



MEMORANDUM OF COOPERATION ON THE JAPAN - U.S. TASK FORCE ON THE PROMOTION OF HUMAN RIGHTS AND INTERNATIONAL LABOR STANDARDS IN SUPPLY CHAINS



The Ministry of Economy, Trade and Industry of Japan and the Office of the U.S. Trade Representative (collectively, “the Participants”):

Recalling the formation of the Japan - U.S. Partnership on Trade on November 17, 2021;

Recalling the shared commitment expressed during the first round of meetings of the Japan - U.S. Partnership on Trade to increase predictability for business, such as through encouraging best practices with respect to promoting international labor standards, including the elimination of all forms of forced labor in supply chains;

Recognizing that newly released forced labor estimates indicate that 28 million individuals are in forced labor, and that the number of individuals in forced labor has increased by 3 million since 2016 according to the Global Estimates of Modern Slavery report issued by the International Labour Organization (ILO), Walk Free, and the International Organization for Migration;

Reaffirming the recognition in the 2022 G7 Leaders’ Communiqué in Elmau, 2022 G7 Trade Ministers’ Statement in Neuhardenberg, 2022 G7 Employment Ministers’ Statement in Wolfsburg, and 2021 G7 Trade Ministers’ Statement on Forced Labor in London that forced labor is a global problem and the call on all countries, multilateral institutions, and businesses to commit to upholding human rights and international labor standards and respecting relevant principles on responsible business conduct throughout global supply chains, thus enhancing clarity and predictability to contribute to resilient and sustainable supply chains;

Reaffirming that the elimination of all forms of forced or compulsory labor is one of the fundamental principles expressed in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work as adopted in 1998 and amended in 2022;

Recognizing the mutual interest expressed in protecting human rights and promoting international labor standards in the supply chains;

Recognizing that violations of internationally recognized labor rights – including forced labor – should never be used to gain an unfair competitive advantage in the global trading system;

Affirming that there is no place for forced labor in the global trading system;

Desiring to exchange experiences and advance cooperation between the Participants, in promoting human rights due diligence consistent with international standards such as the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises

and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the respective domestic laws and policies of the Participants' countries;

Desiring to facilitate information exchange between the Participants' countries' governments, businesses, worker organizations, and other stakeholders, such as civil society organizations, when appropriate; and

Desiring to facilitate information exchange with third countries relevant to the supply chains of the Participants' countries, where appropriate;

EXPRESS THEIR INTENTION as follows:

SECTION I OBJECTIVE OF THE MEMORANDUM OF COOPERATION AND TASKFORCE

The objective of this Memorandum of Cooperation (MOC) is to create a Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains (the Task Force) to pursue the shared commitment of the Participants to protect and promote human rights and internationally recognized labor rights in supply chains by sharing information on respective trade policies, laws, guidelines, and, where appropriate, enforcement practices.

SECTION II ACTIVITIES OF THE TASK FORCE

1. The Participants intend to exchange information through the Task Force, consistent with the objective of the Task Force and relevant domestic laws, on:
 - (a) Relevant guidance, reporting, publications, best practices, and lessons learned concerning the supply chains of the Participants' countries regarding efforts to address issues relating to human rights and protecting internationally recognized labor rights, including eradicating forced labor in industries and sectors with increased risks of forced labor in supply chains, and promoting international labor standards;
 - (b) Relevant laws, policies, and, where appropriate, enforcement practices of the Participants' countries regarding addressing human rights and promoting international labor standards in supply chains, including the elimination of forced labor in supply chains;
 - (c) International standards, best practices, and guidance regarding human rights due diligence in supply chains, in particular the eradication of forced labor, and promotion of international labor standards in supply chains; and

- (d) Other initiatives that contribute to an environment that enables businesses to respect human rights and protect internationally recognized labor rights.

2. The Participants intend to facilitate dialogue between the Task Force and stakeholders.¹ In doing so, the Participants intend to follow the principles stated below:

- (a) The Participants delegate to the Task Force the responsibility to determine by consensus the modalities, participants, agenda, and other relevant aspects of such dialogues.
- (b) These dialogues may include multi-stakeholder engagement and listening sessions related to:
 - (i) Understanding the effects of trade policies and regulations of the Participants' countries, as applicable, on workers and businesses with respect to relevant laws and internationally recognized labor rights, especially those related to the elimination of forced labor in supply chains;
 - (ii) Best practices on human rights due diligence in supply chains, including key best practices for developing, implementing, and monitoring human rights due diligence procedures, such as robust programs to promote worker voice and remediation approaches for workers; or
 - (iii) Outreach to business owners and management on how to carry out best practices on human rights due diligence in supply chains.

The Task Force intends to safeguard and protect against disclosure of any sensitive or non-public information related to such dialogues consistent with applicable law.

3. The Participants intend for the Task Force to communicate public support for the promotion of human rights due diligence and commitment to promoting international labor standards in supply chains of the Participants' countries, including the eradication of forced labor. Such public support may include joint public announcements, other types of press releases, and public statements at international fora, where appropriate.

4. The Participants may engage in other activities to achieve the objective of this MOC, as mutually decided by the Participants.

SECTION III ROLES AND RESPONSIBILITIES OF THE TASK FORCE

¹ For each dialogue, the Task Force intends to determine the appropriate stakeholders to invite for participation. Stakeholders may include worker organizations; businesses, including trade associations; and civil society, including survivors, involved in various aspects of promoting international labor standards, including combatting and eradicating forced labor in supply chains.

1. The Participants intend for Japan's Ministry of Economy, Trade and Industry and the Office of the United States Trade Representative to co-chair the Task Force.
2. The Participants intend for the Task Force to meet bi-annually, unless the Participants decide otherwise.
3. The Participants intend to discuss implementation of this MOC at one of the meetings referred to in paragraph 2 during each calendar year.
4. The Participants intend the Task Force to be comprised of:
 - (a) for Japan's side, the Ministry of Economy, Trade and Industry, the Ministry of Foreign Affairs, and other ministries as appropriate; and
 - (b) for the United States' side, the Department of Commerce; the Department of Health and Human Services; the Department of Homeland Security, including U.S. Customs and Border Protection and Immigration and Customs Enforcement; the Department of Labor; the Department of State, the Office of the U.S. Trade Representative; the U.S. Agency for International Development; and other government agencies, as appropriate.
5. The Participants intend to invite relevant ministries and agencies as attendants to each meeting of the Task Force as appropriate.

SECTION IV INTERNATIONAL OBLIGATIONS AND DOMESTIC LEGAL FRAMEWORK

1. Nothing in this MOC is intended to give rise to rights or obligations under international law.
2. Each Participant intends to perform activities in connection with this MOC within its respective legal framework.

SECTION V CONTACT POINTS

The contacts points for this MOC are:

- (a) for Japan's side, the Ministry of Economy, Trade and Industry; and
- (b) for the United States' side, the Office of the U.S. Trade Representative.

SECTION VI CONSULTATIONS

The Participants intend to resolve any issue regarding the interpretation or implementation of this MOC through consultations.

SECTION VII MODIFICATIONS

1. This MOC may be modified by written decision of both Participants.
2. Any modification will become operative on the date of signature by both Participants.

SECTION VIII OPERATION

This MOC becomes operative upon signature of both Participants.

SECTION IX DISCONTINUATION

1. Either Participant may discontinue this MOC at any time, by written notice. A Participant that intends to discontinue this MOC should endeavor to provide at least 60 days' written notice to the other Participant.
2. Unless otherwise determined by the Participants, the discontinuation of this MOC is not intended to affect ongoing activities and projects initiated under this MOC prior to its discontinuation.

SIGNED at Washington, DC, in duplicate, this 6th day of January, 2023, in the English language.

**FOR THE MINISTRY OF ECONOMY,
TRADE AND INDUSTRY**

**FOR THE OFFICE
OF THE UNITED STATES TRADE
REPRESENTATIVE**

MINISTER NISHIMURA YASUTOSHI

AMBASSADOR KATHERINE TAI