

THE RYUKYUANIST

No. 35

Winter 1996-97

Governor Ota at the Supreme Court of Japan

Governor Ota was elected for his pledge to end the American military occupation of parts of Okinawa. Okinawa's land on which the military bases are built is subject to lease renewals every five years. The lessee is the Government of Japan, which "sublets" (as it were) the leased land to the stationed American military forces under the terms of the U.S.-Japan Mutual Security Treaty. In September 1995, Governor Ota refused to cooperate with the Japanese Government in the procedure required by the Land Acquisition Law.

Using the State-Prefecture relationship stipulated in the Local Autonomy Law, the prime minister of Japan sued Governor Ota at the Fukuoka High Court Naha Branch seeking a court order for the governor to execute duties of State delegated to him. Governor Ota argued against the connection between delegated State duties under the Local Autonomy Law and cooperation with the forcible acquisition of Okinawa's land for use by the American military. In February 1996, the court supported the prime minister. Dissatisfied with the ruling, Governor Ota appealed to the supreme court of Japan.

On July 10, 1996, Governor Ota testified before the grand bench of the supreme court. The media and newspapers reported that the justices appeared to be favorably impressed with the governor's presentation. However, on August 28, 1996, the supreme court announced a very unfavorable verdict on the governor's appeal. It even appeared that the court treated this case with profound disdain. The court was open for about one minute and closed as soon as the chief justice finished reading the two-line verdict: "[We] reject and dismiss (kikyakusuru) the appeal; The court expenses shall be borne by the appellant."

Governor Ota's testimony, presented below in translation, is based on the text published in full in the Ryukyu Shinpō, July 11, 1996. This translation was made independently of any other existing or planned translation of this document. No contact was made with the government of Okinawa Prefecture. The Ryukyuanist is solely responsible for the translation and for any misunderstandings, inaccuracies or technical defects that may remain in it. Our comments on this historic document will be presented in future issues of The Ryukyuanist. Readers are also welcome to send in theirs for possible publication.

The desk

The text of the Ota testimony

I am Ota Masahide, Governor of Okinawa Prefecture. I heartily thank you for giving me the opportunity to make a statement of opinion (iken chinjutsu) before this Court.

To begin, I would like to explain the background of my appeal to the Supreme Court following my refusal to sign documents in lieu [dairi shomei] of the landowners concerning the forcible acquisition of their land for the stationed [U.S.] armed forces (chūryūgun).

[Okinawa's history and culture]

What I would like to say before anything else is that among my people, the longing for peace is very strong. The reason is: not only did we sacrifice almost one third of our population in the Battle of Okinawa toward the end of the Pacific War, but our cultural heritages from our ancestors -- valuable national treasures -- were totally destroyed. Our rich, verdant land was literally transformed into scorched earth. Not only that. Okinawa was a small kingdom called Ryukyu until it was annexed by Japan by the process known as Ryukyu shobun (punishment of Ryukyu) during the period from 1872 to the 1880s. For ages, the Ryukyu Kingdom had been widely, even abroad, known as an unarmed land of courtesy (shurei no kuni).

This was because King Shōshin, who was on throne in the late 15th and early 16th centuries, forbade people to carry weapons. The fundamental state policy he established was to maintain the little kingdom in peace by friendly trade with foreign countries. In addition, after its invasion of Ryukyu (ryukyu shinryaku) in 1609, Satsuma strictly prohibited people from bearing arms in order to forestall Ryukyuan's possible rebellions. This also [ironically] helped the islanders

enjoy the reputation as a peace-loving people (heiwa aikō no tami).

On the basis of the above historical background, the [late] Professor William Lebra of the University of Hawaii, in his Okinawan Religion: Belief, Ritual and Social Structure [1966], concludes that the cultures of Japan and Okinawa are fundamentally different. That is, in contrast to Japan's "warrior culture," Okinawa's is notable for "absence of militarism." Other scholars define Okinawan culture as a "feminine culture" (josei bunka) or a "culture of moderation" (yasashisa no bunka).

[The late] Mr. Nakahara Zenchū, a well-known scholar in Okinawan studies, researching the Omoro sōshi, which is a collection of 1554 oldest folk and religious songs of the period from the 12th to the 17th century, was impressed with a total absence of words connoting ruthless killing (satsuriku) in these songs. Nakahara inferred that Okinawans then had none of it [killing] on their consciousness (sono ishiki ga nakatta).

[The impact of the U.S. military bases]

In this way, my prefecture is dedicated to a way of life that shuns and abhors armed conflict. Many people in Okinawa are greatly troubled by the fact that contrary to their wishes, they have become participants in the killing and maiming of other people by allowing military bases in Okinawa, from which the American forces have been deployed for military operations in other lands as in the Korean War earlier, and then the Vietnam and the Gulf Wars.

It may also be pointed out that the military bases in Okinawa are extremely dense, a situation well described by a certain American journalist as Okinawa being in the

bases, rather than bases in Okinawa. In area, Okinawa is only 0.6% of Japan, but about 75% of facilities exclusively used by the American armed forces stationed in Japan are concentrated in this small prefecture.

The American military bases occupy about 11% of the total area of the prefecture and about 20% of the Okinawa Island. Moreover, the bases are concentrated in the middle and southern parts of the island which, with a population density amounting to 2198 persons per square kilometer, are among the few most densely populated areas of Japan. In addition, by virtue of the Status of Forces Agreement based on the U.S.-Japan Security Treaty, 29 areas in the sea and 15 air spaces are also controlled by the American forces. As a result, my people are not free to use [much of] their land, sea and air. We wonder whether the nation-state [we belong to, that is, Japan] can really be called a sovereign state (shuken kokka).

Under these circumstances, planned urban development (machizukuri) is impossible, let alone the growing of industry. Since the reversion [of Okinawa to Japan], the [Japanese] Government has implemented three ten-year economic encouragement and development plans (shinkō kaihatsu keikaku), investing 4 trillion yen in the construction and maintenance of infra-structure.

As a result, roads and harbors have considerably improved, but regrettably, achievements are unsatisfactory in matters like the elimination of economic differentials [vis-à-vis Japan as a whole] (kakusa zesei) or the laying of foundations for sustainable development (jiritsuteki hatten no kiso jōken no seibi). These are the basic objectives of the economic encouragement and development plans. In particular, industries that may generate sustainable development have not been nurtured. The prefecture's per capita income per annum still remains at

74% of the national average or less than a half of Tokyo's. Besides, the unemployment rate is about 6%, twice as high as the national average. Moreover, the unemployment rate of youth in their teens and twenties reaches a serious 12%.

This condition reflects not only the wrinkles pushed to our economy (shiwayose) by the excessive burden of the bases, but also the difficulties that hinder the rise of unique local industries (jiba sangyō). The urbanization process itself has been distorted. In my prefecture, "cities" -- Naha, the capital, especially, and others like Urasoe, Ginowan, and Okinawa -- have come into being by erratic sprawls around the bases without the benefit of zoning. These cities are not solid enough to withstand natural disasters. For purposes of safeguarding the lives and livelihoods of the people of my prefecture, an urban re-development that [by widening streets] permits operations of fire trucks and ambulances is indispensable.

For example, in Kadena Town, where the Kadena Air Force Base is located occupying about 83% of the town, more than 14,000 people crowd into the remaining 17%. Under these circumstances, it is almost impossible to live as [decently as] humans should.

As may be seen from these realities, it is not an exaggeration to say that the military bases forcing a special land use pattern on us have been the greatest problem of postwar Okinawa.

[Origins of forced acquisition of Okinawa's land]

Speaking of forced acquisition of land for military use, it occurred [in Okinawa] before and during the war. Prior to the abolition of the [Ryukyu] domain and the establishment of the [Okinawa] prefecture (haihan chiken) in 1879, the Meiji government directed the Ryukyu Kingdom to undertake several

reforms toward Japanization (nihonka) such as the abolition of the traditional embassies to China and of the investiture [of the king by the emperor of China] (sakuhō) as well as the adoption of the Japanese era name [Meiji]. The reforms also included permanent stationing in Okinawa of an army unit from the Sixth Division of Kumamoto.

The Ryukyu Kingdom agreed on all the reforms but one, the permanent stationing of Japanese troops (Nihongun no jōchu), which they resolutely rejected. The Ryukyuan government argued: "no matter how much one might strengthen military preparedness in these little islands, a success would be impossible to attain in defence against enemy attacks;" "arming the little island-state might cause suspicions on the part of other countries and invite an invasion;" "as in the old saying that 'softness tames toughness well' (jū yoku gō wo seisu), it is wiser to maintain the state in peace by courteous and friendly relations with the people of the neighboring countries."

But the Meiji government insisted: "since the government has the duty to protect the safety and stability (annei) of the territory and population, where to station the armed forces is a matter for the government to decide; no one has the right to oppose [the government]." The government then arbitrarily and forcibly dispatched an army unit to Okinawa. On the pretext that land was needed for barracks, drilling grounds, shooting ranges, hospitals, and so on, the Meiji government selected an area amounting to 61,600 square meters at Kohagura between Shuri and Naha and speedily proceeded to a forcible purchase of the land in the area. Since this area was a fertile and superior farmland, the Ryukyu government requested the Meiji government to reconsider and offered an alternative site for free. The Meiji government rejected the request and,

as planned, decided on basing the dispatched troops at Kohagura.

In this way, Okinawa, formerly a peaceful nation-state (heiwa kokka), had no choice but to go along with a military state (gunkoku) that was Japan. This, one may say, was the beginning of Okinawa's fortification (Okinawa no kichika).

As this example illustrates, the tendency of central government policy to override everything else including the local will continued unabated [in Okinawa].

During the [Pacific] War, farmland was semi-forcibly taken and used for air fields in the name of Japanese defense.

[Land acquisition by the American military]

After the war, nothing changed. The expropriation of land continued by ordinances and decrees of the American military as if the war had never ended. Since the documents like the family registers and land ledgers were lost in the ravages of war, the confirmation of titles to privately owned land was extremely difficult. One cannot deny that this situation made the arbitrary acquisition of land by the military easier. Moreover, the acquisition was forced, the troops brandishing "bayonets and bulldozers," as my people well remember.

Over the period from 1953 to 1956 or 57, there were "island-wide struggles for [the defense of] land" (shima gurumi no tochi tōsō) in Okinawa. A group of Okinawa's high-level administrative leaders visited America twice in search of the solution to the land problem. In a sense, today's forcible land use problem is a replay of that of the 1950s.

A distinctive characteristic of the land problem observed throughout history from the prewar period to the present is that much of the land that has become the object of

forcible acquisition is farmland belonging to farmers. Until recently, the key industry of Okinawa was agriculture. The farming folk who lost their lands were compelled to emigrate to [faraway] countries like Bolivia looking for places for permanent re-settlement or to work [in odd jobs] in the bases, giving up traditional farming. As numerous records indicate, in Okinawa where the proclivities for ancestor worship are strong, land is not a mere plot of soil in which to grow crops. It is not a commodity, something that can be considered an object for buying and selling. If I may paraphrase further, land is an irreplaceable heritage graciously bequeathed to us by our ancestors or a spiritual string that ties us with them. My people's attachment to their land is firmly rooted, and their resistance against the forcible taking of their land is similarly strong. What must be pointed out in this connection is that the military bases on the mainland of Japan sit on land 87 percent state-owned, while more than 30 percent of the land used by the bases in Okinawa is privately owned. Especially, in the central area of the Okinawa Island, where the bases concentrate, 75 percent of the land used by the bases is privately owned. Moreover, there are differences [in government policy] between mainland Japanese and Okinawan bases as may be seen in delays in reaching the agreement on noise prevention or [permissible] kinds of military maneuvers. My people consider these differences as amounting to discriminatory treatment [of them by Japan and America] and are increasingly dissatisfied with it.

In addition, incidents and accidents originating in the American bases never cease. Atrocious cases like the last year's rape of a little girl are repeatedly taking place.

[The Government's promises and people's expectations]

At the time of Okinawa's reversion to Japan, the Diet adopted a resolution about re-alignment and reduction (seiri shukushō) of the bases in Okinawa. [But] its implementation has largely been neglected.

With the collapse of the Cold War structure (reisen kōzō), my people expected the re-alignment and reduction of the bases in Okinawa to make progress, if belatedly. But, according to the U.S. Department of Defense report, United States Security Strategy for the East Asia-Pacific Region, published in February of the last year, the American forces in the East Asia-Pacific region would be maintained at a troop strength of 100,000 (jūmannin taisei). And, at the U.S.-Japan summit scheduled for November last year, it was feared that the two countries might re-define the Mutual Security Treaty and re-adjust the use of the American bases in Japan from more globalized perspectives. From all this, my people feared that the functions of the bases in Okinawa might be reinforced (kyōka) and perpetuated (koteika) through the 21st Century.

Under these circumstances, anyone responsible for the administration of my prefecture would find it difficult to accept a further reinforcement and perpetuation of the bases. Therefore, I could not favorably respond to [the task of] witnessing and signing (tachiai/shomei) [the documents] concerning the forcible use of land by the stationed forces. I believe that my decision was the only choice available to me as a governor responsible for a prefectural administration that should protect the lives and livelihoods of the people of the prefecture.

I do not have to tell you, since it is obvious, that I do not think that the base

issue can be resolved in one day (icchō isseki) by a refusal to witness and sign [the land documents]. For 50 years since the end of the war, my people have been forced to live side by side with military bases and to suffer their enormous impact (sono jūatsu). This means, without exaggeration, that we have fully cooperated with the Mutual Security Treaty.

The 1972 reversion was a return to the rule of the pacifist Constitution (heiwa kenpō) and should have been a great turning point for Okinawa. What my people sincerely wished for at the time of the reversion was a reduction of bases at a rate at least comparable to that experienced on the mainland (hondonami), together with the restoration of human rights (jinken) and the establishment of home rule (jichi).

[Nothing has changed.]

However, today, a quarter of a century after the reversion, the condition of Okinawa has hardly changed. Today just as before, the extensive bases packed with military functions remain. Incidents, accidents, and pollutions on account of the bases keep appearing. This is a far cry from the meaning of reversion my people desired. The Status of Forces Agreement, Article 2, permits military bases to be built in any area of Japan under the authority of the Mutual Security Treaty -- the so-called "bases-anywhere formula" (zendo kichi hōshiki). If so, then why should Okinawa alone shoulder the excessive burden? One would be hard put to understand it.

Many people of Okinawa do not wish to transfer their sufferings to others.

However, if the Mutual Security Treaty is important for Japan, they believe that responsibility and burden under the treaty should be assumed by all the Japanese nationals. If not, many of my people point

out that the outcome is discriminatory and goes counter to [the principle of] equality under the law.

In Okinawa, there are about 1.27 million Japanese nationals. Although this lawsuit [formally] concerns the prime minister's order to a prefectural governor to carry out certain duties (shokumu shikkō meirei soshō), I believe that it implies issues of basic human rights such as Constitutionally guaranteed property rights, people's rights to a life in peace, and [prefectures'] right to home rule. Because of these Constitutional issues, all Japanese nationals everywhere should be actively concerned with Okinawa's base issue as one that impinges on their own basic human rights. In that sense, Okinawa's base issue is not peculiar to one local area, Okinawa, but eminently general as Japan's problem with implications for Japan's sovereignty and democracy. Is that not so?

[I demand, request, wish...]

In search for the solution to the base problem, beginning with as many as five trips to the United States, I have seized every opportunity to ask the governments of Japan and the United States for a realignment and reduction of bases as well as the prevention of damages due to them. My efforts have produced results; for example, according to an interim report of the Special Action Committee on Okinawa (SACO) announced last April, it was decided that [the land used by] the Futenma Air Station was to be returned completely. In this manner, there has been some progress in the re-alignment and reduction of bases in Okinawa. Yet, in almost all cases of base return, a pre-requisite is the transfer of the bases to other areas or facilities in Okinawa. This is strongly opposed as a reinforcement of bases by the municipalities and their

residents affected by it. The situation is extremely serious.

I strongly demand that those who make decisions on base transfers actually come and see the areas affected and carefully examine the impact of bases on people's lives, the natural environment, and the eco-system.

Up till now, Okinawa's history has been other-determined. Now, of its own will, Okinawa Prefecture has generated an "Action Program for the Return of Bases" demanding a planned and phased return of [the land used by] the American military bases by 2015. The prefecture is also engaged in the formulation of a "Grand Design of an International City, Okinawa" which sets Okinawa's course of development in the 21st Century. All this aims at building a baseless, peaceful and green-rich Okinawa that can withstand natural disasters and that can literally be an "international" city that facilitates exchanges of "people," "goods," and "information" (hito, mono, jōhō) with Japan and Asian countries in fields like technology, economy, and culture.

I wish to transform military bases into production sites to serve peace and human

happiness and to reactivate the potential of my prefecture's geographical uniqueness and its long history of friendly relations with Asia-Pacific nations. I wish to entrust the future of Okinawa to its transformation into an international city, a hub of peace that pulls Japan, Asia and the world together.

In conclusion, I would like to note that my people expect the Supreme Court as the guardian of the Constitution to render a positive (sekkyokuteki) judgement concerning the military base issue in Okinawa. I sincerely request the Supreme Court to examine the past and present of my people who, denied the benefits of the Constitutional principles, have been living under the oppression of military bases, and to grant a judgement that may open up a future filled with broad possibilities for Okinawa, a future that may generate dreams and hopes for its youth. That is all I have wanted to say for my "statement of opinion."

Note: For a lack of space, the publications section is not included in this issue.