



## **5<sup>th</sup> AsianSIL Biennial Conference 2015** **Thursday and Friday, 26 & 27 November 2015**

### **International Law and the Changing Economic & Political Landscape in Asia**

#### ***Internationalization of International Law*** From Hegemony to Harmony of Norms

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| Panel Assigned:                                           |                                              |

# ***Internationalization of International Law***

From Hegemony to Harmony of Norms

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## **Abstract**

Is international law really international in nature? From a political and historical perspective, international law is widely regarded as the expression of shared European values, culture and Europe's superiority. The peoples of Asia and Africa view that the substance of international law is an expression of the Western powers. For Muslim nations, international law properly so-called belongs to Christian nations – it is the law of Europe's Christian nations and could not apply to Muslim nations. In short, International law is no more than an internationalization of European law. One of the important consequences of this is putting Europe as the center of international law, and others, especially Asia and Africa is merely the periphery of international law. The important question is that how to make international law a truly international in nature? The paper argues that internationalization of international law is to make international law bound to reflect a common law of mankind instead of a European national law. The main problem lies not in the international law-making process, it is about the hegemony of norms. Hegemony of the European values and norms in the creation of international law has made this law not only is European centric in nature, but in a certain extent has been eroding the nature as well as the international element of international law. This hegemony of norms has been a reductionist element that has reduced the universality of international law. Hence, the internalization of international law is essentially a paradigm shift from hegemony to harmony of norms.

## **1. Introduction**

International law is norms that reflect universal values, which constitutes a blended of various cultures and values of the nations in the world. However, the history and the reality show that international law is truly rooted from cultures and traditions of the European nations. Colonialism and imperialism played a significant role to make European cultures and traditions become universal values and norms. The application of the European values and traditions in non-European nations was more a (political) imposition rather than voluntary acceptance. One of the serious consequences of that is the hegemony norm in the sense of superiority claims of the European values and traditions over the non-European nations. Although European colonialism and imperialism was a history, but the norms and practices of international law has not