INTERNATIONAL LAW ARCHILLES: HOW ASIAN LEGITIMIZES EUROCENTRIC

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ABSTRACT

This research focuses on the principle of how Asian legitimize Eurocentric in the international law view. As there are questioned and answers that need to be seen on how Asian legitimize the Eurocentric of international law. By having this research done, we can see in a large that Asian has issue in legitimize the eurocentric of international law in it. It also follows to the Third World countries which within it is Asian. Thus, there is indeed a need to further analyze and examine the Asian participation and approaches in this matters. The issue of how Asian adopt the Eurocentric of international law in its natural law will be further questions and answers.

The Third World participation and approaches in Asian countries and international law can be also seen to be discussed in this research. This questions and answers will be look into various ways and views on the international law. However, it must be noted that Asian pays more attention in regards of matter on the human rights of its countries and especially its people. It is submitted that, Asian participation and approaches are based on certain reasons and action in regard of the international law. Therefore, this research can help by analyze and examine how Asian legitimize the Eurocentric.
TABLE OF CONTENT

Acknowledgement ii
Abstract iii
Contents iv
List of Cases viii

CHAPTER ONE: INTRODUCTION

1.0 Introduction 1-5
  1.1 Problem Statements 1-6
  1.2 Research Questions 7
  1.3 Research Methodology 7
  1.4 Significance of Study 9
  1.5 Scope 9
  1.6 Limitation 9
  1.7 Provisional Plan 10-11
  1.8 Outline 11
  1.9 Conclusion 12

CHAPTER TWO: EARLIEST BINDING BY EUROCENTRIC POWER

2.0 In The Making of Earliest Binding by Eurocentric Power 13-15
  2.1 Introduction 13-15
  2.2 The Stages of Developments in Treaties 16-18
    A. Westphalia Peace Treaties 18-21
    B. The Roman-Jewish Treaty 21-24
    C. The Treaty of Paris (1783) 24-27
  2.3 The Development of the Treaties 28
  2.4 International Law from the Religion Perspective 30-33
  2.5 Conclusion 33-35
CHAPTER ONE

INTRODUCTION

This research chronicles, concern on how Asian legitimize Eurocentric approaches using the international law as it mechanism. The structure of this research is to understand the background of international law in depth and the ways how Asian could legitimize Eurocentric approaches in it development. Nowadays, Asian countries had develop into more modern era and try to fit in with the international law requirements which based on the Eurocentric approches. As we can see that, there are problems on how Asian legitimize Eurocentric approaches. This chapter will describes some of historical aspects of international law and how Eurocentric was established.

International Law which sometimes known as the Law of Nations is that system which concerned with the relations between states. International Law has grown steadily through out the centuries. It can be referred by one leading authority\(^1\) which that law only related on the relations between states. However, it is accepted today which that the subject extends to rights and duties pertaining to international organisations, companies and individuals\(^2\). As stated, it is usual refer to that branch of law that governs the realtions between states. But, this traditional definition does not reflect in modern times. International Law is no longer the exclusive domain of states as new stage of other international plane as appear such as public international organisations, non-governmental organisations (NGOs)\(^3\) transnational corporations, and even private individuals.


\(^2\) Example of the development of a district international human rights in the Second World War and since the Universal Declaration on Human Rights (1948)

\(^3\) Definition: A legally constituted organization created by natural or legal persons that operates independently from any government.
Furthermore, the importants of international law arises from the need to ensure a process that “regulates competing demands and establishes the framework for predictable and agreed community behaviour”. The term “public international law” should be distinguished from “private international law”. Both are said to be supranational system of law, but, however, public international law focus more on the relationship between states and other international entities (other states), whereas, for private international law concerns on the matter between conflicting municipal systems of law in order to regulate the relationship between persons, both legal and natural. Basically, international law consists of rules and principles of application which govern the conduct of the states in dealing with it own subjects, or with other states, or with the international organization. The nature of international law is that it is body of rules and principles which are binding upon states in their relations with one another. As mentioned, international law can be divided into two; Public International Law and Private International Law.

International law concerns itself only on the relations between states and the citizens and or their relationship with other subjects of the states and or international organization such as United Nations (UN) and World Trade Organization (WTO). We can see the example of Public international law in matters relating to International Diplomatic Relationship. In addition, international law includes the basic, classic concepts of law in national legal systems such as status, property obligation, and tort (delict). It also includes substantive law, procedure, process and remedies. Despite of that, some rules of international law are recognized by international community as peremptory, permitting no derogation. Such rules can only be changed or modified by a subsequent peremptory norm or international law.

In the domestic law; it eliminate chaos and the need for violence by clarifying how States should behave towards each other. One of the character of International law is that it imposes upon the nations certain duties with respect to individuals. In International law it is a violation of international law to treat an alien in a manner which does not satisfy the international standard of justice. However in the absencence of a specific agreement an individual cannot bring the compliant

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4 Charter of the United Nations