

The 130th Anniversary of the Friendship, Commerce and Navigation Treaty, and the Establishment of Diplomatic Relations between Mexico and Japan (1888)

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Introduction

This year we commemorate the 130th Anniversary of the conclusion of the Friendship, Commerce and Navigation Treaty, and the establishment of Diplomatic Relations between Mexico and Japan in 1888.

Antecedents

In 1854 Japan concluded with the United States the Peace and Amity Treaty in Kanagawa (hereinafter referred to as the Kanagawa Treaty) finishing the Japanese isolation policy.

The Kanagawa Treaty granted a unilateral Most-Favored-Nation (hereinafter referred to as MFN) treatment in favor to the United States and without limit, since this country could claim the privileges and advantages granted by Japan to third countries. Further as Prof. Shinya Murase pointed out, the grant of the MFN was “unilateral in obligation, unlimited in scope, and unconditional in operation”.

After the Kanagawa Treaty, Japan concluded similar Peace and Amity Treaties with Great Britain in 1854, Russia in 1855, and The Netherlands in 1855. Like the Kanagawa Treaty, these Treaties included similar unilateral principles in favor to the Western countries.

In 1858 Japan concluded with the United States a new Treaty with specific provisions on trade. The Peace, Amity and Commerce Treaty granted in its Article 3 special rights to citizens of the United States, including the freedom to carry out trade transactions,

and the opening of five Japanese ports for trade. Article 4 provided a unilateral tariff system, including a classification of certain goods with specific percentage on customs duties. As a result, Japan could not freely increase tariffs on certain imports from the United States.

Japan concluded similar revised treaties with Great Britain, Russia, The Netherlands and France in 1858. These treaties opened up Japanese ports and included unilateral principles and special rights to those countries. Later on Japan concluded similar treaties with Italy, Switzerland, Belgium and Denmark. With all these treaties Japan opened its ports to the outside initiating a new era. However, according to several scholars these Treaties were notoriously unequal for Japan due to the unilateral not reciprocal principles in the provisions of those treaties.

In 1867 structural changes took place in Japan, the Tokugawa Period finished and the Meiji Era started. The Meiji Government, which inherited the treaties, started negotiations in 1872 with the United States and European countries with the aim to revise the treaties in order to accommodate the interests of Japan as well. However, the mere existence of the unilateral Most-Favored-Nation treatment clause in those treaties was the main obstacle for achieving any revision.

The failure of the Meiji Government in the revision of the treaties with western powers had a strong impact on the domestic scene. The government was seen as unable to achieve equal relations with foreign countries. Therefore, the desire and need to

obtain equal terms in foreign relations for Japan became increasingly a top priority for the government.

In 1882 another attempt to revise the numerous treaties Japan concluded was carried out. On that year a Preliminary Treaty Revision Conference was held in Tokyo with officials of all the countries with whom Japan had concluded treaties. The position of Japan in the Conference was to change the unilateral Most-Favored-Nation treatment clause for a reciprocal, conditional and limited MFN treatment clause in order to accommodate Japan's interests as well. Four years later, the Treaty Revision Plenary Conference was held in Tokyo, and representatives of the different treaties parties agreed to limit the application of the so-called MFN treatment clause. However, it was not possible to change the unilateral and unconditional character of the MFN treatment clause due to strong opposition by some parties. As a result, at the end of the Conference Japan was not able to convince the other parties to adopt Revised Draft Treaties.

With this new failure, the Japanese government received again strong pressure from the main opposition party. As a result, in February of 1888, Mr. Shigenobu Okuma, from the opposition party, became the new Foreign Relations Minister. The appointment of Mr. Okuma as Japan's *Gaimudajin* was decisive in the conclusion of a Treaty with Mexico, and for the revision of the treaties Japan had previously concluded with other western countries, as we will describe from now on.

The Friendship, Commerce, and Navigation Treaty between Mexico and Japan of 1888

Meanwhile Mexico entered a new era when Porfirio Diaz became President in 1877. The new President of Mexico resumed relations with European Nations, promoted and achieved economic growth, important infrastructure projects, and foreign investment. President Diaz was keen on developing relations with Asian nations as well.

Within this context, Japan proposed Mexico to negotiate a Commerce Treaty including the right for Mexican nationals to reside in Japanese territory. Mexico accepted the Japanese proposal and after intense negotiations the two countries concluded the Friendship, Commerce and Navigation Treaty on November 30th of 1888 (hereinafter referred to as the Treaty).

The Treaty recognized the important principle of reciprocal freedom of commerce and navigation between the territories and possessions of the Contracting Parties, as well as the principle of security of navigation. Here we would like to highlight that the Treaty, unlike the previous treaties signed by Japan with other western Nations, adopted in its article V a reciprocal, conditional and limited (to matters of trade, navigation, traveling and residence) MFN Treatment.

Moreover pursuant article VIII, Mexican citizens and ships in Japan were subjected to Japanese laws and tribunals. In the same token, Japanese citizens and ships in Mexico or territorial waters were subjected to Mexico's laws and tribunals. This was a very important provision in the Treaty since Japan's jurisdiction over foreigners in Japanese territory was recognized for the first time in a Treaty with a western country.

The Importance of the Treaty of 1888

The Friendship, Commerce and Navigation Treaty between Mexico and Japan in 1888 was concluded in the context of both countries trying to diversify and improve their foreign relations. For Mexico the Treaty represented its first Commercial Treaty concluded with an Asian country.

For Japan the Treaty with Mexico represented its first International Treaty with a western country on equal Terms. It has been recognized by a Japanese author, Yoshikazu Morita, that "Mexico was the first western country to recognize the full sovereignty of Japan".

As we have described, the mere existence of unilateral, unlimited and unconditional MFN treatment clauses in the Kanagawa Treaty and the other treaties concluded by Japan with European nations, were the main obstacles for their revision.

The Treaty of 1888 with Mexico represented a very important legal precedent with a reciprocal MFN treatment clause, which gave Japan the legal means to ask and eventually successfully review unequal treaties.

It should be highlighted here that just one year after the conclusion of the Treaty with Mexico in 1888, Japan finally signed revised treaties with the United States, Germany and later on with the other western countries. According to Prof. Shinya Murase, "the Mexican treaty did stimulate the process of treaty revision".



Embassy of Mexico in Japan (Nagata-cho)

Thanking Mexico for being the first western country to conclude with Japan a Treaty on equal basis, and with the important effect to serve as the legal precedent for the revision later on of the other treaties, the Meiji Government granted Mexico the use of an important land in the political district of Nagata-cho in Tokyo, for the construction of the Embassy of Mexico in Japan, where our Embassy is located as up to date.

Establishment of Diplomatic Relations between Mexico and Japan

No doubt that the most important effect of the conclusion of the Friendship, Commerce and Navigation Treaty in 1888 was the establishment of Diplomatic Relations between Mexico and Japan, event that we are commemorating this year the 130th Anniversary.

Pursuant article II of the Treaty, the two countries could accredit a Diplomatic official as well as appoint a Consul General, Consuls, and Consular Agents for trade transactions. In 1891 Mexico opened its Embassy in Tokyo. The same year, Japan established a Consulate in Mexico, being the first one in Latin America.

The Treaty was ratified by Japan on March 12th of 1889, and by Mexico on May 25th of the same year. Following the conclusion and ratification of the Treaty, and the establishment of Diplomatic Relations, immigration, cultural and more intense economic exchanges between the two countries started. Due to the 1888 Treaty and Mexico's positive migration policy, the Foreign Relations Minister, Takeaki Enomoto, commissioned Toshiro Fujita to carry out a research on the land along Mexico's coast in the Pacific Ocean. In 1893, Fujita delivered its report in which he stressed the good possibilities for agriculture

and fishery activities. The results of the research brought strong basis for considering Mexico for Japanese immigration. After two expeditions in 1893 and 1894, the Soconuzco area in the State of Chiapas, Mexico, was considered the best place for Japanese immigration. Finally, on March 24th of 1897, a ship departed from Yokohama bound for Mexico with 34 Japanese emigrants.

With this scenario the Japanese immigration to Mexico started, being the first one to Latin America. Over the years, the number of Japanese immigrants to Mexico increased and they contributed, along with their descendants, to the development of the Friendship and Economic Relationship between Mexico and Japan as of today.

Currently Mexico is for Japan its most important Trading Partner in Latin America, based on figures of the Ministry of Economy, Trade and Industry of Japan.



130 Aniversario
Relaciones Diplomáticas México-Japón
日本・メキシコ外交関係130周年

Representative Office in Japan of
the Ministry of Economy of México

Represent Mexico's commercial interests in Japan through participation in trade negotiations, seminars, forums, and follow-up the implementation of the commitments on investment and trade issues. The Office also have a strong commitment to promote Mexico in the Japanese market and support both, Japanese companies that want to invest and make business in Mexico and Mexican companies looking for business opportunities in Japan.

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