

# 國立中山大學 105 學年度碩士暨碩士專班招生考試試題

科目名稱：國際公法【海事所碩士班選考】

題號：457005

※本科目依簡章規定「不可以」使用計算機（問答申論題）

共1頁第1頁

- 一、名詞解釋：請寫出中文譯名並簡單解釋之（每題4分，共20分）
1. Sovereign rights
  2. OECD
  3. *de facto*
  4. United Nations Security Council
  5. IUU fishing
- 二、試由國際法之角度說明「硬法」與「軟法」之定義與各別特質，並分別舉例闡釋之。（20分）
- 三、請依據國際法院規約（Statute）第38條之規定，說明國際法院在處理爭端時之法源依據為何？並請針對每個依據提出例子加以說明。（20分）
- 四、請說明1982年聯合國海洋法公約第15部分爭端解決之重要規範為何？目前正在進行中之中、菲南海仲裁案在發展上是否符合該部分中那些規定？你/妳的看法為何？（20分）
- 五、為了制止俄羅斯在北極地區開採石油造成環境的破壞，「綠色和平」成員搭乘荷蘭籍「北極日出號」（*Arctic Sunrise*）強行登上俄羅斯的鑽油平台，但卻反遭俄羅斯之扣押與拘留。荷蘭在協商後願意提供380萬歐元之擔保金，但俄羅斯仍不願意釋放荷籍船員。請試從國際法及1982年聯合國海洋法之相關規定，說明雙方此一事件中之相關作為。（20分）

# 國立中山大學 105 學年度碩士暨碩士專班招生考試試題

科目名稱：海洋生態學【海事所碩士班甲組】

題號：457004

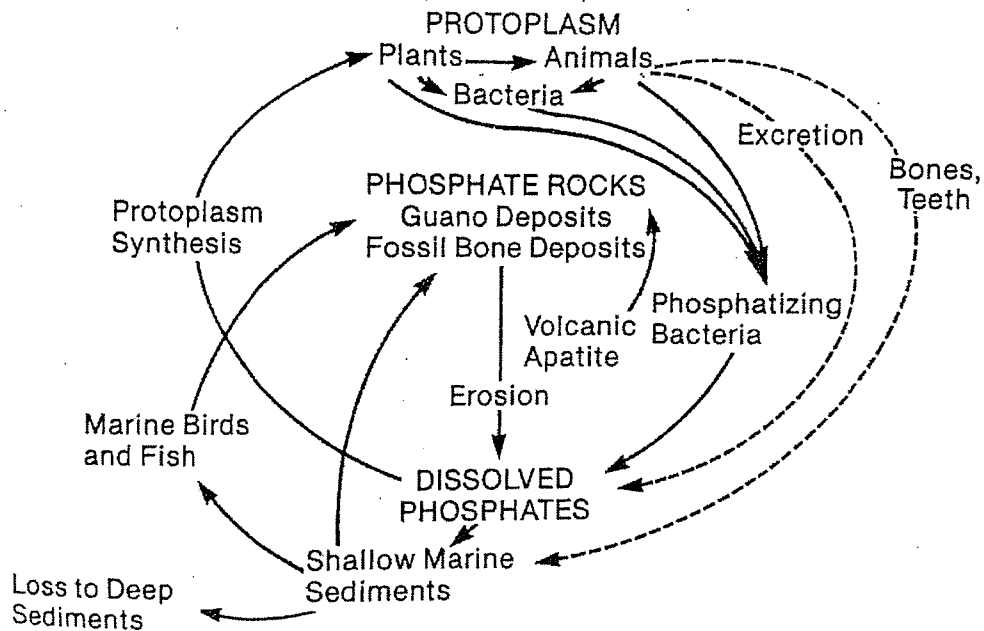
※本科目依簡章規定「不可以」使用計算機(問答申論題)

共 1 頁 第 1 頁

一、 名詞解釋 共 10 小題 (40%，每小題 4%)

1. Autotrophs
2. Benthos
3. Carrying Capacity
4. Ecotones
5. Gaia Hypothesis
6. Group Selection
7. Herbivores
8. Intertidal Zone
9. Parasitism
10. Primary Production

二、 請詳細解釋下圖 (20%)



三、 請解釋何謂生態恢復力 (ecological resilience) (5%)? 並舉一海洋生態系恢復力例子說明 (15%)?

四、 請列舉 4 種海洋環境對生物族群存續的限制因子並解釋如何影響 (20%)?

# 國立中山大學 105 學年度碩士暨碩士專班招生考試試題

科目名稱：專業英文【海事所碩士班甲組】

題號：457002

※本科目依簡章規定「不可以」使用計算機(問答申論題)

共 1 頁第 1 頁

## A. Translate the following paragraphs into Chinese (75%)

1. A marine protected area (MPA) is essentially a space in the ocean where human activities are more strictly regulated than the surrounding waters - similar to parks we have on land. These places are given special protections for natural or historic marine resources by local, state, territorial, native, regional, or national authorities. Authorities differ substantially from nation to nation. There are many formal definitions of marine protected areas, but the most broadly used definition is the IUCN definition: 'A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values'. (20%)
2. Probably the most important contribution of the widespread recognition of ecosystem services is that it reframes the relationship between humans and the rest of nature. A better understanding of the role of ecosystem services emphasizes our natural assets as critical components of inclusive wealth, well-being, and sustainability. Sustaining and enhancing human well-being requires a balance of all of our assets—individual people, society, the built economy, and ecosystems. This reframing of the way we look at 'nature' is essential to solving the problem of how to build a sustainable and desirable future for humanity. (20%)
3. The term 'integrated coastal and ocean management' (ICM) implies a conscious management process that acknowledges the inter-relationships among most coastal and ocean uses and the environments they potentially affect. It is a process by which rational decisions are made concerning the conservation and sustainable use of coastal and ocean resources and spaces. It is grounded in the concept that the management of coastal and ocean resources and space should be fully integrated as are the interconnected ecosystems making up the coastal and ocean realms. (15%)
4. Illegal fishing is a serious global problem that contributes to overfishing, creates unfair competition, and impedes sustainable fisheries. Illegal fishing respects neither national boundaries nor international attempts to manage fishing on the high seas. It puts incredible pressure on fish stocks and significantly distorts global markets. Worth between US\$10 - 23.5 billion per year, it also presents a major loss of income to coastal countries and communities. This is especially the case for some of the world's poorest countries, which depend on fishing for food, livelihoods and revenues. The poachers are also killing tens of thousands of marine animals as bycatch and destroying delicate habitats through their unregulated use of damaging, and sometimes illegal, fishing practices. As a result of this, improving fisheries monitoring, control and surveillance (MCS) to combat illegal fishing has been an important preoccupation of fisheries policy makers for decades. (20%)

## B. Translate the following paragraph into English (25%)

1. 台灣位處亞熱帶，且海域棲地複雜多樣，因此具備了得天獨厚的漁業生產環境。國內漁業經過多年的努力經營，呈現持續穩健發展，2013年沿近海漁業產量約15萬3千公噸，產值約166億元。然而近年來卻面臨因漁業資源過度利用（過漁）、棲地破壞、海域生態環境遭受污染、氣候變遷等因素，造成漁業資源萎縮問題，其中過漁被認為是造成資源萎縮的最重要因素，因此各地方皆開始在推動漁業轉型，發展生態旅遊，以減少漁業壓力，又可繁榮地方經濟。(25%)

試題隨卷繳回

# 國立中山大學 105 學年度碩士暨碩士專班招生考試試題

科目名稱：法政英文【海事所碩士班乙組】

題號：457001

※本科目依簡章規定「不可以」使用計算機(問答申論題)

共 2 頁 第 1 頁

※ 作答時不需抄題，但請標明題號。

1. Please translate the following three (3) paragraphs into Chinese. (Total 40%)

- a. The present report, which covers the period from 1 September 2014 to 31 August 2015, is submitted pursuant to paragraph 309 of General Assembly resolution 69/245, in which the Assembly requested the Secretary-General to prepare a comprehensive report on developments and issues relating to ocean affairs and the law of the sea, including the implementation of resolution 69/245, for consideration at its seventieth session. It is also being submitted to States parties to the United Nations Convention on the Law of the Sea, pursuant to article 319 of the Convention. The report provides information on the status of the Convention and its implementing agreements and the work of the bodies established under the Convention; settlement of disputes; State practice regarding maritime space; international shipping activities; people at sea; maritime security; the 2030 Agenda for Sustainable Development; marine science and the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects; marine living resources; marine biological diversity; pressures on the marine environment; management tools; oceans and climate change and ocean acidification; small island developing States and landlocked developing countries; capacity-building and international cooperation and coordination. (Taken from the Report of the Secretary-General of the United Nations, *Oceans and the Law of the Sea*, Addendum, 1 September 2015, A/70/74/Add.1, Summary.) (20%)
- b. As recognized by the General Assembly, the Convention contributes to the maintenance of peace and the strengthening of security, including by providing compulsory procedures entailing binding decisions. During the reporting period, in addition to the work carried out by the Tribunal (see para. 10 above), there were five cases relating to law of the sea issues before the International Court of Justice, which rendered orders in two cases and held public hearings in another case, while the arbitral tribunals established under annex VII to the Convention rendered a number of orders and the award in the Chagos Marine Protected Area Arbitration (Mauritius v United Kingdom). (Taken from the Report of the Secretary-General of the United Nations, *Oceans and the Law of the Sea*, Addendum, 1 September 2015, A/70/74/Add.1, page 6.) (10%)
- c. Vietnam: Officials Warn China Over Oil Rig in Disputed Waters (*New York Times*, 19 January 2016)

Vietnam said Tuesday that China had moved an oil rig into disputed waters in the South China Sea. The rig was at the center of a standoff between the countries in May 2014. A Foreign Ministry spokesman, Le Hai Binh, said in a statement posted on the ministry's website that Vietnam had raised concerns with China over the movement of the Haiyang Shiyou oil rig and had demanded that China stop any drilling and remove the oil rig from the area where the two countries' continental shelves overlap. He said Vietnam wanted to protect its legal rights and interests in the area in line with international law. The 2014 dispute set off deadly anti-China riots in Vietnam. China eventually withdrew the rig. (10%)

2. Please translate the following two (2) paragraphs into English. (Total 40%)

- a. 倘若北京方面光靠經濟實力和市場規模這些源於「發展是硬道理」的元素來展開對台工作，其政策恐怕效果不佳，不斷落空。據我觀察，跟馬英九相比，蔡英文明顯具有強調臺灣自由民主的體制和價值觀的政治風格。比如，她在國際記者招待會上主張，「我們也再一次告訴了國際社會：民主的價值，已經深入臺灣人的血液；民主的生活方式，更將是 2300 萬人永遠的堅持。」那麼，如果北京方面準備繼續發展跟民進黨完全執政下的臺灣的關係，除了打經濟牌和市場牌，務必認真探索如何以尊重自由、民主、法治等普世價值的方式加強與臺灣當局的溝通紐帶，吸引後周子瑜事件時代的臺灣公民。（取材自加藤嘉

背面有題 試題隨卷繳回

# 國立中山大學 105 學年度碩士暨碩士專班招生考試試題

科目名稱：法政英文【海事所碩士班乙組】

題號：457001

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共 2 頁第 2 頁

(Kato Yoshikazu)，「蔡英文大勝，兩岸關係向何處去？」，2016 年 1 月 19 日，紐約時報中文網，<http://cn.nytimes.com/china/20160119/ce19kato-taiwan/>) (20%)

- b. 永續發展的核心是持續和包容性的經濟增長、社會發展和環境保護之間的密切相互聯繫。每個層面的有效運作都要依靠另外兩個層面的有效運作。如果分開追求這個或那個層面的目標，而不考慮其他層面，最終會有損於所有三者，因為它們之間有著不可分的聯繫。因此，為了成功實現可持續發展，需要採取綜合方法，確保持續和包容的經濟增長、社會發展和環境保護，即所謂的「三贏」。(取材自聯合國秘書長報告書海洋與海洋法，2015 年 3 月 30 日，A/70/74，第 3 頁。) (20%)

3. Please compose a short essay of 300 words in English to illustrate your understanding on the content and scope of the concept and term of “marine affairs”. (20%)

(試題請隨答案卷繳回)

背面有題