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A COMPARATIVE STUDY ON THE NATIONAL SPACE SECURITY POLICY BETWEEN USA AND
CHINA

Abstract

This article tries to make a quick analysis on the national space security policy and its international relevance. For simplicity purposes, the author will just make a comparative study on the policy and legal aspects of United States of America and China. Many countries have enacted national policies or laws with certain provisions on space security, with some in the form of translating international treaty obligations into domestic policies or laws, while others focusing on capacity building for maintaining free access to or use of outer space. In the US, space security is certainly a key element in both national space policy and space law, with the policies published in various forms, and most recently, not only the 2010 National Space Policy, but also other documents such as the 2011 National Security Space Guideline, the 2012 Strategic Guidance for the Department of Defense (DoD), and the 2015 National Security Strategy. From the legal perspective, the US space legislation has been emphasizing national security in various statutes, although some may not use the terminology of national security or space security. The Title 51 of the U.S. Code includes numerous provisions dealing with security and/or national security, and many regulations on export controls are in other parts of the U.S. Code, as are other specific categories that include more than space. In 1980s, China acceded to four UN treaties on outer space. In 1997, China acceded to the ITU Constitution and Convention. To facilitate the implementation of China's obligations based on these treaties, China has enacted a series of laws and regulations with regard to space activities. Most of China's space laws and regulations have obvious origins from or connections with relevant international instruments. It is interesting that none of the above laws or regulations has made any reference to the concept of national security or space security. In July 2015, China's supreme legislature NPC promulgated China's new edition of "National Security Law", in which China, for the first time, emphasizes safeguarding the security of space activities, space assets and other relevant interests. In another development, this new Act has codified a "Holistic Outlook on National Security" as a guiding principle. This is a very significant concept initiated by Chinese President Xi Jinping, stressing not only China's own national security but also the common security of the world. This concept certainly applies to the outer space context. The international space community has realized that our under-regulated space environment needs a rules-based international order to maximize our common security.