



International Law

Chapter One Quiz Answer Key

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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. F A rule of International Law exists only if all nations formally accept it as binding upon them.
10. T In determining whether a common State practice is International Law, all of the following sources may be examined: a) custom; b) general principals of law; c) judicial decisions; and d) learned treatises by qualified jurists.
11. F 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.
12. T A state may not rely on its own domestic law as a defense to a breach of International Law.
13. T "Public" International Law deals with relations between States, while "private" International Law deals with relations between individuals that may be affected by State treaties.
14. F International Law is not really law that binds State relations because there is no international legislative body.
15. F International Law did not exist before 1648, when the European Peace of Westphalia established the modern system of States.