
kanuna ek Kanun.) (Diştur vol. 23, p. 1050.)

8. Law 5446 relative to officials and personnel of the General Directorate
of State Airlines.
(Devlet havayolları Genel Müdürlüğü memur ve müstahdemlerinin
Kanunu.) (Diştur vol. 31, p. 102.)
9. Law 5843 relative to the amendment of Article 1 of the Law 4860 concerning granting of additional funds to the General Directorate of State Airlines.

(Devlet Havayolları Genel Müdürlüğü ihtiyaçları için gelecek yıllarda geçici yüklenmelere girişilmesi hakkındaki 4860 sayılı kanunun birinci maddesini değiştiriren 5076 sayılı kanuna ek Kanun.) (Düstur vol. 32, p. 1991.)

10. Ordinance No. 3/8687 relative to the amendment of Article 7, 8, 9, 12 and 33 of the Regulation concerning the personnel of the General Directorate of State Airlines.

(Devlet Havayolları Genel Müdürlüğü memur ve müstahdelerinin vazife ve salâhiyetleri ve idare muamälâtının tedvir sureti hakkındaki Tüzüğüün 7, 8, 9, 12 ve 33 üçüncü maddelerinin değiştirilmesine dair Tüzüğü yürütülüğü koyan Bakanlar Kurulu Kararı.) (Düstur vol. 30, p. 151.)

Section 4A

Translation of Law No. 3424, of June 5, 1938, Relative to the Organization of Services of the General Directorate of State Airlines; Voted June 3, 1938, and promulgated in Resmi Gazeta No. 3933, on June 14, 1938.

ARTICLE 1. The General Directorate of State Airlines is a corporation possessing the status of a juridical person under the control of the Ministry of Public Works, and was created for the organization of airlines and for the transportation of passengers, cargo, and air mail within and outside of the frontiers of the Turkish Republic. Its supreme authority is the Minister of Public Works.

ART. 2. The appended list to the present law comprises the budgeted personnel of the General Directorate of the State Airlines, their number and rank, and their allotment to the services. The budget of personnel comprises the maximum number of vacancies provided for the corresponding services; nevertheless functionaries of a lower rank may be requested to render services specified for functionaries of an immediately higher rank.

ART. 3. The functionaries of the General Directorate of State Airlines are subject to the same legal provisions as the functionaries of the State.

The provisions relative to the retirement from active service, provided by Law 1683 for State functionaries, shall apply to functionaries of the above General Directorate. The years of previous service spent by functionaries of the above General Directorate in any of the State Departments named in the General Budget, and the years of service spent by functionaries in the above General Directorate, who might be transferred to any of the above State Departments, shall be included in the number of years required for retirement.

ART. 4. The provisions of Law No. 2454 and its Appendix No. 2904, relative to the conditions of retirement from active service of the functionaries of the State Railways, shall apply to functionaries of the above General Directorate and to other employees who were engaged by the General Directorate on salaries equivalent to those named in the Budget-List.

The sum of 5 per cent, withheld monthly from the salaries and destined for the retirement fund, and the sum of 0.5 per cent, withheld from the salaries monthly and destined for the disablement fund, shall be collected by the General Directorate of State Airlines, and shall be transferred yearly to the Retirement Fund of the General Administration of State Railways.
In consideration of the accomplishment of the years of service for retirement purposes, each year spent by flying personnel on flight service shall be acknowledged as the equivalent of one and a half years of actual service.

ART. 5. In case of an accident to an aircraft while on duty, causing the death of the pilot-in-command, co-pilot, engineer, mechanics, or radiooperator, the above General Directorate shall pay to the heirs of each of the deceased an indemnity of five thousand Turkish liras independent of pensions to be granted to widows and orphans of such deceased persons.

ART. 6. (A) The Director General of the General Directorate of State Airlines shall be appointed and relieved by a decree of the Council of Ministers on the request of the Minister of Public Works.

(B) The Director of Accountancy of the General Directorate of State Airlines shall be appointed by the Minister of Finance.

With regard to other functionaries and employees of the General Directorate, special regulations shall govern their appointment, transfer, change, rendering of services, and scope of rights and duties. The regulations shall also provide for the procedure of election of the Administrative Committee, its sphere of activities, and the conduct of managerial problems. It is within the discretion of the Minister of Public Works to establish rules and conditions of transportation by air and all particulars as to the operation of the General Directorate of State Airlines.

ART. 7. The entire property of the General Directorate of State Airlines shall be considered the property of the State. Therefore, any theft, improper disposal, embezzlement, abuse of confidence, etc., which is committed, to the detriment of the above property, shall be treated according to the penal provisions applicable to offenses committed against the property belonging to the State.

ART. 8. Any surplus of income of the above General Directorate shall be transferred to the Treasury, which, in case of deficit, shall assure the balance of the Budget of the General Directorate.

ART. 9. Expenditures of the above General Directorate, and the system of accounting for such expenditures, are governed by the provisions of the law relative to public accountancy. In any case the verifications of such expenditures shall afterwards be submitted to the Court of Accounts for post-audit.

ART. 10. The tariffs for transport of passengers and baggage, use of airports and hangars belonging to the General Directorate of Airlines, and rates for the transport of air-mail (which shall be established jointly by the General Directorate and the General Administration of the Postal and Telecommunication Services) shall not be enforced until approved by the Ministry of Public Works.

ART. 11. No passenger shall be permitted to travel gratuitously on aircraft belonging to the General Directorate of State Airlines with the exception of functionaries of the above General Directorate while on duty.

ART. 12. All installations, machines, and property belonging to the General Directorate of State Airlines shall be repaired or improved at cost by military and civil workshops belonging to the State. In case of emergency the General Directorate may acquire at cost any kind of material and spare parts from depots or stores belonging to the military or civil authorities.

The costs of required repair, material, and spare parts shall be paid to the above depots and stores in conformity with methods governing such transactions in the said depots or stores.
ART. 13. Aircraft belonging to the General Directorate of State Airlines may take advantage of and gratuitously use aerodromes, runways, and landing places of the Air Force and those of the Turkish Air League.

On the basis of reciprocity, aircraft of the above Agencies may gratuitously use aerodromes and auxiliary runways of airfields belonging to the above General Directorate.

ART. 14. The General Administration of Meteorological Service shall make necessary meteorological observations at the times indicated by the General Directorate of State Airlines and transmit them to aerodromes of the General Directorate at the times indicated by it.

The General Administration of the Postal and Telecommunication Services shall transmit at the highest priority all kinds of weather-service telegrams, and all messages relating to aviation safety, and addressed to the General Directorate of State Airlines.

The General Directorate of State Airlines and the General Administration of Meteorological Service may reciprocally use each other's radio stations. With regard to meteorological stations built in the radio stations of the General Directorate of State Airlines by the General Administration of Meteorological Service, it is expected that, by means of mutual cooperation of the above Agencies, the establishment of spheres of activities of functionaries employed there will facilitate the performance of their duties.

ART. 15. Passengers undertaking an air trip shall enter into insurance contracts amounting from 1,000 to 10,000 Turkish liras. The insurance amounting to 1,000 Turkish liras shall be obligatory on each passenger. The insurance premiums shall be established by the insurance agency and approved by the Minister of Public Works. The insurance premiums shall be included in the price of air tickets and shall be collected by the General Directorate of State Airlines. The price of the premium shall be recorded on the account of “Diverse—Creditors” of the General Directorate and transferred to the appropriate insurance company.

In case of death or illness caused by an accident, the insurance company shall pay the insured sum, in compliance with the contract clauses, either to the passenger who suffered injury or to the legal heirs of deceased persons.

ART. 16. All aircraft, radio sets, semaphore installations, and traffic-safety arrangements, as well as spare parts and equipment acquired by the Ministry of Public Works and imported from abroad for the General Directorate of State Airlines shall be exempted from any customs duties or taxes.

Temporary Article 1.

Technical and special personnel working for and paid by the General Directorate of State Airlines shall receive, only once in this exceptional case, the status of functionaries of the General Directorate, whereby any such transfer on General Directorate status shall not involve an increase in salary.

Such transfer shall never be considered as acquisition of statutory rights except for those who have spent at least three years in the service of the above General Directorate, and are transferred to another Department under the Ministry of Public Works. Such employees who have not graduated from a university, shall not be appointed to positions requiring qualification of a graduate and named in the Category “A” of the Law No. 1452.

Temporary Article 2.

Pending the possibility of securing university graduates for the vacancies provided for in the Personnel Budget of the General Directorate, the employment of temporary substitutes is permitted. Such temporary em-
ployees shall be reclassified and engaged on salaries not exceeding those provided for appointees for defined services of the General Directorate.

ART. 17. Laws Nos. 2186 and 2744, dated May 20, and 30, 1935, relative to the Organization of the Administration of State Airlines, are abrogated herewith.

ART. 18. The present law shall become effective on May 30, 1938.

ART. 19. The Council of Ministers is charged with the enforcement of the present law.

The following sources of information are quoted in the footnotes in abbreviated form:

4. Distur—Compilation of Turkish Laws; see “Bibliographical Appendix.”