

The Abe State and Okinawan Protest - High Noon 2018

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Base Islands

*For more than two decades, the **Asia-Pacific Journal** has paid close attention to the “Okinawa problem.” However, today that “problem” becomes increasingly complex and difficult to grasp, even as it enters a major, possibly decisive, moment. The more the crisis deepens, the less it is covered by mainstream national and global media. This essay resumes the situation as of August 2018, and reflects on the significance of the 27 July move by Okinawa prefecture towards halting base construction works at Henoko-Oura Bay.*

Fundamentally, the “Okinawa Problem” is nothing but the problem of much of the prefecture’s land, sea, and air space, including twenty per cent of its flat, accessible, fertile land, remaining in US hands so long after the war that brought them there, despite the nominal “reversion” of Okinawa from US military control to Japan in 1972.

Okinawa (otherwise known as the Ryukyu Islands) is a region in Japan incorporated into the Japanese state, both pre-modern and modern, by force (in 1609 and 1879). In 1945 it was scene of the final battle of World War Two and between one-third and one-quarter of its population were killed. It suffered a death rate comparable to Hiroshima or Nagasaki, made so much even more horrendous by the fact that a significant number of the casualties were those executed or forced to commit suicide as spies or impediments to the mission of the then Imperial Japanese Army. It was then severed from the rest of Japan under direct US military rule for another 27 years during which military bases were built to Pentagon convenience, unfettered by Japanese residual sovereignty or Okinawan sentiment.

Its “reversion” to Japan that took place in 1972 was a sham because the bases remained intact. In the continuing post-Cold War era Okinawa faced the pressure of state policies designed to reinforce that base system, not only by construction of the Henoko facility but also by the building of “helicopter pads” for the Marine Corps in the Yambaru forest of Northern Okinawa and by the accelerating fortification of the chain of “Frontier” (Sakishima) or “Southwest” (Nansei) islands that stretch from Kagoshima to Taiwan (including Amami, Miyako, Ishigaki, and Yonaguni).

Twenty-two years ago, Okinawan outrage at the rape of a twelve-year old girl by three US servicemen brought simmering discontent over the prolonged appropriation of their islands

to the surface. The two governments then promised that MCAS (Marine Corps Air Station) Futenma – a sprawling military complex situated about 10 kilometers east of the capital, Naha – would be returned to Japan within “five to seven years.” The occupation was from the outset in breach of the 1907 Hague Convention which forbids occupying armies from confiscating private property, and has also long been in breach of US safety requirements that prescribe a significant “clear zone” at either end of runways since the Futenma base is surrounded on all sides by the residences, schools and hospitals of a burgeoning city. Military aircraft have a disturbing tendency to crash, make emergency forced landings, or drop bits onto Okinawan farms and schools. One crashed onto Okinawa International University in 2004, another – a Futenma-based MV22-Osprey – into the sea off Okinawa’s north shore near Nago City in December 2016, and another, a CH-53 helicopter, onto a farm in Takae hamlet on 11 October 2017. Okinawans have reason to be fearful of their “defenders.”

Futenma reversion turned out anyway to be conditional, to occur only when the Marine Corps could move to alternative facilities, a new Marine Corps base to substitute for the old. This “Futenma Replacement Facility” gradually evolved into something much grander and more multifunctional than Futenma. It became known as the Henoko, or Henoko-Oura Bay, project.

Protest began the moment the Henoko project was announced in 1996, and for twenty years it was successful in blocking the state from acting to implement its plans. In Abe Shinzo, however, Prime Minister 2006-7 and 2012-) the Okinawan people came up against their most formidable opponent. No previous government had shown such determination in pressing construction and crushing opposition. The “break-through” for the Abe government in Tokyo in overcoming the Okinawan opposition occurred in December 2013, when Nakaima Hirokazu, elected Governor of Okinawa in 2010 on a pledge to demand relocation of Futenma outside of Okinawa (i.e. to oppose any new base construction), reversed himself while under heavy Abe state pressure while ensconced in a Tokyo hospital supposedly for medical treatment. The permit he then granted for the state to proceed with construction despite overwhelming opposition in Okinawa gave the government the legal basis for construction. Nakaima’s unexplained shift so angered Okinawans that in the subsequent November 2014 gubernatorial election he was defeated by a majority of over 100,000 votes. His opponent, Onaga Takeshi, pledged to do “everything in my power” to stop base construction.

No head of local government in Japan had ever attempted to oppose the national government and its policies for so long and on such a key issue (base construction) as Governor Onaga Takeshi, whose prefectural administration came in effect to be a regional government in resistance. Between 2015 and 2017, prefecture and nation state fought a series of court battles, likely to be renewed in the near future. Onaga also became involved in a prefectural suit launched in a Californian court in 2003 by NGO and nature conservancy groups against the Pentagon to try to protect Oura Bay and the dugong (on which see below, section 8).

At various times, Onaga has found himself pleading the prefecture’s cause to members of Congress in Washington, to the United Nations (the Human Rights Commission) in Geneva, and to the International Union for the Conservation of Nature (IUCN) in Gland, Switzerland. No other head of regional government in Japan would be likely to employ such passionate invective denouncing the national government as Onaga, accusing it before the UN Human Rights Commission in September 2015 of “ignoring the people’s will,” or referring to it in

various forums as “condescending,” “unreasonable,” “outrageous” (*rifujin*), “childish” (*otonagenai*), and even “depraved” (*daraku*). He speaks of the inequitable and increasing burden Okinawa bears, building upon the initial illegal seizure of Okinawan land and in defiance of the clearly and often expressed wishes of the Okinawan people; of a struggle for justice and democracy and for the protection of Oura Bay’s extraordinary biodiversity (which he describes as being at least twice that of the sea around Galapagos). Alone among heads of sub-national governments in Japan, he lambasts the national government’s weakness in being “completely lacking in ability to say anything to America.”

Onaga, elected in November 2014 on his pledge to stop new base construction, after painfully slow deliberation proceeded almost one year later (on 15 October 2015) to cancel (*torikeshi*) the Oura Bay reclamation license by then in place for almost two years. Cabinet, meeting two weeks later in Tokyo, insisted that works must go ahead because otherwise “the US-Japan alliance would be adversely affected,” and works at Henoko resumed. In July 2016 the national government filed a suit with the Naha branch of the Fukuoka High Court demanding that the Okinawan government comply with the government’s order and amend (reverse) its cancellation order. The government made its case on grounds of its prerogatives in foreign affairs and defense policy, while Governor Onaga put the prefectural case on grounds of the “fundamentals of regional self-government and by extension fundamentals of democracy.” In September, the Naha court upheld the state’s claims in all particulars and ruled that Okinawa’s governor was in breach of the law. Three months later (20 December), the Supreme Court brusquely dismissed the prefecture’s appeal. Onaga submitted to that ruling and, though not formally obliged to do so, cancelled his own cancellation order, thus reviving the Nakaima reclamation permit.² The Governor, though not formally required to do so by the judgment, nevertheless quickly cancelled his cancellation (of the reclamation license on Oura Bay), thereby restoring the original (Nakaima) license of 2013.

In April 2017, works resumed (after a year’s suspension). The Government’s ODB mobilized a land and sea force of bulldozers, riot police, coastguard officials, and private security company staff to escort a daily convoy of hundreds of trucks carrying equipment and materials to the construction site. It set about construction of a series of seawalls around the designated area in Oura Bay off Cape Henoko. On 19 July 2018, two of those walls were joined, marking the first actual enclosure of part of the bay. On 12 June, the government advised the prefecture of its intention to begin reclamation proper on 17 August. During this process, Governor Onaga procrastinated, promising time-and-again that he would issue a “rescission” order, stopping the Bay works, when the time was ripe. It was July 2018, his term in its final months, before he judged the ripeness to be sufficient (discussed in section 7 below).



Sea Wall Construction at Henoko, Ryukyu shimpo, 19 July 2018.

Henoko has become the grand, signature, national policy (*kokusaku*) project of early 21st century Japan, expected to take between ten and twenty years, cost “about” one trillion yen, and host an American Marine Corps presence through at least the end of the 21st century. The plan calls for dumping of 21 million metric tons of sand and soil (around 3.5 million truckloads) into the Bay,³ thereby filling in a 160-hectare site, eventually constructing a concrete platform rising ten meters above sea level with two 1,800 meter runways, a 272-meter long wharf and elaborate ammunition storage facilities (on a site that in the past, likely until around 1971, was used for the storage of nuclear weapons). The project is on such a scale that even if the recently surfaced problems of the geo-physical properties of the site (discussed below) are able to be met, the construction process threatens to overwhelm the island’s transport system as well as its ecology.

Much less well-known than Henoko, “reversion” for this forested northern area centred on the village of Takae also spelled substitution and military upgrading, not simply handover. To replace the helipad landing zones located within the land to be returned, Japan would construct six new ones. They were to be substantial structures, 75 meters in diameter and fed by access roads built by clear-felling forest. Some were just adjacent to Takae hamlet (population 150). When the detailed plan was revealed in 2006, the village assembly unanimously protested against it and set up a roadside “sit-in” camp the following year. As it had done at Henoko, the government proceeded anyway to brush aside the protest, intimidating the village residents by employment of SLAPP (Strategic Lawsuits Against Public Participation) procedures against them.⁴ The Higashi Village Assembly adopted unanimously a resolution declaring that the construction contravened the wishes of the local community and banning US aircraft from using them. Days later, ignoring the protest and ban, the Osprey began training flights.

From July 22, 2016, the helipad construction process, constantly delayed by protest, was moved to accelerated mode. Where the original (2006) plan had been to build one helipad

at a time so as to minimize damage to the forest and nuisance to the local communities, under this “accelerated” plan all four that remained would be built simultaneously, cutting the estimated time for works completion from thirteen to six months while quadrupling the daily number of trucks delivering materials and equipment, and sending major police reinforcements from mainland Japan to help stave off the Okinawan opposition. Thereafter, the government stepped up its assault on the protesters, periodically sweeping aside their tents and vehicles and closing or limiting traffic on Highway 70. As *Ryukyu Shimpo* pointed out, it was the sort of mobilization of force with which a major assault on a gangster headquarters might be launched. For the mostly elderly people carrying on the resistance, the experience of being overwhelmed by state force, outnumbered roughly five to one, was “akin to martial law” as novelist Medoruma Shun put it. Life for the people of Takae became virtually unbearable.

Nor are the US military aircraft that came to be deployed to the “helipads” mere replacements. The MV 22 Osprey flies twice as fast, carries up to three times as much load, and has an operational radius four times that of the CH-46 helicopter it replaces. Marine Corps Osprey in Okinawa ignore the agreed 150-meter height limitation and fly as low as 60 meters over the village. The Osprey is also noisy and notoriously prone to mishap. They became especially feared because of their emergency landings, high-risk night parachute drops, and refuelling and equipment hauling exercises. Over the five years of Osprey deployment from 2012, the level of noise in excess of sixty decibels increased twelvefold. Increasingly night training flights were conducted, especially terrifying when conducted without lights.

As of 2018, twenty-three years after the promise of Futenma reversion by at least 2003 (“in five to seven years”), there is no sign whatever of it happening, but a 4,000 hectare parcel of Marine-occupied land, half of the Northern Training (or Jungle Warfare) Area in the Yambaru forest (about 40 kilometres from Henoko) also promised in 1996 was returned, amid considerable official fanfare, in December 2016. It gave little joy to the people of Henoko, however, who in despair at the continuing noise and military incursions had begun to abandon the village, and such is the level of concentration of US military facilities in Okinawa that the 2016 reversion merely reduced the Okinawan proportion of American base land from 74 to 71 percent.

The Environment

Oura Bay is an ecological hot-spot, home to over 5,300 marine species, 262 of them endangered, including coral, sea cucumber, seaweed, shrimp, snails, fish, tortoises, snakes and mammals, not least the specially protected dugong. It is in the category of “class one,” meaning subject to special prefectural protection measures. The bay is also connected to the ecosystem of the Yambaru forest in northern Okinawa Island, which, along with three other islands of Okinawa and Kagoshima prefectures, the Japanese Ministry of the Environment nominated in 2017 as a UNESCO World Natural Heritage site. That nomination was withdrawn in June 2018 as the International Union for Conservation of Nature (IUCN), UNESCO’s advisory organization on natural heritage issues, recommended that deferral, seeking clarification as to the compatibility of World Heritage site with the presence of the US military’s Northern Training Area within the site. One of the IUCN’s senior officials, marine biologist François Shimard, having observed the impact of works for construction at Henoko-Oura Bay, “regretted” and referred to it as a “pity” that “the impact of construction upon such globally precious seas with their unimaginably fine coral reefs was obvious and

inescapable.”⁵ He was implying that the Government of Japan had to choose: *either* militarize *or* celebrate and conserve.

The government of Japan insists that it conducted between 2007 and 2011 the environmental impact study required for major works projects such as the Bay reclamation. However, that study was conducted not by an independent expert body but by the Japanese Ministry of Defense itself, the party seeking to do the works. It therefore lacked the independence necessary for scientific objectivity. It was subsequently denounced by specialists in environmental law as the “worst ever” such survey.⁶ In 2012, the Okinawa Prefectural Government’s Environmental Impact Assessment Review Committee listed 150 cases of insufficient and understated adverse effects on the environment in the EIA and Governor Nakaima found that it would be “impossible, by the environmental protection measures spelled out in the EIA, to maintain the preservation of people’s livelihood and the natural environment...” Despite that, shortly afterwards he issued the permit. His successor, Governor Onaga, in 2015 appointed a “Third Party” Commission of experts to advise him on this matter and its report in July was equally clear that the necessary environmental conditions for construction had not been met.

The project pursued with single-minded determination by the government in Tokyo is one that, in military and strategic terms, makes little sense. Experts on both Japanese and American sides agree that there is no reason why functions of the projected new base (if indeed there is need for them) could not be dispersed elsewhere in Japan. The price Japan pays is the fouling of one of its most bio-diverse and fertile marine environments. Such is the scale of the project that even if it were at some point to be cancelled it would be difficult to restore the Bay or to resuscitate its many life forms. The bizarre fact is that the Government of Japan signals its contribution to the International Year of Coral (2018) by taking steps almost certain to lead to the death of one of the world’s finest coral colonies, inhabited by some of Japan’s longest-lived creatures.

The People

Okinawan citizens (many elderly and some well-known figures in their seventies or eighties) have long declared their opposition to both Henoko and Takae projects. Having exhausted all democratic and conventional means to express their refusal to host any new base, they express their position by non-violent, sit-in protest. Many have been doing this on a daily basis for years. One of the grand and moving spectacles of today’s Japan is that of these resolute and determinedly non-violent old folk being insulted and dragged away by uniformed young men who could be their sons or even grandsons, only to get up, brush themselves down, and return to repeat the process. Okinawan opposition to the base project hardens and begins to be directed against not only the Henoko-Oura Bay construction but against the bases as a whole. The Okinawan parliament has twice called for withdrawal of the Marine Corps altogether from Okinawa (in May 2016 and November 2017). Okinawans want their land, sea, and air back.

Residents of towns and villages adjacent to Futenma and other bases are systematically deprived of the quality of life supposedly guaranteed them by the constitution and subjected to high levels of stress and sleeplessness, or to suspension of class in the schools. One Japanese court referred to the intolerable “mental distress, poor sleep, and disruption to their daily lives” from “serious and widespread” violations that “could not be defended on any ground of public interest.” But the courts say they have no jurisdiction to order the

Marine Corps to stop the nuisance, or even to put a stop to night flights, since the airspace over Okinawa is controlled by the United States military and is therefore beyond and above Japanese law. Noting the complicity of the government of Japan in enforcing the suffering of its people, the Okinawan newspaper, *Ryukyu Shimpo*, comments, “How could a government that enforces continuing illegality upon the citizens of one of its regions be considered a law-ruled state?”

And there is an even deeper level of insecurity surrounding the bases. The frame of the Okinawan struggle over decade after decade has been one of fear and insecurity, especially on the part of women and girls. Between the reversion of Okinawa to Japan in 1972 and 2015, by official count US forces and their dependents and civil employees had been responsible for 5,896 criminal incidents, one tenth of them (574) crimes of violence including rape.

As the government chafed under the continuing delays in its projects to construct the bases at Henoko and Takae, it sought to allocate blame. The sixty-four-year-old retired public servant Yamashiro Hiroji became the target of state outrage, Japan’s “public enemy number one,” so to speak, conducting the assembly of protesting citizens day after day, month after month, in song, dance, and debate, baffling and infuriating the state by his wit and nonviolence.⁷ Arrested in October 2016 on various charges – inflicting damage to public property” (cutting a strand of barbed wire to gain access to the construction site), “forcible obstruction of public business” (piling concrete blocks to try to obstruct entrance to Camp Schwab base), and “shaking a contractor by the shoulder causing bruising,” he was held without trial for 152 days in solitary confinement, treated as a suspected terrorist, denied repeated requests for bail, forbidden visitors (including his family), subject to what can only be described as deliberate humiliation (forced to submit to “body searches” and interrogated daily or twice daily). His prolonged detention would appear to have contravened both Japan’s constitution (A 34, forbidding detention without probable cause) and the International Covenant on Civil and Political Rights (Article 9.3, restricting pre-trial detention).⁸ Despite his serious illness, he was refused (while in the Nago police cells) even the right to take delivery of a pair of socks. Only after widespread protest did the authorities eventually relax that rule, but then only to allow one pair of socks, which had to be short and which he was forbidden to wear inside his cell. He was eventually (March 2018) found guilty and given a suspended two-year prison sentence.



Protesters Demand Yamashiro be Allowed Socks, Okinawa Times, 12 December 2016

The 22-year sustained Okinawan protest is framed by two especially shocking cases: from the 1995 case already mentioned, leading to the promise of Futenma return as a kind of recompense, to the 2016 rape-murder of a twenty-year-old Okinawan woman (to which an American ex-Marine base worker confessed). The protest that burgeoned after the latter led to a series of demands: the Prefectural Assembly or parliament on 27 May 2016 calling not only for closure and return of Futenma and abandonment of base construction at Henoko but also the closure and withdrawal of *all* Marine Corps bases and soldiers, and a prefectural mass meeting on 19 June bringing together 65,000 mourning citizens who listened silently to the victim's father ask for prefectural unity to demand withdrawal of *all* bases, American or Japanese. The prefectural sentiment was clear. Were they ever to be offered such a choice, it seems likely that the Okinawan people would choose to demilitarize Okinawa altogether, restoring their islands to the peace and security they had once enjoyed when defenseless and without enemies.

Law and Constitution

Okinawan opposition to the construction of a new base has been constant, reaching at times over 80 per cent in surveys (most recently in September 2017) and affirmed in elections (not least that of Onaga himself in 2014). No Okinawan candidate for office has ever been elected on an explicit pro-base construction platform (though it is not uncommon for a candidate – such as Nakaima – to be elected by appealing to Okinawan voters' anti-base sentiment but later to reverse himself. Base construction flies in the face of three major constitutional principles: popular sovereignty (Preamble and Article 1), state pacifism (Article 9) and regional self-government (Articles 92-95). Yet it is extremely unlikely, following the principle laid down in the Sunagawa case of 1959, that the Japanese Supreme Court would ever rule against the national state in a matter involving the security

relationship with the United States. The Supreme Court held in that case held that such matters were not to be subjected to judicial contest because they were “highly political” and concerned Japan’s very existence.⁹

If laws were broken at Henoko and Takae, there is a strong prima facie case for thinking that the government, police, and the Japan Coast Guard should be included among the guilty. The police and coast guard mobilization to enforce a government construction project was scarcely compatible with the provisions of the Police Duties Execution Act and the Coast Guard Act. The mobilization of Self-Defense Forces helicopters to transport construction equipment was probably counter to the Self-Defense Law and the Coast Guard Law lacked any provision that could justify the organ supposedly entrusted with the defense of Japan’s shores and bays treating protesting canoeists and kayakers as enemies of the state. The state’s clear-felling without permit of some 24,000 forest trees as part of its Takae “helipad” construction bore contrast with the savagely punished snipping of a strand of barbed wire by protestor Yamashiro see below). Contractors for the state at Takae were also in breach of the Okinawan road traffic law in that many of the trucks used lacked license plates.

When riot police brought in from Osaka abused protesters as *dojin* and *shinajin* (natives or Chink/Chinese), the government refused to treat it as hate speech, and when Prime Minister Abe, opening the special session of the Diet in September 2016, conveyed special appreciation for the work being done by police and military personnel, he drew a standing ovation.

The Nuclear Dimension

Despite the claims to embody democracy, the rule of law and human rights, and despite its constitutional commitment to pacifism, Japan under Abe Shinzo has been increasingly driven by military priorities, *de facto* revising the constitution by the adoption of legislation making possible recourse to war, stepping up military spending and purchasing large quantities of weaponry from the US (Abe publicly assuring President Trump that he would increase those purchases),¹⁰ sending Japanese Self-Defence Force units to join multilateral, US-led exercises rehearsing a new Korean War, urging the harshest and most uncompromising sanctions against North Korea, and positively endorsing the most controversial of US policies, the insistence on the right to maintain, develop, and deploy nuclear weapons.

While it denounces North Korea’s attempt to develop nuclear weapons after almost 70 years of suffering nuclear intimidation (commencing 1950), Japan rests its own national defense on (US) nuclear weapons. It resists global pressures for denuclearization and sits on an enormous stockpile of plutonium (36 tons of it in Britain and France, 11 tons in Japan) enough for about 6,000 nuclear bombs with the prospect of increasing as more reactors are switched back on and with no plans for shrinkage or disposal.¹¹ Part of the works underway at Henoko today is the expansion and upgrading of the Henoko Ordnance Ammunition Depot, the very place where nuclear weapons were stored in the past.¹² Despite its unique nuclear victim country status Japan stands together with the Security Council super-powers against the small and middle powers of the General Assembly in opposing any ban. In the General Assembly of the United Nations Japan stood aloof in 2017 when the vote was taken for a formal treaty banning not only the use or threat but also the possession of nuclear weapons. To the contrary, when the Trump administration published its “Nuclear Policy Review” in February 2018, insisting on the right to develop “flexible,” “credible” (i.e.,

usable) nuclear weapons,¹³ Foreign Minister Kono expressed Japan's "high appreciation."

The Trump nuclear enhancement program was in line with what Japan had recommended nine years earlier. In a February 2009 document, headed "Japan's Perspective on US's Extended Deterrence," the then Aso Taro government had urged the United States not to cut back but to diversify and reinforce its nuclear weaponry and to reserve an entitlement to their pre-emptive use.¹⁴ Japan gave its "positive approval" to the idea of storing nuclear weapons, again, at Futenma (and the US Air Force base at Kadena). Okinawans know that up to 1,300 nuclear weapons were stored at Okinawan sites including Henoko in the 1950s and 1960s, at a time when Pentagon planners assumed a major role for Okinawa in scenarios involving the destruction of *all* major cities in the then Soviet Union and China, killing around 600 million people (sic) and very possibly bringing human civilization itself to an end.¹⁵

Okinawans are naturally sensitive to the suggestion that their islands might be re-assigned such a role in the 21st century. If in due course the UN adopts the nuclear weapon ban treaty currently gathering support among member states, to the extent that Japan continues to base its security on "extended deterrence," along with its patron, the US, it is set to become an outlaw state.

The Governor

Onaga Takeshi, Governor from 2014, is no radical. He is rather a lifelong (to 2014) member of the Liberal Democratic Party who believes in the Ampo security system and in the need for US bases. He is also, however, an Okinawan "nationalist," a believer in the priority of "identity" over "ideology," who resents what he sees as Okinawa's colonial subordination to Tokyo (and, for that matter, Washington). He is therefore a complex and somewhat enigmatic figure to be leading the prefecture in a historically unprecedented confrontation with the national government.

Onaga has been careful to limit his differences with Tokyo to the three specifics: closure of Futenma, cancellation of any Futenma replacement (i.e., Henoko) within Okinawa, and withdrawal of the MV-22 Osprey aircraft. He remained silent during the nationwide summer of protest against the Abe government's secrecy and security bills in 2015, suggesting that he supported, or at least did not oppose, Abe's controversial interpretation of collective self-defense and security legislation package. He supported the Abe government's scheme to deploy Ground Self-Defense Forces, including missile and anti-missile units, along the chain of islands from Kyushu to Taiwan. He remained silent also through the heated confrontation of 2016-7 over Osprey pad construction at Takae. When riot police reinforcements were sent from mainland Japan to enforce works at Henoko from late 2015 and at Takae from July 2016, they were sent under the provisions of the National Police Law (1954) at the request of the Prefectural Public Safety Commission, whose members are responsible to and nominated (or dismissed) by the governor. At least in theory, Onaga might have dismissed any or all of its five members and appointed others who would represent Okinawan principles, but he chose to reserve his criticism for the reliance on force, the police "excesses" rather than their actual deployment. On a February 2017 visit to Washington, he assured his hosts at the US State and Defense Departments that he saw the US bases and the security treaty as important "for the defense of freedom, equality, democracy and human rights," formulating his objection to the Henoko project in terms of the damage it

might do to the alliance if a base had to be imposed by force.

Inexplicably, Governor Onaga even appeared at times to be cooperating with the state's base construction design. In July 2017, to the consternation of many in the anti-base camp he issued permits for the state to use the facilities at Oku port in the far north of Okinawa Island for loading and unloading of construction materials for the Henoko site, thereby facilitating and speeding things up, seemingly at odds with his commitment to use "all means at my disposal" to prevent reclamation. On November 15, a defensive governor confronted civic critics at the prefectural offices. He argued that he had no legal alternative but to consent, and he issued two further such permits, for Motobu and Nakagusuku, in December, even while protesting that he would still, at the appropriate moment, rescind the permit that underlay ongoing construction.¹⁶ In July 2018 he approved the application by the Okinawa Defense Bureau for permission to remove (transplant) coral from the construction site,¹⁷ despite evidence over a three-year period that the average success rate for transplanting Okinawan coral was less than thirty percent and in some locations as low as ten per cent.¹⁸

From March 2017, although Onaga repeatedly insisted that he was sticking to his pledge to not allow construction of the new base, his prolonged failure to act on that pledge – even as the sea walls snaked their way out into Oura Bay and trucks by the hundreds delivered materials to the base construction site – led to fear that he might be inclining to repeat the surrender of his predecessor to state pressure, procrastination in his case the functional equivalent of Nakaima's submission. Such doubts will be either quelled or confirmed as he proceeds (at last, as his critics would say) with the many times promised *tekkai* (rescission).

The (Coming) Crunch

On 12 June 2018, the Okinawa Defense Bureau (the ODB, the government of Japan's Okinawa section) served notice on Okinawa prefecture that from 17 August it intended to commence reclamation proper (the actual dumping of sand and soil) into the area of Oura Bay bounded by a sea wall at Henoko and intended to be the site for the new Marine Corps base. A gathering of 2,000 people at Henoko on 7 July declared its determined opposition, a group of prominent citizens and NGO representatives began a one week-long "sit in" at the prefectural offices on 15 July and a prefectural mass protest meeting was called for 11 August. It planned to mobilize an unprecedented 30,000 people to the relatively remote village of Henoko. On 17 July, Governor Onaga served what may be seen as his final warning shot to the ODB, demanding that it cease works in the Bay, for two reasons: because of failure to meet the obligations entered as "provisos" on the December 2013 prefectural license to reclaim the Bay granted by then Governor Nakaima,¹⁹ and because of technical and engineering problems that had only come to light as preliminary site works progressed. The ODB refused. So the prefecture followed on the 27th by the Governor issuing formal instructions to prefectural staff to initiate proceedings towards revocation of the license for reclamation issued almost five years earlier by his predecessor.

"Today I have instructed the relevant officials (in the prefectural government) to begin procedures towards revoking approval given for land reclamation. Facts that were not yet known when the permit for land reclamation was given have come to light, and the appropriate conditions in terms of land usage are no longer being met."²⁰

The process would involve, he said, a phase of notification and a hearing with the relevant government body (the ODB) that would take “about two weeks,” followed by “about two more weeks” in which the prefecture would “analyse the contents of the ODB’s response.” The Okinawan media responded with enthusiasm, acclaiming Onaga for implementing his pledge, but the timing of the processes he was launching was consistent with the government proceeding as planned. It could, if it chose, commence landfill works on or soon after 17 August.

In his statement and follow-up press conference, Onaga gave a series of reasons for his decision: procedural, technical and engineering, environmental, and political. He declared that the “public interest” could not be served by the construction underway and impending. He complained bitterly of the haughtiness (*bojaku bujin*) of the national government in pressing ahead with the works while refusing to meet or discuss the project with him, and declared it unacceptable that the ODB was “about to commence reclamation works without revealing its overall design or environmental protection measures, without solving the problem of rescuing coral and other species, and employing measures different from those prescribed in environmental protection literature.” It was, *inter alia*, in breach of the 2013 agreement on which the legitimacy of the state’s actions rested (as elaborated in detail in the 17 July letter and the 27 July dossier).

The “facts not yet known” at the time of the Nakaima license included in particular those to do with the geo-physical properties of the Bay site, some of which only became known in 2018 from documents released to civic groups under freedom of information. Geological investigations conducted between 2014 and 2016 showed that the technical difficulties of reclaiming the deep waters (60-plus meters) of Oura Bay far exceeded the state’s anticipation. The Bay floor on the eastern end of the site was found to be extraordinarily soft, from a depth of around 30 metres extending through a forty-metre thick layer of “mayonnaise” like sludge, its “strength” being ranked as N-Zero in geological terms as against the N-50 stipulated as necessary for heavy engineering works (let alone the giant mountain of concrete planned for this site). The state’s design was therefore being repeatedly and substantially revised. Construction engineer Kitaueda Tsuyoshi commented, “to improve/fix a [bay floor] sector of 300 metres width by 1800 metres length would be virtually impossible.”²¹ The Bay was also understood to be on a geological fault line, *i.e.*, potentially vulnerable to earthquake. Either of these facts, and the concerns they raise about possible site instability, subsidence or liquefaction, should be serious enough to rule out any major construction project and, long after completion of the environmental impact study survey the state’s contractors were still undertaking “boring surveys” of sites not part of the original design. Yet the state refused repeated prefectural overtures to discuss these problems.

In political/diplomatic terms, Onaga made much of the contrast between Japan, attaching its national priority to construction of a major new American military base, and elsewhere in Northeast Asia where, thanks in particular to the “dynamism” of Trump diplomacy, it seemed that momentum was building towards peace and tension reduction. He referred in particular to the Korean South-North and US-North Korea talks, the North Korean demolition of some of its nuclear weapon or missile plant and the US suspension of joint naval exercises with South Korea. He expressed concern that Japan, forcefully pressing ahead, without revision, to construct a base according to a decision adopted more than 20 years previously, “might find itself excluded from Asia,” or “left behind in the grand flow of peace” and that “the government’s stance of attaching priority to the Henoko new base

construction plan agreed more than twenty years ago is simply unacceptable.” In a remarkable elaboration of this theme, he alluded to

“... the dependence of today’s Japan upon the United States, to the extent that there is a SOFA (Status of Forces Agreement) above the constitution of Japan, and a Japan-US Joint Committee above the Japanese Diet. In such circumstance, Japan is unable to say anything to the US. ... When bits fly off from US Air Force F 15 fighter jets the matter is referred to a joint committee without becoming cause for fuss or debate in the Diet.”

These were surprising views because Onaga has been known as a supporter of the security treaty and the base system,²² reserving his antagonism for the Futenma Marine Corps base, the Futenma replacement project at Henoko, and the Osprey aircraft. His references to the “dependent” Abe state may perhaps be best seen as a rhetorical flourish designed to bolster his image as a protagonist for demilitarization and would be unlikely to form any part of the prefectural case in future court hearings.



Ryukyu shimpo, Special, July 27, 2018 “Governor, Declaration of Rescission”

One critic suggested that there might be even a two-faced Onaga, pretending to align himself with the general anti-military spirit of the Okinawan electorate even while continually postponing any decisive action to stop works on Oura Bay. One year and seven months passed from the defeat of the prefecture in the Supreme Court in December 2016 without rescission, though he regularly promised that he would take that step when he judged it right to do so. What he offered on 27 July was not itself the long-promised rescission but one more promise to take steps towards it.

Even while declaring periodically his intent to rescind, Onaga had quietly cooperated with the Abe state, permitting (as discussed above) the use of northern Okinawan ports for transport of construction materials and allowing the transplanting of coral from the site. Furthermore, as *Ryukyu shimpo* revealed on 28 July, on the very day of the announcement

of “intent to rescind,” the prefecture completed its inspection of the documents concerning prevention of red soil runoff from the fill dumping, clearing the way to commencement of the works even earlier than 17 August should the state wish.²³ In other words, even as attention focused on the Governor’s speech declaring that the reclamation would be stopped, elsewhere in the same building the prefecture’s Civil Engineering and Construction Department was in effect issuing the “Go” sign for the process to begin.²⁴

Governor Onaga also included in his Statement and press conference of 27 July reference to the “petition for referendum” movement. Initiated by a group of students and younger Okinawans, the “Okinawan Prefectural Association for a Vote on Henoko” (*Henoko Kenmin Tohyo no Kai*) began in May collecting signatures for a request to the Governor to conduct a plebiscite on the Henoko issue. They believed the question had to be put in a form that would be answered simply “yes” or “no” to the Henoko projected base, such as had not happened in any previous election. In his late July speech, Onaga mentioned the figure of 77,000 who had so far signed but by the end of the month the real figure was more than 100,000, around 6 per cent of the electorate and far in excess of the 2 per cent required under the local plebiscite ordinance. It was surprising that Onaga should make positive reference to this movement as he had been thought unsympathetic to it.

However, whatever its eventual outcome, the legal requirement is for the signatures to be checked against electoral lists for each electoral district before submission to the Governor, who should then, within 20 days, convene a sitting of the Prefectural Assembly to debate and adopt appropriate measures. As to how long this would take, *Ryukyu shimpo* estimated that “provided procedures went smoothly, a prefectural referendum could be held by, at latest, April next year [2019].”²⁵ While much time and energy would have to be mobilized to such an initiative (and Tokyo-supported pro-base forces would be certain to mobilize strongly against it)²⁶ it could have no bearing on the immediate crisis facing Henoko-Oura Bay. Those who had given much of their lives over many years to making clear prefectural opposition to any new base must have felt peeved that somehow the matter could still be seen as requiring the seal of such a process.

As the clock ticks down to the “High Noon” deadline for Oura Bay of 17 August, it remains unclear whether the prefecture really has the intent to act decisively to stop the reclamation. The three and a half years of Onaga government had been marked by nothing so much as procrastination. However, on 31 July it did indeed serve notice of hearing to be held with the government’s ODB on 9 August and posted a substantial dossier (20 pages) of its case.²⁷ Three days later came the ODB response, requesting to postpone the hearing for four weeks (instead of two) on grounds of the volume of material involved.²⁸ That would allow the ODB to proceed with its plan to start dumping fill into the bay from 17 August, creating as *fait accompli* precisely the situation that the rescission order was supposed to prevent. .

Even should the long promised rescission order be forthcoming, and the delay sought by the state be denied, the state might or might not then suspend site works, but it would certainly have early recourse to the courts, and the prefecture has no more, and probably even less, ground for optimism about court action late in 2018 than it did in 2016 (when its case was dismissed). With almost zero possibility of a favourable judicial outcome, it is hard to see how resumption of full-scale works some time late in 2018 or early 2019 could be

prevented.

Okinawa in the US Courts, 2003-2018

In a court case launched in San Francisco in 2003, representative non-governmental conservation groups from Okinawa, Japan, and the US, together with the Okinawa dugong (listed as one of the plaintiffs) sued the Department of Defense under the US National Historical Preservation Act that requires US federal agencies to consider the effects of their undertakings on historical properties, where-ever located, and to ensure that preservation is fully integrated into them. The court ruled in 2008 that the Okinawa dugong was such a property, and in August 2017 the US Court of Appeals for the Ninth Circuit ruled that the Okinawan plaintiffs had legal standing to demand that the Department take necessary measures to minimize negative effects on dugong survival. Following that ruling, the dugong-defense team sought to persuade the court that the process of determining that base construction would not significantly affect the dugong was in breach of the NHPA and should be halted forthwith. Among other things, it presented materials from previous court hearings, not public at the time, in which some experts referred to the Japanese environmental assessment process was unscientific and even “worthless.”²⁹ Governor Onaga lent his weight to the dugong defense and conservationist cause by calling (April 2018) on the US government to “halt FRF [Henoko] construction work” until it consults with Okinawa prefecture, Nago City, and independent marine mammal experts.³⁰

Judge Edward Chen would have none of this. He ruled (1 August 2018) that the ODB had discharged its obligations to “take into account” possible adverse consequences of base construction and operation, and their conclusions had been “not arbitrary or capricious.” Those four words constituted the core of his judgment, Chen was not impressed by the opinion of one expert witness (in a 2010 email) to the effect that the initial environmental impact assessment had been “extremely poorly-done and does not withstand scientific scrutiny,”³¹ although he quoted positively the view of that same witness that cancellation of the FRF would in itself do little to help the dugong since what was called for was “an integrated management plan. Such a remedy was of course not within the jurisdiction of Chen’s court. Nor did he pay much heed to the protest from Governor Onaga, which he noted, not unreasonably, had taken an extraordinarily long time (“four years *after* the process was completed”) to issue.³²

The outcome was a severe setback for the Okinawan anti-base cause. It was a bizarre coincidence – and a measure of the complication of the case – that the US court judgement accepting the legality of the Henoko project should have been issued just one day after the announcement by Governor Onaga of his contrary finding. For Chen, the environmental measures adopted to warrant base construction were “not arbitrary or capricious,” but for Onaga they were both (although he did not use those precise terms).

It had been perhaps too much for Okinawans, including the Governor, to have hoped from a US court for the redress that ought in the first instance to come from Japanese courts but the Chen judgment did not augur well for the resumption of Japanese judicial proceedings between the prefecture and the nation state such as was expected to follow the rescission process launched by Governor Onaga in July.

Conclusion

For all Abe's grandiloquent oratory before the United Nations or the US Congress about shared universal values and "proactive contribution to peace," Okinawans experience his government as fundamentally opposed to them, to pacifism, and to the constitution. Commonly, they perceive the struggle as one between a nation state oriented towards war (potentially nuclear armageddon), and insisting on imposing on Okinawa an intolerable and unnecessary military burden to that end, trampling on the constitutional principles of peace, popular sovereignty and local self-government on the one hand, and a prefecture and its citizens intent on demilitarization and peace on the other.

Never in modern Japanese history had the national government concentrated such effort on trying to bend the government and people of a region to its will. And yet between 1996 and 2017 the "weak," by their determined, non-violent resistance, delayed and frustrated the "strong" state. Blocked and denied the consent he needed, Abe resorted to deceit, intimidation, and the day-to-day violence meted out by the state to protesters at the construction site. The relentlessness and scale of the national policy project, and the partiality of the court system, meant that protesters who stood in the state's way enjoyed little prospect of serious impact beyond that of their moral witness. The struggle was further complicated by the hospitalization of Governor Onaga (for the removal of a cancerous pancreatic tumour) in April 2018. Despite the inevitably uncertain prognosis that followed, he seemed determined to stand for re-election in November.

As Onaga recognized in his July press conference, as of mid-2018 one could sense in East Asia the possibility of something unimaginable even half a year ago: a Korean peninsular peace, rooted in a negotiated settlement, de-nuclearized and subject to multilateral security guarantees. Today the Cold War barriers are rapidly lowering on and around the Korean peninsula. As former Secretary of State (long responsible for US policy on North Korea) William Perry says, the direction of Trump diplomacy is towards resolution of the Korean division such that would make redundant not only the projected new base at Henoko but the existing US base complex in Okinawa as a whole.³³ If peace in and around Korea could be negotiated and the Cold War knots tied around the Korean peninsula nearly 70 years ago untied, foreign troop occupations, in Japan as well as Korea, could be withdrawn, opening the door to a post-San Francisco Treaty, post-Cold War, even perhaps post-US hegemony, regional order.

No historical settlement or framework of alliances lasts forever. The San Francisco Treaty arrangements, which first detached Okinawa from Japan and appropriated it to the US as military colony, in place for 66 years, have been hugely eroded by the rise of China and the relative decline of Japan. Just 30-odd years ago, China made up roughly 3% of global GDP and Japan 15%. Now it is the reverse.³⁴ Okinawa can either serve as a bridge linking Japan with continental Asia and the Pacific, as in the peak days of the Ryukyu kingdom, or it can be a war base. It can scarcely combine the two.

The people of Okinawa deserve support for their non-violent struggle, against absurdly unequal odds, for peace, dignity, human rights and protection of their environment, and the Abe state deserves much closer scrutiny for its hostility to such agenda as it strives at all cost to demonstrate its faithfulness as "client state" towards the United States. Okinawa Island becomes a gigantic fortress, and the militarization of the chain of Frontier Islands (Sakishima) that throughout the Cold War were virtually military-free, also proceeds apace. It is time to rethink the "fortress" role assigned to Okinawa by successive national governments and to formulate a different vision for it, as centre to a de-militarized

community to be built around the East Sea/Sea of Japan. Cancellation of the Henoko project and an end to the militarization of the Frontier Islands would, more than anything, signal a commitment to the construction of such a new order.

*

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Notes

¹This paper is based on the talk by the author at Leeds University on 29 May on the occasion of the launch of the second, revised (paperback) edition of his co-authored (with Satoko Oka Norimatsu) *Resistant Islands: Okinawa Confronts Japan and the United States*, (Lanhan, Maryland: Rowman and Littlefield, 2018). It draws on some material from the book, updates it, and includes a discussion of the dramatic Okinawan events of late July 2018 (see section 7 below).

²A further court case, details omitted here, was launched in July 2017 by the prefecture seeking to stop the state's moving to reclaim without prefectural license to crush coral and rock. It was dismissed in February 2018.

³"Dosha tonyu jiki semaru, umetate no menseki no 4%," *Okinawa taimusu*, 27 July 2018.

⁴McCormack and Norimatsu, *Resistant Islands*, pp. 166-172.

⁵"Henoko 'koji no eikyo rekizen,' IUCN senmonka ga shisatsu," *Ryukyu shimpo*, 24 March 2018.

⁶McCormack and Norimatsu, *Resistant Islands*, pp. 53-54.

⁷For my translation of a Yamashiro interview, see "[There will be no stopping the Okinawan resistance: An interview with Yamashiro Hiroji](#)," *The Asia-Pacific Journal – Japan Focus*, 1 August 2017.

⁸In most democratic countries a suspect may be held in police custody for up to four days before indictment or release. In Japan it is 23 days. (Silvia Croydon, *The Politics of Police Detention in Japan: Consensus of Convenience*, Oxford, Clarendon Studies in Criminology, 2016). The term was arbitrarily extended in Yamashiro's case by resort to serial arrest on slightly different charges.

⁹McCormack and Norimatsu, *Resistant Islands*, pp. 53-54.

¹⁰"So one of the things, I think, that's very important is that the Prime Minister of Japan is going to be purchasing massive amounts of military equipment, as he should. And we make the best military equipment, by far. He'll be purchasing it from the United States," (The White House, Press Secretary, "[Remarks by President Trump and Prime Minister Abe of Japan in Joint Press Conference](#)," Tokyo, 6

November 2017.)

11 The Associated Press, "[Japan Pledges to Reduce Plutonium, but Doesn't Say How](#)," *New York Times*, 31 July 2018.

12 Akiba told the 2009 Commission in Washington that he found "very persuasive" the idea of re-establishing nuclear storage facilities at Henoko.

13 Department of Defense, [Nuclear Posture Review](#), Washington, February 2018.

14 That document is known as the "Akiba Memo" (from Akiba Takeo, then Minister at the Japanese embassy in Washington and as of 2018 Vice-Minister of Foreign Affairs. For photographic reproduction of the document, Haruna Mikio, "Akiba Memo - Amerika kaku senryaku e no Nihon no kakusareta yokyu," *Sekai*, April 2018, pp. 69-78. For discussion see Gregory Kulacki, "[Nuclear hawks take the reins in Tokyo](#)," Union of Concerned Scientists, 16 February 2018, also Yukiyo Zaha, "Foreign Affairs Vice-Minister Akiba denies making his 2009 statement that proposing nuclear storage site on Okinawa or Guam would be 'persuasive,' recorded in U.S. Congressional memo," *Ryukyu shimpo*, 6 March 2018; and interpellations in the Diet's Defence and Foreign Relations Committee on 20 and 26 March 2018 between the Japan Communist Party's Inoue Satoshi and Foreign Minister Kono Taro.

15 See the reminiscences of Daniel Ellsberg, *The Doomsday Machine: Confessions of a Nuclear War Planner*, Bloomsbury Publications, 2017, and Ellsberg's interview with Fairfax media in Peter Hannam, "Setting the world alight," *Sydney Morning Herald*, 9 March 2018.

16 Hideki Yoshikawa, "[US military base construction at Henoko-Oura Bay and the Okinawan Governor's strategy to stop it](#)," *The Asia-Pacific Journal - Japan Focus*, 16 January 2018.

17 "Umetate kai-iki no 'Okinawa hamasango' saiho, Okinawa ken ga kyoka," *Okinawa taimusu*, 14 July 2018

18 Abe Mariko and Okubo Nami, "Okinawa-ken Henoko, Oura-wan no kiki kara," *Kagaku*, (Tokyo: Iwanami), Makito essei, August 2018.

19 "Futenma hikojo daitai shisetsu kensetsu jigyo ni kakawaru bunsho no hasshutsu ni tsuite," Governor Onaga to ODB, Press Release, 17 July 2018.

20 Ryuichi Yamashita, "Onaga declares intent to revoke approval for U.S. base work," *Asahi shimbun*, 27 July 2018. For full text (in Japanese) of the prefectural announcement and the following press conference by the Governor, see *Okinawa taimusu* and *Ryukyu shimpo* of 27 and 28 July.

21 "N-value" is the term for "standard penetration resistance." See Kitaueda Tsuyoshi, quoted in Doki Naohiko, "Henoko unetate, cho-nanjaku jiban," *Shukan kinyobi*, 20 April 2018, p. 6. Also C. Douglas Lummis, "Futenma: 'The most dangerous base in the world,'" *The Diplomat*, 30 March 2018, and (same author) "[On a firm foundation of mayonnaise: human and natural threats to the construction of a new base at Henoko](#)," *The Asia-Pacific Journal - Japan Focus*, 15 May 2018).

²² For some recent Onaga statements of his pro-Security Treaty stance, see Kihara Satoru, "['Onaga chiji tekkai hyomei' o kensho suru](#)," Part 2, "Tekkai' riyu," 31 July 2018.

23 “Kyo kara dosha tonyu ka, ken, kuni shorui no shinsa shuryo,” *Ryukyu shimpo*, 28 July 2018.

24 Onaga chiji tekkai hyomei’ o kensho suru,” Part 1, “[‘Dosha tonyu’ to no kankei](#),” 30 July 2018.

25 “Henoko tou kenmin tohyo, 6 man 5 sennin no shomei wa omoi,” editorial, *Ryukyu shimpo*, 25 July 2018, and “Kenmin tohyo motomeru shomei 10 man sen hitsu ni,” *Ryukyu shimpo*, 30 July, 2018

26 As of mid-2018, 10 of the 11 local governing bodies that make up Okinawa are headed by Tokyo-backed “Team Okinawa” members, with only Naha, the capital, in “All Okinawa” (i.e. allied to Onaga) hands. Ten of the 11 would therefore be almost certain to withhold their cooperation from any referendum.

27 [Governor Onaga to Nakajima Koichiro \(head of ODB\)](#), 31 July 2018.

28 “Henoko tekkai, dosha tonyu go no kanosei, boeikyoku, Okinawa-ken ni chomon no enki yokyu,” *Ryukyu shimpo*, 4 August 2018.

29 “Okinawa jugon sosho Futenma asesu hyokasho Futenma isetsu mondai, Henoko shin kichi jugon,” *Okinawa taimusu*, 19 April 2018. See also the several essays by Yoshikawa Hideki, dugong international campaign director, in [The Asia-Pacific Journal – Japan Focus](#) and Maria Dinzeo, “[Jurisdiction debated in Okinawan military base](#),” Courthouse News, 1 July 2018.

³⁰ Takeshi Onaga, Governor of Okinawa Prefecture, letter to James N. Mattis, Secretary of Defense, “[Request for consultation regarding Okinawan dugongs under the US National Historical Preservation Act](#),” 6 April 2018.

³¹ Dr Thomas A. Jefferson, “Biological assessment of the Okinawan Dugong: A review of information and annotated bibliography relevant to the Futenma Replacament facility,” quoted here from Judge Chen’s ruling, *ibid*, pp. 5-6 and (the Jefferson email of 2010) p. 34.

³² [Okinawa dugong dugong, et al, vs James N. Mattis, et al, US District Court, Northern District of California](#), 1 August 2018.

³³ Tim Shorrock, “[Perry: Korean peace would remove rationale for US military in Okinawa](#),” Lobe Log, 16 March 2018.

³⁴ For sources, see *The State of the Japanese State*, *passim*.

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