

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
IISL Highlight lecture and Young Scholar session (1)

Author: Mr. Xiaodao Li  
The University of Hong Kong, China, lixiaodaolaw@163.com

COMPARING THE POWER OF MAKING INTERNATIONAL SPACE LAW: CHINA AND THE  
UNITED STATES**Abstract**

The white paper on Chinese space program, published in 2022, and the National Space Policy, issued in 2021, show that China and the United States differ in terms of guidelines for international space cooperation and state preferences for international space law. Such differences imply that the two countries' competition over making international space law may intensify. Therefore, it is necessary to analyze and compare their capabilities in making international space law. This paper first puts forward a new concept, the power of making international space law. The concept is based on the definition of "power as capability" in international political theory, and its connotation combines elements in the new liberalism of Moravcsik and the state autonomy theory of Nordlinger. After elucidating the connotation of states' power to make international space law, the paper draws on the method of measuring "power in being," transforming the measurement of unquantifiable power into the measurement of quantifiable national resources. Then, according to the process of international lawmaking, the source of negotiation power, and the theory of complex interdependence, the paper summarizes three criteria for judging which national resources reflect states' capacity to create international law. Based on these three criteria, the paper identifies five types of national resources that could constitute states' power of making international space law. Finally, the paper uses these national resources to compare the power of China and the United States in making international space law. Although the United States has stronger power, the gap between the two states is not huge, and China even has advantages in specific national resources. Neither country has an overwhelming advantage over the other in shaping international space law. If they fail to enhance mutual understanding and cooperation on international legislation, it will lead to fragmentation and impasse of international space law, which goes against state interests of both countries. The paper is beneficial to the study of power comparison and the research on space law. First, the paper explores the measurement and comparison of national power to make specific international norms, which may be helpful to summarize the general rule of defining, measuring, and comparing the power of international lawmaking. Second, the paper provides not only a tool to analyze states' capacity to develop international space law but also guidance for promoting capacity-building of space law.