

Sep 24,2015

Statement of Protest Against the Steamrolling of Security-Related Bills and Requirements for Their Abolishment or Revision

Security bills dealing with the Peace and Security Preservation Legislation and Contributions to Peace and Security of the International Community Legislation were unconscionably railroaded into law by the ruling parties, passing Japan's Upper House Special Committee on Legislation for Peace and Security on September 17, 2015, and then passed by the Upper House Plenary Session in the wee hours of September 19. Most egregiously, some ruling party members who opposed the bills unsuccessfully tried to block passage by physically restraining the Committee Chairman at the dias. Dispensing with the submission of reports on local public hearings and comprehensive interpellation went totally against what is usually understood by "House common sense". Indeed, I venture to say that such an outcome of allowing Japan to participate in foreign conflicts can only be viewed as an extremely abnormal state of affairs. Sessions of Japan's National Diet concerning national defense and diplomacy should at all times be carried out in accordance with the benefit of total information disclosure not barred by an Act on the Protection of Specially Designated Secrets.

The Constitution of Japan, in its Preamble, acknowledges that citizens shall secure for themselves and their posterity the fruits of peaceful cooperation with all nations, while Article 9 unmistakably renounces the waging of war as a sovereign right of the nation and likewise forbids the use of military force as a means of settling international disputes. Thus, the posting of Japan's Self-Defense Forces for logistical support of allies overseas, not to mention any exercise of "collective self-defense", has up to now invariably been interpreted as unconstitutional. By allowing the exercise of the right of "collective self-defense" and the dispatch of Self-Defense Forces outside of the country for military logistical support, this new law would permit the Administration to exceed the long-standing official interpretation of Article 9 of the Constitution of Japan as well as what is stipulated in the Japan-U. S. Security Treaty. It is deemed highly likely that this regrettable turn of events will permit Japan's Self-Defense Forces to transport arms, including nuclear weapons, under the guise of logistical support, which would clearly go against the spirit of constitutionalism as well as the principle of perpetual pacifism.

At an unrelated hearing of the Commission on the Constitution in the House of Representatives three constitutional experts, including one from the ruling party, unanimously declared that the proposed legislation was "unconstitutional." Subsequently, the former Director General of the Cabinet Legislation Bureau, the majority of constitutional experts, and even

a former Chief Justice of the Supreme Court declared that the legislation in question, a bundle of 11 security-related bills, was either clearly unconstitutional or doubtfully so.

This new law consists of Legislation for Peace and Security, which is a combination of 10 newly revised bills, and Legislation for Japan's Contribution to the Stability of the International Community. In point of fact, the rather convoluted nature of the proposed legislation was extremely hard to follow, even though it had been collectively debated before being approved. Many observers question its constitutionality. The requirements for mine-sweeping at the Strait of Hormuz and for a Japanese national to be on board an American vessel under assault in order for a clear and present danger gravely affecting the peace and security of Japan to be declared were dropped during deliberations in the House of Councilors. It is therefore abundantly clear that such use of "collective self-defense" of allies lacks any legal basis. Approval of the use of military operations for the maintenance of public order and protection of Japanese civilians under assault by Self-Defense Forces during peace-keeping operations abroad, by means of any alteration or forced interpretation of the International Peace Cooperation Law, would greatly heighten the possibility of the use of arms by Japan's Self Defense Forces stationed abroad. The Administration's response to these legitimate reservations concerning the proposed legislation is wholly insufficient, thus the matter now remains far from being resolved.

A great many citizens including students, mothers and children have taken part in public demonstrations and attended protest meetings throughout Japan, raising their voice against those security-related bills. The most recent poll shows that the majority of Japanese citizens are solidly against the proposed legislation. This fact itself indicates that the people fully understand the true meaning of constitutionalism and will never allow the Administration to undermine the principles of democracy, perpetual pacifism, and, in light of its solemn enactment, the Constitution, based upon the nation's deep reflection on the lessons from the past war.

I therefore strongly protest the steamrolling of those bills in the National Diet, not only through the Lower House but also the Upper House. Such actions constitute a terrible blot on the history of Japan as a constitutionally governed nation. I strongly urge that this new law be thoroughly scrutinized for immediate revision or abolishment in order to defend and protect constitutionalism in Japan.