The Trans-Pacific Partnership and Its Critics: An introduction and a petition ???批判　序論と要望書

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See the petition in English (/data/TPP_EnglishTranslation_V4.pdf) and Japanese (/data/TPP.pdf).

The Trans-Pacific Partnership (TPP) Agreement is a proposed trade pact that Japan is currently negotiating with Australia, Brunei, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam (as of September 2013). The TPP aims to increase the liberalization of economies in the Pacific region through abolition of tariffs on trade as well as reregulation.[1] In 2008, the United States joined the talks "and has espoused a hard core complete free trade policy," which has vastly expanded the scope of the negotiations.[2] With both the US and Japan as participants, the pact would cover nearly 40% of the world's economy.[3] Japan officially joined one of final rounds of the negotiations in July 2013 in Malaysia, as the participating countries intend to finalize the TPP negotiations (at least partially) by the end of 2013.[4]

The TPP agreement affects not only trade issues, but also nontrade matters that immensely impact lives of citizens in all participating countries.[5] The areas at stake include, for example:

- domestic court decisions and international legal standards (e.g., overriding domestic laws on both trade and nontrade matters, foreign investors' right to sue governments in international tribunals that would overrule the national sovereignty)
- environmental regulations (e.g., nuclear energy, pollution, sustainability)
- financial deregulation (e.g., more power and privileges to the bankers and financiers)
- food safety (e.g., lowering food self-sufficiency, prohibition of mandatory labeling of genetically modified products, or bovine spongiform encephalopathy (BSE) or mad cow disease)
- Government procurement (e.g., no more buy locally produced/grown)
- Internet freedom (e.g., monitoring and policing user activity)
- labor (e.g., welfare regulation, workplace safety, relocating domestic jobs abroad)
- patent protection, copyrights (e.g., decrease access to affordable medicine)
- public access to essential services may be restricted due to investment rules (e.g., water, electricity, and gas)

For a brief explanation, see the video (http://www.youtube.com/watch?v=zq3ujEx9r5I#t=20) made by workers across the Pacific Rim (on right).

Although the TPP negotiations have been held in the name of the people, the draft texts have been shrouded in secrecy not only from the public, but also members of the Diet, and civil society, thereby precluding public scrutiny and public input. Reportedly, the countries have signed up not to reveal the contents of the agreement for four years after the signing of the agreement. [6] All public information comes from leaked texts. Bizarrely, the TPP makes a special exception to "a group of some 600 trade 'advisers,' dominated by representatives of big businesses."[7]

The TPP is a Trojan horse, branded as a "free trade" agreement, but having nothing to do with fair and equitable treatment. In reality, it is precisely "a wish list of the 1% a worldwide corporate power."[8] "Only 5 of its 29 chapters cover traditional trade matters, like tariffs or quotas."[9] "The other chapters enshrine new rights and privileges for major corporations while weakening the power of nation states to oppose them."[10] As the Japanese people have increasingly become concerned about its potential implications on their lives, some groups have voiced their objections to the TPP.

One such group is the Association of University Faculties (AUF), a Board which Seeks Japan's Immediate Withdrawal from the TPP negotiations. On April 10, 2013, some AUF members held a press conference, announcing that they had established the association and submitted a letter with an 839 signature petition to Prime Minister Abe to withdraw from the TPP negotiations.[11] Since then, they have publicly warned against entering the negotiations, calculating estimated losses (see their website) due to the TPP and holding workshops and press conferences. On September 14, the AUF plans to hold a symposium with the members of Japan Medical Association, Network of Lawyers who oppose the TPP, Central Union of Agricultural Cooperatives (or JA-Zenchu), Federation of Housewives, and other civic groups to explore how to stop the TPP.

Looking back at the history of TPP, Yonekura Hiromasa, chairman of Keidanren (the Japan Business Federation) said in October 26, 2010: "Japan will be left out as an orphan in the world" if we do not join the negotiations.[12] Note that "Yonekura is also chairman of Sumitomo Chemical, which in 2010 signed a tie-up agreement with American agrichemical giant Monsanto."[13] Besides this orphan language, pro-TPP adherents used the kaikoku (opening the country) campaign, widely publicized by the mass media. The then Prime Minister, Kan Naoto called the TPP "the third opening of the country."[14]

The kaikoku rhetoric evokes the history of the US-Japan relationship and coercive unequal treaties.[15] "The first opening" was at the arrival of the Black Ships of Commodore Matthew Perry in 1853, subsequently signing the US-Japan Treaty of Amity and Commerce with no tariff autonomy to the Japanese side. "The second opening" refers to the US military occupation and its continuation to date. After defeat in the Pacific War in 1945, Japan accepted the Potsdam Declaration, unconditional surrender, and occupation by the US military, subsequently signing the Security Treaty along with the San Francisco Peace Treaty in 1951.[16]

Obviously, both orphan and kaikoku languages are empty rhetoric. Japan is no longer isolated under the sakoku foreign relations policy. Rather, the country has been a World Trade Organization member since its creation of 1995.[17] In addition, "actual trade barriers between these countries are already very low."[18] Thus, the removal of tariffs (e.g., 2 to 3% in the United States) will have little effect on exports.[19]

On November 11, 2011, Kan's successor, Noda Yoshihiko of the Democratic Party announced

Japan's interest in joining the TPP negotiations.[20] On December 16, 2012, Abe Shinzo's Liberal Democratic Party took back power, in part by pledging not to enter the negotiations (see the famous poster), which was conducive to favorable electoral results. Soon after winning the election, Abe announced Japan's entrance to the negotiations on March 15, 2013, although groups of people warned him against the participation since Japan was required to accept all existing agreements made during prior negotiations by other countries, sight unseen.[21]

Professor Suzuki Nobuhiro at Tokyo University, former civil servant, informed by close confidants, reveals that the TPP scenario above had been well prepared by high-rank officials right after 3.11.[22] Some career bureaucrats perversely saw 3.11 as a big opportunity; as the country was in a state of collective shock, they understood that it helps to hide away from public attention to advance the TPP negotiations behind closed doors. Deceiving the public and the members of the Diet by participating in "meetings to gather necessary information prior to decision-making," career bureaucrats privately negotiated deals on deregulation of auto, BSE, Post Office to satisfy "admission requirements" as demanded by the US, while selling out Japanese public interests.[23]

This secret history brings us to the thesis of Naomi Klein's Shock Doctrine, which examines the use of "moments of collective trauma to engage in radical social and economic engineering" that would be almost impossible during normal less chaotic times.[24] While Japan still reels from the Fukushima shock, the government is bent on trying "to impose a rapid-fire transformation of the economy—tax cuts, free trade, privatized services, cuts to social spending and deregulation."[25] Above all, this US-Japan history confirms the persistence of the "Servile Line" discussed by Magosaki Ukeru or "Client State" by Gavan McCormack.[26]

Amongst many woeful issues of the TPP mentioned above, the Japanese might need to pay special attention to two issues (for more details, see the AUF petition). First, is Investor-State Dispute (ISD) resolution. Public Citizen, a non-profit U.S.-based consumer rights advocacy group, explains: "Under this regime, foreign investors can skirt domestic courts and laws, and sue governments directly before tribunals of three private sector lawyers operating under World Bank and UN rules to demand **taxpayer compensation** for any domestic law that investors believe will diminish their 'expected future profits.'" [27] The ISD issue is especially serious. Tsuruoka Kouji of the Foreign Ministry, TPP chief negotiator, has said that Japan will accept the inclusion of ISD in its trade deals for possible disputes with "undeveloped" countries.[28] However, the ISD allows corporations to attack "developed" countries such as Japan or the US. "Over $3 billion has been paid to foreign investors under U.S. trade and investment pacts, while over $14 billion in claims are pending under such deals, primarily targeting environmental, energy, and public health policies."[29] Also, this can be applied to "anything from government proceurement contracts and environmental protection to financial regulation."[30] See companies that could use such investor rights in the map (http://www.citizen.org/Page.aspx?pid=4083).

Second, Japan's nationalized health-care system is at stake. The annual US-Japan Business Council (USJBC) held in Tokyo on November 8-9, 2012, issued a public announcement: "USJBC companies can connect with Japanese industry and government to help shape transparent trade rules, standards and regulations in this dynamic region – particularly if Japan decides to pursue membership in TPP."[31] The USJBC's chairman was Charles Lake II. Note that he is chairman of the American Family Life Assurance Company of Columbus (Aflac) Japan, whose company revenues were $16.6 billion in 2008, about 70% of them from Japan.[32] If the government embraces

lucrative privatization accepting the ISD system, it would be detrimental to Japan's long cherished national health-care system.

In conclusion, we have reviewed this extraordinary agreement, which would ruinously reverse and rewrite the history of humanity with its repeated struggles for democracy, freedoms, human rights, and welfare. As noted, "the secrecy of the Trans-Pacific Partnership process represents a huge assault on the principles and practice of democratic governance."[33] In translating the AUF's "youbousho" as "petition," I thought of another word: list of grievances. One such formal set of letters was "Cahiers de Doléances" written in 1789, the year the French Revolution started. Similarly, I thought of letters written by our ancestors on the eve of peasant uprisings in feudal Japan. The AUF petition evokes such indignation of citizens as it brings the TPP under public scrutiny.

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Notes

[1] Though, some exceptions may be made, by keeping import tariffs on certain goods and services for 7 to 10 years. See Nobuhiro Suzuki, "最悪の選択□□□□□許しがたい背信行為 (The TPP: the worst choice. Perfidy that is hard to forgive)," Sekai, April 2013 (842), pp. 40-48.

[2] James Simpson, "TPP a risky venture for Japan," The Japan Times, March 12, 2013.

[3] Cherrie Lou Billones, "Japan and US reach agreements on auto exceptions in TPP," The Japan Daily Press, March 6, 2013.

[4] See here (http://notpp.jp/TPP_kantei.html) (accessed September 7, 2013).

[5] Lori Wallach and Ben Beachy, "Obama's Covert Trade Deal, (http://www.nytimes.com/2013/06/03/opinion/obamas-covert-trade-deal.html?_r=0)" The New York Times, June 2, 2013; Dean Baker, "The Pacific free trade deal that's anything but free (http://www.theguardian.com/commentisfree/2012/aug/27/pacific-free-trade-deal)," The Guardian, August 27, 2012; On the site of Public Citizen, "More Power to Corporations to Attack Nations (http://www.citizen.org/tppinvestment)," (accessed September 7, 2013). Also, see www.exposethetpp.org (http://www.exposethetpp.org/TPP_and_Services_Factsheet_Mar_2013_FINAL.pdf) (accessed September 7, 2013).

[6] Satoshi Daigo's blog (http://sdaigo.cocolog-nifty.com/blog/2013/09/914-tpp-6c26.html). (accessed September 7, 2013).

[7] Ibid.

[8] Laurel Sutherlin, "What You Need to Know About a Worldwide Corporate Power Grab of Enormous Proportions (http://www.alternet.org/environment/what-you-need-know-about-worldwide-corporate-power-grab-enormous-proportions)," AlterNet, 2012 (accessed Sepember 7, 2013).

[9] Lori Wallach and Ben Beachy, 2013.

[10] Laurel Sutherlin, 2012.

[11] See here (http://iwj.co.jp/wj/open/archives/73352). (accessed Sepember 7, 2013).

[12] See here (http://www.nikkei.com/article/DGXNASGC26012_W0A021C1EE2000/). (accessed Sepember 7, 2013).

[13] Philip Brasor, "Japan's farming could be going to seed," The Japan Times, January 6, 2013.

[14] Yasumi Iwakami (http://iwj.co.jp/wj/open/archives/68069). (accessed September 7, 2013).

[15] Ibid. Also, Magosaki Ukeru.*戦後史の正体* (The truth behind the postwar history). Tokyo: Sougensha, 2012.

[16] Yasumi Iwakami.

[17] See here (http://www.wto.org/english/thewto_e/countries_e/japan_e.htm). (accessed Steptember 7, 2013).

[18] Dean Baker, 2012.

[19] Ukeru Magosaki, "最悪の選択??????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.

[20] See here (http://atpp.cocolog-nifty.com/blog/suzuki1.html). (accessed September 7, 2013).

[21] See here (http://notpp.jp/TPP_kantei.html). (accessed September 7, 2013).

[22] Nobuhiro Suzuki, 2013.

[23] Ibid.

[24] Naomi Klein, The Shock Doctrine. London: Penguin Books, 2007, p. 8.

[25] Ibid., p. 7.

[26] Gavan McCormack, "Japan's Client State (Zokkoku) Problem," The Asia-Pacific Journal, Vol 11, Issue 25, No. 2, June 24, 2013.

[27] See here (http://www.citizen.org/tppinvestment). (accessed September 7, 2013).

[28] Magosaki Ukeru's note (http://ch.nicovideo.jp/magosaki/blomaga/ar334913?key=51eeb5cb421adc6213e9d2eb523591a9dc7d489fbb8c9d72531825e922c7c94c). (accessed September 7, 2013).

[29] See here (http://www.citizen.org/tppinvestment). (accessed September 7, 2013).

[30] see here (http://www.exposethetpp.org/TPP_and_Services_Factsheet_Mar_2013_FINAL.pdf). (accessed, September 7, 2013).

[31] See here (http://www.uschamber.com/international/asia/japankorea/policy-and-advocacy-japan). (accessed September 7, 2013).

[32] Daniel P Amos, "Aflac's CEO Explains How He Fell for the Duck," Harvard Business Review. Jan/Feb 2010, Vol. 88, Issue 1/2, pp. 131-134; Ukeru Magosaki, "最悪の選択??????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.

[33] Lori Wallach and Ben Beachy, 2013.