NGO Report

To the Committee on Civil and Political Rights

In advance of the review of

the seventh periodic report of Japan (CCPR/C/JPN/7)

Issue related to Article 1-1, 1-3
of the International Covenant on Civil and Political Rights

Remove the “Neighboring Countries Clause” that violates freedom of education
in Japan

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Remove the “Neighboring Countries Clause” that violates freedom of education in Japan

1. Relevant ICCPR Articles

The International Covenant on Civil and Political Rights, Article 1-1 and 1-3

Article 1-1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 1-3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

2. Summary

The “right of self-determination” can be applied to freedom of education in any sovereign state. However, for nearly forty years, Japan alone has been forced to have its own history interpreted by its neighbors (China, South and North Koreans), owing to a one-sided contract, the “neighboring countries” clause. Thus, Japan has been robbed of its educational freedom as an independent, sovereign state, as a hyper-response to its neighbors’ reaction regarding passages in history textbooks for school and the approval and adoption of textbooks to be used by schools.

Voices have been raised in the Japanese Diet and in local municipalities, calling for removal of the “Neighboring Countries” Clause, which has brought about a horrible situation in Japan. However, the Government of Japan has turned a deaf ear to these voices and holds a limp position, allowing for circumstances to go unchallenged, in which educational rights in Japan continues to erode. The Japanese Government should be told to immediately improve the current circumstance.

3. Problems

3-1. The Neighboring Countries Clause threatens educational freedom and self-determination

The “right of self-determination” is secured in the International Covenant on Civil and Political Rights (ICCPR), Article 1-1: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” As this right appears first and foremost in Article 1-1, “the right of self-determination”
is the most fundamental and most important right. However, a clause that impedes the right of self-determination exists in Japan—the “Neighboring Countries” Clause, which was concluded in 1982 between Japan and its neighbors (China, and South and North Koreas), with respect to school history textbooks.

In the Neighboring Countries Clause, it states that “deliberate considerations be made from the perspective of international understanding and cooperation in dealing with modern and contemporary history pertaining to the neighboring Asian countries as criteria for school textbook approval. The criteria for compulsory education school textbooks are to be applied to social study (excluding geography) (Ministry of Education Notice No. 15, 1988) and high school textbook approval criteria to be applied to Geography/History (excluding geography) (Ministry of Education Notice No. 96, 1999).”

Because of this clause, Japanese social study/geography/history textbooks are forced to undergo changes regarding certain historical events and facts. This clearly infringes on Japan’s educational freedom.

Education forms the basis of the “pursuit of social and cultural development” by virtue of the right of self-determination as stated in ICCPR Article 1. Moreover, education carried out by an independent sovereign state, with purposes and goals determined by the state, are things that no other state can interfere with.

3-2. The Neighboring Countries Clause distorts the study of history

The Neighboring Countries Clause targets the learning of history. History is not a matter that is fixed or concrete for all eternity. When new historical facts are uncovered or a new interpretation based on historical facts is duly established, previous thinking should be modified according to the new facts. Always pursue the truth and if necessary, make corrections or improvements. This is the proper method of learning. “Historical revisionists” are those who account for new facts and new interpretations, and slandering them show how weak people are with respect to deep, serious thinking. Not only unscientific, such criticism and slander impede the development of a truly unbiased understanding of history and furthermore intimidate those who are seriously engaged in the study of history.

3-3. The Neighboring Countries Clause impedes the achievement of education goals

Historical views can vary depending on one’s position and circumstance. There is no absolute right when it comes to historical views. Depending on positions of all involved, there may be totally
different views. Only through hearing and understanding many views and constantly reexamining old views, freedom of thought and freedom of education are secured. However, the Neighboring Countries Clause allows neighbors (China, and South and North Koreas) to impose on Japan their unilateral and slated views of history and threatens the independence of state education. This is particularly evident in the official approval of history textbooks, in which excessive diplomatic and political considerations have been made. We must not overlook diplomatic and political considerations when considering education and academic study.

3-4. Remove the “Neighboring Countries Clause” that infringes diplomatic mutualism

The biggest flaw of this clause is that it is one-sided and violates the spirit of mutualism. Japan’s catering to neighbors (China, and South and North Koreas) and accepting their historical views without even the least amount of resistance is sadistic and prevents the achievement of goals stated in Japan’s Fundamental Law of Education (2006), Article 2-5, “To respect tradition and culture and to love our country and homeland that have cultivated them and at the same time to respect other countries and nurture attitudes which enable us to contribute to peace and development of the international community.” Furthermore, if we fail in our efforts, Japan will surely end up as a land of hollow people without any pride or love for the country.

3-5. The Japanese Government ignores voices calling for rescinding the “Neighboring Countries Clause”

Regrettably, most Japanese people do not know of the “Neighboring Countries” Clause. This dismal fact is the consequence of the Japanese Government’s irresponsible attitude, fearing that this issue will become a diplomatic problem and counter to the Government’s policy of “don’t rock the boat.”

Contrary to the Japanese Government’s position, petitions and demands asking for the removal of this “Neighboring Countries” Clause regularly occur at the Japanese Diet and in local municipalities. Here are some examples:

   https://www.gikai-adachi.jp/g07_Seigan_s.asp?sf=3&kaigi=11&SrchID=68

(2) The 183 Session of the Diet, “Petition related to removal of the Neighboring Countries Clause,”
   February 8, 2013
Even today, however, the Japanese Government displays no concern over Japan’s sovereignty, let alone rescinding the Neighboring Countries Clause. One cannot help but state that the Japanese people’s rights have been continuously infringed upon.

4. Conclusion

As we have seen, the “Neighboring Countries” Clause, concluded in 1982, violates freedom of education in Japan and the essential diplomatic principle of mutualism. By this one-sided clause, Japan has not only been forced to accept historical views held by its neighbors, China, South and North Koreas, but also faces the loss of its freedom of historical study and learning. Moreover, the clause has prevented the realization of Goal 5 set up in the Japanese Fundamental Law of Education, which states: “to respect tradition and culture and love our country and homeland that have cultivated them, and at the same time respect other countries and nurture attitudes which enable us to contribute to peace and development of the international community”. This goal is nowhere in sight in Japan and may in the end lead to a hopeless low-minded people.

We request that the Committee on Civil and Political Rights to make the following recommendations to the Government of Japan, which has neglected all efforts to rescind an unfair clause and ignored the people against it:

The Japanese Government should:
1) rescind the “Neighboring Countries” Clause,
2) protect Japan’s right of self-determination in education and freedom of education,
3) make utmost efforts to accomplish its educational goal toward nurturing a national attitude which enables Japan to contribute to peace and development of the international community.