

Global Article 9 Declaration to Abolish War

Global Article 9 Conference to Abolish War (May 4-6, 2008)

Article 9 of the Japanese Constitution renounces war and the threat or use of force as a means of settling international disputes. Further, it prohibits the maintenance of armed forces and other war potential.¹ Article 9 is not just a provision of Japanese law; it can also act as an international peace mechanism that can be adopted by other states to maintain peace throughout the world. The Global Article 9 Conference to Abolish War strives to build an international movement supporting Article 9 as a shared property of the world, and calls for a global peace that does not rely on force.

Throughout history, humanity has strived for a world without war. Indigenous traditions and great figures in our collective history, especially women who have always actively opposed war, have sought to move humankind along a trajectory to peace.

In the last century, the sufferings inflicted by modern warfare have led us to take steps along this path. In 1928, the Kellogg-Briand Pact clearly renounced war as an instrument of national policy and in 1945 the United Nations' Charter bound its members to "refrain from the threat or use of force" except under well-defined extraordinary circumstances.

Created in 1947 in the aftermath of Japanese aggression in the Asia-Pacific region and the nuclear bombings of Hiroshima and Nagasaki, Article 9 builds on the foundations of the UN Charter and is a step further in the evolution of international norms towards maintaining world peace, for it does not foresee *any* exception allowing the use of force. In 1949, Costa Rica followed Japan's precedent, demonstrating that states can exist peacefully without maintaining armed forces or self-defence forces.

Indeed, the spirit of Article 9 demands that *all* wars be outlawed and promotes the inherent human right for all to live in peace, free from fear and free from want.

Article 9 in the World Today

Today, however, the world remains engulfed in violent conflicts, massive poverty, increased disparities, arms proliferation and global climate change. The open-ended US-led "war on terror" has resulted in further wars, undermined the role of the United Nations, renewed the global arms race, encouraged torture and eroded human rights worldwide.

In addition, despite the growing awareness of the impact of violent conflict on civilians; especially on women, children and the elderly; the percentage of civilians killed, wounded and displaced in wars has reached unprecedented and horrifying heights.

This desperate situation, crystallized by the war and occupation in Iraq, has made it clear that peace and democracy cannot be imposed by force. In this critical context, it is more important than ever to maintain and extend the principles of Article 9 as an international mechanism to promote peace and global stability.

Yet, even Japan has failed to fulfil its constitutional obligations to uphold Article 9, and the clause's very existence is under threat. Today, Japan's Self-Defence Force is one of the largest armies in the world; the United States holds military bases throughout the country; and the increasingly intensifying Japanese-US military cooperation is taking Japan even further away from the spirit of Article 9.

In this context, the attempts to amend the constitution to allow Japan's full-fledged military support to the US are generating anxious reactions in Japan, from its neighbors in the region, and internationally. Further, Japan has still not fully acknowledged its war responsibilities to its neighbors and reconciliation has not been achieved, leaving unstable Cold War structures in place in Northeast Asia.

¹ ARTICLE 9: 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 recognized.

Article 9 and Global Civil Society

While states have historically been the only recognized actors in international relations, peoples' movements have also played an important role. Since the 1990s, uniting at the grassroots level and beyond borders, global civil society has increasingly participated in determining the future of humanity and acted as a major force for peace, human rights, democracy, gender and racial equality, environmental protection and cultural diversity.

Vibrant examples of the rising power of global civil society as agents of change include the adoption of the Ottawa Treaty to Ban Landmines (1997), the holding of the Hague Appeal for Peace conference (1999), the establishment of the International Criminal Court (2002), the unprecedented mobilization against the Iraq war (2003), and current movements to ban cluster munitions, control small arms, outlaw nuclear weapons, and advocate for global peace, economic and social justice. It is time for global civil society to take up the cause and spirit of Article 9, extend its key principles, and carry out its mechanism for peace at the global level.

Realizing the Promise of Article 9

To implement the key principles of Article 9 at the international level, all states, from small to major powers, must bear the responsibility to prevent violent conflicts from arising and renounce the threat and the use of force under all circumstances, applying instead a non-violent human, gender-balanced dimension to security.

Poverty and inequalities have long been recognized as root causes of conflict. As current trends of globalization are deepening the North-South divide and increasing disparities everywhere, governments must achieve the United Nations' Millennium Development Goals as a first step and mobilize resources toward building lasting sustainable prosperity and social justice for all people.

By enabling states to exist peacefully, Article 9 paves the way to finding innovative financial mechanisms for development and supplements the UN Charter Article 26's call to regulate armaments and minimize the amount of resources spent on military expenses.

The spirit of Article 9 thus discourages military build-up, arms proliferation and its industry, and instead advocates disarmament, including of small arms, landmines, cluster munitions, chemical, biological and nuclear weapons. It also rejects dependence on nuclear weapons in security policies, demanding that nuclear weapons be outlawed and abolished.

Decreasing worldwide military expenditures and reallocating the world's limited resources to sustainable development will therefore, as UN Secretary General Ban Ki-moon reiterated, increase global human security and mitigate the negative effects of military activities on the environment.

The World Summit and UN Commission on Sustainable Development have called on governments and corporations to develop regulations to preserve the earth's climate, water, forests, biodiversity, food and energy supply. Investing to protect our planet from the extreme impacts of climate change is equally crucial, as the looming climate crisis threatens to generate, contribute to and exacerbate conflict.

In July 2005, the Global Partnership for the Prevention of Armed Conflict (GPPAC)'s Action Agenda declared that "Article 9 of the Japanese Constitution has been the foundation for collective security for the entire Asia Pacific region," recognizing its crucial contribution to stability and its enormous potential to help build a comprehensive and lasting peace in the region. Other parts of the world have built regional frameworks, such as the European Union, the African Union, and the Association of Southeast Asian Nations. In Northeast Asia, Article 9 could serve as a basis toward regional integration for peace.

Building a peaceful, just and sustainable world is achievable. However, it can only happen if all countries agree to engage in genuine multilateralism and respect their international commitments, particularly towards the United Nations. The implementation of Article 9 and its adoption by other countries requires parallel reforms of the international system. Additionally, the unique capacity of civil society for mobilizing, providing peaceful alternatives to violence and building peace through local, national, regional and global networks must be utilized to stop militarism and prevent future wars.

In order to achieve these goals, we, the participants of the Global Article 9 Conference to Abolish War, make the following recommendations.

We call on all governments to:

1. Honor their international commitments, including the UN Charter, the Millennium Development Goals, international humanitarian law, and disarmament agreements including the Non-Proliferation Treaty;
2. Promote and protect all human rights; recognize and consecrate the inherent human right to live in peace without which other human rights cannot be realized; and strengthen accountability and reparation mechanisms for cases of human rights violations;
3. Support and finance conflict prevention, peace-building and human security initiatives by peaceful means; and recognize the importance of working with civil society in these endeavors;
4. Decrease military expenditures and invest instead in health, education and sustainable social development;
5. Set up Ministries or Departments of Peace, and insist that Education Ministries make peace education systematic and compulsory at all levels of the education system, including in school curricula, teacher training and in the production of manuals and materials;
6. Recognize the important role played by women as agents of peace and implement UN Security Council Resolution 1325 to ensure the full and active participation of women in significant numbers in all decision and policy-making forums;
7. Recognize conscientious objectors' rights, and strengthen accountability and justice systems for crimes committed by military forces, particularly the possibility of prosecution for the crime of aggression in the International Criminal Court;
8. Enact a comprehensive and effective Arms Trade Treaty and establish demilitarized zones (DMZs) as a first step towards the verifiable and irreversible disarmament of *all* weapons – from weapons of mass destruction to small arms and light weapons;
9. Commence immediately to pursue in good faith, and bring to a conclusion, negotiations for the total abolition of all nuclear weapons in keeping with the 1996 advisory opinion of the International Court of Justice and the unequivocal commitments made in the 2000 Final Document of the NPT Review Conference;
10. Promote the establishment of nuclear-weapon-free zones (NWFZs) as a step in action towards the speedy, universal and verifiable abolition of nuclear weapons;
11. Commit to address global climate change; reverse the negative environmental impacts of war and the military; and invest resources in establishing an International Sustainable Energy Agency that promotes and shares technology for clean and safe energy ensuring the sustainability of the planet;
12. Make the United Nations, the best suited multilateral forum to maintain peace and security, more democratic by abolishing the veto power and revitalizing the role of the General Assembly;
13. Renounce war, and the use and threat of use of force as a means of settling international disputes, by including a peace clause in national constitutions, similar to Article 9 of the Japanese Constitution and Article 12 of the Costa Rican Constitution.

We encourage the Japanese government to:

1. Respect, revitalize, and truly implement and protect the spirit of Article 9 as a shared heritage for

the world, and realize its potential as an international peace mechanism;

2. Resist the path of militarization and avoid taking steps that threaten to endanger the fragile peace in Northeast Asia;
3. Take a leading role in the international community by investing in human security for sustainable development worldwide, and by fulfilling its responsibilities as a major economic power to achieve the Millennium Development Goals.

We, members of civil society, commit ourselves to:

1. Work relentlessly to mobilize globally to promote the maintenance and extension of the key principles of Article 9 and disseminate a culture of peace;
2. Affirm the universality and indivisibility of all human rights (political, civil, economic, social, cultural), and call for the official recognition of the human right to live in peace as a *sine qua non* condition for the realization of all human rights;
3. Build effective networks; strengthen local capacities by increasing cooperation among different sectors (peace, human rights, humanitarian assistance, disarmament, the environment, sustainable development etc.); and establish regular communication channels with government officials, state bodies and international institutions for a more active civil society participation at the local, regional and global levels;
4. Learn from the past and promote peace and reconciliation initiatives as a form of conflict prevention, learning from the experience of the South African Truth and Reconciliation Commission;
5. Support peace education in formal and informal educational systems to empower people at all levels with the peacemaking skills of mediation, consensus-building and non-violent social change;
6. Challenge the concentration of powers in the globalized economy that generates inequalities, damages the environment and generates conflicts; and support the creation of a just and demilitarized economy that invests in peace, development and the environment;
7. Monitor and discourage the production and trade of weapons, and call for the inclusion of peace mechanisms among the accountability norms in Corporate Social Responsibility initiatives;
8. Implement the above recommendations as well as other peace initiatives, especially the Hague Agenda for Peace and Justice for the 21st Century (1999 UN Document A/54/98)², GPPAC's Regional and Global Action Agendas (2005)³, the Vancouver Appeal for Peace (2006)⁴, and the Charter for a World without Violence (2007)⁵;
9. Build on the outcomes of this conference and establish follow-up and monitoring mechanisms for the Global Article 9 Campaign to Abolish War.

² To read the full Hague Agenda for Peace and Justice for the 21st Century, see: <http://www.haguepeace.org/resources/HagueAgendaPeace+Justice4The21stCentury.pdf>

³ See GPPAC's *Global Agenda for the Prevention of Violent Conflict*: <http://www.gppac.net/uploads/File/General/Global%20Action%20Agenda%20082007.pdf> and GPPAC's *Northeast Asia Regional Action Agenda*: http://www.peaceboat.org/info/gppac/agenda_0222e.pdf (2005)

⁴ For the Vancouver Appeal for Peace, see <http://www.article-9.org/en/resources/vap.pdf>

⁵ To read Charter for a World without Violence, see http://www.nobelpeace-summits.org/ENG/PDF/2007/CHARTER_ULTIMATE.pdf