

Okinawa Facing a Hot Summer: Introduction and Four Texts translated from Japanese 沖縄、暑い夏を前に 序と四篇に加え 6.10辺野古より抗議声明

Gavan McCormack

Introduction and Four Texts translated from Japanese

****Postscript: With a New Protest Statement Issued at Henoko on June 10****

Tension in and around Okinawa rises. The Abe Shinzo government repeatedly assures Washington that the base it promises to construct for the US Marine Corps at Henoko in Northern Okinawa will proceed, come what may. The process of construction of a massive new military facility on a region that is at Okinawan law reserved for the very highest level of protection for its rich biodiversity is described in joint US-Japan communiqués as “commitment to reducing the base hosting impact on Okinawa.” In plain English, this means that Henoko construction has been made a condition for the return of the existing Futenma Marine Air Station in Ginowan City, upon whom, as a result, the “burden” would be lessened. Yet from 1996 to today, Okinawa has consistently and effectively resisted all such attempts.

Nago City, home to the Henoko site, re-elected a determinedly anti-base mayor (Inamine Susumu) in January this year and in May sent him to meet senior officials in Washington to plead his city’s case. He, and the city, show no sign of shifting their position. As Inamine puts it, no new base will be built on land or sea within his city.

That stance is supported, despite massive

national government pressure, by over 70 per cent of Okinawan people. For Nago City, the figure is even higher. One survey (*Okinawa taimusu*, 12 April 2013) in April 2013 found just 18.8 per cent of people in Nago in favour of the base construction, 77.3 per cent against it, and another (*Ryukyu shimpo*, 15 January 2014) found the support level even lower, just 9 per cent. Yet in 2013 the Abe government successfully broke the “all-Okinawa” resistance (that had included conservative LDP and New Komeito as well as other parties) by compelling the submission of the prefectural LDP and then, in December 2013, of the Governor. It now shows every sign of being determined to press ahead with construction at the earliest possible moment. That means that it must be prepared to use force to crush the opposition that it has thus far been unable to cow or bribe. The national and international media shows diminishing interest even as the issue reaches a climax. Okinawa is scarcely mentioned in the context of national Diet politics, despite its implications for Japanese democracy, the constitution, and national and regional stability. Never in modern Japanese history has a national government faced such determined public opposition by a self-governing entity.

In April, the national government filed a series of demands on Nago City mayor Inamine, including the request for right to exclusive use of Henoko fishing port for base construction purposes, giving him just four weeks to respond. The Department of Defense conceded there was no legal basis for such an ultimatum, but simply brushed aside the Mayor’s protest

and request for clarification. Immediately after expiry of the May 12 ultimatum, it called for tenders for the preliminary works. It plans to commence boring into the ocean floor, as part of its preliminary works, in June or July, to end that process before the projected prefectural Governor election in November, and to commence reclamation works early in 2015. It has organized a flotilla of over 100 ships to “protect” its survey vessels, ordered the police and coastguard to stand by to deal with protesters, and is preparing to impose an exclusion zone extending several kilometers into the Bay, marked by buoys or a fence, beyond which “trespassers” would be subject to criminal sanctions.

Okinawan citizens won previous Henoko ocean skirmishes (from 2004) and succeeded in forcing the state to back down. Abe is determined not to let that happen again. A hot summer lies ahead.

The Asia-Pacific Journal attempts from time to time to offer analysis of this unfolding crisis. Here we present a small (translated) selection of recent writings. First, two editorials from Okinawan daily newspapers discuss the outcome of one recent Okinawan civil society attempt to have their case recognized by the courts. The attempt, as related here, was dismissed without even being granted a hearing. As on so many previous occasions, Okinawans pleading their case on legal or constitutional grounds are blocked at the judicial as at the political level. They continue to assert their rights as citizens in whom, under the constitution, sovereignty resides. Our third text is an impassioned plea from Nago author Urashima Etsuko. We have carried translations of several Urashima articles in the past (see our index). In this new piece, she comments on the widely publicized fact of the Nago Fishing Cooperative accepting the sum of 3.6 billion yen as compensation from the national government for the loss of their fishing rights in the construction site area. Our fourth article

is a short report on the discovery of significant numbers of dugong in the Henoko Bay vicinity. The dugong is an internationally protected species whose presence during the “environmental impact assessment” process the government was at pains to minimize. By their appearance in 2013 in the most sensitive and endangered waters adjacent to the construction site, at this critical juncture, these marine mammals could be seen to be making their own silent protest and plea for survival.

The first three texts are my translation, and the fourth is from T&CT for *Ryukyu shimpo* (for which our gratitude).

Gavan McCormack

3 June 2014

“Dismissal of the Environmental Assessment Case Exposes Limits of the Law”

Editorial, *Okinawa taimusu*, 28 May 2014¹

The residents’ plea did not even get to be heard by the judiciary. The ruling against their suit was in effect a dismissal without a hearing.

Such was the judgment issued by the Naha district branch of the Fukuoka High Court on 27 May in the Henoko Environmental Impact Assessment (EI) case. Residents and others had brought the action protesting against procedural flaws and seeking to have the national government undertake the environmental impact study over again from the beginning.

How should the EI’s illegality be viewed? That was the question posed by the residents to the judiciary. But in rejecting their suit, the High Court avoided any concrete opinion on the procedural irregularities of the assessment. Having been beaten at the district court level

and then at this appeal court level, it amounts to total defeat for the residents.

The crux of the matter was the question of whether individual residents could enjoy legal standing and so have the opportunity to express their views. The Environmental Assessment Law provided for residents to be given the opportunity to express opinions at both the scoping document and the preparatory document stages. How was this to be understood?

The judgment completely upheld the position of the state, taking the view that the law could not be interpreted as conferring on individuals the right to express views.

As a result of the ruling in this case, representing a complete dismissal, two new problems arise. One concerns the law itself. The other is that in Okinawa, which is subject to agreements with the US such as the Status of Forces Agreement (SOFA), the application of the constitution and domestic law is subject to restriction and severe disadvantage is suffered.

The EI is an estimate of the impact that development will have on the environment. Under the present system, even in cases when a worsening of the environment is foreseen, an alternative is almost never considered.

Even in an ordinary assessment this is the case. In a “special case” such as the construction of an American military airfield, the difficulty of the EI may be easily imagined.

What sort of aircraft is to be deployed? What routes will those aircraft fly? How often will they do training exercises? Where will the sand for reclamation come from and how will it be dredged? And what about the sea-grass beds that provide dugong with feeding grounds? “Freedom of information” and “civic participation” are essential to assessment but it happens time and again that information is not disclosed or that materials are only provided

afterwards.

As the limits of the EI are revealed, we would like academic and nature protection organizations to investigate problematic points not only in the limitations of the law but also in the way it has been adapted to US military planning and to proceed from that to improve the system.

Not once has the judiciary ever recognized a halt to night or early morning flights in the noise suits over US military airfields at Kadena and elsewhere. The US military is allowed special exemption from the rules applying to low-level flight in domestic law. The measures agreed between Japan and the United States on noise regulation cannot be applied if the US military says it is necessary [to breach them].

In Okinawa where US bases are excessively concentrated measures guaranteed under the constitution and national law are severely constrained. The Okinawa that before reversion to Japan [1972] was beyond the reach of Japanese sovereignty remains even after it in a state of semi-sovereignty.

“Judgment in the Henoko Environmental Assessment Case - Courts Lack the Courage to Right Injustice”

Editorial, *Ryukyu shimpo*, 29 May 2014²

This is an unjust ruling that gives one the sense that the judiciary is abandoning both its *raison d'être* and its proper role. In the trial of a suit brought by local residents and citizens seeking a reopening *ab initio* of the environmental assessment (EI) for the construction of a substitute for the US Marine Corps' Futenma base, on grounds of procedural irregularity, the Naha Branch of the Fukuoka High Court ruled against the citizens.

The most contested issue was whether the residents had a right to lodge a formal statement to the court of their view concerning

the EI procedure. The judgment threw out the applicants' claims for a second time, upholding the lower court's ruling that "the right to express a view on the part of residents is not recognized" under the EI Law, without making any ruling on the procedural irregularities claimed by the residents.

In the scoping document that constituted the first phase of the assessment process, the state provided no information on crucial matters such as flights of US military aircraft over residential districts and only incorporated the information on the VTOL MV-22 Osprey at the actual assessment stage, effectively depriving residents of the opportunity to state their opinion,. It is clear that the procedure was slipshod.

However on the question of the opinions of residents in the assessment, the court upheld the judgment of the lower court that "it is enough for the party carrying out the works to 'consider' such opinions," hinting that it showed greater concern for the state, the party conducting the works, than for the opinions of residents.

If it is enough for mere "consideration" to be shown towards the opinions of residents, even when there is a fear that their everyday lives might be threatened, then the EI has to be seen as a facade, a means to supply an alibi to the party undertaking works.

And while there are such limits to the law as currently administered, even more problematic is the judicial attitude of turning a deaf ear to the views of residents. In the case of the New Ishigaki Airport construction, Naha District Court, even while dismissing the residents' opposition on grounds of flawed EI process, nevertheless cautioned that the large-scale investigations carried out prior to the EI procedure might be in breach of the spirit of the EI law.

In the present High Court judgment it is

impossible to sense even a scintilla of judicial pride to address social wrongs and injustices. If such a judicial stance continues, there will never be relief for residents whose livelihood environment is threatened by the acts or policies of the state.

On the matter of the Henoko base transfer, another (current) court action seeks cancelation of the reclamation license issued by Governor Nakaima. Okinawa prefectural government argues that residents lack standing as complainants and so have no right to sue. But the court should not just dismiss this action. It should make a ruling in line with standards of justice in society.

In Okinawa, where US bases are concentrated, the Status of Forces Agreement (SOFA) and the Japan-US Security Treaty (Ampo) take precedence over the constitution and domestic law. The human rights of residents suffer as a result. For that very reason, the judicial system bears a heavy responsibility to serve as a fortress for their defense.

Urashima Etsuko, "The Sea belongs to the Okinawan people and is not for sale,"

Ryukyu shimpo, 31 May 2014.

According to a report in this paper (*Ryukyu shimpo*) on May 23, an agreement has been reached whereby the Okinawan Defense Bureau is to pay the Nago Fishing Cooperative 3.6 billion yen [ca \$35 million] as compensation for the reclamation of the sea as part of the plan to construct a new military base at Henoko.³ Since the Nago Fishing Cooperative agreed to the reclamation in March last year there was nothing surprising about this but if it was to be understood as meaning that fishing people had sold the sea for 3.6 billion yen that would be far from the mark.

As Nago City mayor [Inamine] criticizes the government's posture of pretending that "the project is proceeding," so the Defence Agency

and the government are desperately trying to sow a feeling of impotence among the people of Nago and of Okinawa that “even though you oppose it, the works continue. You are wasting your time.” They want us to think that, “once the sea is sold, we won’t be able to oppose reclamation any longer.”

But the Nago Fisheries Coop has not sold the sea and could not sell it because the sea is not the property of the coop or of fishing people. What they have is just the license to engage in fishing, or the right to make a living from fishing. All that is happening now is that they are being compensated for having “sold” or abandoned this license.

It is necessary to take a step backwards, to the principle that it is not a matter of to whom the sea belongs but that the sea is not something to be bought and sold. The sea that over many aeons has been cultivated by the earth our mother. From it life itself was born and the web of life, the life system of giving birth and being born, was generated.

You might say that the right to engage in fishing is the right to just one small part of the fruits of the sea’s life system, and since that entitlement would be lost if the sea is reclaimed the right to receive compensation is understandable. But how sad it is that it should be fishing people, who more than anyone enjoy the blessings of the sea, who should choose to abandon that right in exchange for money. Even if the Cooperative takes the money, I wish individual fishermen would not receive it but instead place it on deposit. Those who do not accept a share do not lose their rights to fish and, if it turns out that the reclamation does indeed go ahead, they could then receive their share.

What is important is that even if the Nago Fishing Cooperative (whose members, regular and semi-regular, amount to a mere 120 people, most of whom belong not to the East coast, where reclamation is planned, but to the

West coast) accepts the money it does not mean that our rights to the sea are lost. The sea is not just a place for humans to catch fish and crustaceans. It provides us with all forms of life.

It is our duty and our right to hand on the blessings of the sea to our children and grandchildren. Let us now raise our voices and expand the circle of refusal to permit this absurd reclamation.

Translator’s Note.

On the March 11 2013 decision-making meeting of the Nago Fishing Cooperative referred to here, see Urashima’s November 2013 article on this site (“*A Nago Citizen's Opinion on the Henoko Marine Base Construction Project*,” *The Asia-Pacific Journal*, Vol. 11, Issue 47, No. 2, November 25, 2013). Although the vote to yield their fishing rights in return for compensation was then carried 94:2, quite a few Coop members, especially those of the East coast, had grave doubts about it.

Local newspaper articles cast some light on the apparent “pro-base” sentiment of the Henoko meeting, quoting opinions among the participants such as “we cannot fish because of US exercises,” “If the country determines something, how can we resist?” and “It resembles the situation in which [in the Battle of Okinawa] people were collectively driven to group suicide.”

The Okinawan fishing industry has suffered greatly from the direct damage caused by red soil runoff pollution from the construction of bases during the US occupation period and from rampant development since reversion (1972), and it suffers recurrent harm from incidents and accidents in the coastal zone provided to the US military. In the past, according to the three-part analysis in *Ryukyu shimpo*, it was possible for fishermen to earn in excess of five million yen per year, but now – with “US amphibious vehicles tearing up the

mozuku (seaweed) fields” - only about one-third of that (“Hinuku umi de ikiru - Henoko umetate doi no shinso,” *Ryukyu shimpo*, 13, 14, and 15 March 2013). Consequently, fishermen worry over whether they can continue to make a living and many, as Urashima wrote then, are tortured over the fact that they want to oppose but cannot go against the current in the organization. They feel they have no alternative but to submit to the national plan, allow the bay to be turned into a massive US military complex, and take whatever compensation is available.

However, the larger fishing cooperatives of the surrounding area (more representative of the sentiment of fishermen from the Eastern side of Northern Okinawa where the base is planned), have adopted a sharply different stance. Five days after the Henoko meeting, a mass meeting attended by 150 members of the fishing Coops of neighboring Ginoza, Kin, and Ishikawa (total members: 316) demanded immediate cancelation of the construction plan. (“Ginoza nado gyokyo, Henoko isetsu ni hantai,” *Okinawa taimusu*, 17 March 2013).

Author



URASHIMA Etsuko

(Photo by Laurie Toby Edison
(http://www.laurietobyedison.com/WOJwords_UrashimaEtsuko.php))

Urashima is a Nago City writer and environmentalist, involved from the outset in 1997 in the movements opposing the construction of a new military complex in Henoko. She is the major chronicler and historian-participant of struggles in Northern Okinawa over the past two decades, and author of a series of books and articles on them (in Japanese). For other translations from her writing, see the index of this site. For a note by Urashima on her thinking, see Gavan McCormack and Satoko Oka Norimatsu, *Resistant Islands: Okinawa Confronts Japan and the United States*, Rowman and Littlefield, 2012, pp. 243-248.

Okinawa Defense Bureau confirms traces of dugongs eating seaweed in the sea around Henoko⁴

Ryukyu shimpo, 23 May 2014



Report on the dugongs' behavior during May, September and November 2013. [Map of Nago City shows Henoko designated base construction site at bottom, and dugong sightings marked as A, B, and C along the East coast of Nago City]

The Okinawa Defense Bureau released a research report on the living organisms in the waters around Camp Schwab, on May 22. The research was carried out from November 2012 to March 2013. The defense bureau is proceeding with building a new base to replace Marine Corps Air Station Futenma in Henoko, Nago. The defense bureau has now announced a key finding from the 2013 survey: traces of dugongs eating seaweed and seagrass beds on the Oura Bay side of Henokozaki [Cape Henoko], the proposed landfill site. Seaweeds, such as eelgrass, which dugongs feed on, abound in the area, according to the research. The defense bureau saw 17 dugongs over 15 days in Kayo, Oura Bay and the sea near Kouri Island.

Meanwhile, volunteer research group “Zan” found more than 30 traces of seagrass eaten by dugongs on the Oura Bay side of Henokozaki by May 21. Some experts stress that the planned site for landfill is likely to be an important feeding ground for dugongs. The survey data suggests that the habitat of the dugong covers a wide range of areas from the east side of the northern part of the main island to the west coast. Environmental protection groups are concerned that the landfill construction will affect the dugongs because the proposed area for dredging sand and transporting it for landfill is part of their habitat.

According to the research report, the number of dugongs there is three, a male, female, and their child.

Hosokawa Taro, the deputy secretariat of the Okinawa Dugong Network, said, “The dugongs found in Kouri Island in the past have moved to Oura Bay, and they might live in the east coast. He pointed out that Oura Bay of Henokozaki has possibly become one of a few feeding grounds of the dugongs. He doubts that only three dugongs live there. He said, “It is difficult to identify individuals other than the dugong that has the split tail fin.”

The defense bureau started the environmental investigation at the planned site in 2009. It has now released the report in its website.

Gavan McCormack is an emeritus professor of Australian National University and coordinator of The Asia-Pacific Journal. He is co-author with Satoko Oka Norimatsu of *Resistant Islands: Okinawa Confronts Japan and the United States* (<http://www.amazon.com/dp/1442215623?tag=theasipacjo0b-20>) (Rowman and Littlefield, 2012, Horitsu bunkasha, 2013) and co-author with John Dower of the recently published *Tenkanki no Nihon e - Pax Americana ka Pax Asia ka* (NHK Bukkusu, 2014).

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Notes

¹ “‘Asesu sosho kikyaku’ horitsu no genkai o ro te i shita,” (<http://www.okinawatimes.co.jp/article.php?id=70944>) editorial,

Okinawa taimusu, 28 May 2014.

² “Henoko asesu hanketsu, rifujin tadasu kyoji n a i n o k a ,” (<http://ryukyushimpo.jp/news/storyid-226148-storytopic-11.html>) editorial, *Ryukyu shimpo*, 29 May 2014.

³ The Abe government initially offered 2.4 billion yen, but since the Coop remained reluctant then raised it to 3.6 billion, presumably reflecting its anxiety to complete all formalities and get works started.

⁴ English translation this text (<http://english.ryukyushimpo.jp/2014/05/31/14142/>) by T&CT for *Ryukyu shimpo*.

To the Governments of Japan and the United States:

Give Up at Once the Idiotic Henoko Base Construction Plan!

Statement of Protest against Extension of the Restricted water Zone for Boring Survey in Preparation for Construction of a New Military base at Henoko, Northern Okinawa

Issued at Henoko on June 10 2014 by Nago Conference Opposing Heliport Construction (Heri kichi hantai kyogikai) (translated GMcC)

The Abe government, determined at whatever the cost to boot away the wishes of the citizens of Nago and the people of Okinawa and enforce construction of a new military base at Henoko, is reportedly plan to commence in July boring into the sea floor in preparation for base construction and plans to greatly extend the fisheries limitation (entry restricted) zone from the current 50 meters from shore to 2,000 meters in order to exclude the protest activities of residents and citizens. And it has been revealed that instructions have been issued to the Coastguard that, in the event of local residents or others entering into that zone they should be subject to severe enforcement measures for "maritime crimes" under a Special Criminal Law.

It is not only a case of arbitrary exercise of state power to expand and reinforce a base at sea but also an attempt to crush in advance any recurrence of what happened 10 years ago (2004-2005) when the protest movement led by local residents and citizens forced the abandonment of the sea-floor boring survey without it being conducted even in one single spot. We absolutely cannot allow it.

Furthermore, the government is going to set up buoys around the boring survey site and detain and arrest under a special criminal law any ships or boats on which local residents opposed to base construction might cross the line

marked by them. Measures to allocate up to 50 billion yen (ca. \$500 million) provisional expenditure under the 2014 budget for reinforcement of the Coastguard and increasing its staff numbers within Camp Schwab are being firmed up.

This succession of measures amount to an unforgivable outrage and attempt to crush by state power and money power the will of the people of Nago City as shown twice over recent years in mayoral elections and the will of the people of Okinawa as shown in the "Kempakusho" addressed to Prime Minister Abe in January 2013 and in multiple opinion polls. It is discrimination against Okinawa. If such things continue, Japan will no longer be able to be seen as a democratic country.

We vividly recall the huge problem that occurred ten year ago when the pylons (spuds") anchoring the pontoon platforms sent to Henoko for the boring survey destroyed the seabed coral. The Henoko and Oura Bay region is rare even in Okinawa for its precious healthy coral and coral reef, designated by national and prefectural governments as an important coastal zone that must be protected. The behavior of a country that has the obligation to pass on a healthy natural environment to future generations itself destroying that environment leaves us speechless.

Furthermore, the sea grass spread through this marine area provides an extremely important feeding ground for the endangered Japanese dugong. In the environmental impact assessment conducted by the Department of Defense for the government, the effect of base construction was reckoned to be slight because dugong were not making use of the sea-grass beds in this marine zone. But investigations conducted on several occasions in May and June 2014 by environmental NGOs and by the Japan Society for the Protection of Nature were able to confirm the existence of multiple dugong feeding sites right in the middle of the

boring survey site (the planned reclamation zone), and we have learned that dugong use these feeding grounds on a daily basis.



**Henoko Beach, Facing Camp Schwab, 3 June 2014
(Photo by Satoko Norimatsu)**

This fact exposes the slipshod character of the Department of Defense's environmental impact study and it also shows that the attachment of buoys, the boring survey, and of course the actual reclamation, would deprive dugong, the country's natural monument, of its feeding grounds, disturb its ecology and drive it towards extinction.

We protest with anger rising from the depths of our being against the violence that piece by piece the Abe government applies towards Nago and Okinawa. Never will we submit to such a cruel attack. We strongly call upon the governments of Japan and the United States to give up at once this idiotic base construction plan.