



# General Assembly

Distr.: General  
5 September 2012

English only

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## Human Rights Council

Twenty-first session

Agenda item 4

Human rights situations that require the Council's attention

### **Joint written statement\* submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), the Association of the Indigenous Peoples in the Ryukyus (AIPR), non-governmental organizations 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.

[24 August 2012]

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

## **Japan: Violation of human rights of indigenous peoples of Ryukyu / Okinawa – the issue of militarisation**

### **Land rights**

During WWII, the Japanese government was confiscating lands from the civilians for military usage, while in Ryukyu / Okinawa such land confiscation by the government significantly increased since 1943. No proper compensation was offered or provided by the government, even after the WWII. The forcibly confiscated lands of the Ryukyu people were resold to third parties or given to the U.S. military. US military has been also grabbing the land of the peoples of Ryukyus during the WWII as well as its occupation of Ryukyu / Okinawa thereafter for constructing its bases, violating Article 46 of the Hague Convention.<sup>1</sup>

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 military bases and facilities, including those of Japanese Self-Defense Forces, were brought to Okinawa from mainland Japan.<sup>2</sup> Today 74% of U.S. military bases in Japan are concentrated in Okinawa which consists of only 0.6% of Japanese territory. It is not only the violation of their land rights, but also such disproportionate concentration of military facilities in Ryukyu / Okinawa must be regarded as clear discrimination by Japanese government which violates various human rights of the peoples of Ryukyus.<sup>3</sup>

### **Right to education**

U.S. Marine Corps Air Station (MCAS) Futenma is located in the middle of Ginowan city, Ryukyu / Okinawa, directly adjoining residential area and in the immediate vicinity of ten elementary, five junior high and four high schools as well as one university. People in Ginowan city have been suffering from various issues emerging from the presence of MCAS Futenma, one of those is the noise pollution. Through noise measurement by an associate professor of the Ryukyu University at Futenma Second elementary school which verges on the MCAS Futenma it became clear that noises of takeoffs and landings of U.S. military planes at MCAS Futenma can become louder than 100 decibels at maximum.<sup>4</sup> At the time of measurement, there were in total of 11 flights, takeoffs and landings of military plane during 45 minute long class (every 4 minutes on average). In general the noise lasts 30 seconds for each flight, takeoff or landing and the class must be adjourned for every time. According to the U.S. Environmental Protection Agency<sup>5</sup> any human conversation becomes inaudible when the surrounding noise is louder than 75 decibels. Similar case of class interruption through noise of US military plane is also taking place in the schools close to the U.S. Kadena Air Base, which is the largest air base in the Far East. Fighters and helicopters fly over schools frequently.

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<sup>1</sup> The Hague Convention Respecting the Laws and Customs of War on Land.

<sup>2</sup> Currently there are 34 military facilities of Japanese Self-Defense Force occupying 639.6 hectares of land in Ryukyu / Okinawa.

<sup>3</sup> Please also refer to 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>4</sup> <http://mainichi.jp/opinion/news/20120413k0000m070137000c.html>.

<sup>5</sup> <http://www.epa.gov/> and National Association of Noise Control Officials (pub.): Noise Effects Handbook, <http://www.nonoise.org/library/handbook/handbook.htm>.

Moreover, a CH-53S helicopter<sup>6</sup> stationed at MCAS Futenma lost its control and crashed into flames on the campus of Okinawa International University on 18 August 2004. In Ginowan city, where the University is located, people are exposed to constant and serious danger of such military related accidents.<sup>7</sup>

### **Environmental issues and related human rights violation**

Several instances listed below highlight various environmental issues and related human rights violations emerging from or caused by the presence and action of US military in Ryukyu / Okinawa.

- Sea pollution, forest and bush fires as well as noise pollution caused by various military training conducted at the Camp Schwab are frequently reported.
- US military training using actual shells targeted at mountains often causes large-scale fires, which makes mountain soils bare. Such soils are often and easily transported by rain into the sea causing water pollution and killing marine species such as corals.
- A large amount of hazardous chemical substance such as cadmium, quicksilver and PCB was detected from the ground of former U.S. military base, which was returned to Japan in 1972.
- In Torishima range located on one of the Ryukyu Islands, 1,520 bullets of armor-piercing incendiary (API) containing depleted uranium were fired during trainings between December 1995 and January 1996. U.S. government had not reported about the incident to the Japanese government more than one year after the occurrence. Since then seabirds have disappeared from the island.
- Through a research conducted by US military, on the trapshooting carried out in the training at Camp Courtney, one of the U.S. facilities, following facts were found out:<sup>8</sup>
  - It is estimated that about 49 tons of lead bullets are accumulated in the training area and surrounding grounds and sea;
  - High amount of lead exceeding the standard amount set in the Japan Environmental Governing Standards (JEGS) was detected in some grounds;
  - A very high level of lead exceeding the background value was found in seaweeds grown in the areas inside the landing point of bullets.
- In 2011, it was revealed that tens of 55-gallon (about 208 liter) drums of defoliant including extremely-poisonous dioxin were buried underground by the U.S. military in 1969, before the ground concerned was returned to Ryukyu / Okinawa prefecture.

### **Right to health**

As indicated above, US Kadena Air Base and MCAS Futenma are located in the middle of densely populated area causing serious noise pollution. Approximately 520000 people from 11 municipalities in Ryukyu/Okinawa prefecture (about 39 % of the total population of the prefecture) are suffering from the noise every day.

<sup>6</sup> Large lift transport helicopter.

<sup>7</sup> Please also refer to our other written statement to 21 HRC, on the crimes and accidents of US military personnel.

<sup>8</sup> <http://www.pref.okinawa.jp/kititaisaku/k3sho.pdf>.

In the surroundings of the Kadena Air Base, the noise is affecting people's health. In this area, intense noises surpassing the maximum level of 100 decibels are frequently measured. Such intense noise is even measured 4 to 5 times between 10 pm and 7 am on a daily basis causing severe sleep disorder among local population. According to the report of Ryukyu/Okinawa prefecture on the impact of the noises of aircrafts on public health conducted in 1996,<sup>9</sup> 12 people were diagnosed as having noise-induced hearing loss. In addition, increase in the rate of low birth-weight infant as well as high blood pressure were also reported as a result of the noise pollution.

Japanese government established environmental safety standard for aircraft noise to protect public health and guarantee adequate living environment based on the article 16 of the Environmental Basic Act (Act No. 91 of 1993). Ryukyu/Okinawa prefecture has been repeatedly urging the Japanese and U.S. governments to lessen the noises of aircrafts based on this standard. According to the 2001 measurement by the Okinawa prefecture, noise level exceeding this standard were measured in 9 measuring points (out of 14, 64.3 percent) surrounding Kadena Air Base and in 4 measuring points (out of 9, 44.4 percent) surrounding MCAS Futenma.

### **Conclusion<sup>10</sup>**

As documented in this statement as well as our other statements to the Council, the complex issue of militarisation of Ryukyu / Okinawa affects various human rights of the peoples in the Ryukyu / Okinawa. The situation of the peoples of Ryukyu / Okinawa requires specific attention of the Human Rights Council to promote and protect their fundamental human rights. At the same time, the issue of militarisation is prevalent in other parts of the world, creating various human rights violations, especially those of minority and indigenous groups. In this context, we would like to request the Human Rights Council, together with relevant Special Procedures mandate holders, to address this complex and global issue in a thematic and comprehensive way.

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<sup>9</sup> Survey on the Impact of the Aircraft Noises on Human Health (Summary of Interim Report) issued by Environmental Health Department of Okinawa Prefecture on December 4th, 1996, <http://www.jca.apc.org/HHK/Stat.Okinawa/PH961204.html> and Survey on the Impact of the Aircraft Noises on Human Health (Summary of the Second Interim Report), <http://www.jca.apc.org/HHK/Stat.Okinawa/PH9803.html>.

<sup>10</sup> Please refer to the NGO written statement to 20th session of the Human Rights Council (A/HRC/20/NGO/20) for background and related information, discriminatory policy of Japan towards peoples of Ryukyus and various human rights issues involved.