

KT/UN/58

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliment to the Office of the High Commissioner for Human Rights in Geneva and, with reference to the Note Verbale Ref. AL JPN 3/2020 dated 14 December 2020, has the honour to transmit the reply from the Government of Japan to the Joint Statement from the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the right to food and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

The Permanent Mission of Japan to the International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

Geneva, 15 February 2021



Reply of the Government of Japan to the Joint Communication from the Special Procedures (AL JPN3/2020)

In reference to the Joint communication dated 14 December 2020, sent by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the right to food, and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to the Permanent Mission of Japan to the International Organizations in Geneva, the Government of Japan (hereinafter referred to as the “GoJ”) provides the following response.

1. The GoJ first would like to make it clear that the GoJ recognizes that human rights are fundamental values and protecting them is the most fundamental responsibility of any nation.
2. Next, the GoJ provides the following responses to Questions 1, 2, 3, 4, 5 and 6.
 - (1) Overview of efforts by the GoJ

Regarding the accident of oil leakage from a Japanese-chartered vessel, stranded off the coast of Mauritius at the end of July 2020, not only the UN but also the GoJ advanced an unprecedented scale of cooperation in a swift manner, upon the requests of the Government of the Republic of Mauritius (hereinafter referred to as the “Government of Mauritius”).

Shortly after the oil spill that occurred on August 6, 2020, the GoJ dispatched Japan Disaster Relief (JDR) Expert Teams three times since August 10, 2020, and provided necessary equipment as well as assistance in the form of oil leakage surveys, oil removal and control, responses to the oil washed ashore, and monitoring of the impacts on local ecosystems, out of comprehensive and holistic consideration of all the surrounding circumstances, including the request for assistance from the Government of Mauritius and the friendly relationship between our two countries.

The telephone talk between MOTEGI Toshimitsu, Minister for Foreign Affairs of Japan, and Pravind JUGNAUTH, Prime Minister of Mauritius, was held on

September 7, 2020. During the talk, the GoJ expressed its intention to advance medium- and long-term cooperation to (1) prevent maritime accidents, (2) recover the environment, (3) restore the livelihoods of local people engaging in fishery, and (4) recover and develop the Mauritian economy. In response, Prime Minister Jugnauth appreciated the swift dispatch of the JDR Expert Teams as well as the quick deliveries of equipment, and renewed his appreciation for Japan's support to the COVID-19 counter-measures. Prime Minister Jugnauth reiterated his heartfelt appreciation to the GoJ for its proposal of future cooperation explained during the telephone talk, and expressed his expectation to receive Japan's continuous support, given urgent challenges not only in restoration of the environments damaged by the oil spill, but also in the recovery of the economy affected by the COVID-19 pandemic. Prime Minister Jugnauth stated that Japan was not responsible for the accident, and stressed that Mauritius appreciated Japan's various forms of cooperation, such as the swift dispatch of the JDR Expert Teams and the assistance proposed during the telephone talk.

To actually carry out the cooperation expressed in the above-mentioned telephone talk, from October 24, 2020, the GoJ has dispatched a Japan International Cooperation Agency (JICA) survey mission to Mauritius. On December 13, 2020, Minister Motegi himself visited Mauritius to present the tangible progress made on the GoJ's cooperation and to explain that the GoJ had also been considering the implementation of financial support in the form of emergency assistance yen loans for recovery and development of the economy of Mauritius, based on the request of the Government of Mauritius. Prime Minister Jugnauth expressed his heartfelt appreciation to the cooperation extended by Japan. Nandcoomar BODHA, then Minister of Foreign Affairs, Regional Integration and International Trade of Mauritius, also appreciated the GoJ's swift and effective response amid the COVID-19 pandemic and the oil spill accident.

During Minister Motegi's visit to Mauritius in December 2020, Sudheer MAUDHOO, Minister of Blue Economy, Marine Resources, Fisheries and Shipping of Mauritius, explained to the GoJ the progress made with the oil removal from the mangrove forests at the estuary of the Creole River. Minister MAUDHOO stated that a considerable amount of oil had been removed thanks

to the activities of expert teams from various countries including Japan Disaster Relief Expert Teams, as well as the efforts by the Government and citizens of Mauritius, although the mangrove forests had been damaged by the oil washed ashore immediately after the oil spill. On January 14, 2021, the Government of Mauritius announced that the cleaning up of shorelines had been completed following the oil spill.

The GoJ will continue to work closely with relevant countries/organizations and private-sector entities in order for Mauritius to recover the environment around the maritime area affected by the accident, overcome the COVID-19 pandemic, and restore the economy and people's livelihoods as soon as possible.

The GoJ requests the Special Rapporteurs and Working Group members to accurately acknowledge and assess the efforts made by the GoJ.

(2) Details of the efforts conducted by the GoJ

(a) Support immediately after the oil spill

Upon the request of the Government of Mauritius, the GoJ dispatched three Japan Disaster Relief Expert teams (19 members in total to support the Government of Mauritius: the first team for oil removal (departed on August 10, 2020); and the second (August 19) and third (September 2) teams for environmental monitoring). These JDR Expert teams worked in tandem with the Government of Mauritius and other concerned countries/organizations along the southeast coast of Mauritius to provide the support described below. In addition to the personnel contributions represented by the dispatch of the JDR Expert teams, the GoJ provided to the Government of Mauritius oil removal equipment that could be used on the ground, which was sent and delivered by the JDR Expert teams. On September 17, 2020, the GoJ reported the results achieved through the GoJ's support, directly to the Minister of Environment, Solid Waste Management and Climate Change of Mauritius.

- (i) Training/advice on oil removal and control (first team [activity period: August 12-21, 2020])
- Attended a variety of meetings to discuss counter-measures
 - Conducted marine pollution surveys (investigating floating oil around the stranded ship and coastal sea areas, as well as the oil

- washed ashore)
- Offered training to the National Coast Guard of Mauritius on oil removal and control
- (ii) Assistance Activities for the Environment (2nd team [activity period: August 21-September 11, 2020] and 3rd team [activity period: September 4-18, 2020])
 - Coral reef ecosystem: Assessed the living status of the coral reefs and the impact of the accident jointly with the Government of Mauritius, research institutes, and other parties. Supported the development of a long-term monitoring system
 - Mangrove forests: Conducted studies on mangrove living conditions and the impact of the accident jointly with the Government of Mauritius, research institutes, and other parties. Examined long-term monitoring methods, provided on-the-ground guidance, and collected initial data sets.
 - Birds: Conducted on-the-ground survey of the impact on birds by the oil washed ashore

(b) Medium- and long-term assistance

Japan has been advancing cooperation with Mauritius in (i) preventing marine accidents, (ii) recovering the environment, (iii) restoring the livelihoods of the local people engaging in fishery, and (iv) supporting recovery and development of the Mauritian economy.

The following shows progress made on the GoJ's cooperation for Mauritius, to which Minister Motegi committed during the September 2020 telephone talk with Prime Minister Jugnauth.

- With regard to (i) above, a technical cooperation project will be implemented at the earliest possible date and also grant aid to support monitoring maritime navigation is under preparation, aiming to commence as early as possible
- With regard to (ii) and (iii) above, a technical cooperation project on recovering the environment and restoring the livelihoods of the people engaging in fishery is under consideration, based on the result of the JICA survey and in due consideration of people's rights to food, health, and a healthy environment. Such a project will be initiated as early as

possible.

- With regard to (iv) above, the implementation of swift financial support is under preparation based on the request of the Government of Mauritius. To promote investment from Japan to Mauritius, an investment seminar was held in November 2020, and preparations are underway to send a Public-Private Sector Joint Mission to Mauritius.

(3) Japan-Mauritius collaboration and information sharing, as well as sending of messages by the Embassy of Japan

The GoJ began sharing information and working closely with the Government of Mauritius to address the situation immediately after the accident. For example, the GoJ shared information gained from the above-mentioned accident impact surveys, with the Government of Mauritius. In addition, the GoJ has implemented various assistance and cooperation projects, based on consultation with and requests of the Government of Mauritius. Furthermore, the Embassy of Japan in Mauritius shared information about the activities by the JDR Expert Teams and the JICA survey team, as well as on Minister Motegi's visit to Mauritius described in (2) (a) and (b) above, with the people of Mauritius in a timely and appropriate manner on its website and Facebook page.

3. We recognize that Questions 7, 8 and 9 ask about the GoJ's systems and efforts in general and, on that premise, we offer the following response.

With increased international attention being paid to corporate efforts to respect for human rights, international documents on business activities such as the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises have been adopted, and the GoJ endorses them.

In general, various judicial remedies may be available in Japan on a case-by-case basis according to each specific case of business-related human rights abuse. The GoJ also utilizes multiple non-judicial remedies, including those through the National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises composed of the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare, and the Ministry of Economy, Trade and Industry, to address issues in

accordance with the OECD Guidelines. Utilizing multiple non-judicial tools, the GoJ makes various efforts, including those through the NCP, to ensure access to these remedies and make improvements as necessary.

Efforts being undertaken or being considered for implementation by the GoJ to encourage greater awareness of the importance of environmental and social considerations among Japanese companies operating outside Japan are explained below.

- (1) The GoJ launched a National Action Plan on Business and Human Rights in October 2020 with the aim of promoting respect for human rights in the context of business activities as part of the implementation of the UN Guiding Principles on Business and Human Rights. The NAP lists a series of measures related to business and human rights to be implemented by the Government. It also sets out expectations for business enterprises to promote introducing human rights due diligence, which is a process of identifying, preventing, mitigating, and accounting for how business enterprises address their impacts on human rights, in the context of their business activities. In addition, it expresses the GoJ's expectations that Japanese business enterprises will engage in dialogue with stakeholders, including dialogue in their supply chains and will resolve issues through effective grievance mechanisms.
- (2) Japan is an adherent country to the OECD Guidelines for Multinational Enterprises, which encourages multinational enterprises to take expected responsible business conduct voluntarily. The OECD Guidelines indicate that the enterprises should respect human rights in their business activities and carry out risk-based due diligence and the GoJ has been working on promotion of the OECD Guidelines to enterprises.
- (3) The GoJ has been encouraging corporate efforts on the environmental front by formulating Environmental Reporting Guidelines. An "Introductory guide on environmental due diligence in value chains that draws on the OECD Due Diligence Guidance for Responsible Business Conduct" was issued in August 2020 to highlight key points concerning risk management and value chain management, two aspects specified in the Environmental Reporting Guidelines, that should be kept in mind when engaging in environmental due diligence. In propagating this guide, the GoJ seeks to promote greater understanding on environmental due diligence and information disclosure.
- (4) As mentioned in 3 (1) above, the GoJ will publicize the NAP and raise awareness of human rights due diligence among Japanese business enterprises abroad in

cooperation with industry groups and other relevant bodies via Japanese embassies, consulates, and overseas offices of government related entities to promote respect for human rights in the context of business activities.