

1969

Book Reviews

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Recommended Citation

S. Michael Newman et al., *Book Reviews*, 35 J. AIR L. & COM. 161 (1969)
<https://scholar.smu.edu/jalc/vol35/iss1/7>

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BOOK REVIEWS

INTERNATIONAL LAW AND THE USES OF OUTER SPACE, by J. E. S. Fawcett. Oceana Publications, Inc., Dobbs Ferry, N.Y., 1968, pp. 92. \$3.50

This book represents a collection of lectures delivered at the University of Manchester, England. In it the author considers the effect of the U.N. General Assembly Resolutions and the Outer Space Treaty of 1966 on international law. Among the specific points which he discusses are: the character and limits of state jurisdiction, control over space craft, and the principle of free and common use of outer space. The author brings out the paradox which exists; that although the interest in space activity has thus far been primarily military in origin, as the potential dangers arising from military use of outer space increase, so does the corresponding demand for eliminating and avoiding them. The author throughout underscores the need for effective management of space operations, including control of their side effects and affixing of legal responsibility for damage. In addition there is a critical examination of the use and regulation of space communications.

The author's series of lectures contained in the book are divided into five chapters: "Resolution and Treaty," in which he traces the historical evolution of the United Nations Resolutions governing the use of space; "Jurisdiction," in which he develops the doctrine of *res communes*; "Force," in which he delves into the motivation for the development and use of outer space, being primarily the military advantage to be derived by the State pursuing the exploration as opposed to the orientation towards peaceful uses; "Organization," dealing with the role that an established body of law can have in the organization and control of the uses of outer space; and "Order," in which the author considers practical solutions to legal problems growing out of the use of outer space and celestial bodies. The book is well annotated and contains under one cover all the pertinent U. N. International Resolutions, Agreements, and Treaties in the appendices.

Since this book represents an effort to bring some order out of chaos in a new field of law, the author has done well in drawing from existing international law which he applies by analogy to outer space activity. He counsels those nations bent upon exercising exclusive sovereignty over outer space that conquest alone does not justify the establishment and exercise of absolute sovereignty in and over outer space. The rights and common interest of other nations belonging to the international community must also of necessity be taken into account. The book provides an initial point of reference in the newly expanding field of "aerospace" law which both scholar and practitioner will find helpful.

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CIVIL AVIATION IN COMMUNIST CHINA SINCE 1949, by Harriett E. Porch.
The Rand Corporation, Santa Monica, California, 1968, pp. XV, 96.

It is not easy to write a study of civil aviation in a country as close-fisted with information and as inaccessible to foreigners as the People's Republic of China. This work, prepared as a research memorandum for United States Air Force Project Rand, is based on open sources, including Communist Chinese news reports, American, European, and Japanese newspapers and other publications, and conversations and correspondence with visitors to Communist China. If ignorance must be confessed at various important points, if conjectures must be made about other matters, it is still remarkable that so much information could be pulled together from unclassified sources.

Miss Porch's book deals with the organization of aviation generally, air transport and general aviation, the effects of weather and climate on civil air operations, the types of aircraft employed, and the civil aircraft industry in mainland China. Air transport quite properly occupies the center of the stage.

The principal impression one carries away is the primitiveness of air transport in a country of great distances, which call out for modern methods of communication. As of 1967, 52 cities were served by the airline operated by the General Bureau of Civil Aviation, which has general responsibility for civil aviation in China. As many as 35 or 40 other places had scheduled services provided by local service units of the airlines. The routes are estimated to run to 44,000 kilometers; no statistics are available on the number of passenger-kilometers flown. Frequencies are low; many routes are served by only one or two flights a week.

The Cultural Revolution led to the suspension of service on many routes. In addition to the general milling about, from which the staff of the General Bureau of Civil Aviation was not exempt, shortages of fuel, equipment, and parts developed, and planes had to be diverted from the transport of persons to the carriage of freight, as other means of communication broke down. Civil aviation was taken over by the People's Liberation Army early in 1967, apparently as a conservatory measure and to make civil aviation available for military purposes. It is unclear to what degree the military still controls civil aviation and normal air service has been restored.

The poverty of mainland China and the xenophobia of the People's Republic have kept international services to a minimum. CAAC (the initials by which the General Bureau of Civil Aviation continues to be identified) now flies only to Irkutsk, Rangoon, Hanoi, and Pyong-yang. Pakistan International Airways, Royal Air Cambodge, Aeroflot, Air France, and the Civil Aviation Administration of the People's Republic of Korea are the foreign carriers still maintaining service to Communist China.

Specialized aviation services, also controlled by the General Bureau of Civil Aviation, perform such tasks as fire-watching, aerial seeding and spraying, prospecting, specialized transport, emergency flying, and aerial photography.

Aircraft employed for specialized aviation and air transport are preponderantly of foreign manufacture—mostly from the Soviet Union, with several Viscounts and a few Alouette helicopters thrown in. A few types of propeller-driven aircraft are manufactured by the Chinese aircraft industry, but it has produced no civil jet aircraft. Communist China has shown a continuing interest in securing jet aircraft of western manufacture, and it appears that modest sales might be made if political obstacles could be surmounted.

There are only a few points in this thoroughly researched study on which further information might have been secured. The texts of the air transport agreements with Burma, China, and several other countries are available, and further data exist about the other air transport and aviation agreements concluded by the People's Republic of China.¹ And one wonders whether it would not have been possible to penetrate behind the facade of the *Official Airline Guide* in search of a few further details about the services currently scheduled.

CIVIL AVIATION IN COMMUNIST CHINA SINCE 1949 is not only a careful appraisal of the state of aviation on the mainland but also, for those not experts on Communist China, an instructive illustration of the opportunities and obstacles in gathering information about that area.

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¹ E.g., Air Transport Agreement between the Government of Ceylon and the Government of the People's Republic of China, signed at Peking, March 26, 1959, Ceylon Treaty Series No. 2 (1959); Air Transport Agreement Between the Government of the Union of Burma and the Government of the People's Republic of China, signed at Rangoon, November 8, 1955, 306 U.N.T.S. 11. The air transport and other agreements on civil aviation of the People's Republic of China are listed in D. JOHNSTON & H. CHIU, *AGREEMENTS OF THE PEOPLE'S REPUBLIC OF CHINA, 1949-1967: A CALENDAR* (1968). Among these, surprisingly enough, is the Warsaw Convention of 1929 [Convention for the Unification of Certain Rules Relating to International Transportation by Air, 29 Oct. 1934, 49 Stat. 3000, T.S. No. 876 (concluded at Warsaw, Poland, 12 Oct. 1929)], to which Communist China adhered in 1958.

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