

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
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TO SHAPE NATIONAL SPACE LAW IN THE CONTEXT OF IMPLEMENTING THE
MILITARY-CIVILIAN INTEGRATION STRATEGY IN CHINA

Abstract

The proposal and implement of the Military-Civilian Integration (MCI) strategy in China provide new opportunities for the non-governmental entities to get engaged in space activities which are observed as possessing the dual-uses characteristic. As indicated by the government, the fundamental objectives of the MCI strategy in China are to transfer the defence technology to civil use and to support the private enterprises to get involved in military-oriented projects. However, following two legal issues are supposed to be figured out for ensuring sustainable growth of the non-governmental participants in space activities: first, what should be the appropriate legal approach to transfer the relevant technologies to the civil sector. Second, how could it possible to confirm that the non-governmental enterprises are fairly treated when they are carrying out relevant programs authorized by the military branch. In view of the necessity to promote commercial space activities, national legislation is required to be enacted to offering a stable legal environment. The creation of national space law by China has been put into the legislative work plan, and it is anticipated that the Chinese space law can be finally adopted in 2020. Concerning that the MCI strategy is of significance to the private space sector, the future Chinese law governing space affairs need to be coordinated with this strategy. In this paper, the Chinese MCI strategy and its relevance to commercial space activities are initially summarized, thereafter, the aforementioned two legal issues are analyzed; and finally, several recommendations of formulating the Chinese space law are proposed to cope with the MCI strategy.