

Contents

Preface XIII

Ying-jeou Ma

Articles

The Advisory Jurisdiction of the International Tribunal for the Law
of the Sea 1

Helmut Tuerk

A Private Initiative of Codification in International Law—Some Ideas of
the Draft “Convention on Cross-Border Enforcement of International
Mediated Settlement Agreements” 10

Chang-fa Lo

Idealism and *Realpolitik*—Building the ASEAN Community 27

Walter Woon

China and the International Criminal Court: Power and Justice
Revisited 32

Jonathan Hafetz

Castles in the Sand: Engineering Insular Formations to Gain Legal Rights
over the Oceans 58

Joshua L. Root

Competition Related Provisions in East Asian FTAs: Their Trends and the
Possible Impact of Mega FTAs 86

Takemasa Sekine

Special Reports

Regulatory Transparency in the FTA between New Zealand and Taiwan:
Text, Context and Implications 123

Hsu-Hua Chou

Singapore International Commercial Court: A New Model for Transnational Commercial Litigation 155

Man Yip

Taiwan's WTO Trade Policy Review Reports 178

Pasha L. Hsieh

Contemporary Practice and Judicial Decisions of the Republic of China (Taiwan) Relating to International Law, 2014 221

Compiled by Chun-i Chen, Pasha L. Hsieh, Pei-Lun Tsai, Chun-Liang Lai, I-Hon Hsiao, and Kai-Chih Chang, with the Assistance of Lee & Li Attorneys-at-Law

Explanatory Note 221

I. International Law in General 221

Foreign Policy Report, 8th Congress of the Legislative Yuan, 5th Session (March 12, 2014) 221

President Ma Ying-jeou's National Day Address (Excerpt) 245

II. Subjects of International Law 248

III. International Organizations 248

Republic of China (Taiwan) and Intergovernmental Organizations 248

The Ministry of Foreign Affairs Thanks Diplomatic Allies for their Support of the ROC at the General Debate of the 69th UN General Assembly 252

IV. Individuals 254

Ministry of Justice (February 18, 2014) Fa-Lu-Zi-10303502010 254
228 Incident, International Covenant on Civil and Political Rights, State Compensation 254

ROC, US Sign Memorandum of Understanding on Fighting Human Trafficking 255

ROC Government Welcomes Scottish Court Ruling that Mr. Zain Dean be Extradited to Taiwan, Setting Positive Precedent for Taiwan-UK Judicial Cooperation 255

President Ma's Remarks at Welcome Banquet for ROC's CEDAW Second National Report Review Committee 257

Taiwan Welcomes Foreign Experts for CEDAW Report Review 259
Review of Taiwan's Second Report on the Implementation of CEDAW: Conclusions and Recommendations of the Review Committee 261

- Supreme Administrative Court Judgment (August 28, 2014)*
 103-Pan-Zi No. 467 275
 Act to Implement the International Covenant on Civil and
 Political Rights and the International Covenant on
 Economic, Social and Cultural Rights, Family Right,
 Spouse Visa 275
- Ministry of the Interior (September 26, 2014)*
 Tai-Nei-Hu-Zi-1030602955 276
 Foreign Spouses, Residence Permit 276
- President Ma Meets Children to Mark Universal Children's Day
 and Enforcement Act of the Convention on the Rights of the
 Child* 277
- Executive Yuan Approves Entering UN Disability Rights
 Convention* 279
- V. Territory and Territorial Jurisdiction 280
- The ROC Government Strongly Protests Japan's Claim in its
 Diplomatic Bluebook 2014 and Planned Inclusion in Primary
 School Textbooks that the Diaoyutai Islands are an Inherent
 Part of Japanese Territory* 280
- President Ma Attends "Examining the Diaoyutai/Senkaku Islands
 Dispute under New and Multiple Perspectives" International
 Conference* 281
- MOFA Expresses Grave Concern and Reiterates Government's
 Position Regarding Recent Maritime Confrontation near Shisha
 Islands* 284
- The ROC Government Reaffirms its Sovereignty over Taiwan,
 Penghu, Kinmen, and Matsu* 285
- President Ma Attends the Opening Ceremony of the Exhibition
 Commemorating Victory in War of Resistance against Japan
 and Retrocession of Taiwan* 286
- The ROC Government Strongly Protests Japanese Government's
 Naming of Several Islands and Reefs Appertaining to the
 Diaoyutai Islands* 289
- President Ma Attends the Opening Ceremony of the Exhibition of
 Historical Archives on the Southern Territories of the Republic
 of China* 290
- VI. State Responsibility 293
- VII. The Law of the Sea, Environment, Health, and
 Aviation 294

- Remarks by President Ma at the Opening Ceremony of the International Conference on Peace and Security in East Asia* 294
- President Ma Issues Statement on East China Sea Airspace Security* 298
- Remarks by President Ma at the 2014 East China Sea Peace Forum* 300
- VIII. The Law of Treaties 306
- Ministry of Foreign Affairs Clarifies Legally Binding Status of the Cairo Declaration* 306
- IX. Diplomatic, Consular, and Similar Relations 308
- X. Peaceful Settlement of International Disputes 309
- The ROC Government Expresses Deep Concern over the Situation in Ukraine* 309
- ROC Government Expresses Concern over North Korean Missile Launch* 309
- XI. Arms Control, Use of Force, and International Criminal Law 310
- Cabinet Approves Taiwan's Bid to Join UN Convention against Transnational Crime* 310
- XII. International Economic Relations 310
- Intellectual Property Court Criminal Judgment (February 20, 2014) 101 Xing-Zhi-Shang-Yi-Zi No. 74* 310
- Copyright Protection on Pornography, Berne Convention, TRIPS, WTO 310
- Economic Pact with Singapore to Take Effect April 19* 313
- Construction Commission, Executive Yuan (April 3, 2014) Gong-Cheng-Qi-Zi-10300109610* 314
- Agreement between Singapore and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Partnership, Government Procurement 314
- Intellectual Property Court Criminal Judgment (July 30, 2014) 103-Hsing-Chih-Shang-Yi-Zi-43* 315
- Kinmen Kaoliang Liquor, Territoriality Principle, Trademark Rights 315
- Taiwan Will Fully Support Asia-Pacific FTA: Premier* 317
- The Austrian Parliament Passes Taxation Treaty with the ROC* 319

- XIII. Private International Law 320
- Supreme Court Civil Judgment (September 24, 2014)*
103-Tai-Shang-Zi-1957 320
 - Agreement on Governing Law, Dutch Law,
Jurisdiction 320
 - Ministry of Justice (December 10, 2014) Fa-Lu-Zi-10303514090* 323
 - Denial of Paternity, Jurisdiction 323
 - Supreme Court Civil Judgment (December 11, 2014)*
103-Tai-Shan-Zi-2574 324
 - German National, Inheritance, Loss of Nationality, Right to
Acquire Land 324
- XIV. Cross-Strait Relations 325
- Mainland China 325
 - Heads of Competent Authorities for Cross-Strait Affairs*
Successfully Hold First Meeting 325
 - Tenth Round of Cross-Strait High-Level Talks Concluded the*
Cross-Strait Collaboration Agreement on Seismological
Monitoring and Meteorology 327
 - Government will Set Rigorous Safeguards and Corresponding*
Measures for the Trade in Services 329
 - President Ma's Remarks on the Cross-Strait Trade in Services*
Agreement 331
 - MAC's Statement on the Second Meeting between Heads of*
Cross-Strait Competent Authorities for Cross-Strait
Affairs 335
 - MAC Urges Mainland to Pragmatically View Taiwan's*
Participation in International Activities 339
 - MAC's Press Release on "Siew-Xi Meeting" at the APEC* 340
 - Hong Kong and Macau 341
 - Air Transport Agreement between Taiwan and Macao Signed in*
Macao 341
- XV. Others 343
- ROC Government Welcomes the Swiss Federal Court Decision in*
the Lafayette Case 343
 - Taiwan, Japan Sign Four MOUs on Cooperation in Tourism,*
Nuclear Safety, the Deposit of Microorganisms for Patent
Purposes, and Border Control 344

**Treaties/Agreements and Official, Semi-Official or Unofficial Agreements
Concluded by the Republic of China (Taiwan) with other Countries
in 2014** 346

Compiled by Chun-i Chen, Pasha L. Hsieh, and Pei-Lun Tsai

Chronological List 346

Selected Texts 351

Canada 352

*Arrangement between the Taipei Economic and Cultural Office in
Canada and the Canadian Trade Office in Taipei Regarding the
Importation of Beef from Canada* 352

*Memorandum of Understanding between the Anti-Money
Laundering Division of the Investigation Bureau of the Ministry
of Justice of the Republic of China (Taiwan) and the Financial
Transactions and Reports Analysis Centre of Canada
Concerning the Exchange of Financial Intelligence Related to
Money Laundering and Terrorist Financing* 357

European Union 360

*Confidentiality Agreement between the Taiwan Food and Drug
Administration of Ministry of Health and Welfare and the
European Directorate for the Quality of Medicines and
Healthcare of the Council of Europe* 360

Japan 362

*Memorandum between the Association of East Asian Relations
and the Interchange Association for the Mutual Cooperation in
the Field of Nuclear and Radiation Safety* 362

Saint Lucia 364

*Information and Communication Technology (ICT) Cooperation
Agreement between the Government of the Republic of China
(Taiwan) and the Government of Saint Lucia* 364

Table of Cases 370

Index 371

**Guidelines for Submissions to the Chinese (Taiwan) Yearbook of
International Law and Affairs** 374