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U.S. Naval War College (Editor)

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tending not more than twelve nautical miles in any direction, such area shall form part of the territorial waters. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

ARTICLE 8. If the inland waters described in Article 4, or if the coastal sea measured from the base-lines fixed by Article 6 of this Decree be overlapped by the waters of another State, boundaries will be determined by Our Government in agreement with the State concerned in accordance with equitable principles.

ARTICLE 9. With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, and fiscal matters, maritime surveillance may be exercised in a contiguous zone outside the coastal sea, extending for a further distance of six nautical miles and measured from the base-lines of the coastal sea, provided however that nothing in this Article shall be deemed to apply to the rights of the Kingdom with respect to fishing.

ARTICLE 10. Our Ministers of Foreign Affairs and of Finance are charged with the execution of this Decree.

ARTICLE 11. This Decree will come into effect as from the date of its publication in the official gazette.

Promulgated in our Palace at Riyadh on the 1st day of the month of Shaaban of the year of the Hegira 1368, corresponding to the 28th day of May 1949.

(Signed) ABDUL AZIZ

IV. LAW OF THE AIR

1. United States Airspace Reservations

NOTE. The Air Commerce Act of 20 May 1926 (44 Stat. 570) provides in section 4:

“The President is authorized to provide by Executive order for the setting apart and the protection of airspace reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public safety purposes.”

The Canal Zone Code, as amended by the Act of 9 July 1937 (50 Stat. 486) empowers the President to make rules and regulations, until Congress provides otherwise, governing aircraft and air navigation within the airspace above the lands and waters of the Canal Zone.

(1) *Canal Zone Military Airspace Reservation*

(Executive Order No. 5047, 18 February 1929; superseded by No. 8125, 12 September 1939 4 F. R. 3899, ammended by No. 8271, 16 October 1939, 4 F. R. 4277; still in force.)

[Area:] The airspace above the Canal Zone, including the territorial waters within the three-mile marine boundary at each end of the Canal.”

[Regulations:] SEC. 2. *Unlawful navigation of aircraft in military airspace reservation.* It shall be unlawful to navigate any foreign or domestic aircraft into, within, or through the Canal Zone Military Airspace Reservation otherwise than in conformity with this Executive Order: *Provided, however,* that none of the provisions of this order shall apply to military, naval, or other public aircraft of the United States.

SEC. 3. *Authorization for entrance of aircraft into the Canal Zone Military Airspace Reservation, and navigation therein.* Aircraft, foreign or domestic, shall be navigated into, within, or through the Canal Zone Military Airspace Reservation only under and in compliance with an authorization granted after the effective date of this order (a) by the Civil Aeronautics Authority in the case of civil aircraft, and (b) by the Secretary of State in the case of all other aircraft. Such authorization shall be granted only after consultation with the Secretary of War, and shall be subject to the further rules and regulations contained in or issued under this order, as well as those applicable generally to the entrance of aircraft into, and their navigation within or through, the Canal Zone Military Airspace Reservation. . . .”

(2) *Airspace Reservations over Harbors Closed to Foreign Vessels*

(Executive Order No. 5281, 17 February 1930; discontinued as to places within the continental limits of the United States (i.e. Tortugas, Florida) by No. 8961, 6 December 1941, 6 F. R. 6325; superseded as to Subic Bay by No. 8718, 22 March 1941, 6 F. R. 1621, discontinued by No. 9720, 8 May 1946; superseded as to Kiska by No. 8680, 14 February 1941, 6 F. R. 1014; otherwise still in force.)

[Areas:] The airspace over each of the hereinafter named harbors that are declared closed ports by Executive Order No. 1613, dated September 23, 1912. . . .¹

Tortugas, Florida;
Great Harbor, Culebra;

¹ *Ante*, p. 157.

Guantanamo Naval Station, Cuba;
 Pearl Harbor, Hawaii;
 Guam;
 Subic Bay, Philippine Islands;
 Kiska, Aleutian Islands.

[Regulations:] At no time shall civil aircraft of any kind be navigated within the airspace reservations above defined except by special authority of the United States Navy Department in each case.

(3) *Airspace Reservation in Chesapeake Bay*²

(Executive Order No. 5710, 14 September 1931; in force from 5 to 20 October 1931.)

[Area:] The airspace over . . . waters within a radius of 5 miles of latitude 37°43'12", longitude 76°04', in Chesapeake Bay near the southern end of Tangier Sound.

[Regulations:] No aircraft . . . shall navigate within the areas herein created except such as are authorized by the Secretary of the Navy in connection with national defense operations or for other governmental purposes."

(4) *Airspace Reservation over the District of Columbia*

(Executive Order No. 6023, 11 February 1933; in force from 9 a.m. to 5 p.m., 4 March 1933.)

[Area:] The airspace over the District of Columbia.

[Regulations:] Between the time above specified [9 a.m. to 5 p.m., 4 March 1933], no aircraft shall be navigated through the airspace over the District of Columbia except such aircraft as may be specifically permitted by the Secretary of Commerce, between such time and over such places as the Secretary of Commerce in his discretion may determine.

(5) *Airspace Reservations over Certain Military and Naval Reservations and Other Areas*

(Executive Order No. 7138, 12 August 1935; discontinued as to places within the continental limits of the United States by No. 8961, 6 December 1941, 6 F. R. 6325.)

[Areas:] The airspace over the military and naval reservations and other areas hereinafter designated . . .

² A defensive sea area was established at the same time in the waters in the same area.

Picatinny Arsenal, Dover, New Jersey.

Savanna Ordnance Depot, Savanna, Illinois.

Nansemond Ordnance Depot, Portsmouth, Virginia.

Wingate Ordnance Depot, Gallup, New Mexico.

Camp Stanley Ordnance Reservations, Leon Springs,
Texas.

Fort Hancock, Sandy Hook, New Jersey.

Fort Saulsbury, about 4 miles east of Milford, Delaware.

Fort Pickens, western portion of Santa Rosa Island,
Pensacola Bay, Florida.

Fort Barry, near Point Bonita Lighthouse, San Francisco
Bay, California.

Fort Canby, near Cape Disappointment Lighthouse,
Washington.

Fort Casey, near Admiralty Head Lighthouse, Wash-
ington.

Naval Ammunition Depot, Hingham, Massachusetts.

Naval Ammunition Depot, Fort Lafayette, New York.

Naval Ammunition Depot, Lake Denmark, New Jersey.

Naval Ammunition Depot, St. Juliens Creek, Virginia.

Naval Ammunition Depot, Hawthorne, Nevada.

Naval Ammunition Depot, Mare Island, California.

Naval Ammunition Depot, Puget Sound, Washington.

Naval Mine Depot, Yorktown, Virginia.

Naval Torpedo Station, Newport, Rhode Island.

Naval Torpedo Station, Keyport, Washington.

Naval Ordnance Plant, Baldwin, Long Island, New York.

Naval Fuel Depot, San Diego, California.

That part of the Aleutian Islands, Alaska, with their
territorial waters, lying west of the 167th meridian, west
longitude.

[Regulations:] Civil aircraft, for reasons of public safety, are
forbidden to be operated except by special permission in each
case of that department of the Government of the United States
having jurisdiction over the reservations or areas concerned.

(6) *Airspace Reservation over a Portion of the
District of Columbia*

(Executive Order No. 7910, 16 June 1938, 3 F. R. 1437; superseded by No.
8378, 18 March 1940, 5 F. R. 1114; superseded by No. 8950, 26 November
1941, 6 F. R. 6101, amended by No. 9153, 30 April 1942, 7 F. R. 3275; still
in force.)

[Area:] All that area within the City of Washington, D. C., lying within the following-described boundary:

“Beginning at the eastern end of the Arlington Memorial Bridge (Lat. 38°53'19" N.; Long. 77°3'9" W.)(also identifiable as a point adjacent to the Lincoln Memorial Monument); thence north along the eastern bank of the Georgetown Channel of the Potomac River to the eastern end of the Key Bridge (Lat. 38°54'14" N.; Long. 77°04'15" W.);

“thence a distance of approximately 0.3 miles on a true bearing of 307° to Georgetown University (Lat. 38°54'25" N.; Long. 77°04'28" W.) (identifiable by the Astronomical Observatory situated within the University Grounds);

“thence a distance of approximately 1.7 miles on a true bearing of 6° to the National Cathedral (Lat. 38°55'52" N.; Long. 77°04'17" W.) (identifiable by the spires);

“thence a distance of approximately 3.4 miles on a true bearing of 78° to the Scott Building of the Soldiers' Home (Lat. 38°56'31" N.; Long. 77°00'41" W.) (identifiable by the clock cupola above the roof of such building);

“thence a distance of approximately 3.1 miles on a bearing of 175° true to the center of the Union Station (Lat. 38°53'49" N.; Long. 77°00'23" W.) (identifiable by the south southwest terminal of the railroad tracks);

“thence a distance of 0.4 miles on a true bearing of 120° to the center of Stanton Square (Lat. 38°53'36" N.; Long. 77°00'00" W.) (identifiable as the conjunction of Massachusetts Avenue, Maryland Avenue, and 4th, 5th, and 6th Streets, Northeast, with such Square);

“thence a distance of approximately 0.8 of a mile on a true bearing of approximately 208° to the intersection of the center-lines of New Jersey Avenue, North Carolina Avenue, and E Street Southeast (Lat. 38°53'00" N.; Long. 77°00'24" W.) (identifiable as a point adjacent to the smokestack of the Capitol power house);

“thence a distance of approximately 1.4 miles on a true bearing of approximately 268° to the center of the railroad bridge over the channel of water connecting the Tidal Basin and the Washington Channel (Lat. 38°52'58" N.; Long. 77°01'57" W.); and

“thence a distance of approximately 1.1 miles on a true bearing of approximately 291° to the point of beginning.”

[Regulations:] Within [this area] no person shall navigate a

civil aircraft except by special permission of the Administrator of Civil Aeronautics.

(7) *Sitka Naval Airspace Reservation*

(Executive Order No. 8597, 18 November 1940, 5 F. R. 4559;
discontinued by No. 9720, 8 May 1946, 11 F. R. 5105.)

[Area:] The airspaces over the hereinafter described areas in the Territory of Alaska and over the territorial waters within the three-mile limits adjacent thereto . . .

All of Japonski Island situated immediately west of the City of Sitka, Alaska, and that part of Sitka Bay lying south of Japonski Island and west of the main channel described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of the U. S. Survey No. 1496; thence east approximately 1200 chains to the center of the main channel; thence south 45° east along the main channel approximately 20.00 chains; thence south 45° west approximately 9.00 chains to the southwestern point of Aleutski Island; thence south 79° west approximately 40.00 chains to the southern point of Fruit Island; thence north 60° west approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of the U. S. Survey No. 1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Aleutski, Harbor, Alice, Love, Fruit Islands, and a number of smaller unnamed islands, and containing a total land and water area of approximately 195 acres, being the same area described in Executive Order No. 8216, dated July 25, 1939.

[Regulations:] At no time shall any aircraft, other than public aircraft of the United States, be navigated into, within, or through Sitka Naval Airspace Reservation or Kodiak Naval Airspace Reservation, unless authorized by the Secretary of the Navy.

(8) *Kodiak Naval Airspace Reservation*

(Executive Order No. 8597, 18 November 1940, 5 F. R. 4559
still in force.)

[Area:] The airspaces over the hereinafter described areas in the Territory of Alaska and over the territorial waters within the three-mile limits adjacent thereto . . .

The eastern portion of Kodiak Island described by metes and bounds as follows: Beginning at a point at Latitude $57^{\circ}47'0''$ north, Longitude $152^{\circ}26'30''$ west, thence,

W.to Lat. $57^{\circ}47'0''$ N., Long. $152^{\circ}36'0''$ W.

S. to Lat. 57°44'30" N., Long. 152°36'0" W.

SW. to Lat. 57°42'0" N., Long. 152°38'0" W.

S. to Lat. 57°39'30" N., Long. 152°38'0" W.

E. to Lat. 57°39'30" N., Long. 152°30'0" W.

NE. to Lat. 57°42'0" N., Long. 152°26'0" W.

N. to Lat. 57°44'0" N., Long. 152°26'0" W.

NW. to Lat. 57°47'0" N., Long. 152°26'30" W.

to the point of beginning being the same area described in Executive Order No. 8278, dated October 28, 1939.

[Regulations identical with No. 7 above.]

(9) *Kiska Island Naval Airspace Reservation; Unalaska Island Naval Airspace Reservation*³

(Executive Order No. 8680, 14 February 1941, 6 F. R. 1014, corrected by No. 8729, 2 April 1941, 6 F. R. 1791; still in force.)

[Areas:] The airspaces over the islands of Kiska and Unalaska and over the territorial waters between the high-water marks and the three-mile marine boundaries surrounding them.

[Regulations:] At no time shall any aircraft, other than public aircraft of the United States, be navigated into either of the naval airspace reservations herein set apart and reserved, unless authorized by the Secretary of the Navy.

³ A defensive sea area was established at the same time in the waters in the same area.

(10) *Kaneohe Bay Naval Airspace Reservation*⁴

(Executive Order No. 8681, 14 February 1941, 6 F. R. 1014; still in force.)

[Area:] The airspace over the territorial waters within Kaneohe Bay between extreme high-water mark and the sea and in and about the entrance channel within a line bearing northeast true extending three nautical miles from Kaoio Point, a line bearing northeast true extending four nautical miles from Kapoho Point, and a line joining the seaward extremities of the two above-described bearing lines.

[Regulations:] At no time shall any aircraft, other than public aircraft of the United States, be navigated into Kaneohe Bay Naval Airspace Reservation, unless authorized by the Secretary of the Navy.

(11) *Palmyra Island Naval Airspace Reservation; Johnston Island Naval Airspace Reservation; Midway Island Naval Airspace Reservation; Wake Island Naval Airspace Reservation; Kingman Reef Naval Airspace Reservation*⁴

⁴ A defensive sea area was established at the same time in the waters in the same area.

(Executive Order No. 8682, 14 February 1941, 6 F. R. 1015, corrected by No. 8729, 2 April 1941, 6 F. R. 1791; discontinued as to Palmyra Island by No. 9881, 4 August 1947, 12 F. R. 5325; otherwise still in force.)

[Areas:] The airspaces over the islands of Palmyra, Johnston, Midway, Wake, and Kingman Reef and over the territorial waters between the extreme high-water marks and the three-mile marine boundaries surrounding them.

[Regulations similar to No. 10 above.]

(12) *Rose Island Naval Airspace Reservation; Tutuila Island Naval Airspace Reservation; Guam Island Naval Airspace Reservation* ⁵

(Executive Order No. 8683, 14 February 1941, 6 F. R. 1015, corrected by No. 8729, 2 April 1941, 6 F. R. 1791; still in force.)

[Area:] The airspaces over the islands of Rose, Tutuila, and Guam and over the territorial waters between the extreme high-water marks and the three-mile marine boundaries surrounding them.

[Regulations similar to No. 10 above.]

(13) *Culebra Island Naval Airspace Reservation* ⁵

(Executive Order No. 8684, 14 February 1941, 6 F. R. 1016; still in force.)

[Area:] The airspace over the island of Culebra, Puerto Rico and over the territorial waters between the extreme high-water mark and the three-mile marine boundary surrounding it.

[Regulations similar to No. 10 above.]

(14) *Subic Bay Naval Airspace Reservation* ⁵

(Executive Order No. 8718, 22 March 1941, 6 F. R. 1621; discontinued by No. 9720, 8 May 1946, 11 F. R. 5105.)

[Area:] The airspace over the Subic Bay Naval Reservation, Olongapo, Philippine Islands, and over the territorial waters within Subic Bay between extreme high water mark and the sea and in and about the entrance channel within a line bearing true southwest extending three nautical miles from Sanpalc Point, and a line joining the seaward extremities of the above two bearing lines.

[Regulations similar to No. 10 above.]

(15) *Guantanamo Bay Naval Airspace Reservation* ⁶

(Executive Order No. 8749, 1 May 1941, 6 F. R. 2252; still in force.)

[Area:] The airspace over the Guantanamo Naval Reservation

⁵ A defensive sea area was established at the same time in the waters in the same area.

⁶ A defensive sea area was established at the same time in the waters in the same area.

and over the territorial waters within Guantanamo Bay between high-water mark and the sea and in and about the entrance channel within a line bearing true south extending three nautical miles from the shore line of the eastern boundary of Guantanamo Naval Reservation, as laid down in the Agreement between the United States of America and the Republic of Cuba signed by the President of Cuba on February 16, 1903, and by the President of the United States on February 23, 1903, a line bearing true south extending three nautical miles from the shore line of the western boundary of said Naval Reservation, and a line joining the seaward extremities of the above two bearing lines.

[Regulations similar to No. 10 above.]

(16) *Airspace Reservation over Portions of Ulster and Dutchess Counties, New York*

(Executive Order No. 9090, 6 March 1942; discontinued by No. 9566, 5 June 1945, 10 F. R. 6793.)

[Area:] The airspace above the following described portions of Ulster and Dutchess Counties, New York . . .

All that area within Ulster and Dutchess Counties, New York, lying within the following-described boundary:

Beginning at the River Landing on the West Bank of Hudson River at East Kingston, Ulster County; thence in an East-Northeasterly direction of the center line of the Central New England Railroad Bridge over Shehomeko Creek at Pine Plains, Dutchess County; thence South-Southeast to the center line of the New York Central Railroad Bridge over Ten-Mile River at Dover Plains, Dutchess County; thence West-Southwest to the Southwest corner of the Mid-Hudson Bridge at Poughkeepsie, New York, and continuing on this line to the West Bank of the Hudson River, Ulster County; thence along the West Bank of the Hudson River to the point of origin.

[Regulations:] Within [this airspace reservation] no person shall navigate a civil aircraft except by special permission of the Administrator of Civil Aeronautics.

2. Foreign State Aircraft Over National Territory

NOTE. The principle that a State has complete and exclusive sovereignty over the air-space above its territory has been repeatedly enunciated during the past thirty years. It was embodied in the Convention for the Regulation of Aerial Navigation signed at Paris on 13 October 1919 (11 League of Nations Treaty Series, p. 173); in the Convention on Commercial Aviation signed at Habana on 20 February 1928 (U. S. Treaty Series, No. 840); and in the Convention on International Civil Aviation signed at Chicago on 7 December 1944 (U. S. Treaties and Other International Acts Series, No. 1591).