If the Law is Observed, There Can be No Reclamation: A Mayoral Opinion Endorsed by Citizens of Nago and Okinawans

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This is the third in a five part series: Again Okinawa: Japan-Okinawa-US Relations in a Time of Turmoil

The other articles are:


• Urashima Etsuko, A Nago Citizens' Opinion on the Henoko Marine Base Construction

• Yara Tomohiro, Withdrawal of US Marines Blocked by Japan in the 1970s

• Sakura Kunitosh, Environmental Restoration of Former US Military Bases in Okinawa

In addition, we publish today a sixth important article on Okinawa:

• Jon Mitchell, Okinawa - The Pentagon's Toxic Junk Heap of the Pacific

The statement of opinion by the mayor of Nago firmly opposing the transfer of Futenma Air base to Henoko is reported as "unusual." However, the national government must not be allowed to ignore or belittle it by treating it as an "unusual" case of a mayor acting without precedent, since virtually all cases hitherto have been cases of requests for reclamation emanating from local governments.

As the mayor's opinion statement proposes, the principal duty of local self-governments is to assure the safety and security of citizens. Even setting aside for the moment the fact that the September 2012 joint Japan-US agreement on the operation of the Osprey has been completely ignored, the deployment of the Osprey to Futenma and the Henoko relocation has been utterly unacceptable to the heads of local self-government. The mayoral opinion is a natural expression of the views of Nago citizens, based on their expression of fear over the Osprey's flight. Since those flights have subsequently been extended through the whole of Okinawa, the same goes for the Governor of Okinawa, whose major responsibility is for the safety and security of the Okinawan people as a whole. And, as Nakachi Hiroshi observed in this column yesterday, the judgments of the national government and the prefecture are at odds on this matter.

That being the case, what is called for on the
part of both national and prefectural
governments is not observance of precedents
but measured judgment as to whether or not
the current application satisfies the
requirements of the law. Japan is supposed to
be a country ruled by law. If political judgments
are made that ignore the law, then it is already
a dictatorship.

Under Article 4 of the law on reclamation of
public waters, the Governor is required to
withhold approval for reclamation in cases of
an application

a) Where the use of public land is inappropriate
or irrational;

b) Where due attention has not been paid to
environmental protection or disaster
prevention;

c) Where the plan contravenes national
prefectural, or city laws and edicts concerning
the use of the land and the protection of the
environment.

The mayoral opinion, after carefully analyzing
the appropriateness of the reclamation
application under each of these three heads,
calls on the Governor, based on the law, to not
grant the license. The mayor’s opinion on the
point of “appropriate and rational” use of the
national land points out, quoting prefectural
reports, that even in the United States there
are dissenting views as to whether Henoko is
the only possible site for relocation. It is
sufficient just to quote from the former
Minister of Defense, Morimoto Satoshi, known
on all sides as a defense specialist, that “from a
military perspective, the relocation does not
have to be in Okinawa,” to make clear that this
application cannot be described as
“appropriate and rational.” As to the point of
whether the plan shows due concern for the
preservation of the environment, he views as
problematic the sloppiness of the
Environmental Impact study and the
concealment as “inconvenient facts” of the
appearance of the dugong, and concludes that
the Yambaru forest and rivers, whose
biodiversity is recognized under both national
and prefectural plans, cannot be protected
under the planned relocation.

Should not this mayoral statement calling for
the resolute rejection of the relocation be
warmly welcomed for the sake of the children
and grandchildren who bear our future?

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professor of Okinawa University, is a specialist
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conservation circles. The Japanese original of
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no muaireyo shiteki – shimin no koe fumaeta
shucho.” Here we adapt the author’s originally
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fuka – shimin, kenmin ga kyokan suru shicho
iken.”

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