

Statement of Daini Tokyo Bar Association Chairman on the 70th Anniversary of the End of WWII
Amidst Diet Deliberations on National Security Bills

Today marks the 70th anniversary of the end of World War II. Japan's post-war period started when we began to recognize that the Potsdam Declaration was "the beginning of the end of the war". Looking back at Japan's more recent history, we see that we were obliged to open our nation to the outside world in 1853 and, throughout the tumultuous times that ensued, to prevent domination by the great western powers. In 1889 Japan enacted the Constitution of the Meiji Emperor, which thereupon established the framework of Japan as a modern nation. The Meiji Constitution, greatly influenced by the Prussian Empire's constitution in the same era, enshrined the traditional law and order that was unique to Japan. Yet that achievement misled the nation into an erroneous national policy. Despite experiencing the short-lived Taisho-era democracy, the Meiji Constitution facilitated the rise of military bureaucrats during the early Showa era. In particular, Japan's colonial rule over and aggression into neighboring countries after the Manchurian Incident, carefully implemented by the Kwantung Army in 1931, exacted untold sacrifice and hardship on the Japanese people. Approximately 3.1 million Japanese fell victim to the Asia-Pacific War and several times that number — as many as 20 million in the neighboring Asian countries — are said to have perished in that terrible conflict.

In the wake of that appalling outcome, The Peace Constitution of Japan was enacted on the principles of sovereignty of the people, respect for fundamental human rights, and peace for all time with the firm determination that we would never engage in another war. National sovereignty having shifted from the Emperor of Japan to the citizenry of Japan, the Peace Constitution declared to the world that the people had determined out of its own free will how Japan ought to be, to ensure that each citizen born was with human rights and with respect for the human rights of others and that no one would ever again take part in another war of aggression. As a result, the Maintenance of Public Order Act, the National Defense Security Law, and Military Secret Protection Act, all of which had thoroughly frightened the Japanese people, were duly abolished. Women's suffrage was also introduced while peace education based on the principle of "understanding of and openness to heterogeneity" was likewise promoted.

For 70 years since the end of WWII, Japan while closely adhering to the three principles of sovereignty of the people, respect for fundamental human rights and peace for all time, has managed to severely restrict the use of its military forces to those for self defense so as not to pose any threat to the peace of any other country. In consequence Japan under its right of collective self defense has never once dispatched Self Defense Force members to any military conflict, for example, during the Vietnam War, nor has any Japanese citizen ever killed anyone in any war of aggression. Our medical and social support volunteers from "peace-loving Japan" have, nonetheless, valiantly worked all over the world where we have always been warmly received by the local populace. Japan's uniquely "peace-loving" brand is thus highly appreciated bearing as it does clear witness to how magnificently Japan's Peace Constitution has been wholeheartedly welcomed globally.

Unfortunately, however, the current Government of Japan has steamrolled through the Diet a series of ominously important decisions since July of last year: the Act on the Protection of Specially Designated

Secrets in July 2014, the Agreement on Revision of Guidelines for Japan-U.S. Defense Cooperation in April of this year; and, security-related bills this July. The Cabinet itself decided to reinterpret Article 9 of Japan's Peace Constitution calculated to allow Japan's exercise of the right to collective defense in July last year. What was deemed to be against the Peace Constitution by past Administrations has been reinterpreted as "not being against the Constitution" by the current Cabinet and an agreement has been concocted through government-to-government consultation between the Government of Japan and the United States to tacitly approve of Japan's use of military force in other countries. If all these actions come into fruition, it will result in legislation that will permit Japan to dispatch its Self-Defense Forces whenever the Administration unilaterally decides that a situation has shifted from one requiring an "exclusively defense policy" to one that "gravely affects the peace and security of Japan," or is one that "critically threatens Japan's existence". Such a determination makes it possible for Japan to provide any and all kinds of logistical support to the troops of other countries in far-flung battle zones, causing Japan to turn into the enemy of a third country and to engage in war with such countries. Such a sorry state of affairs would also go against our constitutional duty to renounce the right of belligerency and could make the Japanese people themselves the target of hostile attack by other countries, including terrorist acts.

Yet it is only in peace that Japan can fully engage in all kinds of activities with foreign countries. How can we so easily let go of the "peace-loving" brand that our predecessors so resolutely built up over the past 70 years? A great number of scholars and Constitutional experts, even a former Director-General of the Cabinet Legislation Bureau, have clearly stated that such above-mentioned recent developments in security-related bills are patently against the Constitution because they lack the logical consistency and clarity that are absolutely essential elements of law.

"Deterioration of a foreign environment" and "contribution to international peace" are cited as reasons for promoting such legislation, but it is peace diplomacy that should be the role of politics in preventing such deterioration. To say the least, the current Administration's devious way of promoting the "building of a nation that can engage in war" by steamrolling bills through the Diet without either accurate explanations nor sufficient discussion flies squarely against the principles of Constitutionalism, which stands as a bulwark safeguarding people's freedom and human rights by imposing certain limits on untrammelled use of power. If laws such as the Act on the Protection of Specially Designated Secrets are enforced in a similar manner by which the Maintenance of Public Order Act was enforced prior to WWII, or if national security bills are reinterpreted and acted upon merely by means of Cabinet decisions, we are deeply fearful that our nation will follow a path totally different from the path that led to the enactment of the Peace Constitution of Japan that has embodied citizenry's fervent wish for peace for 70 long years ever since the end of WW II.

What we have to think about now is what kind nation each of us with whom sovereignty lies wishes Japan to be? Women's suffrage has long been established and gender equality is fully accepted in Japan. At the time of next year's Upper House election, the voting age will be lowered to 18. Freedom of expression and the right to know are also fully guaranteed. Moreover, each and every citizen of Japan has the right to enjoy peace and protection of human rights.

Today, on the 70th anniversary of the end of WWII, I thereby would like to express profound condolences for those who perished in that war in and outside of Japan. On this day again, that marks the 70th anniversary of the end of that terrible war, all of us might want to reread Japan's precious Peace Constitution and spend that day in contemplation once again of its utmost significance, thinking on what future paths our young people should embark on as well as what legacy young parents wish to pass onto

their offspring.