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THE CREATION OF CHINA'S REGULATION REGARDING EXPORT CONTROL OF
ASTRONAUTIC PRODUCTS AND TECHNOLOGIES: A PROPOSAL OF THE BASIC
CONSIDERATIONS

Abstract

The newest version of the “China’s Space Activities” (the White Paper) published on 27 December 2016 proposes to strengthen relevant legislative work of space affairs for contributing to the sustainable development of Chinese space industry. And the regulation regarding the management of the export of astronautic products and technologies is especially mentioned. Considering that China is now intending to change its role from space faring country in technology to space power in all respects, the future “Export Control Regulation of Astronautic Products and Technologies” should be created to promote to achieving this purpose. Accordingly, the following aspects should be especially considered: Firstly, to promote commercial space cooperation by private entities. History shows that private entity is the main force to support the sustainable development of a country’s space industry. In order to become a space power in all respects, China is demanded to take measures to encourage the development of domestic private space participants. When it refers to the “Export Control Regulation”, proper rules and clear procedures of exporting/ importing space products/ technologies are necessary. Secondly, to create the possibility for China to participate in the MTCR or the other international regimes of export control. To be a member of the MTCR is a crucial step for China to find more cooperative partner in commercial space activities in Asia as well as in the world. In June 2016, India became the 35th member of the MTCR, so far, among the important Asian space faring countries, only China has no membership of the MTCR and any other international regimes of export control. This fact determines that China will meet difficulties when conducts commercial space cooperation with the other countries, which should be avoided for a country intending to become a space power in all respects. Although the participation of the MTCR is much more a political than legal issue, the legislator of Chinese “Export Control Regulation” is recommended to take measures to create possibilities. Thirdly, to balance the national benefits and the common needs of the world as a whole. A space power in all respects is always required to be responsible, so the national benefits have to give way to the common interests of the world sometimes. This principle is applicable to the export/import of space products and technologies and should be taken into account when making relevant rules.