



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

### **Written statement\* submitted by the International Movement against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 June 2012]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Japan: Violation of human rights of indigenous peoples of Ryukyus in Okinawa\*\***

### **Introduction**

Okinawa, which was Former Ryukyu Kingdom, is the southernmost prefecture of Japan with the population of about 1,400,000, most of them Ryukyuans, the indigenous peoples in Ryukyu Islands. Ryukyu Kingdom, which Ryukyuans had founded, was colonized by Japan in 1872, and renamed as “Okinawa prefecture” in 1879, in violation of Vienna Convention on the Law of Treaties, Article 51.

While Japanese government has enforced assimilation policy on Ryukyuans, Ryukyuans have been facing discrimination as another ethnic group. However, the Japanese government has never accepted Ryukyuans as indigenous peoples, but been holding the view that they are Japanese in contradiction to the opinions of the UN Committee on the Elimination of Racial Discrimination (CERD) and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.<sup>1</sup>

### **Issues of Iigunkuba<sup>2</sup> islands**

Iigunkuba Islands, also called Senkaku Islands in Japanese or Diaoyu Islands in Chinese, were a part of the territory of Ryukyu Kingdom. While Japan, Taiwan and China are claiming their ownership of the islands, all these governments have been ignoring the rights of Ryukyuans to their territory enshrined in the Articles 25, 26, 27, and 28 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

### **Ryukyu languages**

In the process of Japanese colonisation of Okinawa, Ryukyuans were compelled to use Japanese language and the use of Ryukyu languages was forbidden at school. Students who spoke Ryukyu languages were forced to hang a penalty plates from their necks. In this way, eradication of Ryukyu languages was practiced in public education. Today, UNESCO considers seven of Ryukyu languages as in danger.<sup>3</sup>

### **Colonisation and militarization**

After the World War II, Japan, the defeated nation, concluded the San Francisco Peace Treaty and the Japan-US Security Treaty whereby giving administration of Ryukyus to the US military, in order to obtain Japan’s independence from the US governance. In its ruling,

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\*\* The Association of the Indigenous Peoples in the Ryukyus (AIPR), an NGO without consultative status, also shares the views expressed in this statement.

<sup>1</sup> Ref. Concluding Observations of CERD 2001 (CERD/C/304/Add.114, para 7) and 2010 (CERD/C/JPN/CO/3-6, para 21) and the report of the Special Rapporteur on his visit to Japan (E/CN.4/2006/16/Add.2, paras 51 - 53)

<sup>2</sup> Name in Ryukyu language

<sup>3</sup> HEINRICH, Patrick (2005) “Language Loss and Revitalization in the Ryukyu Islands,” Patrick Heinrich, *The Asia-Pacific Journal* (November 10, 2005). See also UNESCO: *Atlas of the World’s Languages in Danger* (2007)

US military were grabbing Ryukyuan's land by force to build huge US military bases, violating the Article 46 of the Hague Convention Respecting the laws and Customs of War on Land.

In 1972, US military government returned Okinawa (Ryukyu Islands) to Japan. However, under the Okinawa Reversion Agreement between Japanese and US government, US military bases have remained unchanged and even more bases and facilities were brought to Okinawa from mainland Japan.

Currently 74% of U.S. military bases in Japan are concentrated in Okinawa which consists of only 0.6% of Japanese territory.<sup>4</sup> Although Japanese government has been mentioning the Japan-US Security Treaty and the Japan-US Status of Forces Agreement as the reason for the construction and concentration of US military bases in Okinawa, these Treaty and Agreement (Article 2) do not specify Okinawa as the place of military base establishment. Given the fact that US military can have their bases anywhere in Japan based on the Treaty, disproportionate concentration of US military bases in Okinawa must be regarded as clear discrimination against Ryukyuan by Japanese government. Discrimination against Ryukyuan and various issues emerging from the presence of the US military bases in Okinawa were reported by the Special Rapporteur on his visit.<sup>5</sup> In addition, Japanese government has been constructing bases for the Japan Self-Defense Forces in Okinawa, today there are 34 such facilities on an area of 639.6 hectare. The rights of Ryukyuan to their land are ignored by both Japanese and US government in this regard too.

### **Crimes of US military personnel and lack of justice**

Large number of crimes and accidents by US military personnel are reported in Okinawa, but not all of them can be properly dealt with due to the extraterritoriality. Justice is rarely brought to the victims. Following cases are only the tip of the iceberg, but listed here to highlight the character of incidents:

- September 1995: Three US military soldiers abducted and raped 12-years-old Ryukyuan girl. The perpetrators were soon identified in the US military, but the Okinawan Police could not arrest them without the prosecution by the victim due to the provisions in the US-Japan Status of Forces Agreement. The girl decided to prosecute and three soldiers were handed over by the US military to the Okinawan Police. They were tried in Japanese court and sentenced 6.5 - 7 years in prison;
- October 1998: a drunk US military soldier hit-and-run and killed 18-years-old Ryukyuan girl. The driver tried to run into a military base to escape legal responsibility. Even though the driver killed the girl, the Japanese court sentenced 1 year and 8 months in prison;
- August 2004: A large-sized helicopter for transportation which belongs to Futenma Air base crashed on the ground of Okinawa International University. Right after the accident, US military blocked off the roads to the University for their own handling and prevented even the Okinawan Police from visiting the crash site;
- November 2009: US military soldier hit-and-run and killed 66 year old Ryukyuan man. It took two months till the delivery of the suspect and initiation of the

<sup>4</sup> "US Military Issues in Okinawa," Okinawa Prefectural Government (2011).  
<http://www3.pref.okinawa.jp/site/contents/attach/24600/2011.6%20Eng.pdf>

<sup>5</sup> Report of the Special Rapporteur on his visit to Japan (E/CN.4/2006/16/Add.2)

investigation. Victim's family sued him, and this soldier paid settlement money of 7740000 JPY with no apology.

## **Urgent issues**

Against the will of Ryukyans and despite the variety of problems caused by the presence of US military, the government of Japan is now forcing the construction of a huge military base in Henoko-Oura Bay and 6 helipads in Takae, both in Okinawa. These bases and helipads, if constructed, will put additional burden on Ryukyans and cause irreparable damage to their life and environment. However, Japanese government has been ignoring the rights of Ryukyans enshrined in the Articles 29, 30 and 32 of UNDRIP and violating Articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Moreover, Japanese and US governments are forcing deployment of V-22 military planes called Osprey in the bases in Okinawa, again against the will of Ryukyans. Severe crashes of Osprey have been repeatedly reported since its development. As the most recent case, in a crash of Osprey during the joint practice with Morocco military in April 2012, two US Marine Corps soldiers died and other 2 soldiers injured. US military has yet to clarify the cause of the accident. Without scientifically proving the safety of Osprey, two governments intend to deploy Osprey in July 2012, of all things, at the Futenma base which is located in the middle of a city, directly next to schools. The government of Japan originally planned test deployment of Osprey in a base in mainland Japan. However, it withdrew the plan due to the opposition by the local population. As how discriminatory it can be, the government of Japan since then has been forcing direct deployment in Okinawa despite the opposition of Ryukyans.

## **Requests**

Against the aforementioned backdrop, IMADR calls upon the government of Japan:

- To recognise Ryukyans as indigenous and to protect, promote and respect their rights in full accordance with the UNDRIP, in particular, the right to self-determination;
- Together with the government of the US, to remove all military bases and facilities from the traditional territories of Ryukyans and provide them with appropriate remedy and compensation;
- Together with the government of the US, to respect and follow the voices of Ryukyans and to immediately stop and nullify the construction of military bases and helipads in Henoko and Takae as well as the deployment of Osprey;
- Based on the wide and genuine consultation with the representatives of Ryukyans, to review, amend, rescind or nullify its policies, regulations and practices, including its agreements with other States, that have the intention or effect of discrimination against Ryukyans;
- Furthermore, IMADR recommends that the Human Rights Council;
- Seizes itself on the situation of Ryukyans;
- Requests EMRIP to conduct a study on the issue of militarisation and the violation of the rights of indigenous peoples enshrined in the UNDRIP.