
Legal Issues of China's Possible Participation in the International Space Station: Comparing to the Russian Experience

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China has made great achievements in space activities in recent years. While emphasizing the principle of self-independence, China also acknowledges the importance of space cooperation. As early as 2001, China indicated its interest in joining the International Space Station. However, no substantive progress has been made concerning China's participation thus far. This may be a result of political and economic, rather than legal and technical, considerations. There is no doubt that China's participation shall contribute to the sustainable development of the ISS. China's participation could also offer an excellent opportunity to reexamine the 1998 framework and clarify or improve certain provisions that exist in the current regime. While technologically ready for participation, China should start considering possible legal issues that may arise from its participation in the ISS project. This article takes up the challenging task of identifying potential legal issues that may arise in the course of China's participation in the ISS and offers suggestions for a future cooperative legal framework regarding the ISS.

Keywords

International Space Station, Space Cooperation, Inter-Governmental Agreement, Outer Space Treaty

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1. Introduction

The International Space Station (“ISS”), an excellent example of multilateral space cooperation, is the largest and most complex manned space cooperative project in the human history.ermanently manned multi-use facility in low Earth orbit (“LEO”) for the purpose of scientific and technological research.¹ The Partner States contribute to the construction of the ISS and share equally the benefits arising out of activities in the ISS. Various researchers have indicated the importance of the ISS in not only contributing to scientific and technological development, but also furthering the development of space laws.²

China has made great achievements in space activities in recent years. It has developed a concrete plan for space exploration in order to build national space station by 2020.³ While emphasizing the principle of self-independence, China also acknowledges the importance of space cooperation.⁴ Bilaterally, China has reached cooperation agreements with many countries; multilaterally, China hosts the Asia-Pacific Space Cooperation Organization (“APSCO”).⁵

Since 2001, China has indicated its interest in joining the ISS.⁶ While the United States vetoed China’s participation early on, China’s rapid technological development and international cooperation with regard to outer space activities have led to increased cooperation between the two countries. President Barak Obama’s visit to China in 2009 resulted in a press release announcing Chinese-American Rapprochement in the space field.⁷ Recently, the European Space Agency (“ESA”) also indicated its support for China’s inclusion in the ISS.⁸ All these positive

¹ L. Myers, *The International Space Station: Canada’s Involvement*, available at <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/CIR/875-e.htm> (last visited on Apr. 6, 2013).

² The Intergovernmental Agreement for the International Space Station was considered the latest space law treaties to enter into force. See C. Petras, “*Space Force Alpha*”: *Military Use of the International Space Station and the Concept of “Peaceful Purposes*,” 53 A. F. L. REV. 160 (2002).

³ See *China Planning Space Station Launch in 2010*, Redorbit (Oct. 27, 2010), available at http://www.redorbit.com/news/space/1938804/china_planning_space_station_launch_in_2020 (last visited on Apr. 6, 2013).

⁴ INFORMATION OFFICE OF THE STATE COUNCIL OF THE PEOPLE’S REPUBLIC OF CHINA, *CHINA’S SPACE ACTIVITIES IN 2006* (2006).

⁵ See the official website of the Asia-Pacific Space Cooperation Organization, available at <http://www.apSCO.int> (last visited on Apr. 9, 2013).

⁶ Staff Writer, *China Eyes Entry to ISS Project*, SPACE DAILY, May 1, 2001, available at <http://www.spacedaily.com/news/china-01zd.html> (last visited on Apr. 6, 2003). See also C. Covault, *China Seeks ISS role, Accelerates Space Program*, 155(20) CHINESE SPACE POWER 52 (2001).

⁷ See *A China-USA Space Co-operation Programmes?*, ENJOY SPACE, Nov. 18, 2009, available at <http://www.enjoyspace.com/en/news/a-china-usa-space-co-operation-programme> (last visited on Apr. 6, 2013).

⁸ Staff Writer, *China May Become Space Station Partner*, SPACE TRAVEL, Jun. 2, 2010, available at http://www.space-travel.com/reports/China_May_Become_Space_Station_Partner_999.html (last visited on Apr. 6, 2013).