

ECIPE Conference: The EU-Japan Economic Partnership Agreement  
A Springboard for a Freer, Fairer and More Open Trading System?

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“The Japan-EU Economic Partnership Agreement—  
Opportunity for and Responsibility of Japan”

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1. The Honorable Chairperson, Distinguished Speakers and Guests, Excellencies, Ladies and Gentlemen. I am honored to be invited to speak to this august gathering to promote further development of good trading relationship between Japan and the EU. The conclusion of the Economic Partnership Agreement between the two big economies, which together share 28 % of world's GDP and 37% of world's trade, is, a huge step forward. It will no doubt contribute to a sound and sustainable economic progress of the two economies as well as to the world's economy at large, which is currently facing a challenge created by unilateral trade policies of two major economic powers.
2. In the past seventy years, we have overcome the unprecedented large-scale destruction of the world's economic system by the Second World War, widespread misery and poverty in many parts of the world brought about by colonial dominance, and a political, economic and social division between east and west that dominated the globe for almost half a century after the Second World War. While we are moving towards a more peaceful, prosperous, free, fair and just world as proclaimed by the Sustainable Development Goals (SDGs), their high objectives cannot be attained without our conscious, determined and concerted efforts. I believe that the Japan-EU EPA is an important starting-point and a good model to show to the world that Japan and EU are ready to work together to achieve the high ideals of the SDGs.

3. In my brief intervention, I should like to address Japan's responsibility and opportunity to promote agreed actions and measures in Chapter 16 of the EPA, particularly the commitment of the two parties to continue the efforts towards the ratification, and implementation, of the eight fundamental and other ILO conventions.
4. From the bitter experiences of the two world wars, the Japanese people have learned the close-knit relationship between peace and human rights, which include the rights of workers. We also learned that economic prosperity cannot be achievable nor sustainable unless human rights, including the rights of workers, are fully respected, protected and realized.
5. After the Second World War, Japan promulgated a new Constitution based on three fundamental principles, namely, (a) that sovereignty resides with the people, (b) that war as means of settling international disputes is abandoned, and (c) that human rights must be respected. From Article 11 through 40, with the exception of Article 30 which provides for a duty to pay taxes, the Constitution of Japan has about 30 Articles with detailed provisions for human rights. These provisions are, in both scope and content, as complete and comprehensive as the provisions of the Universal Declaration of Human Rights, which was adopted by the UN General Assembly on December 10, 1948. Thus, the Constitution of Japan, just like the Universal Declaration, provides for the principle of equality and non-discrimination, prohibition of slavery and torture, various freedoms such as thought, conscience, religion, expression and the press. It also provides for the right to work, non-exploitation of children and the right of workers to organize as well as to bargain and act collectively.
6. Under these provisions of the Constitution with respect to human rights and the rights of workers, Japan has taken concrete steps to implement them internationally as well as domestically.
7. Internationally, Japan has ratified almost all universal human rights conventions adopted by the United Nations including the two International Covenants, Convention on the elimination of racial discrimination, Convention on the elimination of discrimination against women, Convention on torture, Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities.

8. With respect to the ratification of ILO conventions, Japan's record is not one of the best. Out of 159 ILO conventions that are valid today, Japan has ratified only 49, slightly higher than 44, the average figure of all member States, but substantially lower than 75, the average of OECD members. Particularly concerned is the fact that Japan has not yet ratified two of the eight fundamental conventions, namely, (a) Convention No. 105 concerning the abolition of forced labour, and (b) Convention No. 111 concerning discrimination in respect of employment and occupation.
9. However, municipally, Japan has enacted a number of important labour laws in order to implement the Constitutional provisions in respect of the rights of workers which include: (a) Labour Relations Adjustment Law of 1946, (b) Labour Standards Law of 1947 and (c) Labour Organization Law of 1949. Thus, as far as the substance of the provisions of the two unratified fundamental ILO conventions is concerned, it was asserted that Japan is largely in compliance through the implementation of the existing Japanese labour laws and Constitutional provisions with regard to human rights which prohibit the use of forced labour and discrimination in respect of employment and occupation.
10. There are, however, certain concrete difficulties in the ratification by Japan of ILO Conventions Nos. 105 and 111.
11. As to Convention No. 105, a difficulty arose from the Criminal Code of Japan which permits the imposition of punishment in the form of imprisonment with labour, which is considered as a violation of Convention No. 105. The Government claims that the labour during the prison term is a form of teaching skills to the prisoners that can be used after the release. However, there is a criticism that involuntary labour during the prison term is a form of forced or compulsory labour.
12. Japan has also been criticized for alleged "use of forced labour" during the Second World War in the form of "comfort women" and "conscripted forced labourers". Recently, the Supreme Court of the Republic of Korea rendered a judgment to admit the claims of damages, by former Korean workers in the factories of leading Japanese companies during the Second World War. The Japan's argument that war claims were fully and finally settled by the claims agreement of 1965 between Japan and the ROK was not accepted. In view of these legal issues, the Government of Japan

seems to be very cautious in ratifying Convention No. 105, because such difficulties have arisen even under Convention No. 29 concerning forced or compulsory labour which Japan had already ratified, and the ratification of Convention No. 105 might invite further complications to the issues.

13. With respect to Convention No. 111, there seems to be no problem in ratifying it because the principle of equality and non-discrimination at work is broadly recognized by the relevant Constitutional provisions and Labour Standards Law. However, in order to comply with all the requirements of the Convention, the Government has to go through extremely complicated and time-consuming processes of negotiations with social partners as well as amongst many Governmental ministries and agencies concerned. These processes are stressful and time-consuming and the issues tend to be put off till later time.
14. There is another difficulty in the ratification of ILO conventions in Japan. Unlike some countries which follow the so-called “transformation” (or “dualist”) approach to the municipal application of ratified conventions, Japan follows the “direct application” approach. In the former case, ratification of a convention is relatively simple because ratification does not mean its automatic direct application municipally. In order to apply the provisions of the ratified treaties municipally in these countries, they need to pass a new legislation for that purpose after the ratification. Japan, on the other hand, has to scrutinize the provisions of newly ratifying treaties and conventions carefully to make sure that the provisions of such conventions are not in contradiction with all the existing laws and regulations before ratification.
15. Having described the difficulties and barriers to the ratification by Japan of ILO conventions, particularly the two fundamental conventions, I believe that Japan should ratify them because there seems to be no substantial gap between their provisions and those of the existing Japanese laws and regulations. The difference that exists now can be overcome by necessary amendments to the laws and regulations, which, in my view, are not too difficult. Furthermore, it is a good opportunity to show to the world that Japan is willing to accept, and act in accordance with, international labour standards. Such act is totally in line with the pledge of the Japanese people expressed in the Preamble of the

Constitution in the following words: “We (the Japanese people) desire to occupy an honoured place in an international society striving for the preservation of peace, and banishment of tyranny and slavery, oppression and intolerance for all time from the earth.” It is also in line with the recent statement of Prime Minister Shinzo Abe at the APEC meeting in Papua New Guinea which strongly endorsed the promotion and strengthening of multilateral free and fair trading system.

16. Thank you very much, for your warm attention.