

**INTERNATIONAL LAW ARCHILLES : HOW ASIAN  
LEGITIMIZES EUROCENTRIC**

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## ABSTRACT

This research focus 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 analyse and examine the Asian participation and approaches in this matters. The issue of how Asian adopt the Eurocentric of international law in it 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 it countries and especially it 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 analyse and examine how Asian legitimize the Eurocentric.

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# 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 approaches. 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<sup>1</sup> 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<sup>2</sup>. 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)<sup>3</sup> transnational corporations, and even private individuals.

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<sup>1</sup> O'Brien, J. *The influence of Oppenheim in International Law*. (1989)

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

<sup>3</sup> Definition : A legally constituted organization created by natural or legal persons that operates independently from any government.

Furthermore, the importance 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 systems of law, but, however, public international law focuses more on the relationship between states and other international entities (other states), whereas, for private international law concerns 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 its own subjects, or with other states, or with the international organization. The nature of international law is that it is a 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 on their relationship with other subjects of the states and on international organization such as United Nations (UN)<sup>4</sup> 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 eliminates chaos and the need for violence by clarifying how States should behave towards each other. One of the characteristics 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 absence of a specific agreement an individual cannot bring the complaint

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<sup>4</sup> Charter of the United Nations