

The Honorable Shinzo Abe, Prime Minister of Japan
The Honorable Taro Aso, Minister for Foreign Affairs
The Honorable Masatoshi Wakabayashi, Minister of the Environment

December 8, 2006

Citizen Groups Joint Statement of Opinion
**Critique of the Japanese Government's Strategy to Export Wastes to
Developing Countries Under the Name of International Resource Recycling**

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

The Japan-Philippines Economic Partnership Agreement (JPEPA), signed by the Philippines President Gloria Macapagal-Arroyo and then Japanese Prime Minister Junichiro Koizumi on September 9, 2006, was approved by both the Lower House and the Upper House in Japan on November 14th and on December 6th respectively, despite the unsolved problem of waste trade liberalization provisions in the JPEPA.

The JPEPA includes a list of wastes, including hazardous wastes, whose tariffs are to be reduced or eliminated when being exported from Japan to the Philippines. This elimination of trade barriers for wastes has brought concern that the agreement could open a door for dumping of hazardous wastes controlled by the Basel Convention from Japan in the Philippines. The Philippine citizen groups and politicians have been actively protesting against ratification of the JPEPA. An English-language newspaper in the Philippines and the Mainichi Newspapers (one of the major Japanese newspapers) reported that farm lands near Manila were “allegedly being prepared to become a landfill for Japanese waste ahead of the ratification of JPEPA” and farmers of the area had united to protest against the agreement. At the Philippines Senate, it has become such a controversial issue that the discussions and voting on the JPEPA are currently pending. The international community is increasingly concerned about the implications of the agreement from the environmental and human rights perspectives.

The Annex 1 of the JPEPA contains the “Schedule of the Philippines,” which indicates tariff rate quotas and other preferential tariff treatments applied to goods exported from Japan to the Philippines. In the Schedule, various wastes are listed as Tariff Zero Products. Examples of such wastes are ash and residues containing arsenic or mercury; ash and residues from the incineration of municipal waste; waste pharmaceuticals; municipal waste; sewage sludge; and waste organic solvents. Those wastes are, however, not listed in the Schedule of Japan—the list of tariff rate quotas and other preferential tariff treatments applied to goods exported from the Philippines to Japan. Moreover, the Japanese version of the texts of the agreement publicly available at the Ministry of Foreign Affairs of Japan contains only the Schedule of Japan, which doesn't indicate the wastes mentioned above, and deliberately omits the Schedule of the Philippines, which indicates the wastes. This fact indeed seems to be pointing to an intention of the Japanese government to prevent the Japanese public from knowing about the JPEPA's inclusion of trade liberalization for wastes.

At the commission for diplomacy and national security of the Japanese House of Councilors held on December 5th, the government side was asked if they would agreed to remove all listings of waste from tariff reduction provisions and to make a commitment not to export any hazardous waste. They fudged the issue by pointing out 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.

What the Japanese government didn't refer to is the Article 4 of the JPEPA, which 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 it is possible for the JPEPA to override the existing laws and regulations that control and prohibit waste trade, in order to facilitate waste trade.

The Japanese government has ratified the Basel Convention, adopted in 1989, but not the Basel Ban Amendment, which effectively banned as of 1 January 1998 all forms of hazardous waste exports from the most industrialized countries of the Organization of Economic Cooperation and Development (OECD) to all non-OECD countries. Along with the US, Canada, and Australia, Japan has been strongly opposing to the Ban Amendment.

Also, 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" tends to mean 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 at the regional or global levels.

In addition, like in the case of JPEPA, there is strong evidence that Japan is using bilateral Economic Partnership Agreements with Asian countries so as to establish a regional waste management system in Asia, on which Japan can rely to take care of obsolete second-hand products and wastes generated in Japan.

Both the Basel Convention and the Japan's Waste Management Law clearly state the principle and the obligation of achieving national self-sufficiency in waste management. Therefore, it is absolutely unacceptable from the environmental justice standpoint if Japan ignores the laws and avoids taking the responsibility for its own wastes by shifting the responsibility to developing countries and thereby damages the environment and human health in developing countries.

We therefore call on the Japanese government to:

1. Commit not to export hazardous wastes to the Philippines even after the JPEPA going into effect
2. Not include waste trade liberalization provision in any bilateral free-trade agreements with developing countries in the future

3. Strictly comply with the principle of national self-sufficiency in management of wastes and recyclable products, and thus abandon such waste management policies that rely on developing countries
4. Prioritize the reduction of waste generation and promote 3R-related policies aimed at establishing a sound material-cycle system within the borders
5. Completely remove from the 3R initiative all references to the goal of reducing trade barriers for wastes, and cease the efforts to liberalize waste trade globally
6. Ratify the Basel Convention's Ban Amendment and put a total ban on export of hazardous waste to developing countries for any reasons including for recycling

END

Citizens Against Chemicals Pollution
Campaign for Future of Filipino Children (CFFC)
NO-TO-WTO Grassroots Campaign
Citizens Policy Research Committee
Chemical Sensitivity Support Center
Citizens' Group to review the "50th Anniversary of the Philippines and Japan Friendship"
Asian Farmers Exchange Center
Jubilee Kansai Network
Basel Action Network (BAN)

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