

REFERENCE: CERD/EWUAP/115thsession/2025/CS/BJ/ks

12 May 2025

Excellency,

I write to inform you that the Committee on the Elimination of Racial Discrimination (“the Committee”) received information under its early warning and urgent action procedure in relation to the construction of a new U.S. military base in the northern part of the island of Okinawa, including Henoko-Oura Bay, and its impact on the Indigenous People of Ryukyu/Okinawa.

According to the information received:

- Following protests regarding the impacts of U.S. military bases in the prefectures of Okinawa and considering the Special Action Committee on Okinawa report of 1996, Japan and the United States of America agreed to close several U.S. military bases and facilities in Okinawa. This included the closure of the Futenma Air Station and the construction of a new facility in the Henoko-Oura Bay area on the east coast of Nago City in the northern part of Okinawa Island, where the U.S. Marine Corps Camp Schwab is located.
- In accordance with the domestic legal framework, the Okinawa Defense Bureau (ODB) conducted an impact assessment study regarding the construction of the new facility in the Henoko-Oura Bay area and concluded, in 2012, that there would be no adverse environmental impacts and that the proposed mitigation measures for possible impacts would be sufficient.
- The Okinawa Prefectural Government approved the project in December 2013 and the construction started in April 2017, despite concerns raised by various scientific societies and environmental non-governmental organizations regarding the validity of the environmental assessment study and its conclusions. In addition to the adverse impact on the residents’ right to health and right to a clean, healthy and sustainable environment, the new U.S. military air base would lead to additional danger considering that more than 850 accidents involving U.S. military aircraft were recorded between 1972 and 2023 in the Okinawa prefecture.
- In February 2019 the Okinawa Prefectural Government organized a prefectural referendum on the construction of the new facility in the Henoko-Oura Bay area and 72 per cent of the participants voted against the plan. However, the Central Government did consider the outcome of this referendum;

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- On 21 April 2020 the ODB submitted to the Okinawa Prefectural Government a request for modification in the project design to reinforce the seafloor after facing technical issues during the implementation phase, while stressing that this amendment would not lead to environmental impacts. The aim of the request was to enhance reinforcement by driving 71,000 piles, including 16,000 sand piles with a diameter of 1.6 to 2 meters, to a depth as deep as 70 meters below the water's surface.
- However, on 25 November 2021 the Okinawa Prefectural Governor rejected the modification design request due to the inadequacy of the environmental studies on the seafloor, and lack of clarity regarding the timeframe to complete the project.
- In accordance with the provisions of the Administrative Complaint Review Act, the ODB submitted a request to the Minister of Land, Infrastructure, Transport and Tourism (MLIT Minister) to review the Governor's decision on the project design modification request. The Minister decided on 8 April 2022 to overturn the refusal of the Okinawa Prefectural Government for the design modification, and on 28 April 2022 issued instruction to the Prefectural Government to approve the modification request.
- The Okinawa Prefectural Governor challenged the decisions of the MLIT Minister, dated 8 and 28 April 2022, before the Fukuoka High Court, which dismissed the appeal on 16 March 2023. The Governor appealed before the Supreme Court, which upheld, on 4 September 2023, the ruling of the Fukuoka High Court and affirmed the binding effect of the decision of the MLIT Minister dated 8 April 2022 without examining whether the project design modification met the requirements of the Public Water Act nor assessing the environmental implications of the suggested change.
- Following the Supreme Court decision, the MLIT Minister recommended and instructed the Okinawa Prefectural Governor to approve the project design modification, which was rejected again by the Governor. Considering the recurring refusal, on 5 October 2023 the MLIT Minister submitted a request to the Fukuoka High Court for execution by proxy to approve the modification on behalf of the Okinawa Prefectural Government, in accordance with the provisions of the Local Autonomy Act.
- The Fukuoka High Court approved the request, on 20 December 2023, in light of the Supreme Court decision of 4 September 2023 without carrying out a substantive environmental assessment whether the ODB's claims met all the necessary requirements under the domestic legal framework.
- On 28 December 2023, the MLIT Minister approved the project design modification in accordance with the execution by proxy provision of the Local Autonomy Act. Thus, the construction on Henoko-Oura Bay resumed on 10 January 2024 and intensified in the second half of 2024.

The Committee is concerned that the allegations regarding the seaport expansion project, if verified, would infringe rights of the Ryukyu/Okinawa Indigenous People protected under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Specifically, the Committee is concerned about the reported adverse impact of the construction of a new U.S. military base in the northern part of Okinawa Island, including Henoko-Oura Bay, on the rights of Ryukyu/Okinawa Indigenous People, particularly the rights to health, to a clean, healthy and sustainable environment, as well as to own, develop, control and use their communal lands, territories and resources. The Committee is also concerned about the reported lack of effective and meaningful consultation with the Ryukyu/Okinawa Indigenous People to obtain their free, prior and informed consent.



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In this regard, the Committee recalls its General Recommendation No. 23 (1997) on the rights of Indigenous Peoples and its previous concluding observations concerning Japan ([CERD/C/JAP/CO/10-11](#), paras. 17 and 18).

In accordance with Article 9 (1) of the Convention and Article 65 of its Rules of procedure, the Committee kindly requests the State party to provide information on the above-mentioned allegations, particularly the impacts of the construction of a new U.S. military base in the northern part of Okinawa Island, including the reclamation of Henoko-Oura Bay, on rights of the Ryukyu/Okinawa Indigenous People, by 1 August 2025.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Japan with a view to ensuring the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, reading "Balcerzak", followed by a horizontal line.

Michal Balcerzak
Chair

Committee on the Elimination of Racial Discrimination