

국 제 법

2008년 시행 외무고등고시(영어능통자) 제2차 시험

응시번호 :

성명 :

제 1 문. State A levied 80% internal tax on whisky imported from State B and 30 % on So-ju produced in State A. State B filed complaints against State A before the WTO Dispute Settlement Body (DSB). (total 40 points)

(State A and B are the Members of WTO)

- 1) Explain the WTO provisions on the non-discrimination principle on which the argument of State B is based. (15 points)
- 2) Based on the argument that 80% internal taxation of State A was not in conformity with the WTO provisions, whisky importer X brought an annulment action before the national court of State A. Discuss the argument of X with reference to the jurisprudence of the Korean Supreme Court and the Korean Constitutional Court if State A is Korea (ROK). (25 points)

제 2 문. State A was developing Weapons of Mass Destruction (WMD). Facing the situation, the UN Security Council adopted 'Resolution 2008' in which State A was asked to cease to develop WMD and to be inspected by a proper international organization, and if State A refuse to the inspection, State A would face serious consequences. However, State A continued to develop WMD. State B, which is near to State A, invaded State A to destroy the WMD facilities. Discuss whether the invasion could be justified by 'Resolution 2008' or the right of self defense under the UN Charter. (35 points)

제 3 문. Based on the relevant provisions of the 1958 Convention on the Continental Shelf and the 1982 United Nations Convention on the Law of the Sea, explain the concept of the continental shelf and the principles to be used to delimit the continental shelf between adjacent States or between opposite States. (25 points)

행정안전부 시험출제과장