

一、請申論何謂國家責任？何種情況下得免除（或阻卻）國家責任？（15%）

二、二氧化碳捕獲與封存已被證實是氣候變遷減緩非常重要的方式之一，在國際規範上，1972 年 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 係在防止傾倒廢棄物及其他物質而污染海洋，2006 年時 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 進行修正（修正內容如下），試圖對海床下二氧化碳封存加以規範，避免造成海洋污染。如果您是我國二氧化碳封存事務的相關法律承辦人員，請您申論此二條約在規範上的差異（修正前、後的差異）？又您將會建議我國政府如何規範二氧化碳封存事務？（35%）

1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 規定：

"Sea" means all marine waters other than the internal waters of States.

"Dumping" means:

- (1) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
- (2) any deliberate disposal at sea of vessels, aircraft, platforms or other manmade structures at sea.

1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 修正後規定：

"Sea" means all marine waters other than the internal waters of States, as well as the seabed and the subsoil thereof; it does not include sub-seabed repositories accessed only from land.

"Dumping" means:

- (1) any deliberate disposal into the sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
- (2) any deliberate disposal into the sea of vessels, aircraft, platforms or other

man-made structures at sea;

(3) any storage of wastes or other matter in the seabed and the subsoil thereof from vessels, aircraft, platforms or other man-made structures at sea; and

(4) any abandonment or toppling at site of platforms or other man-made structures at sea, for the sole purpose of deliberate disposal.

三、請回答以下問題：

(一)條約保留(reservation)之意義為何？(5%)

(二)傳統國際法對保留採用「全體一致規則」(unanimity rule)之意涵及缺點為何？(10%)

(三)依照 1969 年條約法公約，甲國想成為 W 多邊條約之締約國，但希望對該條約第 15 條進行保留，試問甲國在何種情況下得對第 15 條加以保留？(20%)

四、依國際法院規約第 36 條，何謂「自願管轄」？何謂「協定管轄」？(15%)