

The Government of Japan is pleased to submit its response to the request dated March 9, 2012 of the Committee on the Elimination of Racial Discrimination pursuant to Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination and Rule 65 of the Rules of Procedure of the Committee on the Elimination of Racial Discrimination:

## Overview

In Japan, a country that extends in a north-south direction and consists of numerous large and small islands, distinctive and prosperous regional culture and traditions have been fostered all around the country including Okinawa over the long period of its history. Culture in Okinawa has been internationally enriched through trade and interchanges with China and Southeast Asian countries. Okinawa also has rich traditions, including those inherited from the Ryukyu Kingdom of the early 15th century. These traditions are represented by numerous outstanding craftworks such as ceramics, lacquer ware, dyed fabrics, and glasswork, as well as distinctive performing arts such as *sanshin* (Okinawa's traditional three-stringed instrument) playing, dancing, and theatricals. Further, Okinawa's uniqueness, such as food, music, and clothing best known by *kariyushi* shirts, attracts many people around Japan.

The Government of Japan appreciates the value of different regional cultures and traditions across the country and has been working to protect and promote the culture and traditions of Okinawa as well as those of other regions according to domestic laws. Furthermore, as a result of the nomination by the Government of Japan, the Gusuku Sites and Related Properties of the Kingdom of Ryukyu which are scattered across Okinawa Prefecture and Kumiodori, a traditional Okinawan musical theatre, were respectively inscribed on the World Heritage List and the Representative List of the Intangible Cultural Heritage of Humanity of UNESCO.

Regarding Article 1(1) of the Convention, the Government of Japan understands "racial discrimination" as discrimination against groups of people or individuals belonging to the groups who are generally considered to share biological characteristics, and groups of people or individuals belonging to the groups who are generally considered to share cultural characteristics. While it is not clear exactly what kind of people the Committee on the Elimination of Racial Discrimination (CERD) is referring to when it says "Ryukyuan/Okinawa, an ethnic group," "other Japanese residents of Okinawa," "the residents of Takae," "the people of Okinawa," and "the ethnic communities living in the area," the Government of Japan does not consider that there is a prevailing view in Japan that the people living in Okinawa prefecture or born in Okinawa have different biological and cultural characteristics from other Japanese citizens. Therefore, the Government of Japan understands that they could not be covered by "racial discrimination" as provided for in the Convention. Japan has repeatedly expressed this understanding in the process of past consideration of government reports for the Convention.

Nevertheless, the Government of Japan provides the following information as requested by the Committee as a sincere State party to the Convention and for the purpose of giving earnest explanation to the stakeholders.

With this information, the Government of Japan emphasizes that neither the plan to relocate the Marine Corps Air Station (MCAS) Futenma to Henoko nor the plan to construct helipads in the Takae district is based on any discriminatory intention; the former is designed to eliminate risks associated with the air station and reduce the burden on Okinawa and is derived from the security needs of Japan, and the latter is designed to reduce the burden on Okinawa through the return of a large area of land and is also derived from the security needs of Japan.

The information that follows includes:

- An overview of the plan to relocate MCAS Futenma to Henoko; measures taken to protect the rights of people who live in the area; and efforts to gain the understanding of the people of Okinawa
- An overview of the plan to construct helipads in the Takae district; measures to protect the living environment of the people who live in and around the Takae district; and the track record of explaining to

local authorities and other entities in the process of executing the plan.

- Overview of the Okinawa Promotion Plan

## Henoko Relocation Plan

### 1. Overview

#### (1) Description

Since MCAS Futenma is situated adjacent to built-up areas, its prompt return has been strongly desired by the local residents due to issues such as the safety of the community, noise, and the increased traffic. Therefore, this plan is designed to construct the Futenma Replacement Facility (FRF) in the Camp Schwab Henoko-saki area and the adjacent waters in order to achieve the early relocation and return of MCAS Futenma from the perspective of eliminating risks and reducing the burden associated with the air station.

Under the plan, KC-130 tanker aircraft are to be relocated from MCAS Futenma to MCAS Iwakuni (in Yamaguchi Prefecture). Likewise, the function of accepting aircraft during contingencies is to be relocated to the Air Self-Defense Force (ASDF) Nyutabaru Air Base (in Miyazaki Prefecture) and Tsuiki Air Base (in Fukuoka Prefecture).

#### (2) Background to the plan

Public interest in Okinawa-related issues was heightened across the country in response to an unfortunate incident that occurred in 1995, among others. Considering that the burden on the people of Okinawa should be reduced as much as possible and be shared by the whole nation, the Government of Japan has, for the sake of the future development of Okinawa, decided to make even greater efforts towards the realignment, consolidation, and reduction of the U.S. Forces, Japan (USFJ) facilities and areas, and to do its utmost to take measures with regard to regional development in Okinawa. In order to hold consultations on issues related to USFJ facilities and areas in Okinawa, the Governments of Japan and the United States established the Special Action Committee on Okinawa (SACO) in 1995. On April 12, 1996, then Prime Minister Ryutaro Hashimoto and then U.S. Ambassador Walter Mondale agreed that MCAS Futenma will be totally returned within the next five to seven years, after certain measures are taken.

Then, on December 2 that year, the Japan-U.S. Security Consultative Committee (SCC) approved the SACO Final Report, which calls for, among other things, pursuing the option of a sea-based facility as the site for the relocation of MCAS Futenma's assets.

On November 22, 1999, the Okinawa Governor stated to the effect that the "Nago City Henoko coastal region in the water area of Camp Schwab" is the appropriate relocation site for MCAS Futenma. On December 3 that year, the Governor sought the understanding and cooperation of the Mayor of Nago City. In response, the Mayor on December 27 expressed his intention to accept the FRF while presenting certain conditions. As a result, the Government on December 28 made the Cabinet Decision "Government Policy on Relocation of MCAS Futenma."

On July 29, 2002, the document entitled "Regarding the Basic Plan for Replacement Facilities for MCAS Futenma," was formulated, which defined the runway length, size, configuration and other elements of the FRF as well as environmental protection measures. Based on this document, the Government launched the procedures necessary to start the construction.

On August 13, 2004, a CH-53D helicopter of the U.S. Marine Corps (USMC) crashed on the campus of Okinawa International University adjacent to MCAS Futenma. This accident raised anew public awareness about the need for the early relocation and return of MCAS Futenma. It was thus decided to restudy ways to achieve the relocation and return of MCAS Futenma as soon as possible in the process of consultations regarding the realignment of the U.S. forces in order to eliminate the anxiety of local residents around the air station, which is located adjacent to built-up areas.

As a result of consultations on the construction of the FRF, the Governments of Japan and the United States agreed on the option of locating the FRF in an "L"-shaped configuration that combines the shoreline areas of Camp Schwab and the adjacent water areas of Oura Bay in the October 29, 2005, SCC Document,

“U.S.-Japan Alliance: Transformation and Realignment for the Future.”

Then, in response to the strong request from local communities that flights over residential areas be avoided, the Director General of the Defense Agency, the Mayor of Nago City, and the Mayor of Ginoza Village agreed on April 7, 2006 to replace the L-shaped plan with a V-shaped plan that would move the runway portion some 200 meters toward the sea and to construct two runways, one for landing and the other for takeoff in order to avoid flights over residential areas.

Based on this agreement, the two Governments renegotiated the issue and agreed to locate the FRF in a configuration that combines the Henoko-saki and adjacent water areas of Oura and Henoko Bays in the May 1, 2006, SCC Document, "United States-Japan Roadmap for Realignment Implementation."

With the launch of the administration of Prime Minister Yukio Hatoyama in September 2009, the Government reviewed the past bilateral agreements and other arrangements regarding the FRF and, in accordance with his strong wishes, earnestly explored the possibility of finding a relocation site outside the prefecture. In the process, the Government examined the issue in the light of multiple criteria, including those described below. As a result of a comprehensive study, the Government concluded that there is no alternative relocation site but Henoko.

- There is no possibility of reducing the presence of the overall USFJ, including the USMC in Okinawa, or the deterrence it provides under the increasingly severe security situation surrounding Japan. In particular, the USMC in Okinawa, the only component of USFJ with ground combat units, constitutes an important part of the deterrence.

- A location that is close, but not too close, to potential conflict zones is desirable. Okinawa enjoys geographic advantages from a strategic point of view as well.

- The USMC is structured so that the command, ground combat, aviation combat and logistics combat elements are combined for integrated operations. The USMC maintains excellent mobility and readiness with these elements regularly conducting trainings in an integrated manner under normal circumstances; it is characterized by its ability to cope promptly with a wide range of duties, including responding to armed conflicts and natural disasters as well as providing humanitarian assistance. It is necessary to ensure that such characteristics and functions are not undermined. There are concerns that such characteristics and functions as the mobility and readiness that the USMC enjoys will be undermined if the USMC helicopter units based in MCAS Futenma are separated from other USMC units in Okinawa and transferred to locations outside Japan or the prefecture.

- It is necessary to eliminate risks associated with MCAS Futenma as soon as possible, and an option that allows for the earliest possible relocation is desirable.

Other options may be able to meet one of these criteria but may not be satisfy all of them. For example, the integrity of the USMC may be maintained if the ground combat element, the helicopter units, logistics combat element, and other related units of the USMC are relocated all together outside the prefecture. This option, however, will make it difficult to expect the kind of geographic advantages Okinawa offers. The disappearance of the USMC, which is highly responsive and flexible enough to engage in a wide range of operations, from the Southwestern Islands, is undesirable for the security of Japan and the stability of the Asia-Pacific region. In addition, it would be difficult to predict how much time will be needed to relocate the USMC outside Okinawa while working out all these issues. This option would go against the need for the early elimination of risks associated with MCAS Futenma. In this way, it is necessary to consider all the criteria and make a holistic judgment. The final conclusion was that it is difficult to relocate the USMC units all together outside the prefecture.

The Government of Japan also studied possible relocation sites other than Henoko in Okinawa Prefecture that would meet the following criteria:

- The required acreage can be secured that would accommodate the runway(s).

- The existing USFJ facilities and areas will be utilized without undermining their functions.
- USMC facilities, etc., associated with USMC helicopter units will be in a nearby area.
- The natural and living environments in the relocation site will be considered as much as possible.

The Government concluded that no candidate site other than Henoko meets all these criteria.

Based on these conclusions, the SCC Joint Statement of May 28, 2010 confirmed the intention to locate the relocation facility at the Camp Schwab Henoko-saki area and adjacent waters. The June 21, 2011, SCC Document "Progress on the Realignment of U.S. Forces in Japan," stated that the runways will be aligned in a "V"-shape.

In the SCC Joint Statement of April 27, 2012, the Governments of Japan and the United States reconfirmed their view that the current plan to relocate the MCAS Futenma to Henoko remains the only viable solution that has been identified to date.

### (3) The basic policy on this plan

As the SCC Joint Statement of April 27, 2012 states, the Governments of Japan and the United States have reconfirmed their view that the current plan to relocate MCAS Futenma to Henoko remains the only viable solution that has been identified to date after considering many factors, including the increasingly uncertain security environment in the Asia-Pacific region, the importance of the Japan-U.S. Alliance and the important role the USMC in Okinawa plays in ensuring deterrence.

## 2. Measures to Protect the Living Environment

In August 2007, the Ministry of Defense (MOD) launched the procedures for conducting an environmental impact assessment (EIA) regarding the FRF construction project. Between the end of last year and the beginning of this year, the MOD submitted an environmental impact statement to the Okinawa Prefectural Government. The statement contains the results of the surveys, predictions and assessments regarding 22 items, including air quality, noise, and marine organisms including dugong. It states that the Government will take environmental conservation measures in the construction and operational phases and also conduct follow-up surveys. The major steps to be taken in consideration of the living environment for local residents are described below:

### (1) Environmental conservation measures related to the construction work

- Construction work will be avoided as much as possible in the early morning, during the night, and on Sundays and national holidays. In the case of conducting construction work during the night, etc, a prior briefing will be given to residents around the construction site. Efforts will also be made to limit the operation of vehicles that carry materials and equipment. The vehicle operation plan will be arranged so as to avoid possible temporary concentrations of vehicles carrying materials and equipment and reduce road traffic noise and vibration. In addition, the construction work process will be controlled so that vehicles carrying materials and equipment as well as heavy machinery, etc., will not be operated in a concentrated manner near residential buildings.

- Appropriate measures will be taken with regard to the operation of vehicles carrying materials and machinery, including setting up noise barriers along temporary construction roads, imposing speed limits, and executing operational controls. Traditional events and festivals in the local community will be given priority as required. During such events, pathways to the sites for them will be secured and traffic safety measures will be taken.

- Approach lights on the west side will be installed so as not to impede the sea lanes for the Henoko fishing

port. A construction method that will not impede the navigation of fishing and other boats will be adopted.

(2) Environmental conservation measures in existent and operational phases

- Aligning two runways in a V-shape will allow for a general approach of avoiding flight paths that fly over local communities, thus reducing the impact of air pollutants, noise and low-frequency sound from aircraft.

- As a measure to address road traffic noise from running automobiles that use the FRF, the Government will prepare and present a manual on proper driving to the USFJ for dissemination.

- Approach lights on the west side will be arranged so as not to impede the navigation of small vessels.

(3) Follow-up studies and environmental monitoring

- As for some of the identified items to be considered in the EIA, the Government will conduct follow-up studies, depending on the seriousness of the environmental impact, to assess the environmental status (water pollution, radio disturbance, the impact on marine organisms, terrestrial animals, etc.) in the construction and operational phases if the predictions are highly uncertain and/or if environmental conservation measures are taken whose effects are not fully substantiated.

- Apart from such follow-up studies, the Government will voluntarily conduct environmental monitoring (of such items as noise, low-frequency sound, and water turbidity caused by dirt) in the construction and operational phases in order to assess the impact of the construction project on the surrounding environment and take appropriate environmental conservation measures based on the results of such assessments.

- The Government will make use of the findings of such follow-up studies and environmental monitoring in taking the necessary measures in order to consider appropriate environmental conservation measures while seeking guidance and advice from experts as necessary. It will also communicate the implementation of such measures to the USFJ for dissemination.

The Government is currently in the process of examining the Okinawa Governor's written comments that were submitted on February 20 and March 27 on the environmental impact statement, and amending the statement with input from scientific and technical perspectives. For this purpose, the Government has set up a study group of experts in the MOD, which is also amending the statement in an appropriate and prompt manner with technical advice made to this group.

The Government will take environmental conservation measures to the maximum extent possible to implement the project. It will also conduct substantial follow-up studies to further improve such measures as necessary.

### 3. Efforts to Gain the Understanding of the People of Okinawa

Given the importance of gaining the understanding and cooperation of local communities in constructing the FRF, the Government has taken various opportunities to provide explanations to the local authorities and other entities concerned. The following are some of the recent efforts made by the Government:

- The Government prepared a pamphlet entitled "Significance and Roles of the USFJ and the USMC", in order to promote deeper understanding of the significance and roles of the USFJ, including the USMC, in Okinawa at the request of Okinawa Governor Hirokazu Nakaima. In addition to distributing copies of this, the Government has explained the importance of the USMC in Okinawa to the Okinawa Prefectural Government, the municipalities in the prefecture, and other organizations concerned (directly to the mayors of 36 out of the 41 municipalities).

- The Prime Minister, the Minister of Defense, and the Minister for Foreign Affairs took various opportunities to visit Okinawa and explained to the Governor of Okinawa and those who are concerned about the Government's stance on the MCAS Futenma relocation plan and measures to be taken to reduce

the burden on Okinawa.

- The Government convened the Okinawa Policy Council in September 2010. Since then, its subcommittees, one on how to promote Okinawa and the other on how to reduce of the burden of the U.S. military bases, have been held four and three times, respectively.

The Government understands that the issue of MCAS Futenma relocation has repeatedly received criticism. It has been trying sincerely to gain the understanding of the people of Okinawa with concrete efforts to reduce the burden on Okinawa in a tangible and prompt manner while maintaining the deterrence of the USFJ. The relocation plan is in no way rooted in any discriminatory intentions against Okinawa or its people.

## Takae Helipad Construction Plan

### 1. Overview

The land to be returned in accordance with the implementation of the SACO Final Report, the background to which is described in the “Henoko Relocation Plan” section, totals some 50 km<sup>2</sup>, accounting for about 21% of the total area of USFJ facilities and areas in Okinawa. It surpasses the total area of land in Japan that was returned from the time of the reversion of Okinawa to Japan until the announcement of the SACO Final Report, which stands at some 43 km<sup>2</sup>.

The return of part of the Northern Training Area is among the measures included in the SACO Final Report. Major portion (approx. 40 km<sup>2</sup>) of the Northern Training Area (approx. 75 km<sup>2</sup>) will be returned under some conditions, including that helicopter landing zones are relocated from the area to be returned to the remaining Northern Training Area. This portion accounts for a significant 80% of the total land to be returned when the SACO Final Report is put into action.

The Government has been working to relocate these helicopter landing zones while gaining the understanding of the local governments concerned (Okinawa Prefecture, Higashi Village, and Kunigami Village) with the understanding that it is extremely important to achieve the early return of a major portion of the Northern Training Area and thus reduce the burden on the people of Okinawa. The Government has in no way been moving ahead with this plan with any discriminatory intentions.

### 2. Measures to Protect the Living Environment of People Living in and around the Takae District

The work to relocate the helicopter landing zones of the Northern Training Area is not subject to the Environmental Impact Assessment Law and the EIA ordinance of Okinawa Prefecture. Nevertheless, the Ministry of Defense is voluntarily following the EIA procedures equivalent to the prefectural EIA ordinance from the perspective of giving the utmost consideration to the conservation of the natural environment of the northern part of the Okinawa Mainland known as Yambaru. In this EIA, the Government will survey, predict, and assess such aspects as air quality, noise, and the ecosystems. It will also take environmental conservation measures and conduct a follow-up study in the construction and operational phases.

Major steps to be taken in the EIA in consideration of the living environment for local residents are described below:

#### (1) Identification of candidate sites for the relocation

The Government will identify areas that will entail less impact on the natural environment while giving consideration to the impact on the living environment of the local communities.

- The construction of new helicopter landing zones will be avoided as much as possible.

The original seven landing zones will be reduced to six. Of the six landing zones, four will be newly constructed. The remaining two will be set up in the existing landing zones.

- The land preparation area will be reduced, and the scope of alterations will be minimized.

Each landing zone will be changed from a circle with a diameter of 75 meters to a circle with a diameter of 45 meters plus a 15-meter obstacle clearance zone around it.

#### (2) Environmental conservation measures related to the construction work

- Construction work will be avoided as a matter of principle in the early morning, during the night, and on Sundays and national holidays.

- Transportation routes that will have less impact on the surrounding environment will be identified, such as those that bypass settlements as much as possible as a measure to control road traffic noise associated with

the carrying-in of construction materials.

- To control the discharge of red and other soils, the Government will add source controls in times of rainfall (protecting slopes with a cover sheet, seed spraying work, etc.) and outflow controls (diversion water channels, sediment discharge control barriers, etc.)

(3) Follow-up studies

- Regarding helicopter noise, the Government will conduct continuous measurements over a period of two years after the landing zones come into use in order to verify the prediction/assessment results that conclude that the environmental impact will be small as the noise levels are below national guideline values.

- As for possible murky water caused by red and other soils, the Government will monitor downstream rivers for a period of three years or so after the landing zones come into existence or use with the focus on such items as suspended solids concentration, turbidity, and flow rate.

The Takae District of Higashi Village, a relocation site for helicopter landing zones, made various requests to the Government, including one to measure aircraft noise. The Government will appropriately respond to these requests in all sincerity. In fact, it started to measure aircraft noise in the Takae District as early as April 2011. In addition, the Government will set up beacon lights (at two locations) so that aircraft will not fly over residential buildings and schools while paying attention to progress in the construction work and seeking input from local communities.

3. Track Record of Explanations to Local Authorities and Other Entities in the Process of Executing the Plan

Given the importance of gaining substantial understanding and cooperation of local communities in implementing the work to relocate helicopter landing zones of the Northern Training Area, the Government has taken various opportunities to provide explanations to the residents in the Takae District of Higashi Village. In July 2010, the Takae District submitted a letter of request entitled “Request in Relation to the Planned Addition of Helipads in the Northern Training Area”, which included requests for the development of public facilities.

The Okinawa prefectural assembly has put forward the opinion that the work to relocate the helicopter landing zones, which is one of the conditions on which a major portion of the Northern Training Area will be returned, should be implemented steadily so as to achieve the phased realignment and reduction of US bases. The mayors of both the Higashi and Kunigami Villages have expressed their readiness to accept the helicopter landing zones.

Accordingly, the Government considers that it has gained the understanding of Okinawa Prefecture and other local governments concerned regarding this relocation work. In addition, given the fact that the Takae District of Higashi Village submitted a letter of request in July 2010, the Government considers that it has gained a certain level of understanding from this district as well.

Reference:

SACO Final Report (excerpts)

Attachment

## Overview of the Okinawa Promotion Plan

As stipulated in the Constitution of Japan, people who are born and live in Okinawa Prefecture are equal under the law and are also equally guaranteed all of their rights as Japanese nationals.

Since the reversion of Okinawa to Japanese administration in May 1972, various measures have been taken for the promotion and development of Okinawa under the Okinawa Promotion and Development Special Measures Act, the Okinawa Promotion Special Measures Act, and the first to third Okinawa Promotion and Development Plans and the Okinawa Promotion Plan in consideration of various circumstances in Okinawa. As a result, the disparity between Okinawa and the rest of Japan has gradually narrowed mainly by focusing on improvement of infrastructure.

In 2012, the 40th anniversary of Okinawa's reversion to Japan, the Okinawa Promotion Special Measures Act was amended with the major aims of expanding the Government's support measures centering on fiscal and tax incentives and extending the effective period of the act by ten years (until the end of March 2022). The amended act respects the autonomy of Okinawa Prefecture more than ever. For example, the Government and Okinawa Prefecture formulate the Basic Policy for the Promotion of Okinawa and the Okinawa Promotion Plan, respectively, under the amended act. Earlier, Okinawa Prefecture prepared the draft of the Okinawa Promotion Plan, which was finalized by the Government.

Based on the Okinawa Promotion Special Measures Act and the Basic Policy for the Promotion of Okinawa drawn up under this act, various measures have been taken to promote Okinawa with the aim of achieving self-reliant economic development and an affluent community life in Okinawa Prefecture in a manner that capitalizes on the advantages of the prefecture. Among these measures, the scheme of Okinawa promotion grants which was established in 2012 is unique to the prefecture. It allows Okinawa Prefecture to finance, on its own accord, projects that will help promote the prefecture in order to carry out measures that better reflect local realities and have a better chance of more appropriate and effective outcomes.

The Government of Japan has been carrying out measures focusing on Okinawa promotion based on requests from Okinawa Prefecture, and also on reviews and discussion on important matters concerning the promotion of Okinawa in the Okinawa Promotion Council. This council is composed of the Governor of Okinawa Prefecture and another five regional representatives, and up to 14 eminent members including representatives of local educational institutions and other organizations in various fields, so that the opinions of the people of Okinawa are being widely reflected in such measures.

(End)

The SACO Final Report (excerpted version)

December 2, 1996

by

Minister for Foreign Affairs Ikeda

Minister of State for Defense Kyuma

Secretary of Defense Perry

Ambassador Mondale

(...)

Return Land:

(...)

-Northern Training Area

Return major portion of the Northern Training Area (approx. 3,987 ha/9,852 acres) and release US joint use of certain reservoirs (approx. 159 ha/393 acres) with the intention to finish the process by the end of March 2003 under the following conditions:

Provide land area (approx. 38 ha/93 acres) and water area (approx. 121 ha/298 acres) with the intention to finish the process by the end of March 1998 in order to ensure access from the remaining Northern Training Area to the ocean.

Relocate helicopter landing zones from the areas to be returned to the remaining Northern Training Area.

(...)