

The way the government has danced to the tune of China in its recent designation of an air defense identification zone (ADIZ) in the East China Sea is tantamount to a “tacit acknowledgement” that China has sovereignty over Taiwan’s territorial airspace, an academic said yesterday.

China declared the ADIZ with the intent to claim that the airspace over Taiwan falls within its jurisdiction, and the Taiwanese government’s docile response can be interpreted as an agreement to hand over sovereignty to China under international law, said Chris Huang (黃錦), an associate professor at the Institute of Law for Science and Technology at National Tsing Hua University.

In response to the move by China, the government said that ADIZ demarcation is not an issue about territorial airspace or territorial sovereignty, and thus decided that flight plans for planes flying through the zone should be submitted to China as Beijing has requested.

Given that demarcation of an ADIZ is not considered to be legally valid by international law, China cannot expand its territorial airspace to the large area over the East China Sea by declaring such a zone, Huang said.

However, China is clearly inclined to claim that the baseline from which its territorial airspace is measured is Taiwan, which it considers its adjacent island, rather than the coastline of China’s Fujian Province, aiming to turn the Taiwan Strait, now regarded as international waters, into its territorial waters, Huang said.

The failure of the government to voice its strong opposition to the ADIZ demarcation amounts to an “acquiescence,” meaning Taiwan has agreed to hand over sovereignty to China, Huang said.

Huang said that the government’s recommendation that Taiwanese airlines present their flight plans to China was “an act of surrender,” adding that the government is using concerns over aviation safety as an excuse to cede the country’s sovereignty to China.

Countries like the Philippines or Singapore can choose to abide by the new rules on the designated airspace because they have acknowledged that Taiwan is part of China in their joint communiques of establishment of diplomatic relations with China, “but Taiwan cannot do that,” Huang said.

One of the reasons cited by the government, that complying with the Chinese rules was in accordance with practices adopted by the International Civil Aviation Organization, was a deliberate “deception,” Huang said.

He said that the UN’s civil aviation body does not require air carriers to submit flight plans to the aviation authority of a country when they just pass through its airspace and not land in its territory.

In response to the Taiwanese government’s reaction, China’s Taiwan Affairs Office spokeswoman Fan Liqing (范丽青) said yesterday: “Both sides of the [Taiwan] Strait are one family, and maintaining the fundamental interests of the Chinese nation is in line with the common welfare across the Strait, which is also a common responsibility of the two sides.”

Judging from the government’s response to the ADIZ and what Fan said, the government had sided with China on the issue and is completely incapable of defending the nation’s sovereignty, Huang said.

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