Korean Attitudes Toward International Law after the Open-Door to the West (II)

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IV. Korean Independence of China under the Imperialism

In spite of the hearty desire of Koreans for the independence, the status of Korea has largely depended upon the international situation surrounding the Korean peninsula. In 1880s Chinese efforts to reinforce her influence upon Korea were many times checked to a certain extent by Japan and other treaty powers. Even when the Japanese soldiers and members of the legation were driven out of Korea after the abortive coup d'état by the Progressive Party in 1884, Japan successfully urged China at the time of the negotiation for the Treaty of Tientsin to agree to withdraw respective forces from Korea and to give prior notification to the other party if one party was to dispatch troops to Korea in the future.⁵⁰

Due to the domestic turmoil in Korea by the Tonghak rebellion the Korean government, led then by the Conservative Party, invited the Chinese troops to Korea. According to the provision of the Treaty of Tientsin, China gave its prior notification to Japan on June 6, 1894. The next day Japan was also willing to dispatch troops to Korea not only to counter the Chinese influence upon Korea but also to turn the attention of the Japanese people from the unresting domestic political problems to the external problems like a war with China. Notwithstanding the repeated protests by the Korean government against sending troops to Korea, Japan landed its troops to intervene into the

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⁵⁰ See the texts of the Treaty of Tientsin, at Kukhoe-tosogwan. "Kuhanmal choyakhwiti'an(韓與條約彙纂), chung kwo'n (Ippöp-ch’amgo-charyo No, 26, at 142-145(1965),
domestic matters of Korea under the excuse of assistance for the modernization of Korea. The first thing that Japan requested Korea was to terminate the 1882 Regulations for Maritime and Overland Trade between Chinese and Korean Subjects, which stipulated the traditional Chinese superiority over Korea. Japan sent an ultimatum to the Korean government on July 17, 1894 that the termination of the Regulations was to be done by midnight of July 22.\(^{(51)}\) Yuán Shǐh-k'ai fled to China on July 19. Without any clear answer from the Korean government by July 22, the Japanese forces occupied the Kyŏngbok palace at the dawn of July 23. A new cabinet was organized by the advise of Japan upon the success of the Japanese *coup d'état*. The new puppet cabinet under the leadership of Taewŏn'gun repealed all the existing treaties with China on July 25. Naturally the time-honored tributary relationship between China and Korea thus came to an end by the “assistance” of Japan.

Under the Japanese guidance, the new cabinet conducted the Reform of 1894 through the newly created Deliberative Council (軍國機務處) which was composed of some twenty members, who were more or less familiar with the Western civilization. Among them, former minister to the U.S. Pak Chŏng-yang and former member of the 1883 Kyŏbangsa mission to the United States Yu Kil-jun participated in the Council as Minister of Home Affairs, and Director-General at the Ministry of Foreign Affairs respectively. Kim Hong-jip, who was the chief of the Shinsa-yuramdan mission to Japan in 1881 became president of the Deliberative Council. Most of the reform was planned by the Council without the direct intervention by Japan.\(^{(52)}\) It seems that Japan was not much interested in the reform itself. Its sole object was to locate Korea under the Japanese domination. The reform, conducted by the Deliberative Council, was revolutionary. The basic change was the separation of the Royal Household (Kungnaebu) from the executive. The State Council (Ŭijŏngbu) was

\(^{(51)}\) See Il-an (日案) II, at 684, No. 2947. For the text of the Regulations (朝中商民水陸貿易章程), see note 19 infra.

\(^{(52)}\) See Nihon Gaiko Bunsho (日本外交文書), 27:1, No. 429, at 636. See also, ibid., No. 447, at 665–666.