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Three Missing Points in Arguments for Constitutional Revision

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Three Missing Points in Arguments for Constitutional Revision

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Japanese Communist Party Central Committee Chair Fuwa Tetsuzo spoke at the Japan National Press Club's seminar on October 17 and said three important points are missing from the arguments of advocates of constitutional revision. The following is a gist of Fuwa's remarks.

Arguments for constitutional revision gained impetus in the aftermath of the September 11 general election. They tend to either ignore important issues or discuss issues from unrealistic points of view. There are three major points missing from those arguments.

1. Meaning of Revision of Article 9 – True Aim Hidden in the "Self-defense" Argument

Enabling Japan to take part in wars abroad

First, revision of the Constitution is argued solely as a matter concerning Japan's "self-defense," but this is far from the real aim.

Officially, most advocates of revision of Article 9 mainly discuss the form, content and provision about "self-defense" to be embodied in the Constitution. But real politics shows that constitutional revision has not been needed for defending Japan. First of all, the revision only became necessary to meet the U.S. demand that Japan should rearm itself and take part in wars abroad. This is the heart of the issue. It can be understood clearly if you review the history of the moves to amend the Constitution.

U.S. policy in 1949 to rearm Japan and amend the Constitution

The starting point of the argument for revising Japan's Constitution is

the U.S. policy change in 1948 - 1949 when the United States occupied Japan.

The present Constitution came into effect on May 3, 1947. Less than a year later, in February 1948, U.S. Secretary of Defense James V. Forrestal requested Secretary of the Army Kenneth C. Royal to carry out a study of Japan's rearmament. The conclusion of the study was reported in May, and based on it, in February 1949, the Joint Chiefs of Staff decided the policy on "Limited Military Armament for Japan."

In those days, the situation had become different from the initial stage of the occupation. With the confrontation with the Soviet Union emerging, as well as the victory of the Chinese revolution being imminent, the U.S. government regretted that it had approved the Constitution of Japan that renounced war. To cope with the new situation, the study of achieving Japan's rearmament began in 1948, and the immediate policy, "Limited Military Armament for Japan" was implemented.

It says that "the establishment of Japanese armed forces is desirable as such forces would effect economies in utilization of our own limited manpower. But the establishment of armed forces would require amendment of the Constitution of Japan, as well as U.S. withdrawal from the Potsdam Declaration. These are impossible now." Then, it adopted a detour policy.

It was set up so as to not necessitate an immediate amendment to the Constitution but allow the establishment of Japanese armed forces under U.S. supervision, strengthening the civilian police forces in the beginning and preparing for constitutional revision and the eventual full-fledged rearmament of Japan. This policy was a de facto roadmap of the constitutional issue for the United States.

"Interpretational revision" has made it possible to send SDF abroad, but...

The first part of that U.S. policy can be said to be an "interpretational revision of the Constitution" so that armed forces may be built up under the present Constitution. The first step was the founding of the Police Reserve Force at the time of the outbreak of the Korean War in 1950. This was the first step of the "limited military armament." The Police Reserve Force was strengthened and reorganized as the Self-Defense Forces in

1954.

The next step was to allow the Japanese armed forces to cooperate in U.S. wars. This system was realized 6 years later in 1960 when the Japan-U.S. Security Treaty was revised. The revised security treaty provides (for the first time) for joint operations of the SDF and U.S. forces. In case of an armed attack against either Japan or U.S. armed forces in Japan, the two countries would take joint actions in retaliation. With this as the lever, it has been planned to send the Japanese SDF to wars abroad in various circumstances.

The "interpretational revision of the Constitution" in these 45 years has probably made it possible to achieve more than what the United States expected. The SDF has been in the Indian Ocean and Iraq using the policy of "interpretational revision of the Constitution."

Collapse of the Soviet Union caused big change in policy of dispatching SDF abroad

In the meantime, there was a drastic change in the international situation with the collapse of the Soviet Union in 1991. Hitherto, arguments for constitutional revision aimed at military build-up and dispatch of SDF abroad had all been on the premise that a "U.S.-Soviet war" would spread to Japan for which Japan must prepare.

Logically, it was a matter of course for Japan to cancel the plan of constitutional revision, along with overseas dispatch of the SDF and joint operations with the U.S. forces since the Soviet Union collapsed and the danger of "U.S.-Soviet confrontation" disappeared. But both the Japanese and U.S. governments did not see it that way.

The United States government began to look for another enemy to maintain its war economy and ended up adopting the strategy of preemptive strikes against "rogue nations."

The Liberal Democratic Party government quickly responded to the new U.S. strategy and began to argue for the dispatch of the SDF abroad to cooperate with U.S. preemptive wars in regions outside of Asia. This was a major policy change in Japan at the beginning of the 21st Century.

Three successive bills passed to send SDF abroad

Three laws to send the SDF abroad have been enacted from the end of the 1990s to the beginning of the 21st Century.

They are the 1999 "Law for Measures to Deal with Situations in Areas Surrounding Japan," the 2001 "Anti-Terrorism Special Measures Law," and the 2003 "Law Concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq."

Regarding these three laws, two major problems need to be pointed out.

First, the Japanese government originally thought that if danger faces areas surrounding Japan, sending the SDF abroad to "defend" Japan will be required by the Japan-U.S. Security Treaty. However, only the 1999 law adopted the traditional logic that the SDF should be sent abroad based on the Japan-U.S. Security Treaty.

But this logic became invalid once the U.S. actually launched wars in which Japan was requested to cooperate. The 1999 law could not be applied to the U.S.-initiated wars in Afghanistan and Iraq. Both times, the government had to enact new laws to legalize sending the SDF abroad. They are the 2001 anti-terrorism special law and 2003 special law on Iraq.

In both cases, Prime Minister Koizumi justified the decision in the name of the "alliance with the United States." But the laws themselves do not refer to the Japan-U.S. Security Treaty which defines the alliance.

Of course, Japan's sending its troops abroad is not for "self-defense" using the argument of war in areas surrounding Japan but for cooperation with the U.S. in its preemptive war strategy. This is a major change of national policy and the Koizumi cabinet made this change by just saying that it is because of the "Japan-U.S. alliance."

Revision of Article 9 to allow the SDF to engage in wars abroad

There is a provision common to all three laws and it is Article 2 of these laws. The second paragraph of Article 2 provides for "basic principles," stipulating that the "implementation of countermeasures must not correspond to the threat or use of force." Although the government

dispatches the SDF abroad on various pretexts, the SDF are banned from doing anything that can be regarded as "the threat or use of force." This is a constitutional restriction which cannot be overcome by any reinterpretation of the Constitution of Japan.

Both U.S. and Japanese government leaders fully realized in the Indian Ocean and Iraq the inconvenience arising from this constitutional restriction.

An early lifting of the restriction or the deletion of the second paragraph of Article 2 from those laws to send troops abroad have become the common desire for Japanese and U.S. hawks. This is the major background in the argument for revision of Article 9 of the Constitution to have been accelerated. The attempt to revise Article 9 is aimed at remaking the SDF into armed forces waging wars abroad, remaking Japan into a country that can go to wars anywhere in the world in cooperation with the United States.

Those who advocate constitutional revision ought to reveal this aim frankly to the public and ask whether Article 9 should be revised. But they have been avoiding discussion and disguising the aim with the argument of self-defense.

2. Is Military-First Security Theory Effective Today? – Lack of Diplomacy for Peace Is Major Problem

Harmful argument of military-first "security"

The second point that is evaded is that the pro-revision hawks are advocating a security theory that puts too much emphasis on military solutions. Such a security theory must be examined to see if it is effective in the present-day world.

The Asahi Shinbun in an exclusive on September 26 revealed the defense plan by the Ground Self-Defense Force.

The plan was reportedly worked out by the GSDF's Ground Staff Office, recognizing North Korea, China and Russia as "threats" to Japan. It

analyzes possibilities of these countries attacking Japan between fiscal 2004 to fiscal 2008. It asserts the possibility "exists" for an attack by North Korea; a "small" possibility of a Chinese attack, and an "extremely small" possibility of an attack by Russia. The defense plan mapped out scenarios in which disputes with these neighboring countries would develop into wars.

It is a serious matter that the Self-Defense Forces, which is said to be responsible for the security of Japan, does daily analysis using such a plan. In the present-day world, diplomacy is the major player in the effort to maintain international security.

In previous days, military preparedness may have been the major pillar of security theory because it was considered that any dispute would possibly develop into a war. But today, national priority should be given to peaceful, diplomatic solutions. If the military always deploys a scenario setting up other countries as imaginary enemies and seeing conflicts developing into war, this kind of preparedness itself is harmful to the security of Japan.

Other Asian countries seeking a peaceful international system

As for peaceful relations with neighboring countries, other Asian countries are achieving progress.

For example, in Southeast Asia, which used to be the world's most conflict stricken region, efforts for a regional peace system have proceeded, and many leaders of countries in the region now say, "Armed conflicts are unthinkable in this region."

When I visited Malaysia in 1999, I visited the Institute of Strategic and International Studies, an organization under the direct control of the prime minister. This institute is putting a great deal of effort into studying diplomatic strategies for peace. Together with similar institutes of other Asian countries, an international meeting is held every year. This activity is a pillar of maintaining relations of peace and friendship in this region.

Moves are developing to extend such regional peace relations to the whole of East Asia.

In Northeast Asia, the six-party talks on North Korea's nuclear weapons

issue resumed. The six countries began to explore ways toward a new system of peaceful co-existence in Northeast Asia. The fourth point of the joint statement on September 19 stated, "The six parties committed to joint efforts for lasting peace and stability in Northeast Asia."

At the very time when the Japanese government joins the six-party talks, it is reported that the Japanese military views North Korea, China and Russia as imaginary enemies. This clearly demonstrates the serious weakness of Japanese government diplomacy.

A security system with neighboring countries should be established through diplomacy. Adopting Article 9 of the Constitution, Japan is an early pioneer in committing itself to this position. It is wrong to argue that Article 9 or Japan's supposedly insufficient military power represent weaknesses in Japan's security. The biggest weakness of Japan's security is its lack of expertise in diplomacy. When other countries in the world put emphasis on diplomatic strategies, does Japan have a diplomatic strategy for the 21st century?

Even the United States is reviewing Asia policy

The United States, which has been criticized for its unilateralism in the Iraq war, does not necessarily lack expertise in diplomacy. In particular, it has begun to reexamine its East Asia strategy. As for the recent progress in the six-party talks, the U.S. policy change, among others, is said to have been one of major factors behind the agreed joint statement.

U.S. Deputy Secretary of State Robert Zoellick on September 21 made a speech in New York regarding the U.S. China policy which is at least three or four steps ahead of Japanese diplomacy.

Even the United States has begun reexamining Asia diplomacy. Japan, that ought to deal with relations with neighboring Asian nations before everything else, has no Asia diplomacy strategy. Is any argument on "self-defense" or "security" possible under such a condition?

The basic idea of revision of Article 9 arises from the military-first policy – an immediate response to a dispute is a military one. Japan's diplomacy has a negative characteristic of being led by the "White Paper on Defense." It is a foregone conclusion that an adverse revision of Article 9 will further this negative characteristic.

I cannot help feel that today's visit by Prime Minister Koizumi to the Yasukuni Shrine compromises efforts at future diplomacy.

3. World View of Article 9 – High Evaluation of Rule of Peace

Thirdly, it is necessary to think about how the world regards Article 9.

Argument for "shedding blood for peace" – wrong view from "U.S. perspective"

Since the Gulf War, a considerable portion of Japanese politicians have been affected by the idea that "Japan was not appreciated though it made a major financial contribution to multinational forces" or "Japan is of little use unless it sheds blood." This has given impetus to the argument for "Japan to be a country that can spill blood if an emergency arises." Thus the notion that Japan can not hold its head high in the international community because Article 9 prohibits war has promoted the advocacy of constitutional revision since the 1990s.

But is it the dominant view in the world that Japan is of no use because it maintains Article 9? It constitutes mistaking a view from the "U.S. government perspective" for a view of the world as a whole. There are different viewpoints in the international community that we must sincerely consider.

Article 9 cultivates sympathy with and trust in Japan

A Japanese businessman (anonymous) who has long been engaged in trade and economic cooperation with Asian nations said: "When business troubles arose, my counterparts often referred to Japan's past war of aggression. Some said that Japan can't be trusted in light of the past war. What was most persuasive in such arguments was the fact that Japan completely changed after the war. Because of Article 9 of the Constitution, Japan has not waged any war. Most partners were convinced and we returned to matters of business."

Article 9 has made the greatest contribution by which Japan could

achieve economic development and win the trust and respect of the world.

Article 9 and rule of peace in the world

In addition, the recent world situation developed further discussions of Japan's Constitution. Article 9 is now regarded as an important guideline in many countries to lead the world to a future of peace.

For example, I'd like to mention the action agenda of the Global Partnership for the Prevention of Armed Conflict (GPPAC).

The GPPAC is an international conference of non-government organizations that was organized in response to the United Nations Secretary- General Kofi Annan's statement in 2001 that the role of civil society in the prevention of armed conflict is important. Divided into 15 regions, the GPPAC has worked over the past three years to develop regional action agendas and in July this year, a Global Conference was held at the United Nations headquarters in New York with 900 people from 118 countries attending.

The conference adopted the document, "People Building Peace: A global action agenda for the prevention of violent conflict." It states, "In some regions of the world, normative-legal commitments play an important role in promoting regional stability and increasing confidence. For example, Article 9 of the Japanese Constitution renounces war as a means of settling disputes and of maintaining forces for those purposes. It has been a foundation for collective security throughout the Asia Pacific region."

In the United States, voices highly evaluating the international significance of Article 9 are spreading. Veterans For Peace, which was formed during the Vietnam War and organized about 4,000 veterans, including those of the second World War and the Iraq war. Its 2004 convention adopted a resolution "Support for Endangered Article 9 of the Japanese Constitution," saying, "We share with you . . . your vision that Article 9 is Earth's living model for 'rules-of-law' to replace 'rules-of-war.'"

Thinking the constitution in world perspective

Underlying the attention to the Japanese Constitution is the development of the international situation. Violating international rules

based on the United Nations Charter, the United States started the Iraq war and many people felt that "the United Nations is incompetent." But what must be noted is that the U.S. action also prompted peoples throughout the world to defend the peace rules of the U.N. Charter.

In fact, the U.N. Security Council discussed whether the war has just and right cause. Peoples all over the world also developed unprecedented anti-war actions even before the war was started.

The U.S. war against Iraq was a violation of international law, but with this as a turning point, there have arisen earnest calls and actions for defending the international rules for peace.

Under these circumstances, Article 9 has become a focus of international attention as an effective means to illegalize war and defend peace in the 21st century. There's no need for us to be ashamed of having Article 9. We should feel proud to have it.

In this context of the world trend of searching for peace, it is necessary to think whether the *raison d'être* of the Japanese people is represented by Article 9 or it is represented by Koizumi's arrogance in visiting Yasukuni Shrine that glorifies war?

(Akahata, October 19, 2005)

(end)

Appendix 1.

THE CONSTITUTION OF JAPAN

Promulgated on November 3, 1946

Came into effect on May 3, 1947

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in the peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

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CHAPTER II. RENUNCIATION OF WAR

Article 9.

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

Appendix 2

Declassified U.S. Joint Chiefs of Staff document, "Limited Military Armament for Japan" was reported on May 18 1948 to Secretary of Defense James Forrestal by Secretary of the Army Kenneth Royall.

LIMITED MILITARY ARMAMENT FOR JAPAN

THE PROBLEM

1. To consider the requirement for and recommend as to the practicability and advisability of limited military armament for Japan.

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CONCLUSIONS

5. The continued orientation of Japan towards the United States and our control over the strategically located Japanese home islands are essential, not only to resist the spread of Communism in the Far East, but also, if need be, to implement our present war concepts.

6. To insure against Japan succumbing to Soviet domination, her economy must be rehabilitated and her territorial and political integrity must be guaranteed by the United States, assisted by such Japanese armed forces as may be permitted.

7. Solely from the military viewpoint, the establishment of Japanese armed forces is desirable as such forces would share the burden of the defense of Japan and thus effect economies in utilization of our own limited manpower.

8. However, the establishment of even limited Japanese armed forces, other than augmentation of the civilian police and creation of a coastal police, is not practicable and advisable at this time, because:

a. Japan's deficient economy cannot now support a program of limited military armament without additional and prolonged outside assistance

in the form of food, raw materials for industry, merchant shipping, and military equipment; and her indigenous contribution towards such a program would be restricted primarily to military personnel, labor force, and capital facilities.

b. Such action would require amendment by the Japanese of their new Constitution, our abrogation of the Potsdam Declaration, and a complete revision of subsequent applicable occupation policy decisions formulated by the United States in conjunction with the other ten (10) member nations of the Far Eastern Commission, revisions which would be strongly opposed not only by the Soviets but also by other nations located in or having important interests in the Far East.

9. Early increase of the Japanese civilian police should be effected in order to expand the existing centrally-controlled National rural police which, in addition to its normal duties, would assist occupation forces in performance of their local security missions and provide a vehicle for possible organization of Japanese armed forces at a later date.

10. Early establishment, or necessary increase as appropriate, should be effected of a Japanese coastal police which, in addition to its normal duties, would assist occupation forces in performance of their local security missions and provide a vehicle for possible organization of a Japanese coast guard at a later date.

11. Plans should be prepared now for the eventual establishment of limited Japanese armed forces upon the termination or substantial reduction of Allied occupation; such forces to be organized, initially trained, and strictly supervised by the United States, and to be for the purposes of maintaining internal security, of engaging in local defensive actions against external aggression, and of contributing to the revival of national prestige.

12. The question should be explored of obtaining an amendment to the new Japanese Constitution with a view to permitting eventual Japanese military armaments for defense.

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