

A B S T R A C T

Civil Aviation Law in Jordan

Hani Saleh Baqain

Institute of Air and Space Law

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This thesis deals with some aspects of the Civil Aviation Law in Jordan and the Government departments which deal with civil aviation, one way or the other. This study concentrated on the Civil Aviation Law No. 55/1953, which is the law presently in force in Jordan.

The thesis is composed of five Chapters:

Chapter I is an introductory study of the Civil Aviation Law with a short historical background to the emergence of Jordan as an independent state.

Chapter II deals with the Government departments concerned with Civil Aviation, particularly, the construction of the Civil Aviation Department and its administrative, legislative and judicial functions.

Chapter III deals with the law and regulations governing the aerial navigation with some details such as general conditions of flying and general safety conditions.

Chapter IV deals with rules governing air transportation activities.

The concluding Chapter V contains the recommendations for improving and developing the government institutions concerned with Civil Aviation in Jordan, in addition to the necessity of enacting a new civil aviation law to meet the future developments in civil aviation in Jordan.

The rest of the thesis contains the Bibliography and **four** Appendixes:

- I. The Civil Aviation Law No. 55/1953
- II. Provisional Ordinance No. 20/1968
- III. The Construction of the Civil Aviation
Department
- IV. List of Bilateral Agreements in Jordan.

CIVIL AVIATION LAW

IN

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by

HANI SALEH BAQAIN

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TO my Parents who Gave me the Life

TO my Wonderful Fiancée who Made it Worth Living

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Abbreviations

AACO	Arab Air Carriers Organization
AJIL	American Journal of International Law
AWA	Arab World Airlines Consortium
AIp	Aeronautical Information Publication
BYJL	British Year Book of International Law
CAB	Civil Aeronatucial Board
CMD	Command Paper (presented to the Britannic Parliament by Command of His Majesty)
JALC	Journal of Air Law and Commerce
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
PIA	Pakistani International Airways
RJAF	Royal Jordanian Air Force
UAA	United Arab Airlines.

CHAPTER I

INTRODUCTION TO JORDANIAN CIVIL AVIATION LAW

Emergence of the Hashemite Kingdom of Jordan

Jordan emerged as an independent sovereign State on the 22nd of March, 1946.¹ Its present territory is comprised of the former mandated territory of Transjordan and that part of Central Palestine which remained in Arab hands after the signature of the Armistice Agreement between

¹ Jordan was included in the British Mandate for Palestine until March 22nd, 1946 when, by treaty signed in London, the United Kingdom recognized Transjordan as a sovereign independent state. This treaty initiated a new phase in the political development of Transjordan - there was a new complete change in the official status. To give greater semblance of independence to Transjordan, a new treaty was signed on March 15th, 1948. Finally this treaty was terminated on March 7th, 1966.

See Jordan Directorate of Press and Information, Risalah al-Urdun, Amman, February 1959. For comprehensive study, see:

Abidi, Aqil Hyder Hasan, Jordan, A Political Study 1948-1957, London 1965.

Munib al-Madi and Sulyman Musa, Tarikh al-Urdun Fi Al Qarn Al Ishrin (The History of Jordan in the 20th Century) Amman 1959.

Jordan and Israel in 1949.² For almost four centuries prior to the First World War, these territories formed part of the Turkish Empire.³ At the end of the war, both Palestine and Transjordan came under the British administration and were administered as a mandated territory.⁴

Glubb, John Bagot, Story of the Arab Legion, London 1946.

Tuqan, Baha Uddin, A Short History of Transjordan, London 1945.

²Jordanian-Israeli General Armistice Agreement signed at Rhodes, UN Doc. S/1302/Rev.1. See: Security Council official records, Special Supplement No. 1 (New York, June 20th, 1949), also see: Basic Doc. Series No. 3. The Institute for Palestine Studies, Beirut 1967.

³See Antonius George, The Arab Awakening, London 1955.

Zeine, N. Zeine, Arab-Turkish Relations and the Emergence of the Arab Nationalism, Beirut 1958

Also see: Dajani, B. "National Movement for Freedom in Suria and Palestine". India Quarterly New Delhi Vol. 3, 1947.

⁴On November 2nd, 1917, during the advance into Palestine of the Allied Forces under General Allenby, the Earl of Balfour (then Mr. Arthur), at that time Foreign Secretary, made on behalf of His Majesty's Government, his famous declaration ... for the Establishment in Palestine of a National Home for the Jewish People. The Declaration was endorsed by the principal Allied powers and embodied in the Treaty of Sévers, signed on August 10th, 1920. In that Treaty, under which Turkey renounced her sovereignty over Palestine, it is provided that the country shall be entrusted to mandatory power which shall carry out the terms of the Declaration according to a mandate to be approved by the League of Nations. At the Supreme Council of the Allied

In 1921, the British recognized Amir Abdullah of Hejaz as the ruler of Transjordan, but effective control over the government continued to be in their hands.⁵

powers held at San Remo in April 1920, it was agreed that Great Britain should be entrusted with the mandate. Transjordan was occupied in October 1918 by both the British and Arab troops and subsequently formed a part of the occupied enemy territory (East) under the Arab administration headed by Amir (afterwards King) Faisal. Technically, it remained a part of the occupied enemy territory (East) until the San Remo Conference entrusted the mandate to His Britannic Majesty in 1920. Although, after the evacuation of the British troops in December 1919, Amir Faisal was declared King of Syria which included Transjordan. When the French troops occupied Syria, for which they held the mandate, King Faisal was expelled from the country. Transjordan was re-occupied by a detachment of the British Royal Air Force. The High Commissioner for Palestine proceeded to Salt in August and announced that His Majesty's Government favoured the establishment of local self-government assisted by a few British officers as advisers. For further details and legal documents, see:

Luke, Sir Harry and Keith-Roach, Edward. "The Hand Book of Palestine and Transjordan", London 1934. Also, Davis, Helen Milier, "Constitutions, Electoral Laws, Treaties of States in the Near and Middle East", Durham; Duke University 1947. J. Stoyanovsky, "The Mandate for Palestine", London 1928 Council of the League of Nations, Mandate for Palestine, together with a note by the Secretary-General relating to its application to the territory known as Transjordan under the provision of Article 25. London (His Majesty's Stationery Office) 1922.

⁵ On March 27th, 1921, a conference was held in Jerusalem between the Secretary of State for Colonies (Winston Churchill), the High Commissioner and Amir Abdallah, at which an arrangement was made whereby the Amir undertook to assume the administration of Transjordan under the general direction of the High Commissioner for Palestine representing the Mandatory power. For more details, see:

At that date, there was no constitutional government in Transjordan and it was still subject to the League of Nations mandate for Palestine although exempt from some of its clauses concerning the establishment of a Jewish National Home.⁶

A constitutional law defining the government of the Amirate of Transjordan was promulgated in 1928,⁷ known as the Organic Law (Kanun Asasi) of April 19, 1928; with some amendments, it continued to be in force until 1946. In 1946, the mandate was terminated and a new constitution

Abu Ash-Sha'r, Amin, Mudhakkirate al-Malek Abdallah ben al-Husain (San Pablo 1953) pp. 176 - King Abdallah's Memoirs.

Also see: Lequeur, Walter Z., Communism and Nationalism in the Middle East, London 1956, pp. 220

Abidi supra note 1, pp. 5-6, also Luke supra note 4, pp. 464.

⁶In September 1922, a memorandum from His Majesty's Government declaring by virtue of article 25 of the Palestine Mandate that the articles of that Mandate relative to the establishment of a Jewish National Home in Palestine would be inapplicable to Transjordan was approved by the Council of the League of Nations. See the Mandate for Palestine Cmd. 1785 (1922) His Majesty's Stationery Office. See supra Luke, pp. 465, and Stoyanovesky Annex I supra note 4.

⁷Transjordan, the Official Gazette No. 188 (April 19, 1928) and also see Cmd. 3069 (1928) His Majesty's Stationery Office, London.

was promulgated which declared Transjordan an independent and sovereign state under the name of "The Hashemite Kingdom of Jordan" with Abdullah as the King.⁸ The Constitution provided for a government in which most of the powers were concentrated in the hands of the King.⁹ The executive power was vested in him, and the legislative power was shared between him and an elected Chamber of Deputies. Ministers could be appointed and dismissed by him and were responsible to him but not to the Chamber of Deputies.

The Eastern part of Palestine was incorporated into the Kingdom of Jordan on the 24th of April, 1950, by a resolution adopted by the Jordanian Parliament (Majlis al-Uma).¹⁰

⁸The draft of the Constitution was finalized on the 28th of November, 1946, approved by the King on December 7, 1946 and published in February, 1947. Transjordan: Official Gazette, February 1, 1947.

⁹The King was recognized as the source of all authority. The newly-expanded legislature had a wider base but the King continued to wield overriding powers under Article 53 of the Constitution; for further elaboration, see: Van Deusen, Edwin B.: The Development of Democratic Institution in the Hashemite Kingdom of Jordan. M.A., unpublished thesis submitted to the American University of Beirut (1955) and Raf'i, Nizar Rashid: The Constitutional Government in Jordan. M.A. Thesis unpublished, Washington D.C., 1956.

¹⁰King Abdullah convened an extraordinary joint session of the Parliament on April 24, 1950. The purpose of this session was to get parliamentary confirmation of the union between the two banks on the same day:

After the assassination of King Abdullah in 1951, a new Constitution was adopted by Jordan on the 1st of January, 1952.¹¹ This Constitution, as amended in 1954, 1955, 1960 and 1965^{11a} is the one now in force.

the Parliament passed a joint resolution dealing with the union:

it confirms the complete unity of the two banks of the Jordan, Eastern and Western, and their union into one state which is the Kingdom of Jordan headed by His Majesty the exalted King Abdallah ben al-Husain, a State based on a parliamentary constitutional order and an equality of rights and duties among all the citizens.

Secondly, it emphasizes upon the protection of all Arab rights (in Palestine) and defence of these rights by all lawful means ...

The union between the two banks of Jordan was recognized by the British Government on April 27, 1950 with reservation regarding the border in Jerusalem. The effect of the Anglo-Jordanian treaty was extended to the new territory. This extension was resented by Israel. See Transjordan, Mudhakiratte Majlis al-Uma (Parliamentary Debates) 2nd of November 1948 and 24th of April 1950. Middle Eastern Affairs, (New York), April 1950, pp. 190. Britain, House of Commons, Parliamentary debates, 474, 27th of April, 1950. Falastin (daily newspaper) 29th of April, 1950, Jerusalem. New York Times, 25th of April, 1950. Abidi supra, pp. 53-84. Abdallah at-Tell: Kartha Falestin, 1959 Cairo (Palestine disaster) (in Arabic); Airf al-Arif: An-Nakbah, Beirut, 4 volumes (in Arabic).

¹¹The Constitution in its final form had 9 parts and 131 articles, The Official Gazette, 8th of January, 1952, pp. 3-14. See also Constitutions of Asian Countries, prepared by the Secretariat of the Asian-African legal Committee, New Delhi, 1968.

^{11a}The amendment published in the Official Gazette, No. 18311, 1965 (The Constitution Amendment Act).

The pressing need for legal integration was anticipated by the unification of what was formerly known as Transjordan with that part of Eastern Palestine which is now called West Bank of Jordan. In order to get a true picture of the situation today, we must glance briefly at the legal system applicable in both parts before the unity.

The then existing Transjordanian Code of Laws was found inadequate for the new state for the simple reason that the legal system on both sides had been developed on different lines. In Palestine, initially, the Ottoman law enforced on the 1st of November, 1914 was continued.¹² However, gradually, it was replaced by the common law of Britain and British Statutes and Rules. In Transjordan, the British Common Law was not enforced or enacted, The old Ottoman Commercial and Criminal Codes (Al-Mejelle) and the rules of procedure constituted the bulk of the "corpus juris". In May 1948, the Military Governor General proclaimed that all laws and regulations in force in Palestine up to the termination of the Mandate should remain in force unless they contravened

¹²The British Mandate authorities in Palestine, by virtue of Article 46 of Palestine Order in Council, 1922, proclaimed that the Ottoman laws enforced on November 1914 should remain in force in Palestine unless repealed or amended. See: Mogannam, E. Theodore: Development in the legal system of Jordan. The Middle East Journal, Vol. VI (1952) pp.196

the Jordanian regulations.¹³ After the general elections in 1950, a Judicial Committee, consisting of judges and lawyers from both regions, was set up.¹⁴ Its task was to study the integration of the then existing systems of law. The result of its deliberation was basically a compromise solution with markedly "progressive learnings". Among the unified laws enacted late in 1951, were a Criminal Code, Criminal Procedures Code, Law of Evidence, the Land Law, Civil Procedure Rules and Income Tax Law.

As far as Civil Aviation Law is concerned, we should note that there was no law in the true sense until 1952 when a draft law and regulations were prepared and brought into force in 1953.¹⁵ These law and regulations are in effect today.

¹³Ibid

¹⁴The Committee studied also amendments to the Constitution. See: Al-Majali, Hazza: Mudhakhirati (1960) pp. 95, Amman (in Arabic) (My memoirs).

¹⁵Published in the Official Gazette, No. 1135, March 1st, 1953. The law was prepared by British expert. Before the enactment of this law, the Air Navigation (Colonies Protectionates and Mandated Territories) order of 1934 as amended in 1937 which was based on the Paris Convention, was applicable in Palestine and abrogated by the above-mentioned Jordanian Civil Aviation Law No. 55, 1950. See: Pepin, Eugene: Development of the National Legislation on Aviation since the Chicago Convention, 24, J.A.C.L. 1957, pp. 1-13.

International Conventions and Agreements Relating
to Civil Aviation in Force in Jordan

We find that the Hashemite Kingdom of Jordan is a party to various Conventions as well as a participant in several Agreements in the following two fields:

1. Regional International Level (Arab World)

i) The Convention on the establishment of the "World Arab Airline".¹⁶ 1961

ii) Arab Air Transit Agreement.¹⁷ 1963

¹⁶Up till now, the "World Arab Airlines" is the only example in the international civil aviation arena for an international operating agency. See: Khairy, Mostafa H.Y.: "Transnational Commercial Organizations in Public International Law" Thesis submitted to the Faculty of Studies and Research in McGill University (Montreal) 1970, pp.99. This Convention signed in Baghdad on April 17, 1961 was ratified by Kuwait, Jordan, Syria, the Syrian Arab Republic and Iraq but has not come into effect yet. See Arab League "Agreements and Treaties between the Arab States", Cairo (in Arabic).

¹⁷Signed on March 25, 1963 in Cairo, ratified by Jordan on June 10, 1963, also by Kuwait, U.A.R. and Iraq, this Agreement came into force after Iraq deposited the ratification instruments on May 17, 1965. See Article 5 of this Agreement, Ibid, and Isam Kanham, Thesis, McGill University, 1970 "Bilateralism in the Arab World". Compared to the International Air Service Agreement, the Arab Transit Agreement varies in two points:

i) it is only for the Arab countries, and
ii) it grants the first two freedoms to all Arab civil aircraft;
whereas the Transit Agreement is open to all ICAO members and grants the first two freedoms only for scheduled international air services.

iii) Convention on the Civil Aviation Council
of the Arab States.¹⁸ 1967

2. International Level

i) The Warsaw Convention.¹⁹ 1929

ii) The Chicago Convention.²⁰ 1944

iii) The International Air Services Transit
Agreement.²¹ 1944

National Aviation Legislation

The following laws together with one ordinance
are in force in the Hashemite Kingdom of Jordan.

¹⁸ Signed on April 2nd, 1967 and ratified by Jordan
on September 8th, 1967. Another sphere of cooperation is
achieved at the government level through the Civil Aviation
Council of the Arab States based in Cairo. During its short
career, it scored two important successes: A Multilateral
Arab Civil Aviation treaty is now on its way to ratification.
By virtue of this treaty, any two Arab carriers may vary
frequencies between their two cities by direct understanding
and not through government formalities. Furthermore, the
treaty standardizes legislation. According to its Article 17,
the Convention came into force on October 4, 1967, one month
after Jordan, the fourth state, had deposited its ratification.

¹⁹ Jordan adhered to the Warsaw Convention on
December 17, 1937. The accession was made by the U.K.
See: Showcross and Beaumont, Vol.2 3rd 1966, London.

²⁰ Adhered to Chicago Convention on March 18, 1947.
See ICAO Doc. 7965, January 1970.

²¹ Adhered to Transit Agreement March 18, 1947. See Ibid.

1. Law of Civil Aviation, No. 55,²² 1953, which empowers the Minister of Transport to make rules and regulations for carrying out the Convention relating to the regulation of International Civil Aviation signed on December 7, 1944 at Chicago. It also empowers the Minister to make rules for the control of navigation and for the investigation of accidents. The law also gives effect to the Warsaw Convention of 1929 for the unification of certain rules relating to International Carriage by Air. However, the above law has been amended by the following:

- i) Law No. 37/1954²³
- ii) Law No. 34/1958²⁴
- iii) Provisional Law No. 11/1959²⁵
- iv) Law No. 31/1961²⁶

²²Published in the Official Gazette No. 1135 March 1953, supra note No. 15

²³Published in the Official Gazette No. 1207 January 1, 1955

²⁴Published in the Official Gazette No. 1404 November 16, 1958

²⁵Published in the Official Gazette No. 1414 March 1, 1959

²⁶Published in the Official Gazette No. 1564 September 2, 1961

2. Provisional Ordinance No. 20/1968²⁷

(Alia/The Royal Jordanian Airline Ordinance)

This ordinance provides for the establishment of the only government-owned air corporation for operating both the international and domestic air transport services. It also empowers the corporation:

i) to manufacture, build, establish, assemble and maintain aircraft engines, aircraft frames, workshops, all kinds of machines, instruments, equipment and means of transport which will be necessary for the operation of air transport and whatever might be related to it from operations and ground services.²⁸

ii) to establish and run airports, warehouses, stores, hangars, reception and despatch stations for aircraft, workshops with all machines and instruments, equipment, buildings, hotels, and restaurants connected with the corporation's functions.²⁹

iii) To do the work of commercial agency for the corporation in respect of aircraft manufacturing, frames, engines, workshops, instruments, machines and equipment.³⁰

²⁷Published in the Official Gazette No. 2079 March 3, 1968.

²⁸Provisional Ordinance No. 20/1968 Section 5

²⁹Ibid

³⁰Ibid

iv) to work in all tourist operations which are connected with it inside or outside the country and to arrange and hold aviation parties, contests, exhibitions and carry out all necessary work in order to encourage and support aviation.³¹

v) to work in all that is connected with aerial photography, air survey, struggle against agricultural plights, air spraying of crops and all that is related to wireless operations and weather conditions.³²

vi) to establish and manage the Institute for Civil Aviation, wireless, engineering, air and ground services and practical training in aviation and air navigation.³³

vii) to prepare and qualify the youth of the Kingdom to undertake technical and administrative work which is necessary for the aviation activities.³⁴

3. Ministerial decision of 1953 concerning aerial navigation fees.³⁵

³¹Ibid

³²Ibid

³³Ibid

³⁴Ibid

³⁵See post, Chapter 2, Note No. 10

National Airlines (Brief Historical Survey)

Commercial airline development in Jordan has been featured by a fairly rapid succession of operators and corporate organizations.

First, there was Arab Airways, which was formed in 1946 by British and local interests. This company operated with Rapides until 1953 when DC-3s were acquired after BOAC had become the major shareholder. Meanwhile, a rival operator, Air Jordan, had started services using Airspeed Consuls in 1950 parallel with Arab Airways on the Jerusalem, Beirut and Cairo routes. In 1953, this company also acquired DC-3s following the participation of Transcoan.³⁶ Both Arab Airways and Air Jordan competed head-on until 1958 when, because of mixture of chronic deficits, uncertainty resulting from the war with Israel and government pressure for rationalization, the two airlines merged to form Air Jordan of the Holy Land. With the Transocean the main participant (BOAC having sold out), the new airline expanded quickly but

³⁶ A large American non-scheduled carrier at that time.

suspended operations on August 30, 1961 when the government cancelled its license.³⁷ The government took immediate steps to form yet another airline, Jordan Airways, to take over the Air Jordan routes. Capital of the new company was subscribed as follows: The Jordanian government, 25%; Middle East Airlines, 35%; and private Jordanian investors, including some former Air Jordan stockholders, the remaining 40%. Jordan Airways operated until late in 1963 with a fleet of three Viscounts wet-leased from the Middle East Airlines. But by then it was obvious that the aviation interests of Beirut and Amman were contradictory,³⁸ so the government decided to launch Royal Jordanian Airlines.

It was quite clear from this brief history that no Jordanian airline could serve the country's interests properly if foreign shareholders were its first alliance; with this in mind, the government approached various parties to try and form a locally-controlled airline. These approaches led to the formation in December, 1963, of the Royal Jordanian Airlines with the majority of the shares held by the government in return for two Handly page Herald's

³⁷ Officially because of gun-running activities in the Congo but also because of mounting indebtedness.

³⁸ The Lebanese apparently wished to see the Jordanian carrier only as a feeder for MEA.

which had previously been acquired by the RJAF. These two aircrafts were immediately put into service on the shorter local routes. The next biggest block of shares was issued to the Lebanon International Airways (now merged with MEA) in return for two DC-7s. The remaining shares were mostly distributed among local interests. During 1964, the new airline forged ahead. With the two Heralds operating west to Beirut, Aqaba, Cairo and Jerusalem, and two DC-7s operating East to Kuwait and Jaddeh, the Royal Jordanian Airlines earned a reputation for reliable service. However, in April 1965, disaster struck when a Herald broke up disastrously in flight between Beirut and Amman. After that the airline decided to standardize on the Caravelle. One factor here was that the confidence of the local people was badly shaken by the loss of the Herald. Another factor was the realization that the DC-7s were already expensive to operate and would prove increasingly difficult to fill against rising jet competition. A third consideration was the sensible desire to have only one main aircraft type in such a small fleet. The most important factor behind the policy was the realization that Jordan's tourist need would best be served by extending the airline network to major traffic-

generating points such as Rome, Paris and London. A Caravelle GN was immediately leased from Air Algérie in preparation for the later delivery of two 10 Rs. The main expansion came in 1966 with the opening of services to Europe. With the two 89-seat Caravelles getting into their stride, total traffic over the year rose by almost 70% when compared to 1965. This rapid growth put severe strain on the resources of the Company and it became obvious that an organization adequate for an enterprise worth £1 million a year would find difficulty when revenue passed the £2 million. Consequently, the impression since 1966 was that the Royal Jordanian would probably have to be taken by public ownership fairly soon if the airline's progress was not to be seriously impaired. When the war broke out with Israel on June 5, 1967, the airline lost its main single asset - Jerusalem. To make matters worse, its two DC-7s were totally destroyed by Israel's action while waiting to take off from Amman airport. These tragic events made the idea of the State taking control of the airline acceptable. On March 3, 1968, an ordinance was enacted to establish Alia/The Royal Jordanian Airlines Corporation as a public institution to take over the routes of the Royal Jordanian

Company. However, looking ahead, there is no doubt that Alia today is in a good shape to tackle the problems of the future. It expanded its network and developed its fleet which now consists of three Caravelle 10 Rs and two Boeing 707 - 320C.³⁹

The management of the Corporation is vested in:

1. Board of Directors
2. General Manager
3. Executive Staff

The Board of Directors consists of a Chairman, four members of Government officials and three members from the private sector who are fully competent. The General Manager is appointed by a decision from the Council of Ministers acting upon the recommendations of the Minister of Transport, provided this appointment is approved by a Royal decree.

There are other subjects which do not strictly belong to aviation but affect air law, e.g., compulsory acquisition of land; the operation and control of air transport services by the State; patent rights; immigration, sanitary rules; customs; double taxation and business registration. These might be considered incidentally but of course there are many.

³⁹For more details, please see Chapter IV

CHAPTER II

GOVERNMENT DEPARTMENTS CONCERNED WITH THE CIVIL AVIATION

Ministry of Transport

The Ministry responsible for the administration of civil aviation in the Hashemite Kingdom of Jordan is the Ministry of Transport.¹ Prior to 1966, civil aviation was the responsibility of the Ministry of Communications - Civil Aviation which was also responsible for the departments of Railways, ports, Telephone & Telegraph and Meteorology. In that year, the Ministry of Transport was constituted to include civil aviation, railways and ports, mainly with a view to bringing about a closer relationship and more cooperation between all departments concerned with transport in general. While the overall policy of civil aviation is the responsibility of the Ministry of Transport, the execution of

¹The Ministry of Transport was constituted in 1966 for the first time - Official Gazette No. 1210, April 26, 1966.

that policy and the day-to-day administrations are carried out by the Civil Aviation Department which is established as a Directorate within the Ministry of Transport. This Department is headed by a Director General who is a civil servant.

Civil Aviation Department²

The authority responsible for civil aviation in the Hashemite Kingdom of Jordan is, as noted above, the Civil Aviation Directorate within the Ministry of Transport.³ The Department is headed by the Director General of Civil

²The foundations of civil aviation in Jordan were laid down in the years following World War II when the "Arab Airways" was founded early in 1946 by British and Jordanian interests. The origin of the Department of Civil Aviation as an entity dates back to January 1950 when the Jordanian legislature created a Civil Aviation Branch linked to the Ministry of Public Works and Railways Management. By that time there were two small airfields in both Amman and Jerusalem. Information supplied by the Civil Aviation Department. Also see: World Airlines Record, 6th ed. 1965, Chicago, Illinois.

³See Appendix No. 3

Aviation who is assisted in the performance of his duties by a number of technical and administrative personnel.

The Department consists of various sections, each dealing with some particular aspects in the civil aviation field, e.g., Air Traffic Control, Air Transport, Aerodrome Management, Personnel Licensing, Telecommunications, Aircraft licensing and Aircraft Accident Prevention.

The functions, powers and duties of the Department of Civil Aviation may be broadly characterized into three groups:

1. legislative
2. administrative, and
3. judicial
1. Legislative Functions

The evolution and expansion of legislative functions and powers of the administrative departments of the Government are a direct reflection of the evolving and expanding role of the welfare state. It is the product of administrative urgencies of the modern age to which Parliament has become increasingly conscious and has thus delegated its power to the civil service.

The growth of rule-making powers has increased rapidly in Jordan. Due to the great scientific and

technological accomplishments in transportation and communications, the exercise of legislative powers has become a matter of fact not only in emergency circumstances but even in normal times.⁴ The sub-legislative powers have not only been given to the Department of Civil Aviation, but also to other departments.⁵ No doubt, delegated legislation exceeds in quantity the amount of original legislation. Once the Parliament has performed its essential duties of laying down the policies, it leaves the making of detailed regulations to the executive branch of the government. In framing these regulations, the only restraint upon the Department is that they (the regulations) should not be ultra vires the parent law.

The principal functions and powers exercised by the Department are derived from the Civil Aviation Law No. 55/1953 and its amendments. These powers are exercised by means of rules, orders, decisions, directives and regulations made by the Minister or any person delegated by him to exercise his authority according to the law. The delegated person is usually the Director General of the Civil Aviation Department.

⁴Article 94/1 of the Jordanian Constitution.

⁵Article 120 of the Jordanian Constitution.

These delegated powers can be summarized as follows:

a. Power to enforce and apply existing legislation.⁶ However, the Prime Minister and the Minister of Transport are responsible to enforce application of the current Civil Aviation Law. Laws in the Hashemite Kingdom of Jordan become effective upon decree by the King and after 30 days from the date of publication in the Official Gazette,⁷ unless it is especially provided in the particular law that it should come into force at another date. Law No. 55/1953 came into force from the date of its publication in the Official Gazette.⁸

b. Power to give effect to conventions and international treaties, which the Hashemite Kingdom of Jordan might become party to in the future.⁹ However, it should be noted that the main conventions (Chicago and Warsaw) were incorporated in the current law.

⁶Article 121 of Civil Aviation Law No. 55/1953 says "The prime Minister and the Minister of Communication - who is now Minister of Transport - shall enforce application of this law."

⁷Article 93/2 of the Jordanian Constitution.

⁸Article 1 of the law says it shall be effective from its publication in the Official Gazette.

⁹Article 2 of Law No. 55/1953 provides: Treaty means

c. Power to exempt aircraft from the provisions of the applicable rules and law. Article 23/2 of Law No. 55/1953 gives the Minister the right to authorize any aircraft registered in Jordan to fly without compliance with airworthiness regulations for training, examinations and experimental purposes only. Also, the Minister has the right to exempt foreign aircraft from the landing fees at Jordanian airports.¹⁰

d. Power to prohibit flying over all or part of Jordanian territory.

The Minister may impose a temporary prohibition preventing flying over or near places used for public meetings or related to defence purposes upon the request of the Ministers concerned (the Ministers of Interior and National Defence).

In case of emergency or extraordinary circumstances related to defence, public safety or tranquility, the Cabinet has the right to impose an instant

the Convention signed in Chicago on December 7, 1944 ... or any international treaty amending this Convention or replacing it and recognized by the Jordanian Government.

¹⁰Article 107 of the Civil Aviation Law No. 55/1953 and the Ministerial decision for 1953 issued by virtue to the said law. Published in the Official Gazette No. 1139 I.4.1953

prohibition preventing flight over all or part of Jordan. Such prohibition must be issued by an order from the Cabinet.¹¹

e. Power to detain aircraft in case of violating the rules forbidding flight over a prohibited area. The offending aircraft must land immediately at the nearest aerodrome upon being ordered to do so; if the order is ignored, the aircraft will be detained upon landing at any point inside Jordanian territory. The pilot and crew will be turned over to military courts to be tried for espionage unless they show reasonable cause as to why they were obliged to fly over such prohibited areas.¹²

f. Power to provide penalties. The Civil Aviation Law No. 55/1953 under the heading "Penalties" states different kinds of sanctions ranging between imprisonment and fines or both. These penalties are imposed when any breach of law is committed either by the pilot, crew or operator of an aircraft.¹³

¹¹Article 45 of Law No. 55/1953

¹²Ibid

¹³See Articles 108, 109, 110, 111, 112, 113, 114, 115, 116, 117 of Law No. 55/1953

g. Power to collect fees. After approval by the Cabinet, the Minister determines the fees to be collected when issuing certificates, licenses and fees to be paid by any aircraft landing at Jordanian airports as well as any other fees. The amount of these charges are subject to the Minister's discretion and can be changed from time to time¹⁴ subject to Cabinet approval.

h. Power in relation to the Airways Corporation.¹⁵

2. Administrative Functions

The administrative powers under the Civil Aviation Law No. 55/1953 have been mostly delegated by the Minister of Transport to the Director General of the Civil Aviation Department and his subordinate officials.

The sub-delegation does not rest upon any specific enactments but on long-established practice and the general rule of practicability. While performing the administrative duties and functions, the authorized officers exercise their powers by means of the ordinary routine of

¹⁴Article 107 of Law No. 55/1953

¹⁵Article 9 as amended by Law No. 11/1954
Official Gazette No. 1414 1.3.1959

official practice, that is by oral and written instructions both of a formal or an informal nature, ensuring, however, that the major decisions of the Government are properly authenticated. We may now examine some of the important administrative functions dealt with by the Department of Civil Aviation. These functions and duties may be classified as follows:

a. Registration - the Minister of Transport is the registration authority for all aircraft registered in the Hashemite Kingdom of Jordan. He issues the Certificate of Registration and assigns registration marks.¹⁶

b. Certificate of Airworthiness - The Minister grants, issues, suspends and revokes airworthiness certificate. He lays down the procedure, routine and forms and carries out inspections of types of aircrafts in respect of which certificates are granted.¹⁷

c. Licensing of Personnel - the Minister is the licensing authority for all operating crew of aircraft

¹⁶See Articles 10, 11, 12, 14 of Law No. 55/1953

¹⁷See Articles 24 and 38 of Law No. 55/1953

registered in the Hashemite Kingdom of Jordan. He issues, cancels, revokes or suspends such licenses in accordance with power given to him.¹⁸

d. Log Book - the Minister approves or lays down the form of the Aircraft Log Book.¹⁹

e. Power to authorize the establishment of private aerodromes - the Minister has the authority to give licenses to establish private aerodromes. He approves and conducts investigation to keep these aerodromes within the specifications required.²⁰

f. The Minister is the competent authority to grant permission to persons other than the Royal Jordanian Airlines Corporation to operate scheduled air transport services in the Hashemite Kingdom of Jordan. He has the authority to examine the application for such permits as well as to issue, cancel or suspend them.²¹

¹⁸Article 31 of Law No. 55/1953

¹⁹Article 52/3 of Law No. 55/1953

²⁰Articles 98, 99, 100, 103 of Law No. 55/1953

²¹Articles 40, 41 of Law No. 55/1953

g. Acquisition of land for aerodromes - the general rules relating to the acquisition of land for a public purpose are contained in the Land Acquisition Law. When land is required for the construction of extension of an aerodrome, it is acquired in accordance with the provisions of that law. The Minister of Transport has no powers in this respect but he can ask the proper authorities to acquire the land for public purposes and place it at his disposal. The acquisition of land may be carried out either by force or agreement with the owner; in either case, fair compensation must be paid.

3. Judicial Functions

Accident Investigations: The most important of what may be conveniently described as the judicial function of the Minister of Transport is the power which he is given by Article 106 of the Civil Aviation Law No. 55/1953 to provide for investigation of any accident arising out of, or in the course of, air navigation. His power extends to any aircraft in or over the Hashemite Kingdom of Jordan and to aircrafts registered in the Kingdom wherever they may be. This power is exercised by means of regulations issued by the

the Minister. No such rules or regulations have yet been issued. Investigations are to be carried out under the jurisdiction of the Criminal Procedure Code, and are to be conducted by a "competent authority" who is usually the Attorney General. He takes into consideration Annex 13 to the Chicago Convention relating to aircraft accidents inquiry.²² The Minister must be notified of any accident if it involves death or serious injury to a person or if the aircraft is substantially damaged.²³

Other Government Departments Concerned with Civil Aviation

Apart from the Civil Aviation Department in the Ministry of Transport, the other Jordanian Government

²²The Hashemite Kingdom of Jordan notified the ICAO on September 7, 1967 that no differences exist, naturally, because there is no regulation to govern this aspect. See "Aircraft Accident Inquiry" Annex 13 to the Civil Convention on International Civil Aviation, 2nd ed. March 1966. Supplement to Annex 13 1.10.67.

²³Article 44 of Law No. 55/1953 says: "If an accident occurs to a foreign aircraft and it crashes on Jordanian territory, the competent authorities in the Kingdom shall conduct investigations on the causes of the accident. The state whose nationality such aircraft has shall have the right to send observers to such investigation, provided there is reciprocal treatment."

departments concerned with one or more aspects of civil aviation are: Ministry of Health, Ministry of National Defence, Ministry of Foreign Affairs, Ministry of Finance, Ministry of National Economy, Ministry of the Interior, Ministry of Justice, Ministry of Communications - Post, Telephone & Telegraph, Ministry of Public Works, and the Royal Air Force.

1. Ministry of Health

The Ministry of Health is responsible for administration of Public Health at Jordanian airports. It is concerned when aircraft arrive from another country considered as an infected area.

2. Ministry of National Defence

The Ministry of National Defence is responsible for the security of the country in both war and peace. The Ministry is also the authority which prohibits the flight over certain areas for national defence purposes.

3. Ministry of Foreign Affairs

The Ministry of Foreign Affairs plays a vital role in matters of foreign air transportation because the problems involved are chiefly political related with foreign policy and national defence. Obtaining rights for Jordanian

carriers abroad and according reciprocal rights to foreign carriers in Jordan are not merely confined to economic interests or adequacy of transport services. Traffic routes and bases are prudently correlated with facilities and plans for national defence. Another important consideration is the conduct of foreign relations.

The Ministry of Foreign Affairs is responsible for coordinating and, whenever necessary, sponsoring and conducting negotiations with foreign Governments in regard to bilateral agreements for exchange of commercial rights and other air facilities. The technical requirements and economic implications of such matters are often determined in large part by the Ministry of Transport but they must be coordinated with the Ministry of Foreign Affairs so as to ensure compliance with the overall foreign policy objectives of the Government.

4. Ministry of Finance

The Ministry of Finance deals with revenue and expenditure of the Government as a whole. No government department can ignore it because it controls the purse strings. The Ministry is also responsible for the administration of customs at aerodromes as envisaged in the Jordanian rules.

5. Ministry of National Economy

This Ministry is responsible for the import of aircraft, aero-engines, spare parts and saleables on board aircraft.

6. Ministry of the Interior

This Ministry administers immigration laws and takes security measures at airports.

7. Ministry of Justice

Regislation of air corporation and other legal procedures are handled by this Ministry.

8. Ministry of Communications

This Ministry is responsible for the carriage of mail in Jordan as well as fixing foreign air mail rates.

9. Ministry of Public Works

This Ministry is responsible for the construction and maintenance of airports, buildings and runways.

10. Royal Air Force

There is close liaison and collaboration between the Royal Jordanian Air Force and the Civil Aviation Department in respect of air traffic control and flight information systems. The responsibility of aerial search and rescue operations has devolved upon the Air Force in Jordan as there is no other agency in the country which has resources, by

way of aircraft and trained personnel to meet such commitments. Whenever there is an aircraft accident within the Jordanian territories, whether it involves a civil aircraft or not, the Jordanian Air Force is called upon to help spot the site and, if possible, assist in rescuing the injured.

CHAPTER III

LAW GOVERNING THE AERIAL NAVIGATION

Definition and Classification of Flight Instrumentalities

The Paris Convention of 1919¹ provided, in an appendix, exhaustive technical classifications of various aeronautical terminologies. This Convention defined the term "aircraft" as comprising all machines which could derive support in the atmosphere from reactions in the air.² It also defined "aeroplanes", "aerostats", "aerodynes", "balloons", "airships" and "gliders"³

¹Convention for the regulation of aerial navigation was signed at Paris on October 13, 1919. Some thirty-eight states were parties to it. This Convention created an international commission of aerial navigation, commonly known as "CINA". The work of this body, which is now dissolved, is carried out by the International Civil Aviation Organization "ICAO". The Paris Convention has been superseded by the Chicago Convention of December 7, 1944. For list of parties and denunciation, see Shawcross and Beaumont, 2nd ed. (6004)

²Paris Convention of 1919. Annex A.

³Ibid

and gave comprehensive and exhaustive classifications of these categories, including helicopters, gyroplanes, ornithopters, kites and kite balloons. It did not distinguish between aircraft and projectiles nor between aircraft and pilotless aircraft, though international flight of the latter was prohibited.⁴ Apart from these technical definitions and classifications, the Convention further distinguished between private aircraft and State aircraft; the latter to include police, military and customs aircraft.

The Chicago Convention of 1944⁵ which superseded the Paris Convention defines "State aircraft" on the same lines as the Paris Convention,⁶ and contains similar provisions as to pilotless aircraft.⁷ Technical annexes

⁴Paris Convention in Article (15) stipulated a special prior authorization.

⁵The Convention on International Aviation was signed December 7, 1944. In general, it provided for matters of air navigation and air transport and set up the International Civil Aviation Organization. It has its headquarters in Montreal, Canada, and it is now the principal organ concerned with the development and regulation of international air navigation and air transport.

⁶Article 3(b) of the Chicago Convention.

⁷Article 8 of the Chicago Convention states: "No aircraft capable of being flown without a pilot shall be

attached to the Convention contain a large number of definitions and, in particular, Annex 7 (Aircraft Nationality and Registration Marks) defines and classifies the various types of aircraft on the same lines as Annex A of the Paris Convention. Other Conventions, such as the International Sanitary Convention for Aerial Navigation,⁸ give the same definition of "aircraft" as the Paris Convention. Neither the Convention of Warsaw nor Rome⁹ nor any other of the International Conventions or treaties, creating uniformity in private law, define "aircraft" as such.

flown without a pilot over the territory of a contracting State without special authorization by the State and in accordance with the terms of such authorization..."

⁸ Jordan never has been a party to this Convention. However, this Convention has been superseded by the International Sanitary regulation of W.H.O.

⁹ Convention relating to damage caused by foreign aircraft to third party on the surface, Rome October 7, 1952. Jordan is not a party to this convention.

The Jordanian Civil Aviation Law No. 55/1953 defines an aircraft to include all "balloons" captured or free, aeroplanes, dirigibles or gliders, as follows:

Aircraft means all balloons, aeroplanes, dirigeables or gliders.

Balloon means any aircraft which uses gases lighter than air for flying and has no power of propulsion.

Aeroplane means all skyplanes, seaplanes, amphibian and other aircraft which are heavier than air and have propulsive power.

Dirigible means aircraft which is lighter than air and has no ties with land and no mechanical propulsive power, though it has the ability to control direction.

The above-mentioned definitions are not sufficient to provide a meaningful definition for the term "aircraft". The law merely provides a kind of classification for aircraft.

Jordan ratified the Chicago Convention¹⁰ and adopted

¹⁰See Chapter I, ante footnote 20.

its Annexes to a certain extent.¹¹ It will be convenient, therefore, to define and classify aircraft for the purpose of the Jordanian law as follows:

1. Definitions

Aeroplane: a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on a surface which remains fixed under given conditions of flight.

Aircraft: any machine that can derive support in the atmosphere from reactions of the air other than reactions of the air against the earth's surface.

Airship: a power-driven lighter-than-air aircraft.¹²

Balloon: a non power-driven lighter-than-air aircraft.¹³

¹¹See Annex 7, 3rd ed., 1969 (Supplement No. 2 to Annex 7, 2nd ed.) to the Chicago Convention. On September 28, 1968, Jordan notified the ICAO that no differences exist between the national regulation and practice and the international standard and recommendations of Annex 7.

¹²In a draft law for Civil Aviation in Jordan, prepared by an expert in ICAO but not yet released, the same definitions were adopted.

¹³For further details, see Annex 7 supra note (11).

2. Classification

AIRCRAFT	Lighter-than-air aircraft	Non-power-driven balloon	Free balloon	Spherical free balloon Non-spherical free balloon
			Captive balloon	Spherical captive balloon Non-spherical captive balloon ¹
		Power-driven	Airship	Rigid airship Semi-rigid airship Non-rigid airship
			Glider Kite ⁴	Land glider ² Sea glider ²
	Heavier-than-air aircraft	Non-power-driven	Aeroplane	Landplane ³ Seaplane ² Amphibian ²
		Power-driven	Rotorcraft	Gyroplane Land gyroplane ³ Sea gyroplane ² Amphibian gyroplane ²
				Helicopter Land helicopter ³ Sea helicopter ² Amphibian helicopter ²
			Ornithopter	Land ornithopter ³ Sea ornithopter ² Amphibian ornithopter ²

¹Generally designated "kite-balloon".

²"Float" or "boat" may be added as appropriate.

³Includes aircraft equipped with ski-type landing gear (substitute "ski" for "land").

⁴For the purpose of completeness only.

In addition to the Chicago Convention classification, the Jordan Law No. 55/1953 contains a different grouping of aircraft under the following headings: Military Aircraft,¹⁴ Foreign Aircraft,¹⁵ Governmental Aircraft,¹⁶ and Passenger Aircraft/Freight Aircraft.¹⁷ Despite the fact that the Chicago Convention was adopted by Jordan, the above grouping, which is incompatible with the classification of the Chicago Convention, does not serve a useful purpose and might result in confusion because the Jordanian law has left out without any definition and neglected so many useful and necessary terms.

¹⁴ Military Aircraft means military and Air Force aircraft which belongs to the Jordanian Royal Air Force and other aircraft piloted by personnel from the Royal Navy, Armed Forces or the Air Force. Article (2) Definition Law No. 55/1953.

¹⁵ Means aircraft which is non-Jordanian whether it is military or civilian, including those used for transportation and mail, customs and police. Ibid.

¹⁶ All aircraft used by the State for mail, customs, and police. Ibid.

¹⁷ All aircraft used for transportation of passengers or freight in exchange for hire or remuneration. Ibid.

General Conditions of Flight

From the outset, aircraft has been the object of fairly drastic control inspired by the fear of danger. This idea of danger plays a great role in international and national legislation.¹⁸ From this fact arise the many precautions envisaged by the Jordanian legislator, as well as in many other countries, in the elaboration of the administrative regime with regard to aircraft.

By international and Jordanian law, certain conditions must be complied with before a flight can start. Thus, subject to minor exceptions,¹⁹ before an aircraft may leave the ground, it is necessary that those concerned should have complied with the rules as to registration and nationality marking, airworthiness, documents and personnel licenses.

¹⁸In 1783, a hot-air-balloon constructed by the brothers Montgolfier was the first aircraft to leave the ground. A year later, the first air law was promulgated (a police decree) in Paris. In 1819, the first regulation for safety of aerial navigation was made in France. Also, see: Hotchkiss, Henry G.: Law of Aviation, 2nd ed., New York, 1938 pp. 4

¹⁹Article 23 (b) of Law No. 55/1953

It is proposed hereinafter to consider in some detail those conditions scattered through Jordanian law and the international conventions which relate to aircraft before flight.

The consequences of non-compliance or attempted non-compliance with the conditions preceding flight in Jordan may be at least three-fold:

First, various licenses may be suspended or cancelled with the result that all future flights become impossible without the imminent risk of incurring penalties.²⁰

Secondly, if an aircraft flies in contravention of an order, the persons responsible may be liable to imprisonment or fine, or both.²¹

Thirdly, a person authorized by the Minister of Transport may give such directions to take any steps for detaining an aircraft as he thinks necessary to prevent its flight, if it appears that the aircraft is intended or likely to be flown in contravention of the law relating to nationality, certificates and licenses for personnel, prohibited carriage, registration and marking or airworthiness. Such directions

²⁰Articles 7, 15, 18 and 115 of Law No. 55/1953

²¹Articles 108, 109 and 111 of Law No. 55/1953

may be given when the aircraft violates any provisions of the regulations so as to be a cause of danger to persons in the aircraft or to persons or property on the ground.²²

The foregoing principles are not in contradiction to the rules of the Chicago Convention. Since the right of flight under Article 5 of the Convention is only granted "subject to the observance of the terms of the Convention", an aircraft which fails in any respect to comply with the requirements of the Convention is not entitled to fly over the territory of another state. Aircraft, while exercising this right, must observe all conditions or restrictions attached by the Convention or by a contracting state pursuant to the Convention. Moreover, Article 6 of the Convention provides that non-scheduled international air services may be operated over or into the territory of a contracting state only with the special permission or other authorization of that state and in accordance with the terms of such permission or authorization.

²²Articles 4, 89, 90 and 92 of Law No. 55/1953

1. Nationality and Registration

Nationality has been described as the status of a natural person who is attached to a state by the tie of allegiance.²³ Article 20 of the Chicago Convention contemplates that every aircraft engaged in international air navigation shall have a nationality and be registered.²⁴ Article 17 of the same Convention states that aircraft have the nationality of the state in which they are registered.²⁵ It has been suggested that this principle is important "for its recognition that aircraft possess legal personality under municipal law and are endowed with nationalities of their own".²⁶ However, it is submitted that the "nationality" of an aircraft, like that of a ship, connotes only that the

²³"Harverd Research in International Law - Nationality" American Journal of International Law Vol. 23 (1929 Supplement) pp. 13, 22. See also: Civil Aviation Law, Cairo, 1966, pp. 56 - Al-Assury (in Arabic).

²⁴It was first advocated by Fauchille in 1901. Cooper, J.C.: "The Legal Status of Flight Vehicles", Exploration in Aerospace Law, edited by I.A.Vlasic, (Montreal, 1968) pp.217

²⁵Article 17 of the Chicago Convention accepts the principles of Article 6 of the Paris Convention.

²⁶Cheng: The Law of International Air Transport (1962) pp.128

aircraft is controlled and protected by the state in which it is registered.²⁷ It is a "pseudonationality"²⁸ or "legal quasi-personality".²⁹ The attribution of nationality to aircraft arises because of the need to allocate them to particular states.³⁰ Although the matter is unsettled, it would seem that an aircraft which is not registered in any state is stateless. Article 17, mentioned above, has been construed by some lawyers to mean that registration is the act creating nationality.³¹ The writer is of the opinion that registration does not create nationality. It is simply an evidence of nationality, and nothing in the Chicago Convention should be read to the contrary. A number of reasons support this view. First,

²⁷Kamminga: The Aircraft Commander in Commercial Air Transport, 1953, pp. 31

²⁸Boczek: Flags of Convenience, 1962, pp. 121

²⁹Cooper, J.C.: Legal Status of Aircraft supra note 24.

³⁰Schwarzenberger, International Law, 3rd ed. 1957, Vol. 1, pp. 418.

³¹For more details, see: Nemeth, John: Nationality of Aircraft, a thesis submitted to the Institute of International Air Law, McGill University, Montreal, April 1953, pp. 65, 68.

by the time the Chicago Convention was drafted, customary international air law had so completely accepted the concept of nationality of an aircraft that no question could possibly exist as to the nationality status of an aircraft lawfully carrying national insignia of a particular state. It cannot be denied that Article 17 is a rule as between contracting states, but it certainly does not mean that civil aircraft of non-contracting states are without nationality. Aircraft of non-contracting states still have nationality by customary international law even though they are not registered according to the Convention. Second, from the wording of many Articles of the Chicago Convention, one can recognize the same concept.³² Third, the term "nationality",

³²Article 5, concerning "Right of non-scheduled flight", provides "... such aircraft (aircraft of contracting states) if engaged in the carriage of passengers, cargo, or mail for enumeration or hire on other than scheduled international air service shall also, subject to Article 7, have the privilege of taking on or discharging passengers, cargo, or mail subject to the right of any state...". In Article 7 about "Cabotage", it is mentioned that "...Each contracting state undertakes not to enter into any arrangements which specifically grant any such privilege on any exclusive basis to any other state or an airline of any other state and not to obtain any such exclusive privilege from any other state". Also, Article 9 concerning "prohibited areas" provides that "each contracting state may ... restrict or prohibit uniformly the aircraft of other states from flying over certain areas of its territory."

as employed in Article 17 of the Chicago Convention, has, in substance, the same meaning the jurists traditionally give it in discussing the nationality of merchant vessels. It seems, in this respect, that the law of the air has been adopted from the law of the sea. Historically, the practice of formally registering merchant vessels developed after the concept of nationality of vessels had been recognized in maritime law.³³ Articles 18 of the Chicago Convention provides that an aircraft cannot be validly registered in more than one state but its registration may be changed from one state to another. The registration or transfer of registration of aircraft in any contracting state must be made, of course, in accordance with that State's laws and regulations.³⁴ It is possible for a state to permit the registration, under its laws, of an aircraft which is owned and operated by foreign national enterprises.³⁵

The above articles are not limited to contracting states. They speak about any other state and this proves that aircraft of non-contracting states have nationality.

³³ Cooper, J.C.: Legal Status of Flight Vehicles, pp. 209-210, supra note (24).

³⁴ Article 19 of the Chicago Convention.

³⁵ Some states maintain such open registration;

However, each contracting state undertakes to supply to any other contracting state or to the ICAO, on demand, information concerning the registration and ownership of any particular aircraft registered in that state and to furnish reports to the ICAO regarding the ownership and control of its registered aircraft.³⁶

The requirements for acquisition of nationality for an aircraft in Jordan according to the Civil Aviation Law No. 55/1953 come under Article 5 (1) which reads as follows:

"No aircraft may have Jordanian nationality unless owned by Jordanian subjects or by companies possessing the Jordanian nationality, provided that the major part of their capital is owned by Jordanian subjects and provided that the President of such companies and two-thirds of the shareholders, including the President, are Jordanian subjects."

It may, therefore, be noted that aviation rules in Jordan depend on the principle of effective control and operation of services and that they do impose restrictions

See Hoing: The Legal Status of Aircraft, 1954, pp. 53;
Gazdik: Nationality of Aircraft and Nationality of Airlines
as Means of Control in International Air Transportation,
25 J.A.C.L. 1958

³⁶Article 21 of the Chicago Convention

with regard to ownership so that foreign nationals, or foreign corporations, cannot validly register their aircraft in Jordan. As for foreign aircraft leased or hired by Jordanian subjects or companies, such aircraft will have the right to bear the insignia of the lessee company during the lease period provided that the original markings and registration remain.³⁷

Jordanian aircraft lose their nationality in the following circumstances:

- a. if the conditions specified in Article 5 (quoted) are no longer fulfilled;
- b. if sold to foreigners or when one or more of the owners cease to comply with the requirements of nationality aforementioned;
- c. if they are registered in a foreign country;³⁸
- d. when the registered aircraft is damaged, lost or permanently withdrawn from use.

In all of the above cases, the Minister of Transport should be notified.³⁹

³⁷Article 5 (2) of Law No. 55/1953

³⁸Article 7 of Law No. 55/1953

³⁹Articles 16 and 18 of Law No. 55/1953

Registration is a pre-requisite for any aircraft that may fly or attempt to fly over Jordanian territories. Article 8 of the Law No. 55/1953 stipulates that no aircraft is allowed to fly or attempt to fly over Jordan unless registered in the following manner:

- a. in a foreign country which is party to the Chicago Convention; or
- b. in a foreign country which concluded with His Majesty's government an agreement which provides for the flight over Jordan of aircraft registered in that country.

Jordanian national aircraft is not mentioned in this article. However, it should be read with Article 4 which provides that "no aircraft is allowed to fly over Jordanian territories or land thereon unless it has been licensed by the Minister...". This means that no Jordanian aircraft is allowed to fly unless registered and authorized by the Minister who is the registration authority in Jordan.⁴⁰ Application for registration should be submitted to the Minister, who keeps a registration book for this purpose, and the applicant has to supply the Minister with all documents

⁴⁰Article 9 of Law No. 55/1953

regarding the aircraft. The application must include the name of the owner of the aircraft, whether persons or institutions, the nationality of the owner(s) and other details deemed necessary by the department concerned.

Jordanian aircraft flying abroad must, of course, comply with the local law of the country in or over which they are flying. By various provisions of the Chicago Convention, the Jordanian Government has recognized this obligation,⁴¹ and the Jordanian aircraft are liable while in a foreign country to any penalties or other sanctions provided by the local law.⁴² On the other hand, if an aircraft flies in contravention of the provisions mentioned earlier and in such manner or circumstances that, if the aircraft had been registered in Jordan, an offence against the Rules and Regulations made thereunder would have been committed, the like offence is deemed to have been committed in respect of that aircraft.⁴³ In the case of an aircraft

⁴¹See Articles 10, 11, 12, 13 of the Chicago Convention.

⁴²Extra-territorial effect is not mentioned explicitly in the current Jordanian law. However, as Jordan is party to the Chicago Convention, it should comply with its general principles.

⁴³Articles 21, 108 and 119 of Law No. 55/1953

flying over Jordan, under an agreement between the governments of its country of registration and Jordan, the aircraft must also comply with the terms of that agreement as well as with the Jordanian Rules and Regulations.

An aircraft cannot be registered in Jordan, or continue to be registered, if it appears to the Minister that:

- a. the aircraft is registered outside Jordan;⁴⁴
- b. it would be inexpedient in the public interest for the aircraft to be registered in Jordan or continue to be registered;⁴⁵ or
- c. if any change of ownership takes place after the registration which contravenes to the requirements mentioned in Article 5.

The Minister may adapt registration requirements for the purpose of transferring aircraft to or from the Jordanian register.⁴⁶

⁴⁴Article 12 of Law No. 55/1953

⁴⁵Articles 14 and 15 of Law No. 55/1953

⁴⁶Article 16 of Law No. 55/1953

2. Markings

By Article 19 of Law No. 55/1953, no aircraft registered in the Hashemite Kingdom of Jordan may fly anywhere unless it bears nationality and registration marks,⁴⁷ and no foreign aircraft may fly within the Hashemite Kingdom of Jordan territory unless it bears the marks required by the law of the country in which it is registered; such marks being duly fixed or painted in accordance with that law.⁴⁸ Moreover, this Article together with Article 22, stipulate that no Jordanian aircraft anywhere or any foreign aircraft within the Hashemite Kingdom of Jordan shall bear any marks which purport to indicate that the aircraft is registered in a country in which it is not in fact registered, or that it is a governmental aircraft of any particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

The nationality mark of Jordanian aircraft is the letters "JY" and the registration mark, assigned by the Minister on registration,⁴⁹ is of three capital letters. The

⁴⁷Article 20 of the Chicago Convention, see supra note (42).

⁴⁸Article 19 of Law No. 55/1953

⁴⁹Article 20(1) of Law No. 55/1953.

nationality mark precedes the registration mark with a hyphen in between. The letters are in capital Roman characters without ornamentation. Furthermore, there is a regulation to the effect that the marks must always be kept clean and visible.⁵⁰ Besides, the nationality and registration marks must also be painted or affixed to the side of the aircraft in specified positions and sizes as well as layout. The marks, together with the name and address of the registered owner, must be inscribed on a fire-proof metal plate and fixed in a prominent position on the fuselage near the main entrance to the aircraft.⁵¹

3. Certificate of Airworthiness⁵²

By the Paris and Chicago Conventions, all aircraft engaged in international flight, must be certified

⁵⁰Article 20 (2)(3)(4) of Law No. 55/1953

⁵¹Article 20 (3) of Law No. 55/1953

⁵²The Certificate of Airworthiness is a document issued by the state, asserting that the aircraft has undergone the specified test and that, in the opinion of the experts, it is constructed in conformity with the existing rules of construction and that, accordingly, it may be flown with reasonable assurance of safety. See: Abdel Moneim, I.A.: The Civil Aviation in Egypt, pp. 135 McGill University, 1953.

as airworthy by the state whose nationality they possess. According to Article 31 of the Chicago Convention, "Every aircraft engaged in international navigation must be provided with a certificate of airworthiness issued or rendered valid by the state in which it is registered". Furthermore, the contracting states undertake to "collaborate in securing the highest practicable degree of uniformity" in standards of airworthiness and to recognize as valid certificates issued or rendered valid by another contracting state in which the aircraft is registered, provided they comply with minimum standards established pursuant to the Convention.⁵³ Such standards are included in Annex 8 (AIRWORTHINESS OF AIRCRAFT) to the Convention.⁵⁴ It is of great interest to mention that a Multilateral Agreement relating to certificates of airwhorthiness for imported aircraft signed at Paris on April 22, 1960 and which entered into force on August 24, 1961, provides for the issue and validation of certificates of airworthiness for aircraft

⁵³Articles 33 and 37 of the Chicago Convention.

⁵⁴This Annex is in force in Jordan. See Amendment No. 1 to the Supplement. Annex 8, 5th ed., 1.2.69

imported from one contracting state to another, and makes provision for the exchange of information concerning national laws, regulations and requirements relating to airworthiness. The Agreement is open for signature by states who are members of the European Civil Aviation Conference,⁵⁵ and has already been ratified by several states.⁵⁶

The purpose underlying the establishment of international standards and recommended practices for the airworthiness of aircraft, as described by the aforementioned Annex, are:

a. to ensure that all aircraft engaged in international air navigation are certificated and inspected according to uniform procedures; and

b. to establish airworthiness categories of aircraft to define a minimum level of airworthiness for each such category. Such categories are exclusive in that no contracting state will classify an aircraft in an ICAO airworthiness category unless the aircraft meets the airworthiness standards governing that ICAO category.

⁵⁵Article 10 of the Convention for the text see ICAO Doc. No. 8056.

⁵⁶For the status of the Agreement, see: Shawcross and Beaumont, 3rd ed. Vol. 2, Appendix A.

By Article 23 (1) of the Jordanian Civil Aviation Law No. 55/1953, no aircraft registered in the Hashemite Kingdom of Jordan may fly anywhere unless there is in force, in respect thereof, a certificate of airworthiness duly issued or rendered valid under the provisions of the law and no foreign aircraft may fly within the Kingdom unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered. In either case, any condition subject to which the certificate was issued or rendered valid must be duly complied with.⁵⁷ Certain flights wholly within the Kingdom are excepted from the above prohibition.⁵⁸

For an aircraft registered in the Hashemite Kingdom of Jordan, certificates of airworthiness are issued by the Minister of Transport⁵⁹ if he is satisfied that the

⁵⁷Article 23(1) (b) of Law No. 55/1953

⁵⁸Article 23 (2) of Law No. 55/1953

⁵⁹Article 24 of Law No. 55/1953

aircraft complies with the following stipulated conditions which, as mentioned previously, were adopted by Jordan from Annex 8 to the Chicago Convention:

- a. the aircraft is of a design approved by him (the Minister) in regard to safety;
- b. is constructed in a way approved by him in regard to workmanship and materials;
- c. is fitted with the prescribed instruments and equipment;
- d. has been weighed as may be prescribed; and
- e. has passed the prescribed flying trials and other tests.

The Minister may rely on reports from any person, firm or organization approved by him for any purpose connected with the issuance of airworthiness.⁶⁰ Furthermore, Article 26 provides that no aircraft registered in the Hashemite Kingdom of Jordan engaged in commercial transportation purposes is allowed to fly or attempt to fly except after a careful check. It must be certified that the aircraft has been maintained according to the approved maintenance instructions and that the certificate of

⁶⁰ Article 25 of Law No. 55/1953

airworthiness has been issued evidencing its flightworthiness.

The airworthiness certificate ceases to be in force if:

- a. maintenance instructions call for the necessity of issuing a new airworthiness certificate,
- b. the aircraft has suffered serious damage even though the certificate still is valid; serious damage as defined in this respect means "damage which no member of the crew can repair".⁶¹ Subject to that, and to the Minister's power to suspend or revoke a certificate,⁶² a certificate remains in force for such time as is shown therein and may be renewed from time to time. The Minister may issue a certificate of validation, rendering valid for the purposes of the law any certificate of airworthiness issued in respect of an aircraft under the law of any country other than Jordan. Such a certificate of validation remains in force, or ceases to be in force, in the same way as a certificate of airworthiness issued by the Minister, as described above.

4. Licenses of Operating Crew

Since the safety of air traffic is dependent upon both the airworthiness of the machine and the competence

⁶¹Article 28 (2) of Law No. 55/1953

⁶²Article 24 of Law No. 55/1953

of its crew, the State naturally requires a special certificate, not only for the machine, but also for the flight personnel.

The Convention of 1919 stipulated that the officers and crew of every aircraft should be provided with certificates of competency and licenses. Appendix "D" of this Convention issued rules on air traffic, some of which dealt with flight personnel. Annex "E" was concerned with rules governing the issuance of licenses to flight personnel. The Chicago Convention of 1944 followed the same lines. Article 32(a) provides "the pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered". The "appropriate licenses" for each member of the crew must be carried in the aircraft.⁶³ These certificates and licenses are subject to provisions as to international uniformity⁶⁴ and recognition,⁶⁵ endorsement

⁶³Article 29(2) of the Chicago Convention.

⁶⁴Articles 37 and 38 of the Chicago Convention. The Paris Convention laid down in great detail in Annexes to the

of failure to satisfy international standards⁶⁶ and exceptions in favour of "existing standards,"⁶⁷ which are generally similar to those applicable to the certificates of airworthiness.

Some countries require only one permit (certificate of competency). This permit certified that the holder possesses the necessary competence and, at the same time, authorizes him to fly. Others distinguish

Convention (which had the same binding force as the Convention itself) the regulations, standards and practice in respect of which international uniformity was thought desirable. One of the most important differences between the Paris and Chicago Conventions is that in the latter the attempt to lay down detailed rules of universal application in the Convention itself has been abandoned. Instead, the contracting states undertake general obligations intended to promote the application over as wide and complete an area as may be possible in the different circumstances of the various contracting states of International Standards and Recommended Practices of ICAO.

⁶⁵Article 33 of the Chicago Convention. The contracting states reserve the right to refuse to recognize certificates and licenses granted to their own nationals by another state (Article 32 (b)).

⁶⁶Article 39(b) and 40 of the Chicago Convention.

⁶⁷Article 42 of the Chicago Convention. These exceptions will only continue effectively for five years after the adoption of an international standard.

between a certificate of competency and a license, both certificates being issued according to different procedures and under different conditions. In Jordan, for the purpose of the regulations of license, the expressions "certificate of competency" and "licenses" mean respectively a certificate of competency and license in respect of the capacity in which the holder thereof is flying and in respect of the class, type and description of aircraft in which he is flying. This is the only certificate required. According to Article 2 of the Civil Aviation Law No. 55/1953, the flight crew of an aircraft means crew members who act as pilot, navigator and other crew members working on the aircraft such as the flight engineer and flight radio operator. With some exceptions,⁶⁸ no person may perform duties as a member of the flight crew of an aircraft registered in the Hashemite Kingdom of Jordan unless he is the holder of a license granted or rendered valid under the law which entitles him to perform the functions which he undertakes.⁶⁹

⁶⁸ Except in case of candidates undergoing tests for obtaining licenses or of pupils under instruction or flying for the purpose of becoming eligible for licenses.

⁶⁹ Article 29 of Law No. 55/1953

In case of a foreign aircraft, a valid license of competency should have been issued by the appropriate authority of the state in which the aircraft is registered.⁷⁰

The Hashemite Kingdom of Jordan has notified the ICAO of the differences which exist between the national regulations and practices and international standards in Annex "1" to the Chicago Convention. These differences are general, which means that "licenses or validations are granted to holders of licenses issued by contracting states. No original licenses are being issued at present". Licenses granted under the law of a contracting state are, in general, rendered valid under the Jordanian regulations.⁷¹ For the purpose of entitling persons to act as members of the flight crew of aircraft registered in the Kingdom, the Minister grants and renders valid the licenses issued by the responsible authorities in foreign countries subject to such reservations and conditions as may be imposed by him.⁷²

The Minister has a wide discretion in that he has to be

⁷⁰Article 30 of Law No. 55/1953

⁷¹See Supplement to Annex 1 to the Chicago Convention, 5th ed., pp. 11, 1.1.64 and Jordan also notified ICAO that no original licenses are being issued at present.

⁷²See Article 31 of Law No. 55/1953

satisfied that the applicant is a fit and proper person to hold the license and is qualified by reason of his knowledge, experience, competence, skill and physical fitness. The certificate of competency varies according to the holder's duties on board and according to the type of aircraft for which it is to be valid. Generally speaking, special certificates are issued for the commanding officer, the engineer, navigators and wireless operators.

We need only to mention that the requirements of the different countries as regards qualifications vary very widely. From the point of view of international traffic, it need only to be said that certain countries, in addition to requiring technical, moral and medical qualifications, demand that the flight personnel shall be nationals of the country or be domiciled therein. This condition is obviously explained, not so much by the needs of certification, but by nationalist and protectionist tendencies. Permission to fly over the national territory will be given to those who, in the event of war, can be mobilized for the service of the country. In Jordan, there are no express provisions in this connection in the existing rules.

5. Documents to be carried in aircraft

The Paris Convention provided in Article 19, and the Chicago Convention in Article 29, that every aircraft engaged in international navigation shall carry certain documents. This rule has been applied by the Jordanian legislation in the Civil Aviation Law No. 55/1953. Article 53 of this law states that "every aircraft engaged in international navigation shall carry the following documents:

- a. a certificate of registration;⁷³
- b. a certificate of airworthiness;⁷⁴
- c. the appropriate licenses of each member of the crew;⁷⁵
- d. a journey log book;⁷⁶
- e. if it is equipped with radio apparatus, the aircraft radio station license;⁷⁷
- f. a telecommunication log book where radio communication apparatus is carried;

⁷³ See the Chicago Convention, Article 29(a)

⁷⁴ See the Chicago Convention, Article 29(b)

⁷⁵ See the Chicago Convention, Article 29(c)

⁷⁶ See the Chicago Convention, Article 29(d)

⁷⁷ See the Chicago Convention, Article 29(e)

- g. a certificate of safety;
- h. if it carries passengers, a list of their names and place of embarkation and destination;⁷⁸
- i. if it carries cargo, a manifest and detailed declaration of the cargo.⁷⁹

The Jordanian Law empowers the appropriate authorities to search and inspect all documents carried by the aircraft.⁸⁰ This rule is in conformity with Article 16 of the Chicago Convention which provides that the appropriate authorities of each contracting state have the right, without unreasonable delay, to inspect the documents prescribed by the Convention.

⁷⁸The Chicago Convention, Article 29(f). A General Declaration has to be completed by air transport operators to meet the requirements of public authorities in a form prescribed in Annex 9 to the Chicago Convention which contains Standards and Recommended Practices for the Facilitation of International Air Transport. Included in the General Declaration is a Crew Manifest consisting of four columns: 1, Surname and Initials; 2, Duties on Board; 3, Nationality; 4, Serial No. and Country of issuance of license or certificate or passport. Its intention is to avoid administrative complexity. The IATA has recently started a campaign to persuade governments to eliminate the passenger manifest on international flights, with a similar view to avoiding administrative complexity. See the Times, July 21, 1965.

⁷⁹Chicago Convention, Article 29(g).

⁸⁰See Article 54 of the Civil Aviation Law No. 55/1953

In addition to the previously-mentioned documents, the Jordanian Law requires that every Jordanian-registered air transport or aerial work aircraft must carry certain log books,⁸¹ namely:

- a. a flight log book;
- b. a separate log book in respect of each engine;
- c. a separate log book in respect of each variable pitch propeller;
- d. a telecommunications log book where radio communication apparatus is carried and which must be preserved for six months by the operator after the last entry.⁸²

These logs must be organized according to the form approved by the Minister,⁸³ and must be preserved for three full years after the last entry.⁸⁴ An entry made in any log book or recorded must be in ink or indelible pencil. All documents and records must be produced on request to any person authorized by the Minister.

Every member of the flight crew of a registered Jordanian aircraft and persons flying for training purposes must keep a personal flying log book.⁸⁵

⁸¹See Article 52(1) of the Civil Aviation Law No. 55/1953

⁸²See Article 52(3)(d) of Civil Aviation Law No. 55/1953

⁸³See Article 52(3)(a) of Civil Aviation Law No. 55/1953

⁸⁴See Article 52(3)(d) of Civil Aviation Law No. 55/1953

⁸⁵

See Article 52(2) of Civil Aviation Law No. 55/1953

The law also defines various offences relating to the falsification, misuse of improper issuance of documents and records and provides, of course, necessary sanctions.⁸⁶

General Safety Conditions

No aircraft registered in the Kingdom has the right, if used for commercial transportation purposes, to fly or attempt to fly unless it has been inspected and found to have been maintained in accordance with the relevant maintenance schedules approved by the Civil Aviation Department. In addition, a certificate in the form prescribed must have been issued and be in force certifying that such aircraft is safe for flight.⁸⁷ The inspection, prior to the issuance of a certificate of safety, is carried out by a qualified ground engineer who may be licensed for inspection of a flying machine or licensed for the inspection of aero engines. There is nothing to prevent the same ground engineer from inspecting

⁸⁶See Article 55 of the Civil Aviation Law No. 55/1953

⁸⁷See Article 26 of the Civil Aviation Law No. 55/1953

⁸⁸See Annex 6 "Operation of Aircraft", 2nd ed. Part i, September 1970, pp. 13

both the machine and engines provided, of course, he is licensed in respect of both. The inspection of the machine includes the inspection of its instruments. If satisfactory, the ground engineer gives a certificate of safety for flight in respect of machine and engines.

1. Pre-Flight Action

Before an aircraft flies or attempts to fly, the pilot-in-command must satisfy himself of certain things:

a. that the aircraft is equipped with the prescribed instruments and, in the case of an aircraft required to be equipped with radio apparatus as prescribed, that the aircraft is also equipped and that the aircraft and its instruments, equipment and radio apparatus are fit in every way for the proposed flight;

b. that the flight can be safely made, taking into account the latest information and factors affecting it;

c. that the load carried by the aircraft is of such weight and so distributed and secured, that it may safely be carried on the proposed flight;

d. that the aircraft itself is fit for the flight and that maintenance certificates are valid for the whole proposed flight;

e. in the case of a flying machine or airship, that sufficient fuel and oil are carried for the proposed flight, including a safe margin for contingencies. He must also be satisfied that the output of electricity which will be available is sufficient to ensure the effective operation of all the electrical equipment installed in the aircraft which is intended, or which it may be necessary, to bring into operation during the flight.

f. that all pre-flight checks have been carried out by all the members of the flight crew.

These pre-flight requirements are not promulgated in the current Aviation Law. It seems that the Jordanian legislator, because of certain circumstances, satisfied in implementing the rules established by ICAO in the Annexes to the Convention.⁸⁸

2. Dangerous Flying: Flying over Cities, Crowds, Acrobatics.

The rules of the air and air traffic control procedures applicable to air traffic in Jordanian territory conform with Annexes 2 and 11 to the Chicago Convention and the procedures for air navigation services - Rules of the

⁸⁸ See Annex 6 "Operation of Aircraft" 2nd ed., part 1, September 1970, pp. 13

Air and Air Traffic Services (Doc. 4444) and the Regional Supplementary Procedures (Doc. 7030) subject, however, to a few deviations.

It is provided that no aircraft shall, without absolute necessity, fly over a town or an inhabited area or over public gatherings except at a height which would enable it to land outside an inhabited area or at an aerodrome. This height shall not be less than 1640 feet (500 meters) in the case of aircraft fitted with two or more engines and 2296 feet (700 meters) in the case of aircraft with a single engine.⁸⁹ The Civil Aviation Law No. 55/1953 also provides that no aircraft may be flown in such a manner as to cause any unnecessary danger to person or property or to hinder the owner thereof from utilizing his rights. Therefore, the aircraft is subject to the air routes designated and assigned by the Minister.⁹⁰

No person may use any aircraft for acrobatics:

- a. when flying over any city, town or crowded places;
- b. when flying over any place for public meetings

⁸⁹Article 46 of Civil Aviation Law No. 55/1953. See also (AIP) Jordan Air Traffic Rules and Service (PAC) pp. 1-1 May 1, 1966.

⁹⁰Article 43 of Law No. 55/1953

c. or over places open to the public in an aerodrome.

Moreover, no air parade to which the public is invited may be held except where a special permit for such flying or parad has been issued by the Minister.⁹¹

3. Dropping of Articles from Aircraft

By Article 96 of the Civil Aviation Law No. 55/1953, it is prohibited to drop any article or anything whatever from an aircraft except in case of an emergency. Nothing in the rule is deemed to prevent the dropping of ballast, smoke-producing or other apparatus or materials dropped for the purpose of navigating an aircraft, subject to the observance of such precautions as to the nature of the articles dropped and the place of dropping as will avoid risk of injuring people or property on the ground.⁹²

4. Prohibited Carriage

No aircraft registered in the Hashemite Kingdom of Jordan wherever it may be and no aircraft when within the Kingdom may carry any munition of war, that is such weapons and munition as are designed for use in warfare.⁹³

⁹¹ Articles 47 and 48 of Civil Aviation Law No. 55/1953

⁹² Articles 95, 96 and 117 of Law No. 55/1953

⁹³ Article 89 of Civil Aviation Law No. 55/1953

It is unlawful for anyone to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for loading, any goods which he knows or has reason to believe or suspect to be either munitions of war or dangerous goods the carriage of which is prohibited by the law.⁹⁴

5. Imperilling the Safety of Aircraft and Persons Therein

No person acting as, or carried in an aircraft for the purpose of acting as, pilot, commander, navigator, engineer or operating member of the crew thereof shall, while so acting or carried, be in a state of intoxication or in a state in which, by reason of his having taken or used any sedative, narcotic or stimulant drug or preparation, his capacity so as to act with efficiency. Similarly, no other person while in a state of intoxication or insane shall enter or be in any aircraft.⁹⁵ Article 91 prohibits any person from acting wilfully or negligently so as to endanger an aircraft, or anyone flying in one, by interfering with the pilot or with any member of the operating crew of an aircraft

⁹⁴Article 113 (1) of Civil Aviation Law No. 55/1953

⁹⁵Article 92 of Civil Aviation Law No. 55/1953

or tamper with the aircraft or its equipment. This article refers equally to acts within the aircraft or outside it both to acts in the air or on the ground, whether by authorized crew members or by unauthorized persons interfering with the aircraft or its flight.

Moreover, Article 93 provides that a notice, visible from the passengers' seats to indicate when smoking is prohibited, must be shown in all Jordanian-registered aircraft. No one may smoke when such a notice is exhibited by the commander. Such a notice may be exhibited therein only if smoking in the aircraft is permitted by the certificate of airworthiness.

6. Prohibited Areas

The Minister of Transport is empowered to prohibit, restrict or impose conditions on flying over or near places used for public meetings or gathering of a large number of people, or areas related to national defence purposes or relating to other reasons affecting the public interest.⁹⁶ Any aircraft that finds itself

⁹⁶ Articles 45 and 97 of Civil Aviation Law No. 55/1953. See also: Procedures Applicable when Flying over Prohibited Areas in AIP Jordan, Rules of the Air (PAC 5-1.1) Civil Aviation Department October 1, 1966. For further details, see: Chapter 2.

in violation of the above, or that has been intercepted by Jordanian military aircraft, must immediately inform the Amman air traffic control and comply with the instructions given by the intercepting aircraft and the air traffic center. Contravening aircraft are to be held on landing at the designated aerodrome where a thorough investigation is carried out on the conduct of the responsible crew.⁹⁷

7. Health Regulations

Disembarking passengers are required to be in possession of valid certificates of vaccination against smallpox. Passengers coming from epidemic zones may be required to produce appropriate and valid certificates of inoculation.

⁹⁷ AIP Jordan, Entry, Transit and Departure
(FAL 1-3) Civil Aviation Department, 1.2.62.

CHAPTER IV

LAW GOVERNING AIR TRANSPORT SERVICES

There was little opportunity for state practice concerning state rights in airspace to develop before the signing of the Convention of Paris in 1919. Customary international law on the subject is therefore ill-defined, and such rights are largely governed by treaty law.¹ However, it is necessary to refer to customary international law, both because disputes may rise between states which are not parties to the relevant conventions and also because the Conventions themselves contain expressions which must be construed with reference to customary international law.

¹The terms "Treaty", "Convention" and "Agreement", unless otherwise indicated, will be used interchangeably to denote a written agreement by which two or more states or international organizations create or intend to create a relation between themselves operating within the sphere of international law. For terminology, see: Myers, Denis P.: Names and Scope of the Treaties, 51 A.J.I.L. (1957) pp. 574 and McNair, Arnold: The Functions and Differing Legal Character of Treaties, 11 B.Y.I.L. (1930) pp. 100.

International Conventions are the most important source of the International Air Law. See: Shawcross and Beaumont: On Air Law, Vol. 1 (London) 3rd ed. (1966) pp. 30 and also Wassenbergh, H.: Post War International Civil Aviation Policy (The Hague) 2nd ed. (1962) pp. 107

Prior to 1919, publicists differed considerably in their views concerning state sovereignty over air space. Over the high seas, it was generally admitted that the air space was free.² But as regards the air space over land, including internal and territorial waters, there have been a number of competing theories, which may be summarized as follows:³

1. That the air space is entirely free,⁴ upon the analogy of freedom of the high seas, the air space above the territory of any state is free to the aircraft of every state.

²"Convention on the High Seas" Article 2, para 4, adopted by the United Nations Conference on the law of the sea, April 29, 1958 (UN Doc. A/Conf.13/L-53).
Goedhuis, D.: Civil Aviation after the War, 36 A.J.I.L. (1942) pp.596-613; in this connection he reviewed the arguments which have been advanced being based on the analogy of the freedom of the sea. See also: McNair, Arnold: The Law of the Air (London) 3rd ed. (1964) pp.14.
Hazeltine, Harold: The Law of the Air (London) 1911 pp. 9

³See further 2nd ed. of Shawcross and Beaumont Air Law (London) 1962, pp. 194-148, also: Cooper, A.J.: Roman Law and the Maxim "Cujus Est Solum" in International Law McGill Law Journal Vol. 1 (1952) pp. 28-65.

⁴Grotius refers, incidentally, to the air and seems to suggest that in his opinion it should be linked to the open sea and be incapable of appropriation. See: Oppenheim's International Law, A Treaties, 5th ed. Vol. 1 (London) 1955, pp. 517

2. That upon the analogy of the maritime belt there is a lower zone of territorial airspace and a higher unlimited zone of free airspace.⁵

3. That the air space to an unlimited height is entirely within the sovereignty of the subjacent state, which is an application - though not necessarily the correct application⁶ - of the private law maxim "cujus est solum ejus est usque coelum et ad inferos":

4. That the air space is within the sovereignty of the subjacent state subject to a servitude of innocent passage for foreign civil, but not military, aircraft.

In the absence of state practice, these theories reflected the speculation of publicists concerning the future development of this area of international law.

The war of 1914-18 brought about a realization of the importance of aerial navigation and of its potential danger to the subjacent state and its inhabitants. It is, therefore,

⁵How far upward in space does the territory of state extend? This question has been said to have become topical in connection with high altitude rockets. See: Cooper, J.C.: Exploration in Aerospace Law, edited by Ivan A. Vlasic (Montreal) 1963, pp. 257-265. For further elaboration on this subject, see: Matte, Nicolas Mateesco: Aerospace Law (toronto) 1969 pp.13-17

⁶Hazeltine supra note 2 pp. 54-77. See also: Cooper, J.C. supra note 3 and Richardson, Jack: Private Property in Air Space at Common Law 31 Canadian Bar Review (1953) pp.117-149

not surprising to find at this stage the almost universal adoption by international treaty and by national legislation of the theory of complete sovereignty (No. 3 above) subject to a mutual, carefully safeguarded and easily determinable treaty right of free entry and passage for the non-military aircraft of foreign countries.⁷ Article 1 of the Convention of Paris, 1919, purported to be declaratory of customary international law.⁸ It provided that "the high contracting parties recognize that every power has complete and exclusive sovereignty over the air space above its territory". Recognition of sovereignty was thus not confined to states parties to the Convention. The Madrid (Ibro-American) Convention,⁹ 1926, the Havana (Pan-American) Convention,¹⁰ 1928, and the Chicago Convention, 1944, contained similar

⁷For comprehensive survey, see: Cheng, Bin: The Law of International Air Transport (London), 1962.

⁸Oppenheim, *supra* note 4 pp. 523. It is submitted that Article 1(a) of the Chicago Convention of 1944 is declaratory of customary international law in providing that "every state has complete and exclusive sovereignty over the air space above its territory".

⁹The Madrid Convention of 1926 was signed by Spain and twenty South American States, but it was only ratified by seven of the signatories and can now be regarded as a dead letter.

¹⁰The Havana Convention of 1928 was signed as a result of the refusal of the USA and some South American Republics

provisions and, as a matter of state practice, it has consistently been recognized that a state has sovereignty over the air space above its territory. The same principle underlies numerous bilateral conventions and may be regarded as universally accepted. In the domestic or national sphere, the same principle has been established throughout the world.¹¹ In Jordan, the Civil Aviation Law No. 55/1953 declares:

Article 3: The Kingdom has complete sovereignty
over the air space above its territory.
The territories of the Kingdom include
its territorial waters.

Practical considerations demanded that the doctrine of sovereignty, potentially so rigorous, should be mitigated by states mutually affording each other rights in their own air space. This is a prevalent feature of the Conventions. The Convention of Paris, 1919, provided in Article 15 that "every aircraft of a contracting state has the right to cross the air space of another state without landing" and by Article 2 "Each contracting state undertakes in time of

to become parties to the Paris Convention; in 1944, the Havana Convention had been ratified by sixteen states.

¹¹ See the preamble of the British Air Navigation Act of 1920 which was re-enacted by the Civil Aviation Act of 1949; see also: The United States Federal Aviation Act of 1958.

peace to accord freedom of innocent passage above its territory to the aircraft of another contracting state, provided that the conditions laid down in the present Convention are observed." Article 5 of the Chicago Convention provides for the right of aircraft of contracting states to make non-scheduled flights over the territory of other contracting states, subject to certain rights of the state overflown. Admittedly, these rights are conferred by the Paris and Chicago Conventions only upon contracting states, but it seems that even in the absence of any treaty provision a state may enjoy rights or privileges in the air space of another state.¹²

Scheduled International Air Services

On September 11, 1944,¹³ the President of the United States invited fifty-five Governments and authorities to attend an international conference on Civil Aviation, suggesting that the conference could, for the immediate

¹²Lissitzyn, Oliver J.: The Treatment of Aerial Intruders in Recent Practice and International Law, 47 A.J.I.L. (1953) pp.586-589. See also: Aerial Incident of July, 1955 (Israel v. Bulgaria), 1959 International Court of Justice pleadings pp. 5

¹³See Azzie, Ralph: Negotiation of Bilateral Air Agreements, lecture delivered to the Institute of Air and Space Law, McGill University students in 1967.

future, have the following objective:

"Agreement upon the principles to be followed in setting up a permanent international aeronautical body, and a Multilateral Aviation Convention dealing with the fields of air transport."

Various schools of thought found expression at Chicago Conference,¹⁴ 1944. An attempt was made to reach a multilateral agreement concerning the exchange of commercial rights of air services between the contracting states but this was unsuccessful chiefly because of the different philosophical postures of the United States and the United Kingdom.

The United States, long an ardent protectionist nation, went to Chicago with a liberal approach in mind aiming at free competition on rates and services; the war-weary United Kingdom, although long identified with the gospel of free trade and freedom of the seas, held out for strict government control of rates and apportionment of routes together with regulations of frequency and capacity. Later on, these two extreme positions reached a compromise at

¹⁴For elaboration, see Wassenbergh, supra note 1.

Bermuda in 1946.¹⁵ Unable to agree on any of the major proposals, the conference finally reached a compromise solution that resulted in:

1. The International Air Services Transit Agreement,¹⁶
and,

2. The International Air Transport Agreement.¹⁷

The Transit Agreement, commonly known as "The Two Freedoms Agreement" by which the signatories permit aircraft of other signatories to fly over their territory and land for non-commercial purposes, is of little economic value as far as commercial operations are concerned. As of December 31, 1969

¹⁵ See Warner, Edward: The Chicago Conference
Foreign Affairs, April 1945.

¹⁶ This Agreement was intended to secure the "Two Freedoms" to Scheduled International Air Services.

¹⁷ The Agreement sought to establish the "Five Freedoms" regarding the scheduled international air services, provides: "Each contracting state grants to the other contracting states the following freedoms of the air in respect of scheduled international air services:

a. The privilege to fly across its territory without landing;

b. The privilege to land for non-traffic purposes;

c. The privilege to put down passengers, mail and cargo taken on in the territory of the State whose nationality the aircraft possesses;

d. The privilege to take on passengers, mail or cargo destined for the territory of the State whose nationality the aircraft possesses.

74 countries had accepted it.¹⁸ The Transport Agreement or the "Five Freedoms Agreement" which was to serve as a multilateral agreement to regulate the economic problems of international air transport never received the required number of ratifications to come into force.¹⁹ Despite the fact that the Chicago Convention uses the concept of a "scheduled" service, the expression is not defined. However, as requested by the ICAO assembly at its 2nd session, the Council presented a definition for the guidance of contracting states (on March 28, 1952)²⁰ which reads:

"A scheduled international air service is a series of flights that possesses the following characteristics:

1. it passes through the air space over the territory of more than one state;
2. it is performed by aircraft for transport of passengers, mail, cargo for remuneration in such a manner

e. The privilege to take on passengers, mail and cargo destined for the territory of any other contracting state and privilege to put down passengers, mail and cargo coming from any such territory.

Now only eleven states are still party to this Agreement. ICAO Doc. 7965, January 1970.

¹⁸ ICAO Doc. 7965 January 1970.

¹⁹ Cheng supra note 7 pp. 25

²⁰ ICAO Doc. 7278-C/841 (1951)

that each flight is open for use by members of the public;

3. it is operated so as to service traffic between the same two or more points, either
 - a. according to a published time-table, or
 - b. with flights so regular or frequent that they constitute a recognizable systematic series."²¹

The Jordanian legislature remained silent on the definition of scheduled international air services. It is not covered in the Civil Aviation Law No. 55/1953.

Bilateral Agreements

The Chicago Conference, having failed to find an acceptable framework for the multilateral exchange of commercial rights, the Convention of 1944 endorsed, in Article 6, the bilateral approach to such exchanges. Since then, this method was followed all over the world. At present, over 1,300^{21(a)} bilateral agreements are registered with the ICAO. Although the Chicago Conference did not succeed in achieving a multilateral agreement on the

²¹For further elaboration and analysis, see: Shawcross and Beaumont supra note 1 pp. 196 and Sir Renald Edward: British Air Transport in the Seventies, Report of the Committee of Enquiry into Civil Air Transport (London) 1969, Chapter 5.

^{21(a)}The source of this number is the Legal Bureau of ICAO.

exchange of traffic rights, its contribution to the development of scheduled international air transport was nevertheless significant.²² In accordance with Article 6 of the Chicago Convention, the granting of the traffic rights depends on the consent of the contracting state, either on a unilateral grant by a state, or on a bilateral agreement.²³ In cases where a state does not intend to extend its international network for political, pecuniary or administrative reasons, but at the same time desires to oblige the other party, it agrees to a unilateral grant.²⁴ Although the developing countries might not at present possess the capacity to make use of the reciprocal grant of rights in bilateral agreements, they are reluctant to completely relinquish their rights and are afraid to agree to unilateral grants as they might adversely affect their future development

²²Deak, Francis: The Balance Sheet of Bilateralism The Freedom of the Air by Edward McWhinny and Martin Bradley, Chapter 11, 1968.

²³Lissitzyn, Oliver J.: Bilateral Agreements on Air Transport 30 J.A.L.C. pp. 248 1964.

²⁴In the United States, it may take the form of "foreign air carrier permits" or non-common carrier flight permits for foreign aircraft as envisaged respectively in Section 402 of the Civil Aeronautics Act and Section 6(b) of the Air Commerce Act. See: Calkins, G.Nathan: The Role of the Civil Aeronautics Board in the Grant of Operating Rights in Foreign Air Carriage 22 J.A.L.C. 1955 pp. 253

of international and regional services.²⁵ The main purpose of bilateral agreements is to regulate and animate the direct flow of traffic between the two contracting states.

After the ratification of the Chicago Convention, Jordan followed the method of concluding bilateral agreements with foreign countries, for the establishment of scheduled air services between and beyond their respective territories. The Jordanian government set up a standard form to be used in such treaties. It has entered into negotiations with many foreign governments for that purpose and succeeded in concluding such agreements on the basis of the principles provided in the standard form referred to above. Current Jordanian practice is to grant the designated airlines of the contracting party with whom a bilateral or multilateral agreement is to be concluded, an operating permission to provide the specified air services to and/or through Jordanian territory for an unlimited period.²⁶ Article 41 of the Civil

²⁵ See Menon, P.K.: History Law and Government Control of Civil Aviation in India. Thesis submitted to the Institute of Air and Space Law, McGill University, 1967 pp. 70

²⁶ Department of Civil Aviation in Jordan - Aeronautical Information publication - October 2, 1967 (FAL) pp. 1-7, 1.2.1.1., 1.2.1.2., 1.2.1.3, 1.2.1.4 and Air Traffic Rules and Services pp. RAC 0.2, 4.1

Aviation Law No. 55/1953 reads as follows:

"Scheduled international air services may not be operated except according to international agreements ratified in accordance with established procedures. However, the Cabinet, if recommended by the Minister, may grant temporary licenses to start and operate international air services."

According to the above-mentioned article, the airlines of foreign countries, with whom Jordan has not concluded a bilateral agreement or has concluded a bilateral agreement but which is not yet in force, might be given a temporary permission subject to the Cabinet approval. As to non-scheduled air carriers, the conditions of the operation vary to suit individual cases.²⁷ As for Governmental or foreign²⁸ aircraft, a special permission is required from the Minister, after approval of the Minister of Defence, or according to a special agreement.²⁹

²⁷ Ibid pp.1.1.1, 1.3, 1.3.1, 1.3.1.1, 1.3.2, 1.3.2.1

²⁸ According to Article 2 of the Civil Aviation Law No. 55/1953, the foreign aircraft defined as non-Jordanian whether military or civilian including those used for police customs. So, in this particular case, the Jordanian legislator meant the foreign military and government aircraft.

²⁹ Article 39 of Civil Aviation Law No. 55/1953

The bilateral agreements are signed by the authorized agents of the Government of Jordan.³⁰

According to the Jordanian Law, ratification of bilateral agreements is essential. Article 41 of the Civil Aviation Law No. 55/1953, which is mentioned above, provides that "international agreements (must be) ratified in accordance with established procedures."³¹ But, as a matter of practice,

³⁰If the Agreement is concluded at Amman, it is signed by the Minister of Transport or by the highest civil servant of the Department of Civil Aviation. If concluded abroad, sometimes the accredited representative of Jordan to that country, on instructions from the Jordanian Government, signs the agreement.

³¹The established procedures are set up in the Constitution; Article 33 reads:

a. the Kingdom declares war, concludes peace and signs treaties.

b. Treaties of peace, alliance, trade, navigation and treaties involving territorial changes or adversely affecting sovereignty, or incurring financial commitments, or affecting the general or private rights of Jordanians shall not be brought into force unless approved by the National Assembly. In no circumstances shall a secret clause in a treaty be contradictory to its published clause.

Furthermore, Article 48 provides that: "Decisions of the Council of Ministers shall be signed by the Prime Minister and members of the said Council and shall be submitted to the King for approval where the Constitution or any law, or regulation enacted thereunder, so require." Such decisions are implemented by the Prime Minister and each Minister within the limit of his jurisdiction.

The treaty-making power of states is as a rule exercised by their Heads, acting either personally or through

the newly concluded agreements contain a clause that "the agreement shall come into force provisionally on the date of signature".³² In the United States, such

representatives appointed by them, or by their Governments. This means that treaties are declared to be concluded either between Heads of States, or as is increasingly the practice, between their Governments. Though the function of the ratification is to make the treaty binding, it is not always essential, according to the British practice inter-governmental agreements, i.e., treaties concluded between Governments do not require ratification unless they specifically provide for it, as they occasionally do. See Oppenheim *supra* note 4 pp. 884.

According to Article (33) of the Jordanian Constitution of 1952 mentioned above, the King exercises the treaty-making power through the Government. However, peace treaties and such treaties relating to commerce, navigation, trade as well as treaties which affect private rights of Jordanians or involve cession of Jordanian territory are not valid unless embodied in a law and passed by the National Assembly.

³²Some bilateral agreements contain clause that they shall be effective provisionally upon signature. See Agreement between Jordan and Belgium, October 19, 1960 and Agreement with the United Kingdom, September 9, 1969.

The practice that the treaties shall come into force upon signature has, in fact, been a prominent feature in the procedure of conclusion of treaties. For some statistical data on the subject, see Lauterpacht: Report on the Law of Treaties "International Law Commission A/CN-4/63" 1953 pp. 72. However, most of the Jordanian bilateral agreements stipulated ratification.

bilateral agreements are Executive Agreements.³³ It is undoubtedly true that the cumbersome and slow process of formal treaty-making in the United States would have retarded the exchange of commercial service rights.³⁴

Thus far, Jordan has concluded bilateral agreements with nineteen countries.³⁵ This does not mean that every one of these countries are operating into Jordan nor that the Jordanian carriers operate in all those countries.³⁶ For example, no carriers from Turkey, Pakistan, Scandinavia or Belgium operate into Jordan although they have concluded

³³ See Stoffel, A.W.: American Bilateral Air Transport Agreements on the Threshold of the Jet Transport Age 26 J.A.L.C. 1959, pp. 123

³⁴ See Lissitzyn: The Legal Status of Executive Agreements in Air Transportation, 17 J.A.L.C. pp. 436-453 1950 and 18 pp. 12-32 1951.

³⁵ See Appendix (4). There are other temporary Agreements with Kuwait, Libya and Iran. Also, negotiations are underway with the United States, Spain and other countries.

³⁶ The Royal Jordanian Airlines operate to the following countries: Kuwait, the United Arab Republic, the United Kingdom, Italy, France, Cyprus, Libya, West Germany, Turkey, Iran. Information sources: The Commercial Department - Alia. Foreign air carriers operating in Jordan are: Alitalia, Kuwait Airways, United Arab Airlines, Middle East, Air Liban Airways, Saudi Airways, K.L.M.

agreements with Jordan. Their rights to operate, however, are there and can be exercised at any time.³⁷ On the other hand, the Jordanian carriers do not operate into Sweden, Denmark or the Netherlands. These agreements do not always conform to the Bermuda pattern. Occasionally there is predetermination of traffic requirements,³⁸ and restriction of Fifth Freedom rights from the Jordanian territory to the surrounding Arab countries,³⁹ as Third and Fourth Freedom traffic constitute the basic principle held by Jordan. It may be useful to review some of the more important provisions dealt with in these agreements.

1. Routes

In the exchange of routes, the nature of the relationship is reciprocity and, generally, the Jordanian bilateral agreements grant beyond rights to the carriers of other parties and obtain similar rights for Jordanian

³⁷For example, Bilateral Agreement with Belgium signed in Amman October 19, 1960, Article 2/1

³⁸Agreement with Saudi Arabia, signed 1958.

³⁹The restriction usually imposed upon foreign non-Arab air carriers; for instance, see Bilateral Agreement concluded with Sweden, the Netherlands, the United Kingdom and Belgium.

carriers abroad. These beyond rights might be broad in certain cases without specifying the precise beyond points.⁴⁰ In other cases, they may be restricted in the sense that the beyond rights are granted after specified intermediate points or only to certain specified points beyond the country concluding the agreement.⁴¹ Even when Jordan is not in a position to make an immediate use of all the beyond rights that may be granted to it under any agreement, it insists on having them incorporated in the agreement form for such incorporation is considered desirable for future expansion of its international transportation network. It is expected that the Jordanian flag carriers will start operating, from the beginning of April, to Denmark, Spain and the Far East.

2. Capacity and Frequency Control

The Bermuda principle, as mentioned earlier, arose out of a compromise between the protectionist theory of the United Kingdom and the open competition policy of the United States. No issue, however, was made of predeterminating the capacity of the total traffic to be carried. Instead, the

⁴⁰ See Annex to the Agreement signed with Denmark, December 7, 1961.

⁴¹ Annex to the Agreement with the Netherlands and Appendix to the Agreement with Saudi Arabia, supra note 38.

airlines were free to operate services at the frequency and capacity that they considered satisfactory, provided they complied with the general provisions of the agreement, summarized in the article "The air transport facilities available to the travelling public should bear a close relationship to the requirements of the public for such transport",⁴² "There shall be a fair and equal opportunity for the carriers of the two nations to operate on any route"⁴³, etc. It was also recognized that the operation of trunk services necessitated carriers having rights to carry traffic on intermediate sectors. This right was allowed to them only if the total capacity operated was reasonably related to the end-to-end potential of the route. The Bermuda system also provides for "an ex post facto" review of the capacity clause if one party feels that its interests are unduly affected by the airline capacity of the other. These provisions are flexible, "designed to permit the development of reasonable competitive conditions regardless of the respective size of the countries and airlines

⁴²Bermuda Final Act para (3).

⁴³Ibid, para (4)

concerned".⁴⁴ Recently, however, there have been complaints, especially by the United States, about European states which are alleged to have adopted their capacity so as to exceed the "traffic requirements between the country of origin and the countries of destination".⁴⁵ It is possible that this development may result in the denunciation or extensive revision of Bermuda-type agreements.⁴⁶

Jordan's position on the subject of capacity and frequency is based mostly on the Bermuda principles.⁴⁷ Jordan has adopted these Bermuda principles in many of its bilateral agreements: they are put as follows:

⁴⁴ See Bermuda Principles in Bilateral Agreements, 17 ICAO Bulletin 1962, pp. 85

⁴⁵ As of 1955, the United States started to take a really defensive line. To be more precise, it would be true to say that it was after the signing of the bilateral agreement with the Federal German Republic in July, 1955. See Aviation "ITA" Studies G5/8-E (1955). For further details, read Jones, Harold A.: The Equation of Aviation Policy, 27 J.A.C.L. (1960) pp. 221

⁴⁶ Shawcross and Beaumont, *supra* note (1) pp. 289

⁴⁷ For instance, Agreements with the United Kingdom, Iraq and Lebanon.

a. There shall be fair and equal opportunity for the airlines of both contracting parties to operate the agreed services on the specified routes between their respective territories.

b. In operating the agreed services, the airlines of each contracting party shall take into account the interests of the airlines of the other contracting party so as not to affect unduly the services which the latter provides on the whole or part of the same routes.

c. The agreed services provided by the designated airline of the contracting parties shall bear close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provisions, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers, cargo and mail originating from or destined for the territory of the contracting party which has designated the airline.

Jordan has very seldom requested frequency and capacity clauses in its bilateral agreements. When a bilateral agreement includes a restriction on frequency or capacity, as is the case with Saudi Arabia and Turkey, it has been done on the instigation of the other party.

3. Fares and Rates

In fixing the tariffs, relevant factors, including cost of operation, reasonable profit, characteristics of services and the tariffs of other airlines for the same route are taken into consideration.

On the subject of fares and rates, most airlines feel that their establishment should be left to the competence of the airlines. However, most governments reserve the right to approve or disapprove the published fares and rates. To avoid destructive competition, the airlines do not decide the fares individually but through the International Air Transport Association (IATA).⁴⁸ This organization has divided the world into three conference areas, and fares and rates are negotiated among the airlines serving these areas:

- a. North and South America;
- b. Europe, the Middle East and Africa; and
- c. The rest of the world.

⁴⁸ For further details about how fares and rates are made, see: Hollender, Stanley C.: Passenger Transportation, 1968, pp. 539-552

Jordan's position is that fares should be fixed, as much as possible, through the IATA machinery,⁴⁹ but it reserves the right to approve or disapprove the proposed fares. It clearly states in the Jordanian standard Bilateral:

a. The tariffs to be charged by the designated airlines of one contracting party for carriage to or from the territory of the other contracting party shall be established at reasonable level, due regard being paid to all relevant factors including cost of operation, reasonable profit and the tariffs of the other airlines.

b. The tariffs referred to in para (a) of this Article shall, if possible, be agreed upon by the designated airlines concerned of both contracting parties in consultation with other airlines operating over the whole or part of the route and such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association.

Although part of the above wording may be slightly changed in some existing bilaterals, the spirit of

⁴⁹ Almost all agreements concluded by Jordan depend on IATA fixing rate machinery except the Agreement with Saudi Arabia because at that time Saudi Airlines was not party to IATA.

the Article remains. One thing in common in all agreements is that the tariffs shall be subject to the approval of the Aeronautical authorities.

There are other aspects which may come up during negotiations. Here are some with a word of explanation:

1. Cabotage: It is the carrying of traffic by an airline of one country between two points located in another country. The Chicago Convention in Article 7 provides:

"Each contracting state shall have the right to refuse permission to the aircraft of other contracting states to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting state undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other state or an airline of any other state and not to obtain any such exclusive privilege from other states."

There are still some who argue about the interpretation of Article 7 of the Convention and who claim that the granting

of CABOTAGE rights to one foreign carrier opens this sector to all comers. This, however, is a matter presently under discussion in the ICAO Council and the writer is confident that a solution will be found.

The Jordanian Civil Aviation Law restricts domestic transportation on the national organizations only. Article 42 provides:

"Commercial air transportation of passengers or freight between two points inside the Kingdom may not be made except by persons or organizations of Jordanian citizenship..."

Also, the Jordanian bilateral agreements do not include any provision granting this right to the foreign carriers.

2. Stop-Over Privilege: This can be defined as a deliberate interruption of a journey by the passengers, agreed in advance by the carrier at a point between the place of departure and the place of destination; or as a temporary break in passengers' journey at an intermediate point on their route for a purpose other than changing aircraft. How long can a passenger stay in an intermediate country and still be considered as making a stop-over?

According to a resolution by IATA, it could not be more than the duration of the validity of the ticket, i.e., one year. However, some countries reduce this period to a few days. Stop-over is sometimes referred to as a "limited fifth freedom" and some countries refuse it.

Inter-Airline Cooperation

A. The International Air Transport Association⁵⁰

The most important organization in the field of international air transport, apart from the ICAO, is, no doubt, the International Air Transport Association (IATA).⁵¹

The IATA is a free association of scheduled airlines who are operating under proper authority in the transport of passengers, mail or cargo under the flag of a state eligible to membership in the International Civil Aviation Organization.⁵²

The ultimate authority of the Association is vested in the General Meeting, composed of representatives

⁵⁰ The Royal Jordanian Airlines Corporation is an IATA member. See: Sharif, Amer A.: Commercial Aviation in the Arab World, Beirut, 1968

⁵¹ Established at Havana in April 1945, it has its seat at Montreal and granted legal personality by an Act of the Canadian Parliament in December 1945. Bin Cheng, see also Articles of Association No. 21 (location), Act of incorporation of IATA, 1969, 17th ed.

⁵² See IATA publication, Facts About IATA, IATA Organization and Activities.

of the active members of the Association.⁵³ Beside the General Meetings of IATA, there are three Traffic Conferences, each with its own geographical boundaries, which hold periodic composite conference meetings. It is through these Traffic Conferences that the most important function of the IATA is carried out: the fixing of fares and rates on scheduled international services.

Apart from fixing fares, the IATA has, in many directions, sought coordination among airlines. It has thus drawn multilateral interline agreements in order to knit the services of different airlines into a world-wide network. The basic interline traffic agreement came into force in 1947, and it was followed in 1950 by the interline agreement for luggage, and in 1951 by a similar agreement for cargo.⁵⁴ Moreover, standard forms for the passengers' ticket, baggage check and airway bill were produced by the IATA and accepted by all carriers at the Composite Conference.⁵⁵

In 1949, standard IATA conditions of carriage for passengers, baggage and cargo were adopted as

⁵³Article VII of Articles of Association, supra note 51

⁵⁴Current edition of IATA Interline Agreement Manual.

⁵⁵The latest edition of Manual of IATA Conference Resolutions.

Recommended Practice at Bermuda. Subsequently, at Honolulu in 1953, it was attempted to adopt a revised set conditions of carriage as a resolution binding members of the IATA, but the proposed new conditions met with opposition, mainly from the United States Civil Aeronautical Board. A special committee was then established to develop a new formula in consultation with the C.A.B. At its Cannes meeting in 1956⁵⁶, the Special Committee was able to recommend to the Traffic Conference new conditions of contract to be printed on the passengers' ticket. These were adopted by the IATA Traffic Conference by mail vote and became effective as of March 9, 1957.⁵⁷ These new conditions came into force on November 21, 1957 and their adoption is obligatory on all the members of the IATA.

Moreover, IATA has devised a standardized method of labelling dangerous and similar cargo. It has drawn up lists of what may or may not be carried by air and in what quantities such restricted good may be dispatched. The

⁵⁶24 - IATA Bulletin 1956, pp. 80

⁵⁷25 - IATA Bulletin 1957, pp. 65

resultant standards have been accepted and adopted by most governments.⁵⁸

In addition, mention must be made to the IATA Clearing House established in London in 1947 as an integral part of the IATA under the supervision of the Director General of IATA. Participation in the Clearing House is on a voluntary basis.

B. The Arab Air Carriers Organization

The Arab Air carriers Organization (AACO), established in 1965 as an independent body,⁵⁹ is one of such pioneer attempts that have probably advanced more than other similar organizations in the Arab world. The best way to understand AACO is to review what it actually did and what it is attempting to realize:

1. Aims and Achievements

a. Conformity with International Standards.

AACO has always stressed the importance of having its members operate under the same international standards. Accordingly, it encouraged them consistently to

⁵⁸ Sir Archibald P.H.: Air Cargo Development,
21 IATA Bulletin 1955, pp. 100

⁵⁹ Article 1 of the Act of Incorporation of the Arab Air Carrier Organization says: An Arab organization with an independent corporal personality is established, called "The Arab Air Carrier Organization".

join IATA, as the basic statutes of AACO require it to work within the framework of IATA. This drive was successful and all the active members of AACO have joined IATA.⁶⁰

This Arab organization is also stressing the need for its members to ratify the various international conventions such as the Warsaw Convention, the Hague Protocol and other similar agreements; many of them have done so.

b. Stabilization and Development of the Tariffs Policy.

The earliest form of cooperation among the Arab carriers was in the field of tariffs. This enabled them to obtain for their region similar excursion fares as were being applied in other parts of the world.

AACO holds "Tariff Conferences" before or after IATA Tariff Conferences or upon special request of some members. Their advantages are three:

(1) They study IATA tariffs within the Arab world and between Arab and foreign countries as a step towards harmonizing them. They also recommend new fares to develop touristic traffic.

⁶⁰ See Shanif, Amer A., supra note (5) pp. 79

(2) They are very good testing ground for proposals intended for IATA. The opinions of the various members and the stand they will take at IATA regarding the proposals of a member get known. As such, they are good forum where the more experienced members impart their knowledge in an unofficial atmosphere to the less experienced members.

(3) They are very good training ground on conference procedures and discussions.

c. Technical Cooperation.

AACO is exploring the various means of technical cooperation. It is assessing the capacity of various members to effect maintenance work for the other members. A study is underway for the joint purchase of expensive engineering equipment that no single one of them can purchase and operate economically alone. This is a pattern of cooperation that carriers in the developing countries will have to follow in view of the rising engineering costs.⁶¹

⁶¹Ibid, pp. 80

AACO has also always stressed the need to standardize Arab fleets, a matter that is succeeding.⁶²

d. Catering Problems.

Food problems due to heat, exchange of information on catering equipment and attempts at the standardization of such equipment are affected.

e. Insurance Problems.

AACO is studying, in a very objective manner, IATA's mutual insurance project. Ad hoc problems, such as the exorbitant increase in war insurance after the Israeli raid on Beirut Airport⁶³ get reviewed.

f. Better Understanding of Each Other.

AACO has enabled the Arab carriers to know each other at all staff levels. A much better understanding of each other's problems, personal attitudes and reaction has resulted. This is the first prerequisite for cooperation. The second step has already begun: the various studies on which cooperation is to be based. The third step,

⁶²The following Arab air carriers operating Boeing 707-320 C, Kuwait Airways, Saudi Arabian Airways, United Arab Airlines, Middle East Airlines and Alia/The Royal Jordanian Airlines, had ordered two aircrafts from the same type, the first one was delivered February 10, 1971 and the second in March, 1971. Middle East Aviation Newsletter (published by Bardawil & Co., Beirut) No. 444, Sheet 2, October 2, 1969.

⁶³On December 28, 1968.

that of actual cooperation on specific problems, exists regarding fares and is to be expected in other fields soon.

2. The Establishment and Development of AACO

The initiative for forming the AACO as an independent body can be attributed partly to the Arab League and partly to the carriers themselves.⁶⁴ Article (12)(b) of the Pact of the Arab League, dated March 22, 1945,⁶⁵ provided for the establishment of a Department of Communications that was created in 1946. It recommended that the Arab air carriers should meet from time to time to discuss common problems. This was found insufficient, particularly as aviation expanded by leaps and bounds in the Arab World. Accordingly, the tenth Conference of the Commission of Communications of the Arab League, meeting in Tunis in May, 1964⁶⁶, recommended the formation of an organization for the Arab air carriers. This was followed

⁶⁴Sharif, Amer A., opt. cit. pp. 81

⁶⁵For the text of the Arab League Pact, see: "Collection of the Treaties and Agreements Concluded between the Members", Arab League, Cairo (in Arabic) pp. 7-14.

⁶⁶Supra note (64) pp. 82

by the first conference of the Arab Ministers of Communications held in Beirut during November, 1964⁶⁷ which took the following two decisions:

a. The formation of an organization for the Arab air carriers; and

b. the extension of an invitation by the Secretariat General of the Arab League to the Arab air carriers to discuss the project.

The above decisions were approved by the Arab Economic Council⁶⁸ of the Arab League on December 8, 1964 and by the Council of the Arab League on March 21, 1965.

The Arab air carriers held their conference at the Arab League in Cairo on August 23, 1965 when fourteen companies attended.⁶⁹ On August 25, 1965, thirteen companies signed the Basic Statutes.⁷⁰ These were again amended on the

⁶⁷ Ibid

⁶⁸ Established as an independent entity by a Protocol signed on January 14, 1959, supra note (65) pp. 31

⁶⁹ Middle East Airlines, Air Liban, LIA, TMA, Lebanese Air Transport (Charter), United Arab Airlines, Misr Air, Alia/The Royal Jordanian Airlines Corporation, Kuwait Airways Corporation, Sudan Airways, Syrian Arab Airlines and Yemen Airlines.

⁷⁰ Lebanese Air Transport did not join in.

basis of draft projects also submitted by UAA⁷¹ and ratification made at the fourth session of the General Assembly held in Kuwait on April 2, 1967.

The four carriers of North Africa⁷² have not formally joined AACO yet but they have been attending the meetings of the General Assembly and collaborating with other carriers in matters of common interest.

During the second session of the General Assembly held in Beirut in 1966 this city was selected as the location of the permanent bureau.

C. Pool Services

The most important cooperative efforts among airlines in rationalizing the air services is pooling. A pooling agreement has been defined by Professor Lemoine, as "an agreement between air carriers for the operation by them of one service or one group of services, including the allocation of revenue derived from such operation."⁷³

⁷¹The original draft was submitted by United Arab Republic delegation.

⁷²Air Algérie, Tunis Air, Royal Air Maroc and Libyan Airways.

⁷³This definition quoted from Ben Ching, *supra* note (7).

The Chicago Convention expressly permitted pooling; Article 79 provides: "A state may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the state concerned, be state-owned or partly state-owned or privately owned."

From the definition quoted above, it may be added in a sense, that the pool may be an expenditure and revenue pool or simply a revenue pool. A pool may be established to include all the services operated by its participants, or some, or part of the services.

Pooling is a fairly flexible instrument. Thus, especially on short-hand parallel services between two traffic centers, the participants to a pool, in order to avoid concentration of services during the peak days, may arrange their time-table in such a way as to avoid an equitable distribution of the available traffic and reasonable services to the public at all times. A pool may also be an instrument used by weaker airlines to ensure themselves a share of the traffic on a given route. Accordingly, by forcing all foreign airlines operating into a country to

pool their individual services with the national airline. The latter is enabled to play off one foreign airline against another in order to obtain the most advantageous terms for itself. So far, the Jordanian-flag carrier, Alia/The Royal Jordanian Airlines Corporation, has entered into commercial pooling agreements with the neighbouring Arab carriers: Middle East Air Liban Airlines,⁷⁴ United Arab Airlines,⁷⁵ Kuwait Airways⁷⁶ and Saudi Airlines.⁷⁷ Jordanian pools are almost invariably revenue pools rather than expenditure and revenue pools.

To a large extent, pooling re-introduces capacity predetermination, where the bilateral agreement provides none, through a back-door on a non-governmental but interline level. On the other side, it may be said that pooling enables its participants to make better use

⁷⁴Between Amman and Beirut. Information source: Commercial Department, Alia/The Royal Jordanian Airlines.

⁷⁵On the route Cairo-Jerusalem-Amman, this agreement came into effect on May 15, 1967, Bardawil, supra note (52) May 11, 1967 No. 311

⁷⁶Kuwait-Amman route, Ibid.

⁷⁷Amman-Jaddeh route. Information source: supra note (74).

of their equipment, reduce the operating costs and offer better service to the public.⁷⁸

D. Consortia

Article 77 of the Chicago Convention says that "Nothing in this Convention shall prevent two or more contracting states from constituting joint air transport organizations or international agencies..."

The formal consortium is one of the forms that may come under joint organization,⁷⁹ such as the Scandinavian Airways System (SAS)⁸⁰ which is by far the most notable example towards integration in international air transport. In the Arab world, there are at present many integration projects⁸¹ involving its air carriers,

⁷⁸See Wheatcraft, Stephen: The Economics of European Air Transport, Manchester, 1956, pp. 311

⁷⁹See Shawcross & Beaumont, supra note (1) pp. 290
See generally Nelson: SAS Cooperation in the Air, 20 J.A.C.L. 1953, pp. 178

⁸⁰There are also Air Afrique and the British Commonwealth Pacific Airways.

⁸¹The projects are:

1. The establishment of the joint international airlines company for the Arabian Gulf.
2. The merger of UAA with Sudan Airways and Libyan Arab Airlines.

They are at various stages of maturity. But, as far as the national Jordanian air carrier is concerned, it is participating in the following projects:

1. Arab World Airlines Consortium (AWA)

Alia/The Royal Jordanian Airlines Corporation, Iraqi Airways, Sudan Airways, Syrian Arab Airlines, United Arab Airways, Kuwait Airways and Yemen Airlines are proposing the formation of a consortium between the air carriers belonging to the states parties to the Arab Economical Unity Agreement, to perform commercial and technical operations on behalf of the Arab airlines party to the proposed consortium or in the Arab countries or abroad. This project is still under study by a special committee which will submit its final draft with the legal, economical, technical and administrative studies necessary to bring this project into being, to the Arab Economical Unity Council, and finally to the General Secretariat of the Arab League for final approval.⁸²

c. The formation of Air Maghreb in North Africa;

d. A merger of MEA and TMA in Lebanon.

For more information, see Bardawil, supra note (62) No. 504, October 20, 1970.

⁸² "The Arab Economical Unity Council", Report of the Private Committee for Studying the Arab Aviation Cooperation, Cairo, 12-22 March 1970, and the draft of the proposed consortium.

2. The Royal Jordanian Airlines Corporation (ALIA) and Pakistani International Airlines (PIA) Consortium.⁸³

The Consortium consists of a Board of Six Directors, three from each carrier with its chairmanship in annual rotation between the two. The Head Office is in Amman and has three coordinators for operations, finance and commercial activities. The decisions are enforced by the Directors General of PIA and ALIA respectively. A number of unspecified routes will be operated as of April 1, 1971 on a joint cost and revenue basis, the actual cost of each carrier, which differ from each other, will get computed for accounting purposes.

This is the first project to get realized in this area and stems from several factors:

a. ALIA with the backing of a solvent government can finance the purchase of big planes but it would be difficult to secure for them widespread markets, while PIA has an international organization that can immediately put the planes to profitable use.

⁸³The only information available is Bardawil, Newsletter opt.cit. However, the Consortium will operate this year but no documents have been released yet from either party.

b. The Consortium will lead to a better combination of traffic rights.

c. Both ALIA and PIA are based and have their respective shares in two distant markets that each can make available to the other. With joint bases in the Middle East and the Indian sub-continent, they will extend their operations from the Far East to Western Europe and perhaps beyond.

d. The two carriers, when operating in consortium, will have a heavier concentration of frequencies and, consequently, a greater share in traffic than the sum of shares of each one when operating alone.

e. Both carriers will show their national flags over a wider area, but it will not be a single flag flying alone.

E. Other Cooperative Arrangements

Here, it is intended merely to allude briefly to certain other forms of interline cooperation. These include, in particular, commercial agency agreements, ground service agreements and agreements on technical cooperation.

Under the general heading of commercial agency agreements, are included all agreements under which the airlines conduct, on each other's behalf, the various operations relating to traffic promotion, ticket sales and handling of traffic on their connecting routes. These agreements include both bilateral agency agreements and standard agreements, drawn up by IATA, the parties to which undertake to honour each other's transportation documents, in order to facilitate movement of traffic to its destination. The work of IATA in this field has already been mentioned and need not be repeated. In this respect, ALIA/The Royal Jordanian Airlines Corporation working as a commercial agent concerning ticket sales and handling of traffic on its connecting routes for Brazilian Airlines, Cyprus Airways and other airlines.⁸⁴

As regards ground service, interline cooperation is achieved essentially through bilateral "handling" agreements. The national Jordanian airlines concluded several "handling" agreements with almost all foreign carriers operating to Jordan to perform all ground services in the Jordanian airports. In addition to that, Provisional Ordinance No. 20 of the year 1968 in Article 5(a).1., gives the Jordanian airlines the

⁸⁴ Source of Information is the Commercial Department for the Royal Jordanian Airlines Corporation.

right of monopoly over all ground services in the Jordanian airports. It says: "The Corporation undertakes and performs all air transport operations within the Kingdom or outside it and performs all operations concerning reception, dispatch and supplying provisions to all aircraft landing or taking off from the airports within the Kingdom...".

CHAPTER V

CONCLUDING RECOMMENDATIONS

Civil Aviation facilities in the Hashemite Kingdom of Jordan must be as such so as to:

1. enable the targets set in the plan for tourism¹ to be attained by providing speedy, comfortable and safe access to the Kingdom by air;
2. encourage two-way business and other non-tourist contacts with other countries by the same means; and
3. make possible the development of air-freighted exports, for example, out-of-season fruits and vegetables to markets abroad.

To achieve these objectives, the following actions are required:

¹The Government plans to develop tourism in Jordan; see: The Seven-Year Program for Economic Development in Jordan, 1970

1. Extension and Improvement of Airports

The number of visitors to Jordan is expected to increase greatly and a greater portion will travel by air. Based on the expected number of arrivals, there will be an increase from 45% - 55% in air arrivals. During the period 1964/65, Jerusalem airport handled 72% of the arrivals. Amman airport currently receives six direct flights weekly from Europe and three flights daily from the neighbouring countries. But, with the steadily increasing size of planes on inter-continental flights, the present runway will not be adequate indefinitely. Since Jerusalem's airport capabilities for expansion are limited due to terrain, Amman airport must be regarded, particularly in reference to long distance flights, as the airport most capable of being modified in a manner that will conform to expected technological change towards larger aircraft - Jumbo Jet.

Jerusalem airport which was handling the greater part of tourist air traffic cannot be developed to handle inter-continental aircraft because of its topographical situation. However, improvements are now impossible due to the Israeli occupation after the June 5th, 1967. Aqaba

Airport is given third priority in this study because of the expected increase in internal traffic to Aqaba and the possibility of expansion.

As for Ma'an Airport, there is no apparent need for its expansion. However, Mafraq military airport should always be considered as an emergency airport. The additional possibility should be studied, that of making Mafraq airport available for diversion of traffic in the event of bad weather at Amman to avoid loss of tourist traffic to the country.

2. Personnel of Civil Aviation Department

At present, a relatively small number of professional, administrative and technical staff are employed in the Civil Aviation Department. Additional qualified staff will be required to coincide with the completion of the expected changes at the airports. However, most of the deficiencies existing in civil aviation are not due to lack of equipment, buildings or airfields, but are the result of serious lack of trained staff, particularly, reliable supervisors. A study of the present organization of the Civil Aviation Department should be conducted - both at Headquarters and airport levels; any changes deemed necessary should be made. Emphasis should be given to proper continuous supervision at different levels.

3. Provision of New and Improvement of
Existing Flight-Safety Facilities

a. Since a risk of collision exists when two or more aircraft fly through the same air space, without any coordination of contact, it is recommended that an area control center be established in Amman and given highest priority.

b. A remote Receiver station should be established in the Amman area.

c. Fire and rescue equipment and vehicles should be available at every airport and the provision of a foam carpet at Mafraq airport should be expedited.

4. Internal Reorganization of the Civil
Aviation Department

In order that the Civil Aviation administration can effectively cope with the problems that it has to face constantly, due to dynamic technological developments in the civil aviation industry, it should be given the proper status in the hierarchy of the Government and delegated liberal administrative and financial powers.

The Civil Aviation Department should pursue the following projects:

a. Completion of the Rules of the Air and Air Traffic Control section of the Aeronautical Information Publication (AIP), as well as editing and publishing the AIP.

b. Local training unit for the purpose of providing basic training in the following fields should be set up:

- (1) Air Traffic Controllers
- (2) Radio Maintenance Mechanics
- (3) Teleprinter Maintenance Mechanics
- (4) Telecommunications Operators.

c. A Legal Section should be established with the following functions:

- (1) to prepare a new law; and
- (2) to make regulations supplementing the law.

d. A Safety Section should be established for the following purposes:

- (1) supervision of personnel licensing;
- (2) Aircraft registration;

(3) Aircraft maintenance and inspection for airworthiness;

(4) Accident investigation and incident report; and

(5) Maintenance of flight operation standards.

5. Passing of Legislation Necessary to Efficient Functioning of the Civil Aviation Department

a. A new civil aviation law should be enacted to face the new development in civil aviation in Jordan. The new proposed law should cover the present and future needs in aviation and to comply with the International Conventions regarding international civil aviation on both the Arabic regional level and the International community level. In addition, civil aviation regulations must be promulgated on many subjects. These will require the services of a legally-trained officer.

b. The new civil aviation law enacted in Jordan should permit regulations governing the operations of an Air Transport Licensing Board. Jordan has a great potential tourist industry to foster and this can best be done by removing restrictions and liberalizing the policy concerning

traffic rights. Regulations governing the establishment and operation of an Air Transport Licensing Board should be framed to accomplish these objectives.

6. Liaison with Neighbouring Arab States in The Civil Aviation Field.

7. Improvements in Existing Practices.

It is essential to the tourist industry that tourists arriving in and departing from Jordan are handled at airports with maximum courtesy. Accordingly, the Civil Aviation Department should carry out a study of possible ways in which the handling of air passengers and their baggage can be improved with attention being given to methods in use in other countries, particularly, those with significant tourist income.

BIBLIOGRAPHY

Books and Articles

- | | |
|---|--|
| Abidi, Aqil H. H. | Jordan, A Political Study
1948 - 1957.
London, 1965 |
| Abu Ash-Sha'r, Amin | Mudhakkirate Al-Malek
Abdullah Ben al-Hussain.
San Paulo, 1953 (in Arabic) |
| Abdelmoneim, Ismail Ahmad | The Law of Civil Aviation
in Egypt.
McGill University, Institute
of Air and Space Law.
Thesis, 1953 |
| Al Arif, Arif | An-Nakbah
4 volumes
Beirut (in Arabic) |
| Al Assiuty, Tharwat Anis | Civil Aviation Law.
Cairo University, 1966
(in Arabic) |
| Al Majali, Hazza' | Mudhakkirati (My Memoirs)
Amman, 1960 (in Arabic) |
| Al Madi, M. and Nusa, S. | Tarikh Al-Urdun Fi Al
Qurn Al-Ishrin.
(Jordan's History in the
20th Century)
Amman, 1959 (in Arabic) |
| Air Laws and Treaties of the World: Prepared by the
Committee on Commerce, U.S. Senate, Vol. 2, 1965 | |
| Antonius, George | The Arab Awakening, the Story
of the Arab National Movement.
London, 1955 |
| Arab League | Agreements and Treaties between
the Arab States.
Cairo, 1968 (in Arabic) |

- At Tell, Abdullah Karthah Falastin
Cairo, 1959 (in Arabic)
- Aviation (ITA). Studies 65/8-E, 1965
- Azzie, Ralph Negotiation of Bilateral
Air Agreements.
Lecture delivered at the
Institute of Air and Space
Law, McGill, 1967
- Boczek, Boleslaw A. Flags of Convenience..
Harvard University, 1962
- Calkins, G. Nathan The Role of the Civil
Aeronautical Board in the
Grant of Operating Rights in
Foreign Air Carriage.
22 Journal of Air Law and
Commerce, 1955
- Cheng, Bin The Law of International
Air Transport.
London, 1962
- Cooper, J.C. The Exploration in Aerospace
Law.
Edited by Vlasic I.
McGill, 1968
- The Legal Status of Flight
Vehicles.
- Roman Law and the Maxim
"Cujus est solum" in
International Air Law
McGill Law Journal, Vol. 1,
1952
- Constitutions of Asian Countries: Prepared by the
Secretariat of the Asian African Legal Committee,
New Delhi, 1968.

Davis, Helen Milier	Constitution, Electoral Law, Treaties of States in the Near and Middle East. Durham, Duke University, 1949
Dajani, B.	National Movement for Freedom in Syria and Palestine. India Quarterly, New Delhi April - June, 1947
Eugene, Pepin	The Development of the National Legislations on Aviation since the Chicago Convention. 24 Journal of Air Law and Commerce, 1957
Edward, Warne	The Chicago Air Conference Foreign Affairs - April 1945
Francis, Deak	The Balance Sheet of Bilateralism "The Freedom of the Air Chapter (11)"
Gazdik, J. G.	Nationality of Aircraft and Nationality of Airlines are Means of Control in Interna- tional Air Transportation. 24 Journal of Air Law and Commerce, 1958
Glubb, John Bagot	Story of the Arab Legion. London, 1946
Goedhuis, O.	Civil Aviation after the War. 36 American Journal of International Law.
Hazeltine, Harold O.	The Law of the Air University of London, 1911
Harvard Research in International Law - Nationality	
23 American Journal of International Law, 1929 "Supplement"	

- Harold, A. Jones The Equation of Aviation
Policy
27 Journal of Air Law
and Commerce, 1960
- Hoing, J. P. The Legal Status of Aircraft.
The Hague, 1956
- Hotchkiss, Henry G. Law of Aviation.
2nd ed., New York, 1938
- Kamminga, M.S. The Aircraft Commander in
Commercial Air Transport.
The Hague, 1953
- Kanhan, Isam Bilateralism in the Arab World.
Thesis, Institute of Air and
Space Law,
McGill University, 1970
- Khairy, H.Y. Mostafa Transnational Commercial
Organization in Public
International Law.
Thesis, Institute of Air and
Space Law,
McGill University, 1970
- Lauterpacht, H. Report on the Law of Treaties,
"International Law Commission"
A/CN-4/63-1953
- International Law
Vol. 1, 8th ed., London, 1955
- Luke, Sir H. and Keith, R.E. The Handbook of Palestine and
Transjordan.
London, 1934
- Lissitzyn, O.J. The Treatment of Aerial
Intruders in Recent Practice
and International Law.
47 American Journal of
International Law, 1953

- Lissitzyn, O.J. Bilateral Agreement on Air Transport.
30 Journal of Air Law and Commerce, 1964
- The Legal Status of Executive Agreements in Air Transport.
17 Journal of Air Law and Commerce and 18, 1951
- Lequeur, W.Z. Communism and Nationalism in the Middle East.
London, 1956
- Mateesco, M.N. Aerospace Law
Toronto, 1969
- McNair, Sir Arnold O. The Law of the Air.
3rd ed., London, 1964
- The Law of the Treaties.
Oxford, 1961
- The Functions and Differing Legal Characters of Treaties
11 the British Year Book of International Law. 1930
- McWhinny E. and Bradly, M. The Freedom of the Air
1968
- Menon, P.K. History Law and Government Control of Civil Aviation in India.
Thesis, Institute of Air and Space Law,
McGill University, 1967
- Middle East Affairs - New York, April 1950
- Mogannam, E. Theodore The Development in Legal System of Jordan.
The Middle East Journal Vol. VI
1952

- Myers, Denys P. Names and Scope of the
Treaties.
51 American Journal of
International Law, 1957
- Nelson, Robert A. SAS Cooperation in the Air
20 Journal of Air Law and
Commerce, 1953
- Nemeth, John The Nationality of Aircraft.
Thesis, Institute of Air and
Space Law,
McGill, 1953
- Rafi'i, Nizar R. The Constitutional Government
in Jordan.
Washington D.C., 1956
- Richardson, Jack E. Private Property Rights in
Air space at the Common Law.
31 Canadian Bar Review, 1953
- Ronald, Edward, K.B.E. British Air Transport in the
Seventies; Report of the
Committee of Inquiry into
Civil Air Transport.
London, 1969
- Schwarzenberger, G. International Law.
3rd ed., Vol. I.
London, 1957.
- Sharif, Amer A. Commercial Aviation in the
Arab World.
Beirut, 1968.
- Stanly, C.H. Passenger Transportation
MUS Business Studies
Michigan, 1968
- Sir Archibeld P.H. Air Cargo Development
21 IATA Bulletin, 1955

- Stoffel, A.W. American Bilateral Air Transport Agreement on the Threshold of the Jet Transport Age.
26 Journal of Air Law and Commerce, 1959.
- Shawcross, C.N. and Beaumont, K.M. Air Law.
3rd ed., London, 1966
- Stoyanovesky, J. Mandate for Palestine.
London, 1928
- Tuqan, Baha Uddin A Short History of Transjordan.
London
- Van Deusen, E.B. The Development of the Democratic Institutions in the Hashemite Kingdom of Jordan.
American University, Beirut, 1955
- Wassenbergh, H. Post War International Civil Aviation Policy.
The Hague, 1962
- Wheatcraft, S. The Economics of European Air Transport.
Manchester, 1956
- World Airlines Record, 5th ed., Chicago, 1966
- Zeine, N. Zeine Arab-Turkish Relations and the Emergence of the Arab Nationalism.
Beirut, 1958

Laws and Regulations

Laws of Civil Aviation No. 55/1953 and its amendments.
Ministerial Decision of 1953 concerning the Navigation Fees.
Provisional Ordinance No. 20/1968 (Alia/The Royal Jordanian
Airlines Corporation Ordinance)
Aeronautical Information Publication.
United Kingdom, Air Navigation Act of 1920 and the Civil
Aviation Act of 1949.
United States, Federal Aviation Act of 1958.
IATA, Act of Incorporation.
AACO, Act of Incorporation
Bermuda Final Act.

Bilateral Agreements with:

Turkey	1948
Saudi Arabia	1958
Sweden	1961
Netherlands	1960
Denmark	1961
United Kingdom	1969
Belgium	1960

International Conventions

Convention for Regulation of Aerial Navigation, Paris
October 13, 1919 with Protocol of 1929 amending the
Convention.

Convention on International Civil Aviation, Chicago,
December 7, 1944

Convention on the High Seas, April 29, 1958

Convention on the Civil Aviation Council of the Arab
States, April 2, 1967.

ICAO Documents

ICAO Document	7278-C/841 (1951)
" "	8056
" "	4444
" "	7965 January, 1970
Annex 1	Personnel Licensing (5th ed.)
" 2	Rules of the Air (6th ed.)
" 6	Operation of Aircraft (two parts)
" 7	Aircraft Nationality and Registration Marks (3rd ed.)
" 8	Airworthiness of Aircraft (5th ed.)
" 11	Air Traffic Services (6th ed.)
" 12	Search and Rescue (5th ed.)
" 13	Aircraft Accident Inquiry (2nd ed.)
" 15	Aeronautical Information Services (4th ed.)

Jordanian Government Documents

Official Gazette from 1928 to 1970

Mudhakkirat Majlis al-Ummah (Parliamentary Debates 1948-50)

Risalah al-Urdun - Directorate of Press and Information

Jordanian Constitution

The Seven-Year Program for Economic Development of Jordan, 1970

Other Documents

U.N. Document 5/1302/Rev. 1

Security Council Official Records - Special Supplement
No. 1, New York, June 20, 1949.

British House of Commons - Parliamentary Debates.

Bardawil Middle East Aviation Newsletter.

Arab League Publications.

IATA Bulletins and Publications.

Falastine - Jordanian Daily Newspaper.

New York Time.

Time Magazine.

Officials Interviewed by the Writer in Jordan

Minister of Transport

Legal Advisor for the Ministry of Transport

The Director-General of the Civil Aviation Department

Assistant of the Director-General of the Civil Aviation
Department

The Director General of the Royal Jordanian Airlines
Corporation

Commercial Manager of the Royal Jordanian Airlines
Corporation.

APPENDIX NO. I

JORDAN

LAW NO. 55, 1953 : LAW OF CIVIL AVIATION

Article 1. This law is to be called Law of Civil Aviation of 1953.
It shall be effective from its publication in the Official Gazette.

Article 2. Definitions :

(Minister) in this law means the Minister of Communications-Civil Aviation, or any person delegated by the Minister to exercise his authority according to this law.

(Treaty) means the Convention signed in Chicago on December 7, 1944, according to which it was agreed to adopt some general laws and regulations regarding international civil aviation, or any international treaty amending this Convention or replacing it and recognized by the Jordan Government.

(Contracting Party) means any State which signed that Convention.

(Aircraft) means all balloons, airplanes, dirigibles, or gliders.

(Balloon) means any aircraft which use gases lighter than air for keeping in the air and which have no propulsive power.

(Aeroplane) means all the air, sea, and water planes and other aircraft which are heavier than air and have propulsive power.

(Dirigible) means aircraft which is lighter than air and has no ties with the land and no mechanical propulsive power though it has machines for controlling its direction.

(Military aircraft) means military and Air Force aircraft

which belong to the Jordanian RAF, and other aircraft piloted by personnel from the King's sea, land, or air forces shall also be considered military aircraft.

(Foreign aircraft) means aircraft which are non-Jordanian whether military or civilian, including those used for transportation of pouches of mail, customs and police.

(Passenger Aircraft or Freight Aircraft) means aircraft used for transporting passengers or freight in exchange for wages or remuneration.

(Crew) means the pilot, navigator, and other crew members working on the aircraft.

(Freight) includes postal bags and animals.

(Wireless Telegraphy) means also wireless telephone.

(Aerodrome) means a land or water surface, all or part of which is intended for the landing of aircraft. It includes the buildings thereon and all other installations.

(Customs aerodromes) mean any aerodrome under the control of the Ministry.

(Owner of the aerodrome) means any persons responsible for managing it.

(Licensed aerodrome) means any aerodrome which has a license from the Government.

(Decision) unless otherwise stated, means anything decided according to the provisions of this law or regulations issued by the Minister.

(Prohibited area) means any area declared thus by the Minister.

(Days) mean days passed, not only weeks days.

GENERAL PROVISIONS

Article 3. The Kingdom has complete sovereignty over the airspace above its territories. The territories of the Kingdom include its territorial waters.

Article 4. No aircraft is allowed to fly over Jordan territories or land thereon unless it has been licensed by the Minister or its right to fly

and land in Jordan is recognized by an agreement signed between the Jordanian Government and the State to which the aircraft belongs.

NATIONALITY OF AIRCRAFT

Article 5.

1. No aircraft may have Jordanian nationality unless they are owned by Jordanian citizens or by companies possessing Jordanian citizenship, provided that the major part of their capital is owned by Jordanian citizens and provided that the President of these companies and two thirds of the shareholders including the President are Jordanian citizens.

2. Foreign aircraft hired by Jordanians and Jordanian companies, may bear the markings of the hiring company during the period of hire provided its original markings remain.

Article 6. Nationality marks will be given to aircraft to indicate their Jordanian nationality.

Article 7. Jordanian aircraft lose their nationality in the following cases :

1. if the conditions specified in Article 5 are no longer fulfilled ;
2. if they are sold to a foreigner or its owner becomes a foreign national ;
3. if they are registered in a foreign country.

Article 8. No aircraft may fly over Jordan except if it is registered in :

1. a foreign country a party to the convention, or
2. a foreign country which concluded with His Majesty's Government an aviation agreement which is in effect.

Article 9.

1. Airline companies will be registered in the Ministry of Justice by virtue of a decision of Ministers' Council if recommended by the Minister of Transport.

2. The Ministers' Council has the right to cancel, upon the request of the Minister of Transport, the registration of any airline company registered in the Kingdom if he realized that its registration was against the public interest without mentioning the reasons for cancellation. The registration will be deemed void on the date appointed

by the Council decision.

Article 10. Applications for registration shall be submitted to the Minister. The applicant has to supply the Minister with all documents regarding the aircraft, ownership and present the necessary proofs that confirm this application.

Article 11. The Minister shall open a registration book in which aircraft registered in the Kingdom will be recorded, and which shall include the name of the owner of the aircraft, or the institution which owns it, its serial number and all other details.

Article 12. The Minister shall issue certificates of registration for such aircraft and assign a registration mark.

Article 13. No aircraft registered in a foreign country may be registered in the book mentioned in Article 11 except after proof that such aircraft has been cancelled in the foreign register.

Article 14. The Minister has the right to refuse application for registration of any aircraft in the Kingdom whenever he finds that such registration is not in the public interest.

Article 15. The Minister has the right to cancel registration of any aircraft registered in the Kingdom if he finds that the ownership of such aircraft differs from the registration, or if its registration is not as required by article 13, or is against the public interest. In such case the registration shall be deemed cancelled starting from the date selected by the Minister.

Article 16. In case ownership of an aircraft registered in the Kingdom is transferred, the owner in whose name the aircraft is registered must notify the Minister by letter of this transfer, its date and the registration in his name will be deemed cancelled as from that date.

Article 17. In implementation of the preceding article, transfer of ownership of an aircraft shall be deemed as having taken place in the following cases :

1. Discontinuation of ownership of the aircraft in the name of the owner in whose name it is registered.
2. Partnership of another person in the ownership of the aircraft registered in the name of the original owner.
3. Discontinuation of ownership of the aircraft according to article 5.

Article 18. The certificate of registration of any aircraft shall be deemed cancelled when the aircraft is damaged or lost or not used because of unsuitability. The owner has to notify the Minister of such event.

Article 19. No aircraft may fly over Jordan unless it is registered and registration marks are painted thereon, and the marks showing its nationality are clearly visible. It may not carry the the nationality marks and the registration of a country in which it is not registered.

Article 20.

1. Nationality marks of an aircraft registered in the Kingdom will be formed of two Roman letters, and the marks of registration will be formed of 3 Roman letters to be assigned by the Minister when the aircraft is registered.
2. The marks of nationality and registration must be painted on aircraft in a clearly visible manner.
3. A fire resisting metal plaque, carrying the name of the owner in whose name the aircraft is registered and his address must be fixed on the side of the main entrance of the aircraft or in any other apparent place.
4. The registration marks and the metal plaque must always be kept in good and clean condition.

Article 21. An aircraft shall be considered as committing violation if it does not comply with the conditions specified in the preceding article.

Article 22. No aircraft which is non-Governmental may carry the marks specially assigned to Government aircraft.

Article 23.

1. No aircraft may fly or attempt to fly unless :
 - A. it possesses a certificate of airworthiness in accordance with the laws of the country in which it is registered ;
 - B. it complies with all the conditions mentioned in the certificate of airworthiness.
2. Exceptions from the rules of this article may be made for aircraft registered in the Kingdom and which fly over the Kingdom only for the purpose of training, experiment, examination or any other operation concerned with the machinery of the ship, and which the Minister allows to fly without the airworthiness certificate, provided such flights are made under conditions which the Minister stipulates in a written permission.

Article 24. The Minister issues certificates to aircraft when he has ascertained that the aircraft complies with the stipulated conditions.

He has the right to renew or withdraw the certificates.

Article 25. In order to ascertain that aircraft comply with all conditions required in the preceding articles, the Minister may rely on the reports issued by any person or Organization which the Minister authorizes to submit such reports.

Article 26. No aircraft in the Kingdom shall have the right, if used for commercial transportation purposes, to fly or attempt to fly except after careful check and after certification that it has been maintained and repaired according to approved maintenance instructions, and that a certificate of airworthiness has been issued showing its flightworthiness.

Article 27. The airworthiness certificate must be issued in duplicate by qualified aircraft engineers and are effective as from their issuance.

Article 28. The airworthiness certificate becomes invalid :

1. at the time when maintenance instructions call for the necessity of issuing a new airworthiness certificate ;
2. when an aircraft has suffered serious damage even though the airworthiness certificate may still be valid. Serious damage means damage which no member of the aircraft crew can repair.

LICENSES OF THE CREW

Article 29. No person may perform the duties of pilot, navigator, or engineer or any other duty on an aircraft registered in the Kingdom except when he has a certificate showing his ability to perform such duties.

Article 30. No person may perform any duties on an aircraft registered in other countries except when he has a certificate showing his ability to perform such duties.

Article 31. The Minister has the right to grant, confirm and renew the licenses issued by the competent authorities in foreign countries, subject to such reservations and conditions as he may impose. He has the right to refuse to grant, confirm, or renew any license when the applicant does not fulfill the requirements.

OWNERSHIP OF AIRCRAFT, LEASE, ATTACHMENT, AND SALE

Article 32. Aircraft are transferable property as regards the laws and

regulations of the Kingdom. However, transfer in an aircraft must be by written document and will not be effective unless it is registered in the register mentioned in Article 11 of this law.

Article 33. Any transfer of ownership due to death, and any judgment for transfer of ownership must be registered.

Article 34. If an aircraft is rented for a continuous number of years or for a certain period, its pilot and crew shall remain under the control of its owner unless there was an agreement to the contrary. Such agreement shall not be effective except if the Minister approves it.

Article 35. The owner of an aircraft rented to another person, whether he is a Jordanian or a foreigner, shall remain responsible for the legal duties in cooperation with the lessee. However, if the lessor registered the lease and the lessee fulfills all necessary conditions for owning a Jordanian aircraft, he shall be solely responsible for the legal duties.

Article 36. Attachment and sale of aircraft shall take place according to the rules of the law of civil procedure except in the cases mentioned in treaties and international agreements. Any attachment shall be recorded in the register.

(Amends article 36 of Law No. 55/1953) : The Chief Justice of the Court, regardless of any request for seizure of an aircraft, and after considering all aspects of the case, may permit an aircraft to remain at the disposal of the operator provided he posts a guarantee or bond, or any other security to ensure the rights of the party requesting seizure.

Article 37. If a landing strip is damaged due to the crash of a Jordanian or foreign aircraft, the local authorities may invite the internal security forces to detain the aircraft for 72 hours until the Governor or the responsible authority reach the place of the accident and estimate the damage. If there is any violation, the fines and other expenses shall be estimated. The Governor will order immediate payment of the amount unless an appropriate guarantee or bail is offered. If neither the amount is paid nor the guarantee submitted, the aircraft shall be attached until the suit is settled. All expenses incurred shall be paid by the owner.

Article 38. The Minister has the right to order any aircraft out of service even if it is foreign, when it lacks airworthiness or its pilot has committed a violation of the laws.

AIR TRANSPORTATION

Article 39. Governmental or foreign aircraft may not fly above, or land on Jordanian territory except by special permission from the Minister, after approval of the Minister of Defense or according to a special agree-

ment.

Article 40. Foreign Civil Aircraft may not fly over Jordanian territory or land thereon unless their right to fly is recognized by an international agreement or unless they possess a special or temporary permit from the Minister. Such aircraft shall be accorded the same treatment as the State of origin of such aircraft accords to Jordanian aircraft.

Article 41. Scheduled international air services may not be operated except according to international agreements ratified in accordance with established procedures. However, the Cabinet, if recommended by the Minister, may grant temporary licenses to start and operate international air services.

Article 42. Commercial air transportation of passengers or freight between any two points inside the Kingdom may not be made except by persons or organizations of Jordanian citizenship. International air routes may be established only after having obtained a license from the Cabinet upon recommendation of the Minister.

Article 43. No aircraft may fly over private property in such a way as to hinder the owner in using his rights. The Minister will assign the routes which must be followed.

Article 44. If an accident occurs to a foreign aircraft and it crashes on Jordanian territory, the competent authorities in the Kingdom shall conduct investigations on the causes of the accident. The state whose nationality such aircraft has, shall have the right to send observers to such investigation, provided there is reciprocal treatment.

Article 45. The Minister may impose a temporary prohibition preventing flight over or near places used for public meetings or related to defense purposes on the request of the Ministers of Defense and the Interior.

In extraordinary circumstances related to defense the Cabinet has the right to impose an instant prohibition to prevent flights over all or part of Jordan.

Such prohibition shall be issued by an order of the Cabinet. Any aircraft which enters the prohibited area must land immediately at the nearest aerodrome upon being ordered to do so.

If a prohibition has been issued for a certain area and any aircraft violates that order, it will be detained upon landing at any point inside the Kingdom, its crew will be turned over to military courts to be tried for spying, unless the crew and pilot are able to show reasonable cause why they were obliged to fly over such prohibited areas.

If an aircraft was observed in flight, it must, upon hearing the first warning or warning shots, land at the nearest aerodrome, and

if it refuses, it will be forced to land.

Article 46. Unless there is a compelling reason, no aircraft may fly over any city or inhabited place or a public meeting place except at an altitude that enables it to land outside such crowded place if the propulsive power stops for some reason. This altitude must not be less than 500 meters for multi-engined, and 700 meters for single-engined aircraft.

Article 47. Acrobatic flying and useless dangerous maneuvers of aircraft are prohibited over cities, crowded places, places of public meetings, and over places open to the public on aerodromes.

Article 48. No air parade to which the public is invited may be held except with a special permit from the Minister.

Article 49. No aircraft may land or fly except on, or from public aerodromes or private stations established in a legal manner, except in emergencies.

Upon landing or flying, the pilot must observe the public aviation laws and regulations of the aerodrome.

Article 50. Every aircraft which enters Jordan must land on customs aerodromes and leave from these aerodromes unless it is licensed to pass over Jordan without landing. If an aircraft in transit has to land due to bad weather conditions or any other emergency, it must land at the nearest customs aerodrome. If an aircraft has to land outside customs aerodromes, its pilot must inform the nearest local or customs authority.

Article 51. If a pilot of an aircraft has to land on private land, the owner of the land may prevent the departure of the ship or its movement until the nearest local authorities arrive and investigate.

DOCUMENTS AND CERTIFICATES

Article 52.

1. Every aircraft in the Kingdom must carry the following papers :
 - a) Flight log ;
 - b) Certification for transporting passengers or freight for remuneration ;
 - c) Log for every engine of the aircraft ;
 - d) Log for every propeller of the aircraft ;
 - e) Log for the wireless communications if the aircraft is supplied with wireless apparatus.

2. Every member of the crew of any aircraft registered in the Kingdom, and every individual who flies according to the rules of this law, whether for the purpose of obtaining a license, for renewal of a license, for training, or for receiving flight instruction, must keep a log for his flying time.

3. The following instructions must be observed as regards the logs mentioned in the preceding paragraphs :

- a) Logs must be organized according to the form decided on or approved by the Minister.
- b) All details must be written in the log in accordance with the form established for the purpose or approved by the Minister.
- c) The Minister decides the conditions, appoints the persons, and sets the time according to which events and facts are recorded and signed in the logs.
- d) Logs must be preserved and kept for three full years after the entry of the last event.

Radio logs must be kept for six months.

4. Any aircraft which violates the rules of the first and third paragraphs of this article, and any crew who violates paragraph 2 will be considered as committing an offense.

Article 53. Every aircraft which lands in a Jordanian from a foreign aerodrome or station must carry the following records :

- 1. Registration certificate
- 2. Certificate of airworthiness
- 3. Certificates of the pilot and every member of the crew
- 4. Certificate of safety
- 5. Log of the trips made
- 6. License for wireless apparatus
- 7. Log for the wireless apparatus
- 8. List containing the names of passengers which shows the places of departure and destination
- 9. A statement of the freight which the ship carried.

Article 54. The pilot of an aircraft must show the legal documents mentioned above upon request by a responsible official either upon landing, or before departure from the Kingdom.

Article 55. It is prohibited :

- a) that any person falsify a license or a certificate required by this law, or possess such license unlawfully, or assist in falsifying it in an unlawful manner, or

- b) make an untrue statement or help or contribute to the making of such false statement, for obtaining, confirming or renewing any certificate or license, either for himself or for others,
 - c) to use unlawfully any license or a false, cancelled, or revoked certificate or license, either for himself or for others,
 - d) to change unlawfully any license or certificate for others or to allow others to use it.
2. No person may intentionally damage any list containing names of passengers, or falsify or blot it out, or unlawfully enter into it any false information.

AIR TRANSPORTATION

Article 56. The ticket issued to a passenger for a trip shall be deemed a contract and an agreement for transportation. The carrier must give the passenger a ticket that shows the following :

- 1.
 - a) Place and date of issuance
 - b) Place of departure and of arrival
 - c) Intermediate stops; however, the carrier has the right to change the places of intermediate landings provided that this change will not affect the passenger by depriving him of any international capacity which he might have.
 - d) Name and address of the carrier or carriers
 - e) A statement showing that the transportation is under the rules regarding liability under this law
 - f) Amount of the fare charged
- 2. The absence of a ticket, or the presence of a violation therein, or loss thereof, shall not affect the existence of a contract for transportation or the legality of the contract. Nevertheless, if the carrier accepts a passenger without a ticket, the carrier may not benefit from any provisions of this law which exempt him from liability.

Article 57.

- 1. The carrier shall issue tickets for transporting baggage, other than small personal articles which the passenger wants to keep with him.
- 2. The baggage ticket shall be issued in duplicate, one to be given to the passenger and the other to be kept by the carrier.

3. The baggage ticket must include the following facts :
- a) Place and date of issuance
 - b) Place of departure and arrival
 - c) Name and address of the carrier or carriers
 - d) Number of the passenger ticket
 - e) A statement including permission to deliver such goods to the bearer of the ticket
 - f) Number and weight of parcels
 - g) The fare received for transporting the goods
 - h) A statement that transportation is under the rules concerning liability under this law
 - i) The fare received for transporting the goods
4. The absence of a ticket for freight or the presence of a violation therein or loss thereof shall not affect the existence of a contract for transportation or the legality of the contract, which must be in accordance with the rules of this law.

Nevertheless, if the carrier accepts goods without a freight ticket or if the freight ticket does not include the details mentioned in paragraphs e, f, g of sub-section 3 of this article, then the carrier shall have no right to benefit from any provision of this law which exempts him from liability.

Article 58. Any carrier of freight shall have the right to ask the shipper to prepare a document called "airway bill" and to deliver it to the carrier. Every shipper shall have the right to demand from the carrier the acceptance of this document.

2. The absence of this document, or the presence of a violation therein, or its loss, shall not affect the existence of a contract for transportation or the legality of that contract.

Article 59.

1. The airway bill must be prepared in three original copies and be delivered with the goods.
2. On the first copy must be written : "for the carrier", on the second "for the addressee", and this must be signed by the sender and the carrier and be attached to the goods. The third copy shall be signed and given to the shipper by the carrier after having accepted the goods.
3. The carrier must sign the document when the goods arrive.
4. Instead of the carrier's signature, a seal may be used, provided the signature of the carrier is printed or in the form of a seal.
5. If the carrier completes the airway bill according to the request of the shipper, he shall be deemed to have done so on behalf

of the shipper, unless there is proof to the contrary.

Article 60. The carrier of goods shall have the right to request the shipper to combine a number of documents for aerial shipping if there is more than one parcel.

Article 61. The document for aerial shipping must include the following details :

- a) Place and date of preparation
- b) Place of departure and arrival
- c) Places of stops, on condition that the carrier shall have the right to preserve the right to change places of stops if there is a need in order not to deprive the carrier of any international capacity he may have
- d) Name and address of the shipper
- e) Name and address of the carrier
- f) Name and address of the addressee
- g) Kinds of goods
- h) Number of parcels, packaging, notations thereon in marks and numbers
- i) Weight, quantity, size, and measurements of goods
- j) Cost of transportation, time of payment, place and name of the person
- k) Amount of the value as provided for in paragraph 2 of Article 75
- l) Number of shipping documents
- m) The documents given to the carrier to accompany the airway bill
- n) The time set for the transportation and a short remark on the method which must be followed in case there is an agreement in that respect
- p) A statement showing that transportation is under the rules concerning liability.

2. If the goods are sent c.o.d., the price of the goods to be collected.

Article 62. If the carrier accepts goods without completing the airway bill, or if the airway bill does not contain all details, the carrier shall have no right to benefit from any provision of this law which exempt him from liability.

Article 63.

a) The shipper shall be responsible for the correctness and truth of all details, and statements regarding the goods mentioned in the airway bill.

b) The shipper shall be responsible for all damage that affects the carrier or any other person because of a violation in the details or their incorrectness in the airway bill.

Article 64.

1. The airway bill shall be considered testimony on the conclusion of the contract and the receipt of goods and conditions of payment.
2. The statements in the airway bill regarding weight of goods, measurements, wrapping, and statements about the number of parcels shall be considered testimony on these matters. Statements about the value of the goods, size, description shall not be considered testimony by the carrier, except if it was checked in his presence and in the presence of the shipper, and there is an explanation on the airway bill.

Article 65.

1. The shipper shall have the right, subject to carrying out his obligations according to the contract, to withdraw the goods from the aerodrome of departure or arrival, or to stop them during the transportation at the place where the aircraft is to land, or to ask for their delivery at the place where the aircraft is to arrive or during the trip to a person other than the addressee whose name is mentioned in the airway bill, or request their return to the aerodrome of departure. But he may not use his right in a way that damages the interest of the carrier. He shall be liable for all costs and expenses incurred.
2. If the carrier finds it impossible to implement the demands of the shipper, he must inform the shipper immediately.
3. If the carrier complies with the request of the shipper without showing a copy of the airway bill issued to him, the carrier shall be liable for any damage that may result from such compliance regarding any person who lawfully possesses the airway bill. The carrier shall have the right to recover the value of damages from the shipper.
4. The right granted to the shipper shall cease and be void when the right of the addressee starts according to article 66. Nevertheless, when the addressee abstains from accepting the airway bill or the goods, or when it is difficult to communicate with him, the shipper shall recover the right of ownership and do with the goods as he wishes.

Article 66.

1. With the exception of all circumstances mentioned in the preceding article, the addressee shall have the right to request the carrier upon the arrival of the goods to surrender to him the airway bill together with the goods after payment of any amounts due according to the contract.
2. The carrier shall inform the addressee of the arrival of the goods, unless otherwise agreed.
3. If the carrier claims that the goods transported have been lost,

or if the goods do not arrive seven days from the date on which they should have arrived, the addressee may hold the carrier liable according to the rights given to him under transportation contract.

Article 67. The shipper and the addressee may exercise all rights given them according to Article 65 and 66 of this law in their own name whether they are acting for their own interest or for the interest of a third person provided they carry out their obligations mentioned in the contract.

Article 68.

1. Articles 65, 66 and 67 shall not affect the relations between the shipper and the addressee or with third persons whose relations arise through the carrier or the addressee.

2. The provisions of the three preceding provisions may not be changed except by an express stipulation in the airway bill.

Article 69.

1. The shipper shall submit the information and attach to the airway bill all documents necessary for the customs procedures or the law related to importation or to police before the goods may be delivered to the addressee. The shipper shall be liable to the carrier for any damage that may occur due to the lack of such information or documents, or for their insufficiency, or for any other violation except when the damage was caused by a mistake of the carrier, his employees or agents.

2. The carrier may not be forced to ascertain the truth of any information or the documents, or to investigate whether they are sufficient.

Article 70. The carrier shall be liable for any damage that may occur, such as death of a passenger from personal injuries, if an accident takes place and causes such injury aboard the aircraft or during boarding or leaving the aircraft.

Article 71.

1. The carrier shall be liable for any damage that may be caused to baggage or registered goods. He shall be liable for their safety and for loss in case of accident causing such damage during the transportation.

2. The carrier shall be liable for the goods during the period in which they are entrusted to him whether on an aerodrome or aboard an aircraft or any other place, in case the aircraft lands at any other place.

3. The carrier shall not be liable if the transportation was done on land or on sea or on river outside the aerodrome, unless the transportation was made according to an air transportation contract or for the

purpose of shipping, or delivery, or transportation from one aircraft to another. In such case, any damage shall be considered as having occurred during the air transportation.

Article 72. The carrier shall be liable for any damage which may be caused by delay occurring during the transportation of passengers or freight by air.

Article 73.

1. The carrier shall not be liable if it is proved that he and his employees or agents have taken all necessary precautions to avoid any damage or it was most difficult for them to take such precautions.

2. The carrier shall not be held liable for transporting goods or baggage by air if it is proved that the damage has been caused by negligence in piloting the aircraft or in managing it or in crewing it, and that he and his employees and his agents have done all they could to avoid the damage.

Article 74. If the carrier proves that the damage was caused by the negligence of the complainant or that the complainant was the cause, the court may relieve the carrier from all or part of the liability.

Article 75.

1. The liability of the carrier for every passenger shall be limited to 6 000 JDs in case passengers are transported. The carrier and passengers may agree on a special contract that provides for a higher limit than the above amount.

2. The liability of the carrier in transporting baggage, and registered freight, shall be limited to 6 JDs for each kilogram unless the shipper, upon delivering the goods to the carrier, has made a special statement on the value upon delivery and paid an additional amount if necessary. In this case, the carrier shall pay upon delivery an amount not more than the value set in the statement unless it is proved that this amount is in fact higher than the real value of the goods. Regarding articles which may remain with the passenger on the aircraft, the liability of the carrier shall be limited to 325 JDs for each passenger.

Article 76. The existence of a contract which relieves the carrier from liability, or fixes a maximum limit for liability which is higher than the limit mentioned in this law, shall be considered unlawful and void. However, the voidance of such contract does not render unlawful and void the whole contract, which shall remain valid under this law.

Article 77.

1. Damage suits may be filed only in the cases mentioned in Articles 71 and 72.

2. The preceding paragraph shall be in effect in the situations mentioned in Article 70, without thereby affecting or disturbing the rights of persons who may file a suit.

Article 78.

1. The Carrier shall have no right to benefit from the provisions of this law which limit his liability, in case of damage because of an intentional act or a mistake equal to such intentional act.

2. The rules of the preceding paragraph shall apply if the damage occurred because of negligence of any employee or agent of the carrier.

Article 79.

1. The receipt by the addressee of baggage and freight without any protest shall be considered as a proof that the goods have been delivered to him in good condition and in accordance with the airway bill.

2. In case there is a damage, the addressee must protest to the carrier as soon as he discovers the damage, within a period of three days after receiving the baggage and within seven days after receiving freight. In case of delay, the protest must be submitted within a period of 14 days.

3. The protest must be submitted on the transportation document to a public notary or by telegram and must be sent during the period shown in the preceding paragraph.

4. If the protest is not submitted within these periods, no suit may be brought against the carrier unless there is fraud on his part.

Article 80. If the person who is liable dies, then the damage suit shall be filed, according to the rules of this law, against his heirs.

Article 81. The right to sue for compensation shall terminate after the passage of two years starting from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which transportation ended.

Article 82.

1. If the transportation, which ought to have been performed by several carriers successively, is subject to the definition mentioned in paragraph 3 of Article 71, every carrier who accepts passengers, baggage, or goods shall be subject to the rules of this law and each shall be considered one of the contracting parties.

2. In transportation of this kind, the passenger or his agent may file suit against the carrier who performed the transportation during which the accident or the delay took place, except in the cases in which

the first carrier undertook, by contract, to be liable for the whole transportation.

Article 83. In case of transporting baggage or freight, the shipper shall have the right to file a suit against the first carrier. The addressee who has the right to receive the goods, may file a suit against the last carrier. In addition, both shall have the right to file suits against the carrier during whose transportation, the damage, loss or delay took place. The carrier shall be held jointly liable to the shipper and the addressee.

Article 84. Transportation which takes place in part by air, and in part by other means of transportation, shall be subject to the rules of air transportation only.

Article 85. In transportation by different means, nothing in this law shall prevent the parties from entering certain stipulations in the airway bill regarding the other means of transportation, provided that the rules of this law, as regards air transportation, are observed.

Article 86. Any provisions in the contract, or other private agreement signed before the occurrence of the damage, which were intended to obviate the rules of this law either in defining the law which ought to be applied or in changing the rules regarding authorities, shall be null and void. Nevertheless, in the case of transportation of goods, certain deviations are permitted, provided they are in accordance with this law.

Article 87. Nothing in this law shall prevent the carrier from refusing to conclude any contract for transportation, or from drafting certain provisions provided they do not conflict with the rules of this law.

Article 88. This law shall not apply to international air transportation, conducted on an experimental basis by persons whose profession is aerial shipping, for the purpose of establishing a regular shipping service by air, nor does it apply to transportation being conducted in extraordinary circumstances.

Article 89. It shall be prohibited to transport arms and war ammunition on any civil aircraft.

DAMAGES AND LIABILITY

Article 90. Aircraft pilots shall act in accordance with flight regulations and with instructions regarding lights and signals and take all the necessary precautions to avoid damages.

Article 91. No person shall have authority to perform an act that will cause harm to the safety of an aircraft or to any person on it by disturbing the flight crew.

Article 92. No insane person may enter, or be transported on an aircraft. No member of the crew may be in a condition that does not permit him to perform his duties, such as getting intoxicated or using narcotics.

Article 93. In the certificate of airworthiness of an aircraft, there must be a provision as to places where, and times during which smoking is allowed. In every place inside the aircraft, there must be, in a visible place, a placard which shows whether smoking is allowed.

Article 94. Pilots of an aircraft which carry passengers for compensation must not obstruct the doors that lead to the exterior of the aircraft or any other part for use in emergency situations.

Article 95. The operator of the aircraft shall be liable for all damages which are caused to persons or property on the ground by maneuvers of his aircraft, or the separation of parts of it.

Article 96. It shall be prohibited to drop any article or anything whatever from an aircraft unless there is an emergency. If something has been dropped and causes damage or harm to persons or property on the ground, liability shall be determined according to the preceding article.

Article 97. If an aircraft is leased, the owner and the operator shall be jointly liable for any damage caused by it. However, if the lease contract has been recorded in the register, the owner shall not be held liable.

AERODROMES

Article 98. No one may establish a private aerodrome or an air station except with approval of the Minister and after observing the international regulations concerning aerodromes.

Article 99. The application for a license to establish aerodromes or air stations shall be submitted to the Minister with the following information :

1. a general map showing the site of the aerodrome in relation to the adjoining towns and cities ;
2. a general map for the aerodrome and adjoining area to a distance of 1000 meters and on a scale not less than 1 to 250 ;
3. a note showing how the aerodrome will be used ;
4. a written approval of the landowner that he approves the use of his land ;

5. the internal regulation for the operation of such aerodrome.

The Minister has the right to ask for any additional information which he may find necessary.

Article 100. The Minister will conduct a technical investigation and decide whether to grant a license without being responsible for stating any reasons for the refusal. He has the right at any time to ask for any improvement he deems necessary on an aerodrome or air station so as to render them more suitable for air traffic, or if it is in the public interest.

Article 101. The Minister shall issue a list containing the fees and rates which private aerodrome licensed for public use may charge for the services rendered to aircraft. He may also determine the conditions which must be observed when collecting these fees and rates. He may replace this list by another or amend it.

Article 102. The operator of an aerodrome must show, in a prominent place, a list of all fees and rates collected for services to aircraft. He may not collect more or less than the amounts on the list.

Article 103. Any person authorized by the Minister may enter at appropriate times any aerodrome and any other place to conduct an inspection, which is necessary for the performance of his duties according to this law.

Article 104. All military aircraft of His Majesty or used by the military authorities may enter, at appropriate times, any licensed aerodrome.

Article 105. Every military aerodrome licensed for public use and open to Jordanian aircraft for payment of fees, shall be considered open for use of all aircraft of the countries which signed agreements.

INVESTIGATION OF ACCIDENTS

Article 106. The Minister may order an investigation of any accident which occurs to any Jordanian aircraft in the Kingdom, or above it, or in its territorial waters, or anywhere else. The Minister must be informed of any accident.

2. The Minister may prevent any person from entering the aircraft until the investigation of such accident is completed. He may authorize any person to enter such aircraft to investigate it or to remove it or undertake any other action needed in regard to it.

3. The Minister may revoke any license or certificate issued according to this law or any of the regulations issued thereunder,

if he thinks the results of the investigation require it.

FEES

Article 107. By a decision he issues after approval of the Cabinet, the Minister determines the fees to be collected for issuing certificates or licenses, or confirming or renewing them, fees for landing on aerodromes, or for staying in Jordan, and all other fees. He has the right to change such fees at any time.

PENALTIES

Article 108. Any owner of any aircraft shall be punished by imprisonment of from one week to one month and fined from 10 to 300 JDs or by both penalties if he :

1. uses an aircraft or permits its use without obtaining a registration certificate and airworthiness certificate, or without affixing the registration marks mentioned in Article 20.
2. Uses or permits the use of any aircraft whose airworthiness certificate is no longer valid and he knew the fact.

Article 109. The above penalties shall be imposed on the pilot of any aircraft who :

1. commands an aircraft without a license or certificate ;
2. who destroys the flight log or changes entries therein and falsifies it knowingly ;
3. lands his aircraft without justification on aerodromes not authorized for landing ;
4. pilots an aircraft while committing any of the above violations ;
5. flies over one of the prohibited areas mentioned in Article 45.

Article 110. The penalties mentioned above shall be doubled if the violations are committed after refusal or withdrawal of the registration certificate or the airworthiness certificate or the flight license or after the violator has been prohibited to fly an aircraft.

Article 111.

1. Any pilot who violates the rules of Articles 4, 39, 40, shall be punished by a fine of from 15 JDs to 300 JDs and by imprisonment of from 15 days to 3 months.

2. Any person who commits any of the crimes mentioned in Article 55 or knowingly uses any faked papers or documents, shall be imprisoned from 3 months to one year and fined from 50 JDs to 200 JDs, or be punished by both penalties.

Article 112. A fine of from 15 JDs to 300 JDs and imprisonment of from 6 months to 3 years shall be imposed on the owner, operator or pilot of any aircraft if he affixes registration marks not in accordance with the marks assigned to such aircraft, or removes the correct marks, or makes them illegible, or permits others to do so, or uses an aircraft that carries a false mark. The same punishment shall be imposed on any person who orders any one of the above facts.

Article 113. There shall be punished by one of the penalties mentioned in Article 108 any person who :

1. violates Article 89 of this law
2. uses cameras above prohibited areas or uses other devices or apparatus whose transportation is prohibited.

The courts may order confiscation of such devices.

Article 114. There shall be punished by a fine of from 5 to 15 JDs and imprisonment of from one week to 15 days :

1. any pilot of an aircraft who does not keep on the aircraft the prescribed documents or logs ;
2. any owner of an aircraft who does not keep such logs for a period of three years from the last entry ;
3. any person who violates Articles 46, 47, 48, 49.

Article 115. Any pilot of an aircraft which violates Articles 110, 111 and 112, may be prohibited from flying an aircraft for a period ranging from 3 months to 3 years or for life.

The pilot of an aircraft thus sentenced must transmit to the Ministry of Communication, Civil Aviation his certificate for the period of the sentence. If he does not comply, he shall be punished by imprisonment for a period of from 10 days to one month or fined 5 to 25 JDs. Such punishment may be in addition to the penalties mentioned in Article 110 in case he flies an aircraft during the period of prohibition. All penalties will be applied consecutively.

Article 116. Any person who enters land not open for entry by law, or lets cattle or animals enter, shall be punished by a fine of from 5 to

25 JDs or by imprisonment of from 10 to 60 days, or by both penalties.

Article 117. Any violation of Article 96 shall be punished by a fine of from 10 to 50 JDs or by imprisonment of from 10 to 60 days or by both penalties, even though the jettisoning did not cause any damage. More severe penalties shall be applied if damage results, or a crime is committed.

Article 118. Except in the case when the landing of an aircraft will expose it to danger, a pilot who knows that he has caused an accident and does not land in order to escape from liability, shall be punished by imprisonment of from one week to 2 months and by a fine of from 5 to 25 JDs, or by one of these penalties.

Article 119. Any person who violates any other rules of this law shall be punished according to the importance of the violation by a fine of from 5 to 50 JDs or by imprisonment of from one week to 3 months, or by both penalties.

Article 120. This law abrogates all previous laws regarding civil aviation, whether Jordanian or Palestinian.

Article 121. The Prime Minister and the Minister of Communications shall enforce application of this law.

This law is published in AIR LAW AND TREATIES OF THE WORLD, prepared by the Committee on Commerce, U.S. Senate, Vol. 2, July 1, 1965.

APPENDIX II

A certified translation from Arabic into English of the Provisional Ordinance No. 20 of the year 1968 (Alia the Royal Jordanian Airlines Ordinance) published in the Jordanian Official Gazette No. 2079 dated March 3rd, 1968.

We Hussein the First, King of the Hachemite Kingdom of Jordan,
In accordance with paragraph (1) of Article 94 of the Constitution, and pursuant to the decision of the Council of Ministers dated March 2nd, 1968, hereby approve -under Article 31 of the Constitution- the following provisional Ordinance that it shall be issued and come into force provisionally and shall be added to the laws of the Kingdom provided that it shall be submitted to the Parliament in its first coming session:

PROVISIONAL ORDINANCE NO. 20 OF THE YEAR 1968

ALIA CORPORATION - THE ROYAL JORDANIAN AIRLINES ORDINANCE

Section 1.

This Provisional Ordinance shall be cited (Alia Corporation - The Royal Jordanian Airlines Ordinance 1968) and it shall come into force from the date of its publication in the Official Gazette.

Section 2.

In this Ordinance, unless the context otherwise require, the following words shall mean as follows :

- a) The Corporation : Alia - The Royal Jordanian Airlines Corporation as established under this Ordinance.
- b) The Minister, the Minister of Transport.
- c) The Board : the Board of Directors of the Corporation.
- d) The General Manager : The General Manager of the Corporation.

Section 3.

- a) The Corporation shall be a body corporate having a financial and administrative independence. It may sue and be sued in this capacity and it may appoint the attorney general or any other person to represent it in any judicial proceedings related to it. The Corporation shall be attached

to the Ministry of Transport.

- b) Notwithstanding any provision of any other Ordinance and as from the date of the coming into force of this Ordinance, the Corporation shall become the legal and actual successor of Alia - The Royal Jordanian Airlines Company limited, and will replace it in the ownership of its monies, of its various assets and in all its rights and shall be subject to all its obligations and in all contracts and agreements made by it.

Section 4.

The Center of the Corporation shall be in Amman and it may establish branches and agencies in any place in the Kingdom or outside it.

Section 5.

a) The Corporation undertakes and performs all air transport operations within the Kingdom or outside it and any other incidental works thereto and necessary for its purpose or related to it whether commercial, financial, or relating to real estate, engineering, industry, education, tourism and in particular perform the following :

1. To manufacture, build, establish, assemble, and to maintain aircrafts, engines, aircraft frames, workshops, all kinds of machines, instruments, equipments and means of transport and whatever might be related to it from operations and ground services.
2. To establish and invest airport, warehouses, stores, hangars, reception and despatch stations for aircrafts, workshops with all machines and instruments, equipments, buildings, hotels and restaurants connected with the Corporation's purposes.
3. To commercialise in her account or in the account of others, whether in sales, purchase, loan or rent all what is connected with air transport operation of : aircrafts, engines, instruments, workshops, machines, equipments, tractors, means of transport, ground handling and ground facilities.
4. To do the work of commercial agency for the Corporation of : aircraft manufacturing, frame, engines, workshops, instruments, machines, equipments, means of transport, reception and despatch handling services and other ground services.
5. To do the work of agency for services inside and outside the country and whatever is connected with these services such as reception, despatch, and supplying provisions for aircrafts, passengers and ticket sales, passenger and cargo

transportation, insurance, clearance and extending all assistance, various ground and air services which are necessary to accomplish this task, including ground transportation for passengers from the Corporation's offices to airports and vice versa.

6. To work in all tourist operations which are connected with it inside and outside the country and to arrange and hold aviation parties, contests, exhibitions and carry all necessary work in order to encourage and support aviation.
7. To do the work of interchanging the currency which is connected with the Corporation's activities and to exhibit and sell goods and products on board its aircrafts and in its offices, its buildings and in restaurants and hotels established or invested by it.
8. To work in all what is connected with photography, air survey, struggle against agricultural blights, air vapouring of crops and all what is related with wireless operations and weather conditions.
9. To establish and manage institutes for aviation, wireless, engineering, air and ground services and practical training in aviation and air navigation.
10. To prepare and qualify the youth of the Kingdom to undertake technical and administrative works which are necessary for the aviation's activities.

b) The Corporation has the right to participate in any way with the associations that are running business similar to its, in order to help it achieve its purposes inside and outside the country.

c) The Corporation shall be empowered, with the approval of the Council of Ministers, to merge with any other company or corporation or purchase or annex it.

Section 6.

- a)
 1. The initial capital of the Corporation shall be two million and two hundred and fifty thousand Jordanian Dinars and shall be paid out of the State's Treasury.
 2. The Corporation shall, during a period not exceeding 31st December 1968, evaluate all its assets, and any excess in the value of its assets to the value of the capital shall be added to the Capital.
 3. The evaluation shall be made in accordance with the accountancy procedures, by a committee appointed for this purpose

by the Council of Ministers. This evaluation shall be subject to the approval of the Council of Ministers.

b) The Corporation may, by a decision of the Council of Ministers, issued on the recommendation of the Board, increase its capital to such a limit as it may find necessary.

Section 7. The affairs of the Corporation and the conducting of its business shall be undertaken by :

- a. Board of Directors
- b. General Manager
- c. Executive Staff

Section 8.

a) The Board of Directors shall consist of a Chairman, four members of Government officials and three members from the private sector having the competence and...

(Sections 8, 9, 10, 11, 12 irrelevant)

Section 13.

The General Manager will be appointed by a decision from the Council of Ministers upon the recommendation of the Minister provided this appointment should be approved by a Royal decree.

Section 14.

The General Manager shall apply and implement the policy drawn by the Board and shall manage the Corporation in a way to achieve its purposes in accordance with the provisions of this Ordinance and with regulations and instructions issued in conformity with it.

Section 15.

Selecting, appointing employees and servants of the Corporation, determining terms of their employment, their dismissals, their terminations, their salaries and assigning their duties, their privileges and other affairs related to them, shall all be done in accordance with the rules, regulations and contracts in practice by Alia - The Royal Jordanian Airlines Company, upon the effectiveness of this law and whatever alterations might affect it or substitution by other rules issued in conformity with it.

Section 16.

The Council of Ministers may, upon the request of the Board, second Government officials to the Corporation in accordance with the current rules and regulations.

Section 17.

Notwithstanding any rules of any legislation, the foreign employees of the Corporation and the Jordanian pilots and their assistants shall all be exempted from the income and social services taxes.

Section 18.

The financial year of the Corporation starts as from the first day of January and ends the last day of December every year with the exception of the first year which starts as from the effectiveness date of this Ordinance and ends the last day of December 1968.

Section 19.

- a) The Corporation shall have an independent budget which should be prepared by the Board within a period not less than one month before the end of the financial year, and raised through the Minister for the approval of the Council of Ministers.
- b) The Board shall prepare an inclusive report on the functions of the Corporation within a maximum period of four months before the end of the financial year, together with a final statement of accounts (balance sheet) including profits and losses, to be raised through the Minister to the Council of Ministers and the Government shall be obliged to cover losses if any.
- c) Without prejudice to the provisions of the preceding two paragraphs, the Government shall fully guarantee all obligations of the Corporation provided that previous approval had been obtained from the effectiveness of the Ordinance to submit a report through the Minister to the Council of Ministers detailing in it all its obligations up to the date of effectiveness of this Ordinance.
- d) The Corporation is required to submit every three months a trial balance sheet and a report on its financial position through the Minister to the Council of Ministers for information on the course of its operations.

Section 20.

- a) The Corporation shall follow in regulating its accounts and reports, the commercial accountancy procedures, particularly the procedures applied by air transport companies and corporations.

b) The Corporation's accounts shall be controlled and audited by a legal auditor who is appointed and whose remunerations shall be determined by the Council of Ministers upon the recommendations of the Board at the beginning of every financial year. The Council of Ministers has the right to assign the Audit Bureau to do his job.

Section 21.

a) The Corporation, generally, has all the privileges of exemptions and facilities that are decided at any time to the Ministeries and Government Corporations.

b) The Corporation, particularly, is exempted from landing fees, mooring fees, and fees of : airport utilization, airport establishments, radar sets, telecommunications, wireless sets and aircraft hangars.

Section 22.

The Council of Ministers, upon the recommendations of the Board, shall decide the necessary rules for the implementation of this Ordinance.

Section 23.

The Ordinance cancels other provisions of any legislation to the extent of its contradicting rules of this Ordinance.

Section 24.

The Prime Minister and the Ministers are to execute the rules of this Ordinance.

HUSSEIN BEN TALAL

Translated by the Legal Department of ALIA - Royal Jordanian Airlines Corp.

APPENDIX III

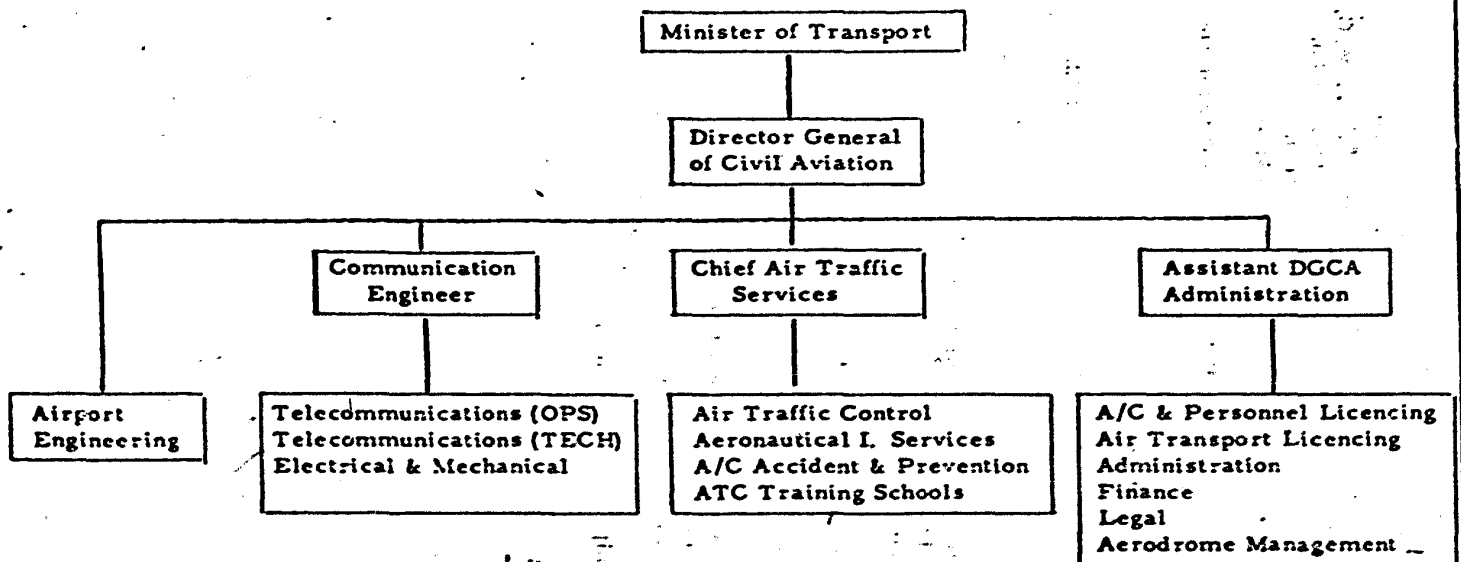
Minister of Transport:	Maj. Gen. R. Ereikat
Director General of Civil Aviation:	Shukri Qubain, B.Sc., M, C.D.
Assistant DGCA Administration:	Mohammed Qasim Qardan
Communication Engineer:	Muwaffaq Murtada
Chief Air Traffic Services:	Seif Eddin El-Amad

The Civil Aviation department is established as a Directorate within the Ministry of Transport.

Addresses: The Director General of Civil Aviation
Ministry of Transport
Amman Airport
Amman
The Hashemite Kingdom of Jordan

Cable address: CIVILAIR - AMMAN

Chief, Jordan Meteorological Department
Ministry of Transport
Amman Airport
Amman
The Hashemite Kingdom of Jordan



APPENDIX IV : LIST OF BILATERAL
AGREEMENTS TO WHICH THE HASHIMITE
KINGDOM OF JORDAN IS A PART

<u>Name of country</u>	<u>Year of Signature</u>
1. Turkey	1948
2. United Arab Republic	1952
3. Lebanon	1952
4. Iraq	1954
5. Saudi Arabia	1958
6. Belgium	1960
7. Netherlands	1960
8. Sweden	1961
9. Norway	1961
10. Denmark	1961
11. Luxemburg	1962
12. France	1966
13. Italy	1966
14. Cyprus	1967
15. Greece	1967
16. West Germany	1968
17. U.S.S.R.	1970
18. United Kingdom	1969
19. Pakistan	1970

Source : Government of Jordan - Department of Civil Aviation
