

114年公務人員特種考試外交領事人員及外交行政人員、
國際經濟商務人員、民航人員及原住民族考試試題

考試別：外交人員考試

等別：三等考試

類科組別：外交領事人員類科英文組二

科目：國際公法（以英文命題及作答）

考試時間：2 小時

座號：_____

※注意：禁止使用電子計算器。

甲、申論題部分：（75 分）

(一)請以英文作答不必抄題，作答時請將試題題號及答案依照順序寫在申論試卷上，於本試題上作答者，不予計分。

(二)請以藍、黑色鋼筆或原子筆在申論試卷上作答。

一、In international law, what are the areas that are not considered as "national territory"? What are the relevant international norms? Please explain with two examples. (25 分)

二、On March 2, 2022, the 5th United Nations Environment Assembly adopted a resolution entitled "End plastic pollution: Towards an internationally legally binding instrument." The resolution recognizes that plastic pollution includes microplastics and places special emphasis on the impact of plastic pollution on the marine environment. It also highlights the transboundary nature of plastic pollution in the ocean and other environments, noting that it affects not only global ecosystems but also the health of all humanity. Please explain the rules concerning marine environmental pollution and protection under the United Nations Convention on the Law of the Sea. (25 分)

三、How does the International Court of Justice define and apply the methodology of maritime delimitation? Please explain with examples. (25 分)

乙、測驗題部分：（25 分）

代號：6110

(一)本試題為單一選擇題，請選出一個正確或最適當答案。

(二)共20題，每題1.25分，須用2B鉛筆在試卡上依題號清楚劃記，於本試題或申論試卷上作答者，不予計分。

- 1 Regarding the relationships between "international law" and "domestic law", which of the following descriptions is NOT correct?
 - (A) In theory, the relationships between "international law" and "domestic law" usually refer to the two approaches between "dualism" and "monism".
 - (B) Article 141 of the R.O.C. Constitution provides that, "the foreign policy of the Republic of China shall... respect treaties and the Charter of the United Nations, ..."
 - (C) A State may use its domestic laws or deficiencies in its legislative process as justifications for breaching its obligations under international law.
 - (D) Whether international law is directly applicable by a national court is largely dependent on its national Constitution, legislations and court decisions.

- 2 According to the definition of "treaties" under the Vienna Convention on the Law of Treaties, which of the followings is NOT a treaty?
- (A) Kyoto Protocol.
 - (B) Stockholm Declaration of the United Nations Conference on the Human Environment.
 - (C) Vienna Convention on Diplomatic Relations.
 - (D) Shimonoseki Treaty.
- 3 What does the term "*pacta tertiis nec nocent nec prosunt*" mean?
- (A) Agreements must be kept.
 - (B) Consent is the only way to bind States.
 - (C) A treaty binds the parties and only the parties; it does not create obligations for a third State.
 - (D) A fundamental and unforeseen change of circumstances.
- 4 Which of the following statements concerning "Non-intervention of internal affairs" is NOT correct?
- (A) The basic rule of international law expresses that a State has no right to encroach upon another State's internal affairs.
 - (B) The enforcement measures taken according to Chapter VII of the Charter of the United Nations may be applied to matters which are within the domestic jurisdiction of a given State.
 - (C) Under the Charter of the United Nations, the United Nations, in principle, may not intervene in matters which are essentially within the domestic jurisdiction of a given State.
 - (D) The Charter of the United Nations requires the Member States submit all disputes to the International Court of Justice for settlement.
- 5 Regarding "State Succession" under international law, which of the following statements is NOT correct?
- (A) The 1978 Vienna Convention on the Succession of States in Respect of Treaties is more controversial than the Vienna Convention on Diplomatic Relations.
 - (B) The 1978 Vienna Convention on the Succession of States in Respect of Treaties is a result of codification on the principle of State Succession.
 - (C) The International Law Commission passed the Vienna Convention on the Succession of States in Respect of Property, Archives and Debts in 1983, but this convention has not entered into force.
 - (D) State succession is predicated, among others, on temporary changes resulting from belligerent occupation.
- 6 Which of the following statements concerning "human rights" is correct?
- (A) The International Covenant on Economic, Social and Cultural Rights does not include people's right of self-determination.
 - (B) Article 1 of the Charter of United Nations stipulates that its purpose is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all.
 - (C) The International Bill of Human Rights consists of International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.
 - (D) Human rights matters fall within the domestic jurisdiction of a State, and have no relevance under international law.
- 7 Which of the following regions is NOT regulated by multilateral conventions?
- (A) Seabed, ocean floor, and subsoil thereof beyond the limits of national jurisdiction.
 - (B) Antarctica.
 - (C) Geocenter.
 - (D) Suez Canal.
- 8 Under Article 39 of United Nations Convention on the Law of the Sea (UNCLOS), regarding the duties of ships and aircraft during transit passage, which one of the following descriptions is NOT correct?
- (A) Ships and aircraft shall proceed without delay through or over the strait.
 - (B) Ships and aircraft shall refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait.
 - (C) Ships and aircraft shall refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by force majeure or by distress.
 - (D) Ships and aircraft may carry out any research or survey activities.

- 9 Which of the following statements regarding archipelagic waters is NOT correct under the United Nations Convention on the Law of the Sea?
- (A) An archipelagic State shall respect existing submarine cables, laid by other States and passing through its waters without making a landfall.
 - (B) An archipelagic State shall recognize traditional fishing rights of the immediately adjacent neighboring States in certain areas falling within archipelagic waters.
 - (C) In general, ships of all States enjoy the right of innocent passage through archipelagic waters.
 - (D) Aircrafts have no right of passage over archipelagic waters.
- 10 Regarding the Dispute Settlement Body (DSB) of the World Trade Organization (WTO), which of the following statements is correct?
- (A) The DSB of the WTO was the first mechanism of this kind in the international trade law.
 - (B) The WTO Agreements are the only source of applicable laws for the DSB.
 - (C) The DSB enjoys compulsory and exclusive jurisdiction with respect to the disputes on the WTO Agreements.
 - (D) The DSB is trusted by the majority of the WTO Members. The appeal rate to its appellate body is rather low.
- 11 Which of the following principles of jurisdiction is NOT usually applied by the domestic courts of a given state in cases involving cross-border telecommunications fraud?
- (A) Territorial jurisdiction.
 - (B) Universal jurisdiction.
 - (C) Active nationality jurisdiction.
 - (D) Passive nationality jurisdiction.
- 12 According to the 2001 Draft Articles on Responsibility of States for International Wrongful Acts, which of the following statements concerning the elements of an international wrongful act of a State is NOT correct?
- (A) A wrongful act is caused by an unlawful act or omission.
 - (B) An action or omission causes a breach of an international obligation of the State.
 - (C) An unlawful act or omission is attributable to a given State.
 - (D) Whether an act of a given State can be characterized as internationally wrongful is governed by both international law and domestic law.
- 13 Which of the following statements regarding the legal principles of international environmental law is NOT correct?
- (A) The general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States was affirmed by the 1996 International Court of Justice in Legality of the Threat or Use of Nuclear Weapons advisory opinion.
 - (B) The Polluter-Pays Principle has been confirmed as a general principle of law by the 1972 Declaration of the United Nations Conference on the Human Environment.
 - (C) The requirement to conduct environmental impact assessments was affirmed by the 2010 International Court of Justice *Pulp Mills on the River Uruguay* Judgment.
 - (D) The concept of sustainable development has been applied in general economic and trade agreements.
- 14 According to Chapter VII of the Charter of the United Nations, which of the following descriptions regarding the U.N. Security Council is NOT correct?
- (A) For the purpose of humanitarian intervention, the Secretary General of the United Nations may request member states take urgent military measures without the approval of the Security Council.
 - (B) The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures to be taken to maintain or restore international peace and security.
 - (C) The Security Council may take necessary action by air, sea, or land forces to maintain or restore international peace and security.
 - (D) The Security Council may decide to take measures not involving the use of armed force in order to maintain international peace and security, and may call upon the members of the United Nations to apply such measures.

- 15 According to Article 4 of the Charter of the United Nations, which of the followings is the correct procedure for applying to become a member of the United Nations?
- (A) By a majority of the General Assembly members present and voting.
 - (B) By a two-thirds majority of the Security Council members present and voting.
 - (C) By a decision of the General Assembly upon the recommendation of the Security Council.
 - (D) By a majority of the Security Council members present and voting.
- 16 Which of the following Agreements is NOT under the World Trade Organization trading system?
- (A) The Agreement on Trade-Related Currency Swap.
 - (B) The General Agreement on Trade in Services.
 - (C) The Agreement on Trade-Related Aspects of Intellectual Property Rights.
 - (D) The Agreement on Technical Barriers to Trade.
- 17 Regarding the South China Sea disputes, to which of the following courts or tribunals did the Philippines resort in January, 2013?
- (A) Permanent Court of Arbitration.
 - (B) International Court of Justice.
 - (C) International Tribunal for the Law of the Sea.
 - (D) Arbitral Tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea.
- 18 Article 2 of the United Nations Charter provides for various principles. Which of the following statements is NOT correct?
- (A) All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
 - (B) All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
 - (C) When any member facing military attacks, General Assembly of the United Nations may take action by air, sea, or land forces as may be necessary to maintain or restore peace and security of that state.
 - (D) Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter, but this principle shall not prejudice the application of enforcement measures under Chapter VII.
- 19 Common Article 3 of the 1949 Geneva Conventions ensures that all persons not or no longer participating in hostilities are treated humanely by both State and non-State Parties to non-international armed conflicts. Which of the followings is NOT specifically mentioned in Common Article 3?
- (A) Prohibition on taking hostages.
 - (B) Prohibition on forced displacement.
 - (C) Prohibition on passing sentences without a fair trial.
 - (D) Services by an impartial humanitarian body to the Parties in the conflict.
- 20 With regard to conventions and norms related to international environmental protection, which of the following statements is NOT correct?
- (A) The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal completely prohibits transboundary movements of hazardous wastes.
 - (B) The International Convention for the Prevention of Pollution of the Sea by Oil prevents the discharge of oil from ships into the sea.
 - (C) According to the Convention on Biological Diversity, national governments have the authority to determine access to genetic resources.
 - (D) The Paris Agreement adopts nationally determined contributions to reduce greenhouse gas emissions.