

Comment on the Prof. Soga's report.

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As a constitutional lawyer, I would like at first to quote the several passages from the Preamble of The Consitution of Japan.

“We, the Japanese people ,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 people and do firmly establish the Constitution.” “We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.”

Although the Jpanese Government could not be said to have acted in accordance with the Peace Article of the Constituion (the Article 9), I think these passages should be viewed very important for both Japanese and Korean people, because the subject of the passages written is “We, the Japanese people”, and from Prof. Soga's point of view, peace in a true sense of the word can be established and maintained only by the firm will to peace and no war of the ordinary people who get the sovereign power in hand.

Next, please allow me to introduce an opinion of my friend and attorney Mr. Kim Kyondokku, who was adopted historically as the first Korean-resident trainee for the legal profession in Japan in 1977. He passed the very difficult examinations for legal profession in 1976. However, Secretariat of the Supreme Court operating the training system did not adopt him as a trainee because of his Korean nationality. Immediately, he made a strong claim to the Supreme Court to persuade them to admit him. Finally, the Supreme Court admitted him in 1977 as a special case. Many Korean-resident lawyers followed after his case since then. Mr. Kim made an impressive speech in November 1996 in the Symposium held by many constituional scholars to commemorate

the 50th anniversary of the promulgation of the Japanese Constitution proclaimed in November 3, 1946. He told the audience that he thought peace was very important generally to enjoy the fundamental human rights, and specially more essential for the Korean-residents in Japan to live and enjoy the human rights. He is truly afraid of the possible terrible situation for the Korean-residents in Japan if peaceful relationship between Japan and Korean Peninsula might be in crisis in a certain international context. He strongly suggested to the audience the most important meaning of the people's right to live in peace.

I learn from Mr. Kim's speech the significant task to establish and maintain peaceful relationship among Asian people, and to guarantee the fundamental human rights to live in peace for all people residing in Japan.