

Çalışma Soruları / Practice Questions

x) Which of the following statements pertaining to the definition of international law is false?

- a) International law used to be defined as the law governing the relations between states.
- b) Under the traditional definition of international law only states were deemed to have rights and obligations recognized by this legal system.
- c) Contemporary international law, although still considered to be principally the law governing relations between states, is no longer deemed to be exclusively limited to those relations.
- d) According to the traditional definition of international law individuals were qualified as subjects of this legal system.

x) Which of the following statements concerning Hugo Grotius (1583 – 1645) is false?

- a) His major work, *De Jure Belli ac Pacis* (1625) is one of the earliest attempts to provide a systematic overview of the international law of war and peace.
- b) Among Grotius' important works is *Mare Liberum* (1609), a forceful brief on behalf of the doctrine of freedom of the seas, which in due course came to be accepted as a fundamental principle of international law.
- c) The natural law doctrine found no support in Grotius' writings, as his theories about international law relied entirely on custom established by the practice of states.
- d) An individual whose influence rivaled with that of Grotius for a considerable period of time was the Swiss diplomat, Emmerich de Vattel (1714 – 1767) with his principal work *The Law of Nations* (1758), a practical guide for diplomats.

x) Which of the following statements is false in view of Article 38 of the Statute of the International Court of Justice (1945)?

- a) Article 38 does not mention explicitly decisions of international organizations amongst elements the Court shall apply.
- b) The Court may use judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.
- c) Article 38 does not clearly establish a normative hierarchy between “international conventions” and “international custom”.
- d) The Court may decide a case *ex aequo et bono*, whenever it deems appropriate.

x) Which of the following statements on customary international law is false?

- a) General, widespread and consistent practice on the part of states is required for a general rule of customary law to be formed.
- b) The legal conviction that a certain practice is obligatory as a matter of law is not necessary for a general rule of customary law to be formed.
- c) Relevant government pronouncements, national judicial decisions, resolutions of international organizations may be used to prove the existence of a customary rule of international law.
- d) Since international law is consensual in nature and since a practice does not have to be universally accepted to become a rule of customary international law, it follows that a state which has persistently rejected a customary rule during the course of its formation will not be bound by it.

x) Which of the following statements pertaining to the “general principles of law recognized by civilized nations” figuring in Article 38 (1) (c) of the Statute of the International Court of Justice (1945) is false?

- a) They were accepted as a source of international law on the theory that where states have universally applied similar principles in their national law, their consent to be bound by those same principles on the international plane could be inferred.
- b) They are created by judges of international courts and tribunals.
- c) Although modern international law relies less on general principles of law as a source of law, they are still used to fill gaps, particularly for procedural matters and problems of international judicial administration.
- d) International criminal tribunals have used general principles of law to fill gaps in their procedural and substantive law.

x) [.....] may be defined as institutions established by a treaty, composed of members that are states or international organizations and endowed with international legal personality.

- a) Transnational corporations
- b) Multinational enterprises
- c) Non-governmental organizations
- d) International organizations