

美國陸軍戰場手冊 (Field Manual) 彙編

FM 41-10 第十一章 支援民政治理

雲程 翻譯 (Ver.1.0)

Chapter 11 Support to Civil Administration

Support to civil administration is the most specialized CA supporting mission. CA commands and brigades are organized to support civil administration in support of FNs. Support to civil administration, depending on the activity, is military involvement in areas of civilian government including executive, legislative, or judicial.

CONCEPT OF CIVIL ADMINISTRATION

Civil administration support is assistance to stabilize a foreign government. There are three mission activities that support civil administration -- civil assistance, civil administration in friendly territory, and civil administration in occupied territory (Figure 11-1, page 11-2). It fulfills obligations arising from treaties, agreements, or international law (see FM 27-10). The military role in civil administration varies with the operational continuum and the need or degree of support that the allied government requires or the NCA directs.

CA units organize for civil administration support missions that conform to the area's political, geographic, social, and economic structure. Their varying sizes and capabilities enable them to support --

- Population centers.
- Specific government subdivisions.
- Economic and industrial complexes and regions.

CA commands and brigades are specifically organized to accomplish a civil administration mission. CA battalions must be augmented by specialty teams from the command or brigade to accomplish some phases of this mission. The mission, conditions, and characteristics of the AO determine the CA support structure. CA units organize and employ assets to achieve --

- Flexibility of employment.
- Economy of force of CA personnel and resources.
- Practical ratio of command, administrative, and support personnel to operational personnel.

Recognizing political implications is essential to effective civil administration. To ensure continuity, CA civil administration operations employ centralized direction and decentralized execution.

By selecting the right mix of functional specialties, a CA element may be task-organized and deployed to --

第十一章 支援民政治理

支援民政治理，是民政 (CA) (註 1) 支援任務中最特殊的部份。民政的指揮部與團部是為了支援外國中支援民政治理。對民政治理的支援，依照活動而定，是包括行政、立法或司法等民政府領域的軍事介入。

民政治理的概念

民政治理支援是來協助穩定一個外國政府。有三個任務活動來支援民政治理，即民政協助 (civil assistance)、友善領土的民政治理 (civil administration in friendly territory)，以及佔領地的民政治理 (civil administration in occupied territory)。請見原件的第 11-12 頁中表 11-1。民政治理履行條約、協定或國際法的義務 (請參見 FM 27-10)。民政治理中的軍事角色，隨著運作，以及支援的需求或程度聯盟政府要求或國家指揮當局 (NCA) (註 2) 的指令而異。

民政治理單位隨著民政治理任務而編組，以因應當地之政治、地理、社會和經濟結構。民政治理的規模以及能力，賦予其支援：

- 人口中樞。
- 特別的政府下屬單位。
- 經濟與工業複雜性與地區性。

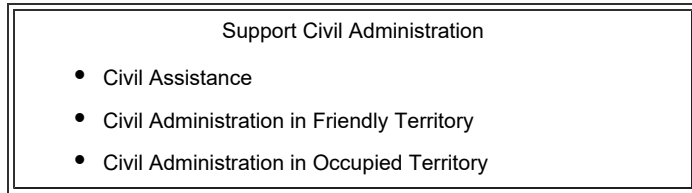
民政指揮部與團部是特別為因應民政治理任務編組而成。民政大隊應由指揮部或團部派遣的專業團隊，以支援某些特殊面向。任務、條件，和作戰領域 (AO) (註 3)，決定著民政支援架構之性質。民政單位組織與配置各項資產，以達成：

- 活動的彈性。
- 民政人員與資源經濟。
- 指揮部的實際比例、治理，和支援人員至運作人員。

承認政治含意對有效的民政治理是非常重要的。民政的民政治理運作，使用集中化的指令與分散化的執行，以保證其一致性。

- Provide the necessary C².
- Satisfy support requirements under specific military, legal, and environmental conditions.

↓ Support to civil administration is made up of three mission activities:



Populace and Resources Control

- Foreign Nation Support
- Humanitarian Assistance
- Military Civic Action
- Civil Defense

Figure 11-1. Support to civil administration mission activities.

CIVIL ASSISTANCE

CA units support civil assistance in the aftermath of natural or man-made calamities or disasters. Based on military necessity, a commander may begin civil assistance within his assigned AOR to --

- Maintain order.
- Provide potential life-sustaining services.
- Control distribution of goods and services.

Civil assistance differs from the other two activities of civil administration because it is based on the commander's decision. It provides short-term military support to an established government or populace and does not incur a long-term U.S. commitment. It also provides support at the subnational level to a U.S.-recognized government. CA units support civil assistance by --

- Determining the capabilities of the existing civil administration.
- Developing plans to reinforce or restore civil administration.
- Coordinating civil assistance plans with HN, U.S., and allied agencies.
- Arranging for transfer of authority.

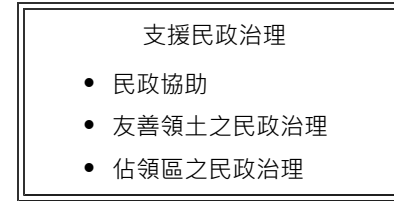
CIVIL ADMINISTRATION IN FRIENDLY TERRITORY

U.S. CINCs support governments of friendly territories. Local authorities may request the U.S. military to perform basic government functions during disasters or war. As situations stabilize, the functions performed by the armed forces return to civilian agencies. The transition normally is gradual and require detailed, long-range planning. CA staff officers review civil administration guidance provided by higher authority to identify the military implications of support to civil administration. The NCA must direct that CMO conducted in conjunction with this mission support the CINC's regional security strategy.

透過選擇正確的功能性專長組合，民政元素得成為任務導向型，以及：

- 提供必要的 C²。
- 滿足在特殊的軍事、司法和環境條件下的支援要求。

↓ 以三個任務行動來支援民政治理：



管理軍民行動

- 百姓與資源管制
- 外國支援
- 人道協助
- 軍事民政行動
- 民間抵抗

FM41-10 表 11-1 支援民政治理的三個任務行動

民政協助

民政單位支援在天然災難或人為禍害後的民政協助。基於軍事必要性，指揮官得開始在其指派的責任區 (AOR) ([註4](#)) 中建立民政協助，以便：

- 維持秩序。
- 提供潛在維生服務。
- 對物資與服務的分配的管制。

民政協助與其他兩種民政治理不同，那是因為民政協助是基於指揮官的決策。民政協助對已建立的政府或百姓，提供短期軍事支援，且並不做美國的長期承諾。民政治理同時對美國所承認的政府，提供次於國家層級的支援。民政治理單位透過以下方式，支援民政協助：

- 決定既存民政治理的能力。
- 發展加強與重建民政治理的計劃。
- 協調與當地國 ([註5](#))、美國和聯合機構之民政協助計劃。
- 安排移轉政權。

友善領土下的民政治理

美國最高指揮官 ([註6](#)) 支援友善領土政府。地方當局得在災難或戰爭時，要求美軍扮演基本的政府功能。當情勢穩定後，由軍事部門所扮演的功能要回歸民政機構。此項移轉，通常是漸進且需要具體與長期的規劃。民政治理幕僚應檢視由更高當局所制訂之民政治理手冊，以

The damage or disruption to a nation's government, economy, infrastructure, or social institutions may exceed its ability to effectively deal with the situation. In these cases, the government may request help through diplomatic channels from the United States. If a military commander receives such a request, he forwards it to the COM.

The COM communicates the FN's request for civil administration support through appropriate DOS and DOD channels. The theater CINC tasks the TA commander to provide the CA personnel for the mission. If CA assets are not available in theater, the theater CINC requests support from the JCS.

Based on directions received from the President through the DOS, the COM negotiates a civil administration support agreement with the nation's government. This agreement outlines the nature and extent of the support needed. It defines the limits of authority and liability of U.S. military personnel. It also defines the CA relationships that will exist. The CINC's legal staff coordinates, approves, and reviews this process.

A formal agreement is desirable before committing U.S. personnel. However, if the COM and the theater commander believe it is necessary and in the best interests of the United States, civil administration support missions can begin before a formal agreement. However, as soon as possible, there must be some form of agreement between the FN and the United States. This agreement establishes the extent, goals, and expected duration of the support mission. The CINC allocates resources based on the --

- Requirements the COM identifies.
- Damage and disruption suffered by the economy and institutions of the area.
- General welfare of the people.
- CA assets available.

The level of support rendered is tailored to meet the needs of the existing situation. In no case will it exceed --

- The FN's request for help.
- Applicable international treaties and agreements.
- Limitations imposed by the law of land warfare.

Regardless of the circumstances under which U.S. forces are employed, international law obligates the commander concerning civilian populations, governments, and economies. Requirements are usually specified in agreements or the law of land warfare. Treaty obligations are set forth in the Hague Conventions of 1907, the four Geneva Conventions of 1949, and other documents. FM 27-10, DA Pam 27-1, and other service publications explain the commander's legal obligations.

The nation's people and government must be willing to accept the support. It must complement the experience and expectations of the supported agencies. This support should be temporary. It ends as soon as the government can resume normal activity.

便確認支援民政治理的軍事範圍。國家指揮當局 (註7) 應指令軍民行動 (CMO) (註8) 來配合此任務與最高指揮官的地方性安全策略。

對國家政府、經濟、基礎建設、或社會制度所發生之損害或崩潰狀況，是否超過其有效治理狀況的能力。民政治理幕僚超越其能力以有效率的處理所面對的情勢。在此情形下，政府應透過美國的外交管道尋求援助。若軍事指揮官收到上述要求，應轉交任務指揮官 (註9)。

任務指揮官則應透過國務院或國防部的適當管道，通知其外國 (註10) 民政治理支援的要求。戰區的最高指揮官則指派任務給戰場指揮官，以提供民政治理任務的人員。若民政治理資源無法在戰區中調度取得，戰區的最高指揮官則應向聯合幕僚長 (JCS) (註11) 尋求協助。

基於美國總統給國務院 (註12) 的指令，任務指揮官和國家政府應協調民政支援的協議。此協議應勾勒出必要協助之性質與範圍。此協議也定義當局的限制與美國軍事人員的責任。此也定義未來民政治理的關係。最高指揮官的法律幕僚應協調、批准和檢視此等程序。

最好的情況是在指派美國人員之前，有正式的協議。但若任務指揮官和戰區指揮官認為有必要且符合美國最大利益，則民政支援任務能在正式的協議前進行。但，應盡快在外國 (FN) 和美國之間達成某種形式的協議。此種協議應載明內容、目的，以及最高指揮官在支援任務中的存續期間。最高指揮官基於以下條件，配置資源：

- 任務指揮官所指定的條件。
- 因當地經濟與體制受損而產生的損害與崩潰。
- 人民的總體福祉。
- 民政治理資源可應付的範圍。

支援的層級是特別為現存情況而設計的，但不得超過以下範圍：

- 外國要求協助。
- 實施國際條約與協議。
- 陸戰法所加諸的限制。

不論美國軍隊部署的狀態如何，國際法讓指揮官負擔平民、政府和經濟方面的義務。通常必需品是規定在協議或陸戰法中。條約義務是在1907年海牙公約、1949年日內瓦第四公約，以及其他文件中所提出。FM 27-10 DA PAM 27-1，以及其他服務性出版品詳細說明了指揮官的法律義務。

國家的人民與政府必須願意接受此支援。且必須與被支援機構的經驗和期待相配合。此項支援必須是暫時性的。必須盡快於政府恢復其正常活動時停止。

Many PVOs and national and international agencies can provide aid to a devastated nation. The CA staff or USG agencies should contact and encourage these agencies to participate. The CA staff is well-suited to provide coordination and liaison in these situations.

The U.S. commander cannot compromise a government's sovereignty. If disputes develop between government authorities and CA personnel, CA personnel will submit the problem through the chain of command for resolution.

The senior U.S. commander maintains liaison with U.S. diplomatic representatives to ensure maximum efficiency and unification of policy. An executive order will cover the scope of authority and provide procedural guidance.

Civilian unrest associated with disasters or combat can hinder effective employment of U.S. forces. Under such conditions, CA tasks include any or all of the functional tasks.

Equally important are civil-military relationships in peace when commanders have neither authority nor jurisdiction over civilians. At times the commanders may even share authority over their own installations and personnel with local civil authorities. Trained CA staff officers and personnel can accomplish efficient liaison and negotiation.

CIVIL ADMINISTRATION IN OCCUPIED TERRITORY

Situations occur when military necessity or legitimate directives require the Army to establish a temporary government in an occupied territory. The NCA must direct establishment of civil administration to exercise temporary executive, legislative, and judicial authority in occupied territory. The U.S. forces will only assume control prescribed in directives to the U.S. commander. Within its capabilities, the occupying power must maintain an orderly government in the occupied territory.

This type of operation differs from the other two activities of civil administration in that it is imposed force. The administered territory is under effective U.S. military control. The U.S. military's goal is to establish a government that supports U.S. objectives and to transfer control to a duly recognized government as quickly as possible. The U.S. military will identify, screen, and train reliable civilians to ease this transfer. Even with the use of local civilians, the occupying forces still retain the power to exercise supreme authority. Granting authority to civilian government officials does not of itself terminate the Army's responsibility in the occupied territory.

The goal of U.S. civil administration of an occupied territory is to create an effective civil government. This government should not pose a threat to future peace and stability. CMO support to civil administration of an occupied territory should emphasize that --

- The populace receives responsive and effective government services.
- The populace is able to obtain essential goods and services.
- The measures taken enhance the social and economic well-being of the occupied territory.
- The system of control furthers U.S. political objectives.
- Law and order prevail.
- Restoration, rehabilitation, and development take place in the occupied territory's social institutions and economic system.
- An orderly and efficient transition occurs from civil administration to civil government.
- The country and people are as well off at the end of civil administration as at the onset of occupation.

許多民間自願組織 (PVO) (註13) 和國家與國際機構可對受創甚深的國家提供援助。民政治理幕僚或美國政府機構應接觸以及鼓勵上述機構介入。在此類狀況下，民政治理幕僚適宜提供協調和聯絡官。

美國的指揮官不得承諾政府的主權。若在政府當局、民政治理人員之間出現爭議，民政治理人員應透過指揮體系將問題解決。

資深美國指揮官應設聯絡官以聯繫美國外交代表，以保證最大的效率和政策的一致性。行政命令將包含當局的範圍，和提供程序性的指南。

民政的動盪加上災難或戰鬥，能升高美軍有效的部署。在此情況之下，民政治理任務包括任何或所有功能性的任務。

當和平時期當指揮官對平民沒有權力或管轄權時，民政與軍政的關係如何是同樣重要的。許多時候，指揮官得與地方民政當局分享對建制與人員的權威。受過訓練的民政治理幕僚幹部和人員能執行有效的聯絡官和協調任務。

佔領地的民政治理

當軍事必要性或合法指令要求軍方在佔領地建立臨時政府時，就開始以下的情況：國家指揮當局 (NCA) 必須指令在佔領區內的民政治理建制去執行臨時性的行政、立法與司法當局。美國軍方僅依據美國指揮官的指令回復控制。

在其範圍內，佔領權應在佔領區內保持一個有秩序的政府。此等行動與其他兩種配備軍隊的民政治理不同。此治理區域是位於美國軍方控制的有效領土中。美國軍方的目標是建立一個支持美國目標的政府，並盡快移轉控制權給一個適當組織的政府。美國軍事政府將鑑定、審查，和訓練可靠的平民以便讓此移轉順利。即便引用地方平民，佔領權軍隊仍保有權力以履行其最高當局權威。將權威授予平民政府公務員，並不表示停止軍隊在佔領區的責任。

美國對佔領地民政治理目標是在創造一個有效的民政政府。此政府不應對未來的和平與穩定產生威脅。軍民行動支援佔領區的民政治理應著重以下事項：

- 百姓得接受一個肯負責、有效的政府服務。
- 百姓能取得必需品和服務。
- 增進佔領區的社會與經濟福祉的措施。
- 促進美國政治目標之管制體系。
- 法律與秩序普遍實施。
- 回復、復興，和發展在佔領區中的社會建制與經濟體系。
- 從民政治理有秩序與有效的移轉到民政政府。

- The obligations of international law and treaties are met.
- Human rights abuses against collaborators, minority groups, discriminated social classes, or individuals must be prevented.

The commander of an occupying force has the right, within the limits set by international law, U.S. laws, treaties, and the UCMJ, to demand and enforce law and order in an occupied area to accomplish his mission and properly manage the area. In return for such obedience, the inhabitants have a right to freedom from unnecessary interference with their individual liberty and property rights. Subject to the requirements of the military situation, commanders must observe the principle of governing for the benefit of the governed.

Occupied hostile territory is an area the United States has taken possession of (through force of arms) with the intent to keep it from enemy control. Possession does not require the presence of troops in all areas of the occupied country. The occupying force must, however, be able to quickly deploy to any area within the territory to enforce its authority. The number of troops required to occupy a territory depends on the --

- Degree of resistance to the occupation.
- Size of the area and the nature of the terrain.
- Population density and distribution.
- Level of development in the area.

The head of an established civil administration system is the civil administrator, often called the military governor. The administrator is a military commander or other designated person who exercises authority over the occupied territory. The civil administration's structure may develop in one of the ways described below.

The occupying power may allow the existing government structure to continue under its control and supervision. This arrangement does not mean the occupying power approves of the existing regime or condones its past actions. It represents the easiest basis for developing a functioning government on short notice, since it is already in place. The occupying power may elect to retain all public officials or, for political or security reasons, may replace all or selected personnel with other qualified people. Programs directed toward effecting political reform, strengthening government agencies and institutions, and developing self-government are carried out as necessary. In some cases, the occupying power may find it necessary to reorganize, replace, or abolish selected agencies or institutions of the existing government.

Replacing the existing government and building a new structure is the most drastic COA. The occupying power should adopt this COA only if the old regime has completely collapsed or is so hostile or poses such a threat to peace and stability that its continued existence cannot be tolerated.

The occupying power must obey the existing laws, but in many cases, it may have to change the existing laws. International law is quite specific about requirements. It must meet these requirements when changing civil law in an occupied territory. Consult with an international law specialist and review FM 27-10 and other texts on the law of land warfare for further information.

- 國家與人民在民政治理結束時和佔領開始時相同的富裕程度。
- 國際法和條約義務。
- 蔑視盟友、弱勢團體、受歧視社會階層，或個人的人權應予以禁止。

佔領軍的指揮官在國際法、美國法律，和美國軍法典的限度下，具有在佔領區中下令與增進法律與命令以履行其任務並適當管理此區域的權利。為回報住民的順從，民眾有權不受不必要之干擾，以保持其自由權和財產權。受制於軍事情況的條件，指揮官必須遵守統治者要照顧被統治者利益的原則。

敵意佔領區域是美國已經(透過軍事力)擁有並脫離敵方控制的領域。此處的擁有，並不必然需要軍隊在所有佔領地駐紮。但佔領軍應盡快的部署在各佔領區域內以建立其權威。佔領軍之數量端賴以下事項：

- 抵抗佔領的程度。
- 佔領區大小與地理特質。
- 人口密度與分佈。
- 區域發展程度。

已建立的民政治理體系首長為民政長官，常被稱為軍事總督。此長官是軍事指揮官或其他指派來執行對佔領地當局權力的人員。民政長官得依據下述之一的方法發展其架構：

佔領權得在其控制與監督下，允許原有政府的架構持續有效。此種安排並非表示佔領權讚許原有政權或寬恕其過去的所作所為。這代表既然政府已經存在，就透過發表公告用此最簡易的基礎來發展具有功能的政府。佔領權得透過篩選而保留所有公務員貨物了政治或安全的理由，撤換全部或更換部份人員代之以合格人員。若有必要時，進行政治改革、增進政府機構與制度，以及發展自治政府的方案。在某些狀況下，佔領權將發現有必要承認、更換或撤銷所篩選的原有政府的機構或制度。

取代原有政府同時建立一個新政府架構是最極端的行動進程(COA)(註14)。佔領權應僅能在原政權完全崩潰或非常具有敵意或布置威脅和平以及穩定的手段，且其持續存在無法容忍的情況下採用此行動進程。

佔領權應遵守既存法令，於許多場合，得變更既存法令。國際法對於條件是相當具體的。當改變佔領地區的民事法律時，它必須符合國際法條件，因此必須先和國際法專家諮商，且檢視FM27-10與其他陸戰法規內容以尋求進一步的資訊。

- 資料來源 <http://www.globalsecurity.org/military/library/policy/army/fm/41-10/ch11.pdf>

註：

1. **CA** 民政 (Civil Affairs) ，即指派行動與儲備軍隊與各種組織、訓練和特別配備為民政行動且支援軍民行動的單位。(JP 3-57 under revision)
2. **NCA** 國家指揮當局 (National Command Authorities) 即美國總統與國防部長或其正式指定的代理人或其繼承者。
3. **AO** 作戰領域 (Area of Operations)
4. **AOR** 責任區 (Area of Responsibility)
5. **HN** 當地國 (Host Nation)
6. **CINC** 最高指揮官 (Commander in Chief)
7. **NCA** 國家指揮當局 (National Command Authority)
8. **CMO** 軍民行動 (Civil-Military Operations) ，即指揮官在部隊、政府與非政府民間組織與當局，以及行動所影響的友善、中立甚至敵方領域的百姓之間，為促進軍事行動與合併與達成美國目標，所建立、維持、影響或開發的行動。軍民行動得包括軍隊執行地方、地區或國家政府所應履行的職權與功能。此等行動得在其他軍事行動前、中、後實施；若受到指令，也得在無其他軍事行動時實施。軍民行動得由指派的民政部隊、或其他部隊、或由民政部隊與其他部隊的組合部隊來執行。請見 (JP 3-57 under revision)
9. **COM** 任務指揮官 (Chief of Mission)
10. **FN** 外國 (Foreign Nation)
11. **JCS** 聯合幕僚長 (Joint Chiefs of Staff)
12. **DOS** 國務院 (Department of States)
13. **PVO** 民間自願組織 (Private Voluntary Organization)
14. **COA** 行動進程 (Course of Action)