

**U.S. – Japanese Foreign Policy:
The Birth and Death of Article 9 --
And a Nobel Peace Prize Proposal for Article 9**

by

Dr. Charles Overby¹
Founder of the Article 9 Society (A9S) & Chairperson A9S -- USA
Emeritus Professor; Industrial and Systems Engineering; Ohio University
7815 Angel Ridge Road; Athens, OH 45701
Phone/Fax 740-593-5759

for the

Hofstra University & The Peace History Society
November 8, 9, & 10, 2001 Conference

“2001: A Peace Odyssey”

In Commemoration of the 100th Anniversary of the Nobel Peace Prize

Article 9 of Japan’s 1947 War-Renouncing Constitution

“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.

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.”

Preliminary Remarks

This paper was written before 9/11/2001. Since that day I have been climbing out of a deep well of anger and depression at the tragic loss of innocent lives. The persons responsible must be found and brought to justice. However, rather than a military rampage as presently being carried out by the Bush administration, I would have preferred cooperative international police work to bring the perpetrators to justice before the World Court or the International Criminal Court (ICC). Unfortunately, the United

¹ The views in this paper are those of the author.

States frequently thumbs its nose at the World Court and has yet to support the ICC, perhaps for fear of having its own leaders one day charged for their crimes.

War itself is an atrocity that devastates innocent human beings everywhere. My experience as a pilot in the Korean War helps me understand that Asian anguish at innocent loved ones killed is as painful and real as that in New York City and Washington. This is why I am so deeply interested in Japan's law, its constitution's Article 9 renunciation of war. Article 9 implies that non-violent means be used to resolve our inevitable conflicts. We as a species urgently need to adopt this kind of law in all our tribes (nations).

In my opinion, there is no military solution to the 9/11 atrocity, any more than there is a military solution to the huge demand for drugs in America. Unfortunately, history demonstrates that our leaders seem addicted to the military-violence drug. We need to profoundly ask why there is such hostility to our government out there (notice, I said "government" not "people.") We then need to begin to work cooperatively with other nations and people with whom we share this beautiful planet -- rather than swamping them with our arrogant super-power unilateralism. Rather than leave fingerprints of violence as our national legacy, I yearn for leaders who will leave fingerprints of hope in our relations with other nations.

For a most eloquent statement of what I see as the essence of "our" problem relative to the 9/11 tragedy -- please see Chalmers Johnson, "Blowback," *The Nation*, 15 October 2001. This paper is available on the web at www.thenation.com -- then with a search for "blowback." Johnson, a "hawk" during the Vietnam War, published in 2000 a book titled, *Blowback: The Costs and Consequences of American Empire*. The paperback edition (Owl Books) appeared in early 2001. I have just begun to read this prescient book and am overwhelmed at his understanding as to where we are at the beginning of the 21st Century. I highly recommend this book.

Michael Sherry, a historian with whom I agree, describes the US in his 1995 book, *In The Shadow Of War* -- as a national-security-state engaged in "... the contradictory and tense social process in which civil society organizes itself for the production of violence." My paper discusses a very sad and almost completely unknown tale about the US role in the destruction of Article 9 -- a story that illustrates some of Sherry's ideas. I see Article 9 metaphorically as a phoenix that arose out of the holocausts of WW-II as a significant cry from all humanity for an end to the brutality called war. In order to offer some encouragement to millions of Japanese people who dearly love Article 9 and who wish to restore it in its full splendor, I also suggest in this paper that we encourage the Nobel Peace Prize people to give a Nobel peace Prize to Article 9 and the Japanese people. Finally, because United States and Japanese leaders have encouraged, both directly and indirectly, the erosion and destruction of Article 9 over the past half century, and have failed in their command responsibility to nurture and encourage this Article 9 legal renunciation of the sovereign right of war as a model for all nations to emulate -- I call for charges of crimes against peace and humanity for all such leaders in the US and Japan.

Now on to my paper -----

Introduction

On May 3, 1947 the Japanese government adopted the above Article 9's 73 words of wisdom as a part of its post-World-War II constitution. While there is still a little debate as to whose idea it was to place this sanity in Japan's new constitution -- there is no doubt that the United States significantly impregnated a defeated Japan with this creative ideal, and that General MacArthur and SCAP² midwived this she-child, born of holocausts.

Unfortunately, almost as soon as Japan's war-renouncing constitution was adopted, US-USSR cold-war paranoia blossomed in its full-fledged illness such that the United States soon became the chief external architect for Article 9's erosion, rape, and "sentence of death." The Korean War was a significant early milepost on Article 9's death-march. The Vietnam War further accelerated the marching pace.

This paper is an attempt at telling an infinitesimal part of this tale of woe -- a tale with which most persons in the United States and on Earth are not familiar

Now to Some Contemporary History on Article 9's Death-March

I commented earlier on the United States and Japanese government's role in Article 9's death-march. Important also in this death-wish for A9 is the devastatingly terribly threat that these wise words hold for the worshipful myths of age-old militarily oriented testisocracies³ all over the face of Planet Earth. Can we allow such foolishness as these radical Article 9 ideas to exist and possibly even flourish among the governing powers on Earth? What massive damage a thriving Article 9 "law" in national constitutions could do to our hallowed delusion -- namely that military means provide solutions to problems on our beautiful Planet-Earth, and in outer space.⁴ My goodness, if we allowed Article 9 principles to flourish, we as a species might even come to embrace that feminine-like heresy which suggests that cooperative non-military non-violent means (under rules of law⁵) are worth a magnificent try. If this impostor, Article 9, prevailed, how would our "leaders" cope with the diminution of those dominantly masculine⁶ ideas

² Supreme Command for the Allied Powers.

³ A new word coined by the author to mean -- "rule by men," as contrasted to the word gynecocracy -- "rule by women."

⁴ In my judgment, based on active participation in two of America's 20th Century wars (bomber pilot in Korea) and a subsequent half-century of seeking, there really are no military solutions to problems. Attacking problems militarily does nothing but sow the seeds for the next stage of even greater bestiality and brutality. Perhaps it is better that we "talk with" one-another (as individuals and as tribes [nations]) with genuine respect for the dignity of each other -- rather than to threaten with violence and weapons.

⁵ In part, as a consequence of being the father of three significant young women from whom I have learned much, I am inclined toward the hope that these "rules of law" might grow to reflect more "female jurisprudence" so as to bring some balance to our present system that is dominantly "male jurisprudence."

⁶ I tend to agree with Kimmel's view, as I presently understand it, that our prospects as a species probably would be positively enhanced -- were we able to transform our heads and our institutions to a more equal

of “glory,” “valor,” “heroic,” “duty,” “camaraderie,” “honor,” “bonding,” “victory,” “zero-sum-winning,” and “professionalism -- on the glorious killing fields of battle?”

Please do not misunderstand me. I am a male, and I am not “male-bashing” with the above comments. In my view, we as a species (both sexes) will be much better off, with less violence, when we achieve more balance on the feminine-masculine continuum -- in our perceptions, actions, and institutions. Most of our institutions (including war) presently carry a strong masculine flavor.^{7,8} I am also a veteran of two United States’ wars, WW-II (non-combat) and the Korean War (combat pilot). I have come to feel downright disgust with the idea and practice of mass slaughter and destruction called war.

Unfortunately, most people in the United States and on Planet Earth have never heard of Article 9. Furthermore, they are almost completely ignorant of this half-century effort to kill it. US governments have intentionally obfuscated most “facets” of their role in these murky dealings which broadly range from -- [1] early CIA subversion of Japanese elections; to [2] rearming Japan, to [3] the most recent Orwellian like “doublespeak” US initiated September 23, 1997 “guidelines for US-Japan defense cooperation”; to [4] propagandizing and frightening Japanese citizens as to their impending destruction from “basket-case” rogue-state,⁹ North Korea, so as to get Japanese governments to join the US in wasting their resources on missile defense folly.

The 9/11 tragedy should have persuaded the Bush administration of the folly of missile defense systems as means to protect US citizens from creative terrorist brains. However, as we see from his recent October 2001 trip to China it appears that he has failed to learn anything from this disaster. In Shanghai he twisted the arms of Russian and Chinese leaders to accept his myth that missile defense systems (MDS) will protect people in America or any other country from creative angry and alienated people who wish to harm others. See my commentary later in this paper in the section on “sabotage of non-violent Korean reconciliation talks.”

Recent events in the United States are not a good omen for Article 9. To illustrate, a US military think-tank, the Rand Corporation, wrote a report in late 2000 addressed to the US President elect. Its title is “Taking Charge: A Bipartisan Report to

balance along the “feminine-masculine” continuum. See, Kimmel, Michael S., *The Gendered Society*, Oxford University Press, New York & Oxford, 2000.

⁷ Breines, Ingeborg, Connell, Robert, and Eide, Ingrid (editors) *Male roles, masculinities and violence*, UNESCO Publishing, Paris, 2000, ISBN 92-3-103745-5.

⁸ Kimmel, Michael S., *The Gendered Society*, Oxford University Press, New York & Oxford, 2000.

⁹ The US has identified North Korea and several small developing nations around the world as so-called “rogue states.” But some suggest that the real contemporary “rogue state” is none other than the USA itself. See Noam Chomsky’s new book, *Rogue States: The Rule of Force In World Affairs*, South End Press, Cambridge MA, 2000.

the President Elect on Foreign Policy and National Security.”¹⁰ On page 38 of this report is the following recommendation with respect to US policy in Asia.

“... the United States should support efforts in Japan to **revise its constitution**, in order to allow it to expand its security horizon beyond territorial defense and to acquire appropriate capabilities for supporting coalition operations.”

This statement means, “let’s kill Article 9,” and enlist Japan in future wars that interest the US. This is really nothing new, since the destruction of Article 9 has been US and Japanese policy for the past 50+ years, but here as we enter the 21st Century, US policy-makers no longer feel it quite so necessary to “obfuscate” US actions and objectives with Orwellian double-speak.

The new Bush administration has already sent strong signals that it likes the ideas in this Rand report and that it feels threatened by Article 9’s existence. For a recent expression of this myopic and misguided view, please see an Asahi Shimbun opinion piece by Mr. Kim R. Holmes.¹¹ For goodness sakes, how will we in America keep our weapons industries thriving with high-paying jobs -- if Article 9 should be allowed to live with dignity, and if other nations might become infected by this idea that -- “the right of belligerency of the state will not be recognized?”

Time and space do not permit a detailed documentation of this death sentence for Article 9 and US leadership in its demise. Let me confine myself to but a few details of some recent dimensions of this intentional half century of Article 9 subversion -- [1] the September 23, 1997 “guidelines for U.S.-Japan defense cooperation,” and its related Japanese capitulation to US interests and objectives with the May 2000 passage of enabling legislation to permit Japan to more effectively join in US initiated wars, and -- [2] contemporary US sabotaging of the June 2000 “Reconciliation Talks” between South Korea’s president Kim Dae Jung, and North Korea’s leader, Kim Jong Il so as to keep the billions of US dollars and Japanese yen, flowing into the US missile defense boondoggle.

Let us now peek at but one dimension of these “guidelines.”

September 27, 1997 “guidelines for US-Japan defense cooperation”¹²

These “guidelines for U.S.-Japan defense cooperation” consist of arrangements for luring Japanese governments to enlist their “Self-Defense-Forces” for use by the United States in future Asian wars and/or in other “situations.” (China?) The US seeks surrogate armies around the world to fight US battles, if at all possible. After all, in a

¹⁰ See -- <http://www.rand.org/publications/MR/MR1306/> .

¹¹ Holmes, Kim R., “Japan needs to re-evaluate view of Article 9.”, Asahi Shimbun, Point of View piece, English language edition, Monday, August 27, 2001, page 17. Holmes is vice president and director of The Heritage Foundation, a right-wing voice that has the ear of President Bush.

¹² “Text of guidelines for U.S.-Japan defense cooperation,” *Japan Times*, (English language edition), 25 September 1997.

future conflict with China,^{13, 14} rather than American boys and girls directly killing and being killed -- isn't it healthier to have Japanese and Chinese youth slaughtering each other and along the way indiscriminately annihilating innocent civilians -- who are but Asian "collateral damage?"

Obviously the 1997 "guidelines" do not specifically say that US intent with this document is to get others to do US fighting. The "guidelines" deal with an expansion of Japan's participation in so-called "rear-area" non-combat support. But, when one examines the creeping violations of Article 9 over the past half century, and United States dominance in these matters -- only the blind have difficulty discerning the path.

Now for but one example of the Orwellian "doublespeak" in this September 23 1997 "guidelines for US--Japan defense cooperation" -- **the nature of "situations in areas surrounding Japan."** The following direct quotes come from the document, section labeled -- GUIDELINES; III. Cooperation Under Normal Circumstances; part 3. Bilateral Programs --

"Both Governments will conduct bilateral work, including bilateral defense planning in case of an armed attack against Japan, and mutual cooperation planning in situations in areas surrounding Japan."

The "GUIDELINES", SECTION V says, "The concept, **situations in areas surrounding Japan, is not geographical but situational.**"

My goodness, what deliberately ambiguous and evasive language. Does another Middle-East oil crisis or any other US perceived threat to its "national-interest" constitute a "situation" that will require Japanese military involvement? In a future "situation" who will ultimately make the determination that "this one" requires Japanese participation? Does anyone seriously believe that these kinds of decisions will be made by Japanese?

Now a brief look at Japan's enabling legislation.

Japan's May 1999 Legislation

In order for Japan to properly participate in these "1997 guidelines" the Diet had to enact legislation that once again deceitfully "reinterpreted" its responsibilities under the already massively fractured "war-and-military-prohibitions" of Article 9.¹⁵

¹³ Johnson, Chalmers, "In Search of a New Cold War," *Bulletin of the Atomic Scientists*, September/October 1999, pp. 44-51.

¹⁴ Cumings, Bruce, "China Through The Looking Glass," *Bulletin of the Atomic Scientists*, September/October 1999, pp. 30-37.

¹⁵ In Fall of 2000, over a year after this Japanese legislation was enacted, I made extensive inquiries through our Ohio University library system with the help of competent professional librarians, seeking an English language version of this legislation. We could not find an English language translation anywhere in America, including the US Department of Defense (DOD), the State Department (SD), or the Library of Congress. Interesting !!

A colleague in Japan, Lummis, discussing this “proposed” legislation in a journal article shortly before it finally became law,¹⁶ sees it as the death-knell of Article 9. He “unofficially” translates this “law” as the “Law Pertaining to Situations in Areas Surrounding Japan.”

Lummis points to a “new Article 9” in this new law which, “... authorizes the government to mobilize both facilities under the control of local governments (harbors, roads, civilian airports) and facilities in the private sector (hospitals, railroads, trucking companies) in support of U.S. military activities in *areas surrounding Japan*” He then argues that this “new Article 9” might become the basis for a revitalized peace movement in Japan. “Local government” and “private sector” people (for example, civilian airline pilots and nurses) are expressing dissatisfaction with the idea that, under this new law, they might be conscripted, against their will, into actively supporting a US war somewhere in the world. Thus this “new law” and its “new Article 9” might become the basis for a whole new anti-war movement in Japan. A hopeful possibility?

Let us now move to a different domain that illustrates the continuing US remilitarization of Japan in violation of Article 9 -- namely missile defense nonsense.

US Sabotage of South and North Korean Reconciliation Talks

In June 2000 South Korean (SK) President Kim Dae Jung and North Korean (NK) President Kim Jong Il held non-violent conflict resolution talks in Pyongyang. This is a direct result of Kim Dae Jung’s “Sunshine Policy” -- namely that of reaching out in friendship for reconciliation with North Korea after a half century of US-USSR cold-war lunacy. For a while this SK-NK dialogue seemed to be progressing with but minimal US and Japanese government contamination. Indeed, even President Clinton’s generally “macho and violence prone” Secretary of State, Madeline Albright, made a Fall 2000 trip to North Korea in support of these “reconciliation-talks” -- rather than the usual US “threats of war and violence” against North Korea. But then came the November 2000 US presidential elections with the conservative US Supreme Court, thrusting itself into the election process so as to produce a “win” for George W. Bush.

Since then, it has been down-hill all the way for these SK-NK “non-violent rapprochement” talks, and also for Article 9. The unilateral and militaristically oriented Bush administration has apparently concluded that if the US lost this poor “basket-case” North Korean nation as a threat with which to frighten US and Japanese citizens -- it would be most difficult to keep feeding America’s and Japan’s rapacious weapons industries. Does anyone with half a brain really believe that economically poor and starving North Korea is capable of destroying both the US and Japan with its feeble missile research?¹⁷

¹⁶ Lummis, Douglas, “Article 9: And Now It’s Gone,” *AMPO: Japan Asia Quarterly Review*, Vol. 29, No. 1.

¹⁷ In late August 2000 my wife, Ruth, and I traveled with Peaceboat from Vancouver Canada to Tokyo, and then on for a week in North Korea. While a week is a very short time, it was not at all difficult to

By pumping out a continuous barrage of frightening propaganda about “rogue state missile-threats,” US and Japanese governments bamboozle their citizens into spending multiple billions of dollars and yen on stupid and dangerous National and Theater Missile defense systems. As I have long been writing, if I were a leader of one of these so-called “rogue states,” wishing to harm another nation, I surely would not be so imbecilic as to try and use a grossly primitive missile. I would probably bring “the-device” to its proposed site in a suitcase or, as US Army trained terrorist, Timothy McVeigh did in his 1995 Oklahoma City bombing -- use a rental truck. The terrible 9/11 events clearly demonstrate the folly of missile defense systems. Creative terrorist brains are awesomely mind-boggling. Should we set our engineers and scientists to work devising a TBDS – a “terrorist brain defense system”?

In my opinion, key people in the Bush Administration have cynically always known that NMD was not a feasible technology that would protect Americans. They however do see this issue as one with which to frighten and mislead American and Japanese people, into spending multiple billions on this “stuff” so that ultimately they can achieve America’s manifest-destiny -- US militarization and domination of space.

A Nobel Peace Prize to Article 9

It is most appropriate, here on this 100th anniversary of the awarding of the Nobel Peace Prize, that we recognize, celebrate, and honor this most profound anti-war “law” and “ideal” -- Article 9, and the Japanese people who struggle non-violently to keep her alive and to ultimately restore her to her original health. Article 9 unequivocally speaks a revolutionary idea -- the renunciation of the sovereign right of the nation-state to engage in war. Article 9 implies that non-violent, non-military, cooperative means become the norm for the resolution of conflict, and most importantly, for the prevention of war and violence before it erupts. Article 9 means that we must operate under “rules of law” rather than “rules of war.”

Now, a “modest” proposal for peace and justice --

I hope that we at this gathering might somehow take up the idea of awarding a future special kind of Nobel Peace Prize to the multi-millions of Japanese people who

concluded that North Korea is a very economically poor nation. The idea that this small basket-case country is any kind of a threat to the United States or Japan, seems quite ludicrous. PeaceBoat is a, Japanese youth organized and run, cruise ship that travels around our beautiful planet to places where war, violence, conflict, and environmental degradation occur -- trying to educate ourselves as to the causes of these disasters, and to explore non-violent means for ending them, and more importantly for preventing them from happening in the first place. I was invited to give several lectures on “my themes” -- Japan’s war-renouncing Article 9 wisdom as something for all nations to adopt (especially including the USA), and “green technology by design” as it relates to reducing propensities for war and violence. Ruth and I also showed a video titled “A Woman’s Place,” and gave a lecture and led discussions on the hypothesis that peace on earth will not likely come until we find ways to end the violence against that half of our species called “women” -- and until we learn how to modify our present dominantly “masculine” cultures to equally reflect feminine values and modes of problem resolution.

urgently seek to restrain the United States and Japanese governments from the continuing destruction of this beautiful wisdom -- Article 9.¹⁸ Sovereign Japanese citizens¹⁹ are the only ones who can save this sagacity as a model ultimately to be emulated by all nations on Planet Earth.

Unfortunately, Japanese people who love Article 9 are growing mightily discouraged because of these efforts to “do-it-in.” Furthermore, many of these Japanese are growing old. They are the ones who have had first-hand experience with the -- torching, exploding, vaporizing, and lethal-irradiating made possible by modern science and engineering creations for mass killing and destruction. Younger Japanese who have not had these “convincing experiences,” are like most people in the United States who also have no personal experience of war. These people are experientially naive when it comes to war. This kind of naiveté is very dangerous for all humanity, in that it eases the path for new leaders to “wave-the-flag” and “sound-the-drums” for new wars.

Please do not misunderstand me. I am not suggesting that in order to insure a non-naive population -- we need a continuous string of wars so as to keep us sensitive to the horrors of this barbarous institution. I have something healthy in mind. Sadly, the 9/11 tragedy in New York and Washington DC has given US citizens a horrible opportunity to understand what people all over this world experience on a daily basis. Often this terror in other countries comes with a connection to United States covert and overt actions. Chalmers Johnson explores these matters so perceptively with the term “blowback.”²⁰

We as a species have thus far not been so successful in developing generational remembering-functions for the bestiality of war -- that is, transferring from one generation to the next the existential reality of this folly.²¹ We must continue trying to inoculate our youth for this disease called war, and we must reach out and publicize, celebrate, and honor the great hopeful and creative anti-war and peace-and-justice events and people. That in part is what the Nobel Peace Prize is all about. Unfortunately the resources for “celebrating peace and justice” are minuscule compared to the continual massive propaganda deluge that emanates from testisocracies everywhere on the Planet --

¹⁸ Unfortunately this problem has become newly more urgent and acute with George W. Bush's recent ascendance to the US Throne, and with new Japanese Prime Minister Junichiro Koizumi both of whom seem to have a strong aversion to Article 9. Then too of course, there is that very conservative Mayor (Governor) of Tokyo, Shintaro Ishihara who is also a worshiper of things military -- one who seeks a strong international military role for Japan in the 21st Century.

¹⁹ The preamble to Japan's constitution reads in part “**We, the Japanese people**, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, **do proclaim that sovereign power resides with the people** and do firmly establish this Constitution. ...”

²⁰ Johnson, Chalmers, *Blowback: The Costs and Consequences of American Empire*, Owl Books, paperback 2001, and “Blowback,” *The Nation*, 15 October 2001.

²¹ See Overby, C. M. “Peace Museums, Museums, And The Arts -- As Means For Generational Learning,” a paper for The Third International Conference of Peace Museums, Osaka and Kyoto Japan, November 6 -- 10, 1998.

propaganda that encourages us to disconnect our brains, and to worship, respect, and honor military forms of violence as conflict resolution means. I thus offer the following proposal.

A Proposal

I recommend that we initiate a proposal to the Nobel Peace Prize committee to award a special kind of “two-pronged” Nobel Peace Prize to be shared by Japan’s “sovereign citizens” and Article 9 herself. This award would be to “the people” for their over half-century struggle to keep Article 9 alive, and to Article 9 for being the unquestionable “leash” on Japan so that it has not, since the end of World War II, joined the other nations of the world in the “hallowed” practice of military killing and destruction that has been standard practice by most of the rest of the nations on Earth. As my friend and colleague, Douglas Lummis says -- “no person anywhere in the world has been killed by a Japanese soldier since the end of World War II.”²² What a fantastic record of which to be proud. Contrast Japan’s record with the killing score for the USA, the USSR, and Russia, to name but a few of the prominent ones. Japan has practiced abstinence. It is true that Japan has raped, violated, and sought to kill Article 9. It is also true that Japan presently has one of the largest military establishments in the world -- all of the above with significant US encouragement. Yet, this beautiful constitutional lady A9, damaged as she may be, has made Japan an “abstinence” nation relative to the military killing game.

If we could carry off something like this, the prestige of the Nobel Prize would help to let the world know of this beautiful lady and of her struggle to stay alive for the benefit of us all. Such an award would give a magnificently stimulating shot of adrenaline to these Japanese Article-9-loving-friends who are losing hope because of the overwhelming magnitude of US and Japanese governments’ Article 9 destruction plans and practices.

A 1999 Hague Appeal For Peace and Article 9 Tale

I had hoped that in 1999 The Hague Appeal for Peace (HAP-’99) might have offered Japanese people a significant psychological boost by enthusiastically acknowledging that Article 9 itself was a significant manifestation of the overall theme of HAP-’99. The theme of HAP, which was widely publicized before during and after the May 1999 meeting in The Hague was, it is – **“Time To Abolish War.”** Japan, as one of Earths’ most economically powerful nations, has this legal-constitutional ban forbidding her from going to war. Therefore, over a year before The Hague meeting took place I began trying to penetrate HAP planning activity with the suggestion that Article 9, hopefully might receive prominent publicity in all dimensions of the conference. I am sorry to say that I was unable to interest anyone in the entire HAP-’99 operation in this idea. In August 1998, after presenting a paper on Article 9 in New York City, I made an

²² I am indebted to Douglas Lummis, for this hopeful fact. Lummis formerly taught at a Tokyo area university.

appointment and personally visited with Mr. William Pace, Executive Director of the WFM and HAP-'99 with this suggestion. This idea seemed to go in one of his ears and quickly out the other with no stops in between. The people planning HAP-'99 are good human beings. Unfortunately, the HAP organizing task was so huge and they were so understaffed that I am somewhat amazed that HAP-'99 ever made it to The Hague. My encounters with HAP planners on this issue, of such great importance to Japanese A9 supporters and all humanity, left me feeling a bit like Joseph "K" in Franz Kafka's novel *The Trial* as he stood knocking at doors trying to understand his predicament.

My frustration led me to conceive of a way to penetrate the HAP-'99 meeting itself so as to get some publicity for this connection between the HAP theme (Time To Abolish War) and Article 9's abolition of war for Japan. I rented an Uncle Sam costume and took it with me to HAP-'99 for some "street-theater." I paraded around the conference dressed as Mr. USA, carrying large signs that asked the USA and Japanese governments to "Stop Raping Article 9", "HAP Says –Time to Abolish War, Article 9 Does This For Japan", etc. The action worked quite well. I received a great deal of publicity for A9 and for its intimate connection with the HAP theme. I even ran into Cora Weiss, President of HAP, in the hallway one day. She wondered what I was all about?

A small student group from Yugoslavia in attendance at HAP-'99 apparently met and drafted a set of what they called the – "Ten Fundamental Principles for a Just World Order." Their set of principles was published on the front page of the Saturday, May 15th issue of the HAP-'99 Conference Bulletin with a note that it was presented to the leaders of HAP. The first item on the list of ten reads as follows – "Every Parliament should adopt a resolution prohibiting their government from going to war, like the Japanese article number nine." Details on all of this issue are still somewhat murky. This list of "Ten" was apparently picked up by Japanese Article-9-loving-people, and used in Japan as evidence that this huge Hague international peace meeting had placed Article 9 at the forefront of the Hague-Appeal-For-Peace conference recommendations. Some prominent Japanese-Article-9-supporters, perhaps erroneously thinking that these "Ten Fundamental Principles" represented the official HAP position, used this material to try and get support to keep the Japanese government from further eroding A9.

The above story illustrates the hunger, by Japanese people who cherish A9, for even a small show of international encouragement in their efforts to save Article 9 from US and Japanese governmental destruction. The crowning pathos in this little tale resides in the Japanese journalist, Mr. Kisa's efforts to find the truth in this matter. Apparently after plowing through much official HAP materials Kisa said he could not find these "Ten Principles" as part of any HAP official conference conclusions or recommendations. In his search, Kisa alleges asking Mrs. Cora Weiss, President of HAP, if HAP-'99 ever adopted a document mentioning Article 9. She apparently said "no." Kisa quotes Mrs. Weiss as also allegedly telling him that – "Article 9 may be important for Japan, but for us it is not a significant issue."

As a result of my frustration with HAP planners and having personally attended the entire HAP-'99 conference, and having noted the complete absence of any official HAP accolades for Article 9 -- I have come to the following conclusion. It was a grave error on the part of HAP planners and organizers to have neglected this magnificent opportunity on the world's-stage to "stand-up-for-peace" by strongly endorsing Article 9 as Earth's foremost "law" for abolishing war -- the theme of their conference. How they could have done this still boggles my mind? It is still not too late for them to correct their error. I ask Cora Weiss, President of HAP, and other HAP leaders to dedicate some of their valuable time and resources to correct this mistake. Perhaps they might take on a significant part of the huge task associated with getting a Nobel Peace Prize for A9 and the Japanese people who so earnestly seek to keep it alive.

I tell you this tale of HAP-'99 and I propose this Nobel Peace Prize for Article 9 and Japanese people so as to help you understand the plight of Japanese-people-for-peace- and-justice as they face the overwhelming might of the US and Japanese governments efforts to destroy the last remnants of Article 9. We in the international community need to give a powerful signal to Japanese people so that they will be encouraged to renew their efforts to non-violently say to their and the US government -- enough of this nonsense. We want Article 9 restored to its original glory, and to have Japan demonstrate international leadership as a nation who resolves its disputes non-violently and who practices preventive diplomacy and war prevention as its contribution for world peace and justice. As I indicate in my book, *A Call For Peace: The Implications of Japan's War-Renouncing Constitution* -- there are a multitude of activities and actions that nations can take to resolve conflict non-violently and to prevent wars.

Many complicated details must be worked out, but somehow this award must enable sovereign Japanese citizen supporters of A9 to use it with all its potential for organizing and promoting, [1] the restoration of Article 9's integrity in Japan, and [2] for persuading the world's nations to permit and actively encourage this one major economic power, Japan, with Article 9 as its badge of honor -- to become an experimental nation for demonstrating ways and means for preventing wars and violence, and for using non-violent, non-military, holistic-cooperative means for resolving conflict. What is wrong with one major nation-state demonstrating non-violent alternatives to the folly of "seeing a military solution for problems?" Gandhian and Martin Luther King Jr. approaches, and efforts like those of former U. S. Senator George Mitchell in his reconciliation-facilitation work in Northern Ireland and in the present mindless Israeli-Palestinian disaster -- come to mind.

As I write this part of my paper the name Dario Fo, Italy's 1997 Nobel Laureate in Literature, floods my synapses. Perhaps it is because, this "wild-idea" of a new kind of Nobel Peace Prize for Japanese "abstinence" from the masculine military killing game -- might deliver a creatively unique Fo-like message to the entire world. I was so delighted that Mr. Fo was given that Nobel Prize, for he so magnificently delivers his wonderful contributions on the pomposity, and folly of our times and culture. A Nobel Peace Prize dedicated to Japanese "abstinence" would immeasurably help to shed some much needed "Planet-Wide-Light" on this beautiful lady, Article 9, and her bitter

struggle to protect her honor in a world of rapacious nation-states. Who knows, perhaps even the Pope would heartily support this brand of abstinence.

I will need much help with this. Hopefully, might I hear from some of you who would be willing to assist with your creative ideas, stamina, and professional expertise?

Lastly, some thoughts on charges of “Crimes Against Peace” and “Crimes Against Humanity” for US and Japanese governments’ attempts to kill Article 9, and for their failure to promote Article 9 as one of the world’s best hopes for an end to this institution called war.

Crimes Against Peace and Crimes Against Humanity²³

Article 9 arose like a phoenix out of the holocausts of World War II, as humanity’s cry for an end to this evil, obscene, and absurd institution called war. In my judgment, any leader of any nation who has deliberately sought to destroy this Article 9 treasure, and who has failed, in their command responsibilities, to nurture and promote this universal Article 9 wisdom -- might be charged with “crimes against peace” and “crimes against humanity.”

We need the help of legal scholars and activists to draft a set of appropriate charges to be brought against living US and Japanese leaders who have played a role in the destruction of Article 9, and who have failed to properly promote Article 9 as a profoundly hopeful model for all nations on Planet Earth. In doing so we will need to draw on precedents set by the WW-II Nuremberg and Tokyo War-Crimes Trials, the Yamashita Precedent²⁴, and recently established International Criminal Court (ICC) procedures.

Obviously this activity will not happen tomorrow. It will need much creative legal construction to bring it to fruition. This is especially true for the United States who prefers unilateralism and the ignoring of world institutions such as the United Nations, World Court, and most recently the newly formed International Criminal Court. This small difficulty does not mean that we should stop seeking peace and justice by this route.

A Concluding Thought

²³ This idea symbiotically came to me out of the confluence of two streams of my existence -- first [1] my Hague friend Martin Knottenbelt’s eternal loving interest in and concern for Article 9, and his relating it to the Yamashita Precedence -- secondly, [2] my recent participation in a Korean war-crimes tribunal -- *Korea International war Crimes Tribunal: Report on U.S. War Crimes in Korea 1945-2001*. Korean Truth Commission Report for the June 23, 2001 War Crimes Tribunal, New York, N.Y.

²⁴ Japanese General Yamashita was hanged shortly after the end of WW-II on the count of “having omitted to do what he ought to have done ...” --- Seminar on Governmental Criminality, Hesbjerg 5491 DK 29.X.1995, MJK.

I have been speaking of beautiful lady Article 9's renunciation of Japan's "sovereign-right" to go to war, and how the US and Japanese governments have been raping and trying to kill her over the years. I have proposed that we contact the Nobel Peace Prize committee with the idea of giving Japanese people and Article 9 a unique kind of "two-way" peace-prize. I have suggested that US and Japanese leaders who have sought to destroy Article 9 be brought before an international court charged with crimes against peace and crimes against humanity. Let me conclude with a most significant quote from a quite recent Nobel Peace Prize winner, a woman for whom I have great respect -- Burma's (Myanmar's) Aung San Suu Kyi. Here is an excerpt, that directly speaks to my paper. It is from her opening address to the NGO Forum on Women, Beijing, China August 31, 1995 --

"For millennia women have dedicated themselves almost exclusively to the task of nurturing, protecting and caring for the young and old, striving for the conditions of peace that favour life as a whole. ... Now that we are gaining control of the primary historical role imposed on us of sustaining life in the context of the home and family, it is time to apply in the arena of the world the wisdom and experience thus gained in activities of peace over so many thousands of years. The education and empowerment of women throughout the world cannot fail to result in a more caring, tolerant, just and peaceful life for all.

If to these universal benefits of the growing emancipation of women can be added to the "peace dividend" for human development offered by the end of the Cold War, spending less on the war toys of grown men and much more on the urgent needs of humanity as a whole, then truly the next millennia will be an age the like of which has never been seen in human history."

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