

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Expert mechanism on the rights of indigenous peoples (EMRIP)

Report on "The militarization of indigenous land: a human rights focus."  
(11 to 15 July 2022)

The Association of Comprehensive Studies for Independence of the Lew Chewans (ACSILs)<sup>i</sup> was established on 15 May 2013 in Lew Chew (more commonly known as Ryukyu, which currently includes Okinawa Prefecture and the Amami Islands in Japan). ACSILs is an association of Lew Chewan peoples, by Lew Chewan peoples, and for Lew Chewan peoples. We have nearly 400 members who all have ethnic roots in the Lew Chew Islands. We have organized ourselves “for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression,” as prescribed in paragraph 9 of the preamble of the UNDRIP.<sup>ii</sup> ACSILs is conducting interdisciplinary and comprehensive research for the realization of Lew Chewan independence. Since Lew Chew is still colonized and discriminated by Japan, the Lew Chewan independence movement is NOT “any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States,” stated in article 46(1) of the UNDRIP.<sup>iii</sup> It is a movement of the restoration of our sovereignty as a nation. According to the common article 1 of the ICCPR<sup>iv</sup> and the ICESCR,<sup>v</sup> all peoples, including Lew Chewan peoples, have the right to self-determination. We aim to realize this statement and to advance research related to Lew Chewan independence in accordance with ICCPR<sup>vi</sup> articles 18 (“Freedom of thought, conscience, and religious liberty”), 19 (“Freedom of expression”), and 27 (“Rights of minority peoples”).



ACSILs OFFICE  
#5517, 2-6-1 Ginowan  
Ginowan City, Ryukyu (Okinawa) 901-2701 (Japan)  
Voice/Fax: +81-50-3383-2609  
Email: [info@acsils.org](mailto:info@acsils.org)  
Homepage: [www.acsils.org/english](http://www.acsils.org/english)

## I. Introduction

1. Lew Chewan (Ryukyuan) peoples who can trace their ethnic roots to the islands of the Lew Chew are a distinctive group of peoples. Today, Lew Chewan peoples live not only in the Lew Chew Islands and Japan, but also throughout the world.
2. The process of Japanese colonization of Lew Chew has its beginnings in the Satsuma invasion of 1609.<sup>vii</sup> This colonization was made complete with the Japanese government's forcible annexation of Lew Chew in 1879 (the so-called "Ryukyu Disposition"), which was an act that violated article 51 of the Vienna Convention on the Law of Treaties.<sup>viii</sup> Because of Japan's forcible annexation and colonization, Lew Chewan peoples have become stateless minorities who have been subject to discrimination, exploitation, and subordination. History makes clear that in 1945 Japan sacrificed the Lew Chew Islands during its Pacific War with the U.S., thus turning the islands into a hell on earth, and later pawned the islands to the U.S. military in order to regain its own sovereignty in 1952. This led to 27 years of oppressive occupation by the U.S. military following the end of the war, and although the Lew Chew Islands account for only 0.6% of "Japanese territory," they unwillingly host more than 70% of the U.S. military bases in Japan even after the so-called "reversion" to Japanese administration in 1972, which violates article 8 of the Potsdam Declaration accepted by Japan on 14 August 1945.<sup>ix</sup> In truth, this "reversion" was merely a re-annexation by secret agreements between the Japanese and the U.S. governments.<sup>x</sup> Currently, the U.S. and Japan have deployed MV-22 Ospreys, widely known to be defective and dangerous, to Lew Chew in 2012.<sup>xi</sup> It did so despite nearly unanimous opposition on the island. Moreover, both the Japanese and the U.S. governments are violently pushing through construction of NEW military bases at Henoko and Takae in the northern part of Okinawa Island in Lew Chew.<sup>xii</sup> These actions constitute further evidence of the continuing colonization and discrimination of Lew Chewan peoples.
3. Japan has exploited Lew Chew for her own "peace and prosperity" for their future. We Lew Chewan peoples shudder at the horror of future wars and fear that we will never be able to live in peace if this exploitation continues. Also, both the economic domination of Japanese corporations and the number of Japanese settlers continue to increase in Lew Chew. Further, the Japanese government's plans for promotion and development have destroyed the Lew Chewan environment, while its assimilation policies have become firmly embedded in our minds. We remain enslaved due to these different forms of exploitation and oppression.
4. Lew Chewan peoples are essentially independent and legal agents entitled to exercise the right to self-determination that is guaranteed in the common article 1 of the ICCPR<sup>xiii</sup> and the ICESCR.<sup>xiv</sup> Only Lew Chewan peoples can determine the future of Lew Chew. By gaining independence from Japan, restoring our sovereignty, and removing all military bases from our islands, we Lew Chewans will achieve our long sought-after goal of becoming sovereign islands of peace and build friendship with other countries, regions, and nations of the world.

## II. Reviews

5. In 2007, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly of the United Nations. (A/RES/61/295)<sup>xv</sup>
6. In 2008, the Human Rights Committee (CCPR) concluded that Japan "should expressly recognize the Ainu and *Ryukyu/Okinawa as indigenous peoples* in domestic legislation, adopt special measures to protect, preserve and promote their cultural heritage and traditional way of life, and recognize their land rights. It should also provide adequate opportunities for Ainu and Ryukyu/Okinawa children to receive instruction in or of their language and about their culture, and

include education on Ainu and Ryukyu/Okinawa culture and history in the regular curriculum.” (CCPR/C/JPN/CO/5, para. 32)<sup>xvi</sup>

7. In 2010, the Committee on the Elimination of Racial Discrimination (CERD) concluded that “while highlighting that UNESCO has recognized a number of Ryukyu languages (2009), as well as the Lew Chewans’ unique ethnicity, history, culture and traditions, the Committee regrets the approach of the state party to accord due recognition to Lew Chewans’ distinctness and expresses its concern about the persistent discrimination suffered by the people of Lew Chew. It further reiterates the analysis of the special rapporteur on contemporary forms of racism that the disproportionate concentration of military bases on Lew Chew has a negative impact on residents’ enjoyment of economic, social and cultural rights (art. 2, 5).” (CERD/C/JPN/CO/3-6, para. 21)<sup>xvii</sup>

8. In 2012, Japan reported that “people who live in Okinawa and natives of Okinawa are Japanese nationals.” (CCPR/C/JPN/6, para. 337)<sup>xviii</sup>

9. In 2014, the Human Rights Committee (CCPR) concluded that Japan “should take further steps to revise its legislation and fully guarantee the rights of Ainu, Ryukyu and Okinawa communities to their traditional land and natural resources, ensuring respect for their right to engage in free, prior and informed participation in policies that affect them and facilitating, to the extent possible, education for their children in their own language.” (CCPR/C/JPN/CO/6, para. 26)<sup>xix</sup>

10. In 2014, the Committee on the Elimination of Racial Discrimination (CERD) concluded that “the Committee regrets the position of the State party in not recognizing the Ryukyu/Okinawa as indigenous peoples, despite recognition by UNESCO of their unique ethnicity, history, culture and traditions. While noting measures taken and implemented by the State party concerning the Ryukyu — based on the Act on Special Measures for the Promotion and Development of the Okinawa and the Okinawa Promotion Plan — the Committee is concerned that sufficient measures have not been taken to consult Ryukyu representatives regarding the protection of their rights. The Committee is also concerned by information that not enough has been done to promote and protect the Ryukyuan languages, which are at risk of disappearance, and that education textbooks do not adequately reflect the history and culture of the Ryukyu people (art. 5).” (CERD/C/JPN/CO/7-9, para. 21)<sup>xx</sup>

11. In 2016, Japan released “Comments by the Government of Japan regarding the Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9)” and said “we understand that people in Okinawa have inherited a unique culture and tradition over their long history. However, the Government of Japan recognizes only the Ainu people as indigenous people in Japan.”<sup>xxi</sup>

12. Fifteen percent of Okinawa Island is occupied by the U.S. military bases, supported with the Japanese government. Furthermore, although majority of us is denying, both Japan and the U.S. are forcefully constructing NEW military bases in Lew Chew, which is based on the attitude of NIMBY, which leads sexual assault against women and children and also threat to educational environment of youth.<sup>xxii</sup> This goes against the sustainable development goals, as well as against ICESCR articles 1(1) and 13<sup>xxiii</sup>, ICCPR articles 1(1), (2) and 27<sup>xxiv</sup>, and UNDRIP articles 14, and 25 to 32.<sup>xxv</sup>

13. Lately, the situation of Lew Chew was reported, for example, at the United Nations Permanent Forum on Indigenous Issues (17th session, 2018)<sup>xxvi</sup> and at the UN General Assembly (76th session, 2021)<sup>xxvii</sup> issued by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/76/180).

### **III. The U.S. and the JSDF (Japan Self Defense Force) military base issues in Lew Chew**

14. The U.S. military bases account for 15% land areas in Okinawa Island which is home to over

90% of Lew Chew's population. These military bases were established in 1945 during the Battle of Okinawa, and the U.S. Marine Corps moved from mainland Japan to Lew Chew between the 1950s and 1970s<sup>xxviii</sup> without any consultation with Lew Chewans.

15. When the leases of landowners of property on the U.S. military bases expired in April 1996 to May 1997, some refused to renew the lease agreements as acts of anti-war protest. In case such as these, mayors of the relevant municipality or the prefectural governor can sign military land leases as proxy. However, then governor, Masahide Ota, refused to sign the leases as proxy and the Prime Minister filed a lawsuit to enforce execution of the proxy order by the governor. The case was tried in the Supreme Court with the prefectural side losing the appeal of the case in 1995.

16. After the case, the Japanese government revised Agreement between Japan and the US Concerning New Special Measures Relating to Article XXIV of the Agreement under Article VI of the Treaty of between Japan and the US, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.<sup>xxix</sup> Attendant upon the Enforcement of the "Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America regarding Facilities and Areas and the Status of United States Armed Forces in Japan" in 1996. The law technically applied only to Lew Chew. In mainland Japan, about 87% of the land used for U.S. military facilities and training areas is owned by the national government, while this proportion is about 23% in Lew Chew. The remaining 77% of militarized land in Lew Chew is owned by the prefecture, municipalities and private citizens. Of this 77%, 40% remains owned by displaced private citizens.<sup>xxx</sup> This fact implies that the U.S. military's occupation of private lands violates adequate housing rights contained in Article 11 of ICESCR, and its General Comment 4 (1991), the Right to Return contained in UN General Assembly Resolution 181, as well as Article 4 of the Geneva Convention.

17. The construction of the NEW U.S. military base in Henoko Village of Nago City on Okinawa Island has been protested it since 1995. Lew Chewans have carried out prefectural citizen's referendums on the new base twice, once in 1995 and again in 2019. Both voting results opposed construction of the new base.<sup>xxxi</sup> Even when the results came out, the Japanese government did not support the will of the Lew Chewan people. The Okinawa Prefectural Government submitted several reports on the environment of Oura Bay, atop which the new base is being constructed, to the Japanese and U.S. governments.<sup>xxxii</sup> Furthermore, the Okinawa Prefectural Government filed lawsuits several times regarding the base construction (including land reclamation) in Henoko.<sup>xxxiii</sup> In all of these cases Lew Chew was defeated. The judiciary has ruled in favor of the National Government over the will of the people, which is contrary to democracy. After these judicial cases, the Japanese Government started construction in 2019. In addition, the Japanese Government is currently planning to use the soil extracted from the southern part of Okinawa Island, where there are known concentrations of the remains of those who died in the Battle of Okinawa<sup>xxxiv</sup>, for the landfilling activities in Henoko.<sup>xxxv</sup>

18. Currently, the Japanese government is rapidly expanding the JSDF military bases in the Nansei Islands of Lew Chew.<sup>xxxvi</sup> Referendum on the construction of the JSDF military bases was not taken place.<sup>xxxvii</sup> In addition, there are deployments different from the promises in advance and military exercises between Japan and the US. Future war operations are planned on the premise of involving the Lew Chewan<sup>xxxviii</sup>, and colonization by Japan and the US is currently progressing.

19. It has recently been revealed that Lew Chew is facing a serious the water and soil pollution problem by carcinogenic chemicals (PFAS) originating from the U.S. military and the JSDF. There are concerns about long-term serious health hazards to people in Lew Chew.<sup>xxxix</sup>

#### IV. Recommendations

20. We welcome the UN announced “SECURING OUR COMMON FUTURE - An Agenda for Disarmament” in 2018.<sup>xi</sup> We recommend the UN should add issues on expanding military bases and military operation in the report.

21. The Japanese Government should immediately stop the U.S. military construction in Henoko and set up consultation with citizens, the Mayor of Nago, and the Okinawa Prefectural Government, which must respect FPIC.

22. The Japanese Government should immediately and thoroughly investigate the soil in which remains of the war dead have been found, and return these human skeletons to the Lew Chewan and other families to whom they belong.

23. The Japanese and the US Governments should take immediate action to resolve the water and soil pollution problem caused by PFAS.

24. The Japanese and the US Governments should immediately stop colonization on Lew Chew, close all military bases in Lew Chew, and return occupied lands to the Lew Chewan.

□

---

<sup>i</sup> <http://www.acsils.org/english>

<sup>ii</sup> <http://www.un-documents.net/a61r295.htm>

<sup>iii</sup> <http://www.un-documents.net/a61r295.htm>

<sup>iv</sup> <http://www.un-documents.net/iccpr.htm>

<sup>v</sup> <http://www.un-documents.net/icescr.htm>

<sup>vi</sup> <http://www.un-documents.net/iccpr.htm>

<sup>vii</sup> <http://www.japanupdate.com/2016/04/meiji-invasion-of-ryukyu-kingdom/>

<sup>viii</sup> [http://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

<sup>ix</sup> <http://www.ndl.go.jp/constitution/e/etc/c06.html> Potsdam Declaration. Proclamation Defining Terms for Japanese Surrender. Issued at Potsdam on 26 July 1945. Article 8: “The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.”

<sup>x</sup> <http://english.rvukyushimpo.jp/2012/05/24/7151/>

<sup>xi</sup> <http://english.rvukyushimpo.jp/2012/09/09/7924/>

<sup>xii</sup> <http://english.rvukyushimpo.jp/2015/05/20/18545/>

<sup>xiii</sup> <http://www.un-documents.net/iccpr.htm>

<sup>xiv</sup> <http://www.un-documents.net/icescr.htm>

<sup>xv</sup> <http://www.un-documents.net/a61r295.htm>

<sup>xvi</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FJPN%2FCO%2F5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FJPN%2FCO%2F5&Lang=en)

<sup>xvii</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FJPN%2FCO%2F3-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FJPN%2FCO%2F3-6&Lang=en)

<sup>xviii</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FJPN%2F6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FJPN%2F6&Lang=en)

<sup>xix</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/JPN/CO/6&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/JPN/CO/6&Lang=En)

<sup>xx</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JPN/CO/7-9&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JPN/CO/7-9&Lang=En)

<sup>xxi</sup> <http://www.mofa.go.jp/files/000190869.pdf>

<sup>xxii</sup> <http://english.rvukyushimpo.jp/2018/04/12/28710/>

<sup>xxiii</sup> <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

<sup>xxiv</sup> <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>xxv</sup> <http://www.un-documents.net/a61r295.htm>

<sup>xxvi</sup> <https://drive.google.com/file/d/1diPccg7l3Ullkv94Maq6qfTqcgcs0Gs/view>

<sup>xxvii</sup> <https://undocs.org/A/76/180>

<sup>xxviii</sup> <http://www.asahi.com/special/news/articles/SFB201304270003.html>

<sup>xxix</sup> [https://www.mofa.go.jp/mofai/gaiko/treaty/pdfs/treaty164\\_1d.pdf](https://www.mofa.go.jp/mofai/gaiko/treaty/pdfs/treaty164_1d.pdf)

<sup>xxx</sup> <https://dc-office.org/basedata>

<sup>xxxi</sup> <http://english.rvukyushimpo.jp/2019/02/26/29999/>

<sup>xxxii</sup> <https://www.pref.okinawa.jp/site/chijiko/henoko/english.html>

<sup>xxxiii</sup> <https://mainichi.jp/english/articles/20200327/p2a/00m/0na/011000c>

<sup>xxxiv</sup> <https://www.youtube.com/watch?v=endRABhgnA4>

<sup>xxxv</sup> <https://www.theguardian.com/world/2021/mar/22/okinawa-us-airbase-soil-war-dead-soldiers-japan>

<sup>xxxvi</sup> <http://english.rvukyushimpo.jp/2020/08/26/32577/>

<sup>xxxvii</sup> <https://www.asahi.com/ajw/articles/14383626>

<sup>xxxviii</sup> <https://english.kyodonews.net/news/2021/12/f5ed60ab6502-japan-us-draft-operation-plan-for-taiwan-contingency-sources.html>

<sup>xxxix</sup> <https://apijf.org/2020/16/JMitchell.html>

<sup>xl</sup> [https://front.un-arm.org/documents/SG+disarmament+agenda\\_1.pdf](https://front.un-arm.org/documents/SG+disarmament+agenda_1.pdf)



**UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER**

WHAT ARE HUMAN RIGHTS? 

DONATE 

HOME ABOUT US ISSUES HUMAN RIGHTS BY COUNTRY WHERE WE WORK HUMAN RIGHTS BODIES NEWS AND EVENTS PUBLICATIONS AND RESOURCES

English &gt; Your Human Rights &gt; IPeoples &gt; EMRIP &gt; Report on the militarization of indigenous land

Français | Español

## Expert mechanism on the rights of indigenous peoples: Call for submissions

### Report on "The militarization of indigenous land: a human rights focus."

#### Background

Pursuant to Human Rights Council resolution 33/25, during its fourteenth session in 2021, the Expert Mechanism confirmed its decision to prepare a report on the militarization of indigenous land.

#### Presentation

A draft report will be introduced by the Expert Mechanism at its annual session, due to take place from 11 to 15 July 2022, after which it will be finalised and presented to the Human Rights Council at its fifty-first session in September 2022.

#### Call

The Expert Mechanism hereby requests contributions from Indigenous Peoples, States, National Human Rights Institutions, academics and other stakeholders for this report.

Submissions should be sent by e-mail to [ohchr-expertmechanism@un.org](mailto:ohchr-expertmechanism@un.org) no later than **31 January 2022, in English, French or Spanish, in WORD format and no longer than 5 pages.**

#### Expert Mechanism on the Rights of Indigenous Peoples

[Overview](#)

[Mandate](#)

[International standards](#)

[Experts](#)

[Annual thematic reports and studies](#)

[Country engagement](#)

[Other activities](#)

[Statements](#)

#### Recent thematic reports and studies

[Study on the rights of the indigenous child \(2021\)](#)

[Report on self-determination \(2021\)](#)

## An input for the EMRIP Report on "The militarization of indigenous land: a human rights focus."

OHCHR-Expert Mechanism <[ohchr-expertmechanism@un.org](mailto:ohchr-expertmechanism@un.org)>  
To: [acsils.org](mailto:acsils.org)" <[info@acsils.org](mailto:info@acsils.org)>

2022年1月12日 18:38

Thank you very much for your contribution.

Best regards

EMRIP Secretariat