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**Asian Perspectives on International Law in the Nineteenth
and the Early Twentieth Century**

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Outline

Introduction

I Japan's Assimilation of Western International Law in the Nineteenth Century

- 1. Commodore Perry and the Opening of Japan**
- 2. Japan's Ambivalence toward International Law**
Yukichi Fukuzawa (1835- 1901): *Datsua Nyuou* (Exiting from Asia and Entering into Europe)

A Song for Elementary School Pupils in 1880s:

“The British in the west, The Russians in the north,
Be alert, my countrymen! The treaties they conclude
Cannot be trusted at heart. Even if there's Law of Nations,
Once a crisis should occur, Might is the law of the jungle.
Let's be prepared for it!”

- 3. Japan's Reliance on Force Than on Law after the Russo-Japanese War**
- 4. The Postwar Japanese Practice of International Law**

II Presence and Non-Presence of Asian Countries in the Hague Peace Conferences of 1899 and 1907

- 1. First Hague Peace Conference of 1899**
- 2. Second Hague Peace Conference of 1907**
- 3. Japan's Attitude toward Peaceful Settlement of Disputes: *Japanese House Tax Case* of 1905 (Permanent Court of Arbitration)**
- 4. Legacy of the Three Envoys from Korea in 1907**

**Yi Sang-Sol (1870- 1917
center in the picture)**

Having studied English, French and Modern Literature, he was Professor and President of the National Confucian Academy. In 1905, he resigned from his position as Councilor of the Prime Minister's Office in protest at the Treaty of Protectorate with Japan. In 1906, he defected to



Vladivostok,

Russia, where he founded a school to educate Korean youths for the struggle against Japan. He was Emperor Ko-Jong's chief delegate at The Hague in 1907. During his last ten years, he devoted himself to restoring Korea's independence, working on the establishment of the government in exile.

Yi Jun (1859-1907 left in the picture): Being a lawyer, a political activist and a pious Christian, he was the founder of the Red Cross, YMCA. and Christian mission schools in Korea. He studied law, including international law, at the Legal Training Institute in 1895, and also at Waseda University, Tokyo, in 1896-98. He resigned from his position as preliminary judge of the Supreme Court in protest at the 1905 Treaty of Protectorate, and led the anti-Japanese struggle afterwards. He died of sudden illness on 14 July 1907 at Hotel "De Jong", located at Wagenstraat 124a, The Hague, which is now turned into "Yi Jun Peace Museum". The cause of his death was long debated, as the Korean newspapers had publicized it sensationally as a "suicide in protest". However, as the local Dutch newspapers as well as the *Courrier de la Conférence* reported, the fact was that Yi Jun had an abscess on his cheek which had been removed by an operation, causing erysipelas.

Yi Wi- Jong (1887- 1920s? right in the picture): As a son of Yi Bong-Jing, former Minister of Korea in St. Petersburg, he lived with his father in various European capitals from childhood, and he was therefore able to speak seven languages. After graduating from Janson de Saily School in Paris, he was trained at Saint Cyr Military Academy. He served as secretary at the Korean Legation in St. Petersburg, until 1905 when it was closed as a result of the Treaty with Japan. He was only twenty years old when he acted as spokesman for the Korean delegation to The Hague in 1907. His wife, Elizaveta, was a daughter of Baron Karlovskii-Norcken, a Russian aristocrat of Swedish origin and Governor of the Province of Tobolsk, Russia. He fought battles against the Japanese forces as an officer in command of a partisan unit in Siberia. He later joined the Bolshevik revolution, and it is believed that he served as an officer in the Russian Red Army and that he was killed in action at some point, leaving behind his wife and three daughters.

References: Shinya Murase, "'The Most-Favored-Nation Treatment in Japan's Treaty Practice 1854-1905", *American Journal of International Law*, vol.70, 1976, pp.273-297; *Ditto*, "Presence of Asia at the 1907 Hague Conference", in *Colloquium of the Hague Academy of International Law*, (forthcoming in 2009).