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My Proposal to Amend Article 9 of the Japanese Constitution

By KATO Seiichi

The ruling LDP leader ABE Shinzo proposed to amend Article 9 of the Japanese Constitution by keeping Clause 1 and 2 intact as well as newly adding Clause 3 to acknowledge the presence of the Self Defense Forces. This is because, as he said, "it is quite irresponsible for us to expect the Self Defense Forces to defend the nation at any risk, while their very status might be unconstitutional."

Certainly, textual interpretation of the Clause 1 and 2 could indicate that the Self Defense Forces are war potentials and therefore unconstitutional. Indeed, many constitutional scholars still regard the presence of Self Defense Forces as unconstitutional. Some opposition parties including the Japan Communist Party hold the same view. These interpretation and views are based on the fact that Article 9 stipulates "renunciation of military forces." However, the present Constitution which was established under the American occupation lacks security aspects that affects national existence and lives of the citizens. Article 9 precisely symbolizes this.

Therefore, there is a legal limit to administer Article 9 solely through constitutional reinterpretation because the Article does not define anything about the Self Defense Forces, and the text of the Article itself sounds as if it denies or belittles national security. It is necessary to define the role of the Self Defense Forces and eliminate doubts about the interpretation of the Article, since almost 80 to 90% of the Japanese people regardless of their political orientation appreciate the Forces' dedicated services to national defense and natural disaster rescue operations as seen in opinion polls.

I would like to articulate my personal proposal to amend the Clause 3 of Article 9 in the following way. That is, "regardless of what the Clause 2 defines, Japan should maintain the Self Defense Forces under the command and control of Prime Minister, for the national defense and international contributions." Some opposition parties such as the Democratic Party and the Communist Party criticize LDP leader Abe's recent proposal and

the Democrat leader Renho argued “I am absolutely against the detrimental revision of the constitution by Prime Minister Abe, which is for Prime Minister Abe himself.” However, the Self Defense Forces have been deep-rooted in our country for 63 years since its foundation in 1954, and they win approval from overwhelming majority of the people, and their roles are highly appreciated among the public. Do the Democrats really think it completely unnecessary to clarify the role of the Self Defense Forces in the Constitution? I would argue that it is essential for the Japanese national security to define the role and responsibilities of the Self Defense Forces explicitly in the text of the Constitution.

(This is an English translation of the article written by KATO Seiichi, Former attorney-at-law, which originally appeared on the e-forum “Hyakka-Somei (Hundred Ducks in Full Voice)” of CEAC on May 23, 2017.)