



Fettah Tamince Maritime Vocational and Technical Anatolian High School

MODEL UNITED NATIONS CONFERENCE 2025

STUDY GUIDE

UNSC

Agenda Item

**Airspace Sovereignty, Security and Military
of airspaces**

Under-Secretary General

Bersun Akkaya

Academic Assistant

Emre Yılmaz

7.3.5. 9/11 Attacks and Aviation Security Reform (2001).....	20
7.4. Interstate Conflicts and Airspace Violations.....	21
7.4.1. Operation Opera – Israeli Strike on Iraqi Reactor (1981).....	21
7.4.2. U.S. Bombing of Libya – Operation El Dorado Canyon (1986).....	21
7.4.3. NATO Airstrikes in Kosovo (1999).....	21
7.4.4. Israeli Airstrikes in Syria and Lebanon.....	21
7.4.5. Russia-Ukraine War: Air Operations.....	21
7.4.6. China-Taiwan ADIZ Disputes.....	22
7.5. Asymmetric Warfare, Terrorism, and Drones.....	22
7.5.1. U.S. Drone Operations in Pakistan, Yemen & Somalia.....	22
7.5.1.1. Pakistan.....	23
7.5.1.2. Yemen.....	23
8. Blocs and International Alliances.....	24
8.1. NATO and Collective Defense.....	24
8.2. CSTO and the Russian Military Alliance Bloc.....	25
8.3. Regional Dynamics in the Middle East.....	26
8.4. China’s Airspace Doctrine in the Indo- Pacific.....	26
8.5. Agenda Framework and Key Concepts.....	27
8.5.1. Defining Airspace Sovereignty.....	27
8.5.2. Air Defense Identification Zones (ADIZ).....	28
8.5.3. No-Fly Zones: History and Legal Basis.....	29
8.5.4. Drones, Missiles, and Hypersonic Weapons.....	30
8.5.5. Rules of Engagement in Aerial Warfare.....	32
9. Questions to Guide the Debate.....	33
10.Expectations From You.....	34
11. Bibliography.....	35

1. Letter From the Secretary General

Dear Participants,

I am honored to welcome you to the MARINEMUN conference 2025 , where we will engage in meaningful discussions and debates on global issues. As your Secretary-General, I am incredibly excited and proud to be in this role, and I am enthusiastic about the opportunity to see the diverse perspectives and ideas that each of you will bring to the table. I feel incredibly lucky to work alongside our wonderful academic and organization team, and together, we will create an enriching and A memorable experience for everyone involved.

This conference will be a platform for constructive dialogue and collaboration, and I am confident that together, we will make it a truly great and impactful event.

If you need any assistance, feel free to get in touch with me.

Warm regards,

Selin Esin
Secretary-General
Email: seloosesin@hotmail.com

2. Letter From the Under-Secretary-General

Esteemed Participants,

I am the Under-Secretary-General of this committee, Bersun Akkaya. I am currently continuing my studies in Sociology at Turkish-German University in the German language, and I would like to extend a warm welcome to you all to the MARINETRAIN'25: United Nations Security Council! The narratives within this committee are generally created by blending various subjects, such as long academic papers, with historical contexts. We hope that you will greatly enjoy this committee and, in the process, gain insightful knowledge of the era and its dynamics. A great deal of information for this committee has been left to your own research initiative. The purpose of this is to help you gain experience in academic research and to encourage you to bring your own creative ideas. Therefore, please make sure to deepen your research as much as possible. I also encourage each one of you to engage deeply with the topic, collaborate with your fellow members, and approach the committee with creativity and most importantly respect. This is an opportunity for growth, and I hope you will make the most of it. Once again, thank you for being part of this experience, and I look forward to seeing all of you in action during the committee sessions. May we all learn, grow, and, most importantly, enjoy this incredible journey together! Lastly, I want to thank all the academic and organizational teams of the MARINETRAIN'25 for making this conference possible. I wish everyone a great time. And please do not hesitate to contact us regarding the committee or any special needs. Good Luck!

Cordially,
Bersun AKKAYA
bersunakkaya@gmail.com

3. Letter From the Academic Assistant

Distinguished delegates,

As your Academic Assistant Emre Yılmaz, it is an honour to welcome you all to MARINETRAIN'25 conference and the United Nations Security Council.

My lovely Under Secretary General Bersun and I wanted to do this committee and I am thrilled to finally have this opportunity in my hands. The process of making this committee was a tiring journey but we can say we did our best.

Our agenda focuses on Airspace Sovereignty, Security and Military Operations in Conflict Zones. This study guide contains highly important information regarding our agenda. I would be pleased if each and every one of you studied the entire guide. Also, keep in mind that this guide shouldn't be your only resource of information. I highly recommend conducting further research to gain more comprehensive knowledge that you can use during your debates.

I sincerely wish this committee can be an experience that contributes to your debate and document writing skills, understanding of our world's current problems and well, your MUN career.

If you have any kind of questions in mind, do not hesitate to contact me. You can reach me through my email, dremreyilmaz0707@gmail.com

I wish everyone an inspiring MARINETRAIN'25 experience.

4. Introduction to the Committee

4.1. History of the United Nations Security Council



In 1939, during the Second World War, the League of Nations was already inactive and completely dissolved. When the date showed 1941, Franklin Roosevelt and British Prime Minister Winston Churchill had already started negotiations to replace the League. As Roosevelt

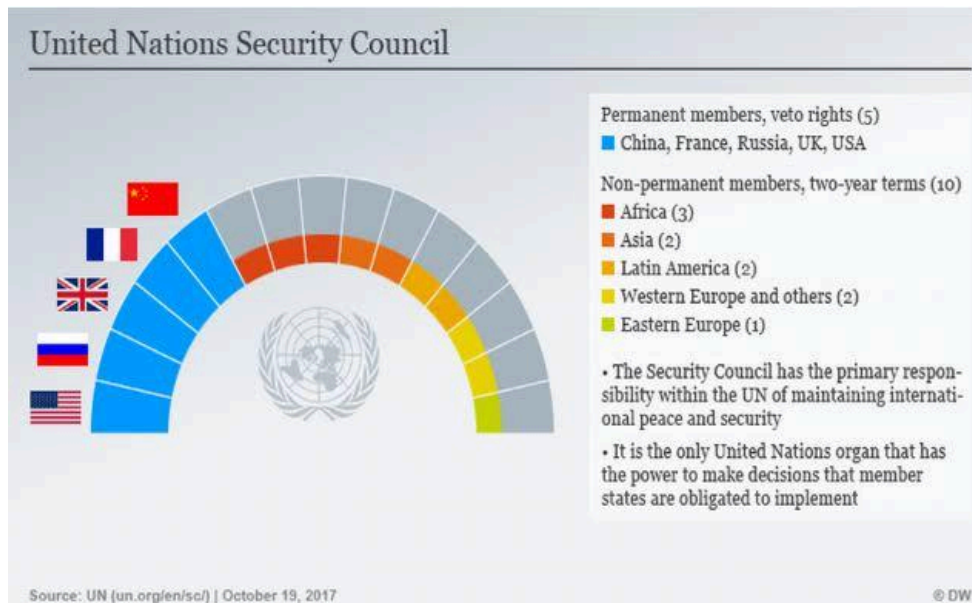
also put it, the four policemen came onto the stage. These states were the United States, the United Kingdom, (formerly known as the Soviet Union), the Russian Federation, and China. This idea continued to evolve and develop over time. The United Nations was officially declared in 1945, The United Nations Security Council was created and is entrusted with addressing threats to international peace, averting conflicts, and handling crises everywhere. This council was first established to promote global peace and security. It is one of the six main organs of the United Nations and is responsible for preserving world stability.

Chapter IV of the United Nations' article stresses the fact that each country that is a participant in the council is obligated to abide by the rules. As said before all member states are obligated to abide by the rules. The Council's right to take measures, including enforcement, to preserve or restore global peace is ensured by Chapter VII. The decisions taken for all countries are binding and the member states are obligated to comply with council decisions.

4.2. Mandate and Authority of the UNSC

When a complaint concerning a threat to peace is brought before it, the Council has the authority to take certain steps to prevent any situation that endangers peace. Can set the terms of an agreement based on a peaceful approach. This is the first action to recommend that the members try to reach agreement by peaceful means. Can adopt approaches based on undertaking investigation and mediation according to feedback from peace forces, send a mission, or request the Secretary-General to use his "good offices" to peacefully resolve the dispute. In any case, when a dispute leads to hostilities, the Council can issue ceasefire directives, or assign military observers or a peacekeeping force to reduce the tension. The Council's primary concern is to establish a peaceful environment as soon as possible. As a last resort, the Council holds the power to implement economic sanctions, blockades, arms embargoes, travel bans, disruption or severance of diplomatic relations, and ultimately, collective military intervention.

4.3. Structure and Membership



There are permanent and non-permanent members of the United Nations Security Council with a total of 15 members, out of which 5 are permanent and 10 are non permanent. With the first session of United Nation's Security Council, held on January 17, 1947, in London, the five permanent members were established as: People's Republic of China, France, Russian Federation, United Kingdom, and the United States and these countries hold "veto power", a principle known as "great power unanimity". The five most powerful countries have established the UN to serve as the "World Police" to exercise their powers after the World War II, enabling them to exercise global influence through the Security Council; this is what the P5 refers to.

The non permanent members are determined by the united nations security council, elected for two year terms from all the regions of the world. This membership is different from permanent membership, as it is selected for a specific period. Non-permanent members are chosen every two years, and each country's non-permanent membership lasts only for 2 years. Every year, five non-permanent members are replaced. Each non-permanent member participates in Security Council meetings, takes part in decision-making, and votes, but does not possess veto power.

Unlike permanent membership, when a country's non-permanent membership expires, meaning the "end of term year" arrives, their term in the Security Council ends, and another country takes their place. In this case, the country's membership in the Security Council ends, and a new election fills that seat with another country. Non-permanent memberships are generally carried out in a cyclical manner to promote international cooperation and ensure broader representation within the UN. Therefore, the term "end of term year" refers to the year in which this process is completed.

4.3.1. Voting Rights and Veto Power

Voting and Required Majority

Article 27 of the United Nations [Charter] states that each member of the Security Council shall have one vote; decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members; and decisions on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; however, in decisions under Chapter VI and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

The Veto Right

A defining feature of the Security Council is the veto power granted to its five permanent members. This mechanism allows any of these nations to block the adoption of any substantive resolution, regardless of the majority vote. The veto power was established to ensure that the most powerful states remained committed to the UN's objectives while preventing single sided actions that could undermine global stability. However, it has also been a source of controversy, as it can lead to a deadlock while decision making, particularly when permanent members have conflicting national interests. The use of the veto has been widely debated, with calls for change to make the Council more representative and effective.

A permanent member's abstention or absence does not count as a veto. A "procedural" decision (such as changing the meeting agenda or inviting a non-member to sit at a UNSC meeting) also cannot be vetoed.

4.4. Responsibilities and Powers

The United Nations Security Council has some responsibilities within. Here are the main responsibilities of the Council: to maintain international peace and security in accordance with the principles and purposes of the United Nations; to investigate any dispute or situation which might lead to international friction; to recommend methods of adjusting such disputes or the terms of settlement; to formulate plans for the establishment of a system to regulate armaments; to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken; to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression; to take military action against an aggressor; to recommend the admission of new Members; to exercise the trusteeship functions of the United Nations in "strategic areas"; to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

4.5. Legal Authority

The United Nations Security Council first used the concept of the “rule of law” in 1996 in resolution 1040 concerning Burundi, where it expressed its support for the Secretary-General’s efforts to promote “national reconciliation, democracy, security, and the rule of law.”

In 2000, the influential Brahimi Report on peacekeeping strongly advocated for a new paradigm in peacekeeping and peacebuilding and emphasized the important role of the rule of law. Since then, the Council has mandated support for the rule of law in many peacekeeping operations and special political missions. Currently, there are 19 missions under the mandate of the Security Council that include the strengthening of the rule of law.

In most peacekeeping operations and special political missions, the role of the United Nations has been to support national police, justice, and prison authorities and to coordinate international assistance in these areas. However, in Kosovo and Timor-Leste, the United Nations assumed direct responsibility for the administration of justice, including control over police and prison services. A more recent example is resolution 2149 (2014) concerning the Central African Republic, where, upon the request of the Government of the Central African Republic, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) was mandated not only to support the rule of law but also to take “urgent temporary measures” to maintain basic law and order (S/RES/2149 (2014)).

Activities related to the rule of law have also been incorporated into thematic resolutions and presidential statements of the Council. The Security Council held its first thematic debate on the rule of law in 2003. The resulting Presidential Statement mandated the Secretary-General to prepare a report on the rule of law and transitional justice in conflict and post-conflict societies. This report became foundational for the Council’s approach to the rule of law and produced important results such as the definition of the rule of law from the perspective of the United Nations. The Security Council has revisited “the promotion and strengthening of the rule of law in the maintenance of peace and security” in 2006, 2010, 2011, 2012, and 2014. In the resulting resolutions and statements, the Council focused on many rule of law issues, including the protection of civilians, peacekeeping, and international criminal justice. The Presidential Statement adopted in February 2014 (S/PRST/2014/5) reaffirmed the continued recognition of the need for universal adherence to and implementation of the rule of law and underscored that sustainable peace requires an integrated approach based on coherence among political, security, development, human rights (including gender equality), and rule of law and justice activities.

In addition to the thematic debates dedicated to the rule of law, the Security Council has clearly acknowledged the importance of restoring and strengthening the rule of law in other thematic discussions and outcome documents, such as those on Children and Armed Conflict, the Protection of Civilians, and Women, Peace and Security.

The Security Council has also played a central role in strengthening the rule of law by promoting accountability for the most serious international crimes. Acting under Chapter VII of the UN Charter, the Security Council established the International Criminal Tribunals for the former Yugoslavia and Rwanda, stating that accountability is essential for the maintenance of international peace and security.

Although the center of gravity for accountability efforts has now shifted to the International Criminal Court (ICC), the Security Council still plays an important role in advancing the principle of accountability for serious international crimes and in emphasizing their connection with international peace and security. Article 16 of the Rome Statute of the ICC allows the Security Council to refer a situation to the ICC under Chapter VII of the Charter. This power has been exercised in the cases of the situations in Darfur and Libya.

4.6. Veto Power and Its Political Implications

Beyond the status of permanent membership in the United Nations Security Council, the veto power constitutes the most significant distinction between permanent and non-permanent members. Paragraph 3 of Article 27 of the UN Charter requires that all substantive decisions of the Council be made with the “unanimous vote of the permanent members.” Therefore, a negative vote by any of the permanent members prevents the adoption of the decision.

The veto power is often used by permanent members to protect their national interests, uphold their foreign policy principles, or take a firm stance on a particular issue.

The threat of a veto also affects the Council's work beyond the act of voting itself. Some draft resolutions are not formally submitted due to the threat of a veto by one or more permanent members. This is a process that is difficult to document, as drafts are generally formalized as official documents when there is an expectation of adoption. However, in some cases, even if it is known that the draft will be vetoed, it may still be submitted for a vote to demonstrate symbolic support and to record positions within the Council.

5. Introduction to the Agenda Item

5.1. Relevance of the Topic in Modern Conflicts

When we talk about airspace sovereignty, we're referring to a country's right to control the air above its territory. This is a basic principle in international law, especially after the 1944 Chicago Convention. Every nation has full and exclusive sovereignty over the airspace above its land and territorial waters. But where this ends vertically isn't clearly defined. In practice, most countries assume their control goes up to around 100 km above sea level, which unofficially marks the beginning of outer space.

Now, in real-world terms, this isn't just about legal definitions. Airspace sovereignty is a constant balancing act between national security, international law and military strategy. Countries routinely monitor their airspace for intrusions. If a foreign aircraft enters without permission it can trigger everything from damaged fighter jets to diplomatic protest, and if the intruding aircraft belongs to a hostile state or is perceived as a threat, military engagement becomes a real possibility. This becomes even more intense in conflict zones. When a country is at war or even just facing heightened tensions its airspace becomes a high-risk environment. Civilian aircraft are often re-routed or grounded entirely. We've seen this with tragic results before, like the downing of MH17 over eastern Ukraine in 2014, where a civilian plane was shot down by a missile in contested territory.

Conflict Zone Information Repository

To try to prevent that kind of tragedy from happening again, global bodies like ICAO set up systems like the Conflict Zone Information Repository (CZIR). Airlines can check this database to see if a region's airspace is considered risky. There are also independent platforms like "Safe Airspace" that track real time alerts from governments about where it's dangerous to fly. This information gets shared quickly with airline companies and pilots.

Airspace Control Measures

From a military perspective, airspace isn't just about safety, it's about control. Controlling the air above a battlefield can be the difference between victory and defeat. Military planners use concepts like Airspace Control Measures (ACMs) to coordinate friendly aircraft, avoid collisions and prevent friendly fire. These include things like restricted zones, minimum risk routes, and air corridors. When multiple countries are involved, say in a NATO operation, things get even more complicated. Joint command structures must be in place to avoid chaos.

One of the bestknown tools in the military airspace control playbook is the no-fly zone. This is exactly what it sounds like: a designated area where no aircraft are allowed to fly. No-fly zones can be declared for humanitarian reasons (like protecting civilians), or to give one side a tactical

difference. The NATO enforced no-fly zone over Libya in 2011 is a good example. These zones usually require enforcement, so fighter jets and radar systems are deployed to intercept anything that violates the order.

Unmanned Aerial Vehicles

Today, with the rise of drones and other unmanned aerial vehicles (UAVs), airspace sovereignty has entered a new era. Drones can fly lower, stay in the air longer and are harder to detect than traditional aircraft. They've been used for surveillance, precision strikes, and even suicide missions. It has become harder to define what counts as a "violation" when the threat is small, fast, and doesn't carry a pilot.

It's not just drones, either. There are now hypersonic weapons, AI-assisted aircraft and even cyber attacks targeting air defense systems. As military and civilian air traffic systems become more digital, they're also becoming more vulnerable. A well-planned cyber attack could shut down radar stations or any strategic tech-institution. That's why cybersecurity is now considered part of airspace defense, especially in a conflict.

Examples

In May 2025, escalating tension between India and Pakistan led to the closure of dozens of Indian airports. There were drone strikes, missile warnings, and full-scale alerts from air defense systems. This had massive ripple effects, civilian flights were cancelled or diverted, and the whole region's airspace was basically locked down. Meanwhile, NATO aircraft regularly intercept Russian jets that stray close to alliance airspace in the Baltics, showing how tense things can get even without actual conflict.

These aren't isolated events. In the Middle East, Israel maintains tight air control due to constant threats from militant groups. In Syria, multiple actors such as Russia, the United States of America, Turkey and Iran operate in the same airspace, using a deconfliction hotline just to avoid accidental strikes. In these kinds of crowded and contested zones, any miscommunication can be deadly.

Airspace sovereignty also has a diplomatic side. A violation isn't just a security issue—it's a political message. When a country flies a bomber near another nation's border, it's not always about preparing for an attack. It could be a show of force, a test of reaction time or a warning. These maneuvers often prompt countries to lodge protests at the United Nations or recall ambassadors. But in some cases, like when Turkish jets entered Greek airspace repeatedly, it just becomes part of a long-standing geopolitical dance.

5.2. Why Airspace Sovereignty is a Global Issue

Airspace sovereignty is not just a matter of national pride or territorial control—it is an issue that reverberates across borders and has global implications. The control of the skies has always been a defining aspect of a state's power, but the nature of this control is changing.

When the Chicago Convention of 1944 granted states sovereignty over their airspace, it made sense in the context of the time. But today, as air technology advances and conflict spills over borders in ever-more complex ways, this sovereignty has become a flashpoint for global tensions. The skies above Syria, Ukraine, and the South China Sea are no longer just zones of military control; they have become platforms for proxy wars, espionage, and technological arms races.

The speed and autonomy of modern air and missile technologies have rendered traditional borders porous. As the former U.S. Secretary of Defense Leon Panetta once remarked, "The battlefield is no longer defined by borders; it's defined by the reach of technology." Whether it's drones silently entering a country's airspace without warning, or hypersonic missiles capable of striking within minutes, the ability to control airspace has become a matter of global security—with the stakes growing ever higher.

This shift is especially significant for small or vulnerable states whose sovereignty might be directly challenged by powerful states or non-state actors. Kofi Annan, former UN Secretary-General, once said, "The international community has a responsibility to protect those whose sovereignty is threatened by force or armed conflict." Yet, how does the international community uphold this responsibility when the very definition of sovereignty is being tested by new technologies and geopolitical ambitions?

Furthermore, as globalization increases interdependence, the impact of one state's control over its airspace affects its neighbors, and, increasingly, the wider world. An issue like airspace sovereignty touches not only national security but also trade routes, humanitarian efforts, and the protection of civilian lives. The fallout from violating this sovereignty can ripple out, influencing relations between allies, rival powers, and even neutral states.

Thus, the question of airspace sovereignty is not confined to one country or region—it's a global issue, shaping the dynamics of international security, diplomacy, and human rights on an unprecedented scale.

6. Legal Frameworks

6.1. UN Charter

The **UN Charter**, established in 1945, is the foundational legal document for the United Nations and sets the framework for international relations and the maintenance of peace and security worldwide. It is the most authoritative source for international law and governs the relationship between states, the functioning of international organizations, and the conduct of peacekeeping operations.

At its core, the **UN Charter** emphasizes the preservation of international peace and security and outlines the role of the **UN Security Council** in this regard. This includes the use of force to restore peace under Chapter VII, which is where the concepts of airspace sovereignty and military interventions often arise. The Charter is structured in a way that respects state sovereignty while acknowledging the need for collective security.

Article 2(4) of the Charter is particularly relevant to our discussions of airspace sovereignty, as it prohibits the use of force against the territorial integrity or political independence of any state. This article lays the groundwork for understanding the delicate balance between national sovereignty and international security. When it comes to airspace, this means that any military incursion into the airspace of a sovereign state, without its consent or Security Council approval, is generally considered an illegal act of aggression.

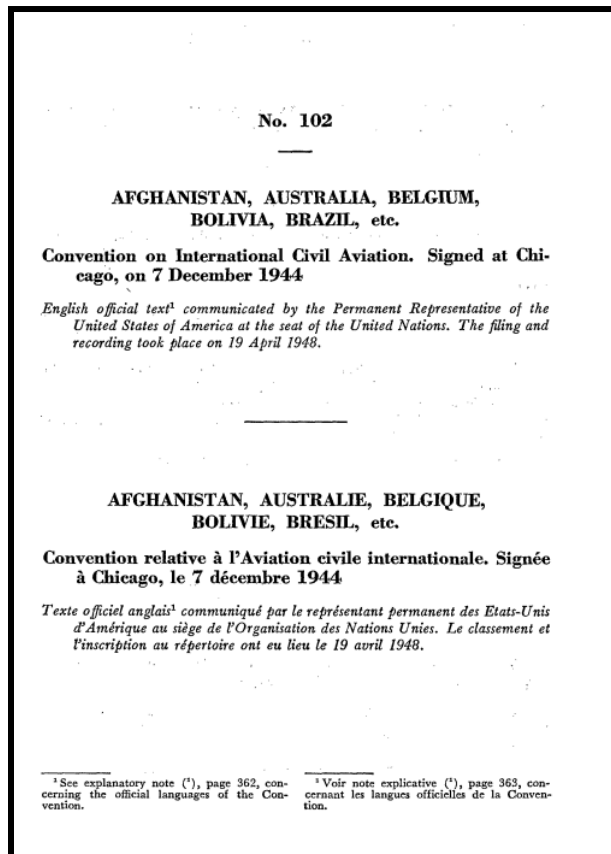
However, the **Charter's** flexibility is also critical. **Chapter VII**, particularly Articles 39 through 51, allows for intervention in extreme cases when there is a threat to international peace and security. This can include the imposition of **no-fly zones** or military operations within a state's airspace, but always with the authorization of the **UN Security Council**. The **UN Charter** sets limits on the use of force, yet it also provides the framework within which airspace sovereignty can be challenged, depending on the context of the threat to global peace.

The international community, through the **UN Charter**, strives to strike a delicate balance respecting each nation's sovereignty, while ensuring that the larger goal of peace and security is upheld. However, in today's world, challenges to this balance are increasing. The situation with military technologies like drones, hypersonic weapons, and missiles, as well as state actors' growing interest in airspace control, often creates friction and calls into question how the **UN Charter** can evolve to meet modern challenges.

6.2. The Chicago Convention

The Chicago Convention, signed in 1944, is the backbone of international civil aviation. It established that every country has complete and exclusive sovereignty over its own airspace, meaning no foreign

aircraft can enter without permission. This was a crucial step in standardizing how nations handle flights, especially after World War 2, when air travel started becoming more global.



One of the key outcomes of the convention was the creation of the International Civil Aviation Organization (ICAO). This UN agency sets global aviation standards—for things like pilot licensing, aircraft safety, and airport operations—and helps ensure that flying between countries is safe, coordinated and efficient. The Convention also introduced the concept of “freedoms of the air”, which outline what kinds of flights are allowed between countries—like simply passing through, making technical stops or carrying passengers commercially. Scheduled commercial routes still require separate agreements but the Convention laid the legal groundwork.

While it mainly deals with civil aviation, it has expanded over time through Annexes that cover everything from security to drones to environmental concerns. And even though ICAO doesn’t have enforcement power, the system works because international aviation depends on cooperation.

6.3. Geneva Conventions and Additional Protocols

While the Geneva Conventions do not directly mention airspace sovereignty, their rules are very important for how military actions in the air must be carried out, especially during conflicts. The rules in these conventions, especially in Additional Protocol I (1977), guide how countries and armed groups must behave when using aircraft during war.

One of the main rules in the conventions is that armed forces must always tell the difference between military targets and civilians, and between military objects and civilian buildings or vehicles. This rule applies whether the attack is on the ground, at sea or from the air. Because of this, air attacks must follow the principles of distinction, proportionality, and precaution. In simple terms, this means attacks from aircraft must not cause more harm to civilians than is necessary to achieve a military goal. The Geneva Conventions also give special protection to civilian planes and medical aircraft. Under Protocol I, aircraft used for humanitarian or medical work—especially those marked with a Red Cross or Red Crescent—must be protected. These aircraft cannot be attacked or stopped without a very good reason, even if they are flying over areas where fighting is happening. The people on board must also be kept safe.

When countries create no-fly zones or limit access to certain airspaces during war, they still have to follow international humanitarian law. That means they must act carefully and avoid attacks that could

harm civilians. For example, they must not shoot down aircraft unless they are sure the aircraft is a real threat and warnings have been given.

In civil wars or internal conflicts, the situation is harder. But even in these cases, Common Article 3 of the Geneva Conventions applies. This article says that people who are not fighting—such as civilians—must be treated humanely and protected from violence. This includes protecting them from attacks carried out by aircraft.

6.4. Relevant UNSC Resolutions on Air Conflict

The **United Nations Security Council (UNSC)** has passed several resolutions that directly address air conflict, airspace sovereignty, and the legal framework for military interventions in airspace. These resolutions play a crucial role in determining when the use of airpower is legitimate and how airspace is protected during international conflicts.

One of the key resolutions is **UNSC Resolution 1973 (2011)**, which authorized the use of military force, including air operations, in Libya during the Arab Spring. This resolution imposed a **No-Fly Zone (NFZ)** over Libya to protect civilians from the government forces of Muammar Gaddafi. While the resolution allowed for the use of force to protect civilians, it also emphasized the need for all actions to be in compliance with **international law** and that the measures would be implemented to avoid harm to civilians. This resolution serves as a critical example of how the UNSC can use its powers to regulate airspace and military operations within sovereign borders to ensure peace and security.

Similarly, **UNSC Resolution 678 (1990)** authorized the use of force in the Gulf War, which included air operations to enforce **Iraqi compliance** with UN demands. The resolution highlighted the strategic importance of air superiority in conflict zones and how airspace could be used to pressure states to comply with international demands.

These examples underscore the UNSC's role in authorizing air conflict under certain circumstances, especially when international peace and security are threatened. They highlight the complexity of balancing airspace sovereignty with the need for humanitarian intervention and peace enforcement.

6.5. Open Skies Treaty and Other Related Agreements

The **Open Skies Treaty (OST)**, signed in 1992 and entering into force in 2002, is a vital international agreement aimed at promoting transparency and building confidence among member states through the open exchange of information regarding military activities, especially concerning airspace. The treaty allows for unarmed aerial surveillance flights over the territory

of any of its 34 signatory countries, designed to enhance mutual understanding and reduce the risk of conflict escalation.

The **Open Skies Treaty** specifically addresses the issue of airspace sovereignty by establishing agreed-upon procedures for aerial observation, with the purpose of increasing trust and deterring surprise military actions. Under the treaty, countries can conduct surveillance flights over each other's territories, provided that they respect the sovereignty and integrity of the airspace involved.

This agreement was groundbreaking in its approach to airspace and surveillance. It is particularly relevant to modern discussions on airspace sovereignty and air conflict because it presents a cooperative approach to air operations that respects the territorial rights of states while also ensuring that military operations are conducted transparently.

In addition to the **Open Skies Treaty**, several regional agreements also address airspace sovereignty, such as the **European Union's (EU) Single European Sky** initiative, which aims to improve air traffic management across the continent, facilitating both civilian and military air operations while respecting national sovereignty.

While these treaties and agreements play a vital role in promoting cooperation, they are not without their challenges. Some countries have withdrawn from agreements like the **Open Skies Treaty**, citing security concerns and the evolving nature of military capabilities, particularly in the age of drones and hypersonic weapons. These changes highlight the complexities in balancing international cooperation with national security interests.

6.6. Customary International Law on Airspace Sovereignty

Customary international law has long recognized the **sovereignty of states over their airspace**. This principle is enshrined in the **Chicago Convention on International Civil Aviation (1944)**, which governs the rights of states over their airspace and the regulation of air traffic. According to the convention, each state has **exclusive sovereignty** over the airspace above its territory, including its territorial waters and airspace, which means that no foreign aircraft may enter a state's airspace without the consent of the government.

Customary international law reflects a deeply ingrained principle of respecting state sovereignty, which underpins global airspace governance. The legal norms associated with airspace sovereignty reflect the delicate balance between a state's rights to control its airspace and the increasing international need for air travel and security cooperation.

However, customary international law also recognizes exceptions to this sovereignty, particularly when issues of global security, humanitarian intervention, or military necessity arise. The principle of “**freedom of the skies**”, which allows for freedom of overflight over international waters, is a recognized aspect of customary law, but it does not extend to sovereign airspace. Moreover, interventions such as **No-Fly Zones (NFZs)**, as discussed in previous sections, challenge the notion of absolute sovereignty. International law generally considers that states can temporarily lose control of their airspace when there is a threat to global peace and security, and the international community deems intervention necessary.

In summary, customary international law on airspace sovereignty sets a strong precedent for the rights of states to govern their airspace. However, as global security dynamics evolve, the law continues to adapt, and questions arise over how far these sovereign rights extend in the face of modern threats. The challenge of ensuring international peace while respecting national airspace remains a delicate balance for states and international organizations alike.

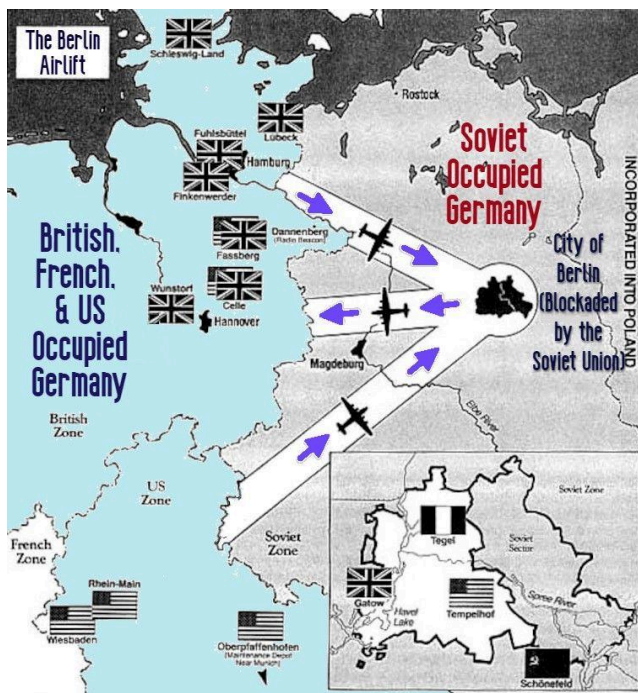
7. Case Studies

7.1. Humanitarian Operations and Airlift Diplomacy

Airlift diplomacy, a crucial tool for providing immediate humanitarian relief, plays a significant role in ensuring global stability and addressing human suffering. A few key historical events highlight the importance of air operations in delivering aid and shaping international relations.

7.1.1. Berlin Airlift (1948–1949)

The Berlin Airlift is one of the most notable examples of airlift diplomacy during the Cold War.



When the Soviet Union blockaded West Berlin in an attempt to gain control over the entire city, the Allied forces, led by the United States and the United Kingdom, initiated an airlift operation to supply the isolated city with food, fuel, and other essential goods. This operation lasted for nearly a year and involved more than 200,000 flights, making it the largest airlift in history. The Berlin Airlift became a symbol of Western commitment to resisting Soviet

expansion and was a significant moment in the early Cold War period.

As U.S. General William H. Tunner overseeing the operation remarked, "We had a mission deliver supplies to the people of Berlin. No matter what the Soviets tried to do to stop us, we flew." The success of this mission not only helped avert a humanitarian crisis but also showcased the strategic importance of air mobility and logistics in modern warfare and diplomacy.

7.1.2. Bosnian War and NATO's Aerial Enforcement



During the Bosnian War (1992–1995), NATO played a pivotal role in enforcing a no-fly zone over Bosnia and Herzegovina. In 1993, NATO implemented this zone to prevent the Serb forces from using aircraft to attack civilian targets. The airstrikes by NATO forces, under the Operation Deliberate Force mission, marked a turning point in the conflict, as they helped to force a cessation of hostilities and bring the warring parties to the negotiating table.

This intervention also highlighted how airspace control could be used as a tool of diplomacy in a highly volatile region. The United States and NATO's commitment to air superiority in Bosnia demonstrated the leverage airpower could provide in conflict resolution, even in the face of complex ethnic and political tensions.

7.2. Espionage and Surveillance Flights

Espionage has always been a significant driver of military aviation, with reconnaissance flights playing a critical role in gathering intelligence. However, such operations often bring airspace sovereignty into conflict, with dramatic consequences.

7.2.1. U-2 Spy Plane Incident (1960)

The U-2 Spy Plane Incident remains one of the most famous examples of airspace violations during the Cold War. In 1960, an American U-2 spy plane piloted by Francis Gary Powers was shot down over the Soviet Union. This incident dramatically escalated tensions between the U.S. and the Soviet Union, leading to a collapse in the Paris Summit between President Dwight D. Eisenhower and Soviet Premier Nikita Khrushchev.

Khrushchev's outrage over the violation of Soviet airspace and the capture of Powers underscored the political sensitivities surrounding airspace sovereignty and intelligence operations. It also highlighted the vulnerability of even the most advanced aircraft to air defenses during the Cold War. Powers' later release in a spy swap marked a new chapter in the ongoing rivalry between the superpowers, and it led to increased measures in air defense systems worldwide.

7.2.2. Cuban Missile Crisis: U-2 Reconnaissance Flights (1962)

The Cuban Missile Crisis in 1962 was another major incident involving U-2 reconnaissance planes, which were used to gather intelligence on the Soviet Union's missile installations in Cuba. The flights provided the United States with crucial evidence of Soviet missile deployments just 90 miles from American shores.

This event not only heightened the Cold War but also brought to light the critical role of air surveillance in maintaining national security. The U-2 flights provided the evidence needed for President John F. Kennedy to confront the Soviet Union, ultimately leading to the Cuban Missile Crisis being defused through diplomacy. However, the crisis highlighted the potential for airspace violations to escalate into full-scale military confrontations if missteps occurred during sensitive operations.

7.3. Civilian Aircraft and Tragedies

While airspace sovereignty and defense are crucial for national security, civilian aircraft tragedies have raised critical questions about the safety of international air travel and the importance of respecting airspace boundaries.

7.3.1. Korean Air Lines Flight 007 (1983)

In 1983, the Soviet Union shot down Korean Air Lines Flight 007, which had accidentally strayed into Soviet airspace due to navigational errors. The incident resulted in the deaths of all 269 passengers and crew aboard. The Soviet government initially denied responsibility, but later admitted to shooting down the aircraft, citing security concerns.

This tragedy intensified the already high tensions between the U.S. and the Soviet Union and led to a reevaluation of how nations monitor and control their airspace. It also emphasized the importance of international aviation agreements to prevent such disasters and ensure air safety.

7.3.2. Iran Air Flight 655 Incident (1988)

In 1988, the U.S. Navy mistakenly shot down Iran Air Flight 655, killing 290 passengers, including many Iranians. The U.S. claimed the missile strike was a tragic accident, as the aircraft was mistakenly identified as a hostile military target. This event highlighted the risks involved in military operations in contested airspaces and the consequences of not properly distinguishing civilian aircraft from military threats.

The incident strained U.S.-Iran relations and reinforced the need for clearer rules of engagement in international airspace, particularly in conflict zones. In response, several measures were introduced to enhance communication and avoid accidental airspace violations in the future.

7.3.3. Lockerbie Bombing (Pan Am Flight 103, 1988)

The Lockerbie bombing is one of the most tragic and high-profile acts of terrorism involving civilian aircraft. On December 21, 1988, Pan Am Flight 103 was brought down by a bomb over Lockerbie, Scotland, killing 270 people. While this act of terrorism did not directly relate to airspace sovereignty, it highlighted the need for enhanced security protocols in civilian air travel to prevent the use of aircraft as terrorist weapons.

This incident led to a massive overhaul of international aviation security practices, leading to the Montreal Convention and the implementation of more stringent screening measures for passengers and cargo.

7.3.4. Air India Flight 182 Bombing (1985)

In 1985, Air India Flight 182 was bombed by terrorist operatives, killing all 329 people aboard. The bombing, which took place off the coast of Ireland, was another example of a terrorist attack on a civilian aircraft, underscoring the vulnerabilities faced by commercial aviation. This tragedy also prompted greater international cooperation to combat terrorism and improve aviation security.

7.3.5. 9/11 Attacks and Aviation Security Reform (2001)

The September 11 attacks marked a pivotal moment in the history of aviation security. Terrorists hijacked four commercial airliners, using them as weapons to attack the World Trade Center and the Pentagon, resulting in the deaths of nearly 3,000 people. In the aftermath, global airspace protocols were overhauled, with TSA (Transportation Security Administration) and other

international bodies implementing tighter security measures for both passenger screening and airspace monitoring.

The 9/11 attacks fundamentally changed the way nations approach aviation security and airspace sovereignty, as the world's governments recognized the need to protect civilian aircraft from being used as instruments of terror.

7.4. Interstate Conflicts and Airspace Violations

Airspace violations are frequently a feature of interstate conflicts, where military objectives, territorial disputes, or preemptive strikes lead to violations of national sovereignty.

7.4.1. Operation Opera – Israeli Strike on Iraqi Reactor (1981)

In 1981, Israel launched Operation Opera, a preemptive airstrike on an Iraqi nuclear reactor, in violation of Iraqi airspace. The Israeli government justified the strike as a necessary action to prevent Iraq from obtaining nuclear weapons, which would have posed a significant threat to Israel. This operation underscored the complexity of airspace sovereignty, particularly when national security is perceived to be at risk.

7.4.2. U.S. Bombing of Libya – Operation El Dorado Canyon (1986)

In response to Libyan involvement in terrorist attacks, the U.S. conducted Operation El Dorado Canyon in 1986, bombing military targets in Libya. This operation was carried out without Libyan consent and marked a significant violation of Libyan airspace. The bombing was part of broader U.S. efforts to deter Libyan state-sponsored terrorism.

7.4.3. NATO Airstrikes in Kosovo (1999)

The NATO bombing of Yugoslavia in 1999 during the Kosovo conflict represented a major breach of Yugoslav airspace and ignited debates about the legitimacy of military intervention without UN Security Council authorization. The airstrikes aimed to halt human rights abuses and were part of NATO's intervention to end the conflict.

7.4.4. Israeli Airstrikes in Syria and Lebanon

Israel has frequently conducted airstrikes in Syria and Lebanon to target Hezbollah positions or prevent weapons transfers. These actions violate the airspace of both countries and are a point of tension in the region.

7.4.5. Russia-Ukraine War: Air Operations

The Russia-Ukraine war, particularly in the Donbas region and Crimea, has witnessed numerous airspace violations. Russian airstrikes on Ukrainian territory and Ukraine's defense of its

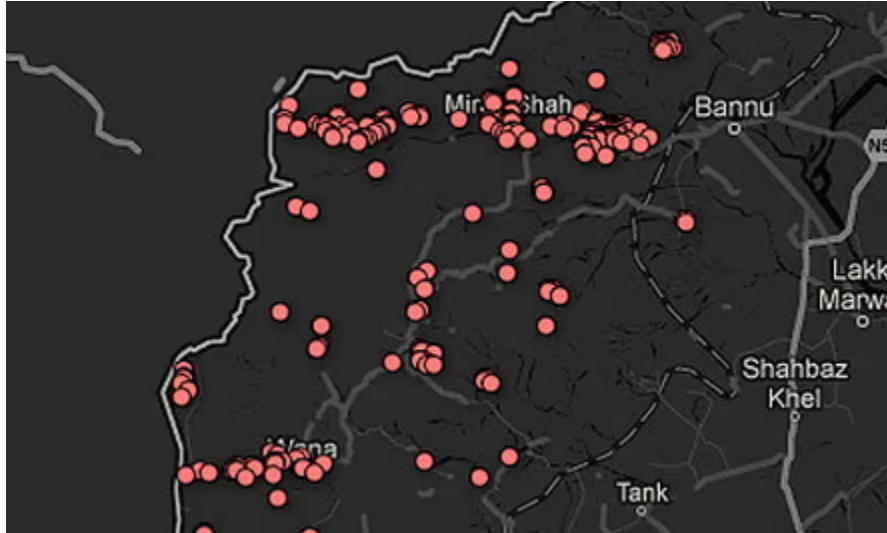
airspace with modern air defense systems have turned the skies into a battleground for sovereignty, leading to a highly complex and volatile situation.

7.4.6. China-Taiwan ADIZ Disputes

China's increasing use of its Air Defense Identification Zone (ADIZ) over Taiwan has raised concerns about airspace sovereignty and freedom of navigation in the region. The regular intrusions of Chinese aircraft into Taiwan's ADIZ have exacerbated tensions

7.5. Asymmetric Warfare, Terrorism, and Drones

7.5.1. U.S. Drone Operations in Pakistan, Yemen & Somalia



US drone strikes listed and detailed in Pakistan, Somalia and Yemen.

One of the greatest scouts and attack planes that provide almost unmatched air superiority during reconnaissance to the U.S Army are UAVs (Unmanned Aerial Vehicle). Yet these Aircrafts are not used only for recon. The U.S Air Force has been using these planes as early as World War 1 but the design and the technology behind improved ever since.

7.5.1.1. Pakistan

Between 2004 and 2018, The U.S government launched a “Drone War” with Pakistan that would result in the neutralisation of many Taliban members and insurgent campsites amongst hundreds of innocent civilians and even 4 U.S citizens. The Drone operations kicked off during the Bush administration and continued until Obama. Washington remained silent and disregarded all allegations against many war crimes committed by the U.S Army during this campaign. The war crimes committed by the U.S Army has been reflected to them by Pakistan's former Prime Minister Nawaz Sharif as "The use of drones is not only a continual violation of our territorial integrity but also detrimental to our resolve and efforts at eliminating terrorism from our country". Yet again, somehow, the government officials of Pakistan slipped silent and discreet permissions to the U.S Airforce with the operational command under the Central Intelligence Agency. These “Covert” operations were a major progress among eliminating Insurgents such as Baitullah Mehsud, the leader of the Pakistani Taliban (killed in a strike in South Waziristan on 5 August 2009), Hakimullah Mehsud, Mehsud's successor (killed in a strike on 1 November 2013), and Akhtar Mansour, leader of the Afghan Taliban (killed in a strike on 21 May 2016 in Ahmad Wal, Pakistan).

7.5.1.2. Yemen

The Yemen Campaign of the U.S Army was under the name of “War On Terror” that derived from the infamous September 11 attacks that shook the United States to its core. American targets were made up of Islamist militants, particularly Al Qaeda in the Arabian Peninsula. The continuous strikes had begun on the 17th of December, 2009 but the initial strike was way back in 2002. The U.S used Drone strikes to eliminate the majority of extremist leaders of many terrorist organizations. This Conflict is still active and the status of it consists of:

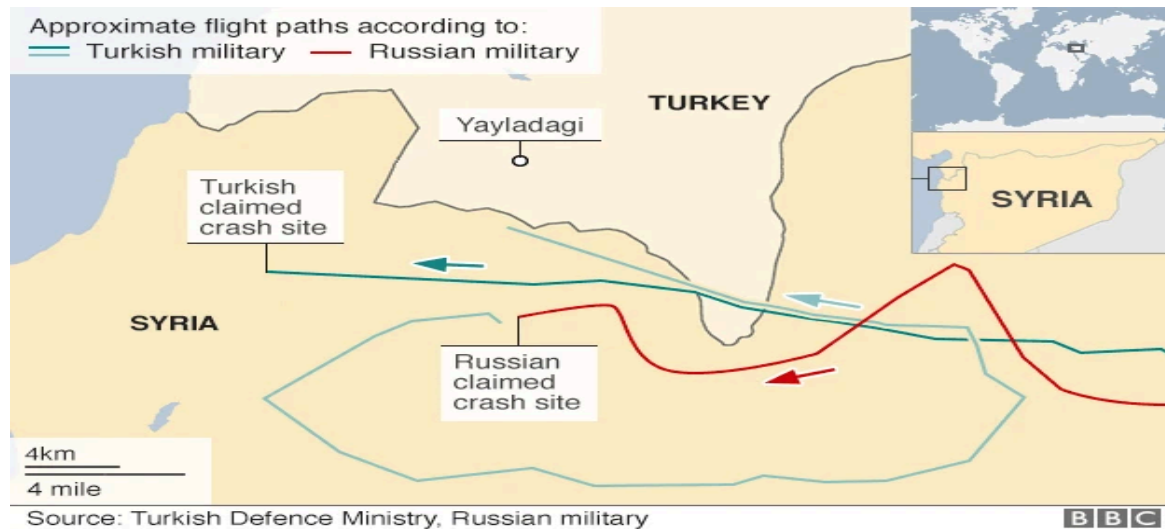
- 378 Confirmed Drone Strikes
- 57 Al Qaeda Leaders neutralised
- Many Al Qaeda Bases Demolished

7.4.4. Turkey-Syria-Russia Airspace Disputes and Downing of Russian Su-24 (2015)

On 24 November 2015 at 9:24 am, as it was returning to Khmeimim airbase, a Russian Sukhoi Su-24 was shot down near the Syrian–Turkish border by a missile from a patrolling Turkish Air Force F-16 fighter jet. The Russian fighter pilot had entered a restricted airspace which was under the control of the Turkish Air Force. We can partly confirm this data by the words of a State Department Spokeswoman Elizabeth Trudeau¹. The Russian Jet was warned 10 times prior to the violation. After an just 1 hour and 18 minute time window , the Turkish Air Forces gave a

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press release² stating that an aircraft of unknown origin was shot down by Turkish Forces after giving many warnings. Ignoring all the warnings and signs, the Russian aircraft kept violating the Turkish Airspace for 2.19 kilometres within a 17 second window before getting shot down by an American Made AIM-120 AMRAAM air to air missile. The Russian Authorities claimed that the Su-24 did not exceed the airspace with the reference of their own satellite.



After the Jet was shot down, 2 pilots successfully ejected with one being rescued and the other one getting killed by the Syrian rebels. The Aftermath of the conflict slightly affected the Turkish-Russian relations with the Russian Ministry of Defence, Sergey Sokolov, stating that his country would “seriously reevaluate” relationships with Turkey. Both of the Ministries broke off military contracts with each other.

8. Blocs and International Alliances

8.1. NATO and Collective Defense

The North Atlantic Treaty Organization (NATO) stands as one of the most significant military alliances in the world, built on the principle of collective defense as enshrined in Article 5 of the NATO treaty. This article asserts that an armed attack against one NATO member is considered an attack against all, ensuring that members come to each other’s defense in the face of external

threats. The importance of NATO in the context of airspace sovereignty is profound, particularly as the alliance has played a critical role in ensuring the defense of member states' airspace through Integrated Air and Missile Defense Systems (IAMD).

NATO's role in air defense is especially relevant when discussing airspace sovereignty in regions where threats may emerge from non-member states or entities. For example, NATO's involvement in protecting the Baltic States from Russian air incursions underscores the importance of cooperation among allied nations in safeguarding national airspace, especially in regions of heightened tension. The alliance's strategic air operations and coordination among member nations help mitigate the risks of aerial threats that could destabilize the security of Europe and beyond.

Furthermore, NATO's approach to airspace sovereignty often extends beyond the territorial borders of member states. Operation Allied Air Command, for instance, demonstrates NATO's ability to coordinate a multinational air defense strategy to ensure the protection of its members. NATO's air operations in regions such as Afghanistan and Libya highlight its proactive stance in maintaining security in the air and ensuring that the airspace of allied states is respected, even in times of conflict. NATO's collective defense, though built on shared values, has also become a symbol of the need for multilateral cooperation in an increasingly complex airspace environment.

8.2. CSTO and the Russian Military Alliance Bloc

The Collective Security Treaty Organization (CSTO) is an intergovernmental military alliance led by Russia, consisting primarily of former Soviet republics in Central Asia and Eastern Europe. Similar to NATO, the CSTO operates under a collective defense principle, but its focus is largely regional, specifically addressing security concerns in areas of shared historical and geopolitical interests. This alliance, however, has a distinct approach to airspace sovereignty.

CSTO members often engage in joint military operations, including air defense initiatives to protect their airspace from external threats. The alliance has been involved in ensuring that its airspace remains secure from potential incursions, especially from the West or other external forces. One of the most notable examples of CSTO's approach to regional airspace defense was during the Kyrgyzstan crisis in 2010, where Russia was called to intervene militarily, leveraging its strategic air assets.

The role of Russia within the CSTO is pivotal, as the country possesses one of the most advanced air defense systems in the world. This capability allows Russia to exert influence over its neighboring states' airspace, reinforcing its geopolitical position within the post-Soviet space. The Russian S-400 air defense systems, for instance, are frequently deployed across CSTO member states, enhancing their collective defense capabilities and serving as a deterrent to any

potential airspace violations. This alliance is often viewed through the lens of Russian efforts to maintain regional air superiority, which directly impacts the sovereignty and control of airspace in the region.

8.3. Regional Dynamics in the Middle East

The Middle East is one of the most complex and volatile regions regarding airspace sovereignty. The strategic importance of airspace in the region is amplified by ongoing conflicts, such as in Syria, Yemen, and Iraq, as well as the military competition between regional powers. Airspace sovereignty has become a key issue not only for countries like Saudi Arabia, Iran, Israel, and Turkey, but also for the global powers with interests in the region.

For instance, in the case of Syria, the intervention of foreign powers such as the United States, Russia, and Turkey has turned the airspace into a contested domain. The U.S. has conducted air operations in Syria under the justification of the Global War on Terror and to counter ISIS. However, Russia's intervention in the region on behalf of the Syrian regime has introduced competing military interests, further complicating airspace sovereignty. Syrian airspace has been highly contested, with both internal and external actors regularly violating it. This has led to an uneasy coexistence, where agreements on deconfliction zones (such as those in Idlib) have been essential to prevent air clashes between foreign forces operating in the same airspace.

The dynamics in the Gulf also reflect the region's sensitivity to airspace sovereignty. The UAE and Saudi Arabia are heavily reliant on modern air defense systems, often provided by NATO countries, to protect their airspace against potential threats from regional adversaries, particularly Iran. The strategic deployment of drones, missiles, and ballistic weapons in the region further complicates the ability to secure airspace, with regional powers attempting to gain air superiority to protect their interests.

The Middle East's airspace is increasingly shaped by external powers and their military alliances. The U.S., as part of the CENTCOM (U.S. Central Command), has established a strong air presence in the region, while Russia's military footprint in Syria allows Moscow to project power over the Eastern Mediterranean and beyond. The constant air movements in this region not only raise questions about sovereignty but also about the balance of power among regional and global actors.

8.4. China's Airspace Doctrine in the Indo- Pacific

In recent years, China has significantly developed its airspace doctrine as part of its broader military and geopolitical strategy, particularly in the Indo-Pacific. China's approach to airspace sovereignty has evolved as it seeks to assert its control over the South China Sea, the East China Sea, and increasingly the Taiwan Strait.

China's doctrine emphasizes anti-access/area denial (A2/AD) capabilities, with an advanced network of air defense systems, long-range ballistic missiles, and fighter jets designed to prevent foreign aircraft from entering what it considers its territorial airspace. This has created significant tensions with regional powers, particularly Japan, India, and the United States. China's assertion of airspace control in the South China Sea, for instance, has led to frequent standoffs between Chinese military aircraft and those from the U.S. or its allies conducting freedom of navigation operations (FONOPs).

China has also sought to expand its influence in the Indo-Pacific through airpower, with a focus on developing and deploying stealth fighters and hypersonic missile systems. The Taiwan question is particularly critical in this context, as China views Taiwan's airspace as part of its territorial integrity, while Taiwan, supported by the United States and other allies, defends its sovereignty. The Indo-Pacific region's airspace, thus, has become a critical flashpoint in terms of both military competition and international law regarding sovereignty and overflight rights.

The growing presence of Chinese military assets and air defense systems in the Indo-Pacific has forced other regional powers to respond, leading to an arms race in air and missile technologies. China's assertion of airspace sovereignty in the region is, therefore, not just a matter of national security but also one of projecting power and shaping the geopolitical landscape of the Asia-Pacific.

In conclusion, China's airspace doctrine in the Indo-Pacific serves as a prime example of how air sovereignty is becoming intertwined with broader geopolitical struggles. As China's military power continues to expand, the implications for airspace control in this critical region are profound, with lasting impacts on global security.

8.5. Agenda Framework and Key Concepts

8.5.1. Defining Airspace Sovereignty

State Sovereignty is a fundamental principle of international law. However, the term is very often used in a political sense, with differing interpretations depending on context and intention. The notion of sovereignty is dynamic, evolving with the development of the global institutional environment. In aviation, sovereignty refers to the ownership of airspace. In other words, to the exclusive competence of a State to exercise its legislative, administrative and judicial powers within its national airspace. However, air navigation services require a global, seamless, and performance-based approach to management of airspace, rather than one based on national borders. For this to materialise, all stakeholders need a fully developed understanding of the

meaning of national sovereignty consistent with present and future political, economic and social realities.

8.5.2. Air Defense Identification Zones (ADIZ)

An Air Defense Identification Zone (ADIZ) is a defined airspace area where civilian aircraft are required to report their identities. These zones are established over exclusive economic zones (EEZ) or the open seas adjacent to coastal areas, as well as over the airspace above the land territory, internal waters, and territorial waters. The legal basis of such zones relies on the right of states to determine the conditions and procedures for entry into their national airspace according to the 1944 International Civil Aviation Convention (Chicago Convention [1944]); that is, the airspace above the state's land territory, territorial waters, and, for archipelagic states, archipelagic waters. An ADIZ declaration does not mean a claim of sovereignty. Accordingly, an aircraft approaching national airspace may be required to report its identity in international airspace as a condition for entry into national airspace.

Article 12 of the Chicago Convention states that the rules applicable to aircraft flying over the high seas are the rules established under the Chicago Convention. Some states have made unilateral regulations with de facto consequences for flights over the high seas: temporary restrictions in certain danger zones, expansion of traffic control, etc. Article 11 of the Chicago Convention explicitly recognizes the right of states to impose laws and regulations regarding the entry and exit of aircraft into their territory. However, for reasons of security and national defense, even aircraft that do not plan to enter the airspace of a neighboring state may be required to report their identity and comply with control procedures.

There is no treaty provision regarding the establishment or operation of ADIZs. Since unilateral implementations have not been objected to, it is assumed that the right to declare an ADIZ is now recognized under customary law.

ADIZ regulations apply to aircraft directed toward the relevant country's airspace and require the submission of flight plans and periodic position reports. A coastal state does not have the right to subject a foreign aircraft that does not plan to enter its airspace to these rules. When identity is not reported voluntarily, aircraft may be identified by interceptor aircraft. However, opening fire on these aircraft is unlawful. After the incident on September 1, 1983, where Soviet air forces opened fire on Korean Air Lines flight 007 that had mistakenly entered their airspace (Korean Air Lines Incident), Article 3bis was added to the Chicago Convention in 1984. The procedures for the implementation of this article are outlined under the title "Interception of Civil Aircraft" in Annex 2 of ICAO. An ADIZ declaration does not give an interceptor pilot the right to intervene (open fire) on an aircraft. The use of force against an aircraft in peacetime is legitimate

only within the framework of the right to self-defense under international law and the rules of engagement of the relevant country.

The rules described above apply to peacetime or non-hostile situations. In the event of an imminent or actual conflict, states may take measures that affect flights in international airspace in accordance with their right to self-defense. The development of ADIZs emerged as a result of the shortening of coastal states' reaction times against potential threats due to the increased speed and range capabilities of aircraft. Today, the delicate balance that has formed between ADIZ and interception rules will most likely continue. However, in regions where political and military interests conflict, such as China and Taiwan, this balance may be disrupted.

8.5.3. No-Fly Zones: History and Legal Basis

A No-Fly Zone (NFZ) is an airspace designated by a state or a coalition of states where certain aircraft are not allowed to fly. These zones are typically enforced through military means and are established primarily during conflicts or humanitarian crises to prevent hostile or unauthorized air operations. NFZs may be temporary or long-term and are usually justified by the need to protect civilians, limit military escalation, or control a regional threat.

No-fly zones became significantly prominent in the post–Cold War era, especially during the 1990s. Notable examples include their implementation in Iraq, Bosnia and Herzegovina, and Libya.

The legitimacy of no-fly zones is controversial under international law, particularly when such zones are established without authorization from the United Nations Security Council. The main legal instruments and principles involved include the UN Charter (1945), which in Article 2(4) prohibits the use of force against the territorial integrity or political independence of any state. Chapter VII of the Charter (Articles 39–51) grants the Security Council the authority to take military action, including the imposition of no-fly zones, in response to threats to international peace and security.

In the absence of Security Council authorization, some states have attempted to justify NFZs through customary international law, humanitarian intervention, or the Responsibility to Protect (R2P) principle. However, these justifications remain controversial and are not consistently supported by state practice or *opinio juris*—that is, a belief in a legal obligation.

Regarding sovereignty and airspace, the Chicago Convention (1944) affirms that states have full and exclusive sovereignty over the airspace above their territory. Therefore, imposing a no-fly zone over another state's airspace without its consent or UN authorization is generally considered a violation of international law.

NFZs continue to be a contentious instrument in contemporary geopolitics. Proposals for no-fly zones in regions such as Syria, Ukraine, and Gaza have sparked intense debate, primarily due to the risk of direct military confrontation between major powers. The effectiveness and legal validity of such zones still largely depend on international consensus, proportionality, and humanitarian justification.

8.5.4. Drones, Missiles, and Hypersonic Weapons

The emergence of advanced aerospace technologies such as unmanned aerial vehicles (UAVs), precision-guided missiles, and hypersonic weapons has significantly altered the operational and legal dynamics of airspace sovereignty. These tools of modern warfare present both strategic advantages and complex international security dilemmas, particularly in conflict zones where the boundaries between defensive posture and offensive escalation are increasingly blurred.

Unmanned Aerial Vehicles (UAVs): New Actors in the Sky

Unmanned Aerial Vehicles (UAVs), more commonly known as drones, have transitioned from intelligence-gathering platforms into decisive strike systems. Their affordability, precision, and versatility have made them accessible not only to major military powers but also to regional actors and non-state groups. Drones are often deployed below radar coverage, allowing them to challenge state airspace with minimal detection.



In the 2020 Nagorno-Karabakh conflict, Turkish-made Bayraktar TB2 drones gave Azerbaijan a significant advantage, bypassing Armenian air defenses and shifting the momentum of the war. Similarly, drones have played critical roles in Yemen, Libya, Syria, and Ukraine. Their use raises critical questions about sovereignty violations, attribution of attacks, and proportional responses in contested or congested airspaces.

Missiles: Reducing the Space for Decision-Making

Ballistic and cruise missile technologies continue to evolve, offering extended range and precision that reduce reaction times for states under threat. While missile systems are central to national defense strategies, they also serve as tools of coercion and deterrence.

When a missile enters or is projected toward a state's airspace, the state faces a narrow window to identify, assess, and respond. This has led to the deployment of missile defense systems such as Israel's Iron Dome or the U.S. THAAD, yet these systems are not infallible. Moreover, the legality of preemptive interception, especially in the absence of clear evidence or UN Security Council authorization, remains a grey area under international law.

Hypersonic Weapons: Undermining Traditional Deterrence

Hypersonic weapons, including glide vehicles and cruise missiles traveling at speeds over Mach 5, represent a paradigm shift in strategic military capabilities. Unlike conventional missiles, these systems can maneuver unpredictably mid-flight, rendering many current missile defense systems ineffective.

Russia, China, and the United States are among the states actively developing and testing hypersonic weapons. In 2018, Russian President Vladimir Putin described the Avangard system as "invincible" against all known defenses a statement that underlines both the strategic utility and destabilizing potential of such weapons.

Hypersonic technologies reduce the decision-making window for defensive responses to mere seconds, prompting serious concerns about automation in military command-and-control systems and the risks of accidental or miscalculated escalation.

Legal Ambiguity and the Challenge to Airspace Sovereignty

International law, including the 1944 Chicago Convention, upholds a state's exclusive sovereignty over the airspace above its territory. However, these frameworks do not account for the complexity introduced by unmanned or high-speed systems, particularly those that may cross airspace boundaries in mere minutes or operate from within third-party territories.

Under Article 2(4) of the UN Charter, the use of force against a state's territorial integrity is prohibited. Yet UAV and missile operations often test the thresholds of what constitutes an "armed attack" or an act of aggression. The lack of legal clarity and consensus among states on these matters poses a direct challenge to maintaining airspace sovereignty in both peace and conflict. As U.S. Secretary of Defense Lloyd Austin remarked in 2022, "Emerging technologies aren't coming, they're already here." The international community faces an urgent need to develop norms, guidelines, and potential arms control mechanisms that address the strategic, legal, and ethical challenges posed by these weapons.

8.5.5. Rules of Engagement in Aerial Warfare

Rules of Engagement (ROE) are formal military directives that define the conditions under which ground, naval, and air forces may enter into and continue combat with opposing forces. Issued by a competent military authority, ROE determine when, where, how, and against whom military force may be used. These rules outline the situations in which soldiers may act on their own initiative and specify the directives that may be issued by commanding officers. ROE reflect a general recognition that clear procedures and standards are essential to the conduct and effectiveness of civilized warfare.

ROE must be consistent, yet flexible enough to accommodate a wide range of potential scenarios and the political and military dynamics of a given situation. They may address various operational aspects, such as engagement with unarmed mobs, the protection of civilian property, the use of force in self-defense, responses to hostile fire, the capture of prisoners, and the overall level of hostilities for example, whether a country is officially at war.

In the United States, two main categories of ROE are commonly recognized: Standing Rules of Engagement (SROE), which apply in peacetime or non-wartime situations and are generally more restrictive in order to constrain the use of military force. Wartime Rules of Engagement (WROE), which apply in times of active conflict and allow for fewer operational limitations.

The historical notion that warfare should be governed by rules has long been supported by international treaties and agreements, notably the Geneva Conventions, which regulate the treatment of prisoners of war and civilians.

The possibility that even a minor incident could escalate into large-scale conflict has made the establishment of clear and lawful engagement procedures vital. This need became particularly evident following the 1983 Beirut barracks bombings, after which the United States amended its ROE to affirm the inherent right of all personnel to self-defense.

Additionally, Peacetime Rules of Engagement (PROE) were developed to distinguish between hostile acts and hostile intent, emphasizing that any military response must be proportional to the threat level. These peacetime rules sought to prevent unnecessary escalation while preserving the right to act when necessary. In 1994, PROE were replaced by the Joint Chiefs of Staff Standing Rules of Engagement (JCS SROE), which further mandated that any use of force must also comply with international law.

In today's operational environments, ROE serve as essential tools to navigate the legal, ethical, and strategic complexities of modern conflict while maintaining operational effectiveness and adherence to international norms.

9. Questions to Guide the Debate

- What constitutes a violation of airspace sovereignty in conflict zones?
- How do violations of airspace sovereignty impact global security?
- What are the legal frameworks that govern airspace rights during armed conflict?
- What is the role of the United Nations Security Council (UNSC) in ensuring the protection of airspace sovereignty?
- How can the UNSC effectively intervene in airspace violations during international and regional conflicts?
- Should the UNSC play a more active role in regulating airspace in no-fly zones?
- How do international alliances and military blocs (such as NATO, CSTO, and the Middle Eastern alliances) influence airspace sovereignty?
- What are the implications of airspace sovereignty in the context of collective defense agreements?
- How do competing airspace claims between military blocs (e.g., NATO vs. CSTO) exacerbate security risks?
- What are the strategic and military implications of unmanned aerial vehicles (UAVs) in airspace sovereignty?
- How does the increasing use of UAVs by states and non-state actors affect airspace security?
- What international agreements or measures could be established to regulate the use of drones in conflict zones?
- How do state-sponsored or non-state actors' use of airstrikes in conflict zones challenge traditional concepts of airspace sovereignty?
- Can airstrikes in sovereign airspace ever be justified under international law?
- What role does the UNSC play in mitigating the effects of airstrikes on civilian populations in conflict zones?
- How should the UNSC address the growing trend of aerial espionage and surveillance in sensitive regions?
- What are the international legal precedents for surveillance flights in foreign airspace?
- How should the UNSC respond to breaches of airspace sovereignty through aerial reconnaissance and intelligence gathering?
- What measures can be taken to strengthen international cooperation to prevent unauthorized airspace incursions?
- How can the international community ensure compliance with treaties such as the Open Skies Treaty and the Chicago Convention?

- What role does the UNSC have in ensuring that states respect international norms related to airspace integrity?
- What is the responsibility of the UNSC in preventing the escalation of conflict due to airspace violations?
- How can the UNSC use its powers to de-escalate tensions caused by airspace violations, especially in volatile regions like the Middle East and Eastern Europe?
- What non-military measures (e.g., sanctions, diplomatic efforts) can the UNSC deploy to address airspace sovereignty challenges?
- How do civilian casualties caused by airspace violations affect international peacebuilding efforts?
- What are the long-term consequences of airspace violations on the peace and security of conflict zones?
- How can the UNSC address the humanitarian impact of airspace sovereignty violations?

10.Expectations From You

As delegates in this committee, your task is not only to navigate the complex legal terrain of airspace sovereignty but to think creatively about how international law and diplomatic frameworks can adapt to the realities of modern conflict and technology.

At the heart of this debate is a challenge that every delegate must face: how to balance state sovereignty with the need for international cooperation and humanitarian protection. The agenda brings you to a crossroads where military strategy intersects with human rights, where state interests must be weighed against the greater good of regional and global stability.

This committee has several clear objectives, and each one speaks to the complexity and urgency of the issue:

To Define Airspace Sovereignty in the 21st Century

Airspace sovereignty in the modern world is not as simple as controlling a defined piece of airspace above one's territory. We must explore what it means for countries to control their skies in the age of unmanned aerial vehicles (UAVs), hypersonic missiles, and cyber warfare. Are current definitions of sovereignty still relevant? Should they be adapted to include issues of cyber threats, technological dominance, and international conflict?

To Explore Legal and Ethical Boundaries of Air Operations

International humanitarian law, especially the Geneva Conventions, provides the legal framework for military operations, but these laws were written in the era of conventional warfare, not the age of drones and missiles. How can we ensure that airstrikes, drone operations,

and military overflights are in compliance with international law? What measures should be implemented to protect civilians from the unintended consequences of air operations, particularly in areas of active conflict?

To Address the Role of the United Nations in Mediating Disputes Over Airspace Sovereignty

The role of the United Nations Security Council in authorizing or intervening in airspace sovereignty disputes has been crucial in various conflicts, from the no-fly zones over Iraq in the 1990s to the Libyan conflict in 2011. Yet, the UN's ability to act decisively on issues of airspace is often hindered by political maneuvering and vetoes by permanent members. The committee must assess how the UN can strengthen its capacity to prevent abuse of airspace sovereignty and resolve disputes peacefully.

To Formulate Guidelines for the Use of Force in Conflict Zones

In many modern conflicts, airstrikes have become a routine tool of warfare, yet their legality and morality often come into question. The committee will need to consider how the use of force in airspace especially when carried out by drones or hypersonic missiles should be governed. What are the rules of engagement for countries engaged in such operations, and how can we prevent these tools from escalating conflicts or creating collateral damage?

To Foster Multilateral Cooperation on Airspace Security

Given the interconnected nature of airspace and the global ramifications of air-related conflicts, fostering international cooperation is crucial. This committee will need to propose frameworks for multilateral security agreements, ensuring that airspace sovereignty is respected across borders while also addressing the technological, geopolitical, and ethical challenges posed by modern weapons.

To quote former U.S. President Barack Obama, "Our challenges are many, but our resolve is strong." This agenda reflects our collective will to confront the ever-evolving nature of warfare and diplomacy, and the committee's task is to lay the foundation for a future where peace, security, and human dignity are upheld in the skies.

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