

Declaration Demanding the Rescission of the Special Measures Law on Terrorism and the Amended Self-Defense Forces Act

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The terrorist act that occurred in the US on September 11, and the US government's military response to that act, has brought the world to a major crossroads. We are faced with the choice of a world in which violence is answered with violence, or a world in which we look for solutions based on laws that seek to realize human dignity.

All people on this planet have the right to respect as human beings and to live in peace. Because we are in the position of resolutely protecting those rights, we condemn the terrorist act of September 11 above all else. But at the same time we strongly oppose the US military response to that terrorist act, as well as Japan's steps to completely and uncritically follow the US by means of Japanese Self-Defense Forces (SDF) participation.

No matter what the purpose or underlying reasons, terrorism is an absolutely indefensible crime. International society has already taken many legal steps to eradicate terrorism, and surely now is the time to further enhance those efforts.

However, the military actions taken by the US government and other parties as a caution to terrorism do not correspond to the right of self-defense stipulated in Article 51 of the UN Charter, and must therefore be terminated immediately. Based on the experience of two world wars and other conflicts, international society has outlawed the use of armed forces, and has continued efforts to resolve international disputes without violence. If realizing the nonviolent resolution of disputes worldwide is our goal, it is precisely its legal expression that is the collective security set forth in the UN Charter, and the human security affirmed under collective security. US military

actions are illegal acts that underline the long years of effort by international society, and the US government should halt them immediately.

Even if those military actions are intended to deal with the new situation of large-scale terrorism, they are not only ineffective in eradicating terrorism that is practiced in a global setting, but also inevitably involve the general public, already creating several million new refugees. In that respect, these actions are totally unjustifiable barbaric acts.

If Japan cooperates with these US military actions, which are in violation of international law, Japan will likewise be in violation. But the Koizumi government is actively cooperating with American military action, and thereby makes a showing of SDF participation. The media too tend to go along with this without critical analysis. Our response to this is an expression of strong criticism and concern.

The Special Measures Law on Terrorism, which was passed by the Diet on October 29, allows the SDF to perform "cooperation and support activities" for military forces of the US and other countries. It expands the range of SDF operations to "foreign territories," and broadens the conditions for the use of weapons to protect the lives and physical safety of "those under one's charge." Due to these provisions, the limitation that such actions be allowed only in "non-combat regions" becomes meaningless, and mean that the SDF would have the status of a belligerent under customary international law and would use weapons, i.e., armed force. Because "cooperation and support activities" are in reality an essential part of combat actions, the SDF would for all practical purposes be participating in war through such activities. In that sense, this law should actually be named the "Law for Participation in a War of Retaliation." Additionally, this law does not even require prior authorization by the Diet for these SDF support actions. The government is just hurrying to make a showing of SDF war participation.

The Amended Self-Defense Forces Act, which was passed at the same time, adds "guard mobilization" to come before mobilization for public order, and "intelligence-gathering activities," and virtually lifts all restrictions on the use of arms in those cases. It also has provisions for "defense secrets," something that was previously attempted in guises such as the "State Secrets Act" and "Spying Prevention Act," and it imposes severe punishment for divulging secrets. These

provisions constitute the core of so-called “contingency legislation,” thereby posing a grave threat to democratic political processes and to civil liberties.

These two laws will expand SDF activities abroad, which will now be integrated into combat actions, and by that means they allow SDF war participation. Domestically, they considerably elevate the military sector and open a new chapter in the abuse of the Japanese Constitution’s peace principle.

If the SDF are sent abroad under the Special Measures Law on Terrorism, it will be the first instance of participation in armed force by Japan’s military under the Peace Constitution. It would also create a serious impediment to building a peaceful relationship of trust between other Asian peoples and Japan, which has yet to discharge its responsibilities for the Second World War.

In view of these concerns, we strongly urge the rescission of these two laws.

The nation has watched as rational discussion on the positive law of Japan’s Constitution has been prevented by mocking such discussion as “theological debate,” and as our lawmakers push ahead recklessly with major changes that could undermine the very foundation of the Constitution, without holding substantial Diet hearings or discussion among the citizens. Surely this is a dangerous challenge to democracy in Japan.

We cannot overlook what we find when examining the underlying causes of that unforgivable September 11 act: structural violence spawned by world poverty and wealth differentials, which grow increasingly acute under neoliberal globalization, and the US-led military suppression against the conflicts arising out of that structural violence. Throughout the world there is a people’s movement that is responding to this inequality and violence by seeking decent lives and peace for all, and recently that movement has confirmed the definite need for nonviolent international cooperation and solidarity that puts human security before everything else. This stance is none other than that set forth in Japan’s Constitution, whose Preamble states, “We recognize that all peoples of the world have the right to live in peace, free from fear and want,” and “we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world,” while its Article 9 renounces war and the threat and use of force as means of settling international disputes, stipulating that Japan will not maintain war potential, and negating the right

of belligerency of the state. Surely a stance of peaceful human security that does not rely on military force is necessary if we are to ultimately eradicate terrorism in a globalized world.

Despite having this pacifist constitution, Japan also has considerable clout as an economic power, so its use of military force abroad would be adverse to the ideal of human security.

As a nation having a pacifist Constitution, surely now is the time for Japan to return to the fundamental concept of its Constitution and make a positive contribution to eradicating terrorism with peaceful means.

Note: This statement is essentially our October 19, 2001 "Statement Seeking Rejection of the Bills for the 'Special Measures Law on Terrorism' and the 'Amended Self-defense Forces Act,'" which was minimally revised so as to reflect their passage and enactment into law.