국 제 법

2006년 시행 외무고등고시(영어능통자) 제2차시험

응시번호 :　　성명 :

제 1 문. A and B, German citizens, killed some people when they committed bank robbery in the United States. A and B were sentenced to death penalty. The United States did not inform A and B of their rights under the article 36 of the "1963 Convention on Consular Relations" when A and B were arrested. So, Germany could not give any legal assistance of consular officers to A and B. After A was executed, Germany asked the International Court of Justice (ICJ) to indicate "provisional measures" to stop B's execution. Explain the meaning and legal character of the "provisional measures" of the ICJ. (40 points)

제 2 문. Explain the principle of double criminality, as one of the requirements of the extradition between states. (30 points)

제 3 문. The sea turtles, one of the endangered species, were protected by international conventions. State Y prohibited import of any shrimp and shrimp product caught without use of Turtle Excluder Devices(TED). So, state X could not easily export shrimp and shrimp products to State Y. State X and Y are the WTO members. Based on the preamble of the Agreement Establishing the WTO and the article 20 of GATT, support the argument of state Y. (30 points)

> GATT Article XX
> General Exceptions
> Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:
> (b) necessary to protect human, animal or plant life or health;
> (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;

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