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ASOCIACION INTERNACIONAL DE JURISTAS DEMOCRATAS
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國際民主法律家協會
رابطة الحقوقيين الديمقراطيين العالمیة

REPORT OF THE FACT FINDING MISSION INTO
UNITED STATES MILITARY BASES IN JAPAN
SPONSORED BY THE INTERNATIONAL ASSOCIATION
OF DEMOCRATIC LAWYERS (IADL)
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I. PRELIMINARY STATEMENT

In May, 1995, fifty years after the end of the second world war in the Pacific, Governor Masahide Ota, Governor of the Prefectural Government of Okinawa, submitted a petition to the United States Government in May, 1995 entitled Reduction and Realignment of U.S. Military Bases in Okinawa urging the return of extensive lands, both public and private, within Okinawa, occupied by the U.S. military since 1945, initially expropriated as a spoil of war during the occupation of Japan. Thereafter, these properties became the subject of agreements between the United States and Japan. Governor Ota, had refused to sign the renewal contracts for the compulsory use by U.S. forces of these lands for military purposes pursuant to treaties between the U.S. and Japan. Governor Ota served as proxy for the landowners who had refused to renew the contracts. He expressed the concerns of the people of Okinawa in relation to the U.S. military bases in the petition as follows:

On the 50th anniversary of the end of the Pacific War and the Battle of Okinawa, we express our grief for all those who perished in the Battle of Okinawa, including 14,000 American dead.

A principal aim of Okinawa Prefecture is to act as the "Bridge of Peace" between our country and the Asia-Pacific nations. Capitalizing on our ideal location as the southern gateway of Japan, the Prefectural Government promotes policies to make Okinawa an hub of international exchange. To implement these policies, however, much land is needed for the promotion of industries, development of tourist resorts, expansion of roads, and establishment of residential and commercial districts.

We, therefore, petition for the reduction and realignment of the huge U.S. military bases on our land and the resolution of diverse base-related problems.

Since the 1972 reversion to Japan, three 10-year development projects have been implemented in Okinawa by the Japanese government. Thanks to these projects, roads, ports, airports, and schools, and other infrastructures have been improved greatly, resulting in a reduction in the gap between our prefecture and the rest of Japan in this regard.

Nevertheless, today, 50 years after the end of the war, 75% of the military installations used exclusively by U.S. Forces Japan is still concentrated in our prefecture, which comprises only 0.6% of the whole Japanese territory.

Most of the U.S. bases on Okinawa are built on land forcefully expropriated by the U.S. Forces after the war. Unlike the bases in mainland Japan, the bases in Okinawa were built on private property. The gigantic U.S. military installations now occupy 11% of the prefectural land. In fact, these bases occupy nearly 20% of main Okinawa Island, concentrated primarily in the densely populated, highly industrialized central region which has a potential for yet more development. Sea zones and air space restricted for U.S. military use also impede our land reclamation projects and the smooth operation of civilian aircraft.

Okinawa is beset by many other serious problems arising from the heavy concentration of U.S. facilities. Chronic aircraft noise plagues people residing near the bases. Parachute training exercises are conducted at a site adjacent to residential areas, and, occasionally, parachutists and military articles drop on private homes. The live firing exercises ignite recurrent brush fires that cause extensive environmental damage. Also, aircraft crashes, military marches performed off the bases, and crimes committed by military personnel and their dependents disturb the peace of the local communities.

Since the reversion, military facilities on Okinawa have been reduced by a mere 15%. Governors of Okinawa Prefecture have made five trips to the United States to petition the U.S. government and officials of the U.S.

Armed Forces for the reduction and realignment of U.S. bases and the resolution of diverse base-related problems.

At the U.S.-Japan summit of January 1995, President Clinton and Prime Minister Murayama promised mutual cooperation for the reduction and realignment of U.S. bases on Okinawa. The Report on the Security Relationship between the United States and Japan, submitted to Congress on March 1, 1995, addressed Okinawa's three urgent base issues, giving evidence that both the United States and Japanese governments now recognize the need to resolve U.S. base issues in Okinawa.

We understand that the U.S. bases in Okinawa are mandated by the Japan-U.S. Security Treaty. A disproportional share, however, has been forced upon us, so that we have repeatedly called for the resolution of the U.S. base issues.

In this milestone year commemorating the 50th anniversary of the end of the Pacific War and the Battle of Okinawa, we earnestly seek major reforms in the U.S. bases located in Okinawa. I ask for your understanding and cooperation for the reduction and realignment of U.S. bases and the resolution of base-related problems.

Respectfully submitted,
Mashide Ota, Governor
Okinawa Prefecture

Petition to the U.S. Government, May 1995

On September 4, 1995, the abduction and rape of a 12 year old school girl by three U.S. military servicemen, (two marines and a naval seaman), stationed in Okinawa focused renewed international attention on the Japan-U.S. agreements authorizing the continuing occupation of the properties in Okinawa by the United States so long after the end of World War II and generated Japan-wide

protests against the continued U.S. military presence in Japan.¹

Early in 1996, the Secretary General of the International Association of Democratic Lawyer (IADL) meeting in Paris, authorized a Fact-Finding Mission into the U.S. military presence in Japan, with a particular focus on Okinawa, sponsored by five Japanese Lawyers Associations and organized by the Japan Lawyers International Solidarity Association (JALISA), the IADL affiliate member in Japan.

This report provides the findings of fact and conclusions of law arising from the delegation's observations and discussions in Okinawa, Tokyo and Osaka, February 12-19, 1996, inquiring into the legality of the U.S. bases in Japan under international and domestic law and its particular impact on the human rights of the people of the Prefecture of Okinawa.

THE INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (IADL)

The IADL was founded in 1946 in Paris at an international gathering of lawyers who had fought and survived the war against fascism. It was organized to promote the exchange of ideas and skills among lawyers and jurists throughout the world dedicated to

¹On March 8, 1996 the servicemen were sentenced by a Japanese Court to seven years for the crimes.

the principles of the United Nations Charter.

Committed to the principle of equality among peoples, the rights of all peoples to self-determination, the elimination of imperialism and colonialism and the peaceful settlement of international disputes, the membership of IADL includes ever-increasing numbers of individual lawyers and affiliated lawyer and jurist associations in over ninety countries.

The IADL has consultative status with ECOSOC and UNESCO and is represented at the United Nations in New York, Vienna and Geneva. It is a member of the Congress of Non-Governmental Organizations (CONGO) of the United Nations.

Since its founding fifty years ago, IADL has sponsored, organized and coordinated many international fact-finding missions, trial-observations and election-monitoring delegations of lawyers and jurists to such countries as Chile, Sudan, Guinea-Bissau, Zimbabwe (then Rhodesia), Turkey, Northern Ireland, Haiti, El Salvador, Nicaragua, Korea, Israel and the occupied Palestinian territories. Reports of these delegations and observations have been distributed world-wide through IADL affiliates and United Nations-connected activities.

Since the 1960's, the affiliates of the IADL in the United States, the National Conference of Black Lawyers and the National Lawyers Guild have organized legal projects to assist voter registration efforts and have been active in the field of voter rights. In 1988, these affiliates sponsored a special project to monitor the primary elections in the southern United States, a region with a long record of racially discriminatory laws designed to prevent or discourage African-American citizens from voting. IADL drew on all these experiences in planning the international legal missions to observe the implementation of United Nations Security Resolution 435 [UNSR 435 (1978)] in Namibia's electoral transition to independence in 1989 and during the Legal Observer Missions to the elections in South Africa held April 26-29, 1994.

1969 IADL FACT FINDING MISSION TO OKINAWA

At the invitation of Mr. Yoshitaro Hirano of Japan, then Vice-President of IADL, in October, 1969, the Bureau of IADL appointed a delegation of inquiry into allegations that the U.S. military occupation was in violation of international law and was an infringement of the human rights of the people of Okinawa and a threat to world peace. Members of the delegation included The Hon. Krishna Menon, India; Attorney Robert E. Treuhaft of the United States; and Joë Nordmann, France, Secretary General of IADL.

The delegation conducted extensive fact findings in Okinawa in the Ryuku Islands², including meetings with officials of the legislature and other local government representatives from labor unions, schools, farmers and fishery cooperatives. They also interviewed families of the victims of accidents and crimes committed by US personnel and observed the interactions of the military personnel with the indigenous people. The members of the delegation also met with representatives of the occupying forces and examined the relevant legal documents upon which the United States relied to maintain the occupation which had been imposed by Japanese forces 1941-1945 it was established that Okinawa became a spoil of war at the end of the war during the U.S. occupation which commenced in 1945 until the Treaty of Peace between Japan and the United States in 1952.

The supreme law of the land under which the civilian population of Okinawa was governed were proclamations and ordinances adopted after the 1952 Treaty of Peace, culminating in 1957 by Presidential Executive Order 10713, June 5, 1957, as amended, which placed the islands under the jurisdiction of the U.S. Secretary of Defense and established a civil administration headed by a High Commissioner who was also the Supreme Commander of all U.S. military forces in Okinawa.

²Okinawa Island is the largest of the Ryuku Islands.

In 1959, the attitudes of the people of Okinawa concerning the occupation by the United States and the continuing U.S. presence in Okinawa, were vividly expressed by Mr. S. Ahagon, Chairman of the Island Council for Protection of Land and reproduced in the Report of the 1969 IADL mission.

We were glad when the U.S. won the war, because we thought it would mean the end of militarism. Consequently, when early in 1954 the U.S. asked four farm families to re-locate, we cooperated and asked no questions. Then in October the government asked 154 more farm families to move. This time we asked what the land was wanted for. We were given evasive replies, were told that the land was being taken under a legal ordinance of the U.S. High commissioner, that the land was needed to protect us from attack. We decided to form a resistance organization. Using Gandhi as our text, we taught ourselves to speak no ill of Americans, to practice complete non-violence, not even moving our hands when talking to the Americans.

In the face of our refusal to lease the land, the Americans cut their request down to 13 farms. When these landowners refused, the Americans moved in at night, removed the families at gunpoint, and burned down every one of their houses. When we protested to the High Commissioner, he said, American troops are not all saints, but you were resisting lawful orders, and you must not interfere with the policy of the United States. The government then sent its forces in and took the rest of the 154 farms, arresting and fining 130 resisters.

The expropriated land is being used as a bombing range. Since 1955, one farmer has been killed and 38 wounded in bombing accidents.³

Noting that U.S. bases in Okinawa were used to support U.S. war efforts in Korea and contemporary military activities in Vietnam,

³Report of the Investigation Committee sent to Okinawa by the International Association of Democratic Lawyers (1969).

against civilian populations by the U.S. military and detailing the environmental and physical harms inflicted, the 1969 IADL mission found, as a matter of law, that the continued U.S. occupation of Okinawa was a violation of Article VIII of the Potsdam Declaration, (November 27, 1943) concerning the settlement of occupied lands; Article III of the Peace Treaty with Japan and the Ryuku Islands, the Treaty of Mutual Cooperation and Security between Japan and the U.S. (San Francisco, September, 1951) and Article 78 of the United Nations Charter.

REPORT OF THE 1996 IADL MISSION TO OKINAWA

THE MEMBERS OF THE IADL FACT FINDING MISSION

Professor Lennox S. Hinds, of the United States was appointed Chief of the IADL delegation which also included distinguished Japanese attorneys and human rights activists Kazuyosh Saito and Susumu Nakata. The delegation was joined in Okinawa by Isamu Fujita, Osamu Niikura, Shinichi Yamamoto, Kensaku Kawauchi, Kaku Imamura, Chikashi Kinjo, Hiroaki Yoshizawa, and Susumu Aragaki.

Professor Hinds, Chair of the Administration of Justice Program at Rutgers, the State University of New Jersey, is permanent representative to the United Nations for IADL. An expert in international and human rights law, in 1994, Professor Hinds organized IADL international observer missions of lawyers and

jurists to monitor the first democratic South African elections and to observe the first democratic elections in Namibia in 1989.

Among the International Commissions of Inquiry into violations of international and human rights law on which he has served are those to Hawaii (1993) Puerto Rico (1990) and at the trials of the European mercenaries in Luanda, Angola (1976). As an attorney, in 1978, he filed the petition before the UN commission on Human Rights concerning violations of international law in the United States on behalf of three national organizations. Presently, Prof. Hinds is counsel for South Africa in the United States and senior partner in the law firm, Steven, Hinds & White which has offices in the United States (New York and New Jersey) and England.

METHODOLOGY OF THE INQUIRY

The delegation visited Tokyo, Okinawa, and Osaka, where they conducted interviews with elected officials and residents affected by the presence of the U.S. bases in Okinawa and the U.S. military presence in Japan including Okinawa Governor Masahide Ota, and other local officials in Kin, Chatan and Kadena Townships, Yomitan, Urasoe, Ginowan and Naha where bases are located. (See Appendix I-Map of Okinawa Prefecture).

The delegation also visited local residents including the

families of victims killed by accidents with U.S. personnel and crimes and teachers and children of Futenma Second Elementary School which adjoins the military base at Kadena.⁴

In addition the delegation visited Yokota base 40 kilometers from Tokyo headquarters for the United States forces in Japan (USF-J). Interviews on their experiences were also conducted with local landowners, and attorneys representing residents involved in lawsuits challenging pollution from the Yokota base in Tokyo and some of their clients. The delegation also met with a U.S. consulate officer in Okinawa but were refused an appointment with USF-J personnel in Tokyo.

LEGAL AUTHORITIES CONSULTED

The delegation also examined the following legal authorities:

- ✓ ● The Japan-U.S. Security Treaty
- ✓ ● Treaty of Mutual Cooperation and Security between Japan and the United States of American (1951 as amended) regarding facilities and areas.
- ~ ● The Agreement on the status of United States Armed Forces in Japan (SOFA) [1951 as amended].

✓ ⁴The delegation's observations in Okinawa concluded with a visit to the Cornerstone of Peace memorial inscribed with the names of all who perished in the Battle of Okinawa from the U.S., Japan and Okinawa.

- ✓ ● Report of an inspection of Okinawa's Special Subcommittee of the House of Representatives of the U.S. (October 14-November 23, 1955).
- ✓ ● The Potsdam Declaration on the Conditions of Surrender concerning the settlement of occupied land by Japan to the U.S. (November 27, 1943).
- ✓ ● The United Nations Charter and other relevant UN documents concerning self determination and sovereignty of nations.
- ✓ ● The Peace Treaty with Japan (San Francisco, 1951).
- ✓ ● The Constitution of Japan.⁵
- ✓ ● The Geneva Treaty (August 12, 1949).
- ✓ ● Hague Convention No. IV. Regulations Respecting the Law and Customs of War on Land.

Historical Background

During the Second World War, Okinawa was a strategic front-line defense base for Japanese Forces. It soon became the site of the only ground battle fought on Japanese soil, which was also one

⁵Original text drafted in English (1946), during the American occupation of Japan after the end of World War II. The purposes of the constitution were defined as "the transfer of power from the Imperial militarist government to the sovereignty of the people", see "Observations on the Japanese Constitution" Prof. of History of Western Political Thought" by Douglas Lummis, Tsuda College, Japan(1993), Kashiwa Shobo Publishing Co., Ltd., and "Japan's Radical Constitution" by Prof. Shunsuke Tsunumi.

of the fiercest confrontations in the Pacific. The relentless barrage of American bombs and artillery fire quickly laid barren Okinawa's once green and beautiful land. Almost 200,000 lives, both American and Japanese, were lost during this battle, and centuries-old cultural assets from the Ryukyu Kingdom were reduced to ashes by the heavy bombardment.

Before the Japanese Shimazu invasion of 1609, and the Ryuku annexation of 1897, Okinawa was an independent kingdom which engaged in maritime trade with neighboring nations in the Pacific and had a diverse unique culture rich in music and dance, textile design, and lacquerware and pottery. It is said that because the Okinawans have historically preferred peaceful solutions for resolving disputes, they invented karate and practiced self-defense with bare hands rather than weapons.⁶

After the battle of Okinawa, the U.S. Forces which landed there built many bases throughout the island for the anticipated invasion of the Japanese mainland. After the war, these bases functioned as forward bases for the United States during the "police actions" in Korea, Vietnam, and most recently, the Gulf.

⁶Based on reflections of Governor Masahide Ota, Governor of Okinawa, a political scientist educated at Waseda and Syracuse (U.S.) Universities. Prior to his election as Governor he served for 32 years as a Professor at the University of Ryuku and visiting professor Arizona State University.

U.S. bases maintain an arsenal of nuclear weapons and integrate their military functions with other U.S. Pacific bases including South Korea, Taiwan, the Philipines and other parts of Japan.

Under the provisions of the San Francisco Peace Treaty of 1951, Okinawa was separated from Japan and placed under the control of the U.S. military. However, after the Okinawan people's long struggle for the reversion of the island to Japan, and pursuant to agreements between the U.S. and Japanese governments, Okinawa reverted to Japanese rule in May 1972. The huge U.S. military bases built during the 27 year of U.S. control, however, remain after the island's reversion, 50 years after the end of the war.

FINDINGS OF FACT

75% of the installations used exclusively by U.S. Forces-Japan are located in the Prefecture of Okinawa, which comprises only 0.6% of all Japanese territory. Military facilities occupy about 11% of the Prefectural land, and in the main Okinawa Island, where most of the population and industries are located, the ratio is 20%.

OVERVIEW OF THE SOCIAL AND ECONOMIC IMPACT OF U.S. MILITARY BASES

✓ (a) Bases hinder local industrial and commercial development in

Naha Port, Makiminato Service Area, Futenma Air Station, Camp Kuwae, Camp Zukeran, among other locations.

✓ (b) Bases hinder industrial expansion in

✓ Naha Port, Makiminato Service Area, Onna Communication Station, Yomitan Auxiliary Airfield, Okuma Rest Center, Camp Zukeran, among other locations.

- ✓ (c) The expansion of transportation and communication systems are hindered in

Futenma Air Station, Makiminato Service Area, Camp Zukeran, Kadena Air Base, because land, air and sea zones are restricted for U.S. military use.

OVERVIEW OF U.S. MILITARY OPERATIONS IN OKINAWA

- ✓ 1. Number of facilities.....42 (as of March 1996)
- ✓ 2. Total area of facilities.....24,526 hectares⁷ (as of March 1996)
- ✓ 3. Number of military personnel, including civilian employees.....52,594 (as of December 1995)

OVERVIEW OF THE CONCENTRATION OF BASES ON THE LAND

- ✓ (a) U.S. Military bases occupy 10.8% of the prefectural land. On the main Okinawa Island; the ratio is 20% of the land.

- ✓ (b) Municipalities in which bases occupy more than 40% of the land:

(1) Kadena Town	82.3%	(2) Kin Town	59.8%
(3) Chatan Town	56.7%	(4) Ginoza Village	51.5%
(5) Yomitan Village	46.9%	(6) Higashi Village	42.2%

- ✓ (c) 25% of the facilities used by U.S. Forces in Japan are concentrated in Okinawa, which comprises only 0.6% of the Japanese territory. 75% of the facilities, exclusively used by U.S. Forces in Japan are located on the island.

- ✓ (d) A high percentage of the land occupied by military bases is privately owned.

⁷A metric unit of land measure equal to 10,000 square meters or 2.471 acres.

In mainland Japan, 87% of the military occupied areas is national land. In Okinawa, municipally-owned land occupied by U.S. bases comprises 31% and private land occupied by the same amounts to 33% (the percentage of national land and prefectural land occupied by the U.S. bases in Okinawa are 33% and 4%, respectively).

Okinawa Landowners Hideaki Ikehara and Masao Arime in their interviews with the delegation reaffirmed their continuous refusal to offer their lands for U.S. military bases, observing, "We don't want to rent out land for war." Mr. Ikehara also observed that:

"The bases are the root of all evil. It was our intent to have gotten Okinawa returned to answer our prayer to be liberated from those bases, but we ended up having the bases shoved down our throats by the Security Treaty. We want these bases out of here. We believe that will lead to peace and security for all of Asia."

Mr. Arime added:

"There are war refugees in Okinawa now. Before the war, the place that is now Futenma Air Station was the Nomura Village Office of Ginowan Village, and there were six settlements. The place that is now Kadena Base was two villages before the war. But construction of the base split this village area so that Chatan Village was divided into the current Chatan Village and the present Kadena Village. The people who were living in the places that are now Futenma Air Station and Kadena Base barely managed to get out of U.S. POW camps with their lives and returned to their former homes to find that their own land had been turned into a vast U.S. military base. That makes those people war refugees, and I'm one of them. The place of my origin exists only on a map."

The high density of military bases on the island hampers the expansion of the transportation network, the systematic development of cities, and procurement of lands for industrial use. The overall result is that the industrial development of Okinawa is being impeded.

Furthermore, certain air space over Okinawa has been established for U.S. military flight training, which forces civilian aircraft to fly at low altitudes. For example, the air space allowed for landings and takeoffs of commercial aircraft at Naha Airport, the prefecture's major international airport is restricted to a radius of 5 miles and an altitude of 2,000 feet. With regard to the airport, which is scheduled to be constructed on the island of Iheya, similar difficulties are expected since civilian flight routes overlap the Iejima air space reserved for military training.

In addition, U.S. military sea zones are established around the island. In Okinawa, where land space is very limited, land reclamation is vital to the further development of the community. However, due to the sea zones restricted for U.S. military use, the prefecture cannot expand the Free Trade Zone in the Naha Port Facility, nor construct roads along the coast of the Makiminato

Service Area, nor establish resort facilities around Awase Communication Station. Therefore, the promotion of various significant economic enterprises in Okinawa is significantly hindered and limited.

✓ U.S. Military Bases and Accidents

The huge and densely concentrated military bases on the island also are a source of many serious problems affecting the daily lives of local residents.

✓ (a) Accidents related to military exercises over the past twenty-three years.

✓ 121 aircraft accidents (of which 36 were aircraft crashes)

✓ 133 brush fires (area burned, approx. 1,340 hectares)

Some Recent Incidents⁸

April 4, 1994: An F-15 Fighter, on taking off crashed into the Kadena ammunition storage area and exploded into flames.

⁸Despite the Okinawa Prefectural Government's repeated requests for investigations into the cause of accidents and reports on findings, the U.S. military authorities frequently neither report to nor investigate accidents at the request of the Prefecture.

April 6, 1994: A CH-46 helicopter crashed on the runway base during an emergency landing exercise. The helicopter was destroyed.

August 17, 1994: An AV-8B Harrier, after taking off from Kadena, crashed into the East China Sea near Aguni Island.

November 16, 1994: A UH-1N helicopter crashed while making a landing at Camp Schwab.

September 1, 1995: An AV-8B Harrier, crashed into the East China Sea near Tori Island during training.

October 18, 1995: An F-15C Fighter crashed in the Pacific Ocean, 65 miles southeast of Okinawa Island.

CONTINUING PROBLEMS

(1) Aircraft noise pollution around Kadena Air Base and Futenma Air Station

A 1994 survey showed that aircraft noise exceeded the environmental standard at 9 of 23 locations tested near Kadena Air Base and at 9 of 12 locations tested in the vicinity of Futenma Air Station.⁹

To decrease aircraft noise in the areas around Kadena Air Base and Futenma Air Station, the Okinawa Prefecture adopted "Measures for Reducing Aircraft Noise in the Area around Kadena Air Base and Futenma Air Station" and petitioned both U.S. and Japanese governments for removal

⁹At the time of this fact finding mission a U.S.-Japan Joint committee had agreed to reduce the hours of military flight operations at Atsugi and Yokota Air Bases but no restrictions had been placed upon Kadena Air Base. Residents near Kadena Air Base have filed a suit against the Japanese government for the noise pollution. (The case is currently under review in an appellate court).

or transfer of the U.S. Navy Apron on the Kadena Air Base (September 1995).

(2) When live firing exercises are conducted at a base in northern Okinawa, Prefectural Highway 104 is closed down to the public. As homes, schools, a hospital, as well as Okinawa's best resort area lie close to the firing range, the safety of local residents and tourists are of utmost concerns.

(3) Parachute drop training exercises at Yomitan Auxiliary Airfield

There have been a number of incidents in which parachutists and military supplies have landed on nearby civilian property. During a parachuting exercise in June 1965, a military trailer was dropped on a home in Zakimi, killing a schoolchild.

(4) Port calls of nuclear submarines (White Beach Area)

Nuclear submarines entered Okinawa 18 times, in 1994, exceeding past records.

(5) Crimes committed by military personnel and civilian employees

There have been 4,716 serious crimes involving U.S. personnel, their dependents or civilian employees since the reversion of Okinawa to Japan 23 years ago. The case of the rape and abduction of the school girl on September 4, 1995 in the northern part of the Okinawa Island, is the only one which has gained international attention.

(6) Environmental pollution from red soil erosion and oil leakage

At Camp Hansen, firing exercises have caused red soil erosion in the impact area, which contributes to the pollution in nearby Kin Bay.

Residents living in the vicinity of Kadena Air Base and the

Futenma Marine Corps Air Station in particular suffer from chronic aircraft noise pollution.

Furthermore, a series of military aircraft crashes in 1994 caused alarm among the Okinawan people, especially nearby residents with homes in sight of the crashes, who fear that comparatively minor military mishaps may cause disastrous accidents involving local people.

At the Marine Corps Air Station in Futenma, located in the midst of Ginowan City, fifty-five accidents (bad landings and crashes) have occurred since Okinawa's reversion to Japan. Ginowan residents claim that the existence of the air station poses a threat to them, and seek the return of the facility to city.

In the Camp Hansen training area in northern Okinawa, live artillery firing exercises are conducted, requiring the closure of a prefectural highway. The firing range, which is narrow lies very close to homes, schools, and a hospital, posing great danger to the local residents.

At Yomitan Auxiliary Airfield, parachute drop training

exercises are carried out. Since the inception of the training at the airfield, twenty-nine incidents of parachutists landing onto private property have occurred.

These are but a few of the countless documented problems arising from the U.S. military operations in Okinawa. Over the past 23 years, since Okinawa's reversion to Japan, there have been 115 aircraft crashes, 126 brush fires caused by military exercises, and 11 cases of Okinawans killed at the hands of U.S. military personnel.

THE PREFECTURAL ECONOMIC DEPENDENCY ON MILITARY BASES

	1972	1992
	(in Yen)	
Expenditures of military servicemen and civilian employees	41.4 billion	54.6 billion
Income of Okinawan employees on base	24 billion	50 billion
Rent for military sites	12.6 billion	56.8 billion
Receipts from military-related transactions	78 billion	161.4 billion
Dependency on bases (Percentage in gross prefectural expenditures)	15.4%	5.1%
Number of Okinawan employees	20,000	7,900

The Rate of Progress of the Return of Military Land

- (a) On May 15, 1972, 28,661 hectares (87 facilities) were involved. As of March, 1994 24,526 hectares (42 facilities) remained.
- (b) Relocation sites are almost impossible to find in this small island.
- (c) The return-confirmed and returned area for which concurrence has been reached by the U.S.-Japan Security consultative Committee (as of March 31, 1994):

The return-confirmed area.....4,824 hectares
The returned area.....2,859 hectares
The area to be returned.....1,966 hectares

- (d) The U.S.-Japan Joint Committee agreed to work on the return of 17 facilities and 23 areas (approx. 1,000 hectares)

As of December 1995, 7 facilities and 9 areas (505.9 hectares in total) have been returned.

Problems for civilian use the former military land under the current system¹⁰

- (a) Landowners are notified only 30 days before land is returned
- (b) Land is returned on a piecemeal basis so that it does not qualify for subsidies from the central government
- (c) Land is returned without consideration for local re-use plans
- (d) When military land is returned, it is not

¹⁰Okinawan governors have made six visits to the United States to directly appeal to the U.S. government for the reduction and realignment of U.S. military installations as well as the resolution of diverse base-related problems in Okinawa.

restored to its original state, instead financial compensation of some kind is provided to individual landowners.

ADVERSE IMPACT ON THE YOUTH AND CHILDREN OF OKINAWA

"I'm sick of a life in which we are always threatened and exposed to danger by U.S. soldiers. We don't want our children to live that way in the future. Stop forcing us students, children, and women to be sacrificed. I don't want war, and so I don't like having the tools of killing close to me. I think it's important that each and every one of us high school students, college students, and young people, who constitute the next generation, speak up and say that we really don't like war and weapons, and take action. I want us young people to be the ones to begin the new Okinawa. It's my hope that Okinawa will in a true sense become an island of peace, and for that purpose I too want to take actions that lead step by step to our goal. Please give us back a quiet Okinawa--an Okinawa without military forces or tragedies." High School student Sugako Nakamura.¹¹

The U.S. bases in Okinawa subject educational institutions to explosion to explosive noise, and is damaging to children in body and in spirit. Both their homes and their schools are surrounded by U.S. bases, while U.S. fighter planes fly overhead. Such an environment makes it impossible to avoid images of the bases and war in the children's minds. Military aircraft occupy a major and

¹¹Statement, October 21, 1995 at "Okinawa Citizens Rally to Criticize the Rape of a young girl by U.S. soldiers and to Demand a Reassessment of the Status of Forces Agreement" (attended by 85,000 people) which the delegation was advised accurately expresses the feelings of the people of Okinawa.

unhealthy part of the children's written compositions and pictures.¹²

OVERVIEW OF THE HISTORY AND ESTABLISHMENT OF U.S. MILITARY BASES IN OKINAWA

Near the end of the Second World War when U.S. forces occupied Okinawa, they began setting up bases mainly at airfields such as Kadena and Yomitan, which had initially been built by the former Japanese military on lands it had expropriated. Even after Japan had accepted the terms of the Potsdam Declaration, the U.S. military kept the surviving Okinawans in internment camps, and secured lands for military uses by fencing off whatever amount of uninhabited land it felt was needed. The U.S. bases from their inception were based on the expropriation of lands, while the people who had lived there as victims of Japanese imperialism, were confined in internment camps. The U.S. military has asserted that these actions were taken in accordance with the Hague Convention Respecting the Laws and Customs of War on Land.¹³ (i.e., after the

¹²See Appendix II, Childrens Art, samples provided by the principal of the Futenma Second Elementary School.

¹³The Hague Convention sanctions only the requisitioning of the minimum necessary movables such as food and clothing during

recovery of peace).

Rapid changes in the political situation in the Pacific including the establishment of the People's Republic of China in 1949 and the breakout of the Korean War in 1950, lead the U.S. to consider Okinawa as the "linchpin of the Pacific," so it took still more land from the people of Okinawa and proceeded to build permanent bases without popular support. Base construction was justified as needed to contend with the Soviet Union and other socialist countries.¹⁴ See Appendix III, Location of Okinawa in East Asia.

THE USES OF THE BASES

The bases also include training grounds, storage facilities (munitions and supplies), airfields, and camps. Additionally, nuclear-powered submarines frequently enter port facilities.

Training grounds occupy the most space, accounting for 16,374

war, and can not serve as the legal basis for expropriating land for military bases after hostilities have ceased.

¹⁴Notwithstanding that in 1949-50, Japan was still an enemy, since the San Francisco Peace Treaty with the U.S. was not signed until 1952.

hectares. The largest of these areas, the North Training Area, has 17 heliports and a number of nuclear shelters. Here the Marines undergo jungle guerrilla training. At Camp Hansen the infantry, Combat, Engineering, Intelligence, Explosives Disposal, and other units carry out combat and target practice.

Storage facilities account for 3,280 hectares, of which 90 percent is taken up by the Kadena ammunition storage area alone. Said to be the largest ammunition storage facility in the Pacific area, it stores munitions for U.S. forces in the entire Pacific region. It is said that this facility has NBC weapons, and in conjunction with the nuclear submarines that put in at port in Okinawa, strongly suggests the presence of nuclear weapons.

There are two airfields, at Kadena and Futenma. At Kadena, aircraft land and take off at intervals of two and one-half to three minutes, creating noise beyond the safe endurance of nearby residents, and recurrent aircraft accidents threaten the prefectural citizens' safety. Futenma Air Station is located in the middle of Ginowan City and takes up 26 percent of the entire city area. Helicopter training is conducted routinely from early morning to night.

In addition to the bases, there are in the vicinity of Okinawa, 30 sea areas and 15 air spaces where U.S. forces train. The sea training areas are off limits much of the time, while in use, and there are limitations on all continuous actions such as mooring or anchoring boats, diving, and fishing with nets. It has been estimated by objective observers that in air training areas, U.S. military aircraft take up about 40 percent of the skies over Okinawa. All aircraft including civilian craft must obtain permission from the Kadena Air Base air traffic controllers when entering Okinawan air space, and limitations are imposed on take offs and landing altitudes. These limitations constitute formidable impediments to civil air and sea traffic.

Examination of U.S. bases in Okinawa indicates that the U.S. Marines occupy both the largest number of facilities and the most land, accounting for 20 installations and 18,490 hectares (75.4 percent of total base area). Marines account for 61.1 percent of U.S. troops. Current U.S. policy suggests that the Marines are the principal forces for preemptive strikes and forward strategy. The Air Force is next with 25.8 percent of total troop strength, and is deployed under the command of the Fifth Air Force Command at Yokota Air Base. Navy personnel account for 10.1 percent of troops, with

Kadena Air Base having the Okinawa Fleet Base Unit and the Kadena Naval Flight Facility. The Army accounts for 3.1 percent, including the Tenth Regional Support Group at the Torii communication Facility and the First Special Unit.¹⁵

BASE RELATED ACCIDENTS

Exercises and training by U.S. forces are conducted continually at sea, in the air, and on land. For example, in recent exercises at Camp Hansen, soldiers fired 600 rounds of 155 mm howitzer shells in three days. This live ammunition practice is extremely hazardous because the shells are fired over a prefectural road that, although closed for the exercises, there are homes, a school, and a hospital near the training area. The prefecture's finest seaside resort area is also located within the shell impact area. As a result of these exercises and training, bullets sometimes enter homes and moving vehicles. Additionally, shelling causes vegetation to burn and exposes the ground, while further shelling dislodges the red earth, which is then eroded and washed into the coastal waters. This results in environmental damage and harm to fisheries.

¹⁵See Appendix V, Overview of U.S. Military Forces in Japan, as of April 16, 1996 subsequent to the IADL Mission.

The White Beach area is a port for nuclear submarines, which have entered port 107 times during the 22 years since the return of Okinawa. During the last two years alone they have put into port 35 times. The danger of marine pollution by radiation when these submarines enter port has caused a sharp decline in sales of fish and shellfish taken in this area resulting in great anxiety as well as loss of revenue to local citizens.

There has also been a series of accidents involving U.S. military aircraft, with 121 incidents in the 23 years since Okinawa's return. The Okinawa Prefectural Assembly unanimously adopted a resolution protesting the F15C fighter crash of October 18, 1995. This resolution noted that "The crash site is outside the sea area for U.S. military training and is also a superior fishing ground for tuna long lining and squid fishing. Mistaking one's position by fishermen ever so slightly could result in a catastrophe resulting in a collision."

Additionally, many crimes have been committed by U.S. military personnel. The rape and abduction of the school girl in September 1995 is only the most well known. In addition, U.S. military personnel are involved in many traffic accidents. In January 1996

on National Route 58 in Chatan Town, a passenger car driven by a servicewoman stationed at Futenma climbed over the curb and onto the sidewalk, colliding with and killing a woman and her two daughters walking home after Sunday church services. The driver fled onto her base. The results of any inquiry into the deaths were not made known to her surviving family or the community.

BASE RELATED CRIME

Damage due to crimes caused by U.S. military personnel keeps increasing. Crime booking data obtained from the Okinawa Prefectural Police headquarters show that from 1972 to August 1995 there were 4,716 bookings of U.S. military and civilian base personnel. During this same period there were 12 civilian homicides by U.S. service personnel. These figures are merely the numbers recorded, since, in many instances, there is no police record when the damage is inflicted by U.S. military personnel or when victims give up instituting legal proceedings.

It was noted by local authorities that when U.S. military and civilian employees commit crimes, even if they occur while off duty, the Japanese authorities have only limited rights to perform compulsory investigations, and it is difficult to obtain the

cooperation of U.S. military authorities required by the Status of Forces Agreement (SOFA), which is based on the U.S.-Japan Security Treaty. Okinawan observers feel that SOFA protections should be denied to U.S. soldiers who are accused of crimes like homicide, rape, robbery, and other serious crimes.

BASE RELATED ENVIRONMENTAL DAMAGE

U.S. bases also cause serious environmental damage including water pollution, soil contamination, brush fires, and noise pollution.

THE STRATEGIC USE OF U.S. MILITARY BASES IN OKINAWA

The U.S. bases in Okinawa were used to directly support the war effort in the Korean War. When then Vice President Richard Nixon visited Okinawa he announced that the U.S. bases there would be maintained as long as the threat of communism existed. He described the U.S. base in Okinawa as a strategic Asian focal point for coping with China and the Soviet Union, and reconfirmed their strategic roles. Year after year the military aspects of the bases were expanded and their functions enhanced. For example, in 1955, Nike missiles were deployed; in 1958, IRBMs were introduced, in 1961 construction of a Mace B missile base was begun; in 1962 the

bases started missile practice with live warheads; and in 1968, B52s were permanently deployed there. These bases were expanded and strengthened, and increased training maneuvers were conducted against local objections. In addition to the regular troops stationed at these expanding bases they permanently hosted the infamous Green Berets and the Seventh Special Tactical Unit.

During the Vietnam War, the Okinawan bases, which were outside the framework of the U.S.-Japan Security Treaty were put to maximum use to support the Vietnam War effort in whatever way the U.S. military intended. B52 strategic bombers launched from Okinawa bombed Vietnam.

After the Vietnam War, the major contingent of soldiers stationed in Okinawa changed from Army to Marines. During the Gulf War, 15,000 American soldiers were sent from all U.S. bases in Japan, and it is said that 8,000 of them were from bases in Okinawa. On August 7, 1991, considered the first day of the first stage of operation of "Desert Shield" in the Gulf War, people witnessed fully armed U.S. military personnel in Japan, 8,000 of whom were from bases in Okinawa. These heavily armed U.S. soldiers took off from Kadena Air Base.

POPULAR OPPOSITION TO THE BASES

Since their establishment there have been mass popular demonstrations including hunger strikes against the bases. The landowners who have had their land requisitioned by the bases have filed numerous lawsuits. In a lawsuit connected with the Sunagawa struggle in Tokyo, the Tokyo District court handed down a verdict that the U.S.-Japan Security Treaty is unconstitutional. Opposition to the bases also has been taken to the courts in Atsugi, Misawa, and Itatsuki. These struggles involve not only landowners and local citizens but have broadened to involve many other Japanese. The majority of the people of Japan do not appear welcome the U.S. military bases.

The will of Okinawa's people is also evident from the results of public opinion polls on the usefulness of the U.S.-Japan Security Treaty. For example, a poll conducted in April 1992 showed that 44 percent of the Japanese felt that the treaty is useful to Japan, while 20 percent thought it was not. By October 1995, the proportions had reversed, with 23 percent approving the treaty and 38 percent opposed. In public opinion polls inquiring into the Japanese peoples concerns about U.S. military bases, those

opposing their continuation have been consistently more numerous than those who do not. A May 1995 poll on attitudes toward the U.S. bases showed that 44 percent opposed them; while only 36 approved.

Public opinion polls among not only Okinawans but the Japanese as a people clearly shows increased support for the removal of the bases. A public opinion poll conducted in October 1995 by the Nihon Keizai Shimbun,¹⁶ yielded results markedly differing from the official government public opinion polls previously conducted until that time. It showed that people wanting to maintain the Security Treaty had decreased to 43 percent, while those who want to dissolve the pact had increased sharply to 40 percent.

According to a U.S.-Japan point public opinion poll conducted in November 1995 by the Japanese newspaper "Sankei Shimbun" and Fuji Television with Gallup and other U.S. organizations, 33 percent of Americans and 44 percent of Japanese said that U.S. forces should leave Japan while 58 percent of Americans and 31 percent of Japanese thought they should not leave.

¹⁶Japanese Equivalent of the Wall Street Journal.

YOKOTA BASE, TOKYO

This large U.S. military institution, visited by the IADL delegation, is less than 40 kilometers from the center of Tokyo. The delegation met with lawyers and Terumichi Morioka and Kenichi Yoshida, plaintiffs in a legal challenge to Yokota Base pollution.

Yokota Base located in the middle of a residential area, is the largest U.S. air base in Japan outside of Okinawa. The U.S. Air Force is headquartered at Yokota which is the command center of U.S. military facilities in Japan. Local citizens have always opposed the base. An airfield of the former Japanese military, this base was taken over by the U.S. military at war's end. Under the U.S. Japan Security Treaty and Status of Forces Agreement in 1952 the base was given to the U.S. military and expanded. The 1,300-meter runway was lengthened to its present 3,350 meters. The base occupies 7.14 square km.

Since 1974, Yokota base has been the home of the USF-J headquarters and the 4345th headquarters. Permanently stationed here is the 5345th Tactical Transport Squadron, consisting mainly of C130 transport aircraft. Yokota is an airlift base linking the

U.S. mainland with the Far East, and from there to dispute zones. Large jet transport aircraft (C5As, C17s, C141s, and the like), fighters, and refueling craft (KC135s, KC17s) land and take off here, transport planes and other aircraft conduct flight training. Since 1982, the aircraft based on carriers whose home port is Yokosuka have conducted night landing practice there. The base played a crucial role in the Korean, Vietnam and Gulf wars. C130 transport planes and other aircraft participated in the Gulf War. The base was also on alert recently when tensions rose over North Korea's nuclear program.

HARM FROM NOISE POLLUTION

U.S. military aircraft land and take off from Yokota Base over 17,000 times a year, harming the surrounding residents by their noise, vibration, and exhaust gases. Some days there are as many as 100 landings and takeoffs or more. Military aircraft arrive on Japanese holidays, during the night, and at dawn. Their noise reaches 80-100 decibels and beyond, disturbing the sleep of nearby residents, causing mental suffering, interrupting their daily routines and causing health problems such as impaired hearing and high blood pressure.

Because some residential areas are as close as 150 meters from the runway, the noise of military aircraft landing and taking off, and early morning transport plane engine tuning, cannot be avoided by the residences. The Itsukaichi Road, running south of the base, was forced to make a large detour by the base expansion in 1957.

In other areas, the shock waves of U.S. military aircraft break glass in public baths and injure bathers, and people have been subjected to deafening noise due to the deployment of F105 Thunderchief fighter-bombers and F4 Phantoms. A 1968 group transfer brought 840 households of U.S. civilian personnel here, making a ghost town of that part of Akishima City, once its biggest business and shopping district.

In the northwestern part of the base, construction on a new fuel tank has begun near its' boundary, and there is concern about groundwater pollution owing to past accidents in which jet fuel leaked into the water table. A 1978 investigation by the Tokyo Peace Commission found that there had been a training exercise called Broken Arrow that hypothesized a nuclear weapons accident, confirming the residents interpretation of special symbols on base storehouses showing the presence of nuclear and other kinds of

weapons.

NOISE POLLUTION LAWSUIT INITIATIVES

In 1976, 700 adversely affected citizens filed a lawsuit against the Japanese government demanding a halt to night flights of U.S. military aircraft and compensation for damages. In February 1993, the Supreme Court recognized the illegality of the flights and ordered the payment of compensation, but the court held that night flights of U.S. military aircraft cannot be restricted due to the Security Treaty, and refused to halt the night flights.

Even after the final judgment, the aircraft noise continues to harm local citizens. A 1994 study by the Tokyo Metropolitan Bureau of Environmental Protection reported that there are only about seven days in a year when areas lying below flight courses, 3 km from the base, satisfy environmental quality standards. Notwithstanding, the U.S. government argued in the U.S. Defense Department's "Report on the Security Relationship between the United States and Japan" (March 1, 1995) that U.S. military facilities in Japan satisfy either U.S. or Japanese quality standards, whichever are stricter.

A new lawsuit has been prepared in which the U.S. government is included among the defendants and thousands of plaintiffs seek a limitation on night flights and redress for noise pollution.

✓ CONCLUSIONS OF LAW

After careful review of the Findings of Fact as identified by observation and interviews with those residents of Japan primarily affected by the impact of the United States bases and its personnel upon the quality of life, safety, health and economic well being of the residents of Okinawa and near Yokota base near Tokyo, the delegation made the following Conclusions of Law under relevant international and domestic legal instruments.

✓ I. THE CONTINUED MAINTENANCE OF U.S. BASES IN OKINAWA INFRINGES THE RIGHTS OF THE OKINAWAN PEOPLE TO LIVE IN PEACE UNDER INTERNATIONAL LAW

"The Scourge of War, which ...has brought untold sorrow to mankind...",¹⁷ lead to the establishment of the United Nations whose express intention is the "settlement by peaceful means" of international disputes.

¹⁷United Nations Charter (1944).

Specifically, Resolution 5 of the UN Commission on Human Rights in 1976 states that "everyone has the right to live under conditions of international peace and security," while the "Declaration on the Preparation of Societies for Life in Peace," was adopted by the UN General Assembly in 1978. All signatory countries were asked to affirm that "every nation and every human being has the inherent right to live in peace." More recently, in 1984, the UN General Assembly adopted the resolution, "Declaration on the Right of Peoples to Peace," declaring that all people on Earth have the inherent right to peace, and held that all countries have a fundamental duty to secure this right, while also requiring that, to guarantee the exercise of this right, the policies of all nations be directed toward the abandonment of military force in international relations, and applied, instead, to the resolution of international disputes by peaceful means as set forth in the UN Charter. Thus the right to live in peace has been internationally affirmed since the end of the Second World War.

The right to live in peace has been defined as the right of the individual to be emancipated from war, destitution, and fear, to enjoy sustained peace, to not be killed in armed conflict, and to live without killing. It is also understood to include the

right of humanity to keep from being deprived of the conditions necessary to survive in the age of nuclear weapons.

Since the IADL fact finding in Okinawa Prefecture shows that 11 percent of the land (20 percent for Okinawa Island itself) is taken up by U.S. military bases under military or national compulsory use, and that these bases were used to directly support war efforts in the Korean War, the Vietnam War, and the Gulf War, even during a period identified as "peacetime", the peaceful existence and the execution of the livelihood of Okinawa's citizens are infringed upon by preparations and training for war, imposing suffering upon the people in the many ways discussed above. As long as U.S. military bases have an advanced nuclear attack function, and as long as the Third Marine Expeditionary Force, which is the main component of the U.S. military forces in Okinawa, has within its tactical domain, distant places such as the Middle East, the eastern coast of Africa, and even the Russia's Ural region, Okinawans are exposed to a concrete fear of war that can be anticipated from the distinctive character of these particular military bases, i.e., the fear of being the site from which attacks are launched on other places, and the fear of being the object of counterattacks against these bases.

**THE MAINTENANCE AND CONTINUED EXISTENCE OF U.S. BASES IN OKINAWA
INFRINGES THE JAPANESE PEOPLE'S RIGHT OF SELF-DETERMINATION**

The principles of self-government and self-determination enshrined in the principles of international and domestic law, is included in the constitutions of a number of countries, including the Japanese Constitution (Article 9)¹⁸, and the European Charter of Local Self-Government adopted by the European Council (EC) of Ministers in 1985, as well as the World Declaration on Local Self-Government, which was adopted in 1985 by the International Union of Local Administrators (IOLA) at its 27th World Congress, and, again adopted in 1993 at its 31st World Congress. It defines self-government as "the right and the actual ability of local authorities to take the responsibility for managing and administering the basic public affairs for local citizens" (IOLA Charter 3-1). The IOLA Declaration describes "the right and duty to manage and administer public affairs for local citizens". The

¹⁸Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized. Article 9 Constitution of Japan.

authority of local government is said to be characterized as "comprehensive and exclusive" (IOLA Charter 4-4). The declaration also affirms that with regard to all matters not clearly excluded by law, local governments "have the general authority enabling them to act autonomously" (Declaration 3-2).

The findings of fact of the delegation also indicate that the U.S. military bases in Okinawa had their origins in the military occupation of Okinawa by U.S. forces just before the end of World War II. In 1949 and 1950, the beginning of the Cold War, bases were constantly under construction, and in 1952 after the San Francisco Treaty was signed, bases were expanded by "the bayonet and the bulldozer"¹⁹ under U.S. administration despite local opposition. After the return of Okinawa to Japanese administration in 1972, this system was maintained under the Status of Forces Agreement (SOFA), which is derived from the terms of the U.S.-Japan Security Treaty. As the IADL mission's investigation showed, in the 50 years since the war, SOFA has decisively damaged the livelihood, well being and quality of life of the Okinawan people, who have never been consulted regarding the establishment and

¹⁹Interview with Governor Ota.

maintenance of the bases.

In ancient times, until the islands were brought under Japan's control by the Shimazu invasion of 1609, and again after being made a part of Japan in 1897 by the Ryukyu annexation, Okinawa was an independent nation. Since that annexation, Okinawa, has been treated as a debased region. In the Second World War, it was the only part of Japan used as a battle ground in defense by Japan of the main islands, which cost the lives of over 160,000 noncombatants. In consideration of these circumstances, the foregoing facts have especially grave significance.

The establishment and continued existence of U.S. military installations in Okinawa have long violated the people of Okinawa's right to self-determination. The vast majority of Okinawans now want these bases to be reduced and removed. In accordance with the will of the Okinawan people, the prefecture has an "International City Development Plan" that provides for Okinawa to change its course from the primary military resource for the Far East and Asia to a regional peace research and information center, and a focus for international academic research and conferences. In order to eliminate the bases that hamper this plan, the Prefecture has

adopted a program to reduce and remove bases by 2015, and to develop local communities. Maintaining the military bases against the will of the people of Okinawa makes it impossible to manage and administer the public affairs of local authorities in a way that reflects the will of the citizens, constituting a grave violation of their rights to self-determination.

✓ THE MAINTENANCE AND CONTINUED EXISTENCE OF U.S. BASES IN OKINAWA IS A PATENT VIOLATION OF THE JAPANESE CONSTITUTION.

As discussed above, Chapter 2, Article 9 of the Japanese constitution negates even the maintenance of the resource for war, which are the requisite for the "use and threat of military force" to resolve international conflicts, the very elements prohibited by the UN Charter. Article 9 of the Constitution states:

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right to the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.
(Emphasis supplied)

In addition to the popular opposition to the bases in Okinawa, many lawsuits have been filed by Japanese nationals against

military bases throughout Japan, including the cities of Sunagawa, Yokota, and Atsugi all claiming that the U.S.-Japan Security Treaty and the U.S. bases are unconstitutional since it is clear that the stationing of U.S. troops and the U.S. bases correspond to the "war potential" proscribed in Article 9 of the Constitution.

Furthermore, the weapons deployed at U.S. bases in Okinawa are an integral part of nuclear weapon systems networks. As long as the bases are charged with a global mission in accordance with the U.S. military strategy, the central element of which is its nuclear strategy, and as long as the Japanese and U.S. governments have an "NDNC" (no denial, no confirmation) agreement on the deployment and introduction into Japan of nuclear weapons on U.S. bases, ships, and aircraft, it is evident that allowing this huge military force forming the "linchpin" of U.S. nuclear strategy to station itself in Japan violates the intentions of Article 9 stating that the Japanese people "forever renounce ...the threat of force."

The continued presence of U.S. military bases in Okinawa also infringes upon the Okinawan peoples right to self-determination, which is implicit in the right to live in peace and under the

principle of local autonomy (Article 92 of the Constitution).²⁰ The concentration of bases in Okinawa also violates the right of equality under the law set forth in Article 14.²¹

Moreover, the maintenance and continued existence of U.S. bases in Okinawa does not provide due process for landowners since the half century of forced land use infringes their property rights (and the maintenance of public health in violation of Articles 25²² and 29²³ of the Constitution). The U.S. bases in Okinawa cause

²⁰"Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy, Chapter 8, Article 92.

²¹All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it. Article 14.

²²The right to own property is inviolable. Property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use (only) upon just compensation thereof. Article 29.

²³All people shall have the right to maintain the minimum standards of wholesome and cultured living.

infringements of human rights including the rights to life, liberty, and the pursuit of happiness (Article 13²⁴), environmental rights (Articles 13), and the right to education (Article 26²⁵). It is clear from the findings of the Mission that gross violations of the basic human rights of the people of Okinawa is a routine daily occurrence.

THE U.S.-JAPAN SECURITY TREATY, WHICH AUTHORIZES THE U.S. MILITARY BASES IN OKINAWA, VIOLATES EMERGING NORMS OF MODERN INTERNATIONAL LAW

Since the U.S. bases in Okinawa have been established to advance the United States' global nuclear strategy and validated by

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health. Article 25.

²⁴All of the people shall be respected as individuals. Their right to life, liberty, and pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs. Article 13.

²⁵All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary educations as provided for by law. Such compulsory education shall be free. Article 26.

the U.S.-Japan Security Treaty, which is a recognized military alliance to advance the United States' foreign policies, it violates not only the Japanese Constitution, but also the UN Charter.

The UN Charter's underlying assumption require collective security arrangements that do not presume a hypothetical enemy, and requires that non-military measures be given the highest priority. Since the 1952 U.S.-Japan Security Treaty, as revised in 1960, can be characterized primarily as a military alliance treaty to provide the U.S. military with bases, under the world order created by the Cold War, this treaty intended to establish a countervailing military force served to heighten world tensions. For these reasons, the U.S.-Japan Security Treaty deviates from the right of collective self-defense set forth in Article 51 of the UN Charter.

The current existence of U.S. forces in Japan, including those in Okinawa, corresponds to "the threat...of force" of Article 2, Paragraph 4 of the UN Charter, which holds that, "all Members shall refrain in their international relations from the threat or use of force..."

The 1970 UN General Assembly resolution "Declaration on the Principles of International Law Regarding Friendly Relations and Cooperation Among Countries in Accordance with the United Nations Charter" emphasizes anew the "principle that international disputes must be settled by peaceful means without jeopardizing international peace, security, and justice," and imposes upon all nations the obligations of Article 2, Paragraph 4.

Modern international law since the end of World War II finds its source in the UN Charter, and has developed in that direction, supplementing the Charter.

In 1946, the UN General Assembly adopted the resolution General Principle Governing the Overall Limitation and Reduction of Armaments, and the Annex to UN General Assembly Resolution 2625, Declaration of the Principles of International Law Regarding Friendly Relations and Cooperation Among Countries in Accordance with the United Nations Charter. This resolution stipulates in a detailed way the duty to "refrain from the threat or use of force" in accordance with UN purposes and principles, calling for the settlement of international disputes by the use of peaceful means. Additionally, the final document (Resolution A/S-10/2) of the First

United Nations Special General Assembly on Disarmament in 1978 states, "Permanent international peace and security are impossible with the accumulation of weapons under military alliances." This resolution calls for steps taken towards "total and complete disarmament. (¶ 13). The final document of the Second United Nations Special General Assembly on Disarmament in 1982, (Resolution A/S 12/32) as well as the General Assembly resolutions of all subsequent years, include similar accords. Under these resolutions, the U.S.-Japan Security Treaty in its capacity as a military alliance runs counter to the direction in which international law is evolving.

The Pentagon's March 1, 1995 Report on the Security Relationship Between the United States and Japan states expressly that the U.S. Army, Air Force, and Marine bases in Japan support the United States' front line of defense in Asia and the Pacific, and that these units are prepared to deal with local, regional, and even trans-regional emergency situations across a broad global range extending as far as the Persian Gulf.

As the Pentagon document makes explicit, the U.S. Security Treaty's application, currently, under "redefinition" is being

expanded to have global reach. Joint tactics by the U.S. military and Japan's Self-Defense forces are the beginning of a global deployment.

The issue of U.S. military bases in Okinawa, which constitute the keystone of the United States' global military strategy has crucial significance to peace in Asia and ultimately to world peace.

CONCLUSION

Since the Cold War Order has collapsed, an international reassessment of world peace and security in accordance with the reality of the nuclear threat and the spirit of the UN Charter is necessary. A military alliance that accommodates the military strategy of a superpower, and the foreign military bases based on that alliance, are in fundamental conflict with the spirit of the UN Charter and the establishment of security throughout the world.

The Japanese and U.S. governments are urged to immediately take steps in accordance with the will of the people of Japan to reduce and remove U.S. military bases in Okinawa.

The International Association of Democratic Lawyers also appeals to lawyers and jurists throughout the world to educate public opinion and support on the struggle of the Okinawan and Japanese people to seek the reduction and removal of military bases in Okinawa in accordance with the will of the Okinawan people.²⁶

DEVELOPMENTS AFTER THE IADL MISSION TO OKINAWA, JAPAN

On April 14, 1996, after the completion of this report, on the eve of President Clinton's trip to Japan, Japanese Minister Ryutaro Hashimoto and UN Ambassador Walter Mondale announced a joint security declaration affecting the bases and the relations between the U.S. and Japan. Minister Hashimoto announced the following:

Marine Corps Air Station MCAS Futenma should be completely returned over the next five to seven years, after the following actions are taken. Namely, we must maintain the very important capabilities and functions currently available by the presence of MCAS Futenma. To achieve this objective, new heliports should be constructed on U.S. bases already existing in Okinawa. Additional facilities should be provided on the Kadena Air Base in order to move some functions from Futenma. Air tankers currently stationed on Futenma - 11 in all - should be moved to the Marine Corps Air Station Iwakuni. In addition, almost the same number of Harrier fighters -

²⁶At the 14th IADL Congress in Cape Town South Africa the attached declaration (Appendix IV) on the situation in Okinawa was adopted.

vertical take-off and landing fighters that present a problem with their heavy engine noise - should be moved from Iwakuni to the mainland United States.

Moreover, we agreed to undertake a Japan-U.S. joint study on the U.S. forces' use of civilian facilities in Japan during emergency situations.

Details of these agreements will be ironed out in an interim package reviewing the direction of bases on Okinawa, which will be announced when the Special Action Committee on Okinawa, or SACO, meets on 15th April with the participation of U.S. Defense Secretary William Perry. Details of the action plan will be thoroughly studied before the final report is released later this fall.

...

This announcement is being made to comply with the sincere wishes of people in Okinawa as much as possible, and to clarify an intention of both Japan and the United States to make positive use of the bilateral security arrangements that contribute to stability and prosperity in the Asia-Pacific region.

...

Negotiations to reach this agreement were not easy for either Japan or the United States. I think the agreement was made possible by the two nations' strong belief that the Japan-U.S. security treaty is the best choice for both nations, and that the two nations should make the most of the bilateral security arrangement for stability and prosperity in the Asia-Pacific region. At the same time, the decision was made on the basis of strong demands from both the Okinawa Prefectural government and local resident. I would like to stress; however, that while the agreement outlines a five-to-seven year time frame, maximum cooperation from the Prefectural government and all other concerned parties is indispensable in order to reach the objective.

...

In conclusion, I would like to note that we are receiving President Clinton as a state guest in a couple of days. I am looking forward to having an opportunity to discuss a new era in the Japan-U.S. alliance as we stand at the

advent of the 21st century. I hope our shared sense of values and strong mutual confidence will offer a bright future for bilateral relations. I am certain that we will be able to reach our goals.

BBC Summary of Prime Minister's
Statement April 14, 1996

Previously, on April 10, 1996 more than 3,100 Japanese living near the Yokota base in the Tokyo suburbs had filed a lawsuit at the Hachioji branch of Tokyo District Court against the Japanese and American Governments, for the first time, demanding a ban on night flights and \$30 million (3.3 billion yen) in damages. Those who brought the suit also demonstrated during President Clinton's summit meeting with Prime Minister Hashimoto, April 16-18, 1996.

The plaintiffs are demanding a ban on flights between 9:00 p.m. and 7:00 a.m. Previously local residents have sued the Japanese Government for failing to protect them from the noise, but, in 1993, the Japanese Supreme Court ruled that the court was unable to order a ban on night flights because they arose from the United States-Japan Security Treaty and were, therefore, beyond its jurisdiction.

On April 13, 1994, three days before President Clinton was to

arrive in Tokyo for the summit meeting, Prime Minister Hashimoto and U.S. Ambassador Walter F. Mondale made the announcement detailed above, adding that, in response to popular demands, an agreement had been reached to return to Japan the Futenma Air Station, the Marine base on Okinawa in five to seven years and seven other military stations in Okinawa.

In addition, the U.S. agreed to end live firing over Prefectural highways. It was emphasized at the joint press conference that virtually all the functions of Futenma would be transferred to other bases in Japan and that the 47,000 American forces plus 13,000 assigned to ships whose home port is Japan would essentially be unchanged and that other major American naval and air bases in Japan will be unaffected by the base closure. See Appendix V, Overview of U.S. Military Forces in Japan Reuters, April 16, 1996.

"East Asian peace and prosperity rely on the help of the U.S.-Japan alliance, and we are determined to maintain it and strengthen it" announced Ambassador Mondale.

After the announcement, Okinawa Governor Masahide Ota invited

President Clinton to pay a personal visit to the Island to see first-hand the impact of the American bases on the lives of people there. Governor Ota who has lead the call by the Okinawan people for a reduction of the U.S. presence expressed some relief at the announcement, but told reporters at a press conference in Tokyo on April 18, after the Governor attended a luncheon in President Clinton's honor hosted by Prime Minister Hashimoto, that he would increase his efforts to reduce the burden on the people and resources of Okinawa and to phase out all U.S. bases on the island by 2015. Governor Ota said he had received 44,000 letters, faxes and e-mail messages in support of his position from within and without Japan.

He told reporters that "each letter renews his determination to continue fighting...in this struggle against the governments of two of the world's big powers".²⁷ Correspondents are reported to include heads of local government and labor union leaders, community activists, tourists and students. Messages of support have come from people in all walks of life "such as the operator a Japanese noodle shop, a former soldier who survived the Battle of

²⁷Asahi Evening News Service April 17, 1996.

Okinawa in World War II and people living near U.S. bases in mainland Japan.²⁸

Japanese reactions to the announcements indicated that many view the pledge as a "shell game that simply shifts the problem to other parts of Okinawa and Japan."²⁹ Gerald Curtis, a Columbia University Political Science Professor is reported to have said that Clinton had pulled off a diplomatic coup by pressing the recently announced Okinawa base reductions without giving Asia the impression of retreat, while coaxing Japan into a greater military role. "He has tied Japanese defense policy even closer to the U.S. and succeeded in getting the Japanese government to be open to the public about what the real purpose of this treaty is."³⁰

Until now, the U.S.-Japan security treaty has overwhelmingly been viewed here mainly as a device for Japan's defense. But that raison d'être became less credible after the collapse of Japan's biggest Cold War nemesis, the old Soviet Union--and because fewer

²⁸Idem.

²⁹Los Angeles Times, April 18, 1996.

³⁰Idem.

Americans are willing to perpetually support the treaty as a means of defending the world's second-biggest economy.

"The concept that the security treaty is no longer a Japan protection device, but is for regional security like the North Atlantic Treaty Organization, is a turning point," Robert Orr, a Senior Research fellow at Temple University, in Pennsylvania is quoted as saying. "The extent to which that concept is embraced, means the survival of the treaty. If it can't be embraced, the treaty will die because Americans won't support it."³¹

Both nations have always been part of the 1951 treaty, under which the United States is obliged to defend Japan in exchange for use of the bases and the more than \$5 billion now annually provided by Tokyo to support the 47,000 American troops here. But analysts say the declaration has clearly signified a reversal of those priorities, one that involves a new, expanded role for Japan in helping police the Asian region in concert with United States foreign policy.

³¹Idem.

The declaration has been further reinforced since the Clinton summit by new agreements for Japan to begin supplying such services as transport, refueling and the replacement of weapons parts and to review 1978 guidelines on Japanese cooperation during military crises. In addition, the two sides have agreed to enhance technology exchanges, including joint research on the F-2 support fighters and current study of a ballistic missile defense.³²

In light of the clear and present ongoing military preparedness and entrenchment of U.S. troops in Japan including military training for Japanese forces to implement U.S. foreign policy in Asia and the Pacific, the IADL delegation reaffirms its Findings of Fact and Conclusions of Law as set forth above.

Respectfully submitted,

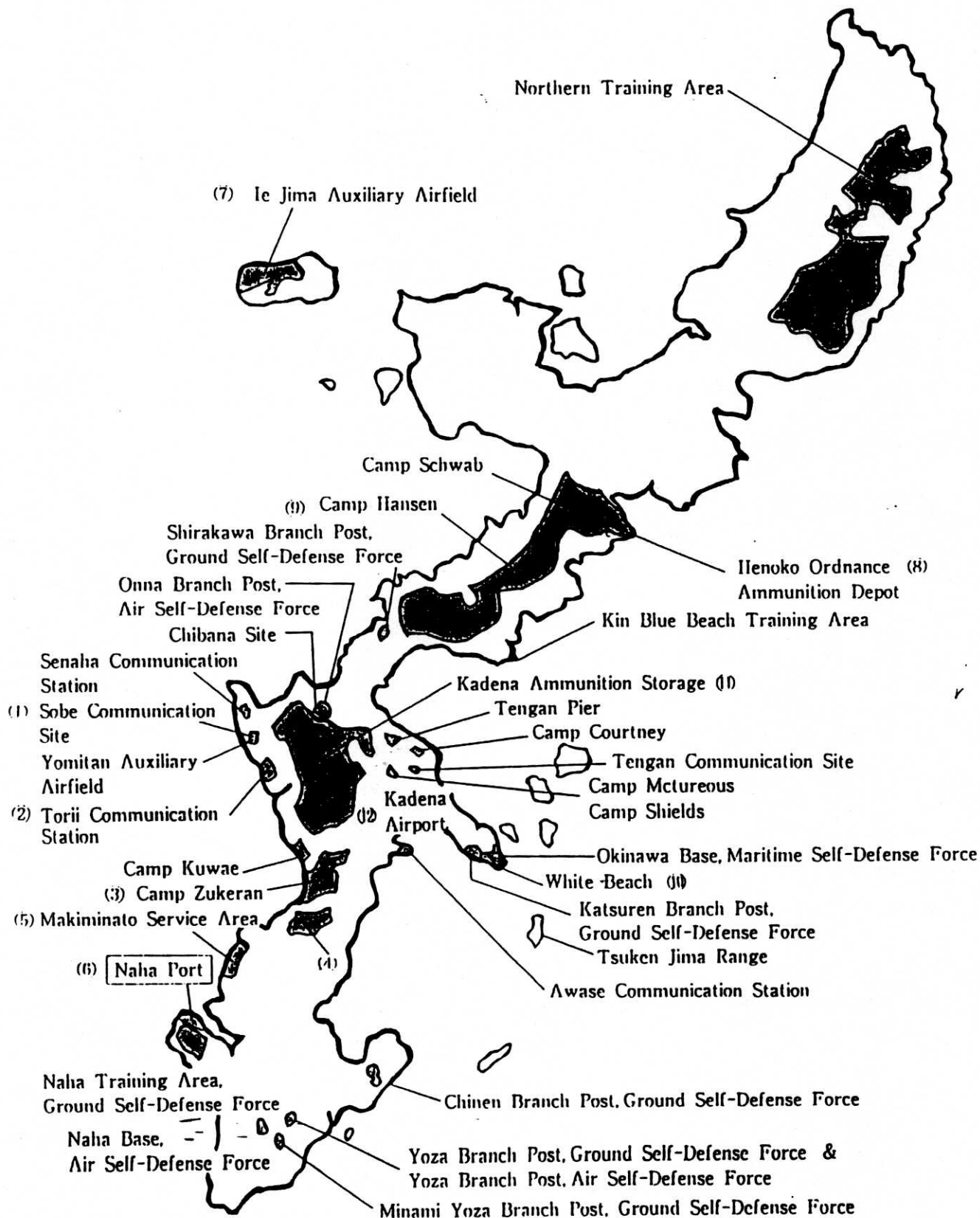
³²Los Angeles Times, April 18, 1996.

APPENDIX I

Map of Okinawa Prefecture, Japan <1>

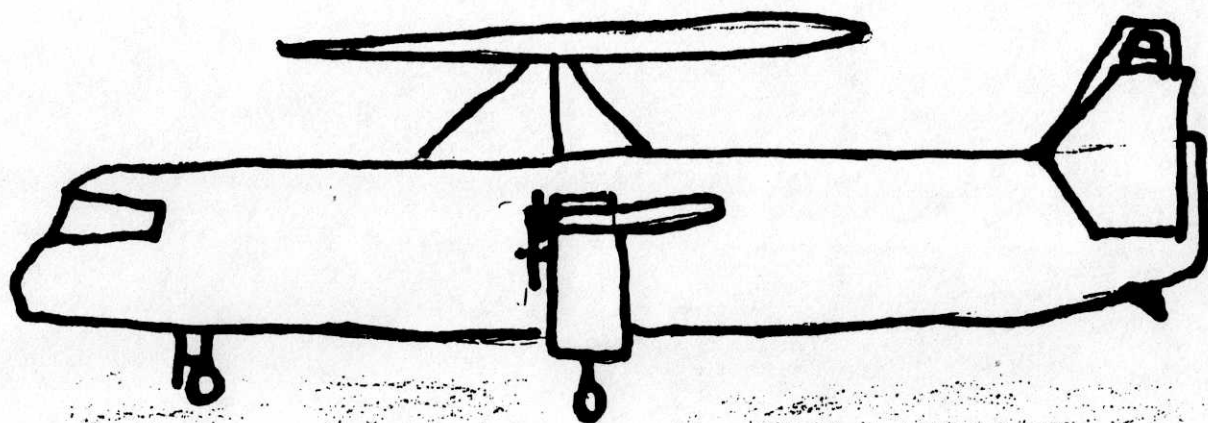
Title: The Main Military Bases of Okinawa

Lead: OKINAWA, A STRONG POINT OF US INTERFERENCE STRATEGY



APPENDIX II

CHILDREN'S DRAWINGS



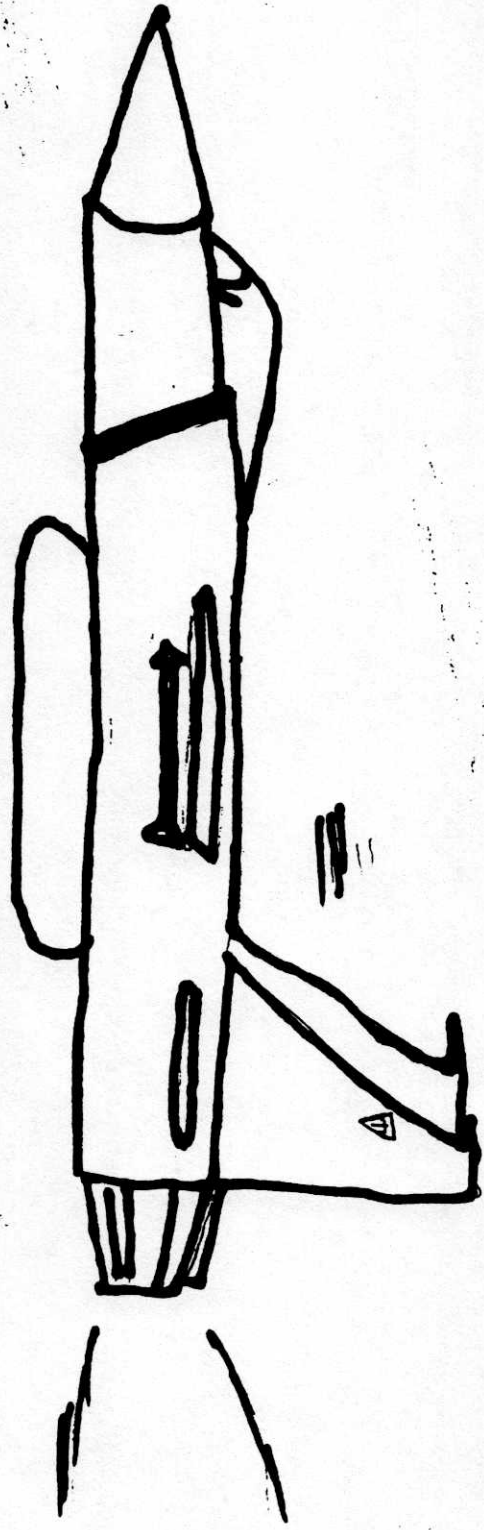
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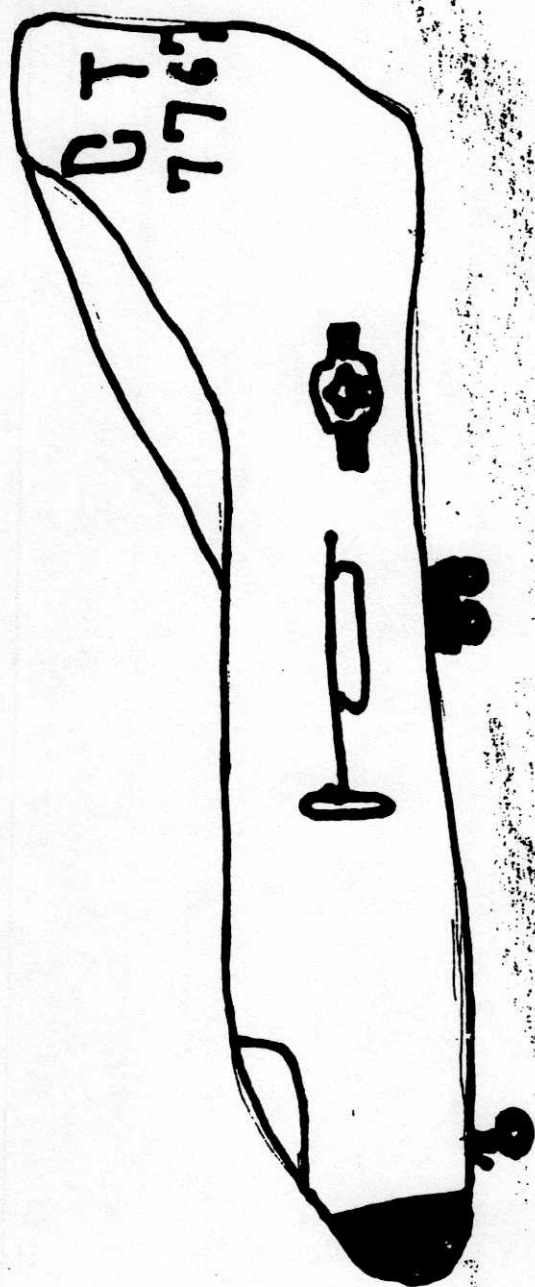
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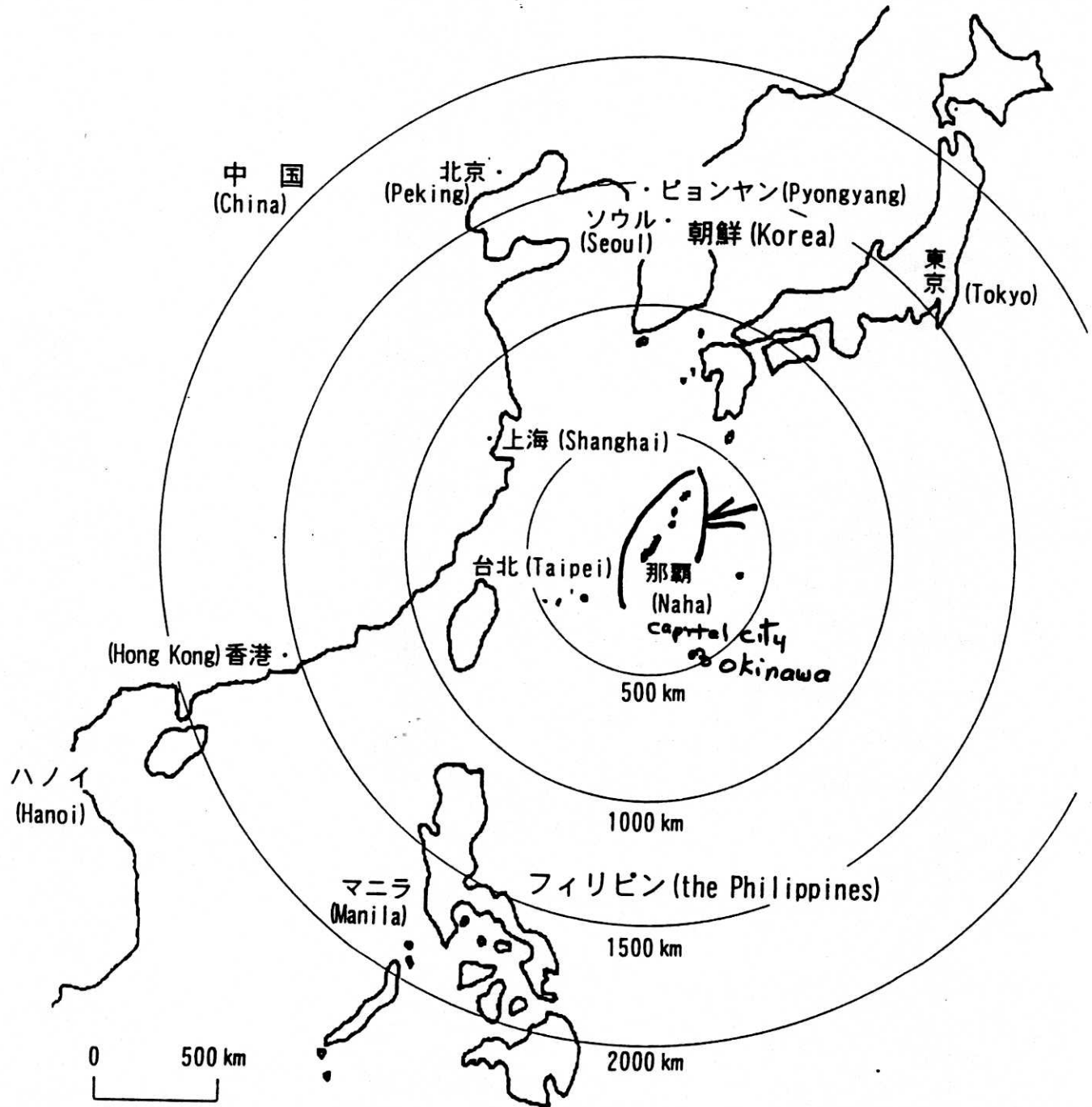


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APPENDIX III

Map of Okinawa Prefecture, Japan <2>

Title: Location of Okinawa in East Asia



APPENDIX IV

RESOLUTION ON SEEKING THE DOWNSIZING AND REMOVAL OF THE U.S. MILITARY BASES IN OKINAWA

The 14th General Assembly of the International Association of Democratic Lawyers (IADL).

Considering the viewpoint of the Japan Lawyers International Solidarity Association (JALISA), based on the Report prepared by the IADL Fact-Finding Mission led by Lennex S. Hinds in Okinawa in February 1996; and

Noting that the U.S. Bases in Okinawa have been used to directly support the war efforts in the Korean War, the Vietnam War, and the Gulf War and therefore infringe the right of the Okinawan people to live in peace, a right which has been internationally affirmed;

That these Bases are forced onto the Okinawan people against their will, and serve as impediments to Okinawa's regional development;

That the existence of the U.S. Bases violate Article 9 of the Japanese Constitution, which stipulate the renunciation of war;

That the U.S. Bases also violate international law, because they are nuclear attack bases whose mission accords with the United States nuclear strategy;

That the U.S.-Japan Security Treaty, which "legalises" these bases, runs counter to the U.N. Charter and the direction subsequently taken by the development of contemporary international law;

That the U.S. and Japanese governments, under the pretext of "redefining" this treaty will expand and strengthen their mutual defense arrangement on a global level;

Support thus that the Japan Lawyers International Solidarity Association (JALISA) asks both Japanese and U.S. Governments to scale down and remove U.S. military bases in Okinawa;

Calls upon lawyers through out the world to support the struggle of peoples of Okinawa Prefecture and Japan in their demand that the U.S. military bases in Okinawa be scaled down and removed; to raise world public opinion and work to have the Japanese and U.S. Governments respond to request; and to link their efforts with the struggles seeking the downsizing and removal of U.S. Bases in Okinawa, thereby reinforcing the struggles to dissolve military alliances and eliminate military bases through out the world.

So decided in Cape Town, April 5, 1996.

APPENDIX V

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April 16, 1996, Tuesday, BC cycle

LENGTH: 680 words

HEADLINE: Overview of U.S. military forces in Japan

DATELINE: TOKYO, April 16

BODY:

Security ties will dominate U.S. President Bill Clinton's state visit to Japan which started on Tuesday.

Military analysts say U.S. forces in Japan exceed requirements for simple defence in the event of an invasion and reveal a strong international strategic disposition.

On Monday, in response to popular demands, the United States agreed to scale back its presence by handing back seven military installations on Okinawa, including the Futenma Marine Corps air station and parts of four other facilities on the southern Japanese island. But the only front-line strength to be withdrawn will be a squadron of about 20 Harrier jump-jets.

As stipulated in the U.S.-Japan Security Treaty, the primary responsibility for defending Japan rests on Japan's Self-Defence Forces.

U.S. forces line up as follows, with main bases:

AIR FORCE (15,000 personnel)

(A) MISAWA AIR BASE, Northern Japan - Two squadrons (48 aircraft) of F-16 Falcons. These advanced low-flying aircraft were first deployed as a means of countering the increased Soviet air force presence in East Asia, especially at a base in the Kurile Islands. They are now thought to be of prime importance in any attack against strategic targets in North Korea.

(B) YOKOTA HEADQUARTERS BASE, near Tokyo - No combat wings are stationed here, but Yokota is the headquarters of the official umbrella organisation called U.S. Forces in Japan. Yokota is the hub of communications for the U.S. Air Force and other branches and is home to the Military Airlift Command. E-3 AWACS also stationed here.

(C) KADENA AIR BASE, Okinawa. Two squadrons of F-15 Eagles (54 aircraft) air superiority fighters. With KC-135 tankers, these squadrons can be sent to any theatre in the region. Outside Kadena, the air force has a huge ammunition/fuel depot, among the largest outside the United States.

(2) NAVY (7,300 personnel)

(A) YOKOSUKA, near Tokyo - The USS Independence, the only U.S. carrier with its home port outside the United States, is based here, along with its eight-vessel escort flotilla. Besides docking facilities and a key location at the mouth of Tokyo bay, Yokosuka provides a first-class ship-repair facility, strategic fuel and ammunition depots.

(B) ATSUGI, near Tokyo - The air wing of the Independence (about 80 aircraft) including 20 F-14 and 20 FA-18 Hornets, normally uses the Atsugi Naval Air Station. In addition, Navy P-3C anti-submarine patrol planes are stationed here.

(C) SASEBO, in Kyushu, western Japan - Three amphibious warfare ships, including the large USS Belleau Wood, which is capable of carrying the U.S. Marines' AV-8B Harrier jump jets and attack helicopters, are stationed in Sasebo. The ships based here provide the means by which a Marines division on Okinawa can be sent abroad.

(D) KADENA, Okinawa - The Navy operates P-3C submarine hunters from Kadena.

(3) MARINE CORPS (21,000 personnel)

(A) OKINAWA - The 3rd Marine Division, officially called the Third Marine Expeditionary Force, is the only U.S. Marines division based abroad. The 21,000-member unit would be the first troops sent into an area of conflict such as a Korean peninsula war.

(B) IWAKUNI, near Hiroshima, western Japan - The Marine Corps' AV-8B Harrier jump jets, F/A-18 Hornets and attack helicopters (for use aboard the USS Belleau Wood) are stationed here.

(C) FUTENMA air station, Okinawa - The main air base for the Marines' air wing on Okinawa, which will revert to Japan in seven years under the package of measures announced on Monday ahead of Clinton's state visit. (4) ARMY (2,000 personnel)

The U.S. Army has no combat units stationed in Japan.

A "skeleton" army corps headquarters, including intelligence units, is stationed at Sagami-hara, west of Tokyo, and would be activated in the event of a conflict.

The army also has a vast depot for repairing landing ships, tanks and other armoured vehicles at Sagami-hara and at Yokohama near Tokyo.

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LANGUAGE: ENGLISH