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The Right to Live in Peace: Contemporary Developments in Japan

Chances of Achieving Global Nuclear Disarmament and the Changing Tide of Politics in Japan ENDO Seiji	2
Journey to New Mexico: Notes on Nuclear Disarmament KURODA Toshiro	4
The Right to Live in Peace as a Strong “Base” for Our Peace Movement IKEZUMI Yoshinori	6
Significance of Nagoya High Court’s Decision on the Unconstitutionality of the Dispatch of SDF Troops to Iraq KOBAYASHI Takeshi	8
Japan’s Constitutional Pacifism and Global Civil Society KIMIJIMA Akihiko	12
 Reports from NGOs Working for Peace	
Alternative People’s Linkage in Asia YOSHIZAWA Mamiko	17
Purpose of Establishing Human Rights Now ITO kazuko	18

Chances of Achieving Global Nuclear Disarmament and the Changing Tide of Politics in Japan

ENDO Seiji

18th President, Peace Studies Association of Japan
Seikei University

The momentum for global nuclear disarmament is growing. This is a major and important change. It is U.S. President Barack Obama who revived the current of nuclear disarmament. His speech in Prague in April 2009 surprised the world with its bold declaration of “America’s commitment to seek the peace and security of a world without nuclear weapons,” and his statement that the United States has a moral responsibility to act, as “the only nuclear power to have used a nuclear weapon.” There had been a variety of discussions and movements for nuclear disarmament during the 2000s, but they were long stifled, in particular, by the conservative and right-wing forces and the Bush administration in the U.S. Obama’s speech swiftly and totally changed this world outlook.

It is not, however, the single speech but rather the tactical and intelligent way in which the Obama administration has treated the issue of nuclear disarmament that changed the atmosphere. Obama and his team have kept the issue hot and alive by proposing a series of new initiatives and creating renewed impetus at various forums including the U.S.-Russia Summit, G8 Summit, UN General Assembly, and UN Security Council. Although nothing concrete has been achieved so far in terms of nuclear disarmament and non-proliferation, and despite the fact that numerous and tough negotiations and confrontations await regarding North Korea’s nuclear weapons and Iran’s nuclear program, the favorable atmosphere for nuclear disarmament has become quite solid. The Nobel Peace Prize he was awarded is an expression of these

rising expectations rather than a reward for his achievements.

There is another major change, this one coming from Japan. As is well known, the Japanese public chose a new governing party, and the new coalition government centered on the Democratic Party was launched this September. There are many shifts and transformations going on and people have become passionate about politics.

I would like to make three points in this regard. First, new Prime Minister Yukio Hatoyama expressed a deep commitment to global nuclear disarmament. It has been an established policy of Japan that the security of Japan depends basically on the nuclear deterrent of the United States. It would not be very easy to change this policy. But it is quite obvious that the commitment to nuclear disarmament and the dependence on nuclear deterrent are contradictory. If the prime minister and his government keep their words, the Japanese government will have to creatively develop a new framework for the security of Japan and East Asia. This is a challenge both for the government and for peace researchers in Japan.

The second issue is deeply related to the first. The three non-nuclear principles of not possessing or manufacturing nuclear weapons, and not permitting their introduction into Japan, is another established security policy of Japan. It has been suggested by some American officials that the final principle, of not permitting the introduction of nuclear weapons into Japan, has

not been observed by the American military. There have also been rumors regarding the existence of a secret agreement between Japan and the U.S. The Liberal Democratic Party government and the Foreign Ministry, under many prime ministers, consistently denied the existence of such an agreement. Under the current government, however, an investigation into this matter has been launched, and it is now clear that this basic principle of Japanese foreign policy has been a lie from the start. Further investigation will be conducted by the government. Peace researchers can also make their own contributions to examining the covert history of Japan's foreign and security policy.

Third, the new Japanese government is eager to establish an East Asian Community, which is intended to become a framework of peace and cooperation among East Asian countries. The concrete scheme and schedule for the East Asian Community is not at all clear, however, and the new government will have to go through a very difficult process of negotiation, persuasion, and coordination with surrounding countries. The United States takes it for granted that Japan is a junior partner without independent foreign policy options, and some Japan experts in the U.S. are very suspicious of Japan's stance toward an East Asian Community. People in Asia, for their part, are reminded of the Greater East Asian Co-prosperity Sphere when they hear discussions from Japan about the East Asian Community. There is also psychological rivalry between Japan and China, and they have different images of what the East Asian Community should become. Japan, thus, will have to face its own past and create a convincing formula for a peaceful and prosperous, and non-nuclear, East Asia. Again, this is a major challenge, and one to which peace researchers in Japan could make a major contribution.

The world has been mired in a deep economic downturn since 2007 and the global economy may not improve in the short-term. These economic difficulties may jeopardize peace in the world, as shown by the history following the Great Depression starting in 1929. However, many interesting and positive changes are taking place. The chances of global nuclear disarmament

have become quite realistic and the current Japanese political situation is in very good tune with the movement toward it. Peace researchers from all over the world must work hard to solidify the foundations of peace, improve the chances for global nuclear disarmament, and create an alternative system of security. Scholars and activists from the Peace Studies Association of Japan are now much more eager to express their views and exchange ideas with people around the world.



Brian Haw's Peace Protest in Parliament Square, London

Journey to New Mexico: Notes on Nuclear Disarmament

KURODA Toshiro

Chair, Planning Committee of PSAJ
University of Niigata Prefecture

On 16 July 1945, the United States conducted the world's first nuclear detonation (a 21-kiloton implosion device using plutonium-239), at Alamogordo Bombing Range in the Jornada del Muerto desert, New Mexico. This ushered in the atomic age. After the detonation, Robert Oppenheimer, the scientific director of the Manhattan Project, quoted a passage from the Bhagavad Gita, a classic Vedic text: "if the radiance of a thousand suns were to burst forth at once in the sky, that would be like the splendor of the Mighty One... I am become Death, the destroyer of worlds." Sixty-four years later, on April 5, 2009 in Prague, President Barack Obama clearly stated America's commitment to pursue peace and the security of a world free from the threat of nuclear weapons by saying:

Just as we stood for freedom in the 20th century, we must stand together for the right of people everywhere to live free from fear in the 21st. And as a nuclear power – as the only nuclear power to have used a nuclear weapon – the United States has a moral responsibility to act. We cannot succeed in this endeavor alone, but we can lead it. So today, I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons. This goal will not be reached quickly – perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change.



Navajo Nation President Joe Shirley Jr. at Church Rock, New Mexico

As Obama stated in his Prague speech, we must fight together for the right of people everywhere on the globe to live in peace and harmony in the 21st century in the face of the dangers of nuclear proliferation and terrorists who are determined to buy, build or steal atomic bombs. This is why I went on a journey last July to New Mexico, the birthplace of the atomic age, with two colleagues. It was shortly after the 2009 Annual Spring Conference of the Peace Studies Association of Japan (PSAJ) where participants from various academic backgrounds had focused on the possibility of making peace sustainable.

Needless to say, sustainable peace requires the elimination of nuclear weapons. In New Mexico, we visited Los Alamos and Alamogordo. Los Alamos, 56 km northwest of Santa Fe, is home to the Los Alamos National Laboratory (LANL) which was founded in secret to undertake the Manhattan Project. LANL's work resulted in the creation of several atomic bombs, one of which was detonated in the first nuclear test, code-named "Trinity." The other two, "Little Boy" and "Fat Man," were used for the attacks on Hiroshima and Nagasaki. The site of the first nuclear explosion, Trinity Site, is located approximately 97 km from Alamogordo. It is opened to visitors twice a year on the first Saturday in April and the first Saturday in October, so we were not able to visit it this time.

The main purpose of our journey, however, was to attend the 30th anniversary of a massive spill from a uranium mill at Church Rock in the northwestern part of New Mexico. Church Rock belongs to the Navajo Nation which is a semi-autonomous Native American homeland occupying all of northeastern Arizona, the southeastern portion of Utah, and northwestern New Mexico. On 16 July 1979, a breach opened in the dam at the Church Rock uranium mill operated by United Nuclear Corporation (based in Virginia),

spilling 1,100 tons of milled uranium ore and 94 million gallons of heavy metal effluent into the Rio Puerco. The amount of radiation released in the Church Rock uranium mill spill was comparable in magnitude to the leak at Three Mile Island in Pennsylvania during the same year and has been reported as “the largest radioactive accident in U.S. history.”

As Sue Major Holmes reported in her article “Navajos mark spill’s anniversary” in the *Cortex Journal* (Saturday, July 18, 2009), Navajo Nation President Joe Shirley Jr. marked the 30th anniversary of the nuclear spill at Church Rock by reaffirming the Navajo Nation’s 2005 ban on future uranium mining and processing. Speaking in Navajo and English, he addressed about 100 people who had made a seven-mile walk to the site of the accident (unfortunately, we arrived too late to join the walk). Shirley said the spill barely registered on the historical memory of the U.S., but will not be forgotten by the Navajo and non-Navajo residents “who still worry today about the potential impacts of this tragic accident.” He proclaimed July 16 Uranium Legacy and Action Day, commemorating the 30th anniversary of the Church Rock spill and the impacts of 60 years of uranium mining. “The American people need to be educated and reminded about the disproportionate sacrifices made by Navajos so the United States of America could win the Cold War,” he said.

The uranium miners of the Southwest, many of whom were Navajo, had their health compromised by the U.S. nuclear weapons program. From 1944 to 1986, 3.9 million tons of uranium ore were excavated from the mountains and plains of the Navajo Nation. The mines provided uranium for the Manhattan Project and for the nuclear weapons stockpile built up during the Cold War. The demand for uranium lasted through the early 1960s. As the threat of the Cold War gradually receded over the following two decades, four processing mills and more than 1,000 mines on tribal land were shut down, leaving behind radioactive waste piles, open tunnels and pits. Uranium mining was also a significant industry in New Mexico from the early 1950s to the early 1980s. Peter H. Eichstaedt, author of *Uranium and Native Americans*, describes the current situations as follows:

Today Native Americans continue to reap a bitter harvest for their patriotic role in World War II and the Cold War. Undetermined tons of exposed radioactive mine waste remain on native land. Rainwater has leached uranium by-products and toxic metals into underground water, with potentially long-lasting consequences. Small uranium pit mines remain open, filled with water, inviting children to swim and animals to drink. At Laguna Pueblo, an open-pit mine that covers nearly 3,000 acres remained untouched for seven years after operations stopped, until the pueblo itself started reclamation (Eichstaedt, 1994, p.xvi).

His book tells us “the story of how uranium mining began on Indian lands in the American West, how it was conducted, and how its deadly legacy still lingers in the lives of the men, women, and children whose harmony and homelands have been destroyed.” Consequently, when we discuss how to put an end to Cold War thinking, we should remember the date of July 16 (in New Mexico: the world’s first nuclear explosion and the largest radioactive accident in U.S. History) as well as the dates of August 6 & 9 (in Japan: the atomic bombings carried out as acts of war). As we go forward step by step towards a world without nuclear weapons, let us also keep in mind the name of Church Rock as one of the unforgettable places in the history of nuclear disasters in addition to Hiroshima, Nagasaki, Nevada, Enewetak, Bikini, Moruroa, Semipalatinsk and Chernobyl.

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The Right to Live in Peace as a Strong “Base” for Our Peace Movement

IKEZUMI Yoshinori

Representative

Lawsuit to Stop the Dispatch of the Self Defense Forces to Iraq

We recognize that all peoples of the world have the right to live in peace, free from fear and want.
(Preamble to the Constitution of Japan of 1946)

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will be recognized.
(Article 9 of the Constitution of Japan of 1946)

Launch of the Lawsuit

In March 2003, the United States government, along with the United Kingdom, launched attacks against Iraq in spite of overwhelming international opinion against the use of force. The Japanese government swiftly decided to support the attack. Soon afterward, in July 2003, the Japanese government railroaded a bill, called the Special Measures Law on Humanitarian and Reconstruction Assistance in Iraq, through both Houses of the National Diet without adequate deliberation.

Based on this law, the government dispatched the SDF to Iraq in December 2003. This means that Japan participated in the illegal U.S./U.K. attack and occupation for five years, and thus participated in a war of aggression as an assailant.

On January 2004, more than 5,800 citizens from 11 cities, based on the view that dispatching the SDF to Iraq was unlawful, filed a lawsuit against the Japanese government to claim the following:

- (1) Withdraw the SDF from Iraq;
- (2) Have the Japanese government recognize that the dispatch of the SDF to Iraq is against the law; and
- (3) Grant 10,000 yen to each plaintiff from, the Japanese government as compensation for the violation of “the right to live in peace.”

Landmark Ruling

On April 17, 2008, The Nagoya High Court, located in central Japan, declared that airlifting activities by Japan’s Air Self-Defense Force (ASDF) in connection with the U.S.-led war in Iraq violated Article 9 of Japanese Constitution. It was an epoch-making case for an appellate court to pronounce such a judgment against the government.

The ruling also stated that “the right to live in peace” is the most fundamental right, as it forms the basis for all other human rights.

Although our demands for a token 10,000 yen (US\$95) for each person in compensation and a court order for withdrawal of the SDF were dismissed, the 3,268 plaintiffs hailed the ruling as a victory.

The Right to Live in Peace as a Strong “Base” for Our Movement

The ruling clearly stated that the right to live in peace should be respected, as it is stipulated in the Japanese Constitution. It also emphasized that basic human rights cannot exist without peace, and thus that the right to live in peace is a right to which every person is entitled.

The right to live in peace was recognized by the ruling as a “very diverse and broad right.” It includes “the right not to be forced to take part

in depriving the lives of others through any war against one's will," "the right to live in peace based on one's own peaceful convictions, without being involved in acts that harm the peoples of other countries through military intervention," and "the right to desire peace based on creed, pursue happiness for all people, and for that purpose live a life of non-combat, non-violence, and pacifism."

The right to live in peace is founded on the rights to freedom, social rights, and the suffrage. Therefore, it is a substantial subject and right. If the Japanese government violates Article 9 of the Constitution, we can bring "the right to live in peace" into court again.

Open hostilities, participation in war, and preparations for war are all violations of Article 9. When we are exposed to crises that endanger lives or freedom, are exposed to crises that infringe on peace through suffering from the fear that we will be forced to help the implementation of war, or are forced to participate in war, we can take the Japanese government to court for such violations and request damages and request that the government cease such actions.

The ruling is extremely significant as it provides a strong "base" and "tool" for our peace movement under the present political crisis.

Peace Consists of Non-combat and Non-violence

"Peace" is conceived as something that rejects military force, and consists of non-combat and non-violence. It cannot be achieved by military force.

The "War on Terror" is currently being carried out throughout the world. Following 9/11, the U.S. shifted its policy from "defense" to "security." This also happened in Japan and many other countries.

Antonio Negri writes, "In the context of this cross between military and police activity aimed at security, there is ever less difference between inside and outside the nation-state: low-intensity warfare meets high-intensity police actions." While "defense" involves a protective barrier against external threats, "security" justifies constant military activity both in the homeland and abroad.

As a result of this change, many innocent citizens around the world, especially in Iraq, Afghanistan, and Gaza, have been sacrificed to this

War on Terror. How can we end this war?

As before, we must begin by repudiating military violence under any pretext, whether for military purposes, police purposes, war between countries, or the War on Terror.

It is important to shift from the perspective of the "state" to that of "citizens," and to appeal once again to all citizens that we have a "right to live in peace" in the sense of "refusing military violence for whatever reason." Instead of taking the state's side and justifying the state's behavior, we must take the people's side and restrain the state's actions.

Let Us Proclaim the Right To Live in Peace!

The right to live in peace includes the right not to deprive others of their lives through the use of military means, not to harm others, and not to be harmed in war. Why did the court ruling include "the right not to harm others" in the right to live in peace?

There are two reasons. First, the 3,200 plaintiffs stated to the judges that we did not want to be involved in the killing of Iraqi citizens, especially children. Some plaintiffs spoke from their own war experiences, others from their NGO activities. They also stated that their strong will to never harm others in war gave concrete substance to the right to live in peace.

The other reason is the danger of Japan's current militarization. In the process of dispatching the SDF to Iraq, the government made overseas dispatches one of the primary missions of the SDF. Joint military training between the SDF and U.S. forces has been expanded. The SDF, as an "expeditionary force," has come to directly support the U.S. global strategy.

In order not to create any more war victims, it is important that we profess the right to live in peace as the "right to refuse any military violence whatsoever" and thereby restrict war by the state. In particular, Japan has a terrible history involving the invasion of other countries. Japan should never repeat that shameful history.

Let us proclaim the right to live in peace and walk together to make the 21st century into a century of peace!

Significance of Nagoya High Court's Decision on the Unconstitutionality of the Dispatch of SDF Troops to Iraq

KOBAYASHI Takeshi

PSAJ Member
Aichi University

History of the Citizen Court Case for Peace in Iraq

When the United States and its allies launched attacks on Iraq in March 2003, the Japanese government immediately announced its support for the U.S.-led forces. Shortly after the announcement, it also took the initiative to legislate a special measures law to deploy Self-Defense Forces to Iraq (Iraq Special Measures Law), and then dispatched Air SDF units and Ground SDF troops in succession to engage in logistic support operations for the U.S. and its allied forces.

In the face of these developments surrounding the Iraq War, citizens throughout Japan raised their voices in protest, concerned that the dispatch of ASDF units and GSDF troops constituted a violation of Article 9 of the Japanese Constitution, which bans the use of armed force. In so doing, they argued that the dispatch infringed on the individual's right to enjoy a peaceful life, as guaranteed in the Constitution. The lawsuit by a total of 5,700 plaintiffs was filed to 11 district courts, including those of Hokkaido, Tokyo, Nagoya and Kumamoto. In the course of the trials, the Nagoya High Court explicitly ruled, on April 17, 2008, that the ASDF operation in Iraq violated the Constitution.

Because the government won *pro forma* the case at the Nagoya High Court, it could not appeal the ruling. The citizen plaintiffs on the other hand did not appeal the ruling since they were content with the court decision: it upheld their argument, and they thus believed that they had essentially won the case. On May 2, 2008, the Nagoya High Court decision thus became the final and conclusive judgment on this particular case. In order to help establish the significance of the Nagoya High Court judgment as a precedent

for judicial disputes surrounding Article 9 of the Constitution, citizens groups moved to discontinue Iraq lawsuits filed in their local courts. With the two decisions issued by the Okayama District Court this year, all Iraq lawsuits have thus been concluded.

In these lawsuits, citizens plaintiffs asked the court to confirm that the dispatch of SDF troops to Iraq was unconstitutional and to thus issue an injunction against the dispatch and order the government to compensate individual plaintiffs for emotional distress they suffered. These citizens argued that it was their inherent right to refuse to be complicit in the massacre of the Iraqi people. In this way, the citizens spoke up for the plight of the Iraqi people, who suffered damage in their lives to their health and property.

Why is it that a lawsuit of this kind was enacted in Japan? The reason is to be found in the structure of the Constitutional Code. This structure is detailed in the following section.

Structure in the Constitution of Japan That Makes Possible a Court Case for Peace

Constitutions enacted by many nations following World War II share common pacifist ideals, yet only the Constitution of Japan goes as far as to elevate this pacifist ideal to an absolute renunciation of war and of the capacity to wage war, guaranteeing the right to live in peace. In this sense, the Constitution of Japan is truly worthy of being called a "Pacifist Constitution."

In particular, it is Article 9 which vows to "forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes" (Paragraph 1), and states that "land, sea, and air forces, as well as other war potential, will never be maintained.

The right of belligerency of the state will not be recognized” (Paragraph 2); the substance of this article goes well beyond the rule of modern constitutionalism, which regards war in self-defense and the maintenance of armed forces as standard elements of state sovereignty.

Furthermore, the Constitution considers a peaceful life to be the citizen’s right. Specifically, it is clearly stated in the second paragraph of Preamble of the Constitution that “we recognize that all peoples of the world have the right to live in peace, free from fear and want,” thus guaranteeing citizens’ right to live in peace. This guarantee is based on the idea of “peace as a human right,” which contends that peace is not entrusted to decisions of parliament or of government, as is traditionally believed. Rather, peace is an absolute imperative whose guarantee must be prioritized over all other policy objectives, as a basic premise of human rights.

The ideal of “peace” referred to in this context is satisfied concretely by the demands of Article 9, that peace should be realized via the renunciation of war and war-waging capability. The right to live in peace thus has the quality of a legal principle strong enough to stand up in a court of law. When an act of the state violates Article 9, this quality makes it possible for “a suit seeking peace,” in which individual citizens challenge in court the violation of their right to live in peace, to be filed as a subjective lawsuit. This normative structure, stipulating in a single conjugative unit objective institutional norms renouncing war in Article 9, and securing in the Preamble norms for subjective rights which guarantee the right to live in peace, is unique to the Constitution of Japan.

The appearance in Japan of a pacifist constitution with these forward-thinking norms is attributed to the nation’s painful and traumatic wartime experience, in which Japan launched wars of aggression and wreaked enormous damage on the peoples of Asia. Meanwhile, the Japanese people also suffered terrible grief in battlefields and behind the lines of combat, victimized as well by their experience of the atomic bomb. The Constitution of Japan, in response to this war experience, orders the Japanese government in Paragraph 1 of the Preamble to take action as a government and renounce the horrors of war.

Contrary to the Constitution’s ban on waging war, however, the Japanese government has organized armed forces referred to as the “Self-Defense Forces” (SDF), allowed in recent years SDF troops to engage in operations overseas, and has allowed foreign (U.S.) troops to be stationed in Japan. In reality, the SDF has grown to become one of the world’s leading armed forces, equipped with modern warfare capability, and is regarded as such by other countries. In normative terms, the SDF was created by the Japanese government through an unreasonable and high-handed interpretation of the Constitution that has not yet been supported by theory in the context of applicable norms, thus rendering the SDF an unconstitutional entity. The SDF therefore remains a peculiar machine, unable to exercise force in overseas contexts, and sustaining its existence by prescribing itself a limit of “defense-only defense.” Its activities in Iraq were ruled by the court to be unconstitutional as the SDF breached this limit. This court decision is further discussed in the following section.

Judicial Opinions on Article 9 and on the Right to Live in Peace with Regards to Decisions of Unconstitutionality

Already in 1973, the courts had issued a decision determining that the existence of the SDF by itself constituted the type of war-waging capability prohibited by Article 9, Paragraph 2 of the Constitution (the decision of Sapporo District Court on the “Naganuma case”), implying that the SDF was unconstitutional. Regarding U.S. forces stationed in Japan, in 1959 the Tokyo District Court ruled in the “Sunagawa case” that the Japan-U.S. Security Treaty, which provided grounds for the stationing of U.S. forces in Japan, was unconstitutional; in an appeal hearing, however, the grand bench of the Supreme Court avoided making a decision on the constitutionality of the treaty.

In most cases, Japanese courts have avoided dealing with this problem head-on, reluctant to issue constitutional decisions on the politically-sensitive topic of the Japanese military. Time and time again, the Supreme Court of Japan has avoided rendering a decision on the constitutionality of the SDF, despite having been

provided several opportunities to do so. The ruling of the Nagoya High Court in 2008 should as such be considered a rare and valuable instance in which the court went ahead and issued a constitutional decision on this problem, eschewing a political wait-and-see stance and holding true to its judicial judgment.

The decision of the Nagoya High Court confirmed that what the coalition forces, led by the U.S. forces, have done in Iraq constitutes international warfare with armed groups, going as such beyond the realm of maintaining peace and security; the court likewise noted that clean-up operations launched by U.S. forces have victimized many Iraqi people. Based on this above assessment of the situation in Iraq, the court determined that, in particular, the capital city of Baghdad constituted a “combat zone” within which activities of SDF troops were prohibited by the Iraq Special Measures Law. Further, the court reasoned that most of the payload carried by ASDF C-130 aircrafts consisted of soldiers and military service personnel of the coalition forces; since transport activity constitutes a key element in modern warfare battle operations, the activity of the ASDF was considered “an operation integrated into the exercise of force by other countries,” and thus the ASDF activity itself constituted exercise of force as well. The court decision thus concluded that “even assuming the constitutional interpretation adopted by the government, and accepting the Iraq Special Measures Law as being constitutional, it is nonetheless found that the ASDF activity violates the said Special Measures Law, which limits activity of the ASDF to within the ‘non-combat zone,’ and further it is confirmed that this ASDF activity includes conduct that violates Article 9, Paragraph 1 of the Constitution of Japan.”

Given this court decision on Article 9, the judgment by the Nagoya High Court was epoch-making in that it concretely affirmed the right to live in peace.

While the Preamble of the Constitution explicitly stipulates the “right” to live in peace, nearly all past court decisions, with the exception of the first trial judgment in the Naganuma case which clearly affirmed the concrete right to live

in peace, have denied the exercise of this right as grounds for citizen lawsuits on the basis that it is only an abstract right.

In contrast, the Nagoya High Court, based on its recognition that human rights could not exist in contemporary society without peace, and on the fact that the right to live in peace “is a basic right that underlies fundamental human rights and ensures that we are entitled to them,” pronounced that: “for example, in the case of state acts that violate Article 9, as in when conduct in war or preparations for war infringes on or threatens the lives or freedom of individuals, when these individuals are exposed to harms or horrors caused by war, or when they are forced to play a part in to or cooperate with conduct in war that violates Article 9, ... through such legal means as filing with the court an injunction or claim for damages in response to such unconstitutional acts,” “concrete rights may be affirmed by the court in some instances, to the effect that claimants are allowed to seek protection and relief aid and request that the court invoke enforcement measures,” and “for this reason, the right to live in peace has the character of a concrete right.”

In the first ruling in the Naganuma case, the right of inhabitants to live in peace, invoked in response to direct damage resulting from construction of an SDF missile base and incurred from exposure of the community to targeted attacks, was recognized as grounds for litigation. The Nagoya High Court decision went as far as to concede that disregard for citizens’ conscientious rejection of war may constitute an infringement by the state of the right to live in peace, and as such the High Court decision considerably broadened the scope of possibilities for peace-seeking citizen lawsuits. It can also be pointed out that the High Court decision recognized and emphasized the significance, in the history of constitutional ideas, of the Constitution of Japan, which has taken the lead among national constitutions in adopting the right to live in peace as a 21st-century human right, enshrining peace not as something entrusted to national policy, but rather as a human rights value selected by a country’s citizens.

It is also noteworthy that while the High Court decision rejected claims for damage by individual plaintiffs on the basis that their claims

for infringement of rights lacked substance and were unrealistic, it nonetheless exhibited a profound understanding of the arguments put forth by individual plaintiffs. In its judgment on damage claims, the High Court stated that “in their earnest intent, the claims contain many elements with which Japanese citizens living under the pacifist constitution can empathize.” The court further argued that the assessment of these claims as being “mere personal indignation, a feeling of discomfort or frustration experienced by political losers under the system of indirect democracy,” as determined in precedents set by cases examined at other cases and also in the original verdict by the Nagoya District Court, should “absolutely” not be adopted. This context of the High Court judgment would seem to be highly significant as it expresses the court’s strong awareness that the essential role of judicial power should rest in the advocacy of minority group rights.

Possibilities of the Pacifist Constitution Created by the Nagoya High Court Decision

While the effectiveness of the pacifist model embodied in the Constitution of Japan has been weakened considerably by the reality of unconstitutional entities such as the SDF and the U.S.-Japan security alliance, it nonetheless continues to act as a powerful restraint on the unconstitutional exercise of power. The Nagoya High Court decision clearly evidenced this restraining function of the Constitution. While the Defense Ministry has denied its influence, the decision would appear to have encouraged the retreat, on the heels of the GSDF troops, of ASDF units from Iraq. The Nagoya High Court decision furthermore promotes the maintenance and strengthening of other constitutional provisions whose effectiveness has been weakened, revitalizing the pacifist character of a constitution whose pacifist provisions serve as its very cornerstone.

Nevertheless, the impact of this High Court decision on Japan’s political and social processes must be assessed with caution. The essential function expected of Japan’s justice system, equally true for court judgments in general, is one of ensuring individual rights through the case-by-case

settlement of disputes. In a system of popular sovereignty, the main battlefield in which one can fight to achieve peace is not the courts but rather the political theater; given this context, judicial campaigns must position their role as a player on the second front, one which of course ties in to the situation in the political theater. Regardless, experiences citizens have obtained in the Iraq lawsuits will provide invaluable historical material in future citizen-based peace efforts.

Annotated Bibliography

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For exegesis of the Nagoya High Court decision, see in particular Yasuhiro Okudaira, “Nagoya kosai no ‘jeitai Iraq hahei sashitome seikyū kōso jiken’ hanketsu ni tsuite (jyō) (ge)” (Regarding the Nagoya High Court Decision on the Appeal Trial Seeking an Injunction on Dispatch of SDF Troops to Iraq, [Part 1] and [Part 2]), *Sekai*, July 2008, p. 36 and subsequent; August 2008, p. 97 and subsequent.

For my brief evaluation of the Nagoya High Court decision, see Takeshi Kobayashi, “Jeitai Iraq hahei iken Nagoya kosai hanketsu no igi” (The Significance of the Nagoya High Court’s Decision on the Unconstitutionality of the Dispatch of SDF Troops to Iraq), *Horitsu Jibo*, Vol. 80, No. 8, p. 1 and subsequent.

Japan's Constitutional Pacifism and Global Civil Society

KIMIJIMA Akihiko

PSAJ Member
Ritsumeikan University

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

(Second paragraph of the Preamble to the Constitution of Japan of 1946)

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

(Article 9 of the Constitution of Japan of 1946)

The *Heima Shugi*, or “pacifism,”¹ of Japan’s postwar constitution has been, and continues to be, an issue of intense debate and political contention. Article 9 is radical in its language of total rejection of war and militarism. It is a mixture of power politics and idealism. On one hand, it was a provision of complete disarmament of the Axis state by the Allied Powers, but immediately it came to be seen as an obstacle to the U.S.-Japan military alliance that fought the Cold War. In spite of Article 9, Japan’s rearmament has steadily continued. On the other hand, the Japanese people embraced Article 9, and anti-militarism became a culture of postwar Japan. The Japanese people have resisted revising Article 9, and because of this the process of Japan’s comeback as a major military power has not yet been completed.

Both in Japan and in the United States there is an argument that Japan should revise Article 9 and send the Self-Defense Forces overseas more frequently, and, in doing so, Japan will be able to contribute more to international peace and security. I disagree. I argue that Japan’s contribution to international peace is not the Japanese government’s dispatch of the Self-Defense Forces as a U.S. ally but the Japanese people’s participation in global civil society’s efforts to create peace by

nonviolent means with Article 9 preserved. I will explain this by linking the “pacifism” of Japan’s constitution with global civil society’s efforts to create peace.

Article 9 of the Japanese Constitution: Origin and Trajectory

Article 9 came from General Douglas MacArthur and his staff.² While it was a provision for complete disarmament of the Axis state by the Allied Powers, it contained an idealist nature as well. It has been argued that the “outlawry of war” movement and the 1928 Kellogg-Briand Pact influenced the idea and language of Article 9 (Fukase 1987:121-124; Dower 1999:369-370). The “outlawry of war” movement was a very active peace movement during the 1920s in the United States, and was one of the driving forces behind the Kellogg-Briand Pact (Cortright 2008:62-66). One could perhaps say that the U.S. peace movement was behind Article 9. It is an irony of history that Japan, which had violated the Kellogg-Briand Pact and begun the Asia-Pacific War, came to have Article 9, which can be seen as a reinforced Kellogg-Briand Pact. At the same time, the Kellogg-Briand Pact was reinforced as Article 2 Clause 4 of the United Nations Charter. Article 9

of the Japanese Constitution and Article 2 Clause 4 of the UN Charter share the spirit of that age.

Article 9 was conceived as providing *security against Japanese militarism*. Those who were offered security were the Allied states, the people of East Asia, Japan's age-old emperor system, and the Japanese people themselves who had suffered under the prior military regime. The *security of Japan* was not a major concern of Article 9. The Preamble suggested that Japan should rely on the United Nations for its security. Theoretically speaking, Article 9's self-restraint on military sovereignty and the UN's collective security are compatible, but the UN's collective security remained unrealized as a result of the Cold War. Historical records suggest that Douglas MacArthur envisaged that the U.S. military presence in Okinawa would provide Japan with security (Koseki 1998:201). And the Japanese government chose to seek security through a military alliance with the U.S.

The atomic bombings of Hiroshima and Nagasaki and the adoption of Article 9 gave birth to Japan's world government movement. Some people in Japan thought that, in addition to the necessity of international control over atomic bombs, Japan, disarmed by Article 9, required world government.

From the final years of occupation, when the Cold War intensified, the U.S. government wanted Japan to rearm and to revise Article 9, and Japan began to rearm during the Korean War. In the 1950s conservative politicians made efforts to revise Article 9, but they failed due to opposition from the Japanese people. Nevertheless, Japan's rearmament continued and expanded steadily through numerous pieces of legislation based on the U.S.-Japan Security Treaty and through subtle interpretations of Article 9. This phenomenon is sometimes called "interpretative constitutional revision." As a result, "Two Legal Systems" have existed in postwar Japan, one based on Article 9 and the other based on the U.S.-Japan Security Treaty; needless to say, there have been tensions between the two.³

The Japanese people have embraced the 1946 Constitution and Article 9. Whenever the Japanese government has taken military action, Japanese citizens have opposed it and brought

the issue to court. Consequently, there have been numerous lawsuits challenging the constitutionality of governmental action under the U.S.-Japan military alliance. As a result, large parts of the peace movement in postwar Japan have taken the form of constitutional lawsuits (Yamauchi 2001). This situation has had both positive and negative impacts. It has been positive because citizens have taken the initiative in challenging governmental military actions by relying on the constitution. At the same time, it has been negative because the issue of peace and security has been narrowed to a legalistic debate on constitutional interpretation, and, as a result, efforts to form pacifist, alternative policies to military commitment have been insufficient. It is ironic that, although an idea like civilian-based defense is most suitable for postwar Japan under Article 9, it has not interested the Japanese people.⁴

In any case, the issues addressed by constitutional lawsuits have included the U.S. troops stationed in Japan (Sunagawa case in 1959), Japan's Self-Defense Forces (Eniwa and Naganuma cases in the 1960s and 1970s), Japan's financial contribution to the Gulf War in 1991, and the Self-Defense Forces' actions in Iraq since 2003, among other things. In most of these cases the courts have avoided making any judgment on the constitutionality of these governmental actions, and Japan's Supreme Court has avoided making a decision on the constitutionality of the Self-Defense Forces. However, there have been some lower court decisions that have found the U.S. troops stationed in Japan and the Self-Defense Forces as being in violation of Article 9.

Constitutional scholars have played important roles as well. They have placed Article 9 in a comparative and historical perspective, brought out its potential, and provided plaintiffs in lawsuits with strong constitutional interpretations. Since the 1960s, in constitutional lawsuits, the plaintiffs and constitutional scholars have used "the right to live in peace" clause in the Preamble as one of their arguments. This was far earlier than the United Nations General Assembly resolutions confirming peoples' right to peace (1978, 1984) (Roche 2003; Urata 2005:143-167, 203-223).

When we look back at the 60-year history of Article 9, it looks as if Japan's peace movement

had little success in resisting the expansion and reinforcement of the U.S.-Japan military alliance. But had it not been for Japan's peace movement, the posture of the U.S.-Japan military alliance would have been very different from the present one. I think that Japanese citizens and constitutional scholars, by dint of 60 years of practice, have elevated pacifism from a marginal, obscure idea to a respectable, alternative principle of political order.⁵ Global civil society has noticed these efforts, and it has referred to Article 9 in its documents in the past 10 years.

One of the features of the Japanese constitution is its perception about the actors who create peace. Judging from the Preamble and Article 9, we can say that it assumes that the actors who create peace are not the government, but rather the people. And although it does not explicitly mention NGOs or civil society organizations, I understand that it assumes NGOs and civil society organizations to be the actors creating peace. Here the Japanese constitution's emphasis on the people as principal actors for peace resonates with the activities of global civil society. Tadakazu Fukase sums it up most exactly:

The problems of war and arms, and of peace and disarmament, are no longer problems of the government's exclusive power or final say; they are under the direct and indirect direction and control of the sovereign people. Not only in domestic society, but also in international (world) society, the people, as individuals and as voluntary groups (NGOs and other groups which lobby the UN), and by means of their partial and total public opinion, are guaranteed the status and rights to exercise their initiative in solving problems relating to war and peace and to arms and disarmament, or to influence or apply pressure regarding them (Fukase 1987:194-195).

"Pacifism of Inaction" and "Pacifism of Action"

So far, people have tended to understand Japan's "pacifism" solely as a "pacifism of inaction," that is, pacifism as a prohibition against governmental military action. That is one of the reasons for Japan's peace movement's inability to effectively rebut the realist argument in the 1990s. The realists argued that in order to contribute to international peace and security, Japan should revise Article 9 and send the Self-Defense Forces

overseas. Restraining Japanese military power is an important responsibility of the Japanese people, but it is only half of the "pacifism" of the Japanese constitution. An integrated reading of Article 9 and the Preamble suggests the other half of Japan's "pacifism," that is, a "pacifism of action."

It should be noted that Article 9 and the Preamble are complementary and need to be read concurrently. While Article 9 rejects war and militarism (direct violence); that is, it aims at negative peace, the Preamble states that the Japanese people are determined to make every effort to overcome "tyranny and slavery, oppression and intolerance" and "fear and want" (structural violence) throughout the world and create a just world order; that is, they are engaged in a search for positive peace. Read this way, the Japanese constitution requires a "pacifism of action." In other words, the Japanese people's engagement with peace activities in the world is a necessary component of the "pacifism" of the Japanese constitution. Given this, there are many possibilities for the Japanese people to make contributions to international peace and security.

Global civil society's efforts to regulate military power and replace military options with civilian options are noteworthy. Ideas and practices of civilian-based defense or unarmed civilian peacekeeping are just a few examples of the vast possibilities. There are numerous NGO activities for peace in which the Japanese people can participate. Supporting and participating in these activities are a practice of a "pacifism of action" that flows from the Japanese constitution.

Replacing Military Options with Civilian Options

Among global civil society's numerous efforts to create peace, NGO activities in the area of unarmed civilian peacekeeping or nonviolent intervention are noteworthy. These are efforts to replace military options with civilian ones in dealing with conflicts and humanitarian crises. There are many NGOs engaging in unarmed civilian peacekeeping (Weber 1996; Moser-Puangsuwan and Weber 2000). These NGOs send peace teams comprised of multinational, trained, unarmed citizens into conflict areas,

where they accompany local human rights activists and lawyers who might be targets of attack from military groups. The international civilian presence is an attempt to prevent killings and keep conflicts from turning violent. Having foreigners accompany local activists sends a message that international society is watching and, thereby, deters violence using the eyes of international society. Among the NGOs of this kind, probably Peace Brigades International (PBI) has been most visible, and PBI's activities in Guatemala in the 1980s established a paradigm (Mahony and Eguren 1997). Based on the accomplishments of these NGOs, Nonviolent Peaceforce, a new NGO that aims to send out more global and large-scale peace teams, was proposed at the Hague Appeal for Peace Civil Society Conference in 1999 amid NATO's bombing of Yugoslavia. With the support and participation of numerous NGOs worldwide, Nonviolent Peaceforce was founded in 2002 and began sending civilian peace workers to Sri Lanka in 2003. This NGO has drawn support from Japanese people. Nonviolent Peaceforce Japan was established as an affiliate in Japan; it has been instrumental in NP's project in Sri Lanka. The important point is that Nonviolent Peaceforce Japan consciously links the "pacifism" of the Japanese constitution and global civil society's efforts to replace military options with civilian options (Kimijima 2008).

The above-mentioned examples are cases where conflicts and humanitarian crises have been dealt with internationally. In defending one's own community against invasion, I think that Gene Sharp's theory of civilian-based defense (Sharp 1990, 2005) is relatively well known. It constitutes another area in which military options can be replaced with civilian options.

Global Civil Society and Article 9

In the 1990s, following the end of the Cold War, when activities of various social movements, NGOs, and civil society organizations became very active and influential, people realized that global civil society had developed into an important actor in world politics.

In May 1999, nearly 10,000 peace activists from all over the world – including about 400 Japanese – participated in the Hague Appeal for

Peace Civil Society Conference. It was one of the largest citizen peace conferences in history. Global civil society has clearly emerged out of this conference as a principal actor to create peace. "The Hague Agenda for Peace and Justice for the 21st Century," global civil society's strategic plan for creating peace, is still one of the best available conceptual maps for peace studies. On the last day of the conference, the secretariat of the Hague Appeal for Peace released "Ten Fundamental Principles for a Just World Order" which summed up the conference discussions (Kimijima 2001). The first principle is the following:

Every Parliament should adopt a resolution prohibiting their government from going to war, like the Japanese article number nine.

Since the Hague Appeal for Peace in 1999, the Japanese people's engagement with global civil society's peace efforts has become strengthened and deepened. As a result, NGO conferences often make reference to Article 9 of the Japanese constitution. Article 9 is quoted because it resonates with global civil society's efforts to regulate military power and replace military options with civilian ones.

One recent example is the Global Action Agenda (2005) of the Global Partnership for the Prevention of Armed Conflict (GPPAC). It contains the following reference:

In some regions of the world, normative-legal commitments play an important role in promoting regional stability and increasing confidence. For example, Article 9 of the Japanese Constitution renounces war as a means of settling disputes and of maintaining forces for those purposes. It has been a foundation for collective security throughout the Asia Pacific region.

The Global Partnership for the Prevention of Armed Conflict (GPPAC) is a global civil society project to emphasize the primary importance of prevention of armed conflict rather than military intervention. GPPAC began as a response to UN Secretary-General Kofi Annan's 2001 report on preventing armed conflict, and one of its aims has been to make the voice of global civil society heard in the UN Security Council. It partially succeeded when representatives of GPPAC spoke at a debate

of the UN Security Council in September 2005. The Global Action Agenda is a product of global civil society's intense discussions on strategies and priorities for preventing armed conflicts. It was presented to Kofi Annan at the GPPAC Global Conference held at the UN in New York in July 2005. Article 9 is quoted in this document as well.

Conclusion

In closing the article, I think it is fitting to refer to the outcome of the GPPAC process in Northeast Asia. At GPPAC, in preparation for the Global Conference and the Global Action Agenda, civil society organizations met region-by-region and adopted regional action agendas. Civil society organizations in Northeast Asia—China, Taiwan, South Korea, Mongolia, Far Eastern Russia, and Japan—met twice in Tokyo and adopted the Northeast Asia Regional Action Agenda (Tokyo Agenda) in February 2005. The discussions at the meetings and the contents of the Tokyo Agenda are most relevant to this article.

In postwar Northeast Asia, the U.S.-Japan military alliance succeeded the Japanese Empire. As a result, regulating U.S.-Japan military power is a large task for this region, and for that purpose, preserving Article 9 is extremely important. In addition, creating a multilateral, common security mechanism in the region is the direction we should pursue. At the same time, it is necessary for civil society organizations in Northeast Asia to engage nonviolently in conflicts and humanitarian crises in, and out of, the region. Ultimately it is civil society, not state armed forces, that should take the initiative to create peace. All of these issues are what civil society organizations discussed, and these are the contents of the Tokyo Agenda. They resonate with my argument.

I believe it is the Japanese people's efforts to preserve Article 9 and engage in global civil society's peace activities that constitute Japan's contribution to international peace. And as the references to Article 9 in NGO documents show, I think global civil society is ready to share Article 9 and draw on its potential.⁶

Notes

1. It is extremely difficult to translate the Japanese term *heima shugi* into English, but I use the English term "pacifism" because in the context of this article, I think it is closest in meaning to *heima shugi*. See also Cortright (2008:11).
2. On the legislative history of the 1946 Constitution, I rely on Koseki (1998) and Dower (1999).
3. On Japan's rearmament and the tensions between Article 9 and the U.S.-Japan Security Treaty, see Dower (1993). On political contention over the 1946 Constitution, see Hook and McCormack (2001).
4. Notable exceptions are Miyata (1971) and Terajima (2004).
5. For some aspects of Japan's pacifism, see Yamamoto (2004) and Kimijima (2006).
6. Peace NGOs in Japan launched the Global Article 9 Campaign, and successfully organized and held the Global Article 9 Conference to Abolish War in May 2008 in Japan.

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Alternative People's Linkage in Asia

YOSHIZAWA Mamiko

Director, Alternative People's Linkage in Asia

Alternative People's Linkage in Asia (APLA) was established on 17 May 2008. Its goals are to create links, work together, and share experiences with others endeavoring to establish self-reliant local communities based on sustainable agriculture and fisheries.

Links with People Fighting Globalization, Poverty and Disparities

The negative aspects of globalization have become increasingly clear in this century. Everywhere, we find that our lives and livelihoods have come under increasing threat. We see growing disparities between urban and rural areas, uncertainty facing the livelihoods of the disadvantaged, threats to food safety, and a host of other problems.

Yet there are many people who, standing against the superpowers and multinationals, have been seeking alternatives. Their experiences are valuable and should be shared among us.

By transcending the borders that separate peoples and countries, APLA will learn lessons from the past as well as from ongoing experiences, share wisdom at the grassroots level, and seek future alternatives.

We Will Pass on Over Twenty Years of Experience in Support for Community-building and "People to People Trade."

Over twenty years of experience in solidarity and support for self-reliant community building by the Japan Committee for Negros Campaign (JCNC) will be passed down to APLA. JCNC began by engaging in emergency relief activities to aid sugarcane workers and their families in Negros Island, the "sugar pot" of the Philippines, who were suffering from hunger caused by a steep decline of international sugar prices in the 1980s. It then developed its activities into the support of struggles of sugarcane workers and small-scale family farmers seeking self-reliance for their

communities based on sustainable agriculture. The idea of "People to People Trade" also emerged as an important tool for solidarity and socio-economic independence. Thus, Alter Trade Japan (ATJ) was founded in cooperation with civil organizations in Japan engaged in consumers' movements. Along with the growth of ATJ, its "People to People Trade" has developed solidarity with people of Indonesia, East Timor, Palestine, and other places around the world.

Furthermore, JCNC provided assistance for marginalized farmers in the Island of Negros, and organized exchange programs for farmers in the Philippines and throughout Asia. Among these activities, gatherings of urban and rural women in Asia have always been prominent.

Community-building and Solidarity at the Grass Roots Level are Indispensable.

From these experiences and lessons, we have learned that community-building based on sustainable agriculture and fisheries, and face-to-face solidarity and mutual trust, are the keys to fighting against globalization, which is at the root of inequity, poverty and conflicts among ordinary people. We believe that it is important to have a common perception of the reality and difficulties of farmers and workers in Asia, and to build mutual trust with them.

APLA will work in this direction and pursue solidarity and co-existence at the grassroots level among Asian farmers and people.



Farmers of Negros Island

Purpose of Establishing Human Rights Now

ITO Kazuko

Secretary General, Attorney at Law

Purpose of Establishing Human Rights Now

Human Rights Now (HRN) is a Tokyo-based non-profit, non governmental organization founded in July 2006 by a collective of 30 professionals along with lawyers, former UN officials, scholars, and other defenders of human rights. The organization is dedicated to protecting and promoting the human rights of people around the world with a special focus on Asia.

The establishment of HRN is significant as it is the first Japanese NGO comprising a body of experienced legal professionals dedicated to protecting and promoting the rights of people around the world.

It also seeks to contribute to the strengthening of international human rights standards, particularly through the United Nations and other international institutions, as well as promote the incorporation of international human rights standards within Japan's domestic legal framework.

While observing the connections between peace, development and human rights, HRN is guided by the Universal Declaration of Human Rights and the creative use of the law to protect rights and seek justice for those whose rights have been violated. As a new member of the international NGO community, HRN hopes to build strong partnerships with other organizations working for the advancement of the protection of human rights.

Human Rights Now's Missions

1. Actions for international contributions

- Conduct field investigations of massive human rights violations and publicize the findings of such investigations.
- Empower and support the development of legal systems in countries of focus.

2. Actions through international institutions

- Contribute to the enforcement of human rights standards and norms through monitoring, lobbying, and providing recommendations at United Nations human rights bodies such as the Human Rights Council.
- Provide input into ASEAN and other Asian regional human rights bodies from a human rights perspective.

3. Domestic action to promote human rights

- Introduce relevant international standards in the public debate over domestic human rights.
- Carry out advocacy toward the Japanese government for the domestic implementation of recommendations made by UN treaty bodies.
- Call for action by the Japanese government and corporations to redress massive human rights violations in other countries.

In working to achieve our goals, we will happily cooperate closely with international and grassroots NGOs around the world.

Reports from NGOs Working for Peace

Human Rights Now's Projects

We have been working on various projects and have focused particularly on the following projects.

Taking Action on Ongoing Human Rights Violations

HRN conducts fact-finding missions in places where people suffer from gross violations of human rights and humanitarian law. Based on the findings, we issue statements and reports to inform the ongoing human rights violations to the world on behalf of victims.

We propose policy recommendations and conduct advocacy toward the United Nations, the country in question, neighbor countries and the donor community including the Japanese government, calling for action to end the ongoing human rights violations.

Philippines

HRN conducted a field investigation on the extrajudicial killing of human rights activists in the Philippines in April 2007 and issued a report in 2008 and engaged in advocacy and a campaign with local NGOs to end the killings.

Burma

HRN works closely with Burma's human rights organizations both in the border areas and in Japan. HRN conducted field investigations regarding the human rights situation in Burma in Mae Sot, Thailand in 2007 and 2008 and issued a comprehensive report on the human rights situation in Burma. HRN is actively engaged in advocacy through the United Nations.

Palestine

HRN conducted a field investigation in Palestine in 2009. HRN works actively on campaigns and advocacy to seek justice and accountability for the gross violations of human rights and humanitarian law during the recent Gaza conflict.

Transitional Justice Project

Transitional justice describes both processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.

Cambodia

HRN is currently monitoring the processes of the Extraordinary Chambers of the Court for Cambodia (ECCC) which is carrying out trials for genocide and other crimes against humanity that occurred during the Khmer Rouge Regime. We have contributed some opinion papers regarding the transitional justice process in Cambodia since September 2006.

Stop Violence against Women (VAW)

In the Asian region, serious crimes are regularly committed against women and children. The aim of this project is to conduct research to enhance advocacy efforts and work towards the elimination of legislation which condones or encourages the violation or restriction of women's rights. Each year, HRN targets one country within Asia for action. This year, HRN is focusing on the situation in India.

Human Rights Education

HRN conducts human rights education for future human rights activists from Burma. With Burma's human rights groups, HRN runs the Peace Law Academy in Mae Sot, Thailand, a law school whose instructors teach international human rights, humanitarian law, and the rule of law to Burmese youth.



HRN interviews former political prisoners of Burma during its field investigation in 2007.

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C/O Mr. HAKATA Kei

Seikei University

3-3-1 Kichijoji Kitamachi, Musashino-shi, Tokyo, 180-8633, Japan

Email: psaj@fh.seikei.ac.jp

Fax: +81-422-37-3875