Security Council

Topic A: Regulating Aerial and Maritime Space Violations

I. Introduction

The matter of regulating aerial and maritime space violations is now more relevant than ever. With geographical areas characterised by ongoing conflicts or tensions (such as the Russia-Ukraine war or more modestly, the agitations in the South China Sea), violations of air and maritime space are inevitable; thus, regulating them and preventing their escalation is crucial.

Numerous agents and organisations have been established over the years to formalise this topic and adequately regulate it. Among these, the two most significant ones are the ICAO and the UNCLOS; administered by the UN to provide clear guidelines within the intricate matters of aerial and maritime space violations. Unfortunately, countries have repeatedly used violations as a form of geopolitical provocation resulting in retaliatory actions which have affected innocent civilians. Hence, it is a priority for the global community to favour diplomatic, controlled and moderated actions in relation to this topic, which at the same time still guarantee sovereignty over a given territory.

 Yet today, past actions have not changed the situation, and new regulatory actions are necessary in a framework characterised by heightened tensions and by thin lines between conflict and peace. These must be targeted at the protection of civilians and the preservation of international stability.

II. Definition of Key Terms

Unmanned aerial vehicles (UAVs): Also known as drones, they are aircraft with no human pilot, crew or passengers; usually controlled remotely or operating autonomously.

Airspace: The area above land that is considered to be under the jurisdiction of a specific country.

Transponders: A device that receives a radio signal and automatically transmits a different signal, commonly used in aerial navigation.

Rapid-reaction aircraft: A particular type of fighter jets adapted for QRA (Quick Reaction Alert) to identify and intercept aircraft violating airspace, in particular within NATO territory.

Geodetic datum: A mathematical model used to locate points on the Earth's surface, foundation system for mapping and navigation.

Exclusive economic zone (EEZ): Maritime area that can extend up to 200 NM (nautical miles) from the coastal margin in which a country is free to explore, exploit and manage marine resources to their liking.

Air Defense Identification Zone (ADIZ): A defined area of airspace within which civil aircraft are required to identify themselves; these zones are established above the EEZ, the territorial sea, internal waters and land territory. Countries do not have sovereignty over these areas.

Territorial waters: Waters under the sovereign control of a nation which extend up to 12 nautical miles (≈22km) from its coastlines. The territorial waters also involve control over the above airspace.

Flight Information Region (FIR): A defined airspace in which countries provide information and alerting services regarding flights; this information is necessary for managing air traffic identification and violations.

Unauthorised intrusion: Act of entering a state's airspace or territorial waters without permission, legal authority or notification of the latter.

Rules of engagement (ROE): Directives issued by a military or political authority setting out the circumstances and limitations under which a military force should operate in a potentially hostile environment, particularly regarding the use of force.

Freedom of Navigation Operations (FONOPs): Military activities mainly conducted by the USA to prevent, reduce or cease excessive maritime climes, protecting freedom of navigation in relation to what is stated by the UNCLOS.

Flagged vessels: A watercraft registered under one specific country. This makes it subject to the country's laws, regulations, taxes and jurisdiction essentially making the vessel a part of the flag state.

III. Background Information

The topic discussed is a pillar of sovereignty, international security and control of global transportation. The authority which a country has over its airspace and territorial waters is dictated by international law which all nations vow to respect.

Formal Regulation of Airspace and Maritime Space

Regarding airspace regulation, the Chicago Convention (1944) states that every state has *"complete and exclusive sovereignty over the airspace above its territory"*. This implies that foreign aerial vehicles must be authorised to enter the airspace.

Maritime space is regulated through the UNCLOS (United Nations Convention on the Law of the Sea) stating that *"The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea… This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil."*. The Convention also addresses the matter of EEZ (Exclusive Economic Zone), extending 200NM from the coast, and the contiguous zone, extending 24NM from the coast. In both cases the sovereign state holds special rights over these areas.

Violations

A violation in terms of the aerial environment is determined by the entry into the given space without clearance, failure to maintain proper communication with the air traffic control, flying in restricted zones without due consent and operating surveillance or military tasks without authorisation. Similarly, a maritime violation is characterised by the entry into territorial waters without consent,

illegal fishing, surveying or resource extraction, violation of environmental regulations within the maritime area and military incursions.

Examples of these incursions involve the ongoing airspace violations by Russia in the NATO airspace. These have been taking place since the early 2000s, repeatedly used by Russia as a form of geopolitical pressure; however, they have assumed greater importance since the beginning of the Russia-Ukraine conflict with Russia violating the airspace of Estonia, Latvia, Lithuania and Poland since the beginning of 2025. Another notable episode was the shootdown of a Russian Su-24 over Syria. This operation was conducted by Turkey on the 24th of November 2015 after Turkey claimed Russia violated their airspace. Overall airspace violations have been taking place since the Cold War, notably the shootdown of the American U-2 in 1960 by the USSR or of the Korean Air Lines passenger airplane in 1983.

For what concerns maritime space violations some relevant episodes involve the disputes within the South China Sea between China, the Philippines, Vietnam and other involved countries. Among these disputes, the naval blockade of Philippines fishing vessels by the Chinese Coast Guard at Scarborough Shoal since 2012 or the Chinese construction of artificial islands in contested waters. Furthermore, the Iranian seizure of the *Stena Impero*, a British tanker, in 2019. This event developed in the Strait of Hormuz after the Iranian government claimed the violation of maritime regulations by the British. The seizure was quickly followed by diplomatic actions and the detainment of an Iranian tanker in Gibraltar.

IV. Relevant UN Actions and Treaties

Aerial Space

Conventions and Assemblies

- Chicago Convention on International Civil Aviation (1944): Established the basis of airspace sovereignty and the necessity of authorisation to enter national airspace (not a UN treaty when stipulated, but currently under UN administration)
- Convention on Offences and Certain Other Acts Committed on Board Aircraft - Tokyo Convention (1963): Addressed the regulation of acts committed on board aircraft and encouraged the enforcement of national aviation rules

ICAO

- Establishment of the ICAO (International Civil Aviation Organisation (1947): UN agency that focuses on air traffic control, aircraft identification, proper aerial communication and response to civil aviation incidents
- ICAO Amendment (1984): Discouraged the use of force when dealing with civil aviation and strived for responses which were proportional to the violation committed (following the Korean Air Line Flight 007 in 1983)

Most relevant UN Resolutions

- Resolution 300 (1971): Reaffirmed airspace sovereignty following an alleged incursion of South African planes over Zambian airspace
- Resolution 337 (1973): Condemned the diversion and seizure of a Lebanese airliner by Israel

- Resolution 1067 (1996): Reaffirmed states' sovereignty over their airspace, which must however be in line with civil aviation rules, following the shooting down of two civilian aircraft by the Cuban Air Force
- Resolution 2573 (2021): Generally addressed the protection of civilians and civilian infrastructure during conflicts, including airports and aviation systems
- In recent years resolutions treating airspace violations have moved towards the regulation of outer space (e.g. RES/77/122 (2022) or RES/78/19 (2023))

Maritime Space

Conventions and Assemblies

- Geneva Conventions on the Law of the Sea (1958): Defined territorial waters and high seas and was the first attempt to formalise maritime law and states' enforcement powers
- UNCLOS (UN Convention on the Law of the Sea) (1982): Determined territorial sea, contiguous zone, EEZ, unauthorised maritime intrusion and set rules regarding naval activities, resolution of maritime conflicts and passage of civilians/innocent in maritime spaces
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) (1988): Condemned unlawful acts at sea such as seizures and violence against other watercraft
- Establishment of the ITLOS (International Tribunal for the Law of the Sea) (1996): Under the control of the UNCLOS, it is used to resolve disputes regarding maritime space violations, seizure of watercraft, freedom of navigation

Most relevant UN Resolutions

- Resolution 552 (1984): Condemned attacks on shipping during the Iran-Iraq conflict and recalled the importance of free navigation in international waters
- Resolution 2240 (2015): Allowed the interception and seizure of Libyan vessels used for migrants transport and smuggling
- Resolution 2722 (2024): Condemned Houthi attacks on Red Sea vessels and reaffirmed navigational rights and freedom for merchant ships in relation to the UNCLOS
- Resolution 79/144 (2024): Emphasized the importance of the UNCLOS and the necessity to resolve maritime disputes in a manner which is peaceful and in line with international frameworks

V. Major Countries and Groups Involved

United States of America:

Strives for freedom of navigation as well as conducting FONOPs related to both aerial and maritime territorial claims. It disagrees with excessive ADIZ or military restrictions within EEZs. Surveillance flights at the border of foreign airspace (in particular those of China and Russia) are frequently conducted.

China:

Takes considerable freedom within contested maritime zones (in particular the South China Sea) and usually deploys coast guard and military forces to assert dominance. Military flights near or within the airspace of Taiwan, Japan and the Philippines have taken place repeatedly.

Russia:

Has conducted the majority of the recent maritime and aerial space violations, in particular the repeated incursions in the airspace of Eastern European countries since the beginning of the Ukraine conflict or the entry into British waters in November of 2025. These incursions are usually justified by claiming that they occurred in international waters or airspace.

Iran:

Iran and other Gulf States are usually involved in disputes, in particular Saudi Arabia, the UAE and the UK (through flagged vessels). Common scenarios include seizure of vessels, deployment of military aircraft and UAVs.

India:

The country is an emerging regional power whose maritime and air surveillance is expanding. Its principles are in line with those of the UNCLOS and it plays a major role in the monitoring of the Indian Ocean. There have been isolated cases of incidents with Chinese aircraft or vessels.

Baltic States (Estonia, Latvia, Lithuania):

These countries, being both members of NATO and of the EU, are frequent targets of Russian operations. Russian aircraft have frequently flown without active transponders or flight plans over the foreign airspace especially between 2024 and 2025. These countries are considered reporting states who trigger a NATO response to Russian incursions.

Ukraine:

Since the beginning of the conflict with Russia, Ukraine has been a victim of aerial and maritime space violations due to the war. The Black Sea is the main scenario for maritime incursions in this context.

Japan:

Japan is one of the most active countries in terms of airspace interceptions. Its geographical position near main violators such as China and Russia is also relevant, in fact episodes of approach or violations of the ADIZ have taken place. Disputes with China over the Senkaku/Diaoyu islands are also at the centre of global attention.

Taiwan:

Frequently exposed to violations of the ADIZ (which are not considered airspace violations but can still be seen as provocative) by the Chinese military. A growing pressure has also been subjected in maritime scenarios.

Aegean countries (Greece and Turkey):

This area is subjected to disputed airspace between Greece and Turkey with frequent incursions and violations by both countries.

NATO:

Operates air and maritime surveillance over its airspace and acts in strong defence of freedom of navigation and sovereignty of airspace. Notoriously rapid responses to violations (especially from Russia) with jets or escorting vessels usually involved.

ASEAN:

A contrasting example to NATO since divided opinions within the group render collective responses less effective. Contested territorial claims and power competition are the main factors hindering its effectiveness as well as an uneven distribution of powers within the members. Overall, it supports the guidelines of UNCLOS while striving for peaceful and non-militarised solutions.

VI. Possible Solutions

Increase in transparency and improvement of advisory mechanisms

- Aimed at facilitating communications between countries and prevent unnotified incursions within the aerial or maritime space
- Declaration of intent before entering the given area to minimise incursions with strategic or military background
- Possibly the creation of an international communication forum where governments, military and airliners can communicate and inform each other on recent movements

Development of an international code of conduct to regulate responses to interceptions

- Establish a clearer framework as to what countries or organisations may and may not do when intercepting foreign presence within their sovereign territory
- Including clear distinctions between different types of incursions (military, civilian, intention/non-intentional, state/non-state driven)
- Striving for proportionate responses which have the health and safety of innocent civilians at their foundation

New interpretation and analysis regarding sovereign maritime/aerial territory and their respective jurisdiction

- Evaluating whether the past definitions of ADIZs, EEZs and contiguous zone are still adequate in the contemporary context
- Establishing clearer international regulations which will be legally binding within these areas independently of national laws
- Creation of guidelines as to what the retaliatory measures will be in case of violations, the guidelines should be internationally set and accepted

De-escalation mechanisms

- Politically neutral programs whose aim is to prevent violations from affecting civilians or resulting in unnecessary violence
- The program should be guided by the UN or in line with the UN charter and could involve the establishment of a new organisation with the above-stated objective

New infrastructures, training and planning for vulnerable areas

- Establishment of new, more technically advanced mechanisms (such as radars or monitoring systems) within countries or areas which are more subject to violations (Baltic States, Southeast Asia)
- Creation of military training programs with the aim of preparing troops to counteract any violent violation
- This will support the equalisation of protection capabilities and reduce major risks for the involved countries

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