

Okinawa: NGO Appeal to the United Nations and to US Military and Government over Base Matters, December 2015 and December 2016

Edited by **Hideki Yoshikawa** and **Gavan McCormack**

Okinawa: NGO Appeal to the United Nations and to US Military and Government over Base Matters, December 2015 and December 2016

1 Introduction, by Hideki Yoshikawa

2 Document 1. Okinawan Citizens' Groups, "Joint Submission to United Nations," December 2015

Attachments

- Lawyers' Group on Henoko, "Statement against wrongful detention in front of Camp Schwab gate," July 2015
- Okinawa Bar Association, "Statement on Security Activities of Japan Coastguard" 11 March 2015
- Japan Federation of Bar Associations, Demand to Japanese Government to Respect Freedom of Expression, 15 December 2011
- Violence, Detention and Arrests in Henoko, 2014-15

3 Document 2. Letter from 40 Okinawan, Japanese, and International NGOs to US Military and US Government, 1 December 2016 ([original Japanese text here](#))

Introduction

December 2nd 2016 marks the 20th anniversary of the Special Action Committee on Okinawa (SACO) agreement between the Japanese and the U.S. governments. The 1996 SACO agreement was a response to Okinawa's outrage against the rape of a 12 year old local girl by three U.S. soldiers in 1995. The agreement was proclaimed and has been promoted as a means to reduce the heavy burden of the presence of the U.S. military in Okinawa since the end of World War II.

However, what the people of Okinawa have experienced for the past 20 years has been the oppressive reality of the agreement. The return of land occupied by the U.S. military was made conditional on the provision of replacement bases and facilities within Okinawa and, even worse, the Japanese government has met the opposition to the construction of new bases and facilities with an iron-fist and the U.S. military and the government treated it with scorn.

The 20th anniversary thus passed without ceremony. Protesters against the construction of new helipads for the U.S. military in the Yanbaru forest clashed with Japanese riot police at the construction site. People gathered at the Nago Police Station to demand the release of protesters detained in its cells and to

denounce the police search of the offices of local peace organizations. Okinawa Governor Onaga Takeshi defended himself against charges that he had accepted the construction of helipads in the Yanbaru forest as a “painful decision” in return for the return of half of the U.S. military’s Northern Training Area to Okinawa, repeating that he did not approve their construction.

The SACO agreement continues to affect and to challenge the people of Okinawa. Despite its many contradictions and flaws, it is still the only agreement between the Japanese and U.S. governments that stipulates return to Okinawa of land occupied by the U.S. military. Many in Okinawa wonder what would happen if Okinawa did not seize the opportunity provided by this agreement. Okinawa continues to suffer under the other two bilateral frameworks, the U.S. Japanese Security Treaty and the Status of Forces Agreement (SOFA).

It is in this context that the following two documents were produced. The first, created by Okinawan, Japanese and international NGOs, was sent to special rapporteurs of the U.N. Human Rights Council in December 2015. It insists that the concentration of U.S. military bases is a form of discrimination against the people of Okinawa. It details how the construction of helipads and a new base have been carried out by the Japanese government, and the various forms of human rights violations involved. The second is a letter written by Okinawan, Japanese and international NGOs and sent to the U.S. Ambassador to Japan and to U.S. Forces in Japan in December 2016. Referring to the World Heritage Convention, it argues that the construction of helipads and the conduct of U.S. military training in the Yanbaru forest hinder the chances of success for the forest in its bid for recognition as a World Natural Heritage site.

Both documents attest to the growing

internationalization of Okinawa’s struggle. They seek to release Okinawa from the spell of the U.S.-Japan Security Treaty and, the SOFA and SACO agreements by reaching out to international bodies and conventions, and taking a stand on the principles of human rights and environmental conservation with which the people of Okinawa have embraced in the course of their struggle to live with U.S. military bases.

Hideki Yoshikawa



Document 1

“Violation of Freedoms of Expression and Peaceful Assembly in Okinawa, Japan,”

All Okinawa Council, Citizens’ Network for Biodiversity in Okinawa, International Movement against All Forms of Discrimination and Racism (IMADR), and others, Joint Submission to United Nations, Human Rights Council, 11 December 2015.¹

Introduction

This report highlights violation of rights to free expression and peaceful assembly taking place

in Okinawa, Japan in four forms;

- 1) State violation of freedom of expression and peaceful assembly:
- 2) Police violations of freedoms of expression and peaceful assembly:
- 3) Oppression on freedom of press:
and
- 4) Infringement of right to information.

This report aims to provide the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Office of the High Commissioner for Human Rights (OHCHR) with the thorough information to illustrate the acute situation of freedom of expression and peaceful assembly as well as democracy in Okinawa, and Japan overall.

Background Information

The nineteen-year controversy over the U.S. and Japanese governments' plan to relocate U.S. Marine Air Station Futenma to Henoko (the Henoko base construction plan) in the northern part of Japan's Okinawa Island is at a critical juncture.

On October 13, 2015, supported by an overwhelming majority of the people of Okinawa, Okinawa's Governor Onaga Takeshi revoked the land reclamation approval for the construction of the U.S. military base granted under heavy pressure from the Government of Japan in December 2013 by his predecessor, Nakaima Hirokazu. Governor Onaga's revocation was based upon a review of the approval process conducted by a Third Party (Experts) Commission, which concluded that Nakaima's approval had many legal flaws. With the act of revocation by Governor Onaga, the construction and related activities became

illegal, and in fact the Government of Japan temporarily halted them.

However, the Government of Japan quickly acted to file complaints in an attempt to suspend and nullify Governor Onaga's revocation. It declared its intention to take the issue of Governor Onaga's revocation to court and to reinstate or "execute by proxy" the land reclamation approval. On October 29 it suspended Governor Onaga's revocation and resume construction works and on November 12 it resumed drilling surveys.

These events are deeply disturbing to the people of Okinawa. Opposition to the Henoko base construction plan reaches unprecedented levels. It has never been lower than 70 per cent of the population in Okinawa, and in some cases even higher than 80 per cent over the past several years. Confrontation between protesters and riot police forces escalates at Camp Schwab, the existing U.S. military base, part of which is to be incorporated into the projected new base. On a daily basis, protesters are forcibly evacuated, detained and even arrested resulting in the increase of the number of injuries. This situation is considered as a clear violation of freedom of expression as well as freedom of peaceful assembly.

State violation of freedoms of expression and peaceful assembly

The Government of Japan has been violating the freedom and dignity of its citizens by forcibly promoting the construction of a new military base in Henoko, Okinawa, under the guise of 'transferring' Futenma Airbase to a less populous location. However, the violation of constitutional rights relative to the U.S military bases in Okinawa started a long time ago. When we especially discuss the freedom of expression, the Takae SLAPP Lawsuit must be referred.

The Takae district in Higashi village of Okinawa Island, is located in the 'Yanbaru,' the

natural forest that covers the northern half of Okinawa. U.S. Marine Corps helipads have been relocated adjacent to Takae residences, and others are being constructed. Residents of the Takae district have opposed construction of the helipads. The Government of Japan filed a motion for “illegal obstruction of traffic” against Takae residents who staged a sit-in protest in front of the entrance to the construction site for a new U.S military facility, whereby they became defendants in this case. This kind of lawsuit, intended to suppress or discourage public opposition to the Government’s plans, is known as a “SLAPP” lawsuit (Strategic Lawsuit Against Public Participation).

SLAPP lawsuits were first used in the 1970’s -1980’s in the United States when civil movement was mounting. In response, laws were enacted in the 1990s in the U.S. in order to prevent SLAPP lawsuits.

The Takae SLAPP lawsuit started with a request by the Government of Japan to issue a temporary injunction against 15 Takae residents on 25 November 2008. A 7-year-old girl was among those named as a defendant because she was the daughter of the local protest leader. In actuality, the girl had never been involved in any of the protests. As a result, the case against her was eventually withdrawn, but the temporary injunction continued to be sought against the other 14 defendants. On 11 December 2009, the Naha District Court dismissed the case against 12 of the remaining 14 defendants. The dismissal occurred because some residents were named simply because they were spouses of protesters, even though they had not actually participated in the protest.

When the preliminary injunction was approved, a lawsuit was filed against the two remaining residents. The Naha District Court dismissed the case against one of the two; however, it proceeded to prosecute the other one, on 14

March, 2012. The high court upheld the case on 25 June 2013, and on 13 June 2014, the Supreme Court upheld the lower court order. During this time, the Liberal Democratic Party was defeated and the Democratic Party began to rule. However, the Democratic Party did not dismiss the lawsuit.

The defendant’s actions expressing his desire to “live in a peaceful place without military bases,” constitute an act of political expression, which is nominally protected by the Japanese Constitution. Its intent was to promote achievement of a self-sustaining existence for Okinawa. Because the Government of Japan’s case against a private citizen is intended to intimidate and to suppress future political expression, the rationale for its actions must be rejected unless some strict, clear criteria are provided. The Government lawsuit requests an indefinite suspension of political expression by private citizens. While securing unimpeded construction of the helipad is a trivial benefit to the Government, the loss of constitutionally guaranteed freedoms by the citizens of Japan is immensely consequential. The Government’s actions cannot be justified.

The violation of freedom of expression has begun already, and the critical situation of Japanese democracy, as represented by the construction of a new U.S military base in Henoko is not something which started recently. The Japanese democracy has been in peril already.

Police violation of freedoms of expression and peaceful assembly

Japanese police have undermined freedom of expression through oppressive and violent measures against protesters demonstrating on both land and sea. On a daily basis, the police forcefully evacuate peaceful protesters who gather in front of the gate of the Camp Schwab, the U.S. military base in Henoko.^{1 2} Those evacuated are detained on the sidewalk, where they are kept inside an enclosure of iron bars

and police vehicles. At sea, the Japan Coast Guard (JCG) uses violence to remove protesters and journalists in kayaks and small boats by detaining and evacuating, purposefully colliding with and damaging their boats and deliberately flipping smaller boats.³ The police and JCG take video footage of protesters and journalists, identify, and threaten them by name in order to suppress them.⁴ The JCG frequently uses excessive force, including chokeholds and holding demonstrators underwater to threaten them with drowning. Since July 2014, at least 35 cases of detention affecting hundreds of protesters, 13 cases of alleged excessive use of force, and 12 arrests of protesters have taken place.⁵ From 4th November 2015, the Government has brought in riot police squads from the mainland on a daily basis. Each squad is composed of around 100 officers. As a result, the number of persons injured due to excessive use of force by the riot police has increased.⁶ These actions have also fuelled chilling effects among people and escalated the tension between people of Okinawa and the Government of Japan.

The legal basis of such oppressive actions by the police and JCG is dubious. Although the police claim that their measures comply with law, it is not clear to which law they refer.⁷ The Police Duties Execution Act prescribes that measures without warrant can only be conducted in exceptional cases, when there are threats of injury, of life or to property.⁸ However, because the protesters are demonstrating in a non-violent manner they do not pose a threat to anyone or anything. Furthermore, the JCG is violating the Japan Coast Guard Act. According to section 1 of Article 18 of the Act, stopping, transferring, and disembarking of vessels is only permitted: 1) in a dangerous situation (such as an accident); 2) in a situation involving risk to life or body of person, or of significant damage to property; and 3) in a situation of urgent need.⁹ These exceptional measures must be strictly interpreted, since they limit personal liberties

guaranteed by the Japanese Constitution. In other words, the police and JCG are consistently acting beyond their legal purviews and violating constitutional rights.

Moreover, allegations of “*obstructing official duties*” as well as the *Act on Special Measures Concerning Criminal Cases*¹⁰ are arbitrarily used to arrest and oppress protesters and journalists. Circumstances of arrest for “*obstructing official duties*” are often unclear, since they often occur when police are forcibly removing protesters. The police are also accused of provoking protesters to create opportunities to arrest them. In 2015, three individuals were arrested for alleged violation of the Act on Special Measures. Of those, two were dragged by security guards into Camp Schwab and then arrested.¹¹ It was a clear case of arbitrary arrest with application of the Act on Special Measures. Furthermore, the JCG has mentioned a possible application of the Act against detained protesters who entered the temporary restricted area. This raises a serious question about the government’s interpretation of the Act. The purpose of the Act on Special Measures is to guarantee activities of the U.S. military in Japan, but the current temporary restricted area is for completion of preliminary construction work for the foundation of a base that is a project of the Government of Japan. Therefore, the Government of Japan is misusing the Act in order to prevent citizens from expressing their opinions.

Those extrajudicial measures are taken to oppress protesters and spread chilling effects to prevent people from joining demonstrations. Regrettably, national courts have not found these measures legally problematic, despite serious impacts on constitutional rights, in particular, freedom of expression, freedom of speech and the right to peaceful assembly. Freedom of expression, especially freedom of political expression, exercised with respect for other human rights, must be upheld, since it is a core component of a democratic society. In

taking oppressive measures against peaceful demonstrations, the Government of Japan not only violates its Constitution, but also the International Covenant on Civil and Political Rights.

Oppression on freedom of press

Background

Since Abe administration started, the Government's intervention to the press has strengthened severely. In November 2014, just before the general Lower House election, ruling Liberal Democratic Party (LDP) sent official letters to NHK ("Nippon Hoso Kyokai", Japan Broadcasting Corporation) and all the major TV stations in Tokyo, requesting them to handle the news on the election from a "*fair and neutral standpoint*". The request was precise, including how to select the speakers and tips to take into account when editing the curb side interview. It was to ensure the news and programs not be inclined to a specific opinion and remain "*fair and neutral*". LDP states that this request is not the oppression of freedom of speech, since it is just asking for a "*fair and neutral standpoint*" which is stated in article 4 of Broadcast Law. However, in reality there lies a severe problem. In the first place, in Japan it is the Ministry of Internal Affairs and Communications (MIAC) which has the regulatory authority and the authority to grant licenses to TV stations. In short, TV stations are under observation of MIAC through licensing process, therefore any request or guidance from MIAC becomes a strong pressure to the actual broadcasters.¹² Consequently, such a request from the Government creates a chilling effect, which makes it quite difficult for the broadcasters to criticize Government's policies in TV programs.

There has been an example of the "administrative guidance", which has a stronger impact than the request above. Broadcasting Ethics and Program Improvement Organization (BPO) had been investigating the

program of NHK, broadcast in May 2014, which was accused for the prearranged performance. BPO is the third party organization to promote the accuracy and improvement of broadcasting. However in the middle of investigation, Sanae Takaichi, the Minister of Internal Affairs and Communications, administrated a reprimand as an administrative guidance. She explained this action had been taken in accordance with Broadcast Law. However, this action is widely understood as the Government ignoring the role of the third party organization, and directly pressuring the media. It was quite an unusual measure in recent history.

LDP and the Government of Japan have been interfering with TV stations in succession, by misusing Broadcast Law. However, the section 2 of article 1 of Broadcast Law was to secure "nonpartisan of broadcasting" in order to prevent the intervention from the Government and to secure "fact" in order to forbid the pressure from the Government to falsify the facts.¹³ However, the Government of Japan is using the law as a means to regulate freedom of press, without understanding nor respecting the original purpose of the law.

Amid the strengthening interference by the Government over journalism, the media in Okinawa, especially two local newspapers, have kept on conducting critical coverage against the Government about the U.S. base related issues. This is out of their ethics and mission as local newspapers, to report U.S. base related issues, which are rarely covered by the media outside Okinawa. This attitude is unfavorable of the Government of Japan, which promotes the construction of a U.S. base in Okinawa, and the Government has been criticizing the Okinawan media as "biased". The Hyakuta incident occurred under such circumstances.

Hyakuta incident

On June 25th, 2015, about 40 junior LDP Diet members held a study session at the LDP's

headquarters. This study session is called “Culture and Art gathering” and its aim was to promote constitutional amendment. They invited the famous writer, a former member of the Board of Governors of NHK, Naoki Hyakuta. The study session was vibrant, with a series of critical opinions about media expressed by the LDP Diet members and Naoki Hyakuta.

Hideo Ohnishi said “The best way to teach media a lesson is to deprive them of advertisement income. Neither politicians nor Prime Minister Abe can say this, so we want you to appeal to the Federation of Economic Organizations that it is outrageous to provide advertisement income to media which commits a fault against the interest of Japan. Something like boycotting.”

Takahiro Inoue said “When I served as a president of the Fukuoka branch of Junior Chamber International Japan, I bashed media. From this experience, I learned that the boycotting sponsorship damages media the most. We must do (this) all over Japan. Why not announcing the worst 10 TV programs and list the name of sponsoring companies?”

Takashi Nagao asked Hyakuta “It is the failure of post war conservatives that created the odd structure of media in Okinawa. What will you do to straighten the biased public opinion of Okinawa? I believe media is completely taken over by the left wing.”

Answering to these opinions and questions, Hyakuta said “We must smash up (two Okinawan newspapers)”. He went further to tell a false history of Futenma Air Base saying “People from the neighboring community moved around the Air base for the money”.

Minoru Kihara, the head of this gathering, said “Mr. Hyakuta has been providing information and voicing his opinions and belief to the public, and he is well accepted by the people. We, politicians, should all learn from him.”

Several government officials also attended this study session.

On June 30th, in response to the press Hideo Ohnichi answered, “We should punish (the media critical about the new Security bill)” or “I believe companies should restrain spending advertisement fees to the media which conduct false news coverage.”

Issues raised through this incident

The remarks cited above were intended to oppress the media. Together with the Government’s regulation of the freedom of expression, it is clear that they produce a serious chilling effect. LDP removed Kihara Minoru from the Director of Youth Division, and ordered the suspension of any post for a year. Hideo Ohnishi, Takahiro Inoue, Takashi Nagao were reprimanded. However, these punishments cannot address the problematic nature associated with the incident. The following three points must be pointed out.

Firstly, “Culture and Art gathering” is an official study session of Diet members held at the LDP’s Headquarters, which many Diet members with high-ranked positions in LDP and the Government participated. Therefore we can conclude that the remarks made there, created political pressure using the position of the ruling party.

Secondly, we must highlight the fact that the remarks were concrete, including specific methods on how to reduce the advertisement income or sponsors of media. Their utterance denies the freedom of press, and therefore we recognize them as a threat and challenge to the freedom of press by the authority.

Thirdly, we must focus that the remarks made by Naoki Hyakuta were not denied or questioned, but were accepted positively by the Diet members. Diet members are the representatives of Japan which is a democratic country. They must adamantly oppose such

proposal of media regulation. Instead, they said “We must learn from Hyakuta Naoki.”

Conclusion

In recent years the oppression of freedom of press by the Government and ruling LDP has been intensified more and more. Especially to the media of Okinawa, conflicting with the Government over the U.S. base related issues, the oppression has progressed to the level which seeks to deprive freedom of press, rather than disrespecting it. This is clear from the fact that LDP members discussed how to “smash up” the local newspaper at the study session. It cannot be excused for the sake of protection and maintenance of democracy. The present situation, where the freedoms of press and expression have been threatened, is the crisis of Japan’s democracy.

Infringement of right to information

Introduction

Freedom of expression is guaranteed by Article 21 of the Japanese Constitution, which also stipulates the people’s “right to information.” In Okinawa, however, the Government of Japan continues to conceal information arbitrarily from local communities, particularly those related to military affairs. Some observers have charged that the government’s efforts at concealment have nothing to do with concerns about national defense, but that they are intended to avoid fueling civilian opposition to the U.S. military bases. In addition, the lack of transparency regarding discussions about U.S. military bases with local Okinawan communities constitutes a problem. Information is not equitably or properly disclosed to Okinawan residents. The Government must share as much information about U.S. military installations as possible with people of Okinawa, whose lives are impacted by the U.S. military presence. Only after proper information disclosure is ensured can democratic decision-making be pursued.

Anxious to quell the increasing anti-base sentiment in Okinawa, the government has often violated people’s right to know by controlling information in an arbitrary manner.

The following chapters outline the latest cases of hiding information about deployment of Osprey military aircraft and about the Government’s obstructing information disclosure regarding a prefectural road in the Takae district of Higashi Village, used by the U.S. military.

Hiding Information on Deployment of Osprey Military Aircraft

Following the rape incident of an Okinawan school-girl by three U.S. service members in 1995, the Special Action Committee on Okinawa (SACO) was established by the Government of Japan and U.S. Government. The November 26, 1996 document of the SACO talks compiled by the U.S. military describes the “comments of the U.S. military officials in Japan (1)” of the fact that “the Government of Japan has not released information on deployment of MV-22 Osprey aircraft. The U.S. military calls for the immediate release of the information (C).” Due to a high number of accidents associated with the aircraft, local residents on Okinawa have long been concerned about deployment of the aircraft to Futenma. With safety concerns, local citizens had been contacting the Government, asking whether there was a plan to deploy the aircraft to Okinawa. On November 27, the document entitled, “The Government of Japan’s view on the relocation of U.S. Marine Corps Air Station Futenma” (MCAS Futenma) was sent to U.S. military forces in Japan. Section 5 “Q & A regarding matters related to MV-22 Osprey aircraft: Explanation for the prefecture and people of Okinawa provided by Naha Defense Facilities Administration Bureau” notes that “the Defense Agency prefers answers in accordance with the following details. The sea-based facility will serve as the base for

operation of sixty helicopters. [...] If these helicopters are to be replaced with MV-22 aircraft (not fixed-wing aircraft) in the future, the base is considered to be capable of accommodating the new aircraft under the same conditions. The sea-based facility will remain to be a heliport as it was originally planned to be used for the relocation site for transport helicopters that are currently basing in MCAS Futenma.”

In the document it was stated that “These documents were passed from Takamizawa in the Minister of Defence to the military J/3 in Japan”, and “The third part (fifth item) is an expected question and answer regarding deployment of MV-22”.

Nobushige Takamizawa, then Director of Defense Policy of the Japan Defense Agency who attended the negotiation meeting with the U.S government, answered a question by the Ryukyu Simpo (newspaper) interview, about the person ‘Mr. Takamizawa’ mentioned in the document, saying that “It is hard to deny that that person is not me”. The document is the agreement on joint use concluded on 1 December, 1990, between the Director of the Engineering Division, Marine Corps Bases Japan, the Governor of Okinawa, and the Director of the Facility Division of the Naha Defence Facilities Administration.

Following the guidance of the Government of Japan, the SACO Final Report of December 22 of the same year contains a phrase “...will also support operation of short takeoff and landing aircraft,” with the description of the MV-22 Osprey aircraft removed. Although the U.S. Government tried to reveal the planned deployment of MV-22 Osprey aircraft in the SACO agreement, the of Japan requested removal of the statement regarding the deployment through Nobushige Takamizawa¹⁴, then Director of Defense Policy of the Japan Defense Agency. As a result, the statement regarding deployment of MV-22 Osprey aircraft

was struck from the SACO Final Report.

The Environmental Impact Assessment Law requires all organizations to undertake environmental impact assessments before carrying out major projects like the new base construction at Henoko. Assessments are conducted to study adverse environmental consequences of proposed activities and to present measures to protect the environment. A democratic process of disclosing information to the public and hearing opinions from citizens, as well as scientific verification should be ensured throughout the process of environmental impact assessment, specifically during development of an investigation plan (Environmental Scoping Document) and when reporting the results of assessments (Draft Environmental Impact Assessment).

However, even after the Environment Impact Statement (EIS) for the construction of a new U.S military in Henoko started, the Ministry of Defence did not mention the plan to deploy the Osprey in the Environmental Scoping Document (ESD) or the Draft Environmental Impact Assessment (DEIA), and information related to deployment of Osprey had been hidden, despite the many inquiries about the Osprey from citizens. However on June 6th, 2011, The Okinawa Defence Bureau finally revealed information about the Osprey deployment by sending a FAX entitled “Notification to local community (Oral)” to Okinawa Prefecture and Ginowan City. The document said, “This is to inform you that we have received information from the Ministry of Defence of Japan that the U.S. Government has announced the deployment of MV 22 Osprey to Okinawa. The U.S. Marine Corps is exchanging CH 46 helicopters for MV 22 Ospreys by gradually reducing the number of CH46s.” At 4:00 a.m. on December 28, 2011, the ‘Evaluation Document’ of the final report of the Environmental Assessment was submitted to the Okinawa Prefectural Government, in which the plan of Osprey deployment was mentioned

for the first time. However the process of seeking public opinion about the “Evaluation Document” was lacking; therefore citizens were not given any opportunity to raise concerns about the Osprey deployment.

The Government of Japan hid the Osprey deployment plan because it knew that Okinawan opposition to the U.S. military base at Henoko would have strengthened had the people known about it. This would have made it even more difficult to start construction of a new military base in Okinawa. This flawed assessment completely ignores stipulated procedures for the Method Document and the Preparatory Document, thereby making a mockery of the entire process. The construction of a new base in Henoko is exactly the kind of issue that these procedures were designed to address and the construction work at Henoko is already underway without the right processes.

Prevention of information disclosure concerning the use of the road in the Takae district

On 19 February 2015, Okinawan residents submitted an information disclosure request to the Okinawa Prefectural Government about: 1. ‘FAC 6001 Agreement on Joint Use of U.S. military Facilities in the Northern Training Area by the Okinawa Prefectural Government’ (1 December, 1990) and also the memo of the Facility Special Committee, and ‘FAC 6001 Agreement on Joint Use of part of the land of the Northern Training Area (18 December 1981)’. The Okinawa Prefectural Government decided on the disclosure of those documents.

This document is part of the notification sent from the Secretary General of Naha Defence Facilities Administration Agency to the Okinawa Prefectural Government, through the Director of the Okinawa Forest Land-Use Management Office, dated February 15th 1983, inquiring about the conditions of use proposed by the U.S. military for joint use of land by the

Government of Japan and the U.S. Government. The Government of Japan possesses the land designated FAC6001, the northern training area, located in Higashi and Kunigami Villages and has approved use of the area by the U.S. military. The Governor of Okinawa submitted an application for joint use of the land based on item 4 in Article in the Status of Forces Agreement on October 9th, 1979 and it was approved by the joint committee on September 27th, 1990.

However, on March 4th, the Government of Japan filed a legal case to cancel Okinawa Prefecture’s decision regarding the disclosure and on March 5th the court ordered suspension of the disclosure¹⁷. The Government of Japanese’s petition claimed “it is clear that the relationship with the United State will be lost (if these documents were disclosed). The government pointed out that in the meeting minutes of the first meeting of the Japan-U.S Joint Committee, (Official Name: Joint Committee established by Article XXV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, regarding Facilities and Areas and the Status of United States Armed Forces in Japan) and “9. The United States made recommendations on the following procedures and preparation and Japan agreed”, and “F. Official meeting minutes of the Joint Committee shall be considered as official documents for both countries and not be disclosed without mutual agreement by both Governments.”

However, these documents only stipulate the agreement on the use of the shoulder of the road that runs through the training facilities in the jungle located in northern Okinawa Island, which means that no military information would be included. Therefore, the Okinawa Prefectural Government, which owned these documents, decided that these documents did not have to be concealed.

Nevertheless, the Government of Japan opposed their disclosure, claiming that this agreement was made under the Status of Forces Agreement and refused access to information, even if it had no bearing on national security.

Conclusion

From these cases, it is obvious that the Government of Japan has arbitrarily limited public access to information in its possession, especially that related to the military. These cases are just the tip of the iceberg and there is concern that arbitrary concealment of information continues to the present. Moreover, due to enforcement of the Act on the Protection of Specially Designated Secrets (the government has offered no definition of “Designated Secrets”), there is also concern that the Act makes it easier for the Government of Japan to conceal information concerning the U.S. military. In such a case, Okinawa, where the U.S military bases are concentrated, will suffer.

The methods that the Government of Japan uses to regulate acts of expression, limiting public access to information, reminds us of the time before the World War II when the freedom of expression and the right to information were both significantly restricted. The freedom of expression and the right to information must be protected as basic democratic principles, as they are protected by international standards of human rights.



Henoko, 2010

Attachments

Statement against Wrongful Detention in front of the Camp Schwab Gate by Riot Police of Okinawa Prefecture

Lawyers group for suit to cancel the approval of landfill in Henoko (Head: Toshio Ikemiyagi), 29 July, 2015

1. Against citizens’ protest activities in front of the Camp Schwab Gate to oppose the construction of a new base in Henoko, Nago city, Okinawa prefectural police repeatedly mobilise a number of riot police officers and evacuates citizens to a temporary detention space by using iron fences and police vehicles on the side walk where evacuated citizens are detained. Such acts of the prefectural riot police are detention without warrant which violates the Articles 33 and 34 of the Constitution.
2. With regard to the wrongful detention, lawyers belonging to our group directly questioned riot police officers for its legal basis, yet riot police officers ignored the questions and continued illegal detention of citizens.

Nevertheless, since citizens are conducting

non-violent protests, it is not in a situation where security cannot be ensured without detention. Thus, detention above by the prefectural riot police officers is an illegal act which cannot be justified by law. Moreover, evacuation by prefectural riot police officers is conducted in which several officers hold citizens' arms and legs or bind their arms behind to deprive their physical liberty, and then bring them inside the fences. Even if its purpose is to ensure the safety of citizens, it significantly exceeds the appropriateness of means. Such acts of prefectural riot police disrespect basic human rights and human dignity of citizens by treating them as if they are "objects", which have to be said illegal and wrongful.

1. According to press reports, the prefectural police explained in interview that "(it is) taking appropriate measures in accordance with law in a view to secure security for people and prevent troubles", "(it is) moving people to resolve an illegal situation, and using equipment and cars to make sure that people do not come out to the road until vehicles enter (the Camp)". (Morning edition of Okinawa Times on 29th June 2015) However, it is absolutely unclear which "law" is referred here. Even if it is based on the Police Duties Execution Act, the Act only illustrates that measures can be taken in a necessary capacity to avoid a risk only when there is a threat to lives or bodies of persons or property. There is a very low possibility for citizens, who are conducting expressive activities guaranteed by the Constitution in a non-violent manner, to pose such a risk. Even if "moving people to resolve an illegal situation" is approved, "using equipment and cars" to detain citizens concerned clearly exceeds the scope permitted by law.
2. Moreover, it can be said that illegal detention by the prefectural police

officers in front of the Camp Schwab Gate represents the current Government's attitude to disrespect the Constitution. The current Government railroaded the security bill in the lower house of the Diet in which the majority of the population expressed their opposition and vast majority of constitutional scholars concludes it unconstitutional. The current Government's attitude to neglect the Constitution is clearly represented by ongoing illegal detention in front of the Camp Schwab gate and the forcible passage of the unconstitutional security bill, which makes us alarmed at Japan's constitutionalism, rule of law and democracy.

3. Overall, citizens' activities to oppose the construction of a new base in Henoko, which are taking place around the Camp Schwab, are part of the exercise of freedom of expression guaranteed by the Constitution. Especially since the freedom of political expression is a basic human right in the foundation of a democratic society, any authoritative regulation against it must be inhibitory.

We strongly demand the prefectural police take sufficient consideration to citizens' freedom of political expression by following the Constitution and other laws by which civil servants are bound.

"Statement on Security Activities of Japan Coast Guard in Henoko, Okinawa," Okinawa Bar Association, Hidekatsu Shimabukuro, president) 11 March 2015

1 Currently [March 2015], Japan Coast Guard (JCG) is conducting security activities using patrol vessels and rubber boats against citizens protesting at sea who oppose the construction of a new U.S. military base by the Government in Henoko, Nago city. The JCG's security activities range from stopping boats and canoes

carrying citizens and media personnel to JCG officers moving onto those boats, overturning canoes or forcibly towing those boats, on the ground of safety guidance. Among those security activities, citizens claim that JCG officers used violence against them for several cases, which are brought lawsuits.

2 Nevertheless, JCG officers are restricted to take forcible measures against citizens acting at sea only for cases which fulfill the conditions set by the Article 18 of the Japan Coast Guard Act. According to the section 1 of the Article, stop, transfer and disembarkation of a vessel is only permitted when: 1) it is in a dangerous situation such as sea accident; 2) there is a risk of threat to life or body of person or significant damages to property; and 3) there is an urgent need. Interpretation of these conditions must be made strictly, since these forcible measures limit personal liberty guaranteed as a human right in the Constitution, which normally have to be supported by a warrant from a court judge under the warrant principle, and it is considered as an exceptional measure in an emergency situation. With this regard, forcible measures JCG is currently conducting at sea do not fulfill any of those conditions, even basing on the explanation from JCG.

3 On the other hand, JCG refers the possible application of the *Act on Special Measures Concerning Criminal Cases* for those entering the temporary restricted area in the water zone provided for U.S. military in Camp Schwab. Principally, in a situation when a crime is going to be committed, JCG can take forcible measures on the basis of the section 1 of the Article. However, although the Act on Special Measures is a legal system to guarantee activities of U.S. military in Japan, the setting of the current temporary restricted area is not for the purpose of guaranteeing U.S. military activities. It is clear that the purpose of the temporary restricted area is to complete the construction work for the foundation of a base which is a Government of Japan's construction

project. Such expansion of the application of penal law for different purposes from the objective of the law poses a risk to violate personal liberty guaranteed in the Constitution. Therefore, it must be stated that the control of JCG officers based on the application of the Act of Special Measures in the temporary restricted area is problematic.

4 Civilian activities against the construction of a new base in Henoko around the Camp Schwab are part of exercises of the freedom of expression guaranteed in the Constitution. It goes without saying that particularly the freedom of political expression is a foundation of a democratic society in which restriction by authority should be inhibitive. Our association strongly demands JCG to make sufficient consideration to citizens' freedom of political expression and respect the strict conditions for forcible measures set by the Japan Coast Guard Act.

“Statement Demanding the Japanese Government Respect Freedom of Expression,” Kenji Utsunomiya, President, Japan Federation of Bar Associations, 15 December 2011

On 25th of November, 2008, the Japanese government filed at a court for a provisional disposition against the 15 residents who oppose the construction of the U.S. military helipad in the Takae district, Higashi-son, because they had interfered or might interfere with the Government's passage and other activities near the entrance of the construction site.

On 11th of December, 2009, the Naha district court made the final decision to issue a provisional disposition only for two residents out of fourteen and dismissed the Government's claim for the other twelve, while the Government had withdrawn its filing against a 7-year-old girl (the lawsuit against the two residents to bar the interference with passage, who had been issued an provisional disposition, closed a hearing on 14th of

December and the judgement will be rendered on 14th of March, 2012 whilst the construction still continues.)

Meanwhile, the Kyushu Bar Association issued a recommendation to the Government to conduct a sufficient investigation and review based on reasonable grounds before taking legal proceedings against its people while refrain from causing chilling effects beyond a necessary level, since the Government's action was infringement on freedom of expression of the residents.

The court has recognized the residents' expressions of opinion against the construction as acceptable and not exceeding the respectable scope since it was based on political beliefs, while the Government, as applying for provisional disposition, had condemned all forms of the local people's expressions of their opinion including sit-in protests, writing opinions on the internet, making requests to stop the construction to the Government and expressing their opinions through the mass media.

Meanwhile, in filing for the provisional disposition, the Government singled out the Takae district residents, including a married couple and a 7-year-old girl, out of the many protesters from inside and outside Okinawa. Moreover, considering the fact that the photos submitted to the court by the Government were not identical with those who had been sued and eventually the Government's claim against most of them was rejected, it would be natural to assume that the Government simply selected those who expressed opposition without sufficient prior examination to assess whether they had actually interfered with the passage or not when it filed the complaint.

This legal action has effectively caused significant chilling effects on residents' activities in political expression by imposing a heavy burden on the residents and subjecting the broad range of their activities.

As we have seen, there is a doubt that the Government's lawsuit was not aimed at resolving the dispute in a sincere manner or realizing substantive rights, but instead it was aimed at suppressing the residents' movement as a whole by imposing the residents burdens and disadvantages both psychologically and materially in and out of court.

Freedom of expression is an important human right to determine the fate of a democratic society, and therefore, a free and democratic society is established by free discussions and formation of democratic consent. The State intervention or interference with political expressions is considered a serious crisis in guaranteeing freedom of expression in general. Also, when these expressions of opinions concern the right to a peaceful existence that underlies basic human rights, these expressions should be respected all the more. If we lose freedom of expression once in a democratic society, it is extremely hard to obtain it back. Therefore, the State's action to limit it must be done with sufficient consideration to avoid unnecessary chilling effects against its people's activities of expression while the freedom has immanent limitations.

The provisional disposition is concerned to have significant impacts not only on this case, but also on future activities of political expression by citizens.

Therefore, we, JFBA, demand that the Government respect freedom of expression and give due consideration so as not to result in suppression of the people's activities of expression when it takes legal proceedings against its people,

Appendix: Violence, Detention and Arrests in Henoko, Okinawa in 2014-15¹⁴

| No. | Date | Victim | Perpetrator | Incident | Action by authorities | Source |
|-----|------------|---------------|-------------------|--|-----------------------|--------------------------|
| 1 | 27/07/2014 | 2 individuals | Japan Coast Guard | 2 protesters on canoes approaching to watch the work for the seabed investigation were temporarily detained. | Detention | Ryukyu Shimpo (Japanese) |

| | | | | | | | | |
|----|------------|----------------|-------------------|--|--------------------------------------|--------------------------|---|--------------------------------------|
| 2 | 15/08/2014 | 3 individuals | Japan Coast Guard | 3 citizens on canoes protesting outside the temporary restricted area were temporarily detained while one of them had slight cut around his eyes by the JCG officers' violence. | Excessive use of force and detention | Ryukyu Shimpo (Japanese) | | |
| 3 | 25/08/2014 | 3 individuals | Japan Coast Guard | 3 citizens on canoes protesting between the oil fence and the JCG-installed buoys were temporarily detained. These buoys were installed to constrain citizens from protesting. | Detention | Ryukyu Shimpo (Japanese) | Citizens on canoes protesting outside the temporarily restricted area were temporary detained in a forceful manner. | Excessive use of force and detention |
| 4 | 26/08/2014 | 7 individuals | Japan Coast Guard | 7 protesters on canoes jumped into the sea over the buoys to protest against on-going drilling investigation were temporarily detained. | Detention | Ryukyu Shimpo (Japanese) | One protester was held his neck by the JCG officer and hit his head strongly against the boat, which would have injured him if he was not wearing a helmet. | |
| 5 | 30/08/2014 | 20 individuals | Japan Coast Guard | 20 protesters on canoes crossing over buoys were temporarily detained. Some of them approached the spudding pontoon. | Detention | Ryukyu Shimpo (Japanese) | | |
| 6 | 02/09/2014 | 1 individual | Japan Coast Guard | One protester on a canoe crossing over buoys was temporarily detained. | Detention | Ryukyu Shimpo (Japanese) | | |
| 7 | 03/09/2014 | 3 individuals | Japan Coast Guard | 3 protesters on canoes crossing over the oil fence were temporarily detained for approximately 40 minutes. | Detention | Ryukyu Shimpo (Japanese) | | |
| 8 | 04/09/2014 | 10 individuals | Japan Coast Guard | 10 protesters on canoes approaching the spudding pontoon were temporarily detained for approximately 1 hour while 6 canoes were also temporarily confiscated. | Detention and confiscation of canoes | Ryukyu Shimpo (Japanese) | | |
| 9 | 09/09/2014 | 21 individuals | Japan Coast Guard | All protesters on canoes approaching the spudding pontoon for drilling survey were temporarily detained. | Detention | Ryukyu Shimpo (Japanese) | | |
| 10 | 12/09/2014 | 5 individuals | Japan Coast Guard | JCG officers said "the Act on Special Measures Concerning Criminal Cases will be applied" to the detained citizens who had protested on canoes, and took their face photos against their will by forcibly taking off their sunglasses or hats. | Detention and verbal threat | Ryukyu Shimpo (Japanese) | | |

Document 2

Letter from 40 Okinawan, Japanese and International NGOs to the U.S. Ambassador to Japan and to U.S. Forces in Japan, December 2016

December 1, 2016

The Honorable Caroline Bouvier Kennedy

Ambassador, Embassy of the United States of America

Tokyo, Japan

Lt. Gen. Jerry P. Martinez

Commander, United State Forces Japan

Yokota Air Base, Japan

Lt. Gen. Lawrence D. Nicholson

Commander, United State Marines Japan

Camp Foster, Okinawa, Japan

Mr. Joel Ehrendreich

Consul General, Consulate General of the United States of America in Naha

Okinawa, Japan

Letter of Concern and Request

Inscription of Yanbaru Forest as a World Natural Heritage Site¹⁵

Dear Ambassador Kennedy, Lt. Gen. Martinez,

Lt. Gen. Nicholson, and Consul General Ehrendreich:

We write to express our concern and to make requests to you regarding the construction of six “landing zones” for U.S. military aircraft in the U.S. military’s Northern Training Area (NTA) in the Yanbaru forest in northern Okinawa Island, especially in light of the fact that the Yanbaru forest is now on the Tentative List submitted by the Japanese government for UNESCO World Natural Heritage Sites.

As the U.S. Forces in Japan is well aware, the Okinawa Defense Bureau is now rushing to construct all the proposed landing zones by the end of the year 2016 amidst strong opposition from local communities and global environmental and peace organizations. To do so, the Bureau adheres to its 10-year-old Environmental Impact Assessment (EIA) (2007) for the construction, despite the fact that that EIA has been widely criticized for its scientific and procedural flaws. The Bureau is also making drastic changes in construction procedures while failing to implement mitigation measures set forth in the EIA. This was most apparent in the revelation in October 2016 that the Bureau plans to clear-cut over 24,000 trees for construction of landing zones and entrance roads. Not only is the Bureau destroying the environment, but also it is subverting the integrity of EIA.

Intense and violent confrontation between protesters against the construction of landing zones and the riot police force dispatched by the Japanese government takes place daily at the construction sites. It often leads to various human rights violations, including unwarranted arrest and detention of protesters, in some cases causing injuries, and the use by police of derogatory terms such as “Dojin” (a discriminatory term referring to indigenous people). The situation is chaotic and dangerous, escalating further the already antagonistic

relationship between Okinawa and the Japanese government.

The opposition to the construction comes from various quarters. The residents of Takae in Higashi village have been opposing it since late 1990s because these landing zones are built extremely close to their community. The aircraft training, using the two completed landing zones, is already causing intolerable levels of noise, disrupting and threatening their daily life.

Others oppose it because they see the new landing zones as another form of military burden imposed upon Okinawa by the Japanese government. Okinawa, only 0.6% of the landmass of Japan, already bears the “hosting” of 74% of the U.S. military bases and facilities in Japan.

Still others (including the authors of this letter) oppose it because the landing zones are being constructed within a sensitive area of the Yanbaru forest, which is one of the most important ecological areas in Japan as discussed below.

We are concerned that, despite all of this, the U.S. military and the U.S. government have remained silent, allowing construction, destruction, and confrontation to take place as if you had nothing to do with these matters.

Construction of Landing Zones: SACO, SOFA and Jurisdiction

We understand that the construction of the landing zones is one of the conditions agreed between the U.S. and Japanese governments for the return of a half of the NTA to Okinawa in the Special Action Committee on Okinawa (SACO) agreement in 1996. We also understand that, under the Japanese and U.S. Mutual Security Treaty and the U.S. and Japan Status of Forces Agreement (SOFA), the Japanese government is responsible for providing facilities and areas to the U.S. military, and

thus the Japanese government is accountable for the construction of those landing zones.

We know, however, that it was the U.S. military that demanded construction of those new landing zones since it stood to lose seven landing zones in the land return deal. In our opinion, the U.S. military should have returned the land without any conditions rather than demanding additional landing zones. We also know that under SOFA, the U.S. government (and the U.S. Forces in Japan) are given the power to take “all the measures necessary for their (U.S. bases and facilities’) establishment, operation, safeguarding, and control.”

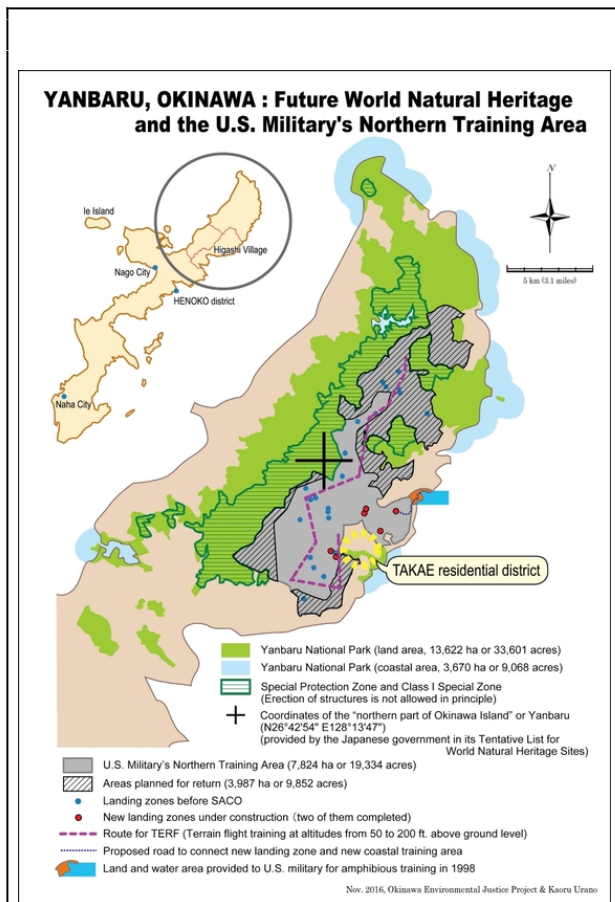
In other words, the U.S. government and the U.S. military have the power to make decisions over whether or not to allow the construction of landing zones in the NTA.

for UNESCO World Heritage Sites

We now direct your attention to the fact that the Yanbaru forest is on the Tentative List submitted by the Japanese government for UNESCO World Natural Heritage Sites.

As the U.S. Forces in Japan is well aware, the 27,800 ha (68,695 acres) Yanbaru forest is the oldest subtropical rain forest on Okinawa Island and it is one of the richest biodiversity areas in Japan. It is home to some 5,400 species of fauna and over 1,000 species of vascular plants. They include over 170 endangered species listed on the Red List of the Japanese Ministry of the Environment. Endemic and endangered species such as the Okinawa woodpecker (*Sapheopipo Noguchii*) and the Okinawa rail (*Rallus okinawae*) are the best known of the well-known habitants of the Yanbaru forest. They are also Japan’s “Natural Monuments.” It is most appropriate that the Yanbaru forest, along with Iriomote Island also in Okinawa prefecture, and Amami-Oshima and Tokunoshima Islands of Kagoshima prefecture will be officially considered for inscription on the UNESCO World Heritage List.

The Japanese Ministry of the Environment, the Okinawa prefectural government, other governmental agencies, and local communities worked hard to get the precious environment of the Yanbaru forest on the Tentative List in February 2016. The Environment Ministry also designated in September 2016 a central part of the Yanbaru forest as Japan’s 33rd National Park as part of the World Natural Heritage inscription process. It is expected that precise boundaries including “buffer zones” for the Yanbaru forest for World Natural Heritage will be established soon and that the International Union for Conservation of Nature (IUCN), the expert advisory body for UNESCO, will visit Okinawa to evaluate these sites sometime during 2017.



The Yanbaru Forest on the Tentative List

Meanwhile, since 1957, when 7,800 ha (19,274 acres) of the Yanbaru forest was taken over by the U.S. military and converted into the U.S. military's Northern Training Area, the U.S. military has been conducting jungle warfare training and low flying training of aircraft there. There are 22 (plus 2 newly constructed) landing zones for military aircraft and other training facilities in the NTA. Loud noise emitted from aircraft, land contamination from disposed materials and crashed aircraft, combined with logging and construction of logging roads by local forest industry, have presented and continue to present significant environmental challenges to the Yanbaru forest. The current construction of landing zones now adds to those challenges.



Landing zones under construction November 2016. Photo provided by S. Kirishima

We are concerned that those challenges present a significant obstacle for the World Natural Heritage inscription process as World Heritage requires “integrity” which is defined by the UNESCO as “a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes.”

Regrettably, there is no evidence that the U.S. military has given proper consideration to this

World Natural Heritage inscription process of the Yanbaru forest. None of the U.S. military's documents available to the Okinawa public acknowledges the inscription process. One example is the U.S. military's “*Final Environmental Review for Basing MV-22 at MCAS Futenma and Operating in Japan*” (the so-called “Environmental Review”) prepared by the U.S. Navy for the deployment and training of MV-22 Osprey to Okinawa. The Environmental Review discussed the natural and cultural resources of the Yanbaru forest and laws and regulations to protect them. However, it completely failed to address the fact that the Japanese Ministry of the Environment and the Okinawa prefectural government were engaging in preparation for the inscription process despite the fact that their preparation was in 2012 (when the Environmental Review was published) already well underway.

Given that the U.S. military closely follows developments in Okinawa in general, especially ones associated with the U.S. bases, facilities and areas, we have difficulty understanding why this is so. We do not know whether the U.S. military ignores information on the inscription process or the Japanese government has not properly informed the U.S. military of it.

We are concerned that, the U.S. military and the U.S. government's failure to acknowledge the World Natural Heritage inscription process, along with the construction of the landing zones, the violent confrontation and human rights violations and the training of U.S. military aircraft, all hinder the inscription process.

U.S. National Historical Preservation Act, World Heritage Convention, and Our Requests



MV-22 Osprey terrain flight training in the Yanbaru forest. Photo provided by T. Kitaueda

We understand that, under the current U.S. National Historical Preservation Act (NHPA)(Section 402), the law that addresses matters related to the World Heritage Convention, while the U.S. military is required to take into account the effects of its undertakings, whether training or construction of facilities, on World Heritage sites and properties in foreign countries, it is not required to do so in relation to World Heritage inscription processes including one for the Yanbaru forest. We believe, however, that the spirit and intention of the NHPA is for the U.S. military to take into account the effects of allowing construction of landing zones and training on the Yanbaru forest, given that the Yanbaru forest is a World Natural Heritage candidate site and is now undergoing inscription process

In fact, Section 135 of the Operational Guideline for the World Heritage Convention, to which the U.S. is a signatory state, stipulates:

Wherever possible, transboundary nominations should be prepared and submitted by States Parties

jointly in conformity with Article 11.3 of the Convention. It is highly recommended that the States Parties concerned establish a joint management committee or similar body to oversee the management of the whole of a transboundary property.

And the UNESCO World Heritage Convention Article 11-3 stipulates:

The inclusion of a property in the World Heritage List requires the consent of the state concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, shall in no way prejudice the rights of the parties to the dispute.

Please be reminded that the U.S. military’s NTA, over which the U.S. has jurisdiction, is located in a sensitive part of the Yanbaru forest and that the coordinates of the “northern part of Okinawa Island” or the Yanbaru forest for World Natural Heritage inscription provided on the Tentative List is just 1 km (0.6 miles) away from the NTA.

We do not believe that the U.S. military and the U.S. government would like to be seen as an obstacle in the way of the World Heritage inscription process in an ally country.

Therefore, we request the following:

In accordance with Article 11-3 of the UNESCO World Heritage Convention, Section 135 of the Operational Guideline for the World Heritage Convention, and the spirit and intent of 402 of the National Historical Preservation Act,

That the U.S. military, in consultation with local communities, prefectural and national

(Japanese) government, and relevant NGOs, conduct an assessment regarding the impact of allowing the construction of landing zones and the conduct of aircraft and other types of training in the Yanbaru forest on the inscription process of the Yanbaru forest for World Natural Heritage;

That the U.S. military, while conducting this assessment, cease the issue of entrance permits to the Okinawa Defense Bureau for purposes of landing zone construction and suspend its aircraft and other types of training;

That relevant U.S. government agencies, including the Advisory Council on Historical Preservation and the Office of the Assistant Secretary of Fish and Wildlife and Parks, should be involved in the assessment process.

Sincerely,

Okinawa Environmental Justice Project

Association to Promote Ryukyu Islands as World Natural Heritage

Okumagawa Basin Protection Fund

Yanbaru DONguries

Naha Broccoli

Okinawa Environmental Network

Japan Environmental Lawyers' Federation (JELF)

The Conservation Network for Forest Ecosystem in Japan

The Nature Conservation Society of Japan

Greenpeace Japan

Friends of the Earth Japan

The Japan-U.S. Citizens for Okinawa Network

No Helipad Resident Society

Association for On-Site-Action Against Helipad Construction in Takae

Association for Protection of Marine Communities (AMCo)

Okinawa Reefcheck and Research Group

Association to Protect the Northernmost Dugong

Save the Dugong Campaign Center

Dugong Protection Fund

The Save-Awase-Higata Association

Iruka & Kujira (Dolphin & Whale) Action Network

Biodiversity Information Box

Diving Team Rainbow-The Conference Opposing Heliport Construction

Project Disagree

All Okinawa Council for Human Rights

International Movement Against All Forms of Discrimination and Racism

Alternative People's Linkagein Asia

"No Heliport Base" Association of 10 Districts North of Futamai

The Conference Opposing Heliport Construction

Minshuku Yaponesia

Dugong no sato

"No Heliport Base" Association of 10 Districts North of Futamai

Committee on Okinawa, Northern Branch,

Tokyo District, The United Church of Christ in Japan

Committee on International Mission • Northern Branch, Tokyo District, The United Church of Christ in Japan

Shinshu Otaniha • Kyugjonokai Ogaki

The Voice of Gifu Citizens for saving Peace, Human rights and Environment

Kyujonokai Ogaki

Zainichi chosenjin sakkao yomukai

The following organizations support this letter.

Dugong Network Okinawa

Team Zan

Contact:

Hideki Yoshikawa

Director

Okinawa Environmental Justice Project

Email: yhidekiy@gmail.com

Enclosure: *YANBARU, OKINAWA: Future World Natural Heritage and U.S. Military's Northern Training Area* (map)

CC: Advisory Council on Historical Preservation

CC: The Office of the Assistant Secretary of Fish and Wildlife and Parks



Hideki Yoshikawa is an anthropologist who teaches at Meio University and the University of the Ryukyus in Okinawa. He is the International director of the Save the Dugong Campaign Center and Director of the Okinawa Environmental Justice Project.

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* (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).

Notes

¹ See [here](#). For the official UN document: [United Nations, Human Rights Council, Joint Submission](#), 11 December 2015 [15 February 2016]

² IMADR. [“Militaryization and Human Rights Violations in Okinawa, Japan”](#), *the islands' voice to UN Human Rights Council*. September 9, 2015.

³ Under the warrant principle, a restriction of personal liberty has to be supported by a warrant from a court judge. This measure is confined to emergency situations.

⁴ IMADR, [Human Rights Violations in Okinawa, Japan \(HRC30, 2015, Joint-WS\)](#). September

17, 2015.

⁵ These numbers do not include incidents of which a number of victims is not clear. See the attached list *“Violence detention and arrests in Henoko Okinawa in 2014-15”*

⁶ As of 10 December 2015. See the attached list *“Violence detention and arrests in Henoko Okinawa in 2014-15”*

⁷ Lawyers group for lawsuit to cancel the approval of landfill in Henoko, *Statement against Wrongful Detention in front of the Camp Schwab Gate by Riot Police of Okinawa Prefecture*, 29 July 2015

⁸ Ibid.

⁹ Okinawa Bar Association, *Presidential statement on security activities of Japan Coast Guard in Henoko*, 11 March 2015

¹⁰ This act is based on the “Agreement under Article 6 of The Treaty of Mutual Cooperation and Security between Japan and the United States of America, regarding Facilities and Areas and the Status of United States Armed Forces in Japan”

¹¹ The incident took place on 22 February 2015. Ryukyu Shimpo, [Henoko protesters detained by US military](#).

¹² Japan Federation of Bar Associations, [“Declaration for the Establishment of Freedom of Expression. -To realize a Free ad Democratic Society-”](#) November 6, 2009.

¹³ Broadcasting Ethics and Program Improvement Organization (BPO), [“Opinions concerning the program \[Becoming a priest fraud\] of NHK”](#) November 6, 2015.

¹⁴ All incidents took place in Henoko (in front of the Camp Schwab Gate or in Oura Bay). The term "detention" includes the restraint of personal physical liberty by law enforcement officials.

¹⁵ For further discussion, in Japanese, of the IUCN and World Natural Heritage proceedings, see Yoshikawa Hideki, “Henoko, Takae, kankyo no arasoi,” *Okinawa Times*, 22 and 23 November 2016.