

PROTOCOL No. 12.

MEETING OF JUNE 8, 1882.

Present:

- For Japan,
Mr. Inonye and Mr. Shioda;
- For Austria-Hungary,
The Chevalier Hoffer von Hoffenfels;
- For Belgium,
Mr. C. de Groot;
- For France,
Mr. Tony Conte;
- For Germany and Switzerland,
Mr. von Eisendecker, and as Second Delegate for Germany, Mr. Zappe;
- For Great Britain,
Sir Harry S. Parkes;
- For Italy,
The Chevalier E. Martin Lanciarez;
- For the Netherlands, for Sweden and Norway and for Denmark,
Mr. van der Pot;
- For Portugal,
Dom Joaquim José da Graça;
- For Russia,
Baron Rosen;
- For Spain,
The Chevalier Don Lais del Castillo y Trigueros;
- For the United States,
The Honourable John A. Bingham.

The President wished to observe as a matter of form that in the Draft Tariff which had been accepted by the Conference (Annexe to Protocol No. 10) no mention had been made of two groups of goods, namely "Articles the Importation of which is prohibited," and "Articles the Importation of which is restricted," which appeared as Groups XVII and XVIII in the first draft proposed by the Japanese Government. He thought he ought to draw attention to the point although he was assured that the omission did not denote that these two groups had been forgotten.

Sir Harry Parkes, speaking on the part of the Tariff Committee, observed that the President was quite right in his conclusion that these groups had not been

forgotten. They had not been inserted in the accepted Draft Tariff because that Draft Tariff dealt only with dutiable goods, and the articles of the two groups named were not subject to duty. But they would certainly have to be included in the Final Draft which should be drawn up when the Tariff Committee had completed their enquiries respecting Charges. They would then be able to determine the values of those goods on which specific duties would be levied. Any other finishing touches that the Tariff might require in the opinion of the members of the Conference should then be added.

As connected with this subject he begged to allude to two other points, the Export Tariff and the Trade Regulations, attached to all the Treaties. So far the Import Tariff only had been discussed by the Conference, and it would be desirable that the President should furnish the Delegates, when he could conveniently do so, with the views of his Government on the Export Tariff. And as to the Trade Regulations he submitted that these should now be taken in hand by the Conference, as they contained many important details which would require time for consideration.

The President replied in regard to the Export Tariff that in the present condition of the currency he was inclined to maintain the existing Tariff without change.

As to the Trade Regulations he thought that the examination of these should first be made in committee, and he moved that the Tariff and Drawback Committee should include this subject in the work on which they were engaged, and report their recommendations to the Conference for consideration. He did not wish the Trade Regulations to form part of the new Treaties.

The motion of the President was agreed to.

The President observed that the order of the day was the "Favoured Nation Clause." He begged to draw the attention of the Delegates to the fact that in the existing Treaties this clause contained no stipulation for reciprocity and made no mention of conditional concessions. In the new Treaties he would like to substitute a clause containing the elements of reciprocity and conditionality. As regarded the form it would take, he thought models might be found in existing Treaties between Western Powers. It would be enough to observe on the present occasion that the clause would be limited to commercial matters, and have no connection with questions of a political order.

Baron Rosen observed that he had no objection to offer to the views expressed by the President. He wished at the same time to remark that his Government might have to formulate certain reserves as to the application of the principle of reciprocity as far as the most favoured nation clause was concerned. The object of these reserves however would be merely to prevent misunderstandings, and they would only have reference to certain stipulations in the Treaties existing between Russia and Sweden-and-Norway, and also with several neighbouring Asiatic Powers. Besides, the occasion for the formulation of these reserves would arise at the time when the definitive text of the Treaty came to be drawn up.

The German Minister remarked that he understood it to be essential in conditional agreements that the conditions should always be clearly and distinctly connected with the subject of the stipulations to which they were attached.

The Austro-Hungarian Minister expressed his concurrence in the principle

enunciated by the German Minister.

Mr. Shioda explained that the proposed new "Favoured Nation Clause" would be confined to matters of Commerce and Navigation. He thought however that the clause as it stood at the present might be attempted to be construed as applying to other questions of a political nature.

Mr. Bingham remarked that he could see no objection to the proposition of the President to so reform the most favoured nation clause of existing Treaties as to make the terms reciprocal and conditional, reserving however his views as to the form thereof until it should be presented in writing by the President.

The President explained that by reciprocity he intended the accordance by the Treaty Powers of the most favoured treatment to Japanese products imported into their respective dominions.

The Italian Delegate remarked that the President having declared that he would at the next meeting formulate his proposition relative to the "Favoured Nation Clause," it might be desirable that the Delegates who wished to offer a categorical answer thereto were invited to present it on that occasion.

The Netherlands Delegate associated himself with the observations made by the Italian Delegate, adding that he would reserve his opinion until the proposition was formulated in precise terms.

Sir Harry Parkes said he saw no objection to the principle of the President's proposals, which appeared to him to be in entire accordance with the practice of his Government, and to have been applied by the latter to Japan from the commencement of their relations. It would be difficult, however, to say more until the views of the President had been definitively expressed.

The President undertook to consider what form the proposed Clause should have; and to present his views to the Conference on a future occasion in a definite shape.

The President invited the Conference to proceed to the second order of the day, the Coasting Trade. He had considered the memorials on this subject addressed respectively to the British and German Ministers, by their countrymen, and laid on the table at the meeting of the 16. March (Protocol No. 5.)

He had recommended these memorials to the favourable consideration of his Government, and hoped shortly to be in a position to communicate their views on this question. In the meanwhile he would only observe that the geographical position of Japan and her long coast line inhabited by a seafaring population rendered it necessary to accord protection to the coasting trade, and his Government would not under any circumstances be disposed to leave it free to foreign vessels for an unlimited period. The Japanese Government wished to reserve to itself the right of regulating the coasting trade, and would desire to have a stipulation to that effect inserted in the new Treaties, but in the meantime and apart from this stipulation it was quite disposed to take into consideration the recommendations set forth in those memorials with a view to giving effect to them for a certain limited time.

The British and German Ministers thanked the President for his friendly consideration of the above memorials.

As the order of the day for the next sitting, of the 15th June, it was agreed that

the Favoured Nation Clause and the Coasting Trade should be further considered.

The President also invited the Foreign Delegates to bring forward at that sitting any matters which they wished to submit to the notice of the Conference.

The Conference adjourned at four o'clock.

PROTOCOL No. 13.

MEETING OF JUNE 15, 1882.

Present:

- For Japan,
Mr. Inouye and Mr. Shioda;
- For Austria-Hungary,
The Chevalier Hoffer von Hoffenfels;
- For Belgium,
Mr. C. de Groote;
- For France,
Mr. Tony Conte;
- For Germany and Switzerland,
Mr. von Eisendecker, and as Second Delegate for Germany, Mr. Zappe;
- For Great Britain,
Sir Harry S. Parkes;
- For Italy,
The Chevalier E. Martin Lanciarezi;
- For the Netherlands, for Sweden and Norway and for Denmark,
Mr. van der Pot;
- For Portugal,
Dom Joaquim Jose da Graça;
- For Russia,
Baron Rosen;
- For Spain,
The Chevalier Don Luis del Castillo y Trigueros;
- For the United States,
The Honourable John A. Bingham.

Protocols Nos. 11 and 12 were signed.

Sir Harry Parkes begged to ask the President whether he would kindly furnish him with a copy of the Administrative Notifications spoken of in the Annexe to the Protocol, as being compiled in a form which rendered them easily accessible to the Courts and private individuals.

The President replied that he would be happy to supply Sir Harry Parkes with a copy of the Administrative Notifications. They were in Japanese and had not yet been translated.