Agreed Statement of Facts

1. The year is 2050 and the high demand for 5G-internet has led to a boom of mega constellations. After multiple mergers and acquisitions, 3 global networks have emerged as the dominant players in the satellite internet market (XXX, YYY and ZZZ). XXX is set up by a regional economic integration organisation ("REIO") whose headquarters are in country AAA. This REIO is comprised of 50 member states which collectively have about 30% of the world's population and whom are all part of one continent and connected by land. XXX primarily provides satellite internet to these 50 REIO states. YYY and ZZZ are based in country BBB and provide satellite internet to the remainder 70% of the world's population. BBB is a small island developing country with only 0.5% of the world population.

2. The availability of high quality internet at reasonable prices disrupts a number of industries by enabling the rapid digitalisation of jobs. In particular the medical industry changes drastically with the emergence of tele-medicine. Satellite internet's low latency rate and high reliability enables complex surgeries to be performed from anywhere around the world. It was even noted in the scientific journal CuttingEdge that this breakthrough in technology was entirely dependent on satellite internet as conventional internet infrastructure of submarine cables and fibreoptics could not match the speed and reliability provided by these mega constellation networks.

3. Due to the gargantuan size of the constellations (over 50000 satellites per network), a high cadence of launches is required to maintain them. AAA has one major space port and launch provider which caters to all the needs of the REIO and the constellation XXX. As XXX was formed over a long period of time, the singular space port is sufficient to maintain the XXX constellation which is comprised exclusively of Low Earth Orbit ("LEO") satellites. AAA launches 300 times per year to maintain its XXX constellation. BBB has a different space heritage from AAA. BBB is a young country that invested heavily in the industry and provided grants for space companies to be based there. Accordingly, it developed 5 space ports which it divides amongst many launch providers to stimulate competition and innovation. As YYY and ZZZ are also comprised exclusively of LEO satellites, BBB launches 1500 times per year across the 5 space ports to maintain the two constellations across a variety of launch vehicles. Collectively, these 6 space ports log 1800 launches between them and account for 98% of all launches in 2050. The remainder 2% of launches (36) are from spacefaring states CCC, DDD and EEE and are used for scientific purposes predominantly and vary in absolute numbers from year to year.

4. This sizeable amount of rocket launches eventually catches the attention of environmental scientists worldwide as they note that fuel expelled in the upper atmosphere by rocket launches has deleterious effects on the ozone layer. In particular, they note that rocket fuel carries unique chemical components which are significantly more damaging to the ozone layer than CO_2. A study commissioned by the UNFCCC secretariat and approved by its conference of parties at COP 2050 noted that at current rates of launches and with the fuel used by the major launch providers, the ozone can only sustain around 2000 launches annually before it would start being depleted.

5. Picking up on the COP2050 report, the trendy island influencer Maria runs an awareness campaign with the slogan #TheRealY2K to sell her brand of sunblock and her 100M followers quickly generate a frenzy in their respective countries. Global news outlets carry the story and public sentiment turns against the space industry with politicians all around the world calling for AAA and BBB to restrict the number of launches per year and to force launch companies to use less environmentally damaging rocket fuel.

6. On 1st November 2051, a major solar flare renders 90% of all small satellites in LEO inoperable. This causes a major disruption to civilian life and panic around the world. Riots break out in small island developing states because tele-medicine services are rendered inoperable and life-saving surgeries are cancelled. In the REIO, the fallout is less dramatic but still palpable as internet service is reserved for medical operations and the civilian population goes without entertainment streaming for the first time in history. The sick and injured population in the REIO suffers through 5hour rides to large cities but on the whole receives medical care of about the same quality just with a significantly longer waiting time.

7. On 2nd November 2051, due to the small and efficient nature of the BBB civil service, BBB officials approve and release a new flight schedule of their 5 space ports for the next 30 years which reflect that they will attempt to make daily launches with some larger space ports even doing 2 launches a day in order to replenish the YYY and ZZZ constellations as quickly as possible. In total, their 5 space ports will seek to make at least 1700 launches per year. This information is quickly released in a public statement and the spokesperson of BBB notes that they implore all states to give their additional launch slots to YYY and ZZZ so that global connectivity can be re-established faster. The BBB spokesperson also notes that they have taken into account the "Y2K" limit and have sought to stay within this so as to remain an upstanding member of the international community.

8. On the same day, AAA summons the ambassador of BBB to lodge their discontentment at how BBB appropriated the remainder 200 slots without consulting AAA. After the meeting, the Ambassador of BBB notes that unlike the well connected REIO member states of AAA, the small island developing countries depend on YYY and ZZZ and needed the network to be up as soon as possible so that high-quality telemedicine services could resume as soon as possible. Ambassador BBB also noted that the REIO had a history of infighting and funding problems and there was no likelihood that AAA could secure additional funding for an increased cadence of launches.

9. On 3rd November 2051, AAA convenes an emergency meeting of its REIO which lasted 1 week long and saw multiple heads of delegations posturing that although they supported the REIO restoring the XXX constellation, they would not be contributing to the funds required due to the more immediate need to address the social fallout caused by the solar flare back at their home state. The 1st emergency meeting of the REIO concluded with a joint communique that the member states "agree in principle to increasing the number of launches in AAA by a number proportionate to their world population" but that funding would only be provided for an additional 10 launches at the moment with further funding for the next 50 launches to be determined at a 2nd emergency meeting a month later.

10. On 3rd December 2051, at the 2nd emergency meeting of the REIO, the member states agreed to a funding package for the remainder 50 additional launches in AAA after each of the 50

head of states was offered a chance to push the “big red button” to launch the rockets and the ability to name and brand the rockets according to their country’s culture and heritage. They also empowered AAA to speak on behalf of the REIO in demanding that BBB respect the rights of AAA to take commensurate action to restore connectivity in the region and to demand that BBB reduce its launch slots over the next 10 years so that they would not collectively breach the Y2K limit.

11. AAA and BBB thus engaged in consultations with each other over the proper allocation of launch slots so that they would collectively remain with the 2000 limit as set out by the COP2050 report. Despite rigorous negotiations, the parties were unable to reach an amicable resolution and agreed to raise the matter to the International Court of Justice.

12. AAA initiated these proceedings by application to the International Court of Justice. BBB accepted the jurisdiction of the Court, and the parties jointly submitted this Agreed Statement of Facts.

13. On the basis of the forgoing Agreed Statement of Facts. AAA requests the Court to adjudge and declare that
    a. BBB breached Article I of the 1967 Outer Space Treaty
    b. BBB breached Article IX of the 1967 Outer Space Treaty

14. On the basis of the forgoing Agreed Statement of Facts. BBB requests the Court to adjudge and declare that
    a. BBB did not breach Article I of the 1967 Outer Space Treaty
    b. BBB did not breach Article IX of the 1967 Outer Space Treaty

15. AAA and BBB are both parties to the 1967 Outer Space Treaty, 1968 Return and Rescue Agreement, 1972 Liability Convention, 1976 Registration Convention, 1979 Moon Treaty, and the 1969 Vienna Convention on the Law of Treaties. They are both founding members of the Committee on the Peaceful Uses of Outer Space (COPUOS)