

SPEECH OF HON'BLE MR. JUSTICE VIJENDER JAIN, CHIEF JUSTICE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH (INDIA) IN A CONFERENCE ON GLOBAL ARTICLE 9 AT TOKYO, JAPAN .

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Article 9 of the Japanese Constitution contains “No war” clause. It came into effect on May 3, 1947, immediately after World War II. The text of the article of the Japanese Government formally renounce war as a right of sovereignty and the refuses to settle disputes using military force. The Article also states that military forces with war potential will not be maintained.

A few of the preamble’s relevant words are:

“We, the Japanese people, . . . proclaim that sovereign power resides with the people. . . .” and

“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.”

The failure of the collective security of the League of Nations led to the realization that a universal system of security could only be effective if nations agreed to some limitation of their national sovereignty with regard to their right to go to war. Like the German Article 24, which was incorporated in the post-war German Constitution, and which provides for delegating or limiting sovereign powers in favor of collective security, Article 9 was added to

the Constitution of Japan during the occupation following World War II.

Article 9 of the Japanese Constitution not only forbids the use of force as a means to settling international disputes but also forbids Japan from maintaining an army, navy or air force. Therefore, in strictly legal terms, the Self Defense Forces are not an army, navy and air force, but are extensions of the national police force. This has had broad implications for foreign, security and defense policy.

According to a May 2007 opinion poll conducted by the Asahi Shimbun, a national newspaper with the second largest readership in Japan, in May 2007, nearly 80% of the population recognized that “Article 9 has helped maintain peace in Japan.” With regard to a constitutional revision, although nearly 60% answered that a constitutional revision is necessary, less than 20% supported the idea of having a Self-Defense Army by changing Article 9. With regard to the revision of Article 9 specifically, almost 50% preferred not to change it,

while 30% supported change. I have fallen deeply and profoundly in love with the beautiful wisdom that is Article 9 of Japan's Constitution and the wonderfully related words in that Constitution's preamble.

Article 9 as not just Japan's but as all humanity's cry for an end to that brutal, dominantly masculine obscenity called war. Article 9, metaphorically, as having risen out of the radioactive ashes of Hiroshima and Nagasaki and out of the holocaust that was World War II. Article 9 as Japan's apology to all the nations of East and Southeast Asia that suffered from its militarism before and during World War II. Article 9 as Japan's promise to those nations that never again will this militarist scourge be unleashed on the world. Thus I see Article 9 as a model to be emulated by all nations on Planet Earth before we eliminate all life from mother earth.

Increasingly ominous application of engineering and scientific knowledge and talents to ever more lethal means to kill and destroy and by our inequitable consumptions of Earth's resources, globally warming

ourselves to death by turning these bountiful resource gifts into irretrievable high-entropy waste streams.

Article 9 as its badge of honor, Japan is demonstrating to Planet Earth, nonviolent and nonmilitary solutions to our inevitable human and ecospheric conflicts and problems.

Since most people on Planet Earth have never heard of Article 9, this conference will contribute in shaking and awakening the whole world to Article 9's wisdom. I see a world that needs to collectively organize itself so as to permit and massively encourage Japan to demonstrate nonviolent, nonmilitary means to prevent wars and violence and means for resolving our inevitable human conflicts under "rules of law" rather than under "rules of war."

What is wrong with encouraging Japan to demonstrate how we, with appropriate use of our science and engineering talents, might keep our beautiful Planet Earth from becoming another lifeless Mars?

The current situation in Japan is not so healthy for Article 9, and a major external threat to Article 9 comes from outside to be able to use Japanese Self-Defense Forces.

Japanese peace activists are going global with their Article 9 campaign, inspired by the 1999 Hague Appeal for Peace's call that "every Parliament should adopt a resolution prohibiting their government from going to war, like the Japanese Article 9," and the 2006 Vancouver World Peace Forum's declaration that "We call for governments to constitutionally renounce war (e.g. Japan's Article 9)." In order to break the cycle of war and violence worldwide, the Global Article 9 Campaign to Abolish War encourages the peoples and governments of the world to adopt peace laws similar to Article 9 in every country, and work towards demilitarization and a culture of peace. The campaign articulates nine mechanisms for peace that include reductions in military spending, promotion of nuclear-weapon-free zones, ending violence against women, supporting

conflict prevention, and mitigating the negative environmental impact of the military.

International civil society organizations have recognized the global impact of Article 9, including its relevance in regards to human rights, disarmament, nuclear weapons abolition, conflict prevention, development, the environment, globalization, UN reform and other global issues.

The world today remains threatened by the continuation of violent conflicts, the proliferation of arms, and environmental destruction. Within this situation, Article 9 paves the way for the adoption of non-violent alternatives to dealing with such international crises. This movement thus demonstrates that Article 9 is not merely a domestic Japanese issue; rather, it is one of immediate international relevance.

This growing international movement of support makes clear that the world does value Article 9 as an ideal to which all people aspire, as a model to follow.

The Article 9 Campaign demonstrates the active value of Article 9 and proposes ways to realize its potential. To that end, the Campaign links Article 9 to other international norms and institutions, notably the United Nations, whose Charter calls for decreases in military expenditure and the reallocation of limited resources to solving poverty and to protecting humans from war and violence.

I earnestly seek an “Article 9 Without Borders” for all of Planet Earth - so that we as a species, and all other species, and Earth itself - might continue to exist.
