

# Opting for the "Irrational": Tokyo Brushes Aside Okinawan Court Order to End Awase Wetlands Reclamation Project

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**Translated and Introduced by Gavan McCormack**

Most media attention to Okinawa concentrates on the bases, and rightly so since they do indeed affect everything. Here, however, author Urashima shifts the primary focus to development politics and nature, in the context of a plan conceived at the height of Japan's "bubble" in the mid-1980s to "landfill" one of Japan's most fertile, bio-diverse and extraordinary natural resources, the Awase Tidal Wetlands of Okinawa. Okinawa City, the

*administrative unit in which the wetlands are located, is also home to the largest US Air Force base in East Asia, Kadena, and the authorities decided to compensate it by creating new land for the city to expand. It would be a resort, a "Future City," etc, in keeping with the grandiloquent public works mentality of the time. Typically, it would involve substituting an artificial beach for the existing natural one.*

*Through vicissitudes that Urashima traces, national and local government bodies pressed ahead, until an Okinawan court in November last year pronounced the project irrational and ordered that no more public funds be spent on it. Weeks later, the Government of Japan and Okinawa prefecture appealed, and soon after that actually resumed reclamation works. The struggle between Government (national and local) and local communities and nature conservation bodies over this issue continues, alongside and closely related to struggles against the destruction of nature for building*

base facilities elsewhere in the island. Protesters now “sit-in” in front of the Japanese government’s Naha office and conduct ceremonies to mourn the coral and other marine creatures being stifled under landfill.

Here at Japan’s periphery, the Government of Japan is revealed in this matter to have contempt for law and public opinion (which has been consistently opposed to the project) and a crude and insensitive approach to nature. The excesses of the public works, construction state may be somewhat curtailed elsewhere (where opposition movements have successfully blocked some similar projects), but not in Okinawa. (GMcC)

On 19 November 2008, the Naha District (Okinawa) court delivered a historic judgment. In the suit brought in May 2005 by 582 residents of Okinawa prefecture and 266 residents of Okinawa City against the Governor of Okinawa prefecture and mayor of Okinawa City to stop the disbursement of public funds on the Awase Tidal Wetlands reclamation project to construct a marine resort on an island made of reclaimed land, Chief Justice Tanaka Kenji held that the project “lacked

economic rationality” and so ordered that henceforth “no public funds be disbursed, and no new contractual agreements or debt-incurring obligations” entered on the project. It was a judicial reprieve for

Okinawa’s largest, and one of Japan’s most important, wetlands.

Public works once initiated had hitherto been considered unstoppable, regardless of their irrationality or absurdity, so this judgment, calling a temporary halt and opening the possibility of actually terminating works in progress, was greeted with astonishment as well as joy on the part of the complainants and created major repercussions not only in Okinawa but nation-wide.



**Destruction of Nature in the Name of Development**

Although Okinawa is highly acclaimed by the international naturalist and scientific community for the peculiar beauty of its sub-tropical seas and mountains and the high level of its biodiversity, including many distinctive and endangered species, it is also the case that 75 per cent of all US bases in Japan are concentrated in Okinawa and it is no exaggeration to say that the islands have been thoroughly disfigured by excessive public works, carried out with large state subsidies, as compensation for the base presence.

The many public works carried out in the name of the promotion and development of Okinawa, especially since reversion in 1972, have not only shaved off mountains, filled in the sea, and so transformed the appearance of the delicate and fragile islands, but have also trampled on the delicate ecology and driven many species unique to them to extinction.

If it could be said that such sacrifices had made life much better for the Okinawan people, that would be one thing, but the profits have mostly been siphoned off by mainland general construction companies while the level of dependence of the

Okinawan economy on bases and subsidies has deepened, the Okinawan people's income remains the lowest, and its unemployment level the highest, of any prefecture in the country.

Various court proceedings (including one against a forest road project) have been launched to try to stop unnecessary development and wasteful public works, but none of them has been able to breach the judicial defensive wall. Work typically continues during court proceedings, and is completed by the time judgment is issued, so that the absence of "interested party" becomes the crucial factor. The environmental movement, and here I include myself, had more-or-less lost hope in the courts because of this happening time and again, and so we were astonished and delighted by this judgment. Although from a common-sense viewpoint it was unsurprising, we still could not help being filled with joy that the judiciary had actually come to this point.

### **East Beach Development**

At this point, let me offer a simple account of the Awase Tidal Wetlands Reclamation

project and of development along the East coast of Okinawa Island. Since reclamation has been so widespread along so much of the Okinawan coast-line, it is a near miracle that such a large wetland (265 hectares), astonishingly rich in biodiversity, should have survived just adjacent to Okinawa prefecture's second largest city, Okinawa City. Awase Tidal Wetlands, typical of Japan's coral reef coastal wetlands, comprises a continuous bio-system from mud flats through sea weed and sea grass to coral reef, rich in species, including endangered and precious species such as blue mud-skipper (*Tokagehaze*, *Scartelaos histophorus*) and Kubiremidoro (an endangered or critically endangered marine algae, *Pseudodichotomosiphon constricta*). More migratory birds come here in search of food than anywhere else in Okinawa, including especially snipe and plover. 52.3 per cent of the Munaguro (Pacific Golden Plover, *Pluvialis dominica*) that winter in Japan [en route between Siberia and Australia] do so at Awase tidal wetlands.



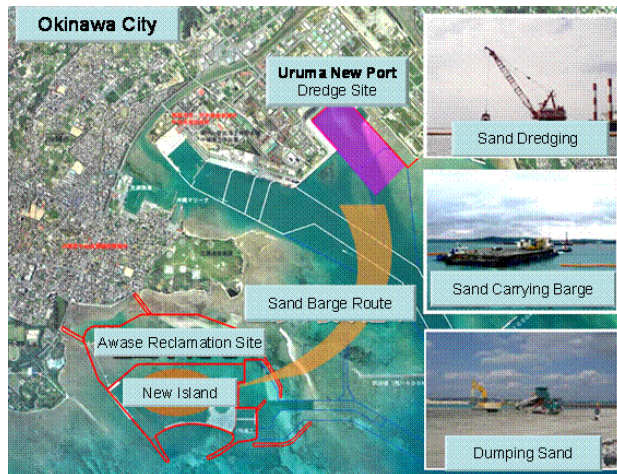
Munaguro - Pacific Golden Clover

Fish productivity is extremely high, and many local people come to the wetlands to collect edible shellfish, of which there are more than twenty varieties, and also Aosa (laver) and Mozuku (sea grass). In the past, there used to be salt pans stretching around the wetlands and one of the many benefits the wetlands contribute to human communities was the purification of livelihood wastes from the towns.

Twenty years ago, Okinawa City drew up its East Beach Development Plan for these wetlands. The 1989 Plan, to reclaim 240 hectares of Nakugusuku Bay, was designed to overcome Okinawa City people's feeling of being hemmed in by the bases, since one third of their city is taken by Kadena Air Force base, the largest in East Asia. However, the national treasury



rejected the request for subsidy on the grounds that the plan was too ambitious and its economic viability improbable. In 1991, when a revised plan, to leave the wetlands intact but build an artificial island of 185 hectares, failed to get approval from the national government, it seemed that the idea of a marine resort - a “New City for the 21<sup>st</sup> Century” - was destined to remain just a pipe-dream.



Okinawa City, Uruma New Port, and Awase Reclamation Projects

### Convergence of National and City Interests

After almost a decade in which the plan went nowhere, in 1998 it suddenly began to move. The national government's Okinawa General Bureau (part of the Prime Minister's Department), at a loss

over what to do with and the sands it had dredged for the construction of a Free Trade Zone (FTZ) that formed part of the New Port development in the adjacent Uruma City, completely reversed its position on Awase and approached Okinawa City seeking to participate in its project. The original New Port reclamation plan had been to use the dredged-up sand for construction of the harbor and shipping route, but the sand was of such poor quality (muddy silt) as to be unusable. Since it had to use specially purchased sand for construction, the General Bureau faced the problem of what to do with its dredgings. Okinawa City, for its part, was unable to proceed with the Awase project on its own account. So the interests of the two sides matched and the plan began to move forward. The national and prefectural governments would do the reclamation, Okinawa prefecture would then buy the new land from the national government, and Okinawa City would then buy about half of it for its marine resort.

Between that year and 2000, the Environmental Assessment procedures

were conducted (till 1999, when the Environmental Assessment law came into operation, cabinet assent was the only requirement) and at the end of 2000 approval was given for reclamation of 187 hectares [including 49 hectares of coral-sandy rubble tidal flat, 79 hectares of sea grass bed, and 47 hectares of reef]. At the beginning of the following year, 2001, citizens and others opposed to the reclamation formed the Liaison Committee for the Protection of the Awase Tidal Wetlands (hereafter: Liaison Committee) and called on the prefecture to conduct a “resident audit.” The prefecture refused.



Awase Reclamation Zone (as of October 2008)

Despite the fact that surveys of public opinion of the residents of Okinawa Prefecture and Okinawa City showed a

significant majority of local residents to be opposed to reclamation, a petition requesting an Ordinance to Conduct a Plebiscite of Residents on the issue was twice rejected and in March 2002 work began on the first stage (96 hectares).

Even after the Environmental Assessment, investigations by nature conservation organizations and researchers, including Liaison Committee members, discovered many new, precious, and endangered species. These included Hosoumi hirumo (a sea grass), Ryukyu Zota (a sea grass), Niraikanai gona (a crustacean, *Leucotina* sp.), *Zannonamida* (a bivalve, *Semelangulus lacrimadugongi*, whose Japanese name, preserved in the Latin, means “Tears of the Dugong” – “Zan” being Okinawan for dugong), Okinawa *Yawaragani* (a crab, *Neorhynchoplax okinawaensis*) and some varieties of coral. It showed how slipshod the official assessment had been. It is also the case that all attempts to transplant sea grasses from the sectors lost to the reclamation, whether by machine or by hand, have failed. Some members of the Awase District Environmental Observation and Inspection

Committee, set up by Okinawa City, have resigned in protest.

### **The Collapse of the Previous Reclamation**

Did this plan forcibly carried out in defiance of public opinion make sense? It is enough just to glance at the weeds spreading uncontrolled through the deserted reclamation site to realize that the New Port District FTZ, which was the starting point for the Awase reclamation, to realize that it has already collapsed. The New Port District FTZ subdivision occupancy rate is reported to be 11.9 per cent, but since that figure includes rental factories it should actually be 6.9 per cent, and if you subtract two companies that have moved in on a promise to pay over a ten year period it becomes only 2.1 per cent. Furthermore, only one single company is actually there to take advantage of the FTZ system. The Prefectural Assembly decided in 2007, as a promotional measure, to offer discounts of between 30 and 50 per cent, but by the end of August 2008, eight months later, not a single square meter had been sold (according to the Liaison Committee). As for the rental factories, notwithstanding

efforts to attract customers by various special measures including cutting the rental by more than 30 per cent, there still were no takers.

As for the marine resort (four large hotels, condominiums, cottages, a marina, multiple purpose squares, housing, artificial beach, artificial mudflats) planned for the island that was to be built at the Awase reclamation site out of sand dredged at the New Port site, only the dregs of that disappearing bubble remain, and it is almost inconceivable now that the project will ever be realized. Okinawa is already at saturation point with hotels, indeed, they collapse one after the other. There are absolutely no businesses planning to move to Awase. Marinas and artificial beaches are scarcely what people these days are looking for.

The citizens of Okinawa, wanting to protect the Awase wetlands and to stop huge amounts of taxpayer's money being wasted on enterprises such as this (Okinawa City's burden is estimated at 29.3 billion yen and Okinawa prefecture's at more than 43.5 billion), entrusted their hopes in the April 2006 mayoral election to

Tomon Mitsuko, the candidate who as a member of the national parliament had opposed the reclamation. Having promised to listen to the opinions of Okinawa City people, once elected, Mayor Tomon set up a Consultative Council on East Beach Development, comprising economists, environmentalists and civic representatives, which met between December 2006 and July 2007, and then unanimously called for the plan to be reconsidered.

### **The Mayoral Statement**

In December 2007, the mayor published her decision. “In view of the state of progress of the works,” she said she would allow Stage One to proceed “provided planned land use was reviewed,” but Phase Two (91 hectares) “could not proceed” and “the plan needed to be reconsidered.” This mayoral decision was a disappointing let-down for citizens who had been hoping for an announcement of “stoppage of the works” and “abandonment of the plan.” But it also was a major factor preparing the ground for the November district court ruling because, for the mayor to say that both Phase One and

Phase Two were “in need of revision” was tantamount to saying that at present no viable plan existed. The judgment held as follows:

“The explanation of policy ... by the defendant mayor ... is none other than an admission that she allowed reclamation works to proceed in Phase One because they had already gone so far, even though no concrete use for the land had been determined and there was no clarity so far as its economic rationality was concerned, so she had no alternative. As for Phase Two, it was to be comprehensively reviewed (the plan cancelled) because it lacked economic rationality.”

So the court was saying that in so far as the works by Okinawa City lacked economic rationality, those by the prefecture must also lack rationality.

Although it is true that the complainant’s point that the prefecture should refund two billion yen in public funds it had thus far put into the project and that the environmental survey had been slipshod and in breach of the law were dismissed, that in no way diminishes the historic



quality of this judgment.

Acclaimed by Okinawan newspapers as “a complete victory for the complainants,” the judgment could be seen as the fruit of a determined local movement – diligently guiding visitors around the wetlands site, making use of the internet, photographic exhibitions, concerts and so on to inform people at the level of their everyday life, and engaging in discussions at national, prefectural, and city levels.



Awase Wetland October 2008

### **Okinawa Prefecture and City Launch Appeal**

On 2 December 2008, Okinawa prefecture and Okinawa city appealed against the decision, thus taking a stand against widespread public sentiment for the project to be abandoned - from Japan’s

various nature conservation societies, including of course the Liaison Committee, other nature conservation organizations such as the Japan Wetlands Network, Bar Associations such as the League of Japan Environmental Lawyers, the Okinawan Prefectural Bar Association and the Kyushu Bar Association, and the various opposition groups (now a majority) in the Prefectural Assembly.

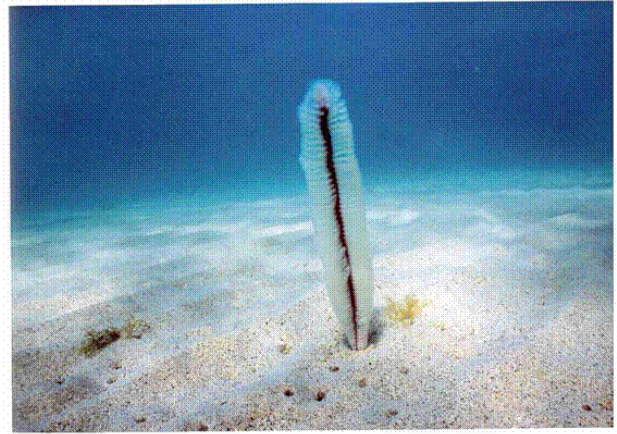
A statement of reasons for the appeal is to be issued early in 2009.

At the regular session of the Prefectural Assembly that opened on 28 November 2008, Governor Nakaima faced a unified protest movement (a walkout) on the part of the majority opposition in the Assembly, forcing proceedings in the Assembly to be suspended for nine hours, for “contempt of parliament” and “opposition to democracy” by his declaring that “there is no need for a Prefectural Assembly resolution on the appeal” even though the costs of the appeal and the works subsequent to it would have to be met from public funds. For their part, the complainants held a press conference the following day, 3 December, to declare that

they would not appeal.

The anti-reclamation forces also considered appealing, although they had in effect “won” the case, by challenging the legality of the assessment. However, the dumping of sand in Phase One district had already begun and would continue while any such appeal was under consideration so they decided not to, their object being “to have the proceedings go forward focusing on the main point, the demand for endorsement of the District Court judgment.”

I will never forget the feeling of that day, three years ago, when I first stepped into the shallow seas that extend around Awase wetlands. In these waters, less than one meter in depth, it was a different world. Swarms of fish fluttered in and out of the coral outcrops and the Umiera (sea pen or sea-pansy, an antique quill-like octocoral, Pennatulacea) stood out like angel’s wings against the white sand.



Umiera - Sea Pen

Shellfish galore were there for the taking just by stretching out one’s hand. Nothing could be more stupid than to let such a miraculous treasure trove be lost.

#### **Postscript. – National Government Ignores Court Judgment**

On 15 January 2009, the national government commenced dredging works in the new port zone of Uruma, dumping the sand into Zone One of the Awase reclamation (projected island) site. Ignoring the November district court judgment that the works made no economic sense and should be suspended, the national government chose to press ahead. It appeared to consider itself not bound by the judgment, perhaps because its appeal was in process. Protesters resolved to commence a sit-down

demonstration in front of the Okinawa General Bureau (the Japanese government's Okinawa bureau) from 21 January.

While the Government of Japan represented itself to the world at fora such as the Lake Toya Summit in 2008 as sensitive to green and environmental considerations, in Okinawa it proceeded with a threefold assault on some of Japan's most precious natural assets: the coral reef and the sea at Henoko in the north where it planned a major new base for the US Marine Corps, Yambaru forest, also in the north, where it planned a chain of helipads for US attack helicopters, and Okinawa City, where it would sacrifice Japan's most "rain-forest" rich marine environment in order to create something for which the court had just ruled that there was no rational purpose.



Author Urashima, October 2008

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*([http://www.amazon.com/Client-State-Japan-American-Embrace/dp/184467133X/ref=sr\\_1\\_1?ie=UTF8&s=books&qid=1232829898&sr=8-1](http://www.amazon.com/Client-State-Japan-American-Embrace/dp/184467133X/ref=sr_1_1?ie=UTF8&s=books&qid=1232829898&sr=8-1))*

*For a previous (16 February 2006) Urashima Japan Focus article see: "The Nago Mayoral Election and Okinawa's Search for a Way Beyond Bases and Dependence,"*

([http://japanfocus.org/\\_G\\_McCormack\\_\\_M\\_Sato\\_\\_E\\_Urashima-](http://japanfocus.org/_G_McCormack__M_Sato__E_Urashima-)

*The Nago Mayoral Election and Okinawa's Search for a Way Beyond Bases and Dependence* by Gavan McCormack, Sato Manabu and Urashima Etsuko. Her most recent book (in Japanese) is: *Shima no mirai e – Okinawa, nago kara no tayori* (For the Future of the Island – Letters from Henoko), Impakuto, 2008.

([http://apjif.org/\\_G\\_McCormack\\_\\_M\\_Sato\\_\\_E\\_Urashima-](http://apjif.org/_G_McCormack__M_Sato__E_Urashima-)

*The Nago Mayoral Election and Okinawa's Search for a Way Beyond Bases and Dependence*)

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*The Home Page for the Liaison Committee for the Protection of the Awase Tidal Wetlands (<http://www.awase.net/> (Liaison Committee)) includes a link to a Youtube video guided tour of the Awase site with abundant images of the wetland, its living creatures, and their destruction (in Japanese).*