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**United Nations Human Rights Council (UNHRC)**

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**42<sup>nd</sup> Session**  
**(23 January 2023 - 03 February 2023)**

**Stakeholders' Submission on:**  
**Human Rights Situation in Japan**

**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 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”).



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## I. Reviews

1. 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>vii</sup>
2. 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>viii</sup>
3. 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 Okinawans’ unique ethnicity, history, culture and traditions, the Committee regrets the approach of the state party to accord due recognition to Okinawa’s distinctness and expresses its concern about the persistent discrimination suffered by the people of Okinawa. It further reiterates the analysis of the special rapporteur on contemporary forms of racism that the disproportionate concentration of military bases on Okinawa 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>ix</sup>
4. In 2012, Japan reported that “people who live in Okinawa and natives of Okinawa are Japanese nationals.” (CCPR/C/JPN/6, para. 337)<sup>x</sup>
5. In 2014, the 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>xi</sup>
6. In 2014, the 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.” (CERD/C/JPN/CO/7-9, para. 21)<sup>xii</sup>
7. In 2016, Japan released “Comments by the Government of Japan regarding the Concluding Observations of the CERD (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>xiii</sup>
8. In 2017, a comprehensive poll<sup>xiv</sup> conducted by a local newspaper company in Lew Chew in October and November 2016 showed that the percentage of the Lew Chewan peoples who answered “Okinawa (Lew Chew) should remain a part (prefecture) of Japan” shrank to less than a half (46.1%), which marked a substantial decrease of 15.7% compared to the previous poll in 2011.
9. In 2018, it was its fifth time that the CERD concluded that “the Ryukyu/Okinawa are not recognized as indigenous peoples despite its previous recommendation (CERD/C/JPN/CO/7-9, para. 21) and recommendations from other human rights mechanisms.” The CERD is also concerned “at reports of violence against women in Okinawa, and challenges reportedly faced by the Ryukyu/Okinawa peoples related to accidents involving military aircraft in civilian areas, owing to the presence of a military base of the United States of America on the island of Okinawa (art. 5).” (CERD/C/JPN/CO/10-11, paras. 17 & 18)<sup>xv</sup>
10. The situation of Lew Chew was reported at the United Nations Permanent Forum on Indigenous Issues (17th session, 2018)<sup>xvi</sup>.
11. In 2021, the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, which was submitted in accordance with Human Rights Council resolution 45/10<sup>xvii</sup>, mentioned about “the island of Okinawa, where the majority of the inhabitants are Lew Chewan or Okinawan, although Japan does not recognize them as indigenous groups.” (A/76/180, para. 14)<sup>xviii</sup>

## II. Deprivation of original copies of the treaties of amity between Lew Chew and the U.S., France, and Holland by the Japanese government<sup>xix</sup>

## **Background and Challenges**

12. In 1854, a Treaty of Amity between Lew Chew and the U.S.<sup>xx</sup> was concluded. This was followed by similar treaties between Lew Chew and France in 1855 and Holland in 1859. The Japanese government deprived original copies of these three treaties during the so-called “Ryukyu Disposition” which was actually a process in which Lew Chew was forcibly assimilated into Japan in the 1870s. Currently, the Japanese Ministry of Foreign Affairs holds the documents, but has declined to explain how they fell into its possession.
13. We believe that this Japanese government’s act of deprivation goes strongly against article 27 of the ICCPR<sup>xxi</sup> and also against articles 8(1, 2(a) & (d)) and article 11(1) of the UNDRIP.<sup>xxii</sup>

## **Recommendations**

14. The Japanese government should immediately return original copies of these three treaties to Lew Chewan peoples.

## **III. Ignorance of the historical existence of Lew Chew as an independent nation by the Japanese government**

### **Background and Challenges**

15. On 25 February 2015, Kantoku Teruya, a member of the Japanese House of Representatives elected from Okinawa Prefecture, submitted a formal memorandum with questions to the Japanese government<sup>xxiii</sup> including the question of whether the Japanese government had recognized (the Kingdom of) Lew Chew as an independent and sovereign nation when the so-called “Ryukyu Disposition,” or the forced assimilation of Lew Chew into Japan, was initiated in 1879. On 6 March 2015, Japanese Prime Minister, Shinzo Abe, officially responded to this question<sup>xxiv</sup> by stating that it was difficult to answer clearly because the situation of Lew Chew (Kingdom) at that time was ambiguous.
16. We believe that the Japanese government’s answer is nothing but sophistry. Moreover, its denial of the historical existence of Lew Chew as an independent nation grossly violates article 27 of the ICCPR<sup>xxv</sup> and article 8(1, 2(a) & (d)), 13(1), and 15(1) of the UNDRIP.<sup>xxvi</sup>
17. Given that culture is based on history, ignorance or the denial of history will result in the “destruction of culture” which in turn leads to “forced assimilation.” Lew Chew was clearly an independent nation before 1879. As stated in paragraph 13 of this report, there exists physical evidence of Lew Chewan independence such as a Treaty of Amity between Lew Chew and the U.S. in 1854, France in 1855, and Holland in 1859. Additionally, the U.S. government even acknowledges on the official website of its own Department of State’s Office of the Historian, Bureau of Public Affairs that, “in the mid-nineteenth century, however, Lew Chew was an independent kingdom that specialized in trade between Japan and mainland Asia.”<sup>xxvii</sup> It also states that “Japan directly took over the Lew Chew Islands in 1879, making them a part of Japan” in the same website.<sup>xxviii</sup>

## **Recommendations**

18. The Japanese government should officially and immediately admit the historical existence of Lew Chew as an independent nation and apologize for its forced assimilation of Lew Chew into Japan in the 1870s.
19. The Japanese government should officially and immediately encourage the publishing of textbooks that include the historical existence of Lew Chew as an independent nation.

## **IV. The right to the repatriation of the human remains of Lew Chewan peoples**

### **Background and Challenges**

20. At least 26 human skeletons were taken from tombs in Lew Chew and have remained unreturned for more than 75 years.<sup>xxix</sup> It has been discovered that these Lew Chewan skeletons were taken by Japanese anthropologists conducting research in Lew Chew in 1928 and 1929 and are being kept at Kyoto University.
21. This matter is mentioned in the report of the Special Rapporteur on the promotion of truth, justice,

reparation and guarantees of non-recurrence, Fabian Salvioli. (A/76/180, para. 67)<sup>xxx</sup>

22. We believe that this matter exceedingly violates article 12 of the UNDRIP.<sup>xxxi</sup>

### **Recommendations**

23. The Japanese government should immediately and thoroughly investigate this matter and return these human skeletons to Lew Chew.

## **V. Racial discrimination and legislative protection**

### **Background and Challenges**

24. In 2012, Japan has agreed to “strengthening legislative protection from racial discrimination and discrimination based on sexual orientation” and “human rights training of public officials” (A/HRC/22/14, paras. 147.34 & 147.115).<sup>xxxii</sup> Although Japan's first anti-hate speech law has passed in the Diet in May 2016, this law does not cover racial discrimination or include penalty clause.<sup>xxxiii</sup>

25. We believe that this matter goes against article 4 of the ICERD<sup>xxxiv</sup> and also against articles 2 of the UNDRIP.<sup>xxxv</sup>

### **Recommendation**

26. In the first place, the Japanese government should immediately stop construction of new military bases at Henoko and Takae in the northern part of Okinawa Island in Lew Chew as stated in paragraph 2 of this report and start demilitarization and decolonization of Lew Chew right away.

27. The Japanese government should immediately create anti-racial discriminatory laws to protect indigenous peoples in Japan.

## **VI. The impact of toxics on Lew Chewan peoples**

### **Background and Challenges**

28. It has been recently revealed that Ryukyu is facing a serious water and soil pollution problem by carcinogenic chemicals (PFAS) originating from the U.S. and the JSDF (Japan Self-Defense Forces) military bases.<sup>xxxvi</sup> There are concerns about long-term serious health hazards to people in Ryukyu due to the accumulation of PFAS in human.<sup>xxxvii</sup>

29. In 2016, Okinawa Prefectural officials announced the discovery of PFAS contamination in multiple rivers (Hija River, Dakujaku River, and others) and groundwater in aquifers that provide drinking water to more than 450,000 people in at least eight municipalities in Ryukyu. This PFAS contamination issues had not been reported to Lew Chewans for a long time.

30. It has been revealed that PFAS levels around the U.S. Kadena Air Base in Kadena town, Chatan town, and Okinawa city far exceed the guidelines for drinking water and the environment which was set by the Japanese government in 2020. Recently, it was discovered that high levels of PFAS were detected in people from blood samples taken 40 years ago from Lew Chewan peoples living near the U.S. Kadena Air Base, and have since been stored at a local university.

31. Additionally, in the nearby areas surrounding U.S. Marine Corps Air Station Futenma, in Ginowan city, high concentrations of PFAS have been found at natural springs (Chunnaa Gaa, and others) that are utilized for farming, cultural events, and other every day activities.

32. Furthermore, in June 2021, a PFAS spill from a U.S. Army facility occurred in Uruma City, contaminating the Tengan River. Six months later, PFAS was detected at 1,600 times the national standard set by government. As such, it is threatening people's lives and livelihoods.<sup>xxxviii</sup>

### **Recommendation**

33. It will be impossible to solve the problem unless the actual source of contamination is completely eliminated, that is, complete removal of all military bases from Ryukyu should be conducted and colonization on Ryukyu should be immediately stopped.

34. The Japanese and U.S. governments should urgently conduct health examinations of residents. The Japanese and U.S. governments must clean up the contaminated soil, water and watershed. The Japanese government should request that the U.S. submit an environmental impact report on the area by the U.S. military base and make its contents public. The Japanese and U.S. governments should provide compensation to the affected areas. The Government of Japan should ensure that Lew Chewan peoples have the opportunity to participate in decision-making in matters affecting their rights in the process of decontamination decisions and implementation through self-selected representatives in accordance with the procedures in each affected area. Access to safe drinking water and sanitation is a fundamental human right, as water is essential for maintaining health and is the basis for a dignified life. The Government of Japan should implement policies to decontaminate (including soil replacement) water and soil contaminated by PFAS and create a safe environment for people in the affected areas. The Government of Japan should comply with articles 2, 11, and 12 of ICESCR, and with UNDRIP 18, 21, 24, 25, 26, 27, 28, 29, 30, and 32.<sup>xxxix</sup>

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

### **Background and Challenges**

35. 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>xl</sup> without any consultation with Lew Chewans.
36. 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>xli</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>xlii</sup>
37. 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>xliii</sup>, for the landfilling activities in Henoko.<sup>xliv</sup>
38. Currently, the Japanese government is rapidly expanding the JSDF military bases in the Nansei Islands of Lew Chew.<sup>xlv</sup> Referendum on the construction of the JSDF military bases was not taken place.<sup>xlvi</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>xlvii</sup>, and colonization by Japan and the US is currently progressing.

### **Recommendation**

39. We welcome the UN announced "SECURING OUR COMMON FUTURE - An Agenda for Disarmament" in 2018. We recommend the UN should add issues on expanding military bases and military operation in the report.
40. 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.
41. 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.
42. 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.

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

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

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