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Editorial

MODEL FOR PEACE

by Klaus Schlichtmann

THE Japanese should be proud of their Constitution and Article 9 which is increasingly considered by peace movements and researchers the world over as a model for other countries, including the concept of “non-offensive defence” and non-military peacekeeping, for which Japan’s Self-Defence Forces (SDF) is an example. Suggested by Prime Minister Shidehara Kijuro (1872-1951) to General Douglas MacArthur on 24 January 1946 during a three-hour conference, Article 9 points to a system of collective security within the framework of the United Nations, considered necessary — and still possible to achieve — after the Second World War. In all likelihood, it was Shidehara who at the time of the drafting of the US-Japan Security Treaty had his hand in the making of Article 10 of that treaty, which states that the alliance becomes obsolete once the UN system starts operating effectively.

The entire text of the Japanese Constitution is founded, to a large extent, on the early Japanese draft by Ueki Emori (1857-1892), which was the basic source for the proposal put forward by the Constitution Research Association (Kempo Kenku-kai) under the chairmanship of Suzuki Yasuzo (1904-1983), a prominent Ueki scholar. Little known in Japan today, Ueki was a Meiji intellectual of the Jiyu-minken (Freedom and Popular Rights) Movement, a “Tom Paine of the democratic movement” (Andrew Roth) and the “theoretician and tactician” behind the movement.

Ueki can be compared to some of the political activists in 19th century Bengal, like Bipinchandra Pal, when the Bengal Renaissance accounted for much of the mutual exchange between Asia and Europe. The Ueki-inspired constitutional draft was the only Japanese proposal translated in its entirety and made extensive use of by the Allied GHQ, when the Americans wrote their draft for the Japanese.

The significance of this breakthrough of an original Japanese liberal constitution in 1946, after a long spell of Prussian-inspired authoritarianism cannot be overstated. Article 9 is a clear expression of the Japanese desire for an “international peace based on justice and order” as well as the Japanese people’s trust in “the justice and faith of the peace-loving peoples of the world” (Preamble, JC). The “peace lovers” of the world will eventually succeed — in the words of the UN Charter Preamble — in “establishing conditions under which justice and respect ... can be maintained”, bring about general and complete disarmament, and “ensure ... that armed force shall not be used, save in the common interest”.

In this way the Japanese people have invested in their future. And toward this end, continuing and perpetual patience is required in spite of the fact that after the end of the Cold War, UN member states have still not taken the necessary steps to put the UN System of Security into effect.

Interestingly, the Germans after the war also realised the significance of legislative action for achieving an effective system of collective security. Professor Carlo Schmid, a Baudelarien politician (he translated Charles Baudelaire into German), was chairman of the drafting committee responsible for the “peace provisions” in the German Constitution, Articles 24, 25 and 26. Under Article 24, for which Article 9 is a precedent, and which provides for defining and delegating collective security powers to the UN Security Council. Carlo Schmid urgently supported the creation of a legal order, warning that “otherwise we will perish”. Similarly, General MacArthur stated, concerning the eventual achievement of an effective UN System of Collective Security, in connection with Article 9: “It points the way, the only way”.

Why are these facts forgotten today? When the Cold War started around 1947, Collective Security became a non-issue. Instead, with Nato and the Warsaw Pact, the main issue turned out to be collective self-defence. Only in recent years has thinking along the lines of the UN Charter become relevant once more, as evidenced by UN Secretary General Kofi Annan’s statement on 23 September 2003 before the General Assembly: “We have come to a fork in the road ... a moment no less decisive than 1945 itself, when the United Nations was founded”.

While we are in the “UN International Decade for the Culture of Peace”, there is a lot to be said in favour of Article 9 as a cornerstone of a future United Nations order of peace and justice. Having come out of World War II and the atomic bombings of Hiroshima and Nagasaki, it belongs to all humanity, not just to the Japanese. In this respect, it is very similar to Article 51 of the Indian Constitution, which wants to “promote international peace and security”, “maintain just and honourable relations between nations,” and “foster respect for international law and treaty obligations in the dealings of organised people with one another”.

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