

# How International Law Began in Singapore: or An Introduction to Third World Approaches to International Law

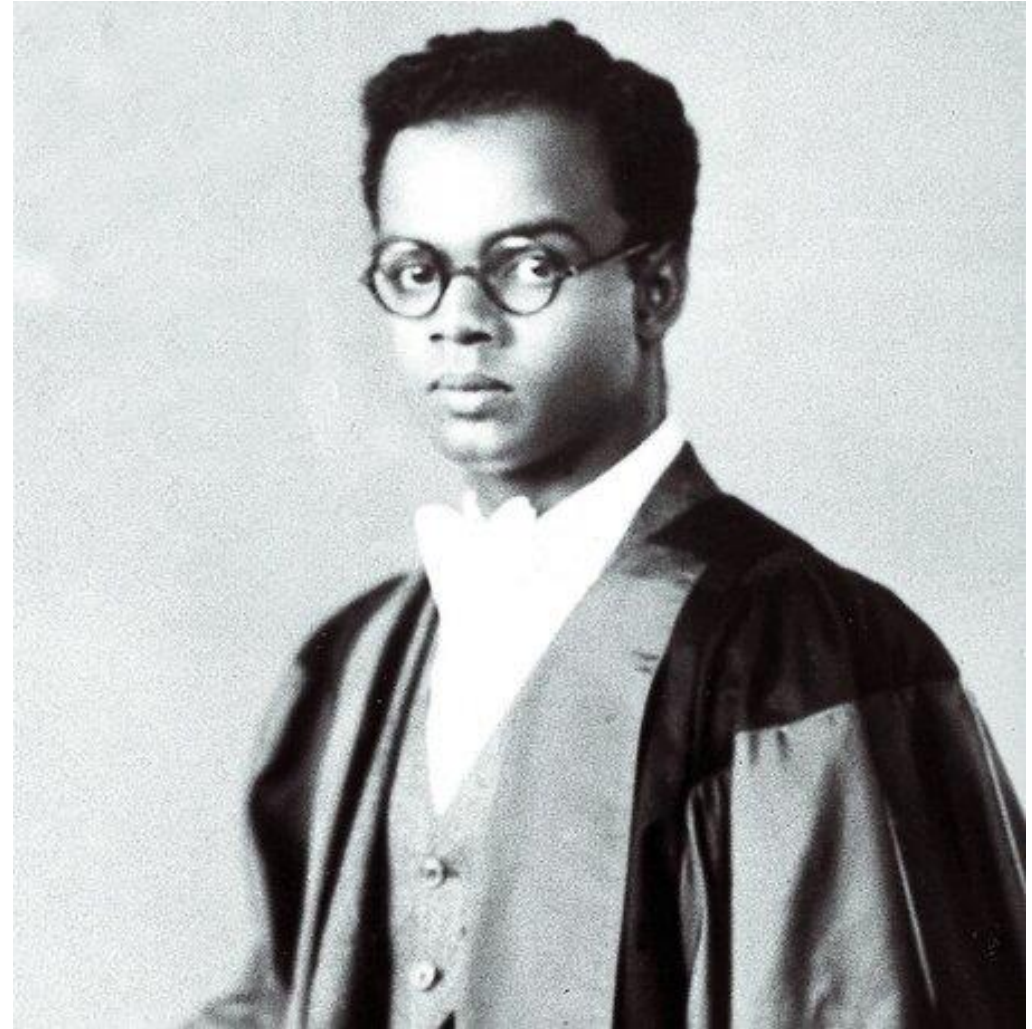
Tony Anghie  
National University of Singapore and  
University of Utah

# Third World Approaches-Basic Ideas

- How can the peoples of the Third World use international law to further their own interests?
- Imperialism is central to the formation of international law; history and theory
- Imperialism continues in a supposedly post-imperial world
- The 'lived experience of the peoples of the Third World' as an approach to international law; Dr Eric Williams
- Decolonization:
  - The development of an alternative vocabulary
  - Based on an alternative history and alternative concepts—race, the civilizing mission, colonial political economy; dynamic of difference
  - The creation of space for different voices-new knowledge



Professor R.P. Anand



Professor Eric Williams





دشت کبیر

تارستان

مالک ااطول

دشت قباق

ترکستان

مالک خطک

اولو تاتارستان

بحر خزر

نهر سیحون  
ماوراء النهر  
نهر جیون

مالک چین

جزیره یابون

جزایر چین

مالک سلطان

مالک سلطان

بحر

مالک

مالک هند

جزایر چین

اقليم حبش

مالک جزیره

بنکاله کورفوی

کورفوی

لوقون

فیلوسا طهری

اقليم افريقا

بحر عرب

کبایت کورفوی

جزایر هند

سیرام

مندان

دیولو

نوه کینیا

بحر محیط هند

نمری بوری

جزیره سیلان

بورنوی

سلام

شرق

غرب

# Indian Ocean Trade, 500-1000CE





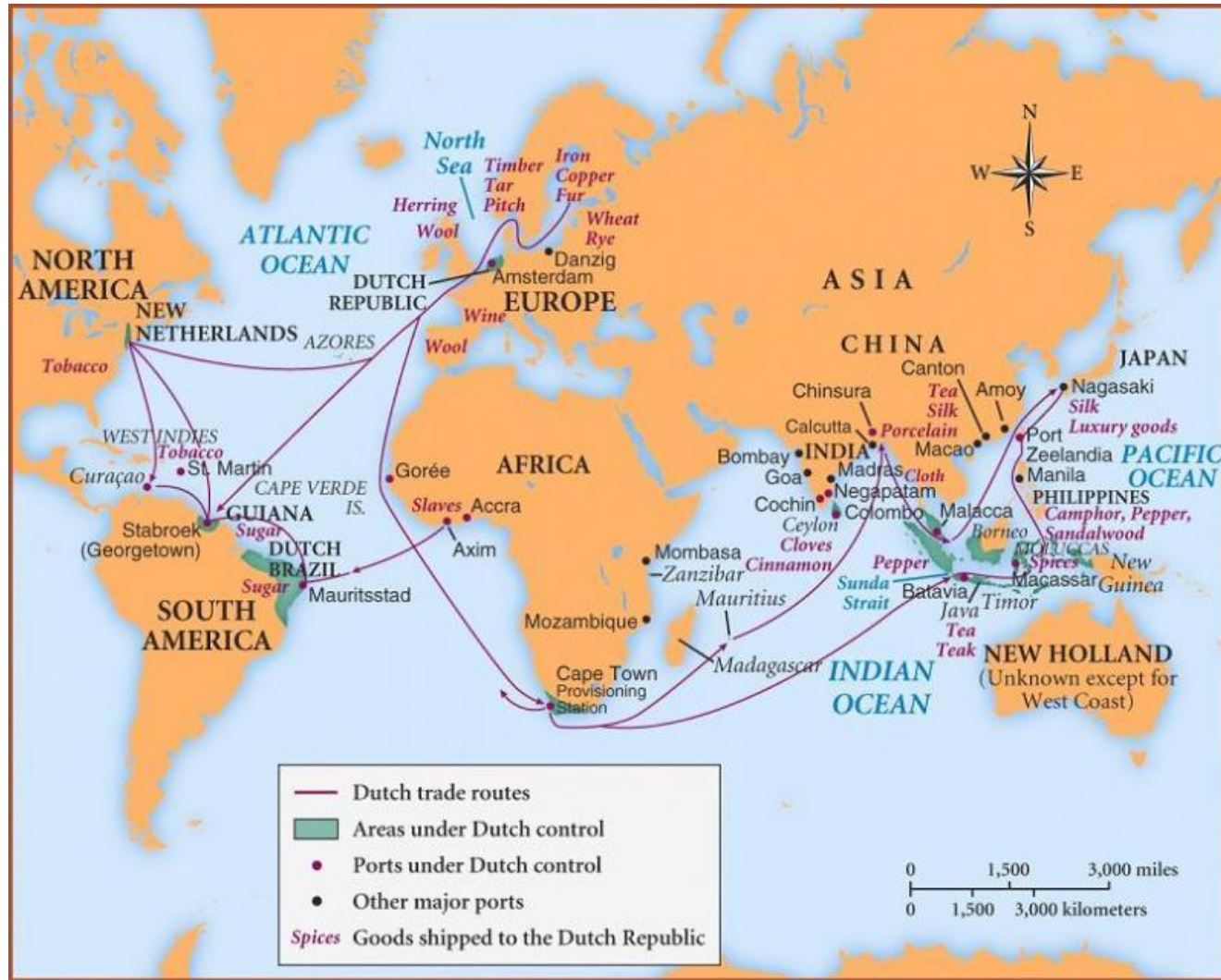
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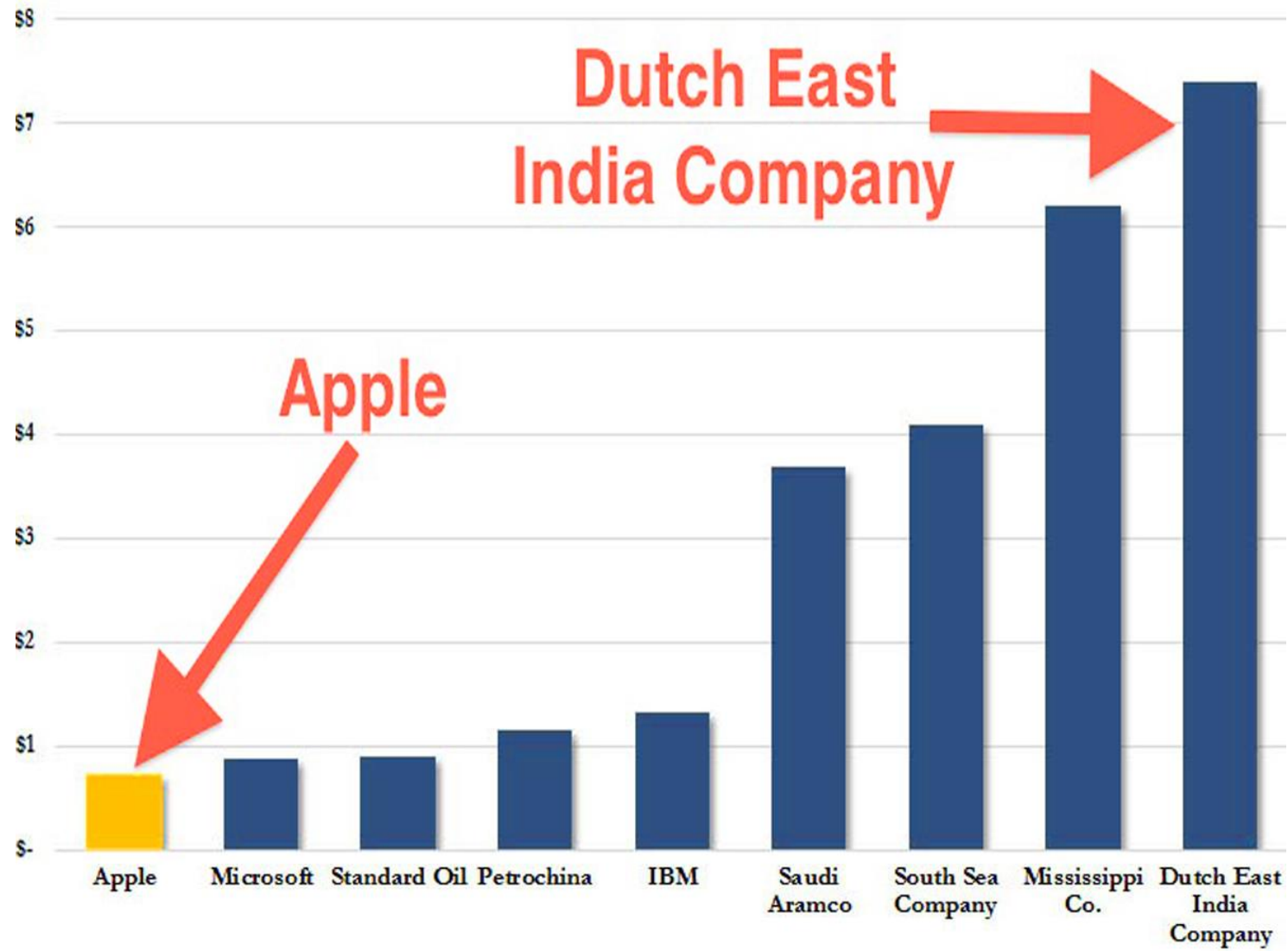
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Access to all nations is open to all, not merely by the permission but by the command of the law of nations.

Neither the sea itself nor the right of navigation thereon can become the exclusive possession of a particular party, whether through seizure, through a papal grant, or through prescription (that is to say, custom).

Grotius CLPB Chapter XII





- ❑ It was permissible from the beginning of the world (when everything was in common) for anyone to set forth and travel wheresoever he would'
- ❑ it is certain that the aborigines can no more keep off the Spaniards from trade than Christians can keep off other Christians'.

Francisco de Vitoria  
'On the Indians Lately Discovered' (1539)

‘The examples afforded by all living creatures show that force privately exercised for the defence and safe-guarding of one’s own body is justly employed. Furthermore, such force is also just when the purpose is defence or recovery of one’s property; nor is it less so when employed for the collection of debt’

Grotius CLPB Chapter VII

NATURAL LAW AND  
ENLIGHTENMENT CLASSICS



*The Rights of  
War and Peace*

BOOK I

Hugo Grotius

Edited and with an Introduction

by David Held



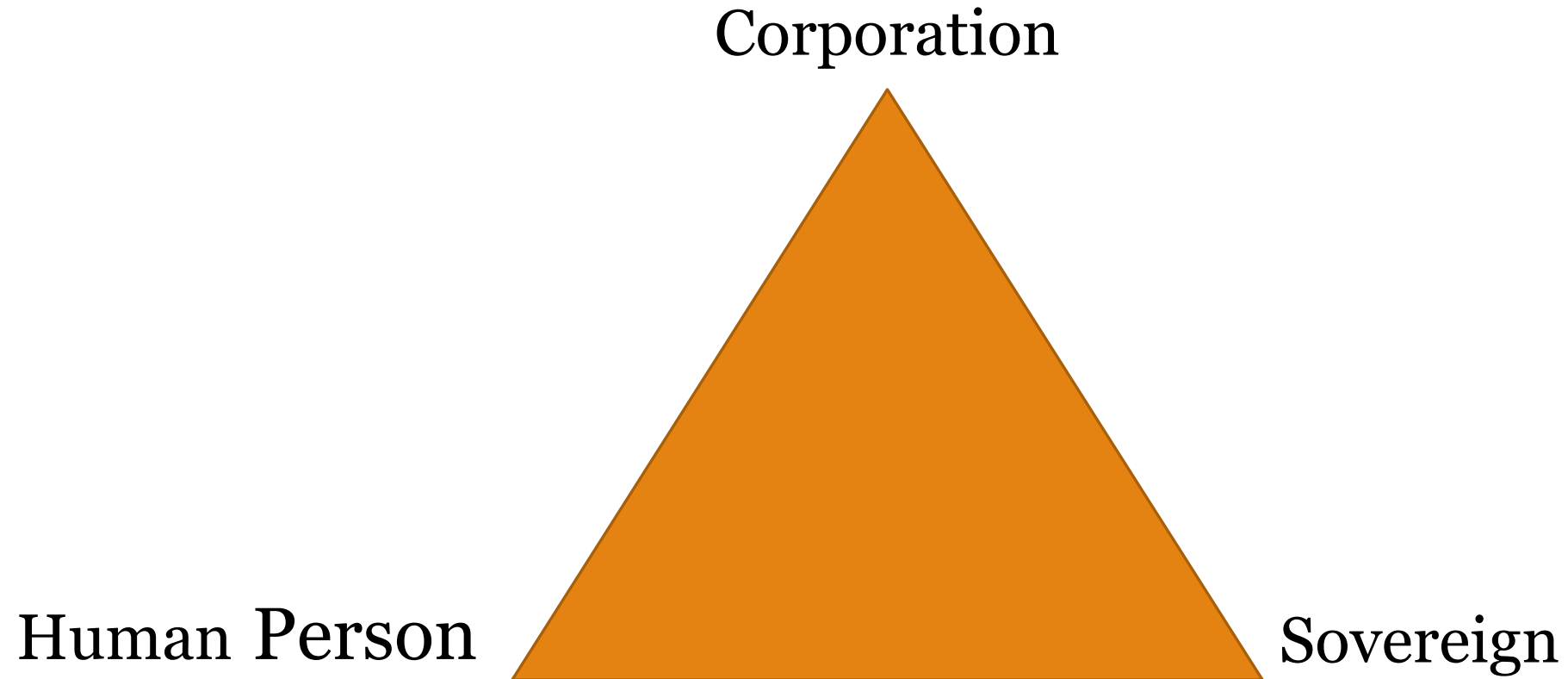








# The Grotian Triangle



# Treaty of Friendship and Alliance, 1819

TREATY OF FRIENDSHIP AND ALLIANCE concluded between the Honourable Sir Thomas Stamford Raffles, Lieutenant-Governor of Fort Marlborough and its dependencies, Agent to the Most Noble Francis, Marquis of Hastings, Governor-General of India, &c, &c.&c, for the Honourable English East India Company on the one part, and their Highnesses Sultan Hussain Mahummed Shah, Sultan of Johore, and Dattoo Tumungong Sir Maharajah Abdul Rahman, Chief of Singapore and its dependencies, on the other part.

# Treaty of Nanking, 1842

## ARTICLE I.

There shall henceforward be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, and between their respective Subjects, who shall enjoy full security and protection for their persons and property within the Dominions of the other.

# FRANCISCO DE VITORIA, 'On the Laws of War' (1539)

FIRST, in the just war one may do everything necessary for the defence of the public good

Hence since our war against the pagans is of this kind, being permanent because they can never sufficiently pay for the injuries and loss inflicted, it is not to be doubted that that we may lawfully enslave the women and children of the Saracens.

Vitoria on War, para 42

'...sometimes security cannot be obtained without the wholesale destruction of the enemy. This is particularly the case in wars against the infidel, from whom peace can never be hoped for on any terms; therefore the only remedy is to eliminate all of them who are capable of bearing arms against us, given they are already guilty'

'It is never right to commit evil even to avoid greater evils' [On War para 38]

When combatants and non-combatants are practically identical among a people, and savage or semi-savage peoples take advantage of this identity to effect ruses, surprises, and massacres on the "regular" enemies, commanders must attack their problems in entirely different ways from those in which they proceed against Western peoples. When a war is between "regular" troops and what are termed "irregular" troops the mind must approach differently all matters of strategy and tactics, and, necessarily also, matters of rules of war.

Elridge Colby, 'How to Make War on Savage Tribes'  
21 American Journal of International Law 279, 1927

# Bandung Conference, 1955

