

61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Financing space: Procurement, competition and regulatory approach (2)

Author: Dr. Mingyan Nie

Faculty of Law, Nanjing University of Aeronautics and Astronautics, China, niemingyan@hotmail.com

THE “B&R INITIATIVE” PROVIDES OPPORTUNITIES FOR CHINA TO DOMINATE SPACE
COOPERATION IN ASIA? - AN ANALYSIS OF LEGAL CHALLENGES

Abstract

The co-existence of more than one regional space cooperation entity in Asia presents the competition on the cooperation of space affairs in this territory. Against this background, the Asian space powers take all possible measures for attracting more space partners. The “BeltRoad Initiative (BR)”, which is concerned to be a comprehensive strategy for the government of China to meet the challenges brought by the globalization, provides opportunities for space field. However, two significant problems must be figured out as the preconditions for characterizing an effective cooperation in space field under the BR framework, accordingly, the legal perspectives have to be concerned. Firstly, the organizational form of cooperation in space affairs under the BR framework. As an inter-governmental space cooperation organization, the Asia-Pacific Space Cooperation Organization (APSCO) was sponsored and is led by China. The organization is outlined by its member States as the Asian counter-party of the European Space Agency (ESA) in space affairs. The Convention creates the legal regime of APSCO accepts nearly all measures which are proved to be beneficial to ESA cooperation, e.g., the fair-return principle and the distinction between mandatory and optional programs, etc., however, the achievements of APSCO are rather limited, especially when comparing to ESA. Concerning the space branch under the BR framework, how to organize fruitful cooperation programs and establish the legal approach to ensure the cooperation should be focused on at the first step. Secondly, the pattern of privates’ participation in specific space program within the BR framework. To establish a BR Space Information Corridor (BR-SIC) is underlined as a crucial plan for stimulating the development of space technology and application thereof. According to the “Guiding Opinions on Accelerating the BR-SIC Construction and Application”, non-governmental entities are encouraged to participate in. Against the background of space industry monopolized by government, to choose an appropriate pattern for private entities’ investment as well as formulate legal provisions for safeguarding their benefits are essential steps. In a word, from the perspective of promoting regional space cooperation under the BR framework, this paper intends to discuss legal measures to ensure the effective operation of an organization. When referring to privates’ investment in specific cooperative programs, the present research emphasizes a legal approach to protect their commercial benefits.