

# The EU-Japan Strategic Partnership Agreement (SPA)

## A framework to promote shared values

### OVERVIEW

The EU and Japan share the same basic values, including on democracy, market economy, human rights, human dignity, freedom, equality, and the rule of law. Against a background of increasingly assertive neighbours, they are also putting emphasis on security issues. The EU has adopted a Global Strategy placing security and defence as a key strategic priority, and conclusions on 'enhanced EU security cooperation in and with Asia'. Japan has reformed its security policy, aiming at becoming a 'proactive contributor for peace'. In order to enhance their relations, in July 2018 the EU and Japan signed a binding Strategic Partnership Agreement (SPA), along with an Economic Partnership Agreement (EPA), negotiated in parallel.

The SPA represents a framework strengthening the overall partnership, by promoting political and sectoral cooperation and joint actions in more than 40 areas of common interest. Once adopted, the EU-Japan strategic partnership will become more operational. The agreement will facilitate joint EU-Japan efforts to promote shared values such as human rights and rule of law, a rules-based international system, and peace and stability across the world. It will allow EU-Japan security cooperation to reach its full potential.



### Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part

*Committee responsible:* Foreign Affairs (AFET)  
*Rapporteur:* Alojz Peterle (EPP, Slovenia)

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## Introduction

Since the [The Hague Joint Declaration](#), which was signed in 1991 and marked the first bilateral summit, ties between the EU and Japan have deepened and cooperation has extended to a number of areas, be they political, economic or sector-specific matters. Relations developed further in 2001, when the parties agreed on a [joint action plan](#) for EU-Japan cooperation, and in 2003, when the EU recognised Japan as a [strategic partner](#).

The EU and Japan share the same basic values, including on democracy, market economy, human rights, human dignity, freedom, equality, and the rule of law. They are both civilian powers that refrain from the use of military power as a means of achieving their goals. They share an interest in setting high standards in trade and labour rights. They are both in favour of nuclear disarmament. They have the prerogative of being champions in official development assistance (ODA), since together they account for more than [60 %](#) of ODA. Japan is the [second biggest contributor](#) to the regular budget of the United Nations (UN), and the third biggest contributor to its peacekeeping budget. Japan is NATO's longest-standing partner, and has signed cooperation agreements on classified information, cybersecurity, anti-piracy, disaster relief and humanitarian assistance.

The EU and Japan also face similar challenges, including an aging society, the fight against non-traditional security threats as terrorism and cybercrime, facing natural disasters, ensuring energy security, and in exploring space.

The EU and Japan – both reliant on the United States (US) in their security – have been focusing on different geopolitical drivers. The EU is concerned about issues such as fighting terrorism and addressing the migration crisis. Russia's annexation of Crimea and the conflict in eastern Ukraine have prompted a stalemate in the bilateral political dialogue with Moscow, together with the adoption of sanctions, and have also led to [concern](#) in the Baltic States. The EU has, on the contrary, tried to engage with China, while dealing with US President Donald Trump has been more complicated. Japan, for its part, has been [engaging](#) with Moscow in order to reach a negotiated solution to the issue of the Northern Territories / South Kuril Islands, unresolved since the end of the Second World War. Territorial disputes, along with historical legacies, have also strained relations with China and South Korea: Beijing, with its maritime ambitions and territorial claims in the East and South China Seas, along with its growing nuclear and conventional capability, represent a major challenge for Tokyo. On top of that, the North Korean crisis and the repeated threats of Pyongyang against Japan have led it to increase its response capacities. Meanwhile Japan's Prime Minister, Shinzō Abe, has tried to build a good personal relationship with President Trump (as he has also done with Russian President, Vladimir Putin).

Figure 1 – Japan, its neighbours and territorial disputes



Source: EPRS.

However in recent times the US administration has assumed positions which challenge the rules-based economic system, its liberal values and multilateralism, nurturing uncertainty that has prompted the EU and Japan to open a new era of cooperation.

## Existing situation

Cooperation between the EU and Japan has been based on the [joint action plan](#) agreed in December 2001. The two sides have concluded bilateral agreements in the following fields: [science and technology](#); [criminal matters](#); [customs matters](#); [fusion energy research](#); [peaceful uses of nuclear energy](#); [anti-competitive activities](#); and [thermonuclear fusion](#).

Other multilateral [agreements](#) are also in place. The EU and Japan have set up an EU-Japan [Centre for Industrial Cooperation](#). Japanese scientists and students participate in EU mobility programmes, while academic relations are fairly well developed.

Regular [dialogues](#) exist in the areas of foreign and security policy, macroeconomic issues, financial issues, customs, industrial policy (including the steel dialogue), competition, employment and social affairs, transport (including railways and aviation), information and communications technology, cybersecurity, space, the environment, agriculture, food safety, fisheries and maritime affairs, urban development, development policy, disaster preparedness and prevention, climate change, energy and [data protection](#).

As for [military and security cooperation](#), a significant example is the joint counter-piracy activities off the coast of Somalia and in the Gulf of Aden by Japan's Self Defence Forces (SDF) and the [EU Navfor Atalanta](#) mission. Other examples include missions aimed at improving security in Niger and Mali, as well as cooperation efforts in the Democratic Republic of Congo. In recent years, Japan has also provided financial and technical assistance for EU missions in Niger to contribute to security-related capacity-building, and in Mali, to support a police training school and improve judicial cooperation. Japan and the EU have also cooperated previously in the Western Balkans, Iraq and Afghanistan: Japan's first involvement in a security and stabilisation process in Europe was in the 1990s, when Tokyo supported [Bosnia and Herzegovina](#) in its efforts to reconstruct the state after the war, by providing political and financial support including cooperation for the consolidation of peace, as a core member of the Peace Implementation Council.

The EU and Japan cooperate within the UN on the situation of human rights in North Korea: every year, since 2005, Japan and the EU have tabled a resolution on the North Korean human rights situation, for adoption by the United Nations General Assembly. They are also partners in the field of [disaster management](#) and humanitarian aid.

## Comparative elements

The EU has previously signed two other framework agreements with strategic partners: one with South Korea, the other with Canada. Unlike the EU-Japan SPA, they are structured in chapters. The agreement with Canada includes an 'essential elements clause' (see below), which is not the case for the deal with South Korea, negotiated before the entry into force of the Treaty of Lisbon.

The EU and South Korea signed a [Framework Agreement](#) in May 2010, five months before signing a [Free Trade Agreement](#). The Framework Agreement entered into force in June 2014. The European Parliament gave its [consent](#) in April 2014 ([consent](#) on matters related to readmission was given in a separate resolution, as the Council split the agreement's conclusion into two decisions). It contains chapters on political dialogue and cooperation, cooperation in regional and international organisations, and cooperation in the areas of economic development, sustainable development, education and culture, justice, freedom and security, and other areas. The parties established a Joint Committee for the agreement's implementation, including procedures for an arbitration tribunal.

Together with the Comprehensive Economic and Trade Agreement ([CETA](#)), on 30 October 2016 the EU and Canada signed a Strategic Partnership Agreement ([SPA](#)), which contains chapters on human

rights, fundamental freedoms, democracy and the rule of law, international peace and security and effective multilateralism, economic and sustainable development (including citizens' well-being), justice, freedom and security, political dialogue and consultation mechanisms – the parties will establish a Joint Ministerial Committee (JMC) and a Joint Cooperation Committee (JCC). The SPA has been provisionally applied since April 2017, and has so far been [ratified](#) by 16 Member States. The European Parliament gave its [consent](#) to the EU's conclusion of the SPA in February 2017.

## EU negotiation objectives

The negotiation of an SPA was aimed at upgrading political relations between the EU and Japan, and giving a boost to their strategic partnership. The goal was to adopt an 'umbrella agreement' encompassing existing cooperation and developing it, as well as coordinating and enhancing the consistency of its sectoral aspects. At the same time, the EU wanted to reinforce political dialogue, affirm shared values and deepen coordination in addressing global and regional challenges. The negotiation of an SPA ran in parallel with the negotiation of a deep and comprehensive EU-Japan Free Trade Agreement (FTA)/Economic Partnership Agreement (EPA).

Recent developments in the positions of the US on multilateralism (e.g. its withdrawal from the Paris Agreement on climate change) and on trade policy – the halt to negotiations for a Transatlantic Trade and Investment Partnership (TTIP), as well as the withdrawal from the Trans-Pacific Partnership Agreement (TPP) – led the EU and Japan, both traditional US allies, to consider opportunities for speeding up negotiations for both the EPA and the SPA. In June 2016, the EU adopted its [Global Strategy](#) on Foreign and Security Policy, and identified a direct connection between European prosperity and Asian security.

## Parliament's position

The European Parliament has long been in favour of significantly increasing and widening the coverage of EU-Japan bilateral cooperation and sectoral dialogues. It expects a long-standing framework for a closer relationship to contribute to delivering tangible results for the citizens of both regions. The European Parliament – that voted in [May 2011](#) in favour of proceeding towards negotiations on an EU-Japan FTA – gave its support to the negotiation of the SPA in [April 2014](#).

## Negotiation process and outcome

At the May 2011 summit, which took place two months after a devastating earthquake and tsunami in East Japan, the partners [agreed](#) to launch preparations for two agreements: a deep and comprehensive Free Trade Agreement (FTA)/Economic Partnership Agreement (EPA) and a binding Strategic Partnership Agreement (SPA). They first launched a scoping exercise in order to define the EPA's ambition. After this was concluded in May 2012, the Commission submitted to the Council a recommendation in July on authorising the opening of negotiations. The Council authorised the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to negotiate, on behalf of the European Union, the two agreements. The Council adopted the negotiating directives<sup>1</sup> in November 2012 and negotiations were launched in March 2013 for both agreements. The [agreement in principle](#) reached on the EPA in July 2017 unlocked the deals. Negotiations on the SPA were concluded on [25 April 2018](#) after 13 rounds (those for the EPA ended on 8 December 2017, after 18 rounds).

Analysts [argued](#) that one element on which the parties differed during the negotiations was the integration of the 'essential elements clause', basically an EU-demanded clause that allows for the suspension of the agreement should a partner violate human rights. This is already included in the SPA with Canada. A major contentious issue related to human rights is the death penalty, applied by Japan (as well as the US and Singapore, among the most developed countries). Tokyo tried to resist the inclusion of this clause in the agreement.

The [EU-Japan Strategic Partnership Agreement \(SPA\)](#) is the first bilateral framework agreement between the EU and Japan. It strengthens the overall partnership, by promoting political and sectoral cooperation and joint actions in more than 40 areas of common interest, such as security, energy, disaster management, cybercrime, economic matters, education, ageing population, research and development, and combating terrorism and climate change. It also provides a legal basis for both bilateral cooperation and cooperation in international and regional fora. A Joint Committee will coordinate the overall partnership and give strategic direction to the cooperation: the main issue lies now in prioritising among the areas of cooperation, in order to produce effective added value to the partnership.

## The changes the agreement would bring

The agreement will be the basis for the EU and Japan to jointly promote peace, stability and prosperity globally, as well as an open international system. Once adopted, it will facilitate joint EU-Japan efforts to promote shared values such as human rights and rule of law, a rules-based international system, and peace and stability across the world. It will allow EU-Japan security cooperation to reach its full potential, taking into account the changes the partners have made in recent years in this field. More generally, through the SPA (along with the EPA), the two partners would take on a leadership role in terms of stability and promotion of liberal norms and values, against a background of uncertainty and challenge. In addition, both the EU and Japan are increasingly facing threats from authoritarian neighbours, and would benefit from fostering cooperation with like-minded partners.

The EU, in its Global Strategy, has put emphasis on security and defence as key strategic priorities. While maintaining a privileged partnership with NATO, the EU has expressed its will to acquire strategic autonomy. In May 2018, the Council adopted [conclusions](#) on 'enhanced EU security cooperation in and with Asia', noting that there are important possibilities for deepening security cooperation with its Asian strategic partners (Japan, but also China, India and South Korea, along with ASEAN members). The Council identified key areas for deeper security engagement: maritime security, cybersecurity, counter-terrorism, hybrid threats, conflict prevention, the proliferation of chemical, biological, radiological and nuclear weapons, and the development of regional cooperation. All of these represent possible issues for deepening cooperation with Japan.

Japan, for its part, has introduced [reform in its security policy](#) that aim at making it a 'proactive contributor for peace'. The government is planning a constitutional reform which would eventually enhance the role of its Self-Defence Forces<sup>2</sup>. Tokyo is advocating a free Indo-Pacific, an area of strategic importance for the EU too, where cooperation on aspects such as maritime security, freedom of navigation, and also the promotion of the rule of law and peaceful settlement of disputes (considering Chinese assertiveness in the South and East China Seas) is desirable. This represents an emerging area of cooperation between partners that have already well-established areas of collaboration, including on crisis management, peace-building and development policy. Last but not the least, the partners are expected to cooperate along the lines of the [strategy](#) on EU-Asia connectivity adopted in October 2018.

## Signature and ratification process

The SPA (together with the EPA) was signed at the [Tokyo summit](#) on 17 July 2018.

On 21 November 2018, the European Parliament's Foreign Affairs Committee (AFET) [endorsed](#) the SPA. The committee's [report](#) welcomes the conclusion of the SPA and highlights the linkages between the SPA and the EPA. It welcomes the reference to a parliamentary dimension aimed at strengthening the partnership through dialogue and cooperation in the areas of political issues, foreign and security policies and other sectoral cooperation. It suggests that the Diet of Japan and the European Parliament continue to develop parliamentary oversight and dialogue, with the aim of ensuring that the contractually agreed cooperation is implemented. The AFET committee also

underlines that Japan has not ratified two International Labour Organization (ILO) core conventions (on discrimination, and on the abolition of forced labour); stresses the need for further cooperation on women's rights; and calls on the EU to enter into a dialogue with the Japanese government on a moratorium on capital punishment with a view to its eventual abolition. It highlights the opportunities and the momentum the deal gives to developing cultural relations and to working together on youth, education and sport, amid current low levels of people-to-people exchanges and linguistic barriers. In order to address this, it suggests investing further to enhance citizen-to-citizen interactions, educational and cultural dialogue and academic mobility programmes under Erasmus+.

The AFET committee [recommended](#) that the European Parliament gives its [consent](#) to conclusion of the agreement. The vote on EP consent is due to be held during the December 2018 plenary session, along with that on the INTA committee's recommendation on consent to conclusion of the EPA. After that, the SPA will require ratification by all EU Member States, as well as by Japan's Diet, to enter into force. Meanwhile much of the agreement will be provisionally applied.

## EP SUPPORTING ANALYSIS

Binder K., [EU-Japan trade agreement: a driver for closer cooperation beyond trade](#), EPRS, European Parliament, July 2018.

D'Ambrogio E., [Japan and prospects for closer EU ties](#), EPRS, European Parliament, October 2017.

Legrand J., [EU-Japan cooperation on global and regional security - a litmus test for the EU's role as a global player?](#), Policy Department for External Affairs, European Parliament, June 2018.

## ENDNOTES

- <sup>1</sup> The negotiating directives for the EPA were published in [September 2017](#); those for the SPA have not been published.
- <sup>2</sup> The leading force in the Japanese Diet, Prime Minister Shinzō Abe's Liberal Democratic Party, has drafted a proposal consisting of four items. One is related to the stipulation of the legal grounds for the SDF — the other three are related to the handling of emergency situations, the elimination of merged constituencies in the House of Councillors (Senate) elections, and the improvement of education. If adopted, this would be the first revision of the 1947 Constitution.

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[eprs@ep.europa.eu](mailto:eprs@ep.europa.eu) (contact)

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