

JAPAN'S SELF-DEFENSE FORCES

By virtue of the so-called no-war clause of the Constitution of 1947,^{1/} Japan is prohibited from maintaining armed forces as well as from developing a war potential. Article 9 of the Constitution provides:

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 a means of settling international disputes.

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 recognized.

The outbreak of the Korean War in June 1950 and the establishment of the Japanese National Police Reserve Force in July of that year, however, raised the question of whether Japan should again arm herself for self-defense. Several Japanese groups demanding rearmament indicated the advisability of restudying the Constitution to determine whether it perhaps needed to be revised.^{2/}

^{1/} The Constitution of Japan, November 3, 1946; came into force May 3, 1947.

^{2/} For this purpose, the Commission on the Constitution was established from 1957 to 1964. See Sung Yoon Cho, "The Japanese Constitutional Revision," The Quarterly Journal of the Library of Congress, XXIII, no. 4 (October, 1966), p. 332-336.

In June 1954, the Police Reserve Force was renamed the Self-Defense Forces (hereinafter referred to as the SDF) pursuant to the enactment of the Self-Defense Forces Law.^{3/} At the same time, the Defense Agency, headed by a civilian Director-General, was established as an external organ of the Prime Minister's Office under the Law Concerning the Establishment of the Defense Agency.^{4/}

The SDF's mission is spelled out in Article 3 of the Self-Defense Forces Law, which states that they are charged with guarding "the nation's peace and independence" and defending "the nation against both direct and indirect invasion in order to preserve the safety of the nation." However, the main activities of the SDF have been relief and rehabilitation tasks in local communities stricken by natural disasters.

Thus, Japan's SDF exists today in spite of Article 9 and without revision of her Constitution. The principal political parties opposing the government consider the SDF unconstitutional, but successive Japanese governments have taken the position that a formal constitution cannot take away from Japan

^{3/} Law No. 165, June 9, 1954.

^{4/} Law No. 164, June 9, 1954.

the inherent, sovereign right of self-defense. It is upon this interpretation that Japan's present self-defense system has been built.

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