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Proposal concerning revision of the Constitution of Japan **Prepared by the Institute for International Policy Studies (IIPS)**

Express the attitude and spirit of Japan as a nation in the preamble

Japan's unique culture and lifestyle formed and developed over the course of history are reflected in the proposed images of Japan for the 21st century. The basic framework of the nation includes the aspects of freedom, democracy, human rights, and peace together with an emphasis on the importance of education and culture, and contribution to international peace and culture.

Define the status of the Emperor as chief of state in Article 1

Emphasize the unique identity of Japan in Article 1, the beginning of the Constitution, by defining the status of the Emperor. The Emperor is defined as carrying traditional and historic authority as the symbolic chief of state to correspond with the current role receiving diplomatic envoys and being regarded as chief of state by foreign administrations. The absence of substantial attribution in the Emperor is carried over from the current Constitution and clearly specified in Chapter 2.

Formulate Chapter 1 specifying the sovereignty of the people

Chapter 1 is added to emphasize that sovereignty resides with the people. To strengthen the exercise of sovereign power, obligation of political parties to cooperate in building political will among the people and accountability of the government to disseminate information to the people have been provided, while the responsibility of participation in elections by the citizens as sovereign members of society has been expressed.

Reidentify “Self-Defense Forces” as “Defense Forces”

The provision concerning renunciation of war in Paragraph 1, Article 9 is retained in respect for aspiration to international peace as nurtured in the current Constitution. The status of the Defense Forces for the purpose of self-defense is defined in Paragraph 2. In Paragraph 3, the participation of Defense Forces in activities carried out within the framework of the United Nations or international cooperation for the purpose of international peace and humanitarian support is acknowledged. In Paragraph 4, use of

force in this regard is clearly specified, subject to approval by the Diet.

Clearly stipulate respect for the rights of others and protection of human rights of foreign nationals

Confirm ownership of basic human rights by all people, and put protection of human rights of foreign nationals in statutory form. In addition, strengthen provisions of the current Constitution prohibiting abuse of individual rights having regard to recent excessive egoism by specifying reciprocal respect for the rights of others together with one's own rights in encouraging genuine individualism.

Clarify the separation of government and religion

Express in statutory form that religious activities are not uniformly prohibited and acknowledge that there is a certain range of constitutional activities that are considered social formality or folkways, while taking into consideration judicial precedents concerning such rites as the Shinto ceremony for purifying a building site and the offering of a sacred Shinto tree branch.

Provide an article concerning the family

Position the family as the basic unit constituting society and provide for commitment within the family and the government's obligation for protection.

Institute new human rights

Add to existing human rights new rights of personality, environmental rights, and freedom of creative activity and protection of intellectual property rights, and acknowledge responsibility of the people to protect the peace and independence of the nation.

Provide for predominance of the House of Representatives and distinct role of the House of Councilors

Under the bicameral system, further expand supremacy of the Lower House in the election of the prime minister and in rights to pass legislation, and concurrently provide for direct election specifically for Lower House membership. Provide for authority by the Upper House to exercise confirmation rights of personnel in the administration as required for political stability.

Strengthen the administrative oversight function of the Diet

Expand the rights of investigation by the Diet to enhance the checking function with regard to the authority of the prime minister. Introduce the rights of investigation by minority group to enable, in particular, investigation led by a minority opposition party.

Convert to an implicit direct election of the prime minister by leveraging the Lower House election

Position the Lower House election as the one for virtual election of the prime minister by obligating political parties to specify the name of a candidate. By doing so, allow election of the prime minister through a runoff election in the event of a failure to obtain a majority in nomination of the prime minister.

Reinforce authority of the prime minister

Grant prime minister exclusive administrative authority based on implicit direct election of the prime minister. The prime minister retains the rights of appointment and dismissal of respective ministers. In addition, due to ownership of independent decision-making right, the prime minister will, unlike the conventional council system, be able to make decisions based on his own judgment in the event of conflict within the administration. If a bill proposed by the prime minister should conflict with the Diet, it can be put to a referendum. And if the confidence of the people is won, the bill can be enacted.

Add provisions concerning contingencies

Enable temporary suspension of provisions of the Constitution including allowing temporary concentration of power in the prime minister, constraint of basic human rights, and so on in the event of such emergency situations as national security, terrorism, massive natural disaster, and others. Concurrently provide for prior and post facto control by the Diet in order to prevent abuse of the relevant articles and paragraphs.

Install a constitutional court

Establish a constitutional court as a non-appellate court holding the rights to determine constitutionality separate from the conventional Supreme Court. Guarantee democratic

legitimacy by allowing the Diet and the prime minister to each appoint half the number of judges, and eliminate political influence of the appointers by disclaiming recommission. Include in the contents of judgment specific examination rights on the condition of legal contestation and abstract examination rights that allow determination of the constitutionality if lodged by the Diet or the prime minister even when not considered a criminal case. Furthermore, allow appeal by the contesting parties only after a decision has been reached at the Supreme Court.

Provide maintenance of healthy financial administration

In the Finance Chapter, uphold the principle of healthy financial administration, accept continued expense based on issues pointed out in the past, and modify the provisions concerning prohibition of financial aid to private educational institutions.

Declare the principle of local self-government

Clarify “the principle of local autonomy,” the ambiguity of which has often been pointed out, as self-governance of bodies and self-governance of residents, and thus constitutionally declare the principle of local self-government. Specify the independent rights of taxation in order to substantiate local self-government. Decide not to provide constitutionally for a regional integration system (*do-shu-sei* in Japanese).

Streamline the Constitution revision process

Based on the principle of the sovereignty of the people who retain constituent power maintain national referendum as essential, but revise the policy-initiating right in the Diet from the support of the current two-thirds or more votes to support of the majority of the total assembly members.

Stipulate the legislative supremacy of the Constitution over international treaties

Clearly define the predominance of the Constitution over treaties while providing for obligations for compliance with international treaties.