

name of the king linked the Norway of today to the Norway of the traditional past.

The present is secure, but what of the future? A glance at the map shows the geographical importance of Norway. It is indeed true that Sweden and Denmark control the entrance to the Baltic. It is, however, a fact that Norway cannot be overlooked in this connection. For although the canal at Kiel may serve a great purpose, the natural entrance and outlet to and from the North Sea and the Baltic lies between Denmark and Sweden with Norway looming up large on the horizon. A family alliance with Great Britain is no doubt a great protection; the fear and jealousy of the Russian is likewise no mean political asset, while the uncertainty of the relations of France and Germany may prevent any fear of aggression from Germany even supposing the desire were present. The geographical and political situation would seem, therefore, in the nature of things to neutralize the northern kingdoms. Their importance lies in their geography, and paradoxically speaking, their very weakness is their strength.

#### THE INTERNATIONAL STATUS OF KOREA

For centuries Korea has been a battle-ground between China on the one hand and Japan on the other, and lately within the memory of the present generation, indeed but yesterday, it has been the cause of war between Russia and the Island Empire. It was the cause of the war of 1894 between China and Japan by means of which the latter took its place among the nations, and more recently it was the cause of the war of 1904-1905 between Russia and Japan at the conclusion of which Japan emerged as a great world-power.

The possession of Korea means much to others, to itself it means little or nothing. It is a prize to be contended for, and its destiny seems to depend upon the wish and strength of others. It at one time and for centuries depended upon China, at another depended upon Japan. For a few short years, from 1876 to 1894 it tasted the sweets of independence. By the treaty of peace, amity and commerce of February 27, 1876, between Korea and Japan the independence of Korea was recognized as far as Japan was concerned. Its various ports were opened to Japanese trade and a diplomatic minister was to reside at Seoul.

The independence of Korea was still further recognized by the treaty of peace, amity, commerce and navigation of May 24, 1882, between the United States and Korea and, internationally speaking, the independence of Korea was then recognized by two of the great powers.

By the terms of the treaty the United States was admitted to trade in the three ports already opened to the Japanese, and to such as might be afterwards opened to foreign commerce; diplomatic and consular officers were to be received; provision was made for the case of shipwrecked vessels, and other usual stipulations of commercial treaties; traffic in opium was prohibited; and extraterritorial jurisdiction was given to American consuls, but the following provision was inserted: "Whenever the king of Chosen shall have so far modified and reformed the statutes and judicial procedure of his kingdom that, in the judgment of the United States, they conform to the laws and course of justice in the United States, the right of extraterritorial jurisdiction over United States citizens in Chosen shall be abandoned;" and the two countries were to be open to the residence, respectively, of the citizens and subjects of the other to pursue their callings and avocations. (John W. Foster: *American Diplomacy in the Orient*, p. 325.)

It is not without interest to note that the United States showed its friendly interest in the welfare of the Hermit Kingdom by proffering good offices in Article I of the treaty.

If other powers deal unjustly or oppressively with either government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

The next year (1883) conventions were signed by representatives of Great Britain and Germany so that the independence of the kingdom was recognized by the world powers and the possibility of a formal adoption into the family of nations was held out to the land of Chosen.

But China looked askance on the new state of things and refused to renounce its claims of overlordship without a struggle. Taking advantage of the disordered conditions of the country Chinese troops were sent into Korea for the alleged purpose of putting down a rebellion which threatened to overthrow the Korean government. This action was claimed by Japan to be in violation of a treaty of 1885. A Japanese force occupied Seoul, its seaport, and fortified the connecting route. The rebellion was suppressed but the foreign armies remained.

China expressed a willingness to withdraw concurrently with the Japanese; Japan refused to withdraw until Korea should adopt such reforms in government as would prevent future disorders. The good offices of the United States by virtue of Article I of the treaty of May 24, 1882, were requested and extended, but the solution was reserved to the sword, not to diplomacy. The result was the war of 1894 between China and Japan. The war, as is well known, resulted in the overwhelming and crushing defeat of China, and its suzerainty over Korea was a thing of the past. The independence of Korea and the abandonment of all tribute and vassal ceremonies to China freed the land of Chosen from Chinese dominion. The independence, however, was

more in theory than in fact. A new master was substituted for the old.

A glance at the map shows the valuable geographical situation of Korea. Wedged in between China on the west, Russia on the north, with Japan ready to step from the island to the mainland, the condition of the kingdom was precarious. Unable to maintain and therefore to enjoy, its independence the question was, "Into whose lap should the prize fall?" Russia wished to give territorial unity to its possessions on the Pacific which would be effected by the permanent occupation of Manchuria and the subjection of Korea to its influence. If this should happen the ambition of Japan to secure a firm hold on the mainland and to establish an outlet for its population and a market for its industry would be frustrated. The forced renunciation of the Liaotung peninsula which Japan had wrested from China, the lease of Port Arthur to Russia by China showed in no uncertain way the intention of Russia. The Russian occupation of Manchuria as the result of the suppression of the Boxer movement made that more visible which was already plainly seen. A struggle on a large scale between Russia and Japan became a certainty.

In the meantime diplomatic methods were resorted to until the sword should be drawn. By a memorandum concluded between Japan and Russia signed at Seoul, March 14, 1896, the right of Japan was recognized to maintain her guards for the protection of her telegraphic lines between Fusan and Seoul. In this connection it should be observed that the right of Japan to construct railways between Seoul and Fusan and between Seoul and Chemulpo, and to maintain telegraph lines between these places was recognized by an agreement concluded between Japan and Korea, August 28, 1894. By the memorandum of May 14, 1894, Japan and Russia mutually recognized their right to station their respective troops for the protection of Japanese settlements in Seoul and the open ports of Korea on the one hand, and the Russian legation and consulates on the other. (For text of memorandum, see Supplement.)

Two years later, on June 9, 1896, a protocol was signed at Moscow between Japan and Russia which recognized the right of Japan and Russia to give advice to the Korean government in reference to the management of her financial affairs. The two governments agreed to give their support to Korea should it become necessary for her to raise loans. The two governments agreed not to interfere with the establishment and maintenance of her army and police system. Russia admitted Japanese right to control her own telegraph lines in Korea, and at the same time Russia reserved the right to establish a telegraph line from Seoul to

the Russo-Korean frontier. (See text of the protocol in the Supplement.)

Two years later, on April 25, 1898, a protocol was signed at Tokio by Baron Nissi and Baron Rosen, by which Japan and Russia recognized the sovereignty and independence of Korea and mutually agreed not to interfere in the internal affairs of Korea. The two governments also agreed between themselves not to take any steps regarding the appointment of military instructors and financial advisers for Korea without previously arriving at some understanding between the two powers. Russia recognized Japan's preponderating interests in Korea as regards commerce and industry, and agreed not to place any obstacle to Japan's commercial and industrial activities in Korea. (For the text of the protocol, see Supplement.)

On February 23, 1904, a protocol was signed by Mr. Hayashi and General Ye-Tehi-Yong at Seoul by which Korea agreed on the one hand to be guided by the advice of Japan in regard to improvements in administration while Japan on the other hand agreed to insure the safety of the imperial house of Korea and to guarantee the independence and territorial integrity of that country. In case the welfare of the imperial house of Korea or the territorial integrity of Korea was endangered, Japan agreed to take such measures as circumstance might require. For that purpose the right of Japan to occupy such places as may be necessary from a strategical point of view was recognized. The two countries agreed not to conclude with a third power without mutual consent any arrangement derogatory to the principle of this protocol. It will be recalled that war dating from the sixth of February already existed between Russia and Japan. (For the protocol, see the Supplement.)

On August 22 of the same year Japan and Korea entered into an agreement signed at Seoul which was the logical consequence of the protocol of February 23, 1904. Korea agreed not to take any important measures regarding finance and foreign relations without first taking the counsel of the advisers who should be recommended by Japan. In order to prevent for the future the conclusion of unwise and improvident engagements, Korea agreed to consult Japan before concluding treaties and negotiating conventions with foreign powers, and in dealing with any important matters in which the right of foreigners was involved such as the grant of concessions to foreigners. (For text of the agreement, see Supplement.)

So matters stood in 1904. The preponderating influence of Japan resembled absorption; the close of the year 1905 practically found Korea a dependency of Japan. Two important agreements were concluded

by the first of which, signed at Seoul April 1, 1905, Japan took over the control of the post, telegraph, and telephone services in Korea, and by the agreement signed at Seoul on November 17, 1905, Japan took charge of external relations of Korea, the latter agreeing not to conclude any act or engagement of an international character except through the intermediary of Japan. In other words, Korea surrendered her international status, having renounced her right to foreign representation except through the medium of Japan. (For the text of these important international agreements, see Supplement.)

The result of the decade between the conclusion of the Chinese war in 1895 and the treaty of Portsmouth in 1905 was the extinguishment of the independence of Korea and the establishment of a protectorate of the strictest kind known to international law. The establishment of the residency general and residencies in Korea by Imperial Ordinance No. 267 promulgated December 20, 1905, shows the nature and extent of the Japanese domination. While it may be considered a matter of municipal regulation it still has a great importance in international law. It is, therefore, printed in full in the Supplement.

That Korea has disappeared as an equal in the family of nations appears conclusively from the fact that at the conference of Geneva, Japan represented Korea as well and that the signature of the Japanese representative in his capacity as representative of Korea was promptly disavowed, Japan holding, and it would seem properly, that the signature of the Japanese representative sufficed. The following declaration presented formally to the president of the Swiss Confederation leaves no doubt as to the status of Korea from the Japanese point of view. On account of the importance of this document it is here printed at length and in French.

#### DÉCLARATION

Attendu que le Gouvernement Impérial du Japon, en vertu de l'accord intervenu le 17 novembre, 1905, entre le Japon et la Corée, a le droit de diriger entièrement les relations et affaires extérieures de la Corée,

Attendu que comme conséquence de l'état de choses susmentionné, la Corée a cessé d'avoir des relations ou des obligations internationales quelconques à l'égard de la convention de Genève du 22 août, 1864, ou des revisions quelconques qui la concernent, si ce n'est par l'intermédiaire du Gouvernement du Japon,

Attendu que l'acte d'inclure Sa Majesté l'Empereur de Corée comme une des hautes parties contractantes de la nouvelle convention de Genève du 6 juillet, 1906, et la signature apposée à cette convention par le Plénipotentiaire de Sa Majesté l'Empereur du Japon à titre de Plénipotentiaire la Sa Majesté l'Empereur de Corée étaient causées par la méprise du dit Plénipotentiaire et étaient d'ailleurs incompatibles avec la situation internationale dans laquelle la Corée se trouve actuellement,

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Le Gouvernement Impérial du Japon ayant pour but d'écartier des doutes qui pourraient exister concernant la nature de ses relations avec la Corée, a autorisé le soussigné Chargé d'Affaires de Japon à Berne à déclarer ainsi qu'il suit:

Les parties de l'énumération dans le préambule de la dite convention du 6 juillet, 1906, et la signature dans la même convention qui font figurer Sa Majesté l'Empereur de Corée comme une Partie contractante de la dite convention, étant dans l'erreur et incompatible avec l'état réel des affaires, sont sans valeur ni effet et sont considérées par le Gouvernement Impérial du Japon comme nulles et non avenues.

Fait à Berne, le 15 octobre, 1906.

(sig.) GENSEIRO NISHI,  
*Chargé d'Affaires du Japon.*

Pour copie, certifiée conforme,  
Le secrétaire du département politique  
de la Confédération suisse:

GRAFFINA.

Berne, le 23 octobre, 1906.

#### JAPANESE SITUATION

The editorial comment in a previous number of the JOURNAL (Editorial Comment, January number of the JOURNAL, pp. 150-153) discussed the principles involved in the exclusion of Japanese children from the public schools of San Francisco in general but it is hoped in sufficient detail. The good understanding between the United States and Japan has not been broken although perhaps for a period it was strained; and both nations preserved the attitude expected of those who deal with large questions and whose decisions are of moment to the rest of the world. The "hot-heads" of our country, those who, in the language of the distinguished southerner, are "invisible in war, but invincible in peace," rushed into print and the press teemed with the rights and duties of the citizens of the United States. It is to be presumed that the "invisible and invincible" class in Japan did the same. Thoughtful people, however, recognized the fact that a principle was involved and that this principle should be considered in its various aspects in the hope of reaching a solution satisfactory to both countries.

It would seem that the competition of the Japanese in the labor market is more to be feared than association with him in the class-room, and an exclusion of the Japanese laborers from the country was more desirable than their exclusion from the public schools. The representatives from the Pacific coast were willing to waive the question of the admission or exclusion of the Japanese to or from the public schools provided Japanese laborers should be excluded. This solution of the difficulty was seemingly acceptable to Japan for there seems to be no reason why Japanese laborers should at the present time seek employment so far