

The Meaning and Prospect of the Passage of National Referendum in Japan : A south Korean Perspective

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Chapter 1. Conservative Drive and Regression of Democracy

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A National Referendum Bill that sets the procedures for Japanese Constitution revision cleared the House of Councilors in a plenary session on May 14, after being approved by the House of Representatives on Apr. 13. One more step, namely declaration by the Emperor of Japan is still remained for the Bill to come into effect, nonetheless it is now virtually confirmed in a law, thereby opening the way for revising the Constitution in 60 years since the enactment. In fact, submission or deliberation of the amended Constitution is not allowed for three years from the enforcement date. However the Diet, based on a national electoral law, is likely to make a separate Deliberation Council for Constitution consists of members from both the House of Councilors and the House of Representatives at a special session of the Diet, which will be held after the election of the House of Councilors. The committee will embark on specific investigations including the necessity for Constitutionrevision.

Chapter 1. Conservative Drive and Regression of Democracy

The passage of the National Referendum Bill happened at a rapid pace, and behind the scenes, there was a conservative drive by Prime Minister Shinzo Abe. Abe expressed his intention to "realize the revision in his term" right after the Bill had cleared the House of

Representatives. On the other side of his hard-line drive, according to the public opinion, there is Diet's political intention, namely, 'aggregation of conservative classes' to retrieve its sharply-dropping approval rate. Opinions say that the revision is on the extended line with other conservative moves that Abe has been pushing since he took office, such as three education-related legislations, and a legislation on reorganization of the US forces stationed in Japan. In the beginning, the Liberal Democratic Party of Japan attempted to make the national referendum Bill as a single scheme, upon negotiations with the Democratic Party, the first opposition Party in Japan. Abe, however, forcefully pushed ahead with the Bill, proposed by ruling coalition parties, neglecting negotiations with the Democratic Party who had submitted a revised version of the Bill of ruling coalition parties. This will not only incur resistance from the Democratic Party, but also cause difficulties with getting necessary support for Constitution amendment from the Liberal Democratic Party as well as forming consent among the public.

Recently passed National Referendum Bill includes several elements that could incite the regression of Japanese democracy. Even though the bill will come into effect after three years of declaration, it still has provisions, which are advantageous only for pro-Constitutional revision forces. For example, under the bill, the referendum could be established with the less than two-thirds votes, since it does not set a minimum voter turnout, under which the referendum would be meaningless. Paid media ads about pros and cons of the Constitution revision are also problematic. If the ruling Party, government, and the first opposition Party who are the driving force in the Constitution revision employed paid ads, there would be a high risk that they manipulate the public opinion to the way they intend, using their financial superiority. What furthers the problem of the Constitution revision is the restriction of activities of public servants and teachers. The revised Constitution prohibits public servants and teachers from expressing their opinions on revision and protection of the Constitution. This is nothing, but to say it intends to block advocate activities for pacifist Constitution in advance. If professors or teachers at national educational institutions made a comment on the Article 9 of the Constitution (renunciation of war, prohibition of maintaining war potential as well as the right of belligerency), this could violate the national referendum Bill. This not only conflicts with Japan's current educational ideology that centers its focus on pacifist education, but also seriously violates the freedom of expression and conscience.

The Article 9 of the Constitution, which Prime Minister Abe takes his biggest interest in is likely to be the most controversial issue. The ruling coalition partner the Komei Party, as well as the opposition Party take a careful view on the Article 9, which stipulates 'renunciation of war and prohibition of maintenance of war potential'. Currently, Japanese public opinion is showing duplicated reactions towards this Constitution revision. More than the half of the public agree with the Constitution revision, yet, there is high rate of objection to the amendment of Article 9. This shows the coexistence of two contrasting of Japanese people; some view that Japanese Constitution is anachronistic, while others still support the Article 9. After the passage of the National Referendum Bill on May.14th. Abe stated that "Liberal Democratic Party would like to discuss the issue with the nation, as it prepared the draft for new Constitution. July election of the House of Councilors could be a good opportunity." This implies that the ruling party plans to make an issue of Constitution revision at the upcoming election of Councilors. Abe makes it sure that he will realize the Constitution revision within his term. He intends to secure driving force for Constitution revision by making an issue of the Constitution revision thereby retrieving decreasing approval rate.

However, it seems not at all easy to predict the fate of Japanese Constitution under current circumstances. Even though the amendment needs support of two-thirds in both houses of the Diet, it is difficult to satisfy this condition with the current ruling Party's rights. Furthermore, despite the scheduled election of the House of Councilors in July, 2009 election of House of Representatives, and 2010 election of House of Councilors, considering at the current approval rating of Liberal Democratic Party, it seems difficult for the Party to secure more than two thirds of quorum. The only notable variable is the possibility of political reorganization revolving around the arguments for and against the revision, in the process of discussing the revision. This is to say that it is difficult to propose the revision in the first place, unless it presupposes political agreement. Consequently, some politicians of Liberal Democratic Party insist two phased revision; first revise the items that could easily draw agreement between parties, such as environment rights, and then later discuss sensitive issues, such as Article 9 revision. In the same sense, it will be possible to discuss the issue of setting minimum voter turnout at the Deliberation Council for Constitution, as the opposition party proposed.



Chapter 2. Why is the Constitution Revision a world concern?

Because Japan's Constitution revision is a domestic affair on the face of it, it might seem unjust for other countries to intervene the matter. However, it is fairly reasonable for the international community to have a 'stake' in the issue, in terms of two aspects. Firstly, the Constitution revision aims at empowering the role of Japan in international sphere, including having the army and military methods. The draft of Constitution revision drawn by the Liberal Democratic Party suggests that the government possesses 'the Self-Defense Forces', and deletes the provision 2 of Article 9, which bans the country from having combat units, while maintaining the current war-renouncing Article 9. Activities of the Self-Defense Forces aim at ensuring security of the state as well as the people, cooperating for international peace building, and dealing with emergencies. The constitution revision will increase the significance of the US-allied Japan's role in the military, which could cause international instability and tension in the end. Secondly, the revision of Pacifist Constitution could violate Japan's democracy, considering the contents of the National Referendum Bill and the intention of the pro-Constitutional revision force. As discussed above, the National Referendum Bill restricts broad and free participation of the public in this significant political issue, namely Constitution revision. In addition, judging from the political interest that Abe and the Liberal Democratic Party have in this revision issue, they are likely to require dichotomous choice of external threats vs. the national unity or chaos vs. stability, in order to accomplish their will. This contradicts with the principles of democracy, such as variety, participation and harmony. This is why the whole world, not only the Asian countries, who were once subject to the Japanese colonization should be concerned about Japan's moves of Constitution revision. (2007/05/28)

