



THE 2023 MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

INTERNATIONAL COURT OF JUSTICE

**Case Concerning Laser Activities and the Use of
Anti-Satellite Weapons in Outer Space**

ARGYLIAM

(APPLICANT)

vs.

KOLIGIAN

(RESPONDENT)

AGREED STATEMENT OF FACTS



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Case Concerning Laser Activities and the Use of Anti-Satellite Weapons in Outer Space

Agreed Statement of Facts:

1. Argylia is a small, island State, which has succeeded, over the last 25 years, in becoming an international financial and banking center, while at the same time becoming famous for providing tourist services of high quality. This has resulted in considerable wealth flowing into Argylia, which has been invested in high-tech and advanced space applications. There is an explicit provision in the Constitution of Argylia that the State will remain outside international alliances, and will be permanently neutral in its international relations.
2. In order to maintain its status of neutrality, and given that, due to its small size and small population, Argylia could not effectively maintain viable and adequate armed forces, it has attempted to fill this gap through technology. In particular, significant government funds were directed towards research into dual-use space applications, under a philosophy that space could, among other things, provide an immediate comparative advantage in Argylia's military sector.
3. In view of the need to obtain the information necessary to avoid collisions of objects in space, Argylia contracted with Charalg Inc., a Space Situational Awareness service provider founded in 2028 and registered in Koligia. Through a global network of fully automated, ground-based, and space-based sensors capable of surveying and tracking space objects in orbit around the Earth, Charalg Inc. provided information and data to a large number of States. Charalg Inc. had built a considerable reputation for reliability, except on a single occasion, in December 2029, when its provision of incorrect data almost caused a satellite collision in low Earth orbit.
4. Koligia is a space-faring State with a significant history of space exploration and exploitation. Since 2020 it has actively facilitated and encouraged the growth of its private sector in space activities.
5. On 1 January 2031, Argylia placed three satellites with laser capabilities at an altitude of 200 km above the Earth's surface, named Palver-1 -2 and -3 ("Palver"), which, simultaneously



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with their launch, were registered in Argyliam’s national register of space objects. Relevant information was also sent to the United Nations and placed on the UN Register. In a statement preceding the launch of the three Palvers, Argyliam Foreign Minister Georg Andersowicz said that their deployment “was mainly for experimental purposes to establish proof of concept and initial components for a system of satellite-to-satellite communication by laser beam and would contribute to the defense of the State”.

6. On 31 March 2031, the intelligence services of Argyliam informed the Minister of Foreign Affairs and the Minister of Defense that, “according to cross-checked information”, the satellite EVGA-1607, was conducting “continuous spying on critical infrastructure facilities and military sites” in Argyliam. EVGA-1607 was registered in the State of Kassof and had been placed in orbit at an altitude of 210 km above the surface of the Earth on 25 February 2031. The orbit of EVGA-1607 periodically brought the satellite into proximity with Palver-3 but did not pose a significant collision hazard. Kassof and Argyliam have a long history of confrontation which ended when, by an international arbitral tribunal ruling in 2027, the two States settled their dispute over the delimitation of their (common) continental shelf.

7. On 1 April 2031, Minister Andersowicz, in a Note Verbale to the Ambassador of Kassof, protested against the “spying of his country” through EVGA-1607 and requested its immediate cessation and non-repetition in the future. The Ambassador of Kassof, after consulting the competent authorities of his country, replied that EVGA-1607 was a satellite deployed for purely commercial applications, that no espionage had ever taken place through it, and that his country was firmly looking forward to friendly relations with Argyliam.

8. On 10 April 2031, and after being assured by the country’s intelligence services that the espionage activities of EVGA-1607 were continuing, Argyliam Defense Minister Pol Kodaphnic ordered Palver-3 to emit a laser beam directed at EVGA-1607 as the satellites were nearing conjunction in order to dazzle and blind EVGA-1607’s sensors. This action was undertaken based on targeting data which had been provided by Charalg Inc.

9. The data provided by Charalg Inc. was not completely accurate, resulting in a small but critical time delay in the emitted laser beam which by-passed EVGA-1607 completely and instead hit a low Earth orbit communications satellite, Iriord-8, which was registered in Koligian. The laser damaged an electronic component of Iriord-8 triggering a misfire of attitude control thrusters that pushed it out of orbit and into the atmosphere where it was completely burned up.



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10. The destruction of Iriord-8 was a significant setback for the Koligian economy and critical infrastructure. Its telecommunications services were greatly impacted, and many State services suffered considerable damage, since Koligian had been particularly advanced in the digitization of telecommunications through satellite utilization. The local press in Koligian began to publish articles that were highly critical of Argyliam.

11. On 20 April 2031, the Ambassador of Koligian delivered a diplomatic note of protest to Argyliam, in which the Government of Koligian accused Argyliam of the “unprecedented and unlawful weaponization of outer space” and called for the suspension of all “aggressive military” space activities of Argyliam and, in particular, the immediate deactivation of the three laser systems on Palver, given “the dangers their existence entailed for the freedom of all States to peacefully explore and use outer space”. The Argyliam Foreign Minister replied that “the responsibility for the unfortunate incident lies entirely with the Koligian company Charalg Inc., which recklessly provided us with false information”, and that the Palver had been placed in orbit “in accordance with international law in order to protect the independence, territorial integrity and permanent neutrality of Argyliam”.

12. On 10 May 2031, Palver-2 unexpectedly and without explanation ceased responding to commands. All ability to control it was lost and could not be restored; however, according to official statements from the Argyliam Ministry of Defense, the laser beam remained in an active state and “there was a small possibility of spontaneous activation”. According to the same sources, the chances of this happening “were less than 3%”. In the meantime, the uncontrolled Palver-2 was drifting toward a densely populated orbit, in which there were 150 functioning satellites. Most of these satellites were in a constellation operated by an international consortium to provide global Internet services, including for aircraft and maritime use. The individual satellites were registered in several states, including, five registered in Koligian. Palver-2 was expected to enter this orbit on 13 May 2031.

13. On the morning of 11 May 2031, four States, including Koligian, asked Argyliam to take immediate measures to “manage the course” of Palver-2. Argyliam declared that, having developed the necessary technology, it would immediately send a Space Servicing Vehicle (SSV) to re-boost Palver-2 in order for the satellite to gain the necessary altitude so that there would be no possibility of interference with the operation of neighboring satellites. The SSV was expected to rendezvous with Palver-2 and initiate the re-boost operation within 24 hours of launch. In response to questions from journalists, the Argyliam Minister of Defense said that the SSV had passed the ground-based experimental phase, which was “completely successful”, but had not yet been launched and tested in space.



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14. In the evening of the same day, Koligian launched a direct-ascent anti-satellite (ASAT) missile, which was directed at and successfully hit Palver-2. The satellite, including its laser system, was completely destroyed. The debris generated by this strike accumulated in a part of the orbit where there were no operating satellites before heading for re-entry into the atmosphere, where it was completely burned up.

15. The entire Palver system required the synergy of all three individual lasers to work effectively and, without Palver-2, it was rendered inoperable. It would be several years before Argylia would be able to restore its space laser protection system.

16. In an attempt to settle their disputes, Argylia and Koligian entered into diplomatic consultations, the results of which proved inconclusive. Argylia initiated these proceedings by Application to the International Court of Justice. Koligian accepted the jurisdiction of the Court, and the parties submitted this Agreed Statement of Facts.

17. Argylia requests the Court to adjudge and declare that:

1. The use of Palver-3 was in conformity with international law
2. Argylia is not liable for the destruction of Iriord-8
3. The use by Koligian of the ASAT missile against Palver-2 constitutes a violation of international law
4. Koligian is liable for the destruction of Palver-2

19. Koligian requests the Court to adjudge and declare that:

1. The use of Palver-3 violated international law
2. Argylia is liable for the destruction of Iriord-8
3. The use by Koligian of the ASAT missile against Palver-2 is not contrary to international law
4. Koligian is not liable for the destruction of Palver-2



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20. Both Argylam and Koligian are Parties to the United Nations Charter, the 1969 Vienna Convention on the Law of Treaties and the five United Nations treaties on outer space. There is no issue of jurisdiction before the International Court of Justice.