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CHINA'S EXPORT CONTROL RULES AS APPLIED TO COOPERATIVE SPACE ACTIVITIES

Abstract

Chinese space policy consistently stresses international cooperation as a key principle, the rational being the leveraging of each state's technological and financial capabilities and the promotion of friendship among states. Chinese export control regulations apply to space products and technologies due to their dual-use nature. Therefore, every agreement for international cooperation must be approved according to the applicable rules and procedures. China's previously weak export controls have been expanded and strengthened since the mid-1990s, and the process is ongoing to meet international standards. Domestic regulations and decrees were promulgated, administrative structures revamped and a 2003 White Paper on nonproliferation policy issued. In a break from past rhetoric, the 2003 White Paper did not criticize Multilateral Export Control Regimes, but rather embraced them as important models to be followed. China joined the Zangger Committee and the Nuclear Suppliers Group, but not the Australia Group. More important, China did not join the two most relevant to space products and technologies: the Missile Technology Control Regime, to which it applied; and the Wassenaar Arrangement on export controls for dual un-use goods and technologies. However, China holds a dialogue with both. Chinese domestic regulations on export controls of conventional arms and missile technology meet international standards. However, with regards to dual-use products and technologies China still lags behind. The most relevant regulations are: the 1998 Regulations on Arms Export, covering rockets, missiles, and military satellites; and the 2002 Regulations on Export Control of Missiles and Missile-Related Items and Technologies. Administration wise, the Export Control Division, a subsidiary of the Ministry of Commerce, is the core administrative organ and an important junction in the complex governmental structure employing export controls. Enforcement, though, is still a major issue. As a recent British report noted, "There remains a dearth of updated and comprehensive assessment of the Chinese government's complex and often opaque decision-making structure related to export controls [and] the export control lists and regulations...". This paper will attempt to shed some light on all these in the context of space related products and technologies. The paper will cover: (i) Multilateral Export Control Regimes to which china joined or with which it holds a dialogue; (ii) Chinese laws and regulations on export controls; (iii) the administration applying the regulations on export controls; and (iv) the procedure for obtaining permits for export of space products and technologies. A case study will be presented and analyzed.