

The interpretation of Article 9 of the constitution regarding the retention of nuclear arms.

The House of Councilors Budget Committee, 11 March 1978, answer by the Director General Sanada, Cabinet Legislation Bureau

- A The government, so far, has taken the interpretation that to maintain arms which do not surpass the necessary minimum limit for the self defense is not prohibited by Article 9, Clause 2, therefore, as long as the arms remain within the aforementioned limit range, whether nuclear arms or general arms, to obtain them is not prohibited by the Clause.
- B There could exist various views of not only the constitution, but generally any law, depending on the person who interprets them, however, the government, on the interpretation of Article 9, Clause 2, believes that the interpretation stated in A is correct for the law interpretation theory and cannot take any other view.
- C Including those objects, the retention of which is not prohibited from the viewpoint of the constitution, the government does not possess any kind of nuclear arms as a policy according to the three non-nuclear principles, and, also from the viewpoint of law as well as treaty, their retention is prohibited by regulations of Atomic Energy Basic Act as well as Nuclear Non-Proliferation Treaty, however, these are separate issues from the legal interpretation of Article 9 regarding the retention of nuclear arms.

(Reference: Asagumo Shimbunsha Editing Office (30/03/2002) Hand Book for Defense 2002. Asagumo Shimbunsha, Tokyo. 799p. Chapter 12: the united interpretation regarding the defense, (13) The interpretation of Article 9 of the constitution regarding the retention of nuclear arms

The following answer by Sanada is also on the Japan Defense Agency (JDA) & Japan Self Defense Force (JSDF) website, on the page of "The united interpretations regarding the constitution and the Self Defence Force":

<http://www.jda.go.jp/j/defense/policy/kenpou/nenpyo.htm>)