

Article 9 of the Japanese Constitution Revisited in the Light of International Law

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Abstract

With the controversial overseas dispatch of the Japanese Self-Defense Force to Iraq, Japan seems to be seizing the real opportunity to amend the famous war-renunciation provision – Article 9 of the Japanese Constitution. The ambiguity inherent in Article 9 might have rendered itself unhelpful for testing the Government's decisions. It also might have helped illegitimate military actions being undertaken secretly. However, a viewpoint from the international legal perspective will throw light on the rationale of Article 9 to ascertain the envisaged scope of restriction. It may well redeem the ambiguity in Article 9 and reassert its significance in the modern context.

Article 9 of the Japanese Constitution

(1) 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.

(2) 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 recognised.

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