

The First Meeting of the Advisory Committee for the National Action Plan on Business and Human Rights (Summary Minutes)

June 18, 2019 (Tuesday), 15:15–17:15

Ministry of Foreign Affairs, International Conference Room 893

I. Welcome Speech

(Mr. Kenji Yamada, Parliamentary Vice-Minister for Foreign Affairs)

- Taking into account diverse inputs from experts from various quarters, the Government of Japan makes efforts to develop the National Action Plan (NAP) on Business and Human Rights with the aim of issuing it in mid-2020.

II. Remarks from Overseas Expert

(Professor Anita Ramasastry, member of the United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises (the UN Working Group on Business and Human Rights)) (see the website of the Ministry of Foreign Affairs for the full text of Professor Ramasastry's remarks).

- The UN Working Group on Business and Human Rights encourages governments to develop a NAP as a blueprint for promoting responsible business conduct and to lead by example.
- The UN Working Group on Business and Human Rights believes that the largest contribution that Japanese companies can make to achieving the Sustainable Development Goals (SDGs) is to prevent negative human rights impacts and to use the UN Guiding Principles on Business and Human Rights (the UN Guiding Principles) and human rights due diligence as a way of identifying the largest risks that their operations pose to workers and other people involved in such operations.
- One key role that a NAP can play is to raise awareness of the UN Guiding Principles.
- The UN Working Group encourages different ministries to update their policies to include appropriate references to the UN Guiding Principles. It is also important to establish a focal point in each ministry or other government departments that is tasked with further awareness-raising.
- The NAP is a living document. It is not intended to be perfect or comprehensive.
- We encourage States to set up a multi-stakeholder group to monitor implementation of the NAP.
- As exemplified by the UK and France, other measures such as human rights due diligence or a modern slavery law came about after a NAP was adopted.
- Respect for human rights is seen as the foundation of sustainable growth, and business

that engage in responsible business will in the longer term face less risk themselves and be competitive in the global marketplace.

III. Discussion points

A. The Working Method for the Advisory Committee for the National Action Plan on Business and Human Rights

The Ministry of Foreign Affairs, which is in charge of coordinating the formulation of the NAP, explained the working method for the Advisory Committee for the National Action Plan on Business and Human Rights (“the Committee”), followed by questions and views shared by the Committee members.

(Mr. Hideki Wakabayashi, Chair, BHR-NAP Platform)

- I would like to express my respect for the leadership of the Ministry of Foreign Affairs on the NAP formulation.
- Since this is a director-general level meeting, I would appreciate governmental cooperation in having attendees at Director-General levels.
- I understand that the handout documents distributed at the Committee may be partially undisclosed in cases where disclosure could affect the smooth conduct of meetings; this raises concerns over arbitrary decision-making. Therefore, I seek as much disclosure as possible.

(Mr. Masato Otaka, Deputy Director-General, Foreign Policy Bureau, Ambassador in charge of UN Affairs, Ministry of Foreign Affairs)

- Generally speaking, the handouts are to be disclosed, and we give heed to avoid disclosing information in an arbitrary manner.

(Ms. Emi Omura, Chair, Committee on International Human Rights, Japan Federation of Bar Associations)

- I would like to know how the views of the Working Group members submitted in May (prior to holding this meeting) will be reflected in the revised version of the working draft on priority areas of the NAP (working draft).

(Mr. Masato Otaka, Ministry of Foreign Affairs)

- The views received from the Committee are currently being considered by relevant ministries to see how they could be incorporated into the working draft titled “Towards Formulating Japan’s National Action Plan on Business and Human Rights.”

(Mr. Yasunobu Aihara, General Secretary, JTUC-Rengo)

- We request that independence is ensured for this Committee.

(Ms. Yasuko Kono, Director, Japan Consumers' Association)

- While the NAP is scheduled to be issued by June 2020, I would like to know if the public will be called upon to comment on procedures for the NAP or if any opportunity will be available for external evaluation of the NAP prior to its issuance.

(Mr. Masato Otaka, Ministry of Foreign Affairs)

- We are planning to hear public comments around January 2020, after preparing the first draft of the NAP.

(Mr. Masatoshi Sugiura, Director, Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, Ministry of Foreign Affairs)

- On June 6, we exchanged views with Mr. Dante Pesce of the UN Working Group on Business and Human Rights. We will take further opportunities including the UN Forum on Business and Human Rights to be held in Geneva.

B. Towards Formulating Japan's NAP

The Ministry of Foreign Affairs reported on the working draft, followed by questions and views shared by the Committee members.

(Mr. Masaru Arai, Chair, Japan Sustainable Investment Forum; Senior Engagement Consultant, Hermes EOS)

- From an investor's perspective, I get the impression that the five-year review timeframe for the NAP seems rather long. In my opinion, we need to reconsider it. For example, the Principles for Responsible Institutional Investors (Japan's Stewardship Code) have been reviewed every three years. It is also important to consider the viewpoints of overseas investors.
- Business and human rights cover a broad range of issues, so it is important to prioritize leading issues for the NAP. There should be more focus on "Labor," which is listed in the working draft as a point of view to consider in studying major actions for the NAP. Similarly, "Rights of the Child" is a broad concept, so points of focus should be clarified.

(Ms. Yasuko Kono, Japan Consumers' Association)

- The following three points are important in the development of the NAP: (1)

promoting information disclosure by businesses and requesting mandatory reporting legislation on human rights due diligence in response to diverse and emerging risks, (2) ensuring consumer access to human rights information relating to supply chains, and (3) promoting human rights education and awareness-raising to encourage voluntary participation by consumers and SMEs.

- Monitoring and an interim review of the NAP in three years should be specified in the working draft.

(Ms. Emi Omura, Japan Federation of Bar Associations)

- I would like to seek clarification on the roles of the Working Group and the relations between the Working Group and the Committee, and how the process will progress.

(Mr. Masato Otaka, Ministry of Foreign Affairs)

- The Working Group was established to exchange views among the relevant ministries and agencies, the business sector, the labor sector, civil society organizations, and other relevant organizations. Taking into account what was discussed at the Working Group, the government will present draft NAPs to the Committee and seek views from its members.

(Mr. Masaya Futamiya, Chair, Committee on Responsible Business Conduct & SDGs Promotion, Keidanren; Director-Chairman, Sompo Japan Nipponkoa Insurance Inc.)

- As a Working Group member organization, we submitted our views in writing at the end of May. We expected to have a discussion at this meeting on the revised version of a working draft which has reflected the views submitted. Consequently, I would like to know when the revised working draft will be presented to the Committee.

(Mr. Masatoshi Sugiura, Ministry of Foreign Affairs)

- The working draft will be revised with consideration of the views from the previously held Consultation Meeting and this Committee in addition to the views from the Working Group members.

(Ms. Akiko Taguchi, Director, International Labour Organization Office for Japan)

- We appreciate that the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy has been incorporated into the working draft, but it does not yet mention respecting important Conventions Japan has ratified.

(Mr. Toshio Arima, Chairman of the Board, Global Compact Network Japan)

- The working draft does not clarify how domestic issues will be handled. We would welcome Japan taking a lead in Asia as a result of developing the NAP, but the action plan essentially belongs to Japan. Actions to be taken by the government and businesses should be discussed in detail.
- I appreciate your consideration of our request to present the outline of the NAP at an early stage. I would also like to keep a detailed record of how each agenda item has been discussed. This will prove useful for ongoing and future discussions.

(Mr. Yasunobu Aihara, JTUC-Rengo)

- The JTUC-Rengo submitted its views within the deadline (at the end of May). I request improvement in the conducting of the Committee in order to promote constructive interaction. I would also like to have constructive dialogue in an open manner. Furthermore, I would like to incorporate mention of respecting the two Conventions among the ILO fundamental Conventions that Japan has not ratified.

(Ms. Emi Omura, Japan Federation of Bar Associations)

- Major issues in the realm of business and human rights listed in the working draft seem to be merely a summary of the three pillars of the UN Guiding Principles.
- I would like to know if the government considers that raising awareness and promoting understanding of business and human rights as listed in the working draft is the only duty the State has to fulfil.
- Will the scope of the NAP be limited to the cross-cutting matters listed in the working draft?

(Mr. Hideki Wakabayashi, BHR-NAP Platform)

- Gaps in business and human rights have not yet been identified through the previous approach, including the public comment procedure.
- In Japan, there is no national human rights institution to perform third-party analysis. It is difficult to have a discussion on development of the NAP without identifying the gaps.
- There is no point in categorizing the identified issues as either domestic issues or international issues. All the issues should be handled equally.
- With respect to the duration of the NAP, I would like to clearly specify in the working draft that the NAP will be revised in five years and an interim review will be conducted in about three years.
- The initial NAP does not need to be perfect. That said, I would like the relevant ministries and agencies to discuss the contents of the NAP seriously.

(Mr. Masato Otaka, Ministry of Foreign Affairs)

- The members' views on the work method for the Committee will be well-heeded, so as to make improvements.
- We will study other existing action plans that are reviewed every five years in specifying how our action plan should be reviewed in the future, including the possibility of an interim review.

(Mr. Masatoshi Sugiura, Ministry of Foreign Affairs)

- Major challenges in the realm of business and human rights listed in the working draft are not merely a summary of the three pillars of the UN Guiding Principles. These issues are the ones requiring governmental action.
- In the interest of ensuring transparency and opportunities for participation, implementation of the public comment procedure, etc. is being considered.
- Reference to cross-border issues in the working draft may have created some misunderstanding; this refers to challenges associated with global economic activity and does not purport to separate domestic and overseas issues.
- Taking into account the views received, we will consider the matter of how to mention Conventions Japan has not ratified in the working draft.

(Mr. Shinichi Akiyama, Deputy Assistant Minister for International Affairs, Minister's Secretariat, Ministry of Health, Labour and Welfare)

- With respect to the suggestion of exemplifying labor issues in order to specify the issues which are highlighted as cross-cutting matters in the working draft, we chose a broad terminology as we expect that what is to be incorporated into the NAP will depend on the outcome of future discussions. We would like to consult with you on how to refer to the labor issues in the working draft.
- As pointed out, Japan has an obligation to respect even the two Conventions it has not ratified among the eight ILO fundamental Conventions for core labor standards. In this regard, in future discussions we would like to consult with you on how to refer to them in the NAP.

(Mr. Hideki Wakabayashi, BHR-NAP Platform)

- Regrettably, relevant ministries and agencies have raised no opinions leading to identification of gaps. Although one may say that there are problems, that should not be subject to criticism as an omission of government. Frank interaction should be a must.

- I would like to have the OECD Guidelines for Multinational Enterprises referred to in the working draft.

(Mr. Masaya Futamiya, Keidanren; Sompo Japan Nipponkoa Insurance Inc.)

- The objectives of the NAP include showing Japan's attitude towards this agenda. Keidanren continues to request consideration of the four points submitted previously.

(Professor Anita Ramasastry, member of the UN Working Group on Business and Human Rights)

- My understanding is that many countries set up their NAPs for periods of two to three years.
- The UN Working Group on Business and Human Rights encourages adoption of a transparent approach in the process. Stakeholder mapping is effective in not only clarifying which organizations made suggestions, but also identifying the ministries and agencies responsible for the specific matters responding to the suggestions. Each stakeholder could also directly approach relevant ministries and agencies on specific issues to be incorporated in the NAP.

IV. Closing Remarks

(End)

The Inaugural Meeting of the Advisory Committee for the National Action Plan on
Business and Human Rights
List of Participants

Stakeholders	
Name	Organization/Title
Yasunobu Aihara	General Secretary, JTUC-Rengo (Japanese Trade Union Confederation)
Masaru Arai	Chair, Japan Sustainable Investment Forum (JSIF) Senior Engagement Consultant, Hermes Equity Ownership Services
Toshio Arima	Chairman of the Board, Global Compact Network Japan
Emi Omura	Chair, Committee on International Human Rights, Japan Federation of Bar Associations
Yasuko Kono	Director, Japan Consumers' Association
Akiko Taguchi	Director, International Labour Organization Office for Japan
Masaya Futamiya	Chair, Committee on Responsible Business Conduct & SDGs Promotion, Keidanren (Japan Business Federation); Director-Chairman, Sompo Japan Nipponkoa Insurance Inc.
Hideki Wakabayashi	Chair, BHR-NAP Platform (Civil Society Platform for Japan's National Action Plan on Business and Human Rights)

* In Japanese syllabary order. Without honorifics.

(Absent)

Name	Organization/Title
Shotaro Hamamoto	Professor, Graduate School of Law, Kyoto University

Ministries and Agencies	
Director, International Cooperation Office, General Affairs Division, Commissioner-General's Secretariat, National Police Agency	
Director for Planning and Management, Planning and Management Division, Strategy Development and Management Bureau, Financial Services Agency	
Director General, Consumer Affairs Agency	
Counselor, General Affairs Division, Minister's Secretariat, Ministry of Internal Affairs and Communications	
Director, International Affairs Division, Minister's Secretariat, Ministry of Justice	
Deputy Director-General, Foreign Policy Bureau (Ambassador in charge of UN Affairs), Ministry of Foreign Affairs (Chair)	
Director, Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, Ministry of Foreign Affairs (Moderator)	
Assistant Vice-Minister, Minister's Secretariat, Ministry of Finance	
Deputy Assistant Minister for International Affairs, Minister's Secretariat, Ministry of Health, Labour and Welfare	

Councillor (Deputy Director-General for International Affairs), Minister's Secretariat, Ministry of Agriculture, Forestry and Fisheries
Director, International Economic Affairs Division, Trade Policy Bureau, Ministry of Economy, Trade and Industry
Director, International Industrial Strategy Division, International Policy Division, Policy Bureau, Ministry of Land, Infrastructure, Transport and Tourism
Director, International Strategy Division, Global Environment Bureau, Ministry of the Environment
Director, Procurement Planning Office, Procurement Planning Division, Department of Procurement Management, Acquisition, Technology & Logistics Agency