

Attention: Prime Minister Abe Shinzo

August 20, 2013

Petition seeking immediate withdrawal from the TPP negotiations which seriously undermine the national interests of Japan

By the Association of University Faculties, an organization which seeks Japan's Immediate Withdrawal from the Tran-Pacific Partnership Negotiations (Translated by S. Mizohata)

1) Japan took part in the TPP trade agreement negotiations, held in Malaysia last July, entering in the middle of the 18th round of negotiations. However, it has become apparent from reports in various media, that the TPP involves humiliating negotiations that will undermine Japan's national sovereignty and sell out the economic and political interests of the Japanese people to a handful of American and other multinational corporations.

2) The prime example of how the TPP attacks Japan's national interests is that the negotiations have already determined that Japan Post, Japan's national postal service, will greatly expand its existing partnership with Aflac. The plan is for it to sell Aflac's cancer insurance at approximately 20,000 post offices and 80 retail shops of Kampo Life Insurance services, and further their jointly developing goods.¹ Last April, as an "admission fee" for the TPP negotiations, Japan was asked to pledge that Kampo Life Insurance "will not enter cancer insurance sales" so that Aflac could expand its market share. This decision following the previous one is not consistent with a "joint alliance" of equals. The decision on Aflac has been represented as a "voluntary" business judgment. The reality is that it implies a full surrender in which the Japan Post will become a subcontract agency for Aflac's market expansion in Japan.

3) News organizations also reported on U.S. demands for the extension of patent terms for drugs within TPP negotiations on "intellectual property rights" and on "environmental" demands from other TPP participant countries that Japan ban fisheries subsidies. However, extending the length of patent terms of new brand-name drugs (or original drugs) would become a major obstacle to the Ministry of Health, Labour, and Welfare's goal of shoring up public financing of Japan's national medical insurance by increasing the penetration rate of inexpensive generic drugs to more than 60% by 2017 (currently 21.0%). A ban on fisheries subsidies would deal a devastating blow to Japan's fishing industry already under threat due to the need to rebuild essential infrastructures (e.g. fishing ports) following the 3.11 earthquake and soaring fuel costs.

4) Furthermore, the ISD resolution mechanism, which grants foreign investors and companies the right to be compensated by TPP member governments for "loss of expected future profits" is likely to be put on the TPP negotiation table. This ISD resolution mechanism is an affront

¹ Translator's note: Kampo Life Insurance, Co., Ltd. is a life insurance company that was started due to privatization and spin-off from the Japan Post Group in October 1, 2007. See http://www.jp-life.japanpost.jp/aboutus/abt_index.html (accessed September 6, 2013).

to Japan's legislative and administrative sovereignty, subordinating it to the judgments of international tribunals, making national and democratic self-determination illegitimate, and infringing on the national judicial authority. At the same time, the fear of facing substantial compensation claims for losses will have an atrophying effect on the authority of Japanese government and parliament to adapt to the requests of the US government and others.

5) The Japanese government has misleadingly stated that the negotiations on eliminating import tariffs on agricultural products have not progressed in detail, leaving room for negotiations to protect Japanese interests. However, Ambassador Froman, United States Trade Representative, clearly stated on July 18 told a hearing of the US House of Revenue Representatives, "we have never agreed beforehand to exclude certain items from trading goods and services". Many amongst TPP participating countries are big exporters of grains, meat, milk, and dairy products. Their self-sufficiency rates are over 100%, while these products count among the five important items identified by our country. There is no doubt that these countries will never accept Japan's request to protect these five important categories [including rice, wheat, beef, pork, dairy product, raw materials of sugar] as exemptions [by keeping high tariffs on imports]. Nevertheless, at the Diet Committee on Agriculture, Forestry, and Fisheries held last April, resolutions were adopted in both the House of Representatives and the House of Councilors, to urge the government to enumerate eight important demands and to enforce them during the TPP negotiations.² Great importance is placed on these resolutions as an expression of the will of the Diet—the highest institution of state power. We believe it essential to pay special attention to the following three points contained in the resolutions.

First, these resolutions not only ask for exemptions for the five agricultural products, they also contain various demands including areas not related to tariffs: keeping labeling requirements related to pesticide residues, food additives standards, and restrictions on genetically modified foods; maintaining the regulations on food safety and security; retaining the country's policy decisions on fisheries subsidies; and not agreeing with the ISD resolution.

Second, the resolutions state that creating a "sanctuary" for these five items in the domain of Agriculture, Forestry, and Fisheries is of the greatest importance. The resolutions state: if the above cannot be ensured, we will leave the TPP negotiations. The resolutions also state: in that case, it does not accept the goods with the temporal moratorium for the removal of import tariffs for 10 years, either.

Third, the information collected during TPP negotiations should be reported to the Diet, with sufficient information for public review and steps taken to conduct public debates across a wide range of substantive issues.

Based on the above, we strongly urge the government to consider the following points:

² Translator's note: see <http://kokkai.ndl.go.jp/SENTAKU/syugiin/183/0009/18304190009006c.html> (accessed August 24, 2013).

1. In light of the facts noted above, Japan has little to gain from participating in TPP negotiations, whereas a compromise on the sovereignty of the Japanese people with regard to food, environment, health, insurance, and the judicial system is a distinct possibility. Given the likelihood that such serious adverse effects would befall the Japanese people, we appeal to the government to leave the TPP negotiations. This is indeed the best way to protect the public interests. We also urge the government to reject TPP and instead pursue better alternatives such as a Regional Comprehensive Economic Partnership (RCEP) in East Asia.³
2. To participate in TPP negotiations in Malaysia in July, the government signed a confidentiality agreement that it would not disclose the progress of the negotiations to members of parliament or to the public. However, this confidentiality violates Section Seven of the resolutions adopted by the above-mentioned Diet Committee on Agriculture, Forestry and Fisheries. We demand that the government comply with these resolutions, including the recommendation of the Diet Committee that the eight agricultural items be exempt from TPP discussion. We strongly urge the government “to give sufficient information” on whether keeping these eight items is feasible not only to the Diet but also “to the public and to conduct a wide range of public debates,” as written in the resolution.
3. Further attention needs to be given to the progress of Japan-US bilateral negotiations on non-tariff issues which have taken place in parallel with the TPP negotiations. In particular, if requested by either of the two countries, any item may be added to negotiations. In fact, given the recent depreciation of the Yen, the US Congress has called for the prohibition of foreign exchange policy inducing currency depreciation.⁴

We also urge the government to make known the progress of these bilateral negotiations with the U.S. to the public in a timely manner. In light of the history of our country, that has successively surrendered its autonomy to hard-line requests by the United States, we demand that the government immediately abrogate the ongoing bilateral negotiations which would sell out public interests to the United States.

That’s all.

The press conference was held on August 20, 2013: <http://iwj.co.jp/wj/open/archives/97178>

The Association of University Faculties site: <http://atpp.cocolog-nifty.com/blog/>

The petition in PDF format: <http://atpp.cocolog-nifty.com/20130818/abe20130818.pdf>

³ Translator’s note: Magosaki writes that the USA accounted for 15.3% of Japan’s exports in 2010, while China, Hong Kong, Taiwan, and South Korea accounted for 38.8%. So, if Japan wants to promote economic growth by trade, it should consider East Asia first (p. 53). Ukeru Magosaki, “最悪の選択・T P P . 国家主権投げ捨てる安倍政権 (The TPP: the worst choice. The Abe administration that throws away the national sovereignty),” *Sekai*, April 2013 (842), pp. 49-54.

⁴ Translator’s note: In his site, Magosaki claims that the TPP could impact the Japanese government’s right to decide the central bank’s rate of exchange to another country’s currency. <http://ch.nicovideo.jp/magosaki/blomaga/ar333936?key=ec6500ba123eef12a207b56c98af6d40d7161560e91a0f3722de58db4dcb2a4c> (accessed September 6, 2013).

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