

**Report for IADL 16th Congress in Paris**

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## **Peace to the Power of 9**

### 1. The Number Nine

Nine is a special number. It is the largest of all digits. In Indian astrology it is thought there are nine planets, and India has a festival called Navratri in which nine goddesses are worshipped for nine days. In Europe there are nine goddesses of creation. And the human gestation period is nine months.

But my purpose here is not to discuss mathematics or astrology. I want to talk about Article 9 of the Japanese Constitution and peace.

This is the text to Article 9.

### 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.

Closely related to this is the second paragraph of the Constitution's Preamble:

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 peace, free from fear and want.

Japan's Constitution affirms that all people in the world have this right to live in peace. This does not mean simply the absence of war. Because people must be free of fear and want, it means they must be free of structural violence. Living under such conditions is conceived as a human right. The Constitution specifies two means to achieve this. First, in Article 9.2 Japan gives up the force of arms. Second, the Preamble states that "we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world," which means that Japan chose coexistence through developing trust instead of political confrontation with the people of nearby countries.

### 2. The Universality of the Right to Live in Peace

Since all the people here are intelligent lawyers, I wonder what you think of when you hear the phrase “all peoples of the world have the right to live in peace, free from fear and want.”

In his 1941 State of the Union Address, US President Franklin Roosevelt proposed four freedoms to counter totalitarian countries: freedom of expression, religious freedom, freedom from want, and freedom from fear.

The Preamble to the Universal Declaration of Human Rights, which was drafted by IADL’s first president, Rene Cassin, includes this passage.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

Freedom from fear and want is what people most desire, and as UN Secretary-General Kofi Annan noted in his March address, “In Larger Freedom: Toward Development, Security and Human Rights for All,” freedom from fear and want is still a major challenge for international society.

Conceiving peace as a human right and linking it to the freedom from fear and want resonates with the idea of “human security.” The UN Commission on Human Security, which was established at the Millennium Summit, defines human security thus: “to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment.” The “vital core of life” is the elementary rights and freedoms that people enjoy. Human security does not mean just seeing that violent conflict does not arise. Human security includes things such as human rights, good governance, access to education and healthcare, and the opportunities and options for each person to realize his or her potentials. Instead of conceiving of security in terms of maintaining the nation-state organization or keeping territory intact, this concept of human security sees a happy life for everyone as the purpose of security and holds that security is sustained by not only the state, but also by the people. This way of thinking is held in common with Japan’s Constitution, which conceives peace as a human right.

The reason Japan’s Constitution has Article 9 is to realize the right to live in peace, which has universal value like that described above. Article 9 renounces war. Although President Bush and Prime Minister Koizumi would probably not agree with me, Article 9 prescribes what is natural for international society at present. In 1929 the Kellogg-Briand Pact was created in Paris, and the UN Charter not only bans war, but restricts the use of threats using armed force. Article 9 is part of this trend.

### 3. The Uniqueness of Article 9

Incidentally, Article 9’s second paragraph has a prominent characteristic: it renounces military force. This has its origins in Japanese history. Beginning in the second half of the 18th century Japan colonized the Korean Peninsula and Taiwan, then occupied China, and in WWII it brought immense harm to the countries of Northeast and Southeast Asia. For that reason the Allied Powers pressed for the disarmament of Japan, their enemy, to ensure their own security.

But even in Japan there was great impoverishment because of the war, and many people saw the renunciation of war and armed force as desirable. No one questioned the responsibility of the emperor, who was the supreme leader until the war ended, and no

compensation was paid to people in Asian countries for the damage caused by war and colonization. Despite the more than 100 lawsuits by victims, compensation has yet to be paid. A major reason that Japan has nevertheless been able to build relations to a certain extent with its neighbors is the vow to renounce armed force and not go to war. Article 9 has significance as a mechanism for security in Northeast Asia.

The Central American country of Costa Rica has a constitutional provision for having no standing army. In the midst of conflicts going on in neighboring countries, this provision functions effectively as a security mechanism because, in combination with a deft diplomatic strategy, the absence of a military means Costa Rica does not threaten its neighbors, and gives them no pretext to invade.

In general, advocating disarmament may be unrealistic outside of such a context, but is it realistic to bring about peace using armed force? Throughout its long history humanity has yet to achieve peace through force of arms, so why is it realistic to say it can be done? Even if a war is for justice, it is the little people who die, not the war leaders. To those who lose their lives and livelihoods in war, that situation itself is the opposite of justice. One of the great inventions of humanity is law, which is the work of us lawyers. We should work to resolve confrontations and conflicts with dialog and law, and without resorting to force.

#### 4. Efforts in Japan to Amend the Constitution

Unfortunately, many Japanese politicians believe that being having no arms is unrealistic. Japan has a military called the Self-Defense Forces (SDF), one of the world's foremost. Japan has passed a number of special laws which have allowed the SDF to fuel US and British ships in the Indian Ocean participating in the attack on Afghanistan, and to deploy ground forces in Iraq under the pretext of humanitarian assistance, where they transported US troops. What is more, politicians want to change Article 9. In 2000 each of the houses of Japan's bicameral legislature established a Research Commission on the Constitution, which issued their final report this April. The majority opinion is to recognize the existence of the SDF, and allow their overseas activities. The ruling Liberal Democratic Party and the main opposition party, the Democratic Party of Japan, are each drafting proposals for constitutional amendments. Despite the variety of opinions within each party, the proposals sanction overseas SDF deployment.

#### 5. Movement to Protect Article 9

Under these circumstances, peace-loving peoples including us democratic lawyers are engaging in a variety of efforts, two of which I will describe here.

First is the Global Partnership to Prevent Armed Conflict (GPPAC) initiative, which was proposed by Secretary-General Annan, and under which NGOs around the world conduct activities for making recommendations to prevent armed conflict. This effort also aims to influence UN reforms on the basis of an agenda to be developed at a July world conference. In this process the world is divided into 15 regions in which regional conferences are held, and an agenda for each region developed. Japan is part of the Northeast Asia block which also comprises North and South Korea, Taiwan, China, Hong Kong, Mongolia, and the Russian Far East. This February the Northeast Asia regional conference was held at UN University in Tokyo, where participants confirmed that Article 9 of Japan's Constitution is an effective mechanism for peace in the region. Participants also confirmed that preventing armed conflict makes it necessary to ease political antagonisms and build trust; that they will develop a culture of peace through means that include peace education and surmounting the past; and that the region needs a

comprehensive approach that includes building a sustainable economic system. Indeed, just as the Japanese Constitution says, we must guarantee freedom from fear and want, and the right to live in peace, and “we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world.” Peace is protected through mutual trust, not through deterrence with military force. Since this regional conference, I have been giving out a pamphlet that describes the symposium held at UN University, and contains the main points of the Northeast Asia agenda. The full text of the agenda (English) is posted on the Peace Boat website: [http://www.peaceboat.org/info/gppac/agenda\\_0222e.pdf](http://www.peaceboat.org/info/gppac/agenda_0222e.pdf).

The Japanese international fellowship NGO Peace Boat is a regional joint initiator for GPPAC, and it founded GPPAC-Japan to disseminate and implement these recommendations in Japan. In March it held a symposium that dealt with the situations of refugees and Koreans in Japan, and explored the possibility for peaceful coexistence. In April there were anti-Japanese demonstrations throughout China, and relations have soured between the citizens of South Korea and Japan over the territorial issue of the uninhabited Liancourt Rocks. With the idea that at just such times it is important to build trust through dialog, meetings were held to discuss these issues with Chinese and South Korean students studying in Japan. A gathering will be held as early as July to prepare for an international conference.

What I want everyone to know about is the August 15 event. We are now in contact with the GPPAC Northeast Asia focal point, and we are working on placing opinion ads in the newspapers of countries in this region, making an appeal for Article 9 as an effective mechanism for peace in the region and opposing amendments to Japan’s Constitution. We are also considering a related campaign in which events would be held in region countries, and the opinions expressed there would be conveyed back to Japan.

I will describe one other campaign. In Japan, talking about the Constitution and about peace makes the speaker sound political and negative, so it is hard to talk about these things in everyday conversation. And while the underlying principle of the Constitution is new, people strangely see it as “passé and dated” because of the 60 years that have passed since the Constitution was enacted. What is more, there are even people who do not know that renunciation of war is the standard of international law, and who think that Japan must go to war in league with the US.

Regarding environmental issues, living lightly on the Earth is advocated as a lifestyle, and even among young people it is becoming stylish to do so. As a twist on this, there is a campaign called “9LOVE” which advocates that loving peace is stylish (because the digit 9 can be pronounced *ku* in Japanese, 9LOVE sounds something like the English word “club.” People are baking bread shaped like the digit 9, and making T-shirts that have Article 9 written in various languages with the text made into the shape of 9. These induce the question, “What’s 9 mean?” thereby creating an opportunity to introduce the topic of Article 9 into everyday life. Also, many Japanese words contain the sound *ku*, or the digit’s alternative pronunciation *kyu*, thereby reminding people of this number. For this reason we are thinking of catch phrases that will allow people to steer a conversation in the direction of Article 9.

The title of this report, “Peace to the Power of 9,” is one example of such plays on words. I hope you like it.