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Dr. Michael Mineiro

SPACE DEBRIS REMEDIATION AND THE JURISDICTION & CONTROL OF SPACE OBJECTS

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Overview: Jurisdiction & Control of Space Objects

- ① State that holds jurisdiction and control over a space object is the State on whose registry an object launched into outer space is carried.
- ① If a State, or a State licensed actor, remediates a space object, it can only legally do so if it has legal jurisdiction and control of that space object *or* permission from the State of registry.

Law & Untested Practice

- ⦿ No legal recognition of a temporal termination of jurisdiction and control.
- ⦿ There is no precedent of State practice for:
 - Transference of jurisdiction and control for the purposes of space object remediation.
 - Remediation without having received permission from the State of registry.
 - Remediation of a space object of unknown registry.

Fundamental Policy Questions

- ① **Should States be allowed to remediate space objects without permission from the State on whose registry the space object was launched?**
- ② **On what basis should it be decided when remediation is allowed without permission from the State of registry?**
- ③ **What is the public policy benefit to allowing remediation in such circumstances? Public policy cost?**

Space Security Nexus

- Interference with a registered space object without permission from the State of registry.
- Circumventing the *raison d'être* of the jurisdiction and control provision, removing from the State of registry its legal ability to protest against an activity that might negatively impact its national security interests.

Customary Practice

- What role will State practice have in the development of the customary standards and associated legal precedent?
- Maintain Current Rule & Practice
 - State of Registry grants permission on an ad-hoc basis
 - Agreements established that provide
- Necessity
 - Remediation on an ad-hoc *

Conclusion

- ⦿ Legal regime of jurisdiction and control is either silent, ambiguous, or speaks to a point contrary to the public policy goal of facilitating and promoting space debris remediation.
- ⦿ International community needs to engage in discourse as to the law and policy implications of developing State practice and guidelines on remediative activity.
- ⦿ Policy challenge of establishing rules of jurisdiction and control that both facilitate space debris remediation and satisfy national security interests.

Thank you

◎ Contact info:

- Dr. Michael Mineiro

michael.mineiro@mail.mcgill.ca

202-367-3561