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Article 9, Iraq and Revision of the Japanese Constitution

by Asahi Shimbun

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In this Lower House election campaign, there is one significant difference: The Constitution figures in the policy manifestoes of the parties, demonstrating that the parties are trying to emphasize their respective opinions about it.

Although positions on the Constitution, expressed as "amendment to the Constitution,' "creation of the Constitution,' or "addition to the Constitution,' differ among the parties, a survey of candidates by The Asahi Shimbun found 90 percent of those running under the Liberal Democratic Banner and 60 percent of the Minshuto (Democratic Party of Japan) candidates support changing it. Only the candidates from the Japanese Communist Party and the Social Democratic Party insist upon keeping the Constitution as it is.

Research Commission on the Constitution in both chambers of the Diet will come up with their respective positions as early as the end of next year. Prime Minister Junichiro Koizumi has promised the LDP will have its draft proposals for amending the Constitution ready in two years. Koizumi said he would not take the initiative on constitutional amendment while in office. But there is no doubt the issue of constitutional change will become a real possibility in the coming years.

Hidden seriousness of choice

So should the Constitution be amended? And if so, what should be changed? How about Article 9 in particular? The approaching election will determine who will lead the discussion on such questions.

Let's look at the party manifestoes on the issue. The LDP says it will come out with draft proposals for amending the Constitution by 2005, which is the 50th anniversary of the founding of the party, and will prepare for constitutional amendment by revising the Diet law and enacting a national referendum law.

Minshuto says it does not consider the Constitution untouchable, and will change its stand to support "creation of the Constitution, rather than "discussion on the Constitution,' to meet needs of the time, seeking the consent of the people based on respect for fundamental human rights and pacifism and recognizing that sovereignty rests with the people.

New Komeito advocates "addition to the Constitution' while Hoshu Shinto (New Conservative Party) propounds enactment of a new Constitution by 2010. This is all just so much hot air. While the phrases are vaguely suggestive of the characteristics of the respective parties, comparison of their manifestoes does not show how they intend to revise what, specifically, in which parts of the Constitution.

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Koizumi is the first prime minister to clearly declare the Self-Defense Forces a military organization. He has also repeatedly stated that he regards the SDF as "troops to defend the nation and they should be identified as the nation's army.' He advocated revising Paragraph 2 of Article 9, which calls for not possessing a war potential, in accordance with actual conditions. If he stops there, his opinion is shared by a fairly large number of Minshuto members.

The draft outline of the constitutional changes cobbled together this summer by the LDP research commission on the Constitution task force specifically called for introducing the use of the right to exercise collective self-defense after renaming the SDF something like "armed forces for self-defense.' In short, the panel seems to hope to eliminate constraints on the SDF being used as troops in an alliance with the United States.

Will Japan be like Britain?

At a meeting of the Lower House's Research Commission on the Constitution, Okiharu Yasuoka of the LDP argued that the Diet "should study the possibility of striking off Paragraph 2 of Article 9 and having the Constitution clearly state there is a right to individual and collective self-defense and contribution to maintaining international order and maintenance of peace.'

If Japan could fully exercise the right to collective self-defense and if limits on the use of force abroad are eased, what could happen? Let us consider the ramifications by considering the example of the war in Iraq.

War in Iraq was a pre-emptive, preventive attack by the United States as part of its fight against terrorism. As seen in the involvement of Britain as America's ally from the outset, it would be legally possible for Japan to join in an attack on Iraq with U.S. and British troops. Koizumi, who has been preparing to send SDF troops to Iraq, now says Japan will not become involved in joint combat action. But if the ban on the right to collective self-defense is lifted, there will be no need for the prime minister to avoid being involved in such an action.

This, of course, is an extreme example. But if the Constitution clearly states that Japan possesses war potential and can use the right to collective self-defense, we have to be prepared for such an eventuality. It is true that even if it becomes legally possible for Japan to extend military cooperation to the United States, whether it actually does so or not depends upon whether the government in power at the time decides such cooperation would be in Japan's national interest. It does not necessarily mean that Japanese troops would be involved in action with U.S. soldiers at any time. As Koizumi has said, "Conditions in Japan and Britain are different.'

But successive administrations in the past have decided to go along with U.S. requests one way or another, despite claims they were making their own decisions. Could Japan stand on its own convictions, as Germany and France did in the war in Iraq?

The terrorist attacks of Sept. 11, 2001, completely changed the concept of self-defense in the United State. The United States now has no hesitation about pre-emptive strikes if it perceives a threat and goes anywhere on the globe if necessary. If Japan goes hand-in-hand with the United States, it must be prepared to fight shoulder to shoulder with the United States and shed blood. But it seems the LDP is being far too light-hearted about amending the Constitution.

What is ahead for SDF dispatch?

Minshuto makes no mention of revising Article 9 of the Constitution in its manifesto either. The party's research commission on the Constitution has not come to any conclusion on whether the article should be amended. That is because party members do not share the same opinion on constitutional revision, even though Minshuto opposed war in Iraq and objected to the present effort to dispatch an SDF mission there.

Naoto Kan, party leader, uses this state of affairs to say the party should study dispatch of SDF troops on overseas missions in accordance with decisions of the United Nations, while basically abiding by a policy of defense that is exclusively defensive. Kan must be thinking of the position advocated by Ichiro Ozawa.

In the 12 years after the Persian Gulf War, it was argued that the international community would not accept the notion that Japan was doing nothing because of being constrained by its Constitution. Much time has passed since the U.N. peacekeeping operation law was enacted, and SDF troops have been dispatched abroad within the U.N. framework. Now, Japan has gone out on a limb in deciding to send SDF troops to Iraq to pick up the shards of war fought without explicit U.N. approval.

Various opinion surveys conducted among eligible voters found most regard constitutional amendment in general a necessity, but most also are against amending Article 9. The surveys found a majority supports Japanese participation in peacekeeping operations, but is against sending SDF personnel to Iraq.

With this mixed public opinion, Koizumi is willing to send SDF troops to Iraq by year-end at the earliest. Discussion of the merits of an SDF mission will be an important clue to what people think about revising Article 9 of the Constitution.

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