Chapter One: What is International Law?

Multiple Choice. Select the best answer from those provided.

1. International Law is a field of law which differs from the internal, or domestic, law of a nation. It clearly binds the community of nations:
   - under only the Monist theory on the relationship between international and municipal law;
   - under only the Dualist theory on the relationship between international and municipal law;
   - when most nations consider it a part of the mutual expectations in their relations with each other;
   - only when all nations consider it a part of the mutual expectations in their relations with each other.

2. International Law is only effective:
   - absent supreme executive, legislative, and judicial bodies;
   - because there are supreme executive, legislative, and judicial bodies;
   - when all nations apply it in their international relations;
   - when enough nations apply it in their international relations.

3. The rules of International Law are derived from:
   - one sovereign entity;
   - many sovereign entities;
   - a vertical relationship between those who govern and those who are governed by it;
   - a horizontal, or equal, relationship between the governing bodies of International Law and those of each individual nation.

4. The term “source of International Law” unquestionably includes:
   - a regional custom;
   - an international custom, for which there is sufficient evidence of its existence;
   - a regional treaty;
   - all international treaties.

5. The sources of International Law include:
   - general principles of law, recognized by most nations;
   - only general principles of law, recognized by all nations;
   - all international treaties;
   - only customary practices.
6. There is a hierarchy among the ICJ Statute’s Article 38 sources of International Law, in that:
   - those listed first take precedence over those listed later;
   - treaties, the first listed source, necessarily carry more weight than any other source;
   - any sources not therein listed are necessarily secondary to those listed in Article 38;
   - some Article 38 sources are designated as “subsidiary” sources.

7. State X and State Y enter into a treaty, creating mutual obligations under International Law. State X’s Supreme Court subsequently determines that this treaty violates the State X Constitution. Under International Law:
   - State X need not comply with its treaty obligations;
   - State X must comply with its treaty obligations;
   - the domestic tribunals of State X need not apply International Law;
   - the domestic tribunals of State X may choose between the application of the State X law and International Law.

8. State X is a small area on the Mediterranean Sea. It is not a part of either France or Italy. It is not a member of the United Nations. X possesses international personality:
   - if it is a State;
   - only if it ultimately attains UN membership;
   - if it is both a State and it becomes a member of an international organization;
   - regardless of whether it is a State or not.

True/False. Mark each of the following statements as either TRUE or FALSE.

9. A rule of International Law exists only if all nations formally accept it as binding upon them. 
   - FALSE

10. In determining whether a common State practice is International Law, all of the following sources may be examined: a) custom; b) general principles of law; c) judicial decisions; and d) learned treatises by qualified jurists. 
    - TRUE

11. Since there is no effective means of enforcement and an absence of sanctions for violations, International Law is merely a group of principles agreed upon by states. 
    - FALSE

12. A state may not rely on its own domestic law as a defense to a breach of International Law. 
    - TRUE

13. “Public” International Law deals with relations between States, while “private” International Law deals with relations between individuals that may be affected by State treaties. 
    - TRUE

14. International Law is not really law that binds State relations because there is no international legislative body. 
    - FALSE

15. International Law did not exist before 1648, when the European Peace of Westphalia established the modern system of States. 
    - FALSE