CHAPTER 2
AIR AND SPACE LAW: HISTORICAL PERSPECTIVE

For centuries, philosophers have wrestled with a definition of the law to come up with one fitting summary of the diverse perspectives on the law of states. The history was described by Plato that law is a form of social control, an instrument of the good life, the way to discover reality, the true reality of the social structure. Aristotle has said, that it is a rule of conduct, a contract, an ideal of reason, a rule of decision, and a form of order. Cicero opined that it is the agreement of reason and nature, the distinction between the just and the unjust, a command or prohibition. Aquinas stated that law is an ordinance of reason for the common good, made by him who has care of the community, and promulgated thereby. Bacon opined that certainty is the prime necessity of law. Hobbes believed that law is the command of the sovereign. In summary, Spinoza explained that it is a plan of life. Leibniz stated that its character is determined by the structure of society. Locke stated that it is a norm established by the commonwealth. Hume said that it is a body of precepts. Kant

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5 Brian Z. Tamanaha, Law, Vol. 1, (St. John’s University School of Law, January, 2008).
6 Supra note 2.
8 Available at: http://plato.stanford.edu/entries/leibniz-mind/ (visited on July 5, 2015)
9 Available at: https://books.google.co.in/books?isbn=0664234321 (visited on July 5, 2015).
believed that it is a harmonizing of wills by means of universal rules in the interests of freedom.\footnote{Available at: https://books.google.co.in/books?isbn=1587981475, (visited on July 5, 2015).} Fichte stated that it is a relation between human beings\footnote{Available at: https://books.google.co.in/books?isbn=1139495410, (visited on July 5, 2015).} and Hegel believed that it is an unfolding or realizing of the idea of right.\footnote{Available at: https://books.google.co.in/books?isbn=1886363056, (visited on July 5, 2015).}

Even among some of the world’s greatest thinkers, there is no universal agreement when it comes to defining the law. There are enough common threads among these varying definitions to argue that the purpose of the law is, at least in large part, to encourage or ensure certain standards of conduct in human behavior. However, researcher has analyzed Air and Space Law. Here, the historical background will be briefly analyzed.\footnote{Jyoti Rattan and Vijay Rattan, Public international Law, United Nations Human Rights & IHL, 740 (2nd Edition, 2014).}

### 2.1 Air and Space Law before the Second World War

As the 19\textsuperscript{th} century made way for the 20\textsuperscript{th}, questions of the regulation of aviation appeared on the stage of the world’s interest. International aviation, at first by un-powered balloon and then by dirigible (notably the Zeppelin) drew the attention of advocates, academic and otherwise, as well as of government officials and the military. Among the various suggestions was that there should be a series of zones above the territory of a state on the analogy of the law of the sea, with freedom of flight in the uppermost zone, but these were considering only matters of air space and not space, as we now know it. In 1910, Emile Laude noted that there was need for law. The eventual result was the affirmation in the Paris Convention of 1919 of the ‘complete and exclusive sovereignty’ of a state over its
superjacent air space. This principle, which quickly attained the status of dogma, was reaffirmed at Chicago in 1944. However, the Chicago Convention does not solve problems of space flight or of regulating the use and exploration of space.

Discussion of outer space as a region in which rules of law would be required took on immediately after the Second World War. However, the first harbingers were much earlier. In 1910, Emile Laude mentioned that there was need for law other than that needed to cope with ‘locomotion’ in the layer of ‘breathable air’. Beyond ‘breathable air’, there were layers of ‘un-breathable gas’ and ‘ether’. Laude also noted as an incipient issue regarding problem of the ownership and use of the Hertzian (radio) waves, and subsumed the requirement of the new law for the new juridical relations needed for

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17 Article 1, Paris convention, 1910.
21 As to the question of ‘use’ of Hertzian waves, Laude’s questioning seems strange since there had already been the Berlin Preliminary Conference on Wireless Telegraphy of 1906 and the subsequent Convention on Radio-telegraphy of 1909.
these gaseous layers and the Hertzian waves under the name the ‘law of space’.

It was not until 1926 that the next mention was made of ‘space law’ as a separate legal category. In the course of a paper devoted mainly to questions of aviation V.A. Zarzar of the Soviet Air Ministry indicated his view that there was an upper limit to a state’s sovereignty over its air-space. He believed that a separate legal regime would be required to deal with the arena beyond this ‘upper zone’ in which international travel by high-altitude flight and interplanetary communication would be free from control by subjacent states.\(^{22}\) In 1929 Walter Schönborn of Keil University stated the upward limit of the sovereignty of a state as being the boundary of the atmosphere.\(^{23}\) In 1928, under the alias Hermann Noordung, Herman Potočnik of Slovenia published: *The Problem of Space Travel: the Rocket Motor.*\(^{24}\) In it he discussed the establishment of a space station in geostationary orbit which could be used for Earth observation, but his concern was with technicalities, not legalities.

Significantly in 1932 Mandl’s thought had been triggered by the activities of various rocket experimenters of the 1920s, and he had earlier written on these experiments.\(^{25}\) He considered ‘space law’ as something distinct and different from the law of the sea and the law of the air, although he was interested to use some of their concepts as analogues through which solutions to the problems of space might be

\(^{22}\) Doyle, *Origins*, n. 11, at 1–4, discussing and quoting extracts from V.A. Zarzar “Public International Air Law”, in Leo Kanner (ed.), *Problems of Air Law, A Symposium (in Russian)*, (June, 1982). The Doyle quotation is from a revised translation by B. Lehenbauer of 1988.


found. In a section of the book entitled ‘The Future’, Mandl expressed the view that state sovereignty should be restricted in its vertical dimension, and that in the area above and beyond state sovereignty there should be freedom.  

Precisely he also suggested that air law was not suitable for dealing with spacecraft; subject only to mitigation by contributory negligence, astronauts should be responsible for any kind of damage they caused; that spacecraft launched under the sovereignty of a state should when in outer space remain subject to the sovereignty of that state; the commander of a spacecraft must have authority over its crew, and that the link between an individual and the territorial state of his nationality might change as new communities beyond the Earth developed.

The other jurist who mentioned ideas of ‘space law’ prior to the Second World War is Russian, E. Korovin. There Korovin rehearsed the arguments in favour of state sovereignty over air-space which had been put forward before the First World War and acknowledged that some argued for a ‘free zone’ above and beyond state sovereignty, but, on grounds of safety and military security, he came down in favour of

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28 Presenting a paper, later published in France, on “Conquest of the Stratosphere and International Law” at Air Law Conference, held in Leningrad, (1933).
unlimited state sovereignty. There is nothing like war for producing progress in technology. Modern rocketry begins with the experiments of Konstantin Tsiolkovski, Robert H. Goddard, Hermann Oberth and others in the early years of the twentieth century.

In this regard significantly, after various societies were established whose interests lay in the discussion and fostering of space matters, the German Rocket Society was founded in 1927, what is now the American Institute of Aeronautics and Astronautics in 1932, and the British Interplanetary Society, which came into being in 1933, started to publish its Journal in 1934. By the late 1930s, sufficient progress in rocketry had been made that military interests were aroused, and a blanket of secrecy cast over such experiments.

However, the German use of the V-2 in the latter months of the Second World War revealed them progress that their scientists had made and the potential inherent in such devices. At first, the military aspects of rocket science had precedence as ballistic and intercontinental missiles were being developed. However, the technology was also capable of peaceful uses.

Thereafter various international associations and bodies became important for the expression of views and suggestions as to what law might or should govern in matters of outer space. Articles began to be written, and in due course there were books. It is now time to outline

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29 Mark J. Sundahl (ed.), New Prospective on Space Law. The proceeding of the 53rd colloquium on the law of outer space, 6 (Pub Young Scholar Session, 2011).
31 On 10 October 1939 the British Interplanetary Society (BIS) circulated a note to all its members to ‘cease activities’. The Society resumed in 1945, bringing under its wing various regional organisations. See “BIS Chronology” available at: www.bis-spaceflight.com.
the various organizations and for a within which space law has been developed. These range from academic institutions and formal conferences to international organizations and governments.\textsuperscript{33}

2.2 Air and Space Law after the Second World War

Significantly, various bodies were adopted relating to Air and Space Law which are:

The International Astronautical Federation (IAF), the International Academy of Astronautics (IAA), the International Institute of Space Law (IISL), the International Law Association (ILA), the International Civil Aviation Organisation (ICAO) and International Air Transport Association (IATA). Let’s briefly analyze these bodies.\textsuperscript{34}

2.2.1 The International Astronautical Federation (IAF)

The emergence and establishment of the International Astronautical Federation (IAF) in 1950 was a major development. Although not many papers were directed to questions of law at its early congresses, the IAF provided and provides a major forum for the discussion of questions relating to the exploration and use of space and outer space, as well as for the dissemination of information by and between its participants both at meetings and through the series Acta Astronautica and the Proceedings of the International Institute of Space Law.\textsuperscript{35}

In 1951 John Cobb Cooper-law professor and head of the Institute of Air and Space Law, McGill University in Montreal, and a member of the Princeton University Institute for Advanced Study-


\textsuperscript{34} Ibid.

published “High Altitude Flight and National Sovereignty a seminal and thought-provoking treatise. Professor Cooper had served as part of the US delegation to the 1944, ICAO meetings and was a major force behind the decision to conclude the Chicago Convention. His 1951 treatise generated substantial discussion within the legal and scientific communities regarding the need to define where airspace became outer space.\textsuperscript{36}

Cooper’s article led to a clamor by academics and international jurists for a definition of outer space. Significantly efforts of various jurists to achieve a clear delimitation between airspace and outer space were driven by the hope that outer space might be “saved from the chaos of national rivalries”. They theorized that once outer space was defined by international” agreement and treaties, all claims regarding it would be easily resolved. These scholars and jurists likewise theorized that freedom of exploration in outer space would evolve similarly to the exploration of the sea.\textsuperscript{37} Otherwise, it was feared that the “outcome of the growing interest in outer space would result in a constantly increasing clash and misuse of interest between those states most interested in outer space, and between citizens.\textsuperscript{38}

Given a lack of intelligence regarding the Union of Soviet Socialist Republics (USSR) and given that the United States was not able to implement the reconnaissance satellite system envisioned by the Transmission Control Protocol (TCP), President Eisenhower initiated Project Genetrix in January 1956. This space “research” project consisted of the Air Force launching 516 Skyhook “weather” balloons from locations in Europe.\textsuperscript{39} These balloons carried automatic

\begin{itemize}
  \item \textsuperscript{36} Mark J. Sundahl (ed.), \textit{New Prospective on Space Law}, The proceeding of the 53\textsuperscript{rd} colloquium on the law of outer space. Pub Young Scholar Session, 26 (2011).
  \item \textsuperscript{37} Delbert R.Terrill jr., Air Force Rolling in Developing International Outer Space Law, 2 (1999).
  \item \textsuperscript{38} Will Carroll and Col John J. Latella (AFJAL) to Lt Col John L. Sutton (AFXPD-PY), memorandum, subject: Liability for Space Vehicle Accidents, 21 May 1962.
  \item \textsuperscript{39} Pedlow and Welzenbach, \textit{Reconnaissance Aircraf}, 85 (2004 ).
\end{itemize}
cameras. Given prevailing winds, the balloons were certain to pass over Eastern Europe and the USSR. If the research succeeded, the balloons-equipped with radio tracking beacons—were eventually to be recovered near Japan and Alaska. The program produced limited intelligence. When the balloons passed over their territory, Eastern European nations and the USSR protested, complaining that the balloons disrupted civilian aircraft and were equipped for automatic aerial photography in an effort to obtain targeting information. Belgium and Czechoslovakian airlines canceled several flights to Czechoslovakia because of the balloons. The United States initially admitted that Radio Free Europe, an affiliate of a “privately financed anticommunist organization in the US”, was flying propaganda balloons from West Germany. Further, the Air Force admitted that as part of Operation Moby Dick, it had released some two thousand balloons from various sites around the earth but denied that these releases were a threat to civilian flights.

The International Geophysical Year of 1957 was to introduce satellites for the scientific exploration of the Earth. Of the more immediate advantage to be brought by space, Arthur C. Clarke’s suggestion in 1945 that rocket science had made possible access to the geostationary orbit, and that was the place to site communication satellites, is perhaps the most famous. It was also Clarke, however, who is identified by Doyle’s extensive research as the first post-War author to articulate as he did in a lecture to the British Interplanetary

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40 Ibid.  
Society in 1946 the need for an upper limit on state sovereignty in the interests of the development of space science and its applications.\textsuperscript{42}

This lecture was apparently triggered by a statement of US General H. Arnold that the design of a true spaceship was ‘all but practicable today’. Clarke also observed that action would be needed to forestall extraterrestrial imperialism and consequent conflict. Doyle further noted that various other concepts relevant to space activities also began to appear in the 1940s. That the Moon is ‘the common heritage of mankind’ and use for all people was stated by one of the Council of the British Interplanetary Society in 1949. The idea that an area or region might be set aside under international control for peaceful scientific purposes only emerged in relation to Antarctica.\textsuperscript{43}

The Eighth IAF International Congress on Astronautics was held in October 1957, four days after the launch of Sputnik I. It elected as IAF President Dr Andrew G. Haley, a US lawyer who had for some years been active within the IAF and in the promotion of ‘space law’. It was therefore not surprising that the decision was also taken to establish a special committee of the IAF under the chairmanship of John Cobb Cooper to ‘define the respective areas of jurisdiction for air and space law’.\textsuperscript{44}

In 1958 a Colloquium on Space Law took place in The Hague where no less than forty-four participants from ten countries participated. It resolved that a ‘Permanent Legal Committee’ should be established within the IAF that would be open to jurists of associations affiliated to the IAF in order to study problems of space

\textsuperscript{42} Steven J. Deck Roger D. Launios (ed), \textit{Social Impact of Space Flight, National Aeronautics and Space Administration}, (NASA History Division Office of External Relations Washington DC, 2007).

\textsuperscript{43} “Discussion asked on Territorial Problems of Antarctica”, \textit{US Department of State Bulletin}, 301 (5 September 1948).

\textsuperscript{44} Stephen Gorove, \textit{Journal of Space Law}, Vol. 16, No. 1, (University, Mississippi, 1988).
law which might be included in an international convention.\textsuperscript{45} This was accepted by the IAF Congress in 1958. On London Colloquium of 1959 the name of the ‘Permanent Legal Committee’ was changed to the ‘International Institute of Space Law’ and the constitution and byelaws of the Institute were accepted by the Bureau of the IAF at the Eleventh IAF Congress, Stockholm 1960. The International Institute of Space Law, until, 2008 with twenty-two institutional and nearly three hundred individual members, continues to hold annual colloquia during the congresses of the International Astronautical Federation. Apart from at least one general session, each colloquium concentrates on three or four main topic areas. The Proceedings of these colloquia form a significant contribution to the corpus of space law.\textsuperscript{46}

In addition, since 2001 the Institute has arranged regional colloquia in corners of the world remote from the location of recent IAF congresses. In 2001 a regional meeting was held in Singapore, in 2004 in Bangalore (postponed from 2003 and relocated from Beijing because of the Severe Acute Respiratory Syndrome, SARS) and in 2006 in Bangkok. Since 1992, the Institute has also arranged the Manfred Lachs Moot Court Competition, an international competition named for the former President of the Institute. Regional finals of the competition are held for North America, Europe and Australasia.\textsuperscript{47}

\textbf{2.2.2 International Academy of Astronautics (IAA)}

The International Academy of Astronautics (IAA) was founded in Stockholm on August 16, 1960. Since that time, IAA has brought together the worlds’ foremost experts in the disciplines of astronautics on a regular basis to recognize the accomplishments of their peers, to explore and discuss cutting-edge issues in space research and
technology, and to provide direction and guidance in the non-military uses of space and the ongoing exploration of the solar system. The purposes of the IAA, as stated in the Academy’s statutes are:48

(a) To foster the development of astronautics for peaceful purposes,

(b) To recognize individuals who have distinguished themselves in a branch of science or technology related to astronautics,

(c) To provide a program through which the membership can contribute to international endeavors and cooperation in the advancement of aerospace science, in cooperation with national science or engineering academics.49

In 1960 the IAF established the International Academy of Astronautics (IAA), membership of which is prized by individuals active in all forms of space activities. Its purpose, like those of the academies of classical times, is to bring together individuals to exchange experience, thoughts, ideas and so to contribute to the advancement of space and astronautics. The IAA has four Sections: Basic Science, Life Sciences, Social Sciences, and Engineering Sciences, law falling within the last of these. Membership is through election by the existing members. Full members are elected for life. Corresponding members are elected for five years, but may be considered for election as full members after two years.50

2.2.3 International Institute of Space Law (IISL)

The International Institute of Space Law was founded in 1960. The purposes and objectives of the Institute include the cooperation

48 Available at: http://iaaweb.org/content/views/246/378 (visited on February 12, 2015).
49 Ibid.
50 Available at: http://www.iaaweb.org/ (visited on February 12, 2014).
with appropriate international organizations and national institutions in the field of space law and carrying out the tasks for fostering space law department. Since 2001, the IISL has also in co-operation with the European Centre for Space Law (ECSL) presented a workshop at the annual meeting of the Legal Subcommittee of COPUOS and since 2008 has official status as an observer to the sessions of the Committee. The IISL was extensively involved in UNISPACE III.\textsuperscript{51}

2.2.4 International Law Association (ILA)

The other major international group of lawyers active in space law is the International Law Association (ILA). Founded in Brussels in 1873 the ILA is a non-governmental organization. Membership is voluntary. Working through branches and international committees, the ILA studies and helps clarify international law. It has consultative status with a number of United Nations specialized agencies and other organizations. Through its Space Law Committee the ILA has produced a number of reports on space law ranging from consideration of the space law treaties to questions of on 24 February and 27 March 1954, President of the US Dwight D. Eisenhower met with his National Security Council (NSC) and then with the civilian scientists of the Science Advisory Committee in the Office of Defense Mobilization. With the memory of Pearl Harbor still fresh in his mind, Eisenhower related his concern regarding the potential for a surprise nuclear attack on the United States.\textsuperscript{52} Stressing the need for avoiding or containing such aggression, President Eisenhower was resolved to ensure that the United States would never again be vulnerable to a direct sneak attack.\textsuperscript{53} He challenged the US scientific community to address his concern. In response, scientists created the Surprise Attack

\textsuperscript{51} UN Committee on the Peaceful Uses of Outer Space Legal Subcommittee Forty-Ninth Session, Vienna, (22 March-1 April 2010).
\textsuperscript{52} Col Earl A. Morgan (AFJAL) to Col Sanders, Memorandum, Subject: Outer Space Liability Agreement, (19 August 1965).
\textsuperscript{53} Col Sanders to H. Rowan Gaither (DOS), draft memorandum with attached DOD Staff Level Comments, Subject: Outer Space Liability Agreement, (23 August 1965).
Panel-later known as the Technological Capabilities Panel (TCP)-chaired by MIT president James R. Killian.\textsuperscript{54}

\textbf{2.2.5 International Civil Aviation Organisation (ICAO)}

The International Civil Aviation Organization was established in 1944 during Chicago Convention. This Organization has been influential shaping the laws surrounding the International Air Transport and International Air Traffic. The important treaties which have been adopted under this Organization are:

2. Rome Convention of 1952 on damage caused by a foreign aircraft.

The International Civil Aviation Organization (ICAO) has played an outstanding role in the world aviation events. Its set-up is starting point by the agreement concluded during the Chicago conference of 1944.\textsuperscript{55} The impulse of its set-up is generated as to the field of aviation in structural innovations of international co-operation and law making after the 2\textsuperscript{nd} World War.\textsuperscript{56}

Its daily business is run by a council, a permanent body which performs a variety of duties in the legal, technical and recently added economic field. It has a state membership of over 150 presently and operates under the supervision of an assembly with considerable

\textsuperscript{54} Morgan to Sanders, Memorandum, Subject: Outer Space Liability Agreement, 26 (August, 1965).
\textsuperscript{55} Article 64 of Chicago Convention, 1944.
\textsuperscript{56} \textit{Ibid.}
budgetary powers. It also contains a legal committee, which has taken charge of preparing and drafting international treaties and conventions on Air Laws prior to their submission of Diplomatic Conference for final approval.\textsuperscript{57} One of the important roles of the council lies on the settlement of disputes as it is authorized to request legal opinions from the ICJ. The International Court of Justice at The Hague offering interpretation of treaties and conventions,\textsuperscript{58} or performing as a mediating role in disputes.\textsuperscript{59}

Significantly, is a United Nations Specialized Agency, designed to foster the safe and orderly development of international civil aviation, membership. It is important to mention that membership in which is now practically universal.\textsuperscript{60}

ICAO is playing an outstanding role in world aviation events. Its set-up is starting by the agreement concluded during the Chicago conference of 1944.\textsuperscript{61} The impulse of its set-up is generated as to the field of aviation in structural innovations of international co-operation and law making after the 2\textsuperscript{nd} World War.

2.2.6 International Air Transportation Association (IATA)

The International Air Transportation Association (IATA) was established in Havana in 1945. Its daily business is run by a council, a permanent body which performs a variety of duties in the legal, technical and recently also in the economic field. It has a state membership of over 150 at present and operates under the supervision


\textsuperscript{58} Article 96(2) of the UN Charter stating ‘other organs of the UN and specialized agencies, which may at opinions of the Court on Legal questions arising within the scope of their activities’.

\textsuperscript{59} Article 84 of Chicago Convention stating whenever a state is involved in a dispute which cannot to be settled by negotiation, the council is called upon for a decision.

\textsuperscript{60} Available at: http://www.icao.org/ (visited on April 14, 2013).

\textsuperscript{61} Article 64 of Chicago Convention.
of an assembly with important budgetary powers\textsuperscript{62} and the other most important is IATA (International Air Transportation Association). IATA is not an official body but its aim and objective are clearly set out in its incorporating acts for the safe, regular and economical air transport for the benefit of the air aviation, to foster air commerce and to study problems connected therewith by means of collaboration among airlines engaged directly or indirectly in international air transport service. Its job is always working with ICAO and the other international organization, lies in the sectors of technical and commercial.

IATA has other important functions, one of which is performing as a clearing-house, handling the ticketing clearing for airlines’ account under the responsibility of its financial committee since 1947 in London, later, it moved to Geneva.\textsuperscript{63}

2.3 Air Law

The term air law or international air law, in its current usage, refers essentially to that part of international law, which relates to civil aviation, including international institutions concerned with air law. Aviation in the present context refers to the operation and use of aircraft, in all their aspects. Internationally, adhoc overdraft is not considered to be an aircraft. The terms aviation law, aeronautical law, civil aviation law or civil aeronautics law may well all be used, and are sometimes used, but air law is the generally accepted term. The expressions aeronautics or aeronautical regulations often connote the technical aspects of aerial navigation, whilst the term air transport is

\textsuperscript{62} Article 96(2) of the UN Charter stating ‘other organs of the UN and specialized agencies, which may at opinions of the Court on Legal questions arising within the scope of their activites’.

\textsuperscript{63} I. H. P. Diederiks, M. A. Butler, \textit{An Introduction to Air Law}, 59, (Kulwar Law, 8\textsuperscript{th} Edition, 2006).
mostly related to air services, and carriage by air denotes the complex of the air carrier’s activities.  

Normatively, international air law includes rules of general or customary international law, as well as treaties, whether bilateral or multilateral (Treaties, Multilateral), dealing with civil aviation, together with their underlying premises and the standards and patterns resulting from their provisions. International air law, especially through treaties and institutions created by them, often reaches out into areas of domestic civil aviation and addresses problems of domestic air laws. In fact, except for countries of continental dimensions, because of the essentially international character of civil aviation, there is great need for, and much has been done to achieve, international coordination and standardization of domestic air laws. This applies especially to technical rules and regulations, but extends also to rules on liabilities and, increasingly, to many other fields. Since its very beginning, aviation has been subject to the general law, whether domestic or international. The first piece of legislation directed specifically at aviation, inasmuch as balloons are aircrafts as well, is a decree issued by the Paris Prefecture of Police in 1784, the year after the Montgolfier brothers successfully demonstrated their invention of the air balloon. This decree forbade the release of balloons without a special permit. The first multilateral treaty, albeit in the field of military aviation, is Hague Declaration I (1899) on the use of balloons and similar devices as missiles of war. The first heavier-than-air aircraft flew in 1903. In 1910, an international conference on aerial navigation was held, but no agreement was

65 Ibid.
reached. 1913 saw the first bilateral agreement on international air services, i.e. bilitary Agreement between France and Germany. 67

The first major step toward international collaboration in this area was the Paris Convention 1919 on the Regulation of Aerial Navigation, 68 which set up the International Commission on Aerial Navigation, the prototype for the present International Civil Aviation Organization (ICAO). A number of multilateral also bilateral treaties were concluded during the inter-war times, including the 1929 Warsaw Convention for the Unification of Certain Rules relating to International Carriage by Air, 69 which remains in force today. The Warsaw Convention is the most important and enduring legacy of the inter-war Cornite international technique d’experts juridiques aeries (CITEIA - International Technical Committee of Experts in Air Law).

However, two aspects of Air Law which need discussion are:

(i) Aerial Navigation.

(ii) Aircraft Hijacking.

(i) Aerial Navigation

A number of international conventions have been concluded to regulate aerial navigation. 70


2. Pan American Convention on Commercial Aviation (Havana Convention), 1928

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3. Convention for the Unification of Certain Rules relating to International Carriage by Air (Warsaw Convention), 1929


(ii) Aircraft Hijacking

As noted, there are several international conventions against unlawful interference with civil aviation (hijacking). Among such conventions the following are the most important:71


The details of Aerial Navigation and Aircraft Hijacking will be analyzed by the researcher in the next chapter i.e. Chapter 3.

2.4 Space Law

A significant first step was the adoption of space laws by the General Assembly in 1963 of the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. Years after, the development within the United Nations of five general multilateral treaties were observed. These treaties helped

72 ICJ Rep, 33 (1972).
incorporate and develop the concepts, theories, and actual laws that shaped the history of international outer space laws. The details of the space law will be discussed in the next chapter i.e. chapter 4