Laws of War Review Questions

戰爭法復習題

Page 1

TRUE/FALSE 是/非

*Lessons about Sovereignty*

有關主權的課題

Regardless of times of peace or war, we can always say that “Jurisdiction over territory is directly equivalent to possession of sovereignty.”

無論和平時期還是戰爭時期，我們總能說 ”領土的管轄權直接相當於擁有主權”。

F 非

The surrender of military troops marks a transfer of territorial sovereignty to the country of the conquering military forces.

軍隊的投降標誌著領土主權向征服軍隊的國家轉移。

F 非

The Hague Regulations of 1907 give a definition of “military occupation” which is considered part of the internationally recognized laws of war.

1907年 “海牙公約附屬章則”所列出“軍事佔領”的定義，係被認為是國際公認的戰爭法的一部分。 T 是

“Military occupation does not transfer sovereignty” is a firm rule of international law.

“軍事佔領不轉移主權”是一項硬性的國際法規則。

T 是

After a period of fifty or seventy-five years, the rule that “Military occupation does not transfer sovereignty” no longer applies.

經過五十年或七十五年後，“軍事佔領不轉移主權”的規則不再適用。

F 非

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TRUE/FALSE 是/非

*According to the laws, customs, and precedent already firmly recognized in the period of the Spanish American War (1898):*

根據美國-西班牙戰爭時期（1898年）早已確認的法律、習俗和慣例：

When military government is in force in a particular territory/region, the most commonly used (default) descriptive terminology is to say that it the territory is under a status of “military occupation.”

當軍政府在特定領土/地區執行時，最常用的（預設）描述性術語是指該領土處於“軍事佔領”狀態。

T 是

The surrender of military troops marks the end of the war.

軍隊的投降標誌著戰爭的結束。

F 非

After the surrender of local troops, the territory comes under military occupation, with the “conqueror” serving as the legal occupier, but the territorial sovereignty is not changed.

在當地部隊投降後，該領土處於軍事佔領之下，“征服者”作為合法佔領者，但領土主權沒有改變。

T 是

After the coming into force of the Spanish American Peace Treaty, legal status of Cuba could be described as “unsettled” or “undetermined.” This is because in the peace treaty, the territorial sovereignty of Cuba was ceded by Spain, but no “receiving country” was designated.

在“美國-西班牙和平條約”生效後，古巴的法律地位可以被描述為“未決”或“不確定”。這是因為在和平條約中，古巴的領土主權被西班牙割讓，但沒有指定 ”收受國”。

T 是

The military occupation of Cuba ended with the coming into force of the Spanish American Peace Treaty.

隨著“美國-西班牙和平條約”的生效，對古巴的軍事佔領結束了。

F 非

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TRUE/FALSE 是/非

*According to the laws, customs, and precedent already firmly recognized in the period of the War of 1812 (1812 -1815 ):*

根據1812年戰爭期間（1812-1815）早已確認的法律、習俗和慣例：

The “Treaty of Paris” signed on Sept. 3, 1783, and which came into force on Jan. 14, 1784, between the United States and Great Britain, specified that the American colonies were granted independence. According to the laws of war, British citizens can justly criticize this as an “unequal treaty” and assert that these colonies were stolen from Great Britain.

1783年09月03日簽署、1784年01月14日生效，美國和英國之間的“巴黎條約，”規定美國殖民地獲得獨立。根據戰爭法，英國公民可以公正地批評這是一個 ”不平等的條約”，並斷言這些殖民地是從英國偷來的。

F 非

The legal principles of military occupation do not apply when declarations, proclamations, communiqués, etc. are issued beforehand, announcing the intention of the invading military forces to “annex” the territory.

若在事先發布相關「聲明」、「宣言」、「公報」等，清楚公布入侵軍隊有“吞併”領土的意圖時，軍事佔領的 法律原則不適用。

F 非

In June 1812, when the war originally broke out, the best action for British Parliament to take would be to formally abrogate all treaties between the United Kingdom and the “United States of America.” Such an action would cause the territorial sovereignty of the original 13 colonies to immediately be returned to Great Britain.

1812年06月，當戰爭爆發時，英國議會採取的最佳行動是正式廢除英國與美國之間的所有條約。這樣的行動將導致原來的13個殖民地之領土主權立即返回英國。

F 非

In Castine, Maine, all U.S. military troops surrendered on Sept. 1, 1814, the British flag was raised, the local police forces, customs house officials, and other government officials were replaced by British citizens. Under these circumstances, the territorial sovereignty of this town remains with the United States of America.

在緬因領土卡斯廷鎮，1814年09月01日，美國所有軍隊投降，英國國旗升起，當地警察、海關官員和其他政府官員都換為英國公民。 在這種情況下，該鎮的領土主權仍屬於美國的。

T 是

The peace treaty (Treaty of Ghent) came into force on Feb. 18, 1815, but did not specify a territorial cession of the town of Castine, Maine, to Great Britain. If British loyalists claim that: “Our troops are in Castine, Maine, therefore that town belongs to us, and is under British sovereignty,“ they are mistaken.

和平條約（根特條約）於1815年02月18日生效，但沒有具體規定將緬因州卡斯廷鎮的領土割讓給英國。 效忠英國的人士若主張： ”我們的軍隊在緬因領土的卡斯廷鎮，因此這個城鎮屬於我們，而且屬於英國的主權，“ 他們是錯的。

T 是

Page 4

TRUE/FALSE 是/非

*According to the laws, customs, and precedent already firmly recognized in the period of the Mexican American War (1846 - 1848):*

根據墨西哥美國戰爭時期（1846年至1848年）早已確認的法律、習俗和慣例：

The surrender of military troops in one geographic location immediately results in a transfer of territorial sovereignty to the country of the conquering military troops.

在某一個地理位置，軍隊的投降立即導致領土主權移交給征服軍隊的國家。

F 非

Military occupation is conducted under military government.

軍事佔領是在軍政府下執行的。

T 是

In regard to a territorial cession specified in a peace treaty, the sovereignty of the original “mother” country continues until the peace treaty comes into force.

關於和平條約中規定的領土割讓，原始“母親”國家的主權一直持續到和平條約生效為止。

T 是

For territory separated from the “mother country” via territorial cession in a peace treaty, the military occupation ends when the treaty comes into force.

對於通過和平條約中的領土割讓與“母國”分離的領土，軍事佔領在條約生效時當場結束。

F 非

The coming into force of the peace treaty marks the end of the war.

和平條約的生效標誌著戰爭的結束。

T 是

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