

Japanese NGOs' statement on Waste issues of FTAs

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The Honorable Shinzo Abe, Prime Minister of Japan

The Honorable Taro Aso, Minister for Foreign Affairs

The Honorable Masatoshi Wakabayashi, Minister of the Environment

The Honorable Akira Amari, Minister of Economy, Trade and Industry

February 11, 2007

Japanese Citizen Groups Urge the Japanese Government to Remove Wastes from EPAs with Developing Countries and to Seek National Self-Sufficiency in the Waste Management

We are citizen groups who tackle the environmental, health, and human rights issues.

Japan has signed the bilateral economic partnership agreements (EPAs) with Singapore, Malaysia, and the Philippines, and is currently working on similar agreements with India, Indonesia, Thai, Vietnam and other ASEAN member countries.

We strongly object to the inclusion of tariff reduction provisions for hazardous wastes in the EPAs between Japan and developing countries. We confirmed that those EPAs contain a list of hazardous wastes, for which tariffs are to be eliminated. Tariff elimination is designed to, and will have the effect of, facilitating trade. Many of the wastes targeted for tariff elimination are wastes that are internationally designated wastes, whose trade is to be strictly controlled under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. We, therefore, have grave concerns that the Japanese EPAs will result in opening doors for hazardous waste to be exported from Japan to developing countries. The same concern aroused indignation among citizens, grassroots movements, and lawmakers in Asian countries. The wave of protests against the so-called Japan's waste colonialism is now spreading around the world.

At the commission of the Japanese House of Councilors for Diplomacy and National Security held on December 5th, 2006, the government side was asked if they would agree to remove all listings of waste from tariff reduction provisions in Japan-Philippines Economic Partnership Agreement (JPEPA) and to make a commitment not to export any hazardous waste. They fudged the issue by pointing to the international agreements such as the Basel Convention, of which Japan and the Philippines are both Parties, as well as the Article 20 of the GATT 1994, indicated in the Article 23 of the JPEPA. (The GATT Article 20 states that measures necessary to protect human, animal or plant life or health, and to conserve scarce natural resources, can be cited as reasons for bypassing normal

trade rules.)

However, the Article 4 of the JPEPA allows “each party to examine the possibility of amending or repealing laws and regulations that pertain to or affect the implementation and operation of this Agreement, if...circumstances or objectives can be addressed in a less trade-restrictive manner.” This makes it clear that JPEPA is designed to promote free

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trade in hazardous wastes anyway by overriding the existing laws and regulations that control and prohibit waste trades.

The Japanese government has ratified the Basel Convention, adopted in 1989, but not the Basel Ban Amendment. The Ban Amendment as of 1 January 1998 effectively banned all forms of hazardous waste exports from the developed countries to developing countries. Along with the US, Canada, and Australia, however, Japan has been strongly opposing to the Ban Amendment.

Moreover, at the G8/3R Initiative meeting held in Tokyo in April 2005, Japan proposed the goal “to reduce barriers to the international flow of goods and materials for recycling and remanufacturing, recycled and remanufactured products.” In reality, reducing trade barriers for “recyclable goods and materials” means imposing a disproportionate burden of end-of life products containing hazardous materials onto developing countries under the pretext of building a sound material-cycle society on regional or global scales.

The Japanese government’s intent to weaken or circumvent the Basel Convention principles and decisions is also evident in the public solicitation notice the Japanese Ministry of Economy, Trade and Industry posted in 2006 August. It stated that the METI was soliciting a contractor to research issues concerning establishing bilateral or multilateral agreements in Asia that could facilitate trade in wastes and used products. Explaining the objective of the research, METI expressed its concern that the Basel Convention made it difficult to trade certain hazardous wastes that Japanese industries wanted to trade.

Both the Basel Convention and the Japan’s Waste Management Law clearly stipulate the principle and the obligation of achieving national self-sufficiency in waste management. If Japan ignores own national law as well as the international law, and avoids taking the responsibility for its own wastes by imposing the responsibility upon developing countries and thereby damages the environment and the health of the people in developing countries, it is absolutely unacceptable.

It is well-known fact that many of the obsolete home electric appliances and computers exported under the name of “recycling” are in fact not usable and end up being dumped in recipient countries. Furthermore, when the exported electronics go to recycling operations, they are processed to reclaim materials in a way that causes environmental pollution and human health hazards.

We therefore urge the Japanese government to take the following actions:

- 1) Commit not to include waste in bilateral free trade agreements between Japan and developing countries in Asia and in other regions
- 2) Completely remove all references to reducing trade barriers for wastes from the 3R initiative

3) Ratify the Basel Convention's Ban Amendment and put a total ban on export of hazardous waste for any reason including for recycling countries and thereby damages the environment

4) Test functionality of used equipment before they are exported from Japan even when they are destined for "reuse"

5) Strictly comply with the principle of national self-sufficiency in the management of wastes and secondhand goods, and thus stop relying on developing countries to take care of wastes and secondhand goods

6) Prioritize the reduction of waste generation and promote 3R-related policies aimed at establishing a material cycle within the border

END

SIGNED BY (Alphabetical order):

ATTAC Japan

ATTAC Kyoto

Basel Action Network (BAN)

Campaign for Future of Filipino Children (CFFC)

Chemical Sensitivity Support Center

Citizens Against Chemicals Pollution

Citizens Policy Research Committee

East Asia Environmental Information Express Messenger

Environmental Forum of Toyonaka Citizens

Forum for Peace, Human Rights and the Environment

Japan Family Farmers Movement (NOUMINREN)

Japan Occupational Safety and Health Resource Center (JOSHRC)

Jubilee Kansai Network

Kansai Action Center on Philippine Human Rights Issues

No-to-WTO/FTA Grassroots Campaign

Stop! Dioxin East Japan Network

For more information: Takeshi YASUMA (Citizens Against Chemicals Pollution) can be reached via e-mail (ac7t-ysm@asahi-net.or.jp)