

JEFTA: a danger for the future

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The free trade agreement between the European Union and Japan, JEFTA [1] , is due to be ratified by the European Parliament in the week of 10 December. After negotiating the JEFTA in utter opacity, the European Commission and the Member States under the influence of neoliberal and business lobbies have made the forcing for this ratification vote to be held before the European elections (recall that CETA [2] was rejected by 40% of MEPs and it is far from certain that the future Parliament will ratify this kind of treaty).

For Europe, the ratification of JEFTA must take place only at the European level and not at the level of the different Member States, since the ISDS arbitration tribunal [[1](#)], which would have made it a mixed competence, was taken out of the text, with the agreement of Japan, just before its signature.

The “progress” over CETA lies only in the name of its body, less hypocritical than that of CETA (a simple “forum”). Similar to the CETA, the regulatory cooperation body of JEFTA, which is at the top of its agenda, is led by senior officials appointed by the European Commission and Japan, with no meaningful barriers to the conflict. ‘interest. The lobbying of transnational corporations and their organizations is duly recognized and instituted and elected representatives are excluded. Regulatory cooperation can prepare and virtually “make the law” in a binding way, before any principle of democracy.

In accordance with its nature as a free trade agreement, the purpose of JEFTA is the elimination of all obstacles to trade and investment, the only truly binding values in the text of this treaty. Like any neoliberal text worthy of the name which must obtain the agreement of the elected and / or the citizens, considerations engaged with other values are certainly advanced in the form of beautiful statements of principle; but the analysis of the text of the treaty leads ineluctably to the conclusion that their presence has no other function than that of lures.

An example ? Unlike CETA, the JEFTA text refers to the Paris Agreement (Chapter 16). Progress that would take into account the criticisms made for CETA? Not really: Looking in detail, Article 16.4.5 states: "Nothing in this Agreement shall preclude a Party [EU or Member State, Japan] from adopting or maintaining measures declining multilateral environmental agreements. [eg, the Paris Agreement] to which it is a Party by ensuring that such measures are not implemented in a manner that would constitute a means of arbitrary or unjustifiable discrimination against the other Party [Japan, EU or Member State] or a disguised restriction on trade. In the end, the Paris Agreement comes under the terms of the JEFTA!

Another example is labor law and more generally social rights. The same reason (to prevent any hindrance to trade and investment), the same process (reaffirming State commitments in any case taken, in this case, the ILO), the same punishment (application of ILO standards). It should be noted that Japan has not ratified two of the ILO's eight fundamental Conventions (the Convention on the Abolition of Forced Labor and the Convention on Discrimination (Employment and Occupation)), which means that its two Conventions would no longer be applicable in the framework of

JEFTA. This non-ratification of its two conventions by Japan illustrates the level of consideration of labor rights in Japan and therefore augurs its future propensity to estimate in the framework of the implementation of JEFTA that labor rights in the EU are barriers to trade and investment. Zenroren and the CGT demand that ILO Conventions 105 and 111 be ratified by Japan.

Regarding the precautionary principle, the JEFTA does not mention it no doubt that this absence will, for example, be detrimental to the prevention of the questioning by Japan of the GMO Directive, via inter alia the Council of Europe. Regulatory Cooperation, knowing that Japan is precisely the country that authorizes the most in production and food.

With regard to intellectual property (Chapter 14). The protection of intellectual property in all its forms, those of cultural creators certainly, but especially those of large companies with their patents, copyrights, trademarks, know-how, software, hardware, etc.

Because of this strengthening of intellectual property rights formally undertaken by the Parties, revelations such as that of the “Dieselgate”, and thus the consequent corrective measures to respond to the public’s concerns, are gravely mortgaged: JEFTA will make it impossible for regulatory bodies to obtain from industrials or banks to provide them with access to their computer equipment and software to carry out compliance audits with national laws, particularly those concerning the fields health, environment, financial services. In this same part the actions of the whistleblowers will be impossible.

For the rest it is the lowering of protections, it is the most uninhibited liberalization, especially for e-commerce and financial services, leaving little room for more localized policies and not without impact in all areas. domains (employment for example), as if Japan and the European Union were the same territory administered by committees out of control except that of the lobbies. The protection of personal data is furthermore insufficiently guaranteed.

Faced with this treaty, virtually established, in Europe as in Japan [[2](#)] , in hiding whose consequences could be disastrous from the social, health and ecological points of view, for the European workers as for the Japanese workers.

The CGT, French Trade Union Confederation and ZENROREN Japanese Trade Union Confederation call on MEPs not to ratify JEFTA and to demand transparent negotiations in which workers’ unions have their say.

CGT & Zenroren

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Footnotes

[1] Investor-State Dispute Settlement (ISDS) is an instrument in many free trade agreements, which allows companies to attack a state before a state. international arbitral tribunal

[2] The Japanese government has indicated that it plans to have only a few days of discussion at the lower house commission for more than 570 pages of JEFTA Japanese text, and will do the same for the Upper House Committee. . It shows how JEFTA is undemocratic in Japan too.