

## TOPIC: THE PRC'S MODIFICATION OF CIVILIAN FLIGHT ROUTES IN THE TAIWAN STRAIT

### BOTTOM LINE



- On 30 January 2024, the People's Republic of China (PRC) announced unilateral changes to civilian flight routes in the Taiwan Strait in breach of prior commitments to Taiwan authorities and absent coordination with concerned parties as required by International Civil Aviation Organization (ICAO) guidance.
- These changes provide the PRC with an asymmetric advantage by creating new dilemmas for Taiwan authorities responsible for managing complex civil air traffic corridors and air defenses, respectively.
- Issues related to civil aviation and safety in the Taiwan Strait should be addressed in dialogue between both sides.
- Despite administering critical airspace, Taiwan authorities are excluded from ICAO and lack the ability to coordinate safety measures and mediate disagreements through ICAO's procedures.
- All of international civil aviation's most important stakeholders, including Taiwan, should have the opportunity to participate meaningfully in ICAO's work.

### WHY THIS MATTERS



- Taiwan's exclusion from ICAO **may lead to unforeseen safety risks** for aircraft operating in the Taiwan Strait.
- The international nature of civil aviation in the Taiwan Strait means that **the international community has an interest in ensuring Taiwan authorities can deliver air navigation services and aviation safety**.
- The PRC's breach of prior commitments to Taiwan authorities and failure to coordinate changes as required by ICAO guidance **undermines the rules-based international order**. If left unchecked, the PRC could be emboldened to take further coercive action against Taiwan and others in violation of international law, rules, and norms.
- Taiwan's Civil Aviation Administration (CAA) operates largely on its own **without the benefit of ICAO's expertise and institutional mechanisms** for resolving disputes and coordinating safety and technical interoperability.
- Taiwan authorities face an increasingly difficult challenge in distinguishing military and civilian flights in the Taiwan Strait. This potential for **ambiguity increases risk of miscalculation and unintended consequences**.
- Expanded civilian flight routes afford the People's Liberation Army (PLA) **increased opportunity to disguise military flights behind a civil façade** in a manner that could **threaten peace and stability** and **reduce Taiwan's ability to identify, warn, and defend against attack**. Concern that the PLA will mask military flights in civilian flight routes is **grounded in the PRC's propensity to blur civil-military distinctions in other domains**.
- If the Taiwan air force is compelled to respond to an increasing number of potential threats, the readiness of Taiwan's air defenses could degrade to the **detriment of Taiwan's self-defense capability**.

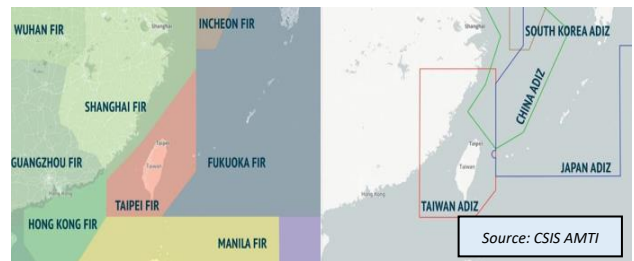
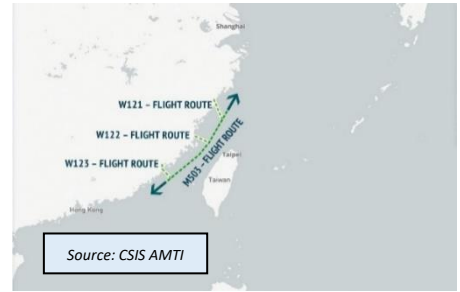
### DETAILED DISCUSSION



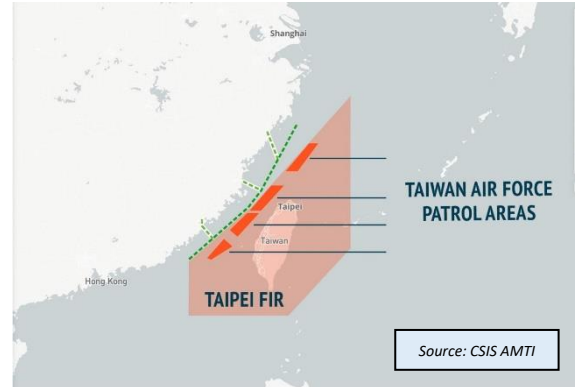
#### 1. Background

- In 2015, the PRC unilaterally established civilian flight routes M503, W121, W122, and W123.<sup>i</sup> Soon after, following objections from Taiwan due to aviation safety concerns,<sup>ii</sup> **the PRC agreed to move M503 six nautical miles (NM) west**; limit traffic to only southbound non-military flights; direct aircraft to veer west in emergencies; and **not make changes to routes** or implement W121, W122, and W123 **without consulting** Taiwan's CAA.<sup>iii</sup>

- **The PRC breached the 2015 agreement in January 2018** by launching northbound flights in M503 and westbound flights in W121, W122 and W123 without consulting Taiwan authorities.<sup>iv</sup>
- ICAO failed to acknowledge a subsequent request by Taiwan authorities for mediation over M503.<sup>v</sup>
- Again, without consulting Taiwan authorities, **the PRC broke the 2015 agreement on 30 January 2024** by moving M503 six NM east and launching eastbound flights on W121, W122, and W123.<sup>vi</sup>
- M503 now hugs the eastern edge of the Shanghai Flight Information Region (FIR) and is **only 4.2 NM from the Taipei FIR and the Taiwan Strait centerline** (also known as the median line).<sup>vii</sup>
- A FIR is an area in which ICAO designates a country or region as responsible for coordinating civil air traffic, information, and alert services for aircraft in flight. Taiwan's CAA administers the Taipei FIR.<sup>viii</sup>
- The introduction of bidirectional air traffic and higher volumes of aircraft on the Taipei FIR's immediate periphery **could test the Taiwan CAA's capability and capacity to ensure safety of flight in the Taiwan Strait.**
- The **Taipei FIR overlaps substantially with Taiwan's Air Defense Identification Zone (ADIZ)** – an area used by Taiwan's defense forces to assist in aircraft identification and threat warning.<sup>ix</sup>
- The western boundary of the Taipei FIR traverses the Taiwan Strait centerline.<sup>x</sup>
- The centerline does not have a legal status, but for decades following its establishment in 1955, both the PRC and Taiwan managed risk of escalation by respecting the centerline and generally avoiding centerline crossings.
- **The PRC's military aircraft now regularly cross the centerline** to wear down Taiwan's air defenses, demonstrate superior air power, and advance political objectives.<sup>xi</sup>
- To the east of the centerline in the Taipei FIR, as depicted in the inset graphics, the Taiwan air force maintains patrol areas to meet its responsibilities in the ADIZ related to threat identification and warning.
- Aircraft entering these areas are intercepted for identification by fighters scrambled from Taiwan.
- M503's eastward shift significantly **reduces Taiwan's air defense buffer**.<sup>xii</sup>
- **M503's extension routes also raise concerns.** W122 is only 2.8 NM from Matsu, and W123 is only 1.1 NM from Kinmen.<sup>xiii</sup> Matsu and Kinmen are outer islands controlled by Taiwan, but claimed by the PRC.
- In addition to a greater volume of air traffic in proximity to Matsu and Kinmen, the activation of eastbound flights in W121, W122, and W123 means these routes are now open to Taiwan-facing aircraft – i.e., a potential threat profile.
- Moreover, Taiwan authorities operate commercial flight routes (W2, W6, W8) to Matsu and Kinmen that intersect with M503 and **must now be de-conflicted with bidirectional traffic in M503.**
- A spokesperson for the PRC said that modifications to flight routes in the Taiwan Strait were necessary to alleviate congestion and dismissed concerns as “completely unwarranted.”<sup>xiv</sup> He also claimed that Taiwan is an integral part of the PRC and therefore consultation is not required for such “internal matters.”<sup>xv</sup>



- Taiwan's Mainland Affairs Council said that the PRC was ignoring safety, "disrespecting" Taiwan's responsibility to manage safety of flight in international airspace, and trying to "package civil aviation" to "change the status quo in the strait."<sup>xvi</sup>
- Taiwan authorities have demanded that the PRC reverse its actions and engage in dialogue regarding any changes to flight routes in the Taiwan Strait.<sup>xvii</sup>
- Many international observers contend that the PRC's actions deliberately coincided with Taiwan's elections and were driven by geostrategic ambitions rather than aviation safety.<sup>xviii</sup>
- A spokesperson for the U.S. State Department said that, **"[i]ssues related to civil aviation and safety in the Taiwan Strait should be decided through dialogue between both sides."**<sup>xix</sup>
- Also of note, members of Canada's parliament urged ICAO in an open letter to pay close attention to the PRC's unilateral move to modify its M503 flight path, calling it a **"significant safety issue"** in the Taiwan Strait.<sup>xx</sup>



## 2. The Role of ICAO

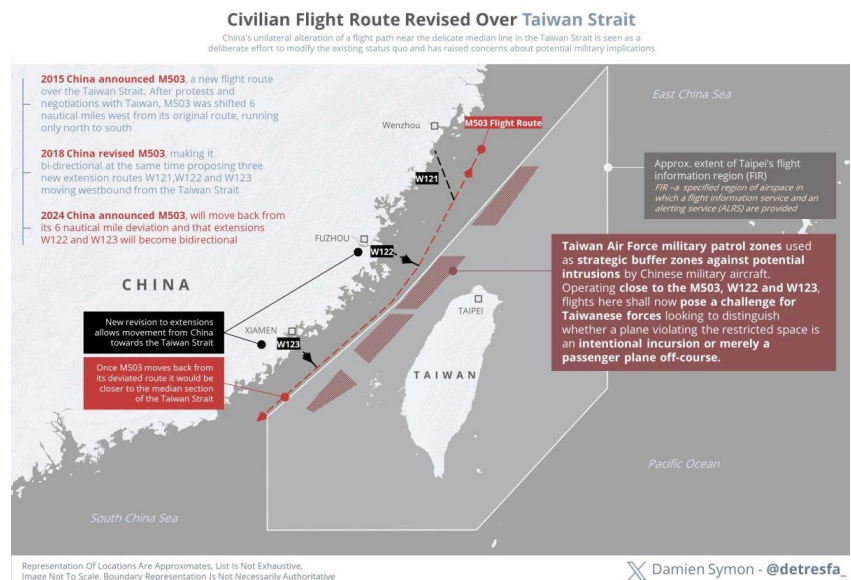
- ICAO is a technical agency of the United Nations (UN) created in 1944 by the *Convention on International Civil Aviation* ("Chicago Convention"). **ICAO's broad mission includes ensuring peaceful and safe global aviation.**<sup>xxi</sup>
- ICAO established the Taipei FIR at its 18th council session in 1971.<sup>xxii</sup>
- Later in 1971, the PRC became the sole representative of China to the UN, but **Taiwan's responsibility to administer the Taipei FIR in accordance with ICAO guidelines endured. That responsibility continues to this day.**
- The Taipei FIR is part of ICAO's network of regions and Taiwan's CAA is the "sole entity overseeing, and is responsible for safe air traffic management throughout" the Taipei FIR.<sup>xxiii</sup>
- Although planning flight routes that exist entirely within one FIR generally falls to the government administering that FIR, Section 4.2.6 of *ICAO's Air Traffic Services Planning Manual stipulates that establishing and changing flight routes should be done "only after they have been coordinated with all parties concerned."*<sup>xxiv</sup>
- The manual does not limit "all parties concerned" to only ICAO contracting states. As such, "all parties concerned" may reasonably include Taiwan authorities as well as contracting states concerned by aviation safety in the Taiwan Strait.
- For the reasons described in this TACAID (proximity of M503 to the Taipei FIR, intersection with Taiwan-controlled flight routes, proximity to Taiwan-controlled islands, the CAA's responsibilities under ICAO, prior commitment by the PRC to coordinate, etc.), **Taiwan authorities should have been consulted in accordance with ICAO guidelines** to ensure continued safety of civil aviation in the Taiwan Strait.
- However, **the PRC has refused to coordinate with Taiwan authorities and instead uses its influence to exclude Taiwan from ICAO**, even in an observer status capacity.<sup>xxv</sup>
- From 2015-2021, Fang Liu (a PRC national) served as Secretary General of ICAO.<sup>xxvi</sup> During this period, a Taiwan delegation to ICAO was forced out; Taiwan authorities were excluded from meetings and denied safety-related information; and ICAO blocked Twitter accounts that criticized Fang Liu's actions in relation to Taiwan.<sup>xxvii</sup>
- Taiwan remains excluded from ICAO and relies on partners for information on changes to ICAO's policies.<sup>xxviii</sup>



- Nevertheless, **Taiwan's CAA continues to meet ICAO's Standards and Recommended Practices<sup>xxxix</sup>** and is developing a next-generation air traffic control automation system to enable the Taipei FIR to remain interoperable through 2032 under ICAO's Global Air Navigation Plan<sup>xxx</sup> and Aviation System Block Upgrades.<sup>xxxi</sup>
- The PRC's efforts to exclude Taiwan authorities from ICAO are **not purely a matter of cross-strait relations**.
- Rather, the international nature of civil aviation in the Taiwan Strait means that **the international community has an interest in ensuring Taiwan authorities can deliver air navigation services and aviation safety**. Of note:
  - Taiwan's CAA manages air traffic and services for an international airport that ranked the world's ninth largest by cargo volume<sup>xxxii</sup> and tenth largest by international passengers in 2019.<sup>xxxiii</sup>
  - The CAA administers 18 international routes<sup>xxxiv</sup> in a FIR that includes over 176,000 square NM (much of which is international airspace) and provides air traffic control to well over 1.3 million flights annually.<sup>xxxv</sup>
- Despite international interest in safety of flight and Taiwan's responsibilities to the international community under ICAO, **Taiwan authorities have no formal avenue for lodging concerns through ICAO**.
- Likewise, as Taiwan is not an ICAO member, it likely **cannot leverage dispute resolution procedures** codified in Articles 84-88 of the Chicago Convention, which grant ICAO authority to resolve "disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes."<sup>xxxvi</sup>
- However, **ICAO member states (including the United States) are not prohibited from using ICAO's dispute resolution procedures** to register disagreement and **challenge the PRC's failure** to coordinate changes that bear on the international community's interest in civil aviation safety in the Taiwan Strait.
- **ICAO member states can also continue to advocate for Taiwan's participation in ICAO**, consistent with the position taken by the U.S. Department of Transportation.
- At ICAO's 2022 Assembly, U.S. Secretary of Transportation Pete Buttigieg said, "We believe that all of international civil aviation's important stakeholders – particularly those who administer critical airspace, like Taiwan – should have the opportunity to participate meaningfully in ICAO's work."<sup>xxxvii</sup>
- In recent years, Taiwan's diplomatic partners including **Saint Lucia, Guatemala and Tuvalu, as well as other ICAO members such as France, Japan and New Zealand have publicly endorsed Taiwan's participation in ICAO**.<sup>xxxviii</sup>

### 3. Implications of the PRC's Actions

- The changes made by the PRC give rise to **new dilemmas for Taiwan authorities charged with managing complex civil air traffic corridors and air defenses**, respectively.
- The **PLA now has new pathways to disguise military activities behind a civil facade**, which **provides a potential asymmetric advantage** in its all-domain pressure campaign against Taiwan.
- The possibility of the PLA masking military flights in civil flight routes could **threaten peace and stability** in the Taiwan Strait **and reduce Taiwan's ability to identify, warn, and defend** against attacks.
- Such action would be **consistent with the PRC's propensity to blur civil-military distinctions in other domains** – e.g., the integration of commercial ferries into amphibious invasion training and the ubiquitous use of fishing vessels in support of military objectives.
- The challenge to Taiwan's air defenses is compounded by the likelihood of



**increased air traffic in the Taiwan Strait** (including routes adjacent to Taiwan-controlled islands), bidirectional flights near Taiwan's air defense buffers, and Taiwan-facing flights emanating from the PRC mainland.

- With M503 flights regularly operating just a few miles west of the centerline, Taiwan air force alert teams could be hard-pressed to distinguish an intentional centerline crossing by the PLA from a civilian passenger plane veering slightly off-course.
- This **ambiguity not only erodes the centerline's value as a normative constraint on escalation, but also increases risk of miscalculation and unintended consequences**.
- If the Taiwan air force is compelled to respond to an increasing number of potential threats, the readiness of Taiwan's air defenses could degrade to the detriment of **Taiwan's self-defense capability**.
- Taiwan's CAA must now hastily adjust plans to ensure aircraft in the Taipei FIR are cognizant of the PRC's changes to flight routes in the Taiwan Strait and sufficiently equipped to avert danger and mitigate safety concerns.<sup>xxxix</sup>
- Absent representation at ICAO, **Taiwan's CAA operates largely on its own without the benefit of ICAO's expertise and institutional mechanisms** for coordinating safety measures and technical interoperability.
- As a result, **there may be unforeseen safety risks** for civil aircraft operating in the Taiwan Strait.
- The PRC's breach of its 2015 commitments regarding flight routes in the Taiwan Strait and its failure to coordinate with concerned parties in accordance with ICAO guidance epitomize broader efforts to **undermine the rules-based international order** – i.e., the system of laws, agreements, principles, and institutions that the world came together to build after two world wars to manage relations between states, to prevent conflict, and to uphold the rights of all people.<sup>xl</sup>

## PROPOSED COUNTER-LAWFARE APPROACH

*\*\*This section offers suggested language for incorporation into communication strategies\*\**

- The PRC's unilateral changes to civilian flight routes in the Taiwan Strait **breached prior commitments** to Taiwan authorities and **did not comply with ICAO guidance**.
- **Despite administering critical airspace, Taiwan authorities are excluded from ICAO** and lack the ability to coordinate safety measures and mediate disagreements through ICAO's procedures.
- Taiwan's exclusion from ICAO may lead to **unforeseen safety risks** for aircraft operating in the Taiwan Strait.
- **All of international civil aviation's most important stakeholders**, including Taiwan, should have the opportunity to participate meaningfully in ICAO's work.
- Issues related to civil aviation and safety in the Taiwan Strait should be addressed in **dialogue** between both sides.
- The PRC's breach of prior commitments to Taiwan authorities and failure to coordinate as required by ICAO guidance **undermines the rules-based international order**. If left unchecked, the **PRC could be emboldened to take further coercive action** against Taiwan and others in violation of international law, rules, and norms.
- The PRC's expansion of civilian flight routes in the Taiwan Strait provide **increased opportunity for the PLA** to disguise military flights behind a civil aviation façade in a manner that could **threaten cross-strait peace and stability** and reduce Taiwan's ability to identify, warn, and defend against attack.
- With more PRC-controlled aircraft operating near the Taiwan Strait centerline, Taiwan authorities will face an increasingly difficult challenge in distinguishing intentional centerline crossings from passenger planes that veer slightly off-course – this **ambiguity not only erodes the centerline's value as a normative constraint on escalation, but also increases risk of miscalculation and unintended consequences**
- **Consistent with the United States' longstanding one China policy**, which is guided by the Taiwan Relations Act, the three U.S.-China Joint Communiqués, and the Six Assurances, USINDOPACOM opposes unilateral changes to the status quo from either side, including forms of coercion that jeopardize Taiwan's security.
- **USINDOPACOM supports and defends a free and open Indo-Pacific** and opposes any attempt to use coercion or force to settle disputes. USINDOPACOM shares these deep and abiding interests with allied and partnered forces who champion a free and open Indo-Pacific supported by the rules-based international order.

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- <sup>i</sup> J. Chung, *CAA Says Consensus on PRC's New Flight Routes*, Taipei Times, Mar. 3, 2015, <https://www.taipetimes.com/News/front/archives/2015/03/03/2003612638>.
- <sup>ii</sup> See S. Shan, *CAA, Military Reject China Flight Routes*, Taipei Times, Jan. 14, 2015, <https://www.taipetimes.com/News/front/archives/2015/01/14/2003609190> (“M503 falls within the Shanghai FIR, which is very close to the Taipei FIR and has to accommodate many international flights.”).
- <sup>iii</sup> S. Shan, *Officials Protest Risky Flight Path Change*, Taipei Times, Feb. 1, 2024, <https://www.pressreader.com/taiwan/taipetimes/20240201/page/1>. Taiwan’s summary of the agreement (大陸委員會): [mac.gov.tw/en/News\\_Content.aspx?n=14271038DDC4104F&sms=E828F60C4AFBAF90&s=A0E0B1BF38389FD0](http://mac.gov.tw/en/News_Content.aspx?n=14271038DDC4104F&sms=E828F60C4AFBAF90&s=A0E0B1BF38389FD0). The PRC’s perspective (中华人民共和国驻美利坚合众国大使馆): <http://us.china-embassy.gov.cn> › t20150306\_4914947. See also International Civil Aviation Organization, the First Meeting of South China Sea Major Traffic Flow Review Group (SCS-MTFRG/1), Kuala Lumpur, Malaysia, 19-20 January 2015, Agenda Item 5: Discuss strategy for development/realignment of routes and optimization of FLAS/FLOS and set implementation targets and timelines. IMPLEMENTATION OF ROUTE M503 ALONG THE SOUTHEAST COAST OF CHINA).
- <sup>iv</sup> S. Shan, *PRC Aviation Routes Protested*, Taipei Times, Jan. 5, 2018, <https://www.taipetimes.com/News/front/archives/2018/01/05/2003685206>.
- <sup>v</sup> D. DeAeth, *UN Aviation Org. Stays Silent on Taiwan’s M503 Dispute with China*, Taiwan News, Jan. 9, 2018, <https://www.taiwannews.com.tw/en/news/3337250>.
- <sup>vi</sup> See Taiwan Today, *MOFA Condemns China’s Unilateral Adjustment of Flight Routes, Demands Prompt Negotiations*, Feb. 1, 2024, <https://taiwantoday.tw/news.php?unit=2,6,10,15,18&post=248110>.
- <sup>vii</sup> A. Brar, *China’s Sudden Flight Route Change Puts Taiwan Under Pressure*, Newsweek, Feb. 2, 2024, <https://www.newsweek.com/china-taiwan-flight-pressure-m503-new-shanghai-xiamen-1866311>.
- <sup>viii</sup> See Civil Aviation Administration, *Air Traffic Services*, <https://www.caa.gov.tw/article.aspx?a=228&lang=2> (last accessed Mar. 4, 2024).
- <sup>ix</sup> See Asia Maritime Transparency Initiative, *A Primer on M503 and Civil Aviation in Asia*, Mar. 14, 2018, <https://amti.csis.org/primer-m503-civil-aviation-asia/>.
- <sup>x</sup> *Id.*
- <sup>xi</sup> See, e.g., Center for Preventive Action, *Confrontation Over Taiwan*, Feb. 9, 2024, <https://www.cfr.org/global-conflict-tracker/conflict/confrontation-over-taiwan> (“Chinese military aircraft crossed the median line over three hundred times during [a four-day military] demonstration and continue to cross it on a near-daily basis, effectively erasing the status quo.”).
- <sup>xii</sup> See B. Blanchard, *Taiwan Angered at ‘Unilateral’ China Change to Taiwan Strait Flight Path*, Reuters, Jan. 31, 2024, <https://www.reuters.com/world/asia-pacific/taiwan-angered-unilateral-china-change-taiwan-strait-flight-path-2024-01-31/> (emphasizing that “the new route would be about 7 km (4.3 miles) from the median line, which would squeeze the pre-warning and reaction time for Taiwan’s air defenses”).
- <sup>xiii</sup> S. Shan, *supra* note iii.
- <sup>xiv</sup> A. Brar, *supra* note vii.
- <sup>xv</sup> *Id.*
- <sup>xvi</sup> B. Blanchard, *Taiwan Angered at ‘Unilateral’ China Change to Taiwan Strait Flight Path*, Reuters, Jan. 31, 2024, <https://www.reuters.com/world/asia-pacific/taiwan-angered-unilateral-china-change-taiwan-strait-flight-path-2024-01-31/>.
- <sup>xvii</sup> See Indo-Pacific Forum, *Taiwan Blasts PRC’s ‘Irresponsible’ Civilian Aircraft Routes Over Strait*, Feb. 18, 2024, <https://ipdefenseforum.com/2024/02/taiwan-blasts-prcs-irresponsible-civilian-aircraft-routes-over-strait/>.
- <sup>xviii</sup> See, e.g., A. Laliberte, *Time to End the Exclusion of Taiwan from the International Civil Aviation Organization*, Centre of International Policy Studies, Mar. 3, 2020, <https://www.cips-cepi.ca/2020/03/03/time-to-end-the-exclusion-of-taiwan-from-the-international-civil-aviation-organization/> (raising questions about the reliability of the ICAO for information on air travel and its restriction to Taiwan citizens during COVID-19); C. Tiunn, *The Dangers of Excluding Taiwan from International Organizations*, Council on Foreign Relations, Sept. 22, 2023, <https://www.cfr.org/blog/dangers-excluding-taiwan-international-organizations> (“Because Taiwan does not have communications with ICAO, the Taiwanese Civil Aeronautics Administration had to quickly reach out to the Japanese and Philippine Flight Information Regions (FIRs) and ask them to direct flights to safety when the [PRC’s] military exercises [in the waters and airspace around Taiwan in 2022] began.”).
- <sup>xix</sup> C. Chin-yeh & E. Yang, *U.S. State Department Critical of China’s Modified M503 Flight Path*, Focus Taiwan, Feb. 2, 2024, <https://focustaiwan.tw/politics/202402020005>.

<sup>xx</sup> See H. Li-yu & F. Huang, *Canada Lawmakers Urge ICAO to Look at China's Revised M503 Flight Path*, Focus Taiwan, Feb. 10, 2024, <https://focustaiwan.tw/politics/202402100008>.

<sup>xxi</sup> See International Civil Aviation Organization, *Who We Are*, <https://www.icao.int/secretariat/CapacityDevelopmentImplementation/Pages/Whoweare.aspx> (last accessed Mar. 4, 2024).

<sup>xxii</sup> See Civil Aviation Administration, *supra* note viii.

<sup>xxiii</sup> A. Lampert & D. Shepardson, *Buttigieg Backs Taiwan Participation in UN Civil Aviation Body*, Reuters, Sept. 27, 2022, <https://www.reuters.com/world/buttigieg-backs-taiwan-participation-un-civil-aviation-body-2022-09-27/>.

<sup>xxiv</sup> International Civil Aviation Organization, *Air Traffic Services Planning Manual*, First Edition, Section 4.2.6 (1984).

<sup>xxv</sup> See American Legislative Exchange Council, *Resolution Supporting Taiwan's Meaningful Participation in International Organizations Including the International Civil Aviation Organization (ICAO) and Interpol*, Dec. 23, 2022, <https://alec.org/model-policy/resolution-supporting-taiwans-meaningful-participation-in-international-organizations-including-the-international-civil-aviation-organization-icao-and-interpol/> (“Taiwan’s efforts for full membership and even participation [in ICAO is] routinely blocked by the People’s Republic of China.”).

<sup>xxvi</sup> International Civil Aviation Organization, *Former Secretaries General*, <https://www.icao.int/secretariat/SecretaryGeneral/Pages/former-secretaries-general-all.aspx> (last accessed Mar. 1, 2024).

<sup>xxvii</sup> International Civil Aviation Organization, *Strategic Planning Coordination and Partnerships’ Office – SPCP*, <https://www.icao.int/secretariat/SecretaryGeneral/SPCP/Pages/default.aspx> (last accessed Mar. 1, 2024). See also, B. Allen-Ebrahimian, *UN Aviation Agency Blocks Critics of Taiwan Policy on Twitter*, Axios, Jan. 27, 2020, <https://www.axios.com/2020/01/27/as-virus-spreads-un-agency-blocks-critics-taiwan-policy-on-twitter>; M. Ortagus, *ICAO’s Outrageous Practice of Blocking Twitter Users Who Reference Taiwan*, Feb. 1, 2020, <https://2017-2021.state.gov/icaos-outrageous-practice-of-blocking-twitter-users-who-reference-taiwan/>.

<sup>xxviii</sup> C. Tiunn, *supra* note xviii.

<sup>xxix</sup> International Civil Aviation Organization, *SARPs - Standards and Recommended Practices*, 2016, [icao.int/safety/safetymanagement/pages/sarps.aspx](https://www.icao.int/safety/safetymanagement/pages/sarps.aspx).

<sup>xxx</sup> International Civil Aviation Organization, *Global Air Navigation Plan (GANP)*, [icao.int/airnavigation/pages/ganp-resources.aspx](https://www.icao.int/airnavigation/pages/ganp-resources.aspx) (last accessed Mar. 1, 2024).

<sup>xxxi</sup> International Civil Aviation Organization, *Aviation System Block Upgrade (ASBU) Implementation Monitoring Report*, 2022, [https://www.icao.int/EURNAT/Pages/Aviation-System-Block-Upgrade-\(ASBU\)-Implementation-Monitoring-Report-.aspx](https://www.icao.int/EURNAT/Pages/Aviation-System-Block-Upgrade-(ASBU)-Implementation-Monitoring-Report-.aspx).

<sup>xxxii</sup> Airports Council International, *The Top 10 Busiest Airports in the World Revealed*, Airports Council International, Apr. 11, 2022, <https://aci.aero/2022/04/11/the-top-10-busiest-airports-in-the-world-revealed/>.

<sup>xxxiii</sup> W. Shu-fen, L. Hsin-Yin, *Taiwan's Taoyuan Airport Reports Record-High Transit Volume Last Year: Operator*, Focus Taiwan, Feb. 9, 2024, <https://focustaiwan.tw/society/202402090003>.

<sup>xxxiv</sup> J. Lin, et.al, *Review of Taiwan's Aviation Safety Management*, Flight Safety Foundation, Oct. 17, 2019, <https://flightsafety.org/asw-article/review-of-taiwans-aviation-safety-management/>.

<sup>xxxv</sup> See W. Shu-fen, *supra* note xxxiii.

<sup>xxxvi</sup> Chicago Convention on International Civil Aviation (1944), Ch. XVIII, Article 84.

<sup>xxxvii</sup> A. Lampert & D. Shepardson, *Buttigieg Backs Taiwan Participation in UN Civil Aviation*, Reuters, Sept. 27, 2022, <https://www.reuters.com/world/buttigieg-backs-taiwan-participation-un-civil-aviation-body-2022-09-27/>.

<sup>xxxviii</sup> See Y. Cheng-yu & J. Chin, *Taiwan Calls for ICAO Inclusion as Congress Ends*, Taipei Times, Oct. 9, 2022, <https://www.taipeitimes.com/News/taiwan/archives/2022/10/09/2003786716>.

<sup>xxxix</sup> See L. Y-wen, et.al., *Flight Path Adjustments Shows China Rejects Strait Median Line: Experts*, Focus Taiwan, Jan. 31, 2024, <https://focustaiwan.tw/cross-strait/202401310009>.

<sup>xl</sup> See generally J. deLisle, *U.S.-Japan-Dialogue: Deterrence, Defense, and Trilateral Cooperation*, Foreign Policy Research Institute, Dec. 12, 2022, <https://www.fpri.org/article/2022/12/u-s-japan-taiwan-dialogue-deterrence-defense-and-trilateral-cooperation/> (“Beijing has increased pressure on Taiwan, expressed growing impatience with the status quo, and has been developing the means for invading or blockading Taiwan. . . China’s control of Taiwan or other nearby areas would accelerate its ability to undermine and rewrite international norms and rules.”).