

Oct. 20, 2008, Komaba
Seminar of International Law (Prof. Onuma)

International Law and China

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1. Tributal system and international law

(1) Qing Dynasty made a series of treaties with western countries.

Western powers (Britain, France, Russia and US) made a series of treaties with
Qing Dynasty in 1840's, 1858 and 1860.

And other Western countries made treaties with Qing in 1860's to 1870's.

(2) Foundation of Tsunli-Yamen in 1861 and translation of International Law

Wheaton, *Elements of International Law*, London and Philadelphia, 1836.

W. A. P. Martin and four Chinese secretaries translated this book [probably
version 6 in 1855] into Chinese and scattered central offices and local generals.

(3) Tributal System and contact with Western 'Family of Nations'

China received international law as a kind of thought.

A series of treaties themselves gave strong impact toward tributal system ???

Actually, the answer is No.

China added temporary business of negotiations and routine works with western
countries as supplement to the existing authorized works by institutions
including Libu (Ministry of Ceremony) which managed tributal system.

China had dual hands to cope with foreign relations business:

Tributal system / foreign relations with western countries

(So-called un-equality of the treaties was not the target to revise for China at
that time)

International law was recognized a kind of device to make negotiation with
western countries and understand western thought

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- (4) Interaction between Tributal system / foreign relations with western countries
 - Negotiation about tribute countries with western powers
 - Decreasing tribute countries / Japan's impact
 - China changed the policy toward tributal countries in 1880's, when only Korea was left among main tributal countries.
 - China interfered with Korean politics and diplomacy.
 - (5) Japan's propaganda and the impact of Sino-Japanese War
 - Japan strengthen the difference between Japan & China for its policy toward revision of un-equal treaties
 - Japan's victory toward China extinguished the final main tributal country and the tributal system was disappeared.
2. Acceptance western rules and regulations on the field of routine business
 - (1) Role of Maritime Customs
 - (2) Shared rules of regulations of trade, management of ports, sea maps and hygiene...
 3. Chinese internationalization in 1900-1910's
 - (1) The formation of Waiwubu and its policy toward revision of unequal treaties
 - (2) Chinese joining international organizations
(Hague peace conferences, League of Nations)

Reference

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2. Mark Caprio, ed. *Modern East Asia and Globalization* (Tokyo: Akashi Shoten, 2006). マーク・カプリオ編著・中西恭子訳『近代東アジアのグローバリゼーション』(明石書店、2006年7月)
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