Abe Ambition to Amend Article 9 of Constitution Provoke Pros and Cons

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Abstract: In the 1947 Japan Constitution, there is article 9 whose contents relates to Japan's foreign policy and demilitarization affair. Prime Minister Abe plans to amend Article 9 because the article restricts Japan's use of military force in resolving disputes or international conflicts so that Japan's capability is limited especially in the field of security and defense. The plan raises pros and cons in Japan society. This paper explains Japanese perspective of the amendment plan of the 1947 Japan Constitution that Prime Minister Abe wants to do. The analysis shows that majority of Japanese reject the plan. Japan until now has refused to participate in any form of war or to strengthen its military power, arguing fear of Japan to repeat of the past mistake in World War II. This research was done by historical research method and literature study. The analysis in this research is qualitative with descriptive analysis technique.

Keywords: Amendment, Constitution, Article 9, Pros and Cons

1. Introduction

The 1947 Japan Constitution is a Constitution for Japan, which largely drafted by the occupation authorities of the United States of Japan, adopted on 3 November 1946 and implemented six months later on 3 May 1947 (hereinafter referred to as the 1947 Constitution). The allied occupation authorities drafted the country's Constitution to replace the Japan Imperial Constitution (the Meiji Constitution). The Meiji Constitution, for USA and its allies, was considered as root cause of aggression by Japan and therefore the Constitution needs to be replaced. The 1947 Constitution is the new supreme legal foundation of the state, which has a major role in creating framework of Japan after the war as well as guidance in the administration of the state¹. The substance of article 9 of the 1947 Constitution relates to the basis of foreign policy and demilitarization affair of Japan.

Article 9 of the 1947 Constitution stipulates that Japan does not recognize war and the use of military power in the settlement of international conflict. This makes the Constitution often referred as "Peace Constitution" or "Pacifist Constitution". Japan may have Self-Defense Force (SDF) but it does not allow Japan to enforce armed forces for military aggression purposes and only allowed for guarding sovereignty and territorial integrity of Japan. It is also motivated by - one of them - trauma of nuclear bombings in Hiroshima and Nagasaki that have caused catastrophe and big loss for Japan. This created a deep sense of hatred among the Japanese people against war and weapons. This background has led Japan to focus on building the economy until very advanced to date.

The existence of article 9 in the Constitution initially has given pride to most of the Japanese as the only country that firmly rejects war in its Constitution. For them, article 9 is not just a sentence of the Constitution but become the inherent value and culture since the end of World War II. If article 9 is amended, it will affect the construction of Japan’s national identity. The opposition who against the amendment plan argued that, the anti-war constitution is good because it keeps Japan away from war and focus to economic growth. On the other hand, Japanese is also aware that there are needs to increase military power due to the situation of international politics as well as environmental changes in neighboring countries such as South Korea, North Korea and China as potential threat to Japan security. On the other side, United States of America demands greater role within the framework of the defense treaties with Japan. This factor is the reason why there is idea to amend article 9 which has become obstacles to the development of Japan’s military power. The desire of PM Abe to amend the 9th article is not something new actually and has been rolling in Japan society due to various external and internal factors. The amendment plan of article 9 always reaps pros and cons among Japan society.

2. Problem Definition

This research focuses on Prime Minister Abe's plan to amend article 9 based on political changes of Japan's neighboring area and potential threat against Japan security as a result of tumultuous international conflict. If this amendment is successful, Japan has legal baseto build its defense and security, including for preemptive action rather than movement as stipulated in article 9 of the 1947 Constitution. This research will elaborate and analyze the pros and cons in the community related Abe ambition to amend article 9 of the 1947 Constitution.

3. Research Approach

This research used qualitative methods through literature studies related to the 1947 Japanese Constitution and the amendment plan of article 9 of the Constitution. The literature sources are obtained from library collection,
international journals from Internet, e-books and newspapers used as material for analysis. Researcher collected literature sources that are relevant to the research topic. The following steps are to classify and describe sources of the literature. Types of data from these libraries in form of secondary data, namely data cited from other studies and the primary data in form of article 9 of the 1947 Constitution of Japan. The data analysis used in this research is qualitative with descriptive analysis technique.

4. Literature Review

This study used several journals and books as a previous study. The first resources was an article entitled “Contemplated Amendments to Japan's 1947 Constitution: A Return to Iye, Kokutai & The Meiji State” in the Washington International Law Journal (Goodman, 2017). The article discussed history of Japan Constitution as well as reasons why the amendment of the Japan Constitution especially article 9 is required. In the article, it was said that the amended of Japan Constitution is feared to bring Japan government and its people back to the undemocratic Meiji Constitution especially in the field of state defense. The amendment, if successful, will change Japan’s foreign policy from passive into aggressive stance. In this article, Goodman did not explain in detail the reason for the amendment of Japan’s Constitution on Japan’s “conflict” with neighboring countries such as North Korea, South Korea and China.

Another article entitled “Change It To Save It: Why And How To Amend Article 9” in the Ritsumeikan Journal of Peace Studies, (Martin, 2017), discussed reasons why the amendment of Japan’s Constitution is necessary and how to amend the article 9. According to Martin, there are concerns about rising threats and insecurity in regions from North Korea and China, also growing doubts about US commitment to Japan's defense become reason for the government's to amend. Martin also found that there are various amendment options so that people can decide and discuss what needs to be amended and what is not necessary.

In an article entitled "Japan's" Reinterpretation ", (Richter, 2016), is explained about the new interpretation of article 9. He also explained that since 2014 Prime Minister Shinzō Abe has avoided the process of amending article 9 of the Japan’s Constitution and replaced by the term "reinterpretation" of article 9. The reinterpretation will enable Japan for the first time to engage in collective self-defense. It paved the way for the Self Defense Forces to use the power of foreigners to defend the Japan’s allies, even though Japan is not in a position of under attack. Japan's collective self-defense rights may be derived from new interpretation of the Constitution and do not require formal amendments to article 9. The reinterpretation of Article 9 may also affirm and reinforce USA commitment to defend Japan's interests and territories and enhance its military cooperation with Japan. The reinterpretation explicitly arranged Japan to engage in collective self-defense and provide assistance to the United States if the United States is attacked.

The article entitled “The Lack of Security Cooperation between Southeast Asia and Japan: Yen Yes, Pox Nippon No” (Leavitt, 2005), Leavitt explained relationship of security cooperation between Japan and ASEAN as well as the causative factors that restricted Japan's movement. The article explained that collective memory of Southeast Asian peoples over the occupation and the atrocities of Japan during World War II still left deep wounds among the people of Southeast Asia, thus causing Japan's relations with ASEAN countries to be difficult. This study also explained that article 9 of the Constitution of Japan became factors limiting the Japanese military growth. The article implicitly implies the scope of Japanese cooperation in establishing relations, especially in security field to maintainstability of the region.

Based on previous studies, issues that have not been discussed are about pros and cons of Japanese society related to the amendment plan of article 9 of the 1947 Japan Constitution. Support from Japanese society is decisive factors that influence the policy of Prime Minister Abe to amend or not to amend article 9 of the 1947 Japan Constitution. The scope of this research is to explore and analyze pros and cons among Japanese society over the amendment plan of article 9 of the 1947 Japan Constitution.

5. Historical Background

Japan rise from isolated state (sakoku) to mastering science and technology with extreme and aggressive nationalism spirit (ultranationalism) during Meiji Era. The ultranationalists aspired to expand the territory of Japan empires by forming a Greater East Asia Sphere (state). However, this ideal resulted in Japanese involvement in World War II and at the same time caused its destruction. Japan suffered a defeat in the Pacific War and became the world's first country to experience nuclear bombings in Hiroshima and Nagasaki. Japan's defeat in the Pacific War resulted in the loss of Japan's expansionary territory in Asia and forced Japan to be submitted to the United States as winner of the war. During occupation era, USA made various attempts to prevent Japan from expanding again. One of its efforts was to abolish the source of Japan's ultranationalism spirit, the Meiji Constitution, and replaced by the 1947 Japan Constitution. For United States, Meiji Constitution was considered as reason of Japan’s aggressive stance. The establishment of the new Japan Constitution is based on Article X of the Potsdam Declaration of 1945 as follows:

The Japanese government must remove all obstacles to a revival and attempt to strengthen the democratic phenomena of the Japanese people. Freedom of speech, religion, and thought and respect for human rights must be upheld².

Based on Potsdam Declaration, Japan will be occupied by Allied forces for demolition of military forces and democratization. USA also tried to create new Japan’s image hoping that Japan would not pose threat to Western interests

and international order. Therefore, during the occupation of the Allied forces, all matters related to Japan's foreign relations were under the jurisdiction of SCAP (Supreme Commander for the Allied Powers). USA also made many changes to the Constitution as well as other aspects related to Japanese relations in the international world. One embodiment of the business stated in the new Japan Constitution after the war was designed by the Allies (the United States) and adopted by the Japan’s legislature on 3 November 1946 and takes effect exactly six months later on May 1947. In particular, Article 9 of the Constitution relates to Japan's foreign policy and demilitarization issues. The Article 9 is one of reasons why Japan has never interfered with international issues relating to the security and stability of the region. The following is the contents of Article 9 of the 1947 Japan Constitution:

“Point1: The Japanese people hereby uphold international peace based on justice and order and do not recognize the existence of war as a sovereign right of the nation and the use of threat or violence in the settlement of international conflicts.
Point2: In order to realize the objectives of the preceding Article, the army, the navy, the air force and other military forces shall not be preserved. The state's right to war will not be recognized.”

The article 9 made to Japan no longer has potential ability to start a war as the strength of Japan's army, navy and air force ceased other war potential that exist after the war were paralyzed and prevent the use of military force in settling disputes or international conflicts. According to Sandra (2005) in the Journal Asian Survey, article 9 of 1947 Japan’s Constitution became factor that led to limited Japan ability in security affair. This is reinforced by Japan's post-war pacifist policy, which is often called "Yoshida Doctrine", taken from the name of Prime Minister Yoshida Shigeru who proposed the concept. Under Yoshida Doctrine, Japan focused more on economic development than international security and politics, which was entrusted to USA.

The signing of San Francisco Agreement marked the allied forces occupation in 1951. However, the end of USA occupation over Japan did not diminish the function of article 9. This can be seen from the cooperation between Japan and USA that not focused on the military field but on economic, education and culture. In the course of its history, although never changed the text, it turned out that article 9 has experienced various interpretations based on the developed situation and occurring conditions. This flexibility of interpretation ultimately allowed Japan to build its limited defense and military system again. Richter's research (2016), found that PM Abe begun to avoid the term of amendment and replace it with the term interpretation. If there was a policy issued by the government and not in line with Article 9 of the Constitution, it will be adjusted by term of reinterpretation of Article 9. At first, the government that Japan cannot legally have various kinds of military capabilities interpreted Japan’s Constitution. Japan's participation in war, either defensively or aggressively, was not also allowed. However Japan has the right to exercise the military training necessary to defend its country.

In 2015, Japan again raised the issue of militarism under Abe administration using the word reinterpretation of article 9. Abe's administration, in a Cabinet meeting on the day commemorating the 60th anniversary of the Self Defense Force, transformed the old interpretation of article 9 with a new reinterpretation. Japan then may exercise Collective Self-Defense rights, referring to Article 51 of the UN Charter. This refers to the right of all UN member countries to use military force in defending their members from attacks. The reinterpretation paved the way for Japan's Self Defense Force to use military force to defend Japan's allies even though Japan itself was not in a position of under attack. In other words, it allows Japan to take part in world conflicts and potentially assign Self Defense Forces personnel in conflict situation. The reinterpretation of article 9 is as follows:

The government has reached a conclusion that not only when a military attack against Japan takes place but also when military attack against a foreign country with close relationship to Japan takes place and threatens the viability of Japan and poses a clear danger to fundamental people's right to life, freedom and pursuit of happiness, also when no suitable means are available to repel the attack and ensure the survival of Japan and protect its people, the use of minimum force is to be interpreted and permissible under the Constitution as a measure of self-defense in accordance with the basic logic of the Government's view to date.

6. Discussion

6.1 Maritime Conflict

Based on the Japan’s government records, there are some activities near Japan’s sea that are considered violating international law and disrupt Japanese sovereignty. In 2004, China's nuclear-powered submarines penetrated Japan's territorial waters, as well as information on activities conducted by Chinese naval vessels under oceanographic research in Japan's exclusive economic zone. In 2005, Chinese naval vessels were detected sailing around the Shirakaba oil refinery (Japan). In 2006, Chinese submarines appeared near USS Kitty Hawk aircraft carrier in international waters near Okinawa. Based on the military

5 Juwana, H. Masalah Penafsiran Terhadap Pasal 9 KonstitusiJepang, p. 251
7 Sasakawa Peace Foundation, Collective Self-Defens.
context, foreign ship approaching US aircraft carrier is regarded as a military threat. In addition, the Diaoyu/Senkaku islands dispute between Japan and China also become problem for Japan's security and reason for PM Abe to encourage Japanese people to amend article 9. The dispute of the island has emerged since the 14th century and made tense relationship between the two countries. Japan and China have also conducted diplomatic negotiation and investigation over the issue but no suitable solution agreed to resolve the disputes that have occurred over the years.

6.2 North Korea's Nuclear Threats

A missile test by North Korea became new major threat against Japan, especially after North Korea's abandonment of the Nuclear Weapons Non-Development Treaty in 2003 and its claim to nuclear weapons development. In particular, North Korea's nuclear issue had a serious impact on Japan's national security especially after North Korea launched seven ballistic missiles on July 5, 2006 that sparked instability in the East Asian region. North Korea also claimed to continue developing its combined nuclear ballistic missile technology, which triggered tensions between Japan and North Korea. In addition, on 12 December 2012 North Korea stunned the world by re-launching long-range rockets that cross the airspace of Japan. North Korea's nuclear rocket launch has always frightened Japan, as on 16 March 2014 North Korea launched another rocket and broke into 18 pieces located 70 kilometers above the Japan sea. North Korea said it will launch its missile again. This made Japan increasingly uneasy because it was feared that the missile will cross Japan 10. Based on the situation, Japan felt the need to change its foreign policy, especially by amending article 9 of the 1947 Constitution which is closely related to the Japan's security.

6.3 Issue of Chinese Military Enhancement

China's growing military power is evidence that China's always strengthens its defense capability. This is done because China's military budget is increasing annually. China recently has an aircraft carrier and continues to develop stealth system for ships and missiles capable of shooting down satellites. China builds its military capability because China is regarded as a big country with more than one billion people and a long coastline. China felt its military budget was very small compared to other big countries. For that reason, China then increased its military budget and strengthen its military and defense system. Of course this will be a threat to Japan as both countries have historical conflict issues in the island so the Japan's government need for an increase in security by amending article 9 of the 1947 Constitution.

6.4 The Gulf War Surprise

Gulf War in 1990-1991 became another factor causing Japan to change its foreign policy. Japan was asked to participate in the war by deploying troops by the United States and the international world. Japan responded with hesitation for several reasons. The first reason was the Constitution. Japan has no troops to send overseas other than the Japan Self-Defense Force, where the Constitution never allows the deployment of Self-Defense Forces overseas for any reason. The second reason was the dominant opposition to the refusal of deployment of Self-Defense Force and the lack of funds to send troops overseas. The third reason was Japan's fear of sentiments from the Pacific, especially China and the two Koreas against Japan's militarism if Japan sent troops to the Gulf War. The last reason was the Yoshida Doctrine. If Japan sent troops, it means Japan violated the Yoshida Doctrine which over the last few decades has been the basis of its foreign policy.

6.5. Tokdo/Takeshima Territorial Dispute

The dispute over the uninhabited islands over Japan and South Korea is Dokdo/Takeshima Island in the Japan Sea. The dispute over cluster of coral islands, called Dokdo by South Korea and Takeshima/Iturup by Japan, has arisen since the end of World War II. The dispute re-emerged after Japan's Ambassador to South Korea stated emphatically that historically and legally, Dokdo Island is part of Japan's sovereign territory. This statement provoked the anger of South Koreans who felt that the island was part of their territory. The visit made by President of South Korea to Dokdo Island in August 2012 was considered as insult by people of Japan to their sovereignty. The conflict between Japan and South Korea was originally a conflict of economic interests over the ocean resources in Dokdo/Takeshima. However, until now the conflict continues and cannot be resolved.

Basically, changes on Japan's foreign policy are influenced by factors coming from abroad. Many domestic considerations made by Japan are the impact of important events in the international world. As a concrete example, the expansion of the Self-Defense function that occurred due to the influence of the Gulf War or territorial disputes with neighboring countries caused Japan to engage in regional dialogue relating to security cooperation. According to

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Martin (2017) the unresolved conflict has caused concern among the Japanese community mainly because of Article 9 of the Japan’s Constitution which limited Japan military. Japan began to feel the need to change article 9 by amending it. However, in fact, many Japanese people opposed the PM Abe plan to amend article 9.

Pros and Cons on Amendment of Article 9

Survey on “Necessary” or “Unnecessary” to amend article 9 of Japan’s Constitution
http://www.asahi.com/ajw/articles/AJ201705020045.html
5-05-18/21:50

In 2017, a Japanese media, The Asahi Simbun, conducted a poll on necessary or not to amend article 9. The Asahi Shimbun took sample of 3,000 randomly selected people from all countries in mid-March to the end of April. Prime Minister Abe has long pushed to amend the postwar Constitution which came into force 71 years ago on 3 May 1947. Based on the Graphic, half of the respondents said they did not support Prime Minister Abe's policy on the amendment of article 9, while only 41% said they would support it.

The data showed changes of public views between 1997 and 2013. More Japanese people chose to support PM Abe plan to amend. However, for the last four consecutive years since 2014, the ratio of those who opposed the amendment has risen and exceeded the numbers for those who supported it. Some of the government’s discourse to change the article 9 of Constitution always got bad response from Japanese society. Many people have demonstrated even as many as tens of thousands of Japanese people as proof that they rejected the government's desire to change the Constitution. In addition, a Japanese citizen burned himself because the person did not agree with the change of the Constitution. According to those who opposed, the existence of article 9 in the Constitution was the basis of the country’s pride for the people of Japan who became the only country that against the war.

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<tr>
<th>Reason of &quot;Necessary&quot; and &quot;Unnecessary&quot; for Amendment</th>
<th>Necessary</th>
<th>Unnecessary</th>
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<tbody>
<tr>
<td>Need to respond on security changes at neighboring region around Japan</td>
<td>54%</td>
<td>51%</td>
</tr>
<tr>
<td>Need private and environmental rights</td>
<td>16%</td>
<td>23%</td>
</tr>
<tr>
<td>Need to define clear role of SDF and right for self defense</td>
<td>15%</td>
<td>21%</td>
</tr>
<tr>
<td>The constitution was enforced by the United States of America</td>
<td>12%</td>
<td>3%</td>
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Source: translated from https://www3.nhk.or.jp/news/special/kenpou70/yoron2017.html (10-05-18/16:00)

In March 2017, NHK held a survey of 4,800 respondents, coinciding with the 70th anniversary of Japan’s Constitution. One of discussed reason was the need for amendment of 1947 Japan’s Constitution. Ultimately, changes will also affect the interpretation of Article 9. As many as 54% respondents felt the need for amendment to improve security system by changing the Constitution. It was also influenced by the increasing threat and insecurity in countries around Japan such as North Korea, South Korea and China. 51% respondents felt no amendment is needed to change the article 9 in the Japan’s Constitution because it will prevent Japan from war. The Japanese felt that the Constitution had symbolized Japan as a peace-loving country, away from war and violence that once brought Japan into a ruined state and left much pain for its people. A total of 23% of respondents feel that until now the 1947 Japan’s Constitution has been embedded in the society and became characteristic of Japan country that must be maintained. As per its national interest, Japan focuses only on economic activities where the defense was handled by the USA. Japanese people think their country should not participate in any military activities, because security and defense for Japan is guaranteed by the United States. Prime Minister Abe said Japan should be better prepared to respond uncertain security environment changes due to the threats from neighboring area. One of them includes the threat of North Korean nuclear development and ballistic missile testing. Japanese felt that the threat was the driving factor for Abe to propose amendment of article 9 of the 1947 Japan’s Constitution. The survey showed that 60% respondents considered North Korea

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<th>Threat Factor as Reasons for Amendment of Article 9</th>
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<tr>
<td>North Korea Nuclear Threat</td>
<td>60</td>
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<tr>
<td>Unresolved dispute between Japan and China</td>
<td>43</td>
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<tr>
<td>International Teroris Threat</td>
<td>45</td>
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<tr>
<td>Takeshima Island Conflict</td>
<td>20</td>
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<tr>
<td>Increased military facilities in Russia’s Far East</td>
<td>15</td>
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nuclear power posed threat to Japan security. The second biggest threat was China’s aggressive behavior in developing its military power, maritime hegemony and disputes over Senkaku/Diaoyuishland. There were 43% respondents
considered unresolved dispute between Japan and China will raise concerns in Japanese society and they support the need to make changes in Japan’s policy especially on article 9 which is related to security policy. The next viable threat was from international terrorist organizations where 45% respondent considers it is a viable threat. Two Japanese citizens were kidnapped and killed by Islamic State terrorists (ISIS) and people quickly blamed Abe administration for the incident, saying that it was Abe’s responsibility that could not deal with international security affairs. However, Abe vowed vigorously to provide non-military assistance of $200 million to countries fighting ISIS and trying to improve Japan’s security system as stipulated in article 9 of Japan’s Constitution. Other threat issues are based on Takeshima island territorial conflict between Japan and South Korea (20%) and increased military facilities in Russia’s Far East (15%) that could prompt PM Abe to propose changes in Japan’s security.

7. Conclusion

The Japanese people considered Japan was a powerful country with a formidable military strength that could bring Japan to prosperity and peace. However, Japanese people had to suffer as a result of Japan’s defeat in the Pacific War. To this day, Japanese people have always refused to participate in any form of war or to strengthen military power because Japanese people are afraid that they would repeat the dark past if Japan strengthens its military forces. In reality, PM Abe’s ambition to amend Article 9, Japan experienced a diplomatic situation. Japan experienced amount of pressure from domestic and international affairs. The International world expects Japan to be self-sufficient and build its own military, as long as Japan’s aid is only financially perceived as inadequate and unjust in its efforts to maintain international security. Japan is required to participate fully both financially and physically.

Domestic pressure is also great but the condition is reversed. Based on above explanation, the majority of Japanese people (50%) refused Japan’s government plan to build its military powers it will go against the Japan’s Constitution and also traumatic from the dark past to what Japanese has experienced after Japan’s defeat in World War II. There were only 41% who support the need to rebuild Japan’s military power. If Japan decides to re-build military forces it will certainly make the situation in the country is not conducive due to rejection. Meanwhile, if not rebuilding its military strength then the insistence of the international world will also consider Japan only as a country that does not participate in maintaining world peace. So, Abe ambition to amend article 9 of Constitution provoke pros and cons.

8. Future Scope

Based on various problems above, Japan has a strategy that is considered to be beneficial for Japan in the future. Japan exploits the condition as if Japan’s military development is a necessity to respond conditions outside Japan or the situation around Japan with various threats and conflicts with Japan’s neighboring countries such as North Korea’s nuclear threat, the Senkaku Island between Japan with China or Takeshima Island between South Korea and Japan, as well as threats from terrorist organizations that could threaten Japan’s security. This way forward is considered strategic because the development of military forces may get justification from home and abroad because it would seem that the Japan’s development become key factor for Japan to respond the situation from surrounding conditions.

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References