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LEGAL ISSUES OF EXPORT CONTROL IN COMMERCIAL AEROSPACE
INTERNATIONALIZATION AND CHINA'S INSTITUTIONAL COUNTERMEASURES

Abstract

Today's world is experiencing significant changes that have not occurred in a hundred years. The instability and uncertainty of the international community have dramatically increased, and the international security system and order have been impacted. Commercial aerospace is the most promising development direction in the field of aerospace. International cooperation in commercial aerospace is an effective way to optimize the aerospace industry and maximize the interests of all parties. Although China's commercial aerospace industry started late, it has established a relatively mature commercial launch service system and has initially formed the original ecology of satellite-related industries, ranging from the upstream satellite development to the midstream satellite test and operation control system and related ground equipment manufacturing, and then to the downstream satellite application and service level. Major space-faring countries recognized that sound and effective export control institutional measures are essential to safeguard national sovereignty, security, development interests and fulfill international obligations. China's commercial aerospace industry is actively seeking international cooperation. However, some developed countries, including the United States, have strictly controlled the export of space-related items, technologies and services through MTCR, Wassenaar Arrangement and domestic laws. Moreover, the U.S. domestic export control laws, such as ITAR and EAR, have an extremely long reach, inevitably impeding commercial cooperation among major aerospace countries. China's space-related export control regime currently has only a few separate departmental regulations; Western countries, represented by the United States, due to historical reasons, scruple international cooperation with China in the field of high-tech. To cope with the complex elements of international cooperation and adapt to the trend of diverse commercial aerospace entities, China needs to build a comprehensive, scientific, and practical legal system for aerospace export control and an institutional supporting mechanism; It is also imperative that China's commercial aerospace internationalization needs to enhance transparency and mutual trust, strengthen dialogue with various parties and deepen mutual understanding. Meanwhile, China should participate more in international multilateral export control regimes, and break through the bottleneck of international cooperation in commercial aerospace through transparency, mutual trust and reciprocity, thus promoting the prosperity and development of the global commercial aerospace industry.