

Journal of Air Law and Commerce

Volume 29 | Issue 1

Article 8

1963

Book Note

Recommended Citation

Book Note, 29 J. AIR L. & COM. 83 (1963)
<https://scholar.smu.edu/jalc/vol29/iss1/8>

This Book Review is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

that time it was stated in the United States that these spy satellites, intended to replace the U-2 aircraft, could spot any base on earth. The author also discusses the Midas satellite, which will come into operation in 1964, and its ability to spot the launching of rockets. He also makes mention of the closely related Discoverer and Tiros satellites, and states that Tiros II, which was launched on November 23, 1960, went into orbit over the southern part of the Soviet Union.

The author cites the American periodical *Foreign Affairs* in which it was stated in 1958 that such reconnaissance was in conformance with international law. He takes issue with this position and contends that there is definitely no basis for such an assertion. From his view, the general principles of international law permit the use of cosmic space, but only to the extent that such use does not cause damage to other States. In his opinion it cannot be said that such reconnaissance does not cause damage to the countries against which it is applied. It is immaterial where the reconnaissance comes from, be it the surface of the earth, the air or the cosmos. He states that reconnaissance satellites must be considered as a menace to general peace and security. In this situation, he believes the rules of air law should be fully applicable. Those rules condemn spying in the air as illegal and, in particular, prohibit the use of photography for such purposes. To support this contention he cites Article 36 of the Chicago Convention. In addition he cites Katzenbach, and recalls that the main consideration upon which the regime of the air was established pointed to the danger resulting from air activity over the underlying States. To the author, the concept of security again must be paramount in setting up the rules of cosmic law. He states that the United States' position is that, since sovereignty of States does not extend to hundreds of miles in space, activity of reconnaissance satellites is not illegal under international law. The author flatly states that this conception is wrong.

He also points out that it has been suggested in the United States that the Soviet Union has protested against spying in the airspace, but not against spying in cosmic space. The author refutes this claim, and states that anything which is contrary to the interests of peace and which serves the purpose of preparing for aggressive war must be prohibited. Thus the position of the Soviet Union rests on the present rules and principles of international law and the charter of the United Nations.

J. G. Verplaetse
Max Planck Institut für Völkerrecht
Heidelberg, Germany

BOOK NOTE

A new bibliography entitled *Aeronautical and Space Serial Publications: A World List* has been published by the Library of Congress. Copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for \$1 a copy.

Since the advent of jet aircraft, guided missiles and space exploration, many new serial publications dealing with these subjects have come into existence, and many others have changed their titles in recognition of the

new interest in space. (At the same time, some aeronautical periodicals have been discontinued.) This 255-page bibliography, prepared in the Library's Science and Technology Division, lists 4,551 titles of serial publications related to aeronautics and astronautics in 76 countries. It attempts to survey the whole range of aeronautical and astronautical serial literature on a worldwide basis and includes several categories of publications—such as yearbooks and annual reports—which were not part of the Library's 1948 publication entitled *A Checklist of Aeronautical Periodicals and Serials in the Library of Congress*. The new bibliography also presents a number of titles not in the Library of Congress collections, and it increases the number of countries covered by the previous *Checklist*.