Recommendations for Restoration of a Rules-Based International Trading System by the Research Group on the International Trading System led by the Japan Economic Foundation

Chapter 5 Dealing with the Negative Aspects of Free Trade Section 3 Obstacles to Trade Liberalization 5-3

# **Obstacles to Trade Liberalization**



Kazuhito Yamashita

## Abstract

Agricultural trade negotiations are a mirror of domestic agricultural policies. High tariffs are necessary to protect agriculture at high prices, and the EU drastically lowered price supports for grain and beef in 1993, replacing them with direct payments per acre of farmland. If the difference between the price of domestic products and international prices is compensated for by direct payments from the public finances and lowered to international prices, consumers will benefit from the elimination of the consumer burden not only for domestic products but also for imported products. The same protection as price support can be provided to agriculture with a smaller national burden. However, Japan's agricultural policy, which was able to maintain tariffs on rice, wheat, and other commodities during the Trans-Pacific Partnership (TPP) negotiations, and the dysfunction of the WTO, has led the Japanese government to believe that it can raise prices as long as high tariffs can be maintained.

The Japan Agricultural Cooperatives (JA) Bank, which received deposits of profits from the sale of farmland and earned income from part-time small-scale farmers who benefitted from high rice prices caused by reduced rice acreage, has become one of Japan's top banks with over 100 trillion yen in deposits. Japan's agricultural policy is designed to maintain the small rice farmers, thereby ensuring the profits of the JA, which is also a political organization.

However, the number of small rice farmers, which the JA has worked so hard to protect, is declining. If rice production reductions are abolished, the price of rice will fall and large quantities of rice can be exported. Tariffs can be eliminated with this. If the public becomes aware that rice production reduction should be abolished for the sake of food security, it may be possible to make a major shift in agricultural policy.

#### **Introduction (Where the Problem Lies)**

Agriculture has played a central role in many trade negotiations. The GATT-Uruguay Round of

negotiations, which began in 1986 and concluded in 1993, sought to regulate trade in services and other new areas in addition to trade in goods, but its main objective was to resolve the dispute over agricultural export subsidies between the United States and the EU (then the EEC). The EU had raised support prices for agricultural products, which led to severe excesses, which the EU subsidized and dumped on the international market. This led to serious disputes between the EU and the US and other agricultural exporters. In addition to the loss of export markets, the US was forced to increase its financial burden in the form of "deficiency payments" to compensate for the difference between the guaranteed price to farmers and the market price due to lower prices. The GATT's discipline on agricultural export subsidies was not clear, and its dispute settlement procedure was based on the consensus method, so that even if the US won the panel on agricultural export subsidies against the EU, the EU refused to implement them. Thus, discipline on agricultural trade and the improvement of dispute settlement procedures became major issues in the GATT-Uruguay Round negotiations.

In Japan, agriculture has also been an obstacle to trade liberalization. Many agricultural commodity items have been protected by non-tariff barriers, such as import quantity restrictions, until the GATT-Uruguay Round negotiations resulted in tariffication of all non-tariff barriers except for rice.

In the 1980s, Japan had a large trade surplus with the US, which was criticized by the US as depriving the country of jobs. Regarding exports from Japan, voluntary automobile export restrictions were agreed upon. The voluntary export controls, which were considered a grey measure that may or may not have been disciplined under the GATT, were later banned in the WTO Agreement on Agriculture through the GATT-Uruguay Round negotiations. At the same time, with regard to exports to Japan, Japan's maintenance of import volume restrictions on agricultural products in which the US has a competitive edge was viewed as problematic. By eliminating these import volume restrictions, the US hoped to increase exports and reduce its trade deficit with Japan.

As a result of several negotiations between the US and Japan, restrictions on the quantity of beef and citrus imports were eliminated. Instead, tariffs on beef, for which no upper limit had been committed under GATT Article 2, were raised. This became the model for the "tariffication" of the GATT-Uruguay Round negotiations. The US also appealed to the GATT on Japanese imports restrictions of processed agricultural products, primarily tomato paste, orange juice, dairy products such as skimmed milk powder, starches, broad beans, and peanuts, as possible violations of the GATT articles. The GATT panel found that the import quantity restrictions were found to be in violation of the GATT. Japan negotiated with the US to maintain quantitative restrictions on imports of major dairy products and starch, which were also subject to tariffs as a

result of the GATT-Uruguay Round negotiations.

The tariffication modality mandated the establishment of a low tariff quota. Instead, regardless of whether or not tariffs were ceded under GATT Article 2, countries were allowed to set tariffs based on the large difference between domestic and foreign prices in 1986-1988, when national support prices for agricultural products were high and international market prices were low. This was called "dirty tariffication" at the time. Japan was a late adopter of tariffs on rice imports in 1999, but Japan's tariff on rice (341 yen per kilogram) is a "prohibitive" tariff that would make the imported rice price higher than the market price of 250 yen for domestically produced rice even if imported products were imported at a price of zero. Non-tariff barriers such as import quantity restrictions have been eliminated, but in their place, prohibitive high tariffs have been introduced.

#### Agricultural Trade Negotiations after the GATT-Uruguay Round Negotiations

Agricultural trade negotiations are a mirror of domestic agricultural policy. High domestic agricultural prices require high tariffs on imports and subsidies on exports.

In 1993, the EU drastically lowered price support for grain and beef, replacing them with direct payments. Subsequent reforms have led to the introduction of a single direct payment per area of farmland, irrespective of the agricultural commodity. The reduction in price support has increased the price competitiveness of in-region products.

Just prior to the Cancun Ministerial Conference (2003) of the Doha Round negotiations, which began in 2001, the EU agreed with the US to set an upper limit on tariff rates for agricultural products; it was clear from the state of reform of EU agricultural policy that an upper limit of 100% was considered. However, this came as a surprise to Japanese negotiators, who had been thinking of the EU as an ally in the protectionist trade in agricultural products. Most of the items that Japan subjected to tariffs in the GATT-Uruguay Round negotiations exceeded 100% in terms of the value-added rate. Therefore, how many items should be treated as exceptions to this upper limit tariff rate was the main negotiating objective for Japan in the Doha Round negotiations. Furthermore, with lower domestic prices, the EU no longer needs export subsidies either: in 2015, the WTO Ministerial Conference in Nairobi decided to abolish agricultural export subsidies.

As a result of agricultural policy reform, tariffs, non-tariff barriers, and export subsidies are no longer major issues in agricultural trade negotiations for the EU, which has shifted its agricultural policy focus to addressing global warming and reducing the environmental impact of agriculture in the region.

In contrast, Japan, with its high domestic prices, has no choice but to rely on high tariffs on agricultural products. In the free trade negotiations with Australia, tariffs on beef and other agricultural products were a major point of contention until the very end. The JA launched a massive campaign against the TPP and collected 12 million signatures. The Diet Committee on Agriculture, Forestry, and Fisheries resolved to make exceptions to the large reduction or elimination of tariffs on five sensitive commodities: rice, wheat, beef and pork, dairy products, and sugar. As a result, tariffs were reduced on beef and pork, but maintained on rice, wheat, dairy products, and sugar. The percentage of products not subject to elimination was 19%.

In the TPP negotiations, Japan had a 95% liberalization rate in the so-called liberalization rate, which represents the percentage of products for which tariffs are eliminated. The liberalization rate for agricultural, forestry, and fishery products was 81%. This liberalization rate in total items is higher than Japan's highest liberalization rate of 88% in the free trade agreements it has concluded so far. However, looking at other TPP countries, even Malaysia and Vietnam, which have lagged behind in industrialization, have promised 100% liberalization (elimination of tariffs) for industrial products. As for agriculture, forestry, and fisheries products, even Canada, which has major obstacles to trade liberalization with products such as dairy products and poultry, has promised a 94% liberalization rate, while Peru and Mexico have also promised a 96% liberalization rate. As a result, Canada, Peru, and Mexico, which have the lowest liberalization rates outside of Japan, have committed to a 99% liberalization rate is due to the fact that its liberalization rate for agricultural, forestry, and fishery products is lower than that of other countries. This is only because Japan negotiated the agreement under the condition that tariffs on five important agricultural products would not be eliminated.

Because of this demand for many exceptions to the elimination of tariffs, the 2.5% tariff on automobiles by the US would begin to be reduced after 15 years and would finally be eliminated after 25 years. Japanese industry's interest in the TPP was that Japanese cars would have inferior competitive conditions in the US market compared to South Korea, where the US-Korea Free Trade Agreement will eliminate tariffs on automobiles beginning in 2017. This competitive disadvantage has been fixed for 25 years. Not only that, but even that commitment to eliminate the US tariff on Japanese cars after 25 years has been decided not to be implemented in bilateral talks between the US and Japan.

The US withdrew from the TPP in 2017. Instead, it asked Japan to negotiate bilaterally. The US agricultural community was impatient. If they did not negotiate and agree with Japan on beef and pork soon, they would lose the Japanese market to Australia, Canada, and the EU. They were anxious to see whether Japan would comply, but from the beginning Japan showed its willingness to accept concessions up to the level of the TPP. After quickly winning Japan's concessions on agricultural products, the US decided to discuss in the future the current tariffs on automobiles, which it had promised to eliminate under the TPP, and withdrew its concessions.

### **Characteristics of Japanese Agricultural Protection**

There is a consensus among economists around the world that direct payments are superior to price support. Price support requires an additional financial burden to deal with the excesses created by guaranteeing farmers higher-than-market prices. In Japan it was subsidies to reduce rice acreage, and in the EU it was subsidies for exports. Along with this finding, the EU moved from price support to direct payments in 1993. This led to lower prices and increased EU exports. While agricultural policies around the world are shifting from price support to direct payments, Japan's agricultural policy is trying to go back to price support.

The Organization for Economic Cooperation and Development (OECD) has developed an agricultural protection indicator called the Producer Support Estimate (PSE). This is the sum of the "taxpayer burden" which maintains farmers' income through financial contributions, and the "consumer burden" (the amount of income transferred to farmers by consumers paying higher domestic prices instead of lower international prices), which is the difference between domestic and international prices multiplied by domestic production volume.

PSE = fiscal burden + difference between domestic and international prices x production volume

The ratio of agricultural protection PSE to farm household receipts (called %PSE) is as high as 32% in Japan, compared to 7% in the US and 15% in the EU as of 2022. This means that in Japan, 30% of farm household revenue is agricultural protection (*Chart 1*).



## CHART 1 International comparison of agricultural protection (%PSE)

Source: Prepared by the author based on the OECD's "Agricultural policy monitoring and evaluation" Note: OECD refers to the average of OECD member countries. Moreover, Japan's agricultural protection is characterized by an overwhelmingly high percentage of the consumer-paid portion. A breakdown of PSEs in each country shows that the consumer-paid portion of agricultural protection will be 6% in the US, 17% in the EU, and 66% in Japan (about 2.1 trillion yen) in 2022. While Europe and the US are changing their policies from price support to direct payments, Japan's agricultural protection is still centered on price support (*Chart 2*).

Since domestic prices far exceed international prices, high tariffs must also be applied to imports. This is a national (consumer) burden that is not reflected in the PSE. If the difference between domestic product prices and international prices is compensated for by direct payments from the public finances and lowered to international prices, consumers will benefit from the elimination of the consumer burden not only for domestic products but also for imported products. The same protection as price support can be provided to agriculture with a smaller national burden.



CHART 2 Percentage of price support in PSE (agricultural protection) (2022)

Source: Prepared by the author based on the OECD's "Producer and Consumer Support Estimates database"

### **Turning to High Price Support Again**

After the GATT-Uruguay Round negotiations, it was considered necessary to implement structural reforms through expansion of the farm size and other measures to increase the international competitiveness of agriculture in order to prepare for further agricultural trade negotiations for liberalization. To this end, the Food, Agriculture and Rural Areas Basic Law was enacted in 1999.

However, the international environment for agriculture has changed, and despite the fear of eliminating tariffs during the TPP negotiations, Japan was able to maintain tariffs on rice, wheat, and other commodities. The WTO has become dysfunctional, with the WTO Doha Round negotiations having failed due to the growing strength of India and other countries opposed to trade liberalization. The agricultural community came to believe that prices could be raised if high tariffs could be maintained.

The 2024 Basic Law was reviewed. The core of the law is "reasonable price formation" which states that prices should reflect the rising cost of agricultural production. This means return to the rice price calculation under the food control system (called the "production cost income compensation method"), which tried to reflect all costs. The JA gained double high sales commission income from high material prices and high rice prices. Reasonable price formation means raising prices. There is no consideration of trying to control cost increases. Trade liberalization is a long way off. There is no need to try to achieve painful structural reform. This thought will make Japan's trade negotiations more difficult.

The Basic Plan for Food, Agriculture, and Rural Areas for 2020, approved by the Cabinet based on the Basic Law, had already changed direction to "promote the development and securing of farmers regardless of the farm size or the type of management, such as family or corporation". Furthermore, the current revision of the Basic Law stipulates that "agricultural production activities shall be carried out by a variety of farmers other than those" in addition to "those engaged in efficient and stable agricultural management" (Article 26, Paragraph 2). It says that all farmers are to be covered by the new Basic Plan, including small, inefficient farmers and parttime farmers who are less dependent on agriculture. This is a critical change in the philosophy of the current Basic Law. This is highly appreciated by the agricultural community, especially the JA, as a major departure from the Basic Law, which focused on fostering large-scale farmers.

Unlike vegetable, fruit, and other labor-intensive agriculture where labor shortages are pointed out, in land-use agriculture such as rice and wheat, the number of farm households is decreasing, and the larger the size per household, the lower the cost and the higher the income. However, a decrease in the number of farm households is not desirable for the agricultural industry. It has come to argue that a decrease in the number of farmers and farm households will reduce agricultural production and jeopardize food security.

However, as *Chart 3* shows, from 1995 to today, the number of farmers has decreased by 70%, while the value of agricultural production (real value excluding price changes) has decreased by only 10%. Over the past 60 years, the number of dairy farms has decreased from 400,000 to 11,900, while milk production has increased nearly fourfold from 2 million to 7.5 million tons (peaking at 8.66 million tons in 1996).



Sources: Gross agricultural output by Agricultural Income Statistics of the Ministry of Agriculture, Forestry and Fisheries; total number of agricultural workers by "Census of Agriculture and Forestry" and "Current Survey of Agricultural Structure" of the Ministry of Agriculture, Forestry and Fisheries

Even for rice, there is no problem with the food supply because the main farmers take over after the dual-income farmers leave. Compared to dairy farming, there are still too many farmers for rice. The Ministry of Agriculture, Forestry, and Fisheries (MAFF) has been advocating the expansion of the scale of rice farming through the accumulation of farmland to the main farmers and corporations, cost reductions through this, and the strengthening of competitiveness. To achieve this, the number of farm households must be reduced. The current review is inconsistent with the past measures.

## JA Benefits from Price Support

The JA has an 80% share in fertilizer sales and 60% in sales of agricultural chemicals and agricultural machinery, and in compound feed the National Federation of Agricultural Cooperative Associations (Zen-Noh) is the price leader with a 30% share. The prices of fertilizers, agricultural chemicals, and feed in Japan are double those in the US, even though the same raw materials are used. Although corn is imported from the US with zero tariffs, the price of formula feed made from it is 1.5 times higher than that of US formula feed. Making formula feed from imported corn does not require complex manufacturing processes, as is the case with electrical machinery or automobiles. Yet formula feed is priced at more than three times the price of imported corn.

The theory of reasonable price formation attempts to pass on the cost of such materials and other costs to the price of agricultural products. It is the consumer who is disadvantaged by higher prices. It is not the farmers who benefit from the high cost of production materials (*Charts 4-6*).



CHART 4 Fertilizer price comparison between Japan & the US (2019)

Source: Prepared by the author based on the Ministry of Agriculture, Forestry and Fisheries' "Survey Results on the Supply of Agricultural Materials"



CHART 5 Pesticide price comparison between Japan & the US (2019)

Source: Prepared by the author based on the Ministry of Agriculture, Forestry and Fisheries' "Survey Results on the Supply of Agricultural Materials"



Source: Compiled by the author; for compound feed prices, the data until FY 2000 were from the Ministry of Agriculture, Forestry and Fisheries (MAFF) "Data on Dairy Farming", and after that from the MAFF "Survey of Agricultural Prices". For feed corn, Ministry of Agriculture, Forestry and Fisheries, "Agricultural Price Survey"; import prices are based on ALIC's "Domestic Statistical Data"

### Why Stick to High Prices?

The typical example of high price support is rice. Subsidies for reduction of rice acreage have been given to producers to reduce the supply and keep the price of rice high.

When reduction of rice acreage is abolished and rice prices are lowered, small, high-cost parttime farmers stop cultivating rice and lease their land to full-time farmers. If direct payments are made to the full-time farmers, this will be a subsidy for land rent, and farmland will be accumulated by the full-time farmers. As the costs of full-time farmers decrease due to expansion in scale, their profits will increase, and the land rent paid to the landowners, who are former parttime farmers, will also increase. Even under the current high rice price, the income of farmers with an average size of less than 1 ha in the prefecture is negative. Concurrent farmers would be more profitable by stopping farming and renting out their farmland. Both full-time and part-time farmers' benefit.

To begin with, for farmers, there is no difference in income, whether it is from prices or direct payments. Why, then, would Japan's agricultural policy be so fixated on rice prices and reductions in rice acreage? It is because Japan has something that Europe and the US do not: the JA.

Both the US and the EU have political organizations that represent the interests of farmers. However, the decisive difference between these organizations and the JA is that the JA itself also engages in economic activities. If such an organization is allowed to engage in political activities, it will seek to realize its own economic interests rather than those of the farmers.

The source of income for the JA is the banking (credit) business. JA Bank became one of the top banks in Japan with over 100 trillion yen in deposits, which it invested on Wall Street for huge profits. JA Bank has used its profits from the banking business to drive out local funeral service providers and other businesses, thus gaining a monopoly position. The reason why the JA insists on high rice prices due to reduced rice acreage is because it wants to protect the profits of the JA banking business (*Chart 7*).



#### CHART 7 Net business profit of JA by sector (2022)

Source: Prepared by the author based on the Ministry of Agriculture, Forestry and Fisheries' "Simultaneous Survey of Agricultural Cooperatives and Federations"

As in the case of medical care, if the financial burden is borne by the public, the public can receive goods and services at a lower cost. However, reducing rice acreage is an extraordinary policy of subsidizing rice (taxpayers bear the burden) and raising the price of rice (increasing the burden on consumers). The public bears a double burden as taxpayers and consumers. Raising the price of rice, a staple food, is even more regressive than the consumption tax.

Moreover, smallholder farmers did not have the capacity to harvest wheat and soybeans, so they planted only seeds and did not harvest them, creating a throwaway crop. For this reason, rice has been subsidized as a shifting crop for rice snacks, rice flour, exports, feed, and other uses different from those of the staple food. This has created a market distortion called "multiple prices for one product". Diversion for staple food use is always profitable. Subsidies on rice for export are export subsidies prohibited by the WTO. As it stands, taxpayers bear the burden of huge subsidies for rice reduction, poor consumers are forced to pay high rice prices, small and medium-sized rice wholesalers have gone out of business due to decreased volume, smallholder farmers have stagnated and full-time farmers failed to expand their business, and above all, the people are not provided with sufficient food when imports are disrupted. All are victims of agricultural policy, with the exception of the JA. The agricultural policy, which has been run for the benefit of certain interest groups, violates Article 15, Section 2 of the Japanese Constitution, which states that "All public officials are servants of the whole nation and not of a part."

#### A Ray of Light

The number of smallholder or part-time farmers, which the JA has worked so hard to protect, is declining.

*Charts 8 & 9* show that since 1995, when the food control system was abolished, smallholder farmers have been leaving farming at an accelerated pace, and rice paddies have been concentrated among larger-scale farmers. The share of rice paddies cultivated by the relatively large 5 ha or larger group increased from 12% in 1990, 18% in 2000, and 26% in 2010 (of which 12% was 15 ha or larger) to 51% in 2020 (of which 27% was 15 ha or larger). Farmland is moving from smaller to larger size strata. Even if small farmers leave the farm, the supply of rice is not affected, but rather the farmland is concentrated in the hands of larger farmers with lower costs.



CHART 8 Trends in the number of rice farmers by their size

*Source: Census of Agriculture and Forestry for each year Note: 15 ha or more in 1990 refers to management of 10 ha or more.* 



CHART 9 Trends in the share of paddy rice acreage by farm size

*Chart 10* shows the number of operations and area share by size in 2024: operations with less than 1 ha have a 46% share in number, but only an 8% share in area. In contrast, those with more than 30 ha account for only 2.1% in number, but 44% in area.



## **Is Agricultural Policy Helping Food Security?**

In obtaining special measures for tariffication of rice in the GATT-Uruguay Round of negotiations, the Japanese negotiating team emphasized the need for food security. They said that

*Source: Census of Agriculture and Forestry Note: 15 ha or more in 1990 refers to management of 10 ha or more.* 

import volume restrictions were necessary to protect domestic rice production.

What actually took place, however, was a policy that undermined food security.

If imports are disrupted due to the destruction of sea lanes in the event of an emergency in Taiwan, for example, a serious food crisis will occur. Wheat and beef cannot be imported either. Japan's livestock industry, which depends on imported grains, will be almost completely destroyed. The diet will return to that of just after the end of the war, which was mainly rice-based.

At that time, the daily ration of rice per person was 2 *gou* and 3 *shaku* (about 330 grams). Today, no one eats this much rice. However, since there was no meat, milk, eggs, etc., and rice was the only food available, the people suffered from hunger even with 330 g of rice. 16 million tons of brown rice would be needed to supply 120 million people with 330 g of rice. However, due to the reduction of rice acreage, the domestic supply of rice, including stockpiles, is only about eight million tons. Six months after the crisis occurs, the entire nation will starve to death.





Source: Compiled by the author from FAOSTAT

While world rice production has increased 3.5-fold since 1961, Japan has subsidized it and reduced it by 40% (*Chart 11*). It is no wonder that food self-sufficiency is declining. It was the War Ministry that squashed the prewar Agriculture and Forestry Ministry's plan to reduce rice acreage. Reducing rice acreage is a policy that is the exact opposite of national security.

If the reduction of rice acreage is abolished, 17 million tons can be produced. If seven million tons are consumed domestically and 10 million tons are exported, then even if the domestic supply-demand balance increases or decreases as in the Heisei rice riots in 1993 and the current Reiwa rice riots, the export volume can simply be adjusted.

Today, the price difference between Japanese rice and California rice has almost disappeared, and there are times when Japanese rice is cheaper. If rice reduction is abolished, prices will decline further and exports will increase. If more is produced and exported than is consumed domestically, the food self-sufficiency rate for that crop will exceed 100%. The self-sufficiency rate for rice would be 243%, and the overall food self-sufficiency rate would rise to over 60%. The most effective food security policy is to increase rice production and export by abolishing rice acreage reduction. In times of peace, rice should be eaten. Currently, 50 billion yen is spent annually on stockpiled rice. Exporting rice in peacetime serves as a free stockpile that does not require a financial burden. Exporting 10 million tons of Japanese rice, which is highly regarded for its high quality, would bring the value of exports to 2 trillion yen. This would exceed current imports of grains and soybeans by 1.5 trillion yen, resulting in a grain trade surplus. Exports of rice would make up for imports of wheat and other grains. There is no need to worry about losing money.

With the disappearance of double cropping, domestic wheat production declined from 3.83 million tons in 1960 to 460,000 tons in 1975, only 15 years later. Currently, the government is promoting production with a financial burden of 200 billion yen, but production is still only 1.15 million tons. Abolishing rice reduction would increase rice production by 10 million tons, and the public would still not have to pay 350 billion yen in subsidies for rice reduction. The financial burden of stockpiling rice would also be eliminated. Even if the price of rice is reduced, direct payments to full-time farmers will benefit not only the full-time farmers but also the part-time farmers who lease their farmland to these farmers and receive income from land rent. The financial burden would only be about 150 billion yen.

In the past, rice planting was done in June after the wheat harvest. With the shift to part-time farming, the Japanese Golden Week period (a week-long holiday between late April and early May) has become the time for rice planting, and double cropping has disappeared. If rice is harvested in October, the high temperatures during the ripening period caused by global warming will disappear, wheat production will increase, and the food self-sufficiency rate will rise to 70%.

What the government should do for the people is to abolish rice reduction, make direct payments, and restore double cropping.

Kazuhito Yamashita is research director at the Canon Institute for Global Studies. He joined the Ministry of Agriculture, Forestry and Fisheries in 1977 and retired from it in 2008. He participated in the final drafting session of the WTO's Agreement on Agriculture in 1993. He received a Master's in applied economics, a Master's in public administration from the University of Michigan, and a PhD in agriculture from the University of Tokyo.