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The International Law of Outer Space

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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. government, the U.S. Department of the Navy or the Naval War College.

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THE INTERNATIONAL LAW OF
OUTER SPACE

by
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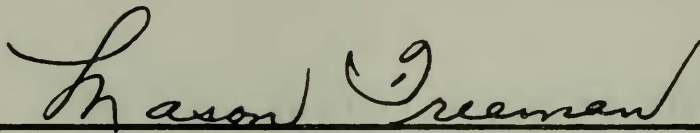
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FOREWORD

Since the Naval War College was founded in 1884, the study of International Law has been an important part of the curriculum. From 1894 to 1900, certain lectures given on International Law and the situations studied were compiled and printed, but with a very limited distribution. Commencing in 1901, however, the first formal volume of the Naval War College's "Blue Book" series was published.

This book represents the fifty-fifth volume in the series as numbered for cataloging and reference purposes. This present volume is written by Professor Carl Q. Christol of the University of Southern California who occupied the Chair of International Law at the Naval War College during the 1962-1963 school term. It is considered that Professor Christol's book represents an excellent, informative, and comprehensive work in the developing field of space law. It should also prove to be a most valuable source of reference material in this particular area of international law.

The opinions expressed in this volume are those of the author and are not necessarily those of the United States Navy or of the Naval War College.

C. L. MELSON
Vice Admiral, U.S. Navy
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PREFACE

The author of this Naval War College Blue Book is less an innovator than a synthesist of a dynamic but well-considered subject. Though the international law of outer space may seem, at first glance, to be novel or unique, in reality much careful thought has been accorded the subject during the past fifteen years. More importantly, space law is but a new segment, with variations and modifications, of an ancient discipline. Space law is a manifestation of one of law's most singular qualities, namely, a capacity to adjust to the emerging facts of a given social complex.

Today the legal and technical literature dealing with outer space is extremely vast. To begin to cope with it is no easy task. Even to run with great speed leaves the analyst with the feeling of standing still, for careful studies—representing the importance of the subject—continue to circulate at an ever-increasing rate.

The law of outer space is particularly challenging because of its interrelated legal and political characteristics. Even so, there is an important need to provide practical guidance to those whose decisions will have a bearing on national and international activities and interests. In this connection, the research for this book was essentially accomplished with materials available through 1963.

In this area many legal problems are well known and can be easily identified. Certain aspects, however, have received little attention, and are subject to prediction based upon an analysis of probable trends. In both situations, reality demands the building of a law-respecting world equipped with a set of legal principles and rules for outer space. This will contribute to the elimination of some of the world's pyramiding problems—some of which may be almost beyond the capacity of the mind of man to handle.

It is my hope that this Blue Book may serve to facilitate a rational decisional process for those confronted with grave responsibilities respecting outer space. It is not too much to assert that such decisions may affect not only the nation of the decision maker, but, in sum, the totality of man's multidimensional universe.

The author is indebted to many individuals and institutions for their assistance in making this volume a reality. I am indebted to President Norman Topping and my colleagues at the University of

Southern California for permitting me to enjoy a special leave so that I might accept appointment to the Chair of International Law at the Naval War College, 1962–1963.

I am indebted to Vice Admiral B. L. Austin, USN, and Vice Admiral C. L. Melson, USN, Presidents of the Naval War College and their staffs for facilitating my research work and for permitting me to consult broadly with experts in the field. At the Naval War College, specific mention must be made to the Extension Education Department, and especially to CDR Charles R. Davis, USN, CDR Charles E. McDowell, USN, LCDR Charles E. Waite, USN, and to LCDR Arthur J. Johns, USN, for their helpful suggestions, both as lawyers and naval officers. Additionally, the author is most grateful to the secretarial staff of the Extension Education Department, the Library staff, and members of the art branch of the Visual Aids Department.

I have been privileged to consult with a number of friends and lawyers in the course of preparing this Blue Book, and I wish to acknowledge my deep debt to them for their valuable advice and assistance, namely, Professors Gordon B. Baldwin, Richard R. Baxter, Carl M. Franklin, Albert H. Garretson, Oliver J. Lissitzyn, Myres S. McDougal, Louis B. Sohn, Quincy Wright, Mr. Abdel-Ghani of the United Nations Secretariat, the Honorable Abram Chayes, the Honorable John A. Johnson, Mr. Leonard C. Meeker, Mr. Oscar Schachter of the United Nations Secretariat, Mr. Richard Young, and from the Office of the Judge Advocate General of the Navy, RADMs Wilfred A. Hearn, William C. Mott, Robert D. Powers, and Captain Joseph B. McDevitt. I am, of course, alone responsible for all of the conclusions arrived at and for the form and style of this Blue Book.

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