

# Japan's 66<sup>th</sup> anniv. of Constitution: More people oppose amending Article 96

Monday 6 May 2013, by [AOKI Jun](#), [JOHNSTON Eric](#), [Kyodo News](#), [Mainichi Shimbun](#) (Date first published: 3 May 2013).

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## **More people oppose amending Article 96 of Constitution than support move: Mainichi poll**

Members of the Japanese public who oppose amending Article 96 of the Constitution to make it easier to revise the supreme law outnumber those who are in favor of changing the clause, a Mainichi Shimbun poll has suggested.

Of the respondents, 46 percent said Article 96 should be not revised while 42 percent said it should be amended.

However, 60 percent responded that the overall Constitution should be revised, far above 32 percent who answered they do not think so.

The results suggest that the general public is cautious about easing requirements for constitutional amendments while believing that the fundamental law should be revised.

Article 96 stipulates that amendments to the Constitution must be initiated by the Diet, through a concurring vote of at least two-thirds of all members of each house, and must be approved by a majority of voters in a referendum. The ruling Liberal Democratic Party (LDP) is seeking to change this to require only a concurring vote of over half of all members of each house to propose constitutional revisions.

In Mainichi opinion polls over the past few years, those who call for constitutional amendments have outnumbered those who are opposed to revisions to the supreme law. In a September 2009 poll, 58 percent of respondents were in favor of constitutional amendments, while 65 percent called for revisions to the Constitution in a September 2012 survey.

In the latest poll, 46 percent said Article 9, which renounces war, should be amended, well above 37 percent who are opposed to it.

Of those who called for constitutional revisions, 59 percent said Article 96 should be changed to make it easier to revise the Constitution, as compared with 37 percent who are opposed.

Among those in favor of revising Article 9, 63 percent said the requirements for the Diet to propose constitutional amendments should be eased while 35 percent said they do not think so.

Although Prime Minister Shinzo Abe has said he wants to make amending Article 96 a major point of contention during the upcoming House of Councillors election, only about half of those polled who back the LDP are in favor of the proposed easing of the requirements for the Diet to initiate constitutional amendments. Only about 30 percent of supporters of ruling coalition partner New Komeito, which is more cautious about constitutional revisions, said Article 96 should be changed.

About 40 percent of opposition Democratic Party of Japan supporters and some 50 percent of Japan Restoration Party backers are in favor of amending Article 96, respectively.

The Mainichi Shimbun surveyed 1,587 households randomly selected across the country on April 20 and 21. A total of 1,031 individuals from those households responded. The response rate came to 65 percent.

*Mainichi Shimbun*, May 3, 2013

<http://mainichi.jp/english/english/newsselect/news/20130503p2a00m0na005000c.html>

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## **Japan marks 66<sup>th</sup> anniv. of Constitution enforcement as Abe eyes change**

TOKYO (Kyodo) — Japan on Friday marked the 66<sup>th</sup> anniversary of the pacifist Constitution coming into force, at a time when Prime Minister Shinzo Abe is determined to amend the country's supreme law.

Abe, whose Cabinet has been riding high in opinion polls since its launch last December, is keen to rewrite the current war-renouncing Constitution and create stronger defense forces, much to the dismay of neighboring China and South Korea that suffered Japan's wartime aggression.

The hawkish prime minister views the current Constitution as having been drafted under the strong influence of the United States during the postwar occupation of Japan. The Constitution has not been revised since it came into force in 1947.

Abe, however, needs to clear a set of challenges, including gaining greater public support for revising Article 96 to make it easier to rewrite the Constitution, before eventually rewriting the war-renouncing Article 9.

A Kyodo News survey late last month showed that 46.3 percent opposed Abe's push to ease the process for amending the Constitution, while 42.7 percent expressed support.

Abe is seeking to make revising Article 96 a key issue during the House of Councillors election in the summer.

Article 96 states that any initiative to revise the Constitution must be backed by at least two-thirds of the members in each house of parliament, before an "affirmative vote of a majority of all votes cast"

in a referendum.

Abe's Liberal Democratic Party can rely on the support of the Japan Restoration Party and other political groups to achieve the two-thirds majority in the more powerful House of Representatives.

The LDP, which plans to push the change to Article 96 as part of its upper house election pledges, says the Constitution is insufficient to protect the country. The ruling party is aiming for amendments that include making the Self-Defense Forces a full military and referring to the emperor as the "head of state" and "symbol" of the nation. The Constitution currently states the emperor is the "symbol" of the state.

The LDP is also struggling with a lack of support from its junior coalition partner the New Komeito party, which remains cautious over revising Article 96.

The main opposition Democratic Party of Japan, which lost power to the LDP in the general election last December, meanwhile, released a statement opposing any change to Article 96 without prior public debate and consent.

Abe's stance has also triggered a debate over reviewing Article 9, with discussions by a government panel of experts set to get into full swing from autumn.

Based on Article 9, the government currently interprets the Constitution as not allowing Japan to exercise the right to collective self-defense, meaning the SDF cannot come to the defense of an ally under armed attack.

**Kyodo News**, May 3, 2013

<http://mainichi.jp/english/english/newsselect/news/20130503p2g00m0dm010000c.html>

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## **Proposed Article 9 amendment would lead to big changes if passed**

What the ruling Liberal Democratic Party (LDP) has its sights on — once it accomplishes a revision of Article 96 of the Constitution that would make it easier to initiate constitutional amendments — is an amendment to the war-renouncing Article 9.

In the LDP's revision proposal released last April, the title of the Constitution's second chapter changes from "Renunciation of War" to "National Security." In addition, the document clearly states Japan's right to exercise self-defense and the establishment of a national defense military.

The LDP argues the importance of revising Article 9 and bolstering the country's self-defense capacity by pointing to national security issues arising from increasing tensions in East Asia. However, such an amendment harbors the possibility of lowering obstacles to exercising force overseas, thereby changing Japan's long-established position as a peaceful state.

Japan's Self-Defense Forces (SDF), an armed organization limited to self-defense operations, will celebrate its 60<sup>th</sup> anniversary next year. While the forces have some 230,000 members and a budget that ranks fifth among military budgets worldwide, there is no mention of them in the Constitution. There has been much debate on the inconsistency of its existence with Article 9, which states that

“...land, sea, and air forces, as well as other war potential, will never be maintained.”

The LDP's amendment proposal eliminates this part of the article, permits the possession of military force, and renames the Self-Defense Forces to establish a national defense military.

However, the point of the amendment appears not to be just a name change, or to bring an end to the debate on the inconsistencies between the Constitution and the existence of the SDF. Part 2 of Article 9 in the LDP proposal stipulates the establishment of a military court to try military personnel independently from the Japanese justice system.

LDP Secretary-General Shigeru Ishiba has suggested that there is no guarantee that members of the SDF will comply with deployment orders, and that trying such personnel in a military court would maintain military order.

“If a military court is set up, the forces will become a military in both reality and name,” said one senior SDF official. “Personnel will proceed with harsh missions more boldly than before, and as a result, strengthen our defense capacity.”

Another pillar of the LDP proposal for Article 9 amendment is the right to exercise self-defense. While the current Constitution does not touch upon it, the government has heretofore explained that each country has the right to exercise self-defense to maintain its peace and safety, and that Japan has the right to exercise “individual self-defense” when it is attacked. The government has also argued that fighting back attacks on a country such as the U.S. that has strong ties to Japan, known as “collective self-defense,” exceeds the scope of the necessary minimum for self-defense and is therefore unconstitutional.

By including a provision in the LDP proposal stating that the renunciation of war “does not impede the right to self-defense,” there would be no limitations on either individual or collective self-defense if the proposal passes. There is hope within the LDP that approval of the right to collective self-defense would allow Japan to shoot down missiles targeting the U.S., leading to a stronger alliance between the two countries.

Prime Minister Shinzo Abe, meanwhile, has made clear that he believes the right to collective self-defense is imperative if Japan is to participate in collective security measures by the international community against countries that have taken actions that degrade the world's peace and safety.

Takeshi Iwaya, director of the LDP's National Defense Division, explained the party's position more specifically.

“Tensions on the Korean peninsula and between China and Taiwan may disappear in the future,” he said. “But is it going to be acceptable for Japan to turn the other way citing the Constitution, when it comes to various countries creating a ‘collective security’ framework by exercising collective self-defense?”

The proposal includes “participation in international collaborative activities to secure the international community's peace and safety” as part of the national defense military's task — including participation in international military actions based on the right to collective self-defense.

If these amendments are passed, constitutional restrictions on the government in deciding such things as what type of weapons it will possess and when it will exercise military force will cease to exist, as long as the objective is self-defense. This will allow governments and Diets to strengthen self-defense capacities and exercise military power, while also creating a possible national security dilemma of increased tensions and arms races with neighboring countries.

Masanobu Inoue, deputy chair of the Japan Federation of Bar Associations' Constitution committee, objects to the proposed amendment.

"Article 9 has worked to reduce East Asian nations' wariness of Japan. We must consider the fact that constitutional revision is a move that will undoubtedly change how the country operates, as well as our relationships with other countries," he said.

If Japan gains the right to exercise collective self-defense, it could become involved in wars being fought by our allies. This will create the possibility of national defense military members losing their lives in battles far away from home, or of killing and injuring citizens of other countries.

"The establishment of a national defense military and the right to exercise collective self-defense will probably get a certain level of support from the public," said one government insider, who then continued, "but once we engage in more in-depth debate on 'things that could happen in the future,' the ratio of support may change."

*Jun Aoki, Tokyo Political News Department, Mainichi Shimbun, May 3, 2013*  
<http://mainichi.jp/english/english/newsselect/news/20130503p2a00m0na004000c.html>

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## **Japan refuses to back statement against A-bombs**

GENEVA — Japan has declined to endorse a joint statement against the use of nuclear weapons at a preparatory committee for the next Nuclear Nonproliferation Treaty review meeting.

The statement on the humanitarian impact of the weapons, announced Wednesday by South Africa, urges that atomic weapons never be used under any circumstances. Members of the South African delegation said Japan sought to cut the phrase "under any circumstances."

The government's top spokesman, Chief Cabinet Secretary Yoshihide Suga explained at a news conference Thursday that Japan did not agree with the statement, given "the security environment in which the country is placed."

Some quarters of the Japanese government are believed to have objected to the statement because of concerns that endorsing it could affect the U.S. nuclear umbrella that protects Japan and undermine deterrence against North Korea, which has recently threatened to use nuclear weapons.

Suga said at the same time that Japan, as the only nation ever to suffer a nuclear attack, "knows the reality of nuclear-weapons use more than any country."

"Japan will continue to seek the possibility of participating in (another) joint statement on such a theme," Suga said.

Mari Amano, ambassador of the Japanese delegation to the Conference on Disarmament, said, "It differed from the policy of the Japanese government to undertake procedures for nuclear abolition in phases."

"While we did not endorse the statement this time, we endorse (the idea of) the overall contents," Amano said. "If a similar statement is unveiled, we could endorse it."

More than 70 countries endorsed the statement issued at the Second Session of the Preparatory Committee for the 2015 Review Conference of NPT parties in Geneva.

The joint statement says nuclear weapons have an immense destructive capability and brought vast damage via the bombings of Hiroshima and Nagasaki, as well as through nuclear tests. The only way to ensure they will never be used again is through elimination, it says.

Just before the opening of the preparatory meeting, Switzerland asked for Japan's endorsement, but the Foreign Ministry did not respond.

"I don't understand why (Japan) doesn't support it," Hiroshima Mayor Kazumi Matsui said after the meeting. Matsui said the statement "embodies the wish (for abolition) held by Hiroshima."

Nagasaki Mayor Tomihisa Taue issued a statement saying Japan's failure to support the statement "trampled on the efforts made so far by *hibakusha* and disappointed many other countries seeking nuclear abolition."

**Kyodo News**, April 26, 2013

<http://www.japantimes.co.jp/news/2013/04/26/national/japan-refuses-to-back-statement-against-a-bombs/#.UYRorUpOj1U>

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## **Swiss ask Japan to join antinuclear statement**

Japan has been asked by Switzerland to endorse a joint statement to be issued by the preparatory committee for the next Nuclear Nonproliferation Treaty review meeting, urging that atomic weapons not be used under any circumstances, government sources said Sunday.

Some Foreign Ministry officials, however, including those in charge of security policy, are opposed to endorsing it, given Japan's policy of sustaining deterrence by hiding under the nuclear umbrella of the United States, they said.

The statement, according to draft obtained by Kyodo News, is set to be jointly issued by Switzerland and 14 other countries at the Second Session of the Preparatory Committee for the 2015 Review Conference of NPT parties starting Monday in Geneva.

Aiming to lower the bar for Japan's endorsement, some NPT parties, including Switzerland, refrained from using the word "outlaw" in the draft statement.

If Japan, the only nation ever to suffer a nuclear attack, still declines to join in issuing the statement, the government could face fierce criticism at home and abroad.

The draft statement says: "It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances."

At a U.N. committee on disarmament last October, Japan did not join an initiative calling on all states to step up efforts to outlaw nuclear arms, citing its nuclear deterrence policy.

The statement, drafted by South Africa, will also be endorsed by Denmark and Norway, North

Atlantic Treaty Organization members that are dependent on the nuclear deterrence provided by the United States.

**Kyodo News**, April 23, 2013

<http://www.japantimes.co.jp/news/2013/04/23/national/swiss-ask-japan-to-join-antinuclear-statement/#.UYOCr0pOj1U>

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## **LDP and Japan Restoration Party: Ishin leaders, Abe meet on revising Constitution**

OSAKA — Prime Minister Shinzo Abe met Tuesday evening in Tokyo with top Osaka-based Nippon Ishin no Kai (Japan Restoration Party) officials Toru Hashimoto and Ichiro Matsui to discuss cooperation on amending the Constitution.

Hashimoto, who, along with Lower House member Shintaro Ishihara, serves as coleader of Nippon Ishin and as mayor of Osaka, and Matsui, the party's secretary general and Osaka governor, had originally said they were only meeting Chief Cabinet Secretary Yoshihide Suga to discuss Osaka-related issues.

Hashimoto did not provide details of the meeting, saying only that the two sides had discussed various issues. But Abe told a Lower House committee Tuesday he wanted to revise Article 96, which requires constitutional revisions be approved by a two-thirds majority in both Diet houses. Both Abe and Nippon Ishin favor changing that to a simple majority in both chambers.

Both parties see the revision of Article 96 as the first step toward making it easier to amend Article 9, the no-war clause.

At a meeting of Diet members from Nippon Ishin earlier Tuesday, Hashimoto stressed the importance of revision to this summer's Upper House election.

"Constitutional revision will be a major election theme, and I want to make it a major campaign issue," he said.

But New Komeito, the LDP's pacifist coalition partner, which works with Hashimoto's party in the Osaka Municipal Assembly to pass legislation, indicated once again Tuesday that it opposes such constitutional revisions.

"The debate has been insufficient," New Komeito head Natsuo Yamaguchi told reporters Tuesday.

**Eric Johnston**, *Japan Times* Staff Writer, April 11, 2013

<http://www.japantimes.co.jp/news/2013/04/11/national/ishin-leaders-abe-meet-on-revising-constitution/#.UWpohUrS-gM>

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## **Japan ruling party decides on policy to push constitutional reform**

TOKYO (Kyodo) — The governing Liberal Democratic Party led by Prime Minister Shinzo Abe adopted this year's party policy on Sunday, in which it pledged to accelerate efforts to reform the country's pacifist Constitution among other conservative agendas.

At its party convention convened for the first time since it regained power last December, the LDP suggested that Abe should visit Yasukuni Shrine in Tokyo, which enshrines Japan's war dead, including its Class-A war criminals.

China and other countries regard the Shinto shrine as a symbol of Japan's past militarism.

Among many constitutional amendment plans, the party mainly aims to revise war-renouncing Article 9 so Japan can turn the Self-Defense Forces into "kokubo gun (Defense Forces)," or a full military, in a bid to boost the country's defense capabilities.

The LDP returned to power following a landslide victory in the House of Representatives election on Dec. 16, ending the three-year rule by the Democratic Party of Japan. Prior to the DPJ's rule, the LDP took the helm almost continuously for over 50 years.

Regarding the lower house election result, the party has said that the victory reflects the public's disapproval of the DPJ, rather than their support for the LDP, and that it does not necessarily mean that the LDP has regained trust among voters.

The party has now set its sights on winning a majority — along with its ruling coalition partner New Komeito party — in this summer's House of Councillors election to ensure a stable government. The DPJ-led group remains the largest political force in the upper house, followed by the LDP-led group.

The convention comes two days after Abe's announcement of the country's intention to join the Trans-Pacific Partnership free trade talks, currently negotiated by 11 Pacific Rim economies, including the United States, Singapore and Australia.

Abe said that Japan's entry into the talks will be beneficial to the country's economy overall, but farmers as well as lawmakers who are dependent on their votes have taken a cautious stance, in fear of the potential influx of cheap products destroying the industry.

In the policy plan, the LDP is expected to say that it will work as one with the government to approach the negotiations with a strong posture, so that the talks will lead to Japan's prosperity.

Abe's Cabinet has enjoyed relatively high support ratings since its launch late December, partly due to Abe's economic policies, dubbed "Abenomics," aimed at tackling the country's more than decade-long deflation.

A Kyodo News poll in late February said the Cabinet had an approval rate of 72.8 percent, exceeding the 70 percent line for the first time since September 2009, when the government of then Prime Minister Yukio Hatoyama was launched.

*Mainichi Shimbun*, March 17, 2013

<http://mainichi.jp/english/english/newsselect/news/20130317p2a00m0na009000c.html>



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## **Angling to revise Article 96, Abe cozies up to Ishin no Kai's Osaka branch**

OSAKA — Prime Minister Shinzo Abe is drawing closer to the Osaka faction of Nippon Ishin no Kai (Japan Restoration Party) and its allies as concerns about the health of Shintaro Ishihara, 80, head of the party's Diet faction, mount and Nippon Ishin members look to the July Upper House election.

On Saturday, Abe, who heads the ruling Liberal Democratic Party, and Chief Cabinet Secretary Yoshihide Suga met with Nippon Ishin Diet members Hiroshi Nakata and Hiroshi Yamada in Tokyo to discuss cooperation on revising Article 96 of the Constitution to reduce the number of Diet votes needed for constitutional revision from a two-thirds majority to a simple majority.

Abe sees this as the first step to revising Article 9, the no-war clause.

Commenting on the meeting Monday, Osaka Mayor and Nippon Ishin founder and coleader Toru Hashimoto told reporters he agreed with Abe that Article 9 cannot continue as it is or there will be further security problems. However, he also urged caution.

"I'm opposed to idiot politicians triggering wars," Hashimoto said. The party's platform calls for holding a national referendum on whether the Constitution should be revised, and Hashimoto's statements on constitutional revision have been more measured than Diet members like Ishihara, the former Tokyo governor.

Nippon Ishin officials also said there was discussion between Abe and the others about the fiscal 2013 budget, and drawing up legislation that will pave the way for ending the prefectural government system and replacing it with a regional block system. This is a key Nippon Ishin goal and one supported by many within the ruling LDP and its coalition partner, New Komeito.

Saturday's meeting was the latest in a series of moves by Abe to forge closer relations with Hashimoto and Osaka Gov. Ichiro Matsui, Nippon Ishin's secretary general, who has quietly emerged over the past year as the driving force behind the party's rise to national power and who has long desired a tieup with Abe.

Nakata and Yamada are two of Hashimoto's oldest political supporters, and Nakata and Hashimoto are extremely close. Their meeting with Abe comes two months after the prime minister traveled to Osaka to meet with Hashimoto and Matsui.

**Eric Johnston**, *Japan Times* Staff Writer, March 13, 2013

<http://www.japantimes.co.jp/news/2013/03/13/national/angling-to-revise-article-96-abe-cozies-up-to-i-shin-no-kais-osaka-branch/#.UUFmnTfA55s>

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