

一、請申論國際法院的管轄基礎為何？(15%)國際法院得受理的案件有何限制？(10%)

二、請申論何謂 stabilization clauses (穩定條款)？(15%)何謂 pacta sunt servanda (協議必須被遵守)？(10%)

三、

2758 (XXVI). Restoration of the lawful rights of the People's Republic of China in the United Nations

The General Assembly,
Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

1976th plenary meeting,

試從聯合國大會 2758 號決議論中華人民共和國(PRC)，中華民國(ROC)及中國(China)之關係為何？(20%)

四、A 國向 B 國國民甲購買電腦軟體，並已簽訂買賣契約。甲依約如期交付電腦軟體，但 A 國卻違約未能如期付款，試問：

(一)甲已在 A 國用盡當地法律救濟，仍無法獲得賠償，B 國可否為甲向 A 國提出外交保護？(15%)

(二)倘若甲為登記在 B 國的公司，該公司 90%之股份屬於 D 國國民，D 國可否為甲公司向 A 國提出外交保護？(15%)