试卷代号:1018　　座位号□□

中央广播电视大学 1999—2000 学年度第二学期"开放教育(本科)"期末考试

法学专业国际公法试题

2000 年 7 月

题　号	一	二	三	四	总　分
分　数					

得　分	评卷人

一、填空(每空 1 分,共 15 分)

1. 对于国际法与国内法关系的学说,有代表性的是法律的一元论和二元论的主张。一元论学说又分成两派主张,一派强调_____,另一派强调_____。

2. 国家管辖权包括四个方面:_____、_____、_____和_____。

3. 政府间开展国际法的编纂始于_____世纪。

4. 按照海洋法公约规定,各国毗连区的宽度从测算领海基线起_____海里。

5. 国际上订立了三个有关防止和惩治空中劫持(包括其他危害国际民航安全行为)的公约是:_____、_____和_____。

6. 联合国体系中维持世界和平与安全的主要机关是_____。该机关现在由_____理事国组成,其中有_____常任理事国。

7. 各国船舶和飞机在用于国际航行的海峡中享有_____。

得　分	评卷人

二、选择题(请将你的选择用 A、B、C、D 填入空中。本题共 30 分，每小题 3 分)

1. 1966 年联合国大会通过的关于保护人权的公约是_____。

A. 经济、社会和文化权利国际公约　　B. 海牙和平条约

C. 非战公约　　D. 公民和政治权利国际公约

2. 以下实体可以请国际法院发表咨询意见_____。

A. 联合国大会　　B. 安理会

C. 中国　　D. 欧洲联盟

3. 被誉为国际法创始人的是荷兰著名法学家_____。

A. 克林顿　　B. 格老秀斯

C. 普芬道夫　　D. 瓦特尔

4. 以下实体具有国际法主体资格：_____。

A. 英国　　B. 联合国

C. 司马迁　　D. 百事可乐集团

5. 国际法的基本原则属于_____范畴。

A. 国际刑法　　B. 民法

C. 任意法　　D. 国际强行法

6. 现代国际法不承认国家有_____。

A. 域外庇护权　　B. 领土庇护权

C. 领水庇护　　D. 领域庇护权

7. 外交团是_____方面的团体。

A. 外交礼仪　　B. 外交使团

C. 领事　　D. 私人

8. 个人可以因为_____而取得某国国籍。

A. 出生　　B. 被收养

C. 逃到外国　　D. 丧失了国籍

9. 目前确立外层空间法的最重要公约是_____。

A. 营救协定　　B. 赔偿责任公约

C. 东京协定　　D. 外空条约

10. 引起国家继承的原因是_____。

A. 由于国家领土割让　　B. 国家领土合并

C. 由于先占　　D. 由于添附

得　分	评卷人

三、名词解释(每题 5 分,共 20 分)

1. 国籍

2. 情势变迁原则

3. 永久中立国

4. 领海

得　分	评卷人

四、问答题(35 分)

1. 简述使馆的职务。(10 分)

2. 纽伦堡和远东军事法庭宪章确立了哪些原则？（11 分）

3. 试述国家的基本权利和义务。(14 分)

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法学专业国际公法试题答案及评分标准

(供参考)

2000年7月

一、填空题(每空1分,共15分)

1. 国内法优先　　国际法优先

2. 领域管辖　　国籍管辖　　保护性管辖　　普遍管辖

3. 19

4. 不超过24

5. 东京公约　　海牙公约　　蒙特利尔公约

6. 安理会　　15　　5　　(不可颠倒)

7. 过境通行权

二、选择题(每小题3分,共30分,每小题多选或少选不给分)

1. AD	2. AB	3. B	4. AB	5. D
6. A	7. A	8. AB	9. D	10. AB

三、名词解释(每小题5分,共20分)

1. 国籍是指一个人属于某一国家的国民或公民的法律资格。它表明一个人同某一特定国家之间的固定的法律联系。国籍是一个国家确定某人为其国民或公民的根据,也是确定一个人的法律地位的一个重要依据,对于国家行使管辖权具有重要意义。

2. 情势变迁原则是指缔结条约时存在一个假设,即以缔约国缔约时所能预见到的情况不变为条约有效的前提,一旦情势发生变化,缔约国便有权终止条约。适用情势变迁原则有两个例外:一是不得援引该原则作为终止或退出边界条约的理由;二是仅因当事国自己违反条约义务而引起情势变迁者,不得援引这一原则退出或终止条约。

3. 永久中立国是根据国际承认或国际条约,在对外关系中承担永久中立义务的国家。永久中立国除自卫外,不得进行任何形式的战争,不得缔结与中立地位相抵触的条约,不得采取任何可能使自己卷入战争的行动或承担这方面的义务。

4. 领海是沿着国家的海岸或内水受国家主权支配和管辖下的一定宽度的海水带。领海是国家领土的组成部分，受国家主权的支配。

四、问答题(35 分)

1.(要点)(本题 10 分)

使馆的职务主要有下列五项：

(1)代表，即在接受国中代表派遣国。这是使馆最重要和最基本的职务。(2 分)

(2)保护，即在国际法许可的限度内，在接受国中保护派遣国及其国民的利益。(2 分)

(3)谈判，即与接受国政府办理交涉。(2 分)

(4)调查和报告，即以一切合法手段调查接受国的状况和发展情形，并向派遣国报告。(2 分)

(5)促进，即促进派遣国与接受国间的友好关系和发展两国间经济、文化和科学关系。(2 分)

2.(要点)(本题 11 分)

(1)从事违反国际法的犯罪行为的人应承担个人责任，并应受惩罚；(2 分)

(2)不违反所在国的国内法不能作为免除国际法责任的理由；(2 分)

(3)被告的地位不能作为免除国际法责任的理由；(1 分)

(4)政府或上级命令不能作为免除国际法责任的理由；(1 分)

(5)被控有违反国际法罪行的人有权利得到公平审判；(2 分)

(6)违反国际法的罪行是：反和平罪、战争罪、反人道罪；(2 分)

(7)共谋上述罪行是违反国际法的罪行。(1 分)

3.(要点)(本题 14 分)

国家的基本权利和基本义务是统一不可分的。国家享有基本权利，同时又必须承担尊重他国基本权利的义务。(1 分)一国享有的基本权利，正是他国相应承担的基本义务。因此国家的基本权利也就包含着国家的基本义务(1 分)。国家的基本权利是国家所固有的权利，是由国家主权直接引申出来的，是主权国家所不可缺少的(2 分)。国家的基本权利包括：独立权(2 分)、平等权(2 分)、自保权(2 分)、管辖权(4 分)。

. 在本题中，你将听到 9 个简短的对话，在每个对话后还将听到一个有关对话的问题（问题同时写在试卷上）。对话只放一遍。你必须在录音留出的空白时间内从所给的四个选择中找出最佳答案，并把答案写在答题纸上。

1. Question: What is the telephone number?

A. 66142233　　B. 66142323

C. 66412233　　D. 66413322

2. Question: When does the man's sister leave?

A. 9:30　　B. 9:45

C. 1:30　　D. 9:40

3. Question: Who runs the fastest?

A. Tom　　B. Robert

C. Bill　　D. The man

4. Question: Where did this conversation most probably take place?

A. At a house　　B. At a post office

C. In a reading-room　　D. In a restaurant

5. Question: What is the probable relationship between the two speakers?

A. Waiter and customer　　B. Husband and wife

C. Shop assistant and customer　　D. Secretary and boss

6. Question: What are they talking about?

A. A film　　B. A painting

C. English study　　D. Spare-time school

7. Question: What are they talking about?

A. English study　　B. The Revolution

C. A TV programme　　D. A book

8. Question: What are they doing?

A. They are making a phone call　　B. They are listening to the radio

C. They are having a lecture　　D. They are attending a meeting

9. Question: What's the woman's job?

A. Mother　　B. Librarian

C. Nursery teacher　　D. Advisor

Ⅱ. 在本题中，你将听到一段对话(A)和一段短文(B)。每段各放两遍。针对每段内容，试卷上分别提出了三个问题。从所给的选择中找出最佳答案，并将答案写在答题纸上。先听 A 段并做相应的三个题，然后再听 B 段并做相应的三个题。

A

Questions:

10. What kind of topic are they talking about?

A. An interesting topic　　B. An agreeable topic

C. A controversial topic　　D. A strange topic

11. Tom first saw a flying saucer _____.

A. in America two years ago　　B. in China in 1975

C. in Britain in 1981　　D. in Canada in 1970

12. Which of the following is not true?

A. Mary has never seen a flying saucer

B. Mary has once seen a flying saucer

C. Mary doesn't believe Tom

D. Mary has never believed in things from outer space

B

Questions:

13. Mr. Brown is _____.

A. American　　B. British

C. Japanese　　D. Australian

14. Most of the questions some Chinese students asked him were about _____.

A. his world travels　　B. his family

C. England and America　　D. his experiences in Beijing

15. Mr. Brown has taught an evening class at _____.

A. the Beijing TV University　　B. the Beijing University

C. the Sichuan University　　D. the People's University in Beijing

Ⅲ. 从每题的 A、B、C 和 D 中选择一个最佳答案。把答案写在答题纸上。

16. _____ the new word in your dictionaries, please!

A. Look for　　B. Look after

C. Look at　　D. Look up

17. She _____ an excuse to explain her absence.

A. made over　　B. made up

C. made out　　D. made for

18. This word will _____ frequently in your reading.

A. turn up　　B. turn out

C. turn on　　D. turn over

19. They _____ a small laboratory and devoted every spare moment to this work.

A. set off　　B. set in

C. set up　　D. set down

20. Don't worry, there is _____ water for another week.

A. a number of　　B. lot

C. plenty　　D. plenty of

21. I didn't ask him, but he _____ to help with my homework.

A. gave　　B. paid

C. affered　　D. supplied

22. I _____ all my drawers for missing papers.

A. found　　B. searched

C. saw　　D. discovered

23. Xiao Wang doesn't _____ TV except on Sundays.

A. see　　B. look

C. look at　　D. watch

24. The teacher gave him some coaching to help him _____ the class.

A. keep up　　B. keep to

C. keep on　　D. keep up with

25. We must _____ our expenses.

A. cut down　　B. cut off

C. cut out　　D. cut short

Ⅳ. 仔细阅读下列各句，找出每句的错误项，并将其相应的字母写到答题纸上。每题只有一处错。

26. Students allowed (A) to bring (B) their dictionaries in (C) that (D) examination.

27. Ten years passed (A) since we said (B) "good-bye" to (C) each other in (D) the countryside.

28. By (A) now Lao Wang worked (B) in (C) that factory for (D) twenty years.

29. By (A) the (B) end of last week we learned (C) three lessons (D).

30. Mary taught (A) English in (B) an (C) university ten years ago (D).

31. It is necessary (A) for goods (B) to pack (C) in strong cases (D).

32. I saw him to go (A) to the car, open (B) the door and drive (C) away (D).

33. Iris is very (A) forgetful (B) and so (C) she worries great deal (D).

34. Let us spend (A) a few moments (B) in (C) silence in order which (D) we remember those who died to preserve our freedom.

35. This factory is quite (A) different from that (B) it (C) was before (D).

Ⅴ. 仔细阅读下列短文，并根据短文内容回答问题，把相应的题号写在答题纸上。

A

When Europeans first came to Africa, they were amazed to find that many African men had more than one wife. Because of this practice, many people thought that African men treated African women like slaves (奴隶).

But these first impressions (印象) turn out to be false. Until about 50 years ago, most African women had more freedom and independence (独立) than women in Western nations did. In some parts of Africa, women have owned most businesses and been the main traders

(商人) for many years. In Europe, however, there were many places where women were not even allowed to own property (财产).

How about African marriages? When there is more than one wife, each woman depends on her husband less. In a traditional African home, each woman lives in her own place and runs her own home. That kind of living arrangement gives the woman more independence. Each of the wives in an African marriage owns her own property and takes care of her own children. But some tasks, like cooking and baby-sitting, are shared with the other wives. Sharing these housework makes life easier for African women.

36. Many people thought that African men treated African women like slaves because _____.

A. African men owned the family property

B. African men were the money-maker of the family

C. African men were allowed to have more than one wife

D. African women had to serve husbands day and night

37. Fifty years ago, Western women _____.

A. had more freedom　　B. had less freedom

C. were better treated by husbands　　D. were ill-treated by husbands

38. What, traditionally, gives an African wife more independence? _____.

A. The money she earns

B. The property she owns

C. The way husband and wife live

D. The respect she gets from her husband

39. If one of the wives of an African man has a child, the child is normally looked after by _____.

A. all the wives　　B. the mother herself

C. the mother's parents　　D. the husband's parents

40. An African wife has less housework to do because _____.

A. it is shared by the other wives of the husband

B. the husband helps to do a lot of the housework

C. there is little housework at home

D. life is very simple

B

For many years T—shirts were simple short—sleeved under shirts for men and boys. T—shirts used to be of one color—white. And since they were worn under shirts, they were generally not seen. Today the T—shirt has become fashionable. It can be seen everywhere and everyone. Women and little children wear T—shirts, as do teenagers, university students and men from all walks of life. T—shirts are worn on playground, at the beach or in town. They can also be worn for work. Yet T—shirts remain relatively inexpensive and long wearing, as well as easy to care for, smart but comfortable, and convenient to wear. They have become one of the American's newest ideas on fashion. Although T—shirts are now available in a wide variety of bright materials and styles, the most popular kind is the traditional cotton T—shirt with a slogan or picture printed on the front. T—shirt may bear a single word, a popular phrase, pictures of popular singers of an advertisement. As T—shirts are becoming more and more popular, new designs are coming out all the time.

41. In the past T—shirts were simple short—sleeved under shirts for _____.

A. women and men　　B. boys and girls

C. students and soldiers　　D. men and boys

42. Today the T—shirt has become _____.

A. outmoded　　B. old—fashioned

C. fashionable　　D. particular

43. People like to wear T—shirts so much today because _____.

A. T—shirts feel soft and wash well

B. T—shirts are smart and comfortable

C. T—shirts go well with trousers

D. T—shirts are suitable for evening wear

44. The most popular kind of T—shirt is _____.

A. the silk T—shirt in white color

B. the cotton T—shirt with a slogan or picture

C. the nylon T—shirt worn on playground

D. the wool T—shirt worn for work

45. _____ in order to make T—shirts more attractive.

A. New designs are being adopted

B. Advertisements are being widely used

C. New technology is being employed

D. More synthetic materials are being introduced

Ⅵ. 阅读下面 A 和 B 两段短文，然后从每段短文后提供的 12 个词选出 8 个(A 段)或 7 个(B 段)，分别填入短文中的空白处，使短文的意思完整。在答题纸上写上所选词的序号。

A

Chaplin arrived in Hollywood in 1910. He had been __46__ by Mack Sennet to join his film company __47__ an actor. At first Chaplin worked in short __48__ films with the famous keystone cops. After only three years with Sennet, Chaplin felt he was __49__ to direct his own pictures. His first really successful film was "The Champion" which he made in 1915. He matched his __50__ with "The Champion" two years __51__ with "Easy Street" and in 1919 with "The Kid". Chaplin continued to make successful silent films right up __52__ 1939. This was the year he broke __53__ sound with "The Great Dictator".

A. until B. pleased C. invited D. remember E. ugly F. into G. as H. policeman I. success J. silent K. ready L. later

B

The AIDS virus has been __54__ for a long time, but the __55__ of the disease within the last twenty years or so on such a __56__ has caused real concern. It __57__ that in the 1980s the principal carriers of the __58__ were homosexuals, drug users and prostitutes.

Now it is becoming __59__ that heterosexuals also spread the disease, that children can be born with the virus and that __60__ in hospitals are being infected too.

A. also	B. treatment	C. around
D. disease	E. victims	F. scale
G. seems	H. concern	I. evident
J. spread	K. patients	L. thinks

Ⅶ. 翻译

A. 英译汉:阅读下面的短文,并将划线部分译成汉语。把译文写在答题纸上。

61) The world famous Qin Shihuang's Terracotta Warriors can be visited 35 kilometres east of Xi'an. A whole army of thousands of life—sized warriors and their horses and chariots are found in large pits. Pit No. 1 was discovered by farmers in March 1974 and Pits Nos. 2 and 3 in April and May 1976. 62) The warriors are made of clay and each has a different face. They are about 1. 80 m high and weigh 150 kg. Each warrior was painted in bright colours. When they were uncovered they had real bronze weapons and wooden chariots. 63) Some of these weapons and the chariots have been put in special rooms which can be visited by tourists after they have seen the warriors.

64) Qin Shihuang's tomb is still covered by earth and it is said that treasures and even palaces are contained in the tomb. Today, the top of the tomb is planted with trees and surrounded by fields which are farmed.

B. 汉译英:将下列各句译成英语。把译文写在答题纸上。

65. 据说火灾中死了三个人,不过尸体尚未找到。

66. 我想知道张明是否能来参加我们今晚的聚会。

67. 坐火车到那儿要三十小时。

68. 计算机可以使工作人员更快更容易地处理办公室工作。