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| Taiwan Historical News台灣歷史性新聞  Reporting on Important Historical Topics which affect our understanding of Today’s News  會影響我們對今日新聞理解之重大歷史性議題報導 |

Honolulu, New York, Washington DC, Seattle, Los Angeles

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OFFICIAL CIA REPORT: 中央情報局官方報告

TAIWAN REMAINS UNDER MILITARY OCCUPATION

台灣仍然是軍事佔領下

CIA REPORT: The Republic of China does not have sovereignty over Taiwan

中情局報告︰ 中華民國對台灣沒有主權

ANCHOR 1: The Chinese have continually claimed that Taiwan was returned to China in late October 1945, at the completion of the Japanese surrender ceremonies. However, an official Central Intelligence Agency report from March 1949 confirms that Taiwan is territory under military occupation.

主播 1︰ 中國人不斷聲稱，在日本投降儀式完成時，台灣於1945 年 10 月底已經歸還中國。然而，一份中情局在1949 年 03 月之官方報告證實台灣是在軍事佔領下的領土。

ANCHOR 5: Many of the websites of leading think-tanks in the United States have specific commentary to the effect that Taiwan was returned to China after the close of hostilities in WWII. Or at least, their reportage on Taiwan’s history gives the strong impression that China gained (or “re-gained) sovereignty over Taiwan in late October 1945. This view appears to be very widespread, and is the commonly held interpretation.

主播 5︰ 美國的許多重要智庫的網站上都有特別評論到認為台灣在第二次世界大戰的交戰結束後返回了中國。或者至少，他們對台灣歷史的報導給人強烈的印象，認為中國在 1945 年 10 月底獲得了（或 "重新獲得了”） 對台灣的主權。這一個觀點看起來是廣泛流傳，也是普遍持有的解讀。

SPECIAL REPORT 特別報導

PART 1 第1部

ANCHOR 2: So, the issue we want to look at is this: The commonly held interpretation is that Taiwan was returned to Chinese sovereignty in 1945. Does the information in the CIA report affect our recognition of this in any way?

主播 2︰ 所以，我們想看看的問題是︰這個普遍持有的解讀就是台灣在 1945 年，歸還到中國的主權之下。中情局報告中之資訊是否使得我們對此問題的認知有任何影響？

ANCHOR 1: We asked one of our reporters to interview a number of experts in the Washington D.C. area who regularly write on Taiwan issues. She filed this report:

主播 1︰ 我們要求我們的一位記者去美國首都華盛頓地區採訪一些定期撰寫台灣問題的專家。她提交這份報告︰

ANCHOR 4: I recently attended a number of conferences on Asian political and legal issues. The topic of Taiwan was discussed in some detail. I asked the views of over ten people, and I can offer a summary of what they said as follows –

主播 4︰ 我最近出席了一些關於亞洲的政治和法律問題的研討會。台灣這個議題以及很多相關細節被徹底討論了。我問了十餘人的看法，並提供他們所說的摘要如下：

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| After the Chinese took control over Taiwan in late October 1945, there were a number of years where everything was unstable. The circumstances deteriorated to a point where many commentators described the situation as a “military dictatorship.” The CIA report clearly reflects that. That military dictatorship situation, often called the “martial law period,” continued for nearly forty years. However, it ended in 1987. Taiwan began to democratize in the early 1990s. Since that time, the continuing democratic development in Taiwan has won a lot of admiration from the international community. In the present era, Taiwan is often praised as a good example of a Chinese democracy. No one speaks of a military dictatorship any more, and you don’t see any significant numbers of military officers on the streets when you visit Taiwan. |

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| 在中國人於1945 年 10 月底控制了台灣之後，有幾年時間那裡一切都很不穩定。情況惡化到一個地步，被那裡很多評論家把該情況描述為「軍事獨裁」。這份中情局報告是反映這個情形。而那樣的軍事獨裁狀況，就是通常所稱之「戒嚴時期」，也持續了將近四十年。不過於 1987 年戒嚴結束了。在 1990 年代初期台灣開始民主化。自那時以來，台灣持續的民主發展，也贏得了國際社會很多的欽佩。在當今時代，台灣常被稱讚為華人民主的好榜樣。現在沒有人再提及軍事獨裁，而且當您訪問台灣時，在街上也看不到顕著數量的軍方人員。 |

ANCHOR 1: Well, unfortunately, trying to explain the content in the 1949 CIA Report on Taiwan this way is entirely incorrect. The doctrine of “military occupation” under international law has a very specific meaning and application. It has no direct correspondence to the general notion of a “military dictatorship.” Military occupation has different stages, and one is commonly called “friendly occupation” or “civil affairs administration.”

主播 1︰不過，不幸的是，嘗試用這種方式來解釋中央情報局在 1949 年報告中有關台灣的內容，是完全不正確的。國際法中「軍事佔領」的法律觀念，有一個非常特定的意義和應用方式。它和 "軍事獨裁" 的一般概念沒有直接相關。軍事佔領有不同的階段，其中之一為通稱的「友善佔領」或「民政管理」。

ANCHOR 2: Our production team made a short film clip to introduce the subject of military occupation to our audience. Let’s watch that now.

主播 2︰ 我們的製作團隊作了一個簡短影片來為我們的聽眾介紹軍事佔領這個主題。現在譲我們來觀看。

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| An Introduction to Military Occupation  軍事佔領簡介  Since ancient times, it was common to see that the conquest of territory in battle allowed for immediate annexation by the conquering army. However, during the period of the Napoleonic Wars, the international community began to change its views on this method of dealing with conquered territory, and the concept of “military occupation” was gradually established as a norm of international law.  自古以來，常見在戰争中征服的領土被允許立即由征服的軍隊所併呑。不過，在拿破崙戰爭期間，國際社會開始改變對這種處理被征服領土方式的看法，而 "軍事佔領" 的觀念就逐漸建立起來成為國際法的常態。  Where did the concept of “military occupation” come from? It is generally attributed to the writings of Vattel, a Swiss legal expert and diplomat who lived from 1714 to 1767. Among other subjects, Vattel made extensive commentaries on the conditions when war could be waged, the restrictions which should be applied on how nations could conduct war, and the considerations necessary for dealing with the aftermath of war. He was influenced by the writings of Hugo Grotius, a Dutch jurist and ambassador, whose most famous work, The Laws of War and Peace, was published in 1625, and also by other authors, who had written on these types of topics as far back as the early 1400s. Vattel’s most famous book was The Law of Nations, published in 1758.  "軍事佔領" 的觀念是從哪裡來的？它是一般歸因於瓦特爾(Vattel)先生的著作。他是瑞士的法律專家和外交家，生於1714 年，死於1767年。在相關的題目上，瓦特爾先生也對在什麼條件下可以發動戰爭、國家應如何進行戰爭、其所應該受到的限制、以及戰爭之後處理善後的必要考量等等作了深入的評論。他受到荷蘭法學家兼外交官 格老秀斯(Grotius)的論述所影響。格老秀斯最著名的著作－戰爭與和平的法律，於1625年出版。瓦特爾先生也受到其他一些作者早在1400年代初期所寫的這些主題類型的作品所影響。瓦特爾最著名的著作是萬國公法，於1758年出版。  Vattel felt that the invasion and immediate annexation of territory did not conform to modern notions of justice. He therefore advanced the new legal theory that after the conquest of territory there should be an interim period, known as “military occupation.” This should be followed by a formal decision as to the disposition of the territory, which should be clearly written down in a formal peace treaty.  瓦特爾認為，入侵領土並立即將其併吞不符合現代公義概念。他因此推動此新的法律理論，即在領土的征服之後應有個過渡的時期，稱為"軍事佔領"。接著應該有如何處置該領土的正式決定。此決定應以正式的和平條約之方式清楚地寫下來。  This distinction then became clear and has been recognized among the principles of international law since the end of the Napoleonic wars in the early 1800's. Such principles are included in the scope of what are known as “the customary laws of warfare.” These customary laws were more formally codified in the Hague Conventions of 1907.  所以自1800 年代早期拿破崙戰爭結束以來，這樣的區別已經很清楚，並且已被確認在國際法原則之列。這些原則並被包括在稱之為 "戰爭的慣例法" 的範疇之內，且這些慣例法更正式地在1907 年的《海牙公約 》中編成法典。  From this simple introduction, we can see that “annexation” and “military occupation” are two opposing concepts. In the modern era, after the conquest of territory, and according to the precedent established since the end of the Napoleonic Wars (circa 1815), and codified in the Hague Conventions, there are no criteria whereby the immediate annexation of conquered territory can be accomplished.  從這個簡單的介紹，我們可以看到，"併吞" 和 "軍事佔領" 是互相對立的兩個觀念。在現代的時代，在領土征服之後，並根據拿破崙戰爭的結束（大約 1815年）以來所建立的先例，且在海牙公約中編成法典，並沒有準則可以藉之以完成將所征服的領土立即併呑。  Now let’s discuss this in a bit more detail. The condition in which territory is under the effective control of foreign military personnel is known as “military occupation,” and this may be more formally defined as invasion, conquest, and control of a nation or territory by foreign armed forces.  現在讓我們更詳細來討論這一問題。領土是在外國軍事人員有效控制下的情況就是所謂 "軍事佔領"，這可更正式的定義為：  軍事佔領是一個國家或領土被外來武裝力量入侵、 征服和控制。  In regard to the military occupation of any particular area, it is important to distinguish three elements: (1) the legal occupier, (2) the beginning date of the occupation, and (3) the ending date of the occupation.  關於任何特定地區的軍事佔領，很重要的是要區分三個元素: （1）合法的佔領者，（2）佔領的開始日期，和（3）佔領的結束日期。  As stated above, the legal occupier is the conqueror, who has both the right and the responsibility to conduct the administration of occupied territory. But of course the law of agency is always available, and the administration of occupied territory can be delegated to other military forces. The criteria for establishing the beginning and ending dates for the occupation can be determined by examining historical precedent. The Spanish American War cessions provide some good examples. ，  如上文所述，合法的佔領者就是領土的征服者，它有權利和責任執行被佔領領土之管理。不過當然，代理人的法律總是存在，因而被佔領領土之管理可委派給其他軍事力量。佔領的開始日期和結束日期認定之準則可以由檢視歷史上之先例而決定。美西戰爭之領土割讓提供一些好的例子。  It is clear from the examples in this table that the surrender ceremonies only mark the beginning of the military occupation. This is the only interpretation which fully complies with the customary laws of warfare, which include the Hague Conventions. There is no transfer of territorial sovereignty on this date, indeed the original sovereign maintains sovereignty until the peace treaty comes into force. As these examples are from U.S. history, the end of the military occupation, which is the end of United States Military Government jurisdiction over each area, was formally announced by the U.S. Commander in Chief.  從這個表中的例子可以清楚看出，投降儀式只是標記著了 “軍事佔領” 的開始而已。這是唯一的定羲、唯一的解釋，完全符合包括《海牙公約》在內之「戰爭慣例法」。誠然，在此日期，原始主權國仍然維持其主權，直到和平條約生效 (而有新的處置) 為止。正如這些例子都是從美國歷史而來，每一個地區軍事佔領的結束，也就是美國軍(事)政府對該區管轄權的結束，都是由美國統帥 (即美國總統)正式宣佈。這是慣例。  Some people point to various documents such as the Cairo Declaration, Potsdam Proclamation, etc. as supposedly authorizing the transfer of Taiwan’s territorial sovereignty to China at the surrender ceremonies of October 25, 1945. However, such an interpretation is impossible.  一些人指向如《開羅宣言 》、《波茨坦公告 》等之不同文件，作為理當授權將台灣的領土主權於1945 年 10 月 25 日投降儀式之時移交中國。然而，這種解讀是不可能的。  The people who advance such interpretations do not understand the full scope of what is called “international law.” These people may understand PRIVATE LAW, and they may understand PUBLIC LAW as applied in normal peacetime situations. But these do not comprise the full scope of international law. Here is a table which illustrates this.  推動這種解讀的人並不明白所謂 "國際法" 的全部範疇。這些人可能明白私法，而且他們也可能理解在正常的和平時期狀態中所應用之公法。但這些並不構成國際法的完整範疇。這裡有一個表，說明了這一點。  International Law 國際法  Private Law 私法  Public Law 公法  Law of Peace 和平時期狀態中之公法  Law of Armed Conflict 武裝衝突法  Conflict Management 武裝衝突之管理  Rules of Hostilities 敵對行動之規則  These scholars do not understand the legal implications of “surrender ceremonies” and the concept of military occupation. This is because they are unaware of the full scope of international law, which includes the laws of war, the laws of occupation, military jurisdiction in its broadest sense, etc. All of these topics fall under the general category of “The Law of Armed Conflict.”  這些學者不明白"投降儀式" 的法律含意以及“軍事佔領”的觀念。這是因為他們不知道國際法的完整範疇。國際法包括戰爭法、佔領法、最廣泛意義之軍事管轄權等等。所有這些議題都可以歸在 "武裝衝突法" 之一般類別之下。  In relation to Taiwan, there was an official Memorandum regarding Taiwan’s legal status, which was issued on February 3, 1961, by the U.S. Dept. of State. This is commonly known as the Czyzak Memorandum. Among the many references given therein, there were quotations from U.S. documents presented to the United Nations in late December 1950, which asserted that --  關於台灣，曾有一個由美國國務院在 1961 年 02 月 03 日所發佈的關於台灣法律地位的官方備忘錄。這通常稱之為齊紮克備忘錄。在那裏面所給的很多參考資料當中，也有從美國在1950年12月底提交給聯合國的文件之引文，宣稱…  . . . The Cairo Declaration of 1943 stated the purpose to restore 'Manchuria, Formosa, and the Pescadores to the Republic of China.' That declaration, like other wartime declarations such as those of Yalta and Potsdam, was in the opinion of the United States Government subject to any final peace settlement where all relevant factors should be considered . . .  1943 年《開羅宣言》陳述了歸還 ”滿洲、福爾摩沙和澎湖給中華民國＂之意向。那一份宣言，就像如《雅爾達協定》和《波茨坦公告》等之戰時宣言一樣，依美國政府的意見，是受最終之和平解決方案所約束。而和平解決方案則應當考慮所有相關因素 . . . . .  . . . The Yalta agreement like the Cairo declaration has been considered by the United States to be a statement of intention rather than as creating binding international commitments.  《雅爾達協定》像《開羅宣言》一樣，已被美國認為是意向聲明，而不是作為創建具有約束力的國際承諾。 |

ANCHOR 1: So, we can firmly establish that Taiwan was **not** returned to China in late October 1945. That date only marks the beginning of the military occupation, and international law states that “military occupation does not transfer sovereignty.”

主播 1︰ 所以我們可以確定，台灣並不是在 1945 年 10 月底歸還給中國。該日期只標記軍事佔領的開始，而且國際法規定："軍事佔領不轉移主權"。

However, the websites of many of the leading think-tanks take it for granted that the territorial sovereignty of Taiwan was returned to China in 1945, and then base all of their analysis on that premise.

然而，許多重要智庫之網站把 ”台灣領土主權於1945年歸還中國＂視為理所當然，然後所有他們的分析都基於這一個前提。

ANCHOR 2: Yes, we commonly see the statement that the People’s Republic of China (PRC) and the Republic of China (ROC) split amid civil war in 1949, with the ROC taking refuge in the Chinese province of Taiwan. So, this is supposed to have created a condition of “Two Chinas.”

主播 2︰ 是的，我們通常會看到聲明說中華人民共和國（PRC） 和中華民國(ROC) 在1949 年因內戰而分裂，而中華民國則避難於 “中國的台灣省”。所以，這就好像創造了 "兩個中國" 的情況。

ANCHOR 3: But for Taiwan, we can extrapolate from this table of the Spanish American War cessions. We quickly see that the original sovereign (which was Japan) held sovereignty until the peace treaty came into effect, which would be April 28, 1952. So, in 1949, Taiwan was still sovereign Japanese territory.

主播 3︰ 但對台灣而言，我們可以從這個美西戰爭割讓之圖表來推斷。我們很快看到原始的主權國（是日本） 一直持有主權，直到和平條約於1952 年 04 月 28 日生效為止。所以，在1949年，台灣仍然是主權國日本的領土。

ANCHOR 4: So, this means that in late 1949, when the ROC moved its central government to occupied Taiwan, it was moving ***outside*** of China’s national territory. At that point, it immediately became a government in exile. Legally speaking, there is no way to interpret this as “Two Chinas,” because the ROC is neither a legitimate government for mainland China, nor for Taiwan.

主播 4︰ 所以，這意味著在1949年後期，當中華民國將其中央政府遷往被佔領台灣時，它已經搬遷至中國的國家領土之外。在那一個時間點上，它立即成為了一個流亡政府。從法律上講，並沒有辦法將此解讀為 "兩個中國"，因為中華民國既不是中國大陸的合法政府，也不是台灣的合法政府。

ANCHOR 2: Also, there is no way to interpret this in a manner which holds that China is a “divided nation.” This is because the so-called Republic of China government is located ***outside*** of China’s national territory.

主播 2︰ 還有，也無法以視中國為一個 "分裂的國家" 之方式來解讀。這是因為所謂的中華民國政府是移出中國國家領土之外。

ANCHOR 3: Nevertheless, despite all of these arguments, the question that always arises is: Does the ROC on Taiwan meet the international legal criteria for statehood?

主播 3︰ 雖然，儘管所有這些爭論，總是會一直出現的問題是︰ 中華民國在台灣有符合國際法上 “國家＂ 的認定標準嗎？

Please stay tuned for our continuing coverage in Part 2.

請繼續關注我們在第 2 部的後續報導。

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| Taiwan Historical News台灣歷史性新聞  Reporting on Important Historical Topics which affect our understanding of Today’s News  會影響我們對今日新聞理解之重大歷史性議題報導 |

Honolulu, New York, Washington DC, Seattle, Los Angeles

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OFFICIAL CIA REPORT: 中央情報局官方報告

TAIWAN REMAINS UNDER MILITARY OCCUPATION

台灣仍在軍事佔領下

CIA ANALYSIS: The Republic of China on Taiwan does not meet the qualifying criteria for statehood

中央情報局的分析：在台灣的中華民國不符合「國家」的資格標準

ANCHOR 1: We have produced a short film clip which reviews the history of Taiwan and offers a new perspective for discussing the Republic of China’s qualifying criteria for “statehood” under international law.

主播 1︰ 我們製作了一個回顧台灣的歷史的影片，並提供了新的視角來討論中華民國是否符合 "國家" 的資格標準。

SPECIAL REPORT 特別報導

PART 2 第2部

ANCHOR 3: Many people are confused about this topic, and many websites of the leading think-tanks in the United States and other countries also contain much incorrect or misleading information. Let’s look at our next film clip.

主播 3:很多人對這個議題感到混淆，而美國和其他國家的許多重要智庫之網站還包含很多不正確的或誤導性的資訊。現在讓我們看看我們接下來的影片剪輯。

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| Territorial Cession as the Result of War  戰敗的後果導致領土被割讓  Trinidad Cession 特立尼達割讓區  California Cession 加利福尼亞割讓區  Cuba Cession 古巴割讓區  Guam Cession 關島割讓區  Philippines Cession 菲律賓割讓區  Puerto Rico Cession 波多黎各割讓區  Dodecanese Cession 多德卡尼斯群島割讓區  Sazan Cession 薩森割讓區  Taiwan Cession 台灣割讓區  Let’s look again at our table, which we discussed in Part 1 of this news report. We want to pay special attention to the positioning of Cuba. In the Treaty of Paris after the Spanish American War, Spain relinquished the sovereignty of Cuba, but no receiving country was specified. This is a very similar situation to Taiwan.  讓我們再看看我們的圖表，我們在這個新聞報導的第1部也討論過。我們要特別注意古巴的定位。 在美西戰爭後的《巴黎條約 》中，西班牙放棄古巴的主權，但沒有指定收受國。這是與台灣很相似的情況。  So, we may want to ask, what is the condition of Cuba after the peace treaty came into force on April 11, 1899, and before Cuba became independent? During this period, Cuba was not yet a state in the international community, nor was it a part of any other country. We can say that its final political status was “unsettled” or “undetermined.”  所以，我們可能想問，古巴在 1899 年 04 月 11 日和平條約生效後，也就是古巴獨立之前，它的狀況是什麼？答案是：在此段期間，古巴既還不是國際社會中的一個國家，也不是任何其他國家的一部分。我們可以說，其最終的政治地位是 "未解決" 或 "未定"。  Notably, Cuba remained under military occupation after the peace treaty came into force.  要特別注意的是，在和平條約生效後，古巴仍然維持軍事佔領的狀態。  This is a very good precedent and good comparative example for discussing Taiwan’s situation. The military occupation of Taiwan began in late October 1945, and the peace treaty came into force on April 28, 1952. In the peace treaty, Japan renounced sovereignty over Taiwan, but no receiving country was specified.  這在討論台灣情況上是很好的前例，可說是極佳的 “比較性例子“。 台灣的軍事佔領始於 1945 年 10 月底，而和平條約則於 1952 年 4月 28 日生效。 在和平條約中，日本放棄了對台灣的主權，但是沒有指定一個收受國。  We must also note that there are only two possible outcomes for the “final political status” of any occupied territory. In the first case, the territory becomes a sovereign nation in its own right, otherwise, the territory becomes "part" of another sovereign nation.  我們還必須注意的是任何被佔領領土的 "最終政治地位" 只有兩個可能的結果。 第一種情況是該領土依自己的權利成為一個主權獨立國家，不然就是成為另一主權獨立國家的 “一部分”。  Hence, the often heard statement that the legal status of Taiwan is “unsettled” or “undetermined” is further proof that Taiwan remains in a condition of military occupation in the present day.  因此，所經常聽到台灣的法律地位是 "未解決" 或 "未定" 的說法，更進而證明台灣現在仍停留在軍事佔領的情況中。  Moreover, by recognizing that that Taiwan is under military occupation, we have additional verification that Taiwan has not been transferred to Chinese sovereignty. It remains under the jurisdiction of the “legal occupier,” which is the conqueror. With reference to the record of military attacks on Taiwan territory during the WWII period, that is the United States of America.  此外，因著承認台灣仍是在軍事佔領之狀態下，我們就有了更進一步的證明，台灣尚未被移轉到中國的主權之下。台灣仍然在 "合法佔領者" (即征服者) 的管轄之下。參照美日太平洋戰爭期間對台灣之軍事攻擊的紀錄，征服者就是美國。  So, from the 1949 CIA report, we can immediately understand that there was no transfer of Taiwan’s territorial sovereignty to China in 1945. The surrender ceremonies only mark the beginning of the military occupation. Additionally, with the recognition that Taiwan is occupied territory, we must pay special attention to the customary laws of warfare, which have prohibitions against many types of activity in areas under military occupation. Such prohibited activities are all serious violations of international law.  所以，從 1949年的中情局報告，我們立即明白在1945年台灣的領土主權並沒有移轉給中國。投降儀式只是標記軍事佔領的開始。此外，因著承認台灣是被佔領的領土，我們必須特別注意戰爭慣例法中，在軍事佔領下地區有許多類型的活動被禁止的。這些被禁止的活動都是對國際法的嚴重違反。  The ROC’s violations of international law in occupied Taiwan territory include:  中華民國對被佔領的台灣領土，所做違反國際法的行為包括：   * the mass naturalization of native Taiwanese as ROC citizens in January 1946, * 在1946 年 01 月，把本土台灣人集體歸化為中華民國國民， * the confiscation of Japanese public and private property, * 沒收日本的公共和私人財產， * the implementation of military conscription policies over the local populace, * 對台灣當地的民眾執行徵兵的政策， * the promulgation of a new legal code, legal structure, or constitution in December 1947, etc. * 在1947 年 12 月頒佈新法典、新法律結構、新憲法等。   Of particular importance is to note that the amendment of the ROC Constitution by adding additional Articles does nothing to change the fact that the promulgation of this Constitution in Taiwan should be considered void ab initio.  特別重要的是要注意，以增加新條款所做之中華民國憲法修訂無法改變一個事實，即在台灣頒佈此憲法應視為從頭無效。  Now let us turn to the Republic of China’s supposed “qualifying criteria” for statehood under international law.  現在讓我們來看，中華民國在國際法之下為「國家」所該當的 “合格標準”。  The Republic of China and the Montevideo Convention  中華民國/台灣 與蒙特維多公約  Many researchers claim that the ROC on Taiwan meets the four Montevideo Convention criteria for statehood. They completely ignore the facts that (1) the mass naturalization of native Taiwanese persons as ROC citizens in Jan. 1946 is illegal under the laws of war, (2) there are no international treaty references which can lead any credibility to the assertion that the ROC has the title to Taiwan territory, and (3) as of late 1949 the ROC has already become a government in exile.  許多研究者聲稱中華民國在台灣符合蒙特維多公約 “成為國家” 的四個標準。 他們完全忽略了這些事實：(1) 本土台灣人在 1946 年元月被集體歸化為中華民國公民，在戰爭法下是違法的，（2）檢視國際條約中無法找到任何條文可資參考以便證明中華民國對台灣領土享有主權，(故對中華民國如此主張 “擁有台灣主權”，這句話在國際社會中不被承認)，和 (3) 在1949年12月，中華民國已經成為一個流亡政府。    Significantly, there is no doctrine under international law whereby certain actions taken by a government in exile can cause it to become the internationally recognized legal government of its current locality.  重要的是，在國際法之下，沒有任何法理可以讓一個 “流亡政府” 可藉之以採取某些行動來導致它在當前所在地成為一個被國際承認的合法政府。  By definition, a government in exile is spoken of in terms of its native country, hence it must return to its native country and regain power there in order to obtain legitimacy as the legal government of that geographic area. In other words, in order for the ROC to obtain legitimacy in the international community, it would have to return to Nanjing, China, and resume governance there.  根據定義，流亡政府是就對其祖國而言，因此它必須返回到其祖國並在那邊重新獲得權力，以取得作為該地區合法政府之合法性。換句話說，為了讓中華民國在國際社會中取得合法性，它將必須回到中國的南京，並恢復那裡的治理權。  In Taiwan, the ROC has been exercising control for over 70 years. However, it cannot invoke the international law doctrine of “prescription” in an attempt to claim the ownership of Taiwan territory. This is because international law states that “military occupation does not transfer sovereignty.”  在台灣，中華民國一直實施控制已超過70 年。 不過，它不能援引國際法的 "時效原則"，企圖主張擁有台灣領土的所有權 (即 “主權”)。這是因為國際法規定，“軍事佔領不移轉主權。” |

ANCHOR 2: Military occupation is conducted under “military government.” Are there any other areas which were confirmed to be under United States Military Government (USMG) jurisdiction as a result of WWII in the Pacific?

主播 2︰ 軍事佔領是在 "軍政府" 下來進行。有沒有任何其他地區因美日太平洋戰爭結果被證實為在美國軍政府（USMG）管轄之下？

ANCHOR 4: Yes, the Ryukyu island group is one specific example. United States Military Government jurisdiction over the Ryukyus and Taiwan are both confirmed by Article 4(b) of the treaty. Based on the records of military attacks on the Ryukyus and Taiwan in the WWII period, this is what we would expect.

主播 4︰ 有。琉球群島是一個清楚的例子。美國軍政府對琉球和台灣的軍事政府管轄，都從舊金山和約第 4(b) 條證實了。基於美日太平洋戰爭期間在琉球群島和台灣的軍事攻擊記錄，這是我們所能預料的。

ANCHOR 5: Did the Republic of China gain any rights to jurisdiction over Taiwan under the terms of the treaty?

主播 5︰ 根據條約的條款，中華民國有得到任何對台灣管轄的權利嗎？

ANCHOR 4: No, none.

主播 4︰ 完全沒有。

ANCHOR 5: Has there been any end to USMG jurisdiction over these areas?

主播 5︰ 在這些地區有任何美國軍政府 (USMG) 管轄權的終止？

ANCHOR 1: Well, for the Ryukyu island group, the U.S. Commander in Chief Richard Nixon announced the end of USMG jurisdiction effective May 15, 1972. However, for Taiwan, no U.S. President has made any similar announcement.

主播 1︰喔！美軍總司令尼克森總統曾宣佈USMG對琉球群島管轄之結束於1972 年 05 月 15 日生效。然而，對台灣，沒有一個美國總統有做出任何類似的宣佈。

ANCHOR 5: So, in the current era, the United States has continued to delegate the military occupation of Taiwan to the Republic of China, which is to say the Chinese Nationalists.

主播 5︰ 所以，在當前的時代，美國還繼續把台灣的軍事佔領委派給中華民國，(指的是 “中國的國民政府” 或稱 “中國的舊政府”)。

ANCHOR 4: That is correct.

主播 4︰ 那是正確的。

ANCHOR 3: So, a correct assertion of Taiwan’s international legal position is to say that it is an overseas territory of the United States under military government. However, the administrative authority for day-to-day management tasks has been delegated to the Chinese Nationalists.

主播 3︰ 所以，對台灣的國際法律地位一個正確的主張就是：台灣是在 “美國軍政府管轄下的美國海外領土”。不過，對於日常管理任務的行政權力已委派給 “中國的國民政府” (即 “中華民國”)。

ANCHOR 1: Yes. In closing today, what is important for us to realize is this:

The solution to Taiwan’s problems must be found in Washington D.C., it will not be found in Taiwan.

主播 1︰ 是的。在今天的節目結束時，重要的是我們要體認一個重點，即︰

台灣問題的解決方法，必須在美國首都華盛頓特區裏找到，在台灣境內是找不到的。