

法學博士

國際投資法

1. 試論《與貿易有關的投資措施協定》對完善國際投資法的影響。(本題 40 分)
2. 根據 1965 年《華盛頓》公約的規定, ICSID 取得關係管轄權應具備哪些條件?(本題 30 分)
3. 如何調整我國對外資的優惠政策?(本題 30 分)

國際法

國際公法

1. 略論我國刑法規定的罪刑法定原則。比較下列各題的不同點:(本題共 30 分)
 - 1) 常設仲裁院與聯合國國際法院的機構和人員。(10 分)
 - 2) 國際聯盟盟約與聯合國憲章關於條約的登記、公佈的規定。(本題 10 分)
 - 3) 事實上承認與法律上承認的法律效果。(10 分)
2. 如何理解現代國際法的主體範圍及其發展趨勢?(本題 20 分)

國際私法

1. 何謂法律衝突? 試分析法律衝突產生的原因。(本題 25 分)
2. 試論涉外婚姻與親權領域法律衝突與法律適用的特點。(本題 25 分)

华东政法学院 2004 年港澳台国际法博士研究生入学考试试题
(英文)

I. Please translate the following paragraphs into Chinese:

I can sum up my message today in three sentences: The United States, more than any single country, created the world trading system. The US has never had more riding on the strength of that system. And US leadership – especially in the current Doha trade talks – is indispensable to the system's success. It is true that as the WTO's importance to the world economy increases, so too does the challenge of making it work: there are more countries, more issues, trade is in the spot light as never before. But the fiction that there is an alternative to the WTO – or to US leadership – is both naïve and dangerous. Naïve because it fails to recognize that multilateralism has become more – not less – important to advancing US interests. Dangerous because it risks undermining the very objectives the US seeks – freer trade, stronger rules, a more open and secure world economy.

The Doha Round is a crucial test. The core issues – services, agriculture, and industrial tariffs – are obviously directly relevant to the US. America is highly competitive in services – the fastest growing sector of the world economy, and where the scope for liberalization is greatest. In agriculture too the US is competitive across many commodities – but sky-high global barriers and subsidies impede and distort agricultural trade. Industrial tariffs also offer scope for further liberalization – especially in certain markets and sectors. But what is at stake in these talks is more than the economic benefits that would flow from a successful deal. The real issue is the relevance of the multilateral trading system. Its expanded rules, broader membership, and binding dispute mechanism means that the new WTO – created less than ten years ago – is pivotal to international economic relations. But this means that the costs of failure are also higher – with ramifications that can be felt more widely. Advancing the Doha agenda would confirm the WTO as the focal point for global trade negotiations, and as the key forum for international economic cooperation. The credibility of the institution would be greatly enhanced. But if the Doha negotiations stumble, doubts may grow, not just about the WTO's effectiveness, but about the future of multilateralism in trade.

II. Please write in no less than 120 words on the following topic:

The effect of Taiwan's investment in mainland to the cross-strait relationship

(台湾在大陆投资对两岸关系的影响)