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Case Study: Argentina and China

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THE DEVELOPMENT OF SPACE TECHNOLOGY AND INTERNATIONAL
COOPERATION IN RELATION TO THE EXPLORATION OF THE MOON. CASE
STUDY: ARGENTINA AND CHINA

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- Outer Space Treaty 1967
- UN Resolution 2625 (XXV): Declaration on the Principles of Friendly Relations and Cooperation between States
- UN Resolution 51/122: Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and the Interest of all States Taking into Particular Account the Needs of Developing Countries

- Agreement between the National Commission on Space Activities (CONAE) of Argentina and the public company China Satellite Launch and Tracking (CLTC) - July 20th, 2012
- Agreement on Construction, Establishment and Operation of a Deep Space Station of China in the Province of Neuquén (Argentina) - April 23rd, 2014
- Framework Agreement for Cooperation in the Field of Space Activities- February 4th, 2015

- The objective of this presentation is to carry out an analysis to determine to what extent international cooperation is helping Argentina to develop Space technology in the framework of the cooperation agreements signed between Argentina and China under the Chinese Exploration Program of the Moon

1. THE RELATIONS BETWEEN ARGENTINA AND CHINA AND THE ESTABLISHMENT OF A COMPREHENSIVE STRATEGIC PARTNERSHIP
2. SPACE AGREEMENTS BETWEEN CHINA AND ARGENTINA
3. POLITICAL ISSUES
4. CONCLUSIONS

THE RELATIONS BETWEEN ARGENTINA AND CHINA AND THE ESTABLISHMENT OF A COMPREHENSIVE STRATEGIC PARTNERSHIP

- Argentina and China initiated diplomatic relations on February 15, 1972
- From then on, the bilateral relations between both countries have grown gradually
- By 2014, China became the “second commercial partner of Argentina, just surpassed by Brazil”

- China, with its “**Go Out, Go Global**” policy fostered as of 1999 in the context of its **Going Global Strategy**, China became greatly interested in the world economy and allocated a significant flow of direct investment overseas.
- Argentina was attractive for China given its natural resources.

- Cristina Fernández de Kirchner's administration signed several agreements for the protection of foreign investments with the government of the People's Republic of China, as well as agreements for the establishment of a Chinese Deep Space Station in Neuquén

- During the state visit of **President Xi Jinping** to Argentina from July 18 to 20, 2015, the **Joint Declaration between the Republic of Argentina and the People's Republic of China on the Establishment of the Comprehensive Strategic Partnership** was signed on July 18.

- At that time, taking into consideration the level of development of the bilateral relation and aiming at its future projection, both Heads of State decided to establish **the China - Argentina Comprehensive Strategic Partnership**, thus beginning a new stage in this bi-national partnership.

- the terms ‘**strategic relations**’ or ‘**strategic association**’, ‘**strategic partnership**’ or ‘**strategic association relations**’ are engraved in treaties or joint communications signed by the government of the People’s Republic of China with some members of the international community.
- the notion of “**partnership**” was adopted by the Chinese diplomacy in the aftermath of the Cold War.

- the creation of this kind of alliances has become one of the most remarkable features of the **Chinese diplomacy**, by **establishing a hierarchy**, and therefore differentiating, between the liaison status **in terms of the interests pursued by Beijing** and the degree of response and affinity of its counterpart as regards certain fundamental issues in its diplomatic relations.

- There is a **SERIES OF TERMS** on the basis of which the Chinese diplomacy defines the different status of partnership **characterizing its foreign policy**:
- 4 CORE TERMS :
“Partner”, “cooperative”, “strategic” and “comprehensive”
- 7 secondary terms:
“friendly”, “significant”, “traditional”, “mutual benefit”, “multidimensional”, “all time” and “collaboration”

the Chinese diplomacy defines four categories of partnership

- **IN DESCENDING ORDER OF IMPORTANCE, THESE ARE:**
- **“cooperative partnership”** (hezuo huoban),
- **“strategic partnership”** (zhanlüe huoban),
- **“comprehensive strategic partnership”** (quenmian hezuo huoban) and,
- **“cooperative strategic partnership”** (zhanlüe hezuo huoban)

- **“Comprehensive”** (quanmian) means that the *bilateral relation will encompass **not only political and economic issues, but also the scientific dimension (technological, cultural, sports, etc).***
- **the ‘comprehensive strategic partner’ status that China has assigned to Argentina is one of the most relevant ones within its International alliances scheme**

February 4, 2015, the Presidents of both countries signed the **Joint Statement on Strengthening Comprehensive Strategic Partnership between the Republic of Argentina and the People's Republic of China**. Among other issues, **section 4** of such **Statement specifically** refers to the scientific-technological cooperation and space cooperation.

SPACE AGREEMENTS BETWEEN CHINA AND ARGENTINA

- the Cooperation Agreement between the Government of the Argentine Republic and the Government of the People's Republic of China **on the Construction, Establishment and Operation of a Deep Space Station of China in the Province of Neuquén, Argentina, within the Framework of the Chinese Moon Exploration-- April 23, 2014**

- The Preamble emphasizes that Argentina and China are parties of the **Treaty on the Principles Governing the Activities of the States in the Exploration and the Use of Outer Space, including the Moon and other Celestial Bodies** signed on **January 27, 1967**.
- **Both governments recognize the importance of the development of space science and technology for the benefit of their people and the whole of humanity.**

- the Preamble states that it is in the interest of the Government of Argentina **to support and promote the national growth of the capabilities related to the scientific and technological development to be generated by the project.**

- **Argentina y China agree to cooperate for the construction, establishment and operation of Ground Tracking, Command and Data Acquisition Facilities, including a Deep Space Antenna, in the territory of the Neuquén Province, Argentine Republic. The Facilities will be built and operated by China to provide ground support to Deep Space Exploration Missions. (Article 1).**

- China entrusted the building and monitoring of the facilities to China Satellite Launch and Tracking (CLTC), a state-owned company, with an estimate investment of USD 300 million.
- The Terrena Station in Neuquén will be the **third one** of the Chinese Stations Network for interplanetary exploration.
- It will be **the first one outside the Chinese territory.**

Prior to this Agreement, the National Commission on Space Activities (CONAE) of Argentina signed two other agreements

- 1. A bilateral agreement between CONAE and CLTC, signed on July 20, 2012.

This agreement defined the location of a plot of land to be granted in gratuitous bailment for the benefit of CONAE for a term of 50 years and for the purpose of the Chinese Program carried out by CLTC. CONAE was granted the use of 10% of the antenna time per year.

2. An agreement between CONAE, CLTC and the Province of Neuquén, signed on December 28, 2012.

Neuquén ratified its commitments undertaken in the prior agreement, so confirming the gratuitous bailment. The provision of electrical power, water supply, access routes, connectivity, among others, was ensured for the purpose of infrastructure works.

- The Terrena Station will be named “**Deep Space 3**” and will have a **35-meter diameter antenna** and facilities available for operation. It will be located in Bajada del Agrio, nearby Las Lajas, in the Province of Neuquén.
- The equipment will operate with the frequencies granted by the National Communication Commission (CNC) for space use and in compliance with the International Telecommunication Union (ITU)

- The government of China will carry out its activities in the Argentine territory in compliance with the laws and regulations in force both in Argentina and the Province of Neuquén, and the provisions included in the Inter-Institutional Cooperation Agreement, signed in due time. (Article 3.1)
- Argentina will not interfere with or interrupt the normal activities carried out with this Cooperation Agreement. Notwithstanding the foregoing, should Argentina have to make decisions that might interfere with China's activities, Argentina undertakes to inform China in advance, and to explore alternative solutions, if necessary, in order to ensure that such activities are not significantly affected. (Article 3.2)

- One substantial provision under this Agreement is the fact that **Argentina shall not be liable, nationally or internationally**, for any Project-related activity performed by the Government of China in its territory, be it through act or failure to act by China or its representatives. The Government of China shall hold Argentina harmless of any duties arising from claims of any nature, at the request of third party, as a consequence of such acts or omissions (Article 6).

- all disputes related to the interpretation and application of the agreement arising during its performance shall be settled through diplomatic channels (Article 7).
- The agreement shall be effective for fifty years, and such effective term may be extended through negotiations between the Parties. The Party wishing to extend the effective term shall notify the other party at least three years prior to the expiration of the agreement (Article 8).

- **CONAE shall have the right to:**
 - a) **the effective use of 10% of the deep space antenna time per year, non-cumulative over the years.** To that end, CONAE may install, maintain and operate data processing equipment at its own cost on a noninterference basis with CLTC missions support activities. CONAE shall coordinate this activity with CLTC by a written request sent at least three months in advance,
 - b) the support to Argentina Space missions using the CLTC ground station network, to be agreed upon in separate agreements;
 - c) other instances of cooperation the Parties may agree on in the future (Article 4).

- **Framework Agreement for Cooperation in the field of Space Activities-** February 4, 2015
- The Parties agree to promote cooperation in the exploitation and uses of outer space for **peaceful purposes on the basis of mutual benefit** in accordance with the laws and regulations of the Parties and the multilateral agreements to which both countries are parties” (Article I).

- Pursuant to Article II, the Parties encourage cooperation in the following areas:
- 1) cooperation in mutually interested space science and deep space exploration projects;
- 2) joint development of space crafts;
- 3) joint development of space – born instruments;
- 4) ground infrastructure for spacecrafts research and development,

- 5) ground Stations construction and operation for receiving, tracking, telemetry and control of spacecrafts;
- 6) launch, tracking and control services for spacecrafts including in-orbit tasking and management;
- 7) cooperation in satellite telecommunication, satellite navigation and satellite remote sensing applications;
- 8) other areas agree by the Parties

- For the purposes of implementation and monitoring of the cooperation under this Agreement,
- Argentina appointed the **National Commission of Space Activities (CONAE)** under the Ministry of Federal Planning, Public Investment and Services,
- China appointed the **China National Space Administration (CNSA)**.

- A Sub-committee on Space Cooperation shall be established under the Intergovernmental Standing Committee of the Government of Argentina and the Government of China (Article VI).

- Scientific and technical data and information obtained through the conduct of joint experiments by the implementing agencies in the implementation of specific cooperation programs shall be accessible to both Parties and shall be exchanged as soon as practicable. Neither Party shall disclose or transfer such data or information to a third party without the written consent of the other Party (Article VIII).

- All questions in connection with **intellectual property protection** are set forth in Article IX, which provides that such issues **shall be governed in accordance with the laws and regulations of each of the Parties as well as their obligations under international treaties to which both countries are parties.**
- Furthermore, terms on the protection of intellectual property shall be provided in the **specific agreement for each project or program developed under the Framework Agreement**

POLITICAL ISSUES

- Potential Military use of the antenna and Space Station?
- The chinese company CLTC depends from Chinese People's Army
- Secret provisions?

CONCLUSIONS

- In terms of Chinese diplomacy, the **Comprehensive Strategic Partnership** (quanmian hezuo huoban) implies a **high status for any country in the Chinese international relations and alliances scheme**
- The 2012 and 2014 treaties that regulate the establishment of the Deep Space 3 base in the Province of Neuquén **entail advantages for both countries**, but are particularly beneficial for **Argentina**, which **will be able to use a technology that would otherwise not be available for the country**, and **that will be suitable to conduct space-related research**

- The Framework Agreement for Cooperation in the Field of Space Activities signed on February 2015 **sets forth the conditions for future international cooperation programs,** and specifically regulates all issues in connection with data collection and intellectual property protection

- Through these treaties, both Argentina and China acknowledge the **“importance of the development of space science and technology for the benefit of their people and the whole of humanity”**, thus turning international cooperation into reality, far from being just an illusion.