

浙江工商大学 2008 年硕士研究生入学考试试卷 (A) 卷

招生专业: 国际法

考试科目: 综合课 (含国际公、私法)

总分: 150 分 考试时间: 3 小时

一. 名词解释 (先将英文翻译成中文, 然后用中文进行解释。每题 5 分, 共 30 分。其中每题翻译 2 分, 解释 3 分)

1. 公共秩序保留
2. 国际司法协助
3. 合同自体法
4. sources of international law
5. recognition
6. universal jurisdiction

二. 翻译与评论。先将下列句子翻译成中文, 然后根据理解对其进行评论 (每题 8 分, 共 16 分。每题翻译 4 分, 评论 4 分)

1. This doctrine started from the assumption that international law and municipal legal system constitute two distinct and formally separate categories of legal orders. International law cannot directly address itself to individuals. To become binding on domestic authorities and individuals, it must be transformed into national law. International rules are only possible to the extent that they can rely on national rules.

2. In customary international law, the immunities accorded to Ministers for Foreign Affairs are not granted for their personal benefit, but to ensure the effective performance of their functions on behalf of their respective States. In order to determine the extent of these immunities, the Court (the International Court of Justice) must therefore first consider the nature of the functions exercised by a Minister for Foreign Affairs. After an examination of those functions, the Court concludes that they are such that, throughout the duration of his or her office, a Minister for Foreign Affairs when abroad enjoys full immunity from criminal jurisdiction and inviolability.

三. 简答题

1. (10 分) 我国有关涉外离婚的法律规定?
2. (12 分) 区际私法与国际私法的区别与联系?
3. (8 分) 二战后连结点的呈现出哪些发展方向?
4. (8 分) 自然人行为能力的法律适用?
5. (10 分) 国家在专属经济区内享有的权利与在大陆架内享有的权利, 有什么联系与区别?
6. (10 分) 简述 1969 年《维也纳条约法公约》关于条约保留的有关规则并对此加以评论? 之间的区别与联系?

四. 论述题

1. (22 分) 国际民事诉讼中法院判决的承认与执行?
2. (24 分) 谈谈你对国际法主体的认识和理解?