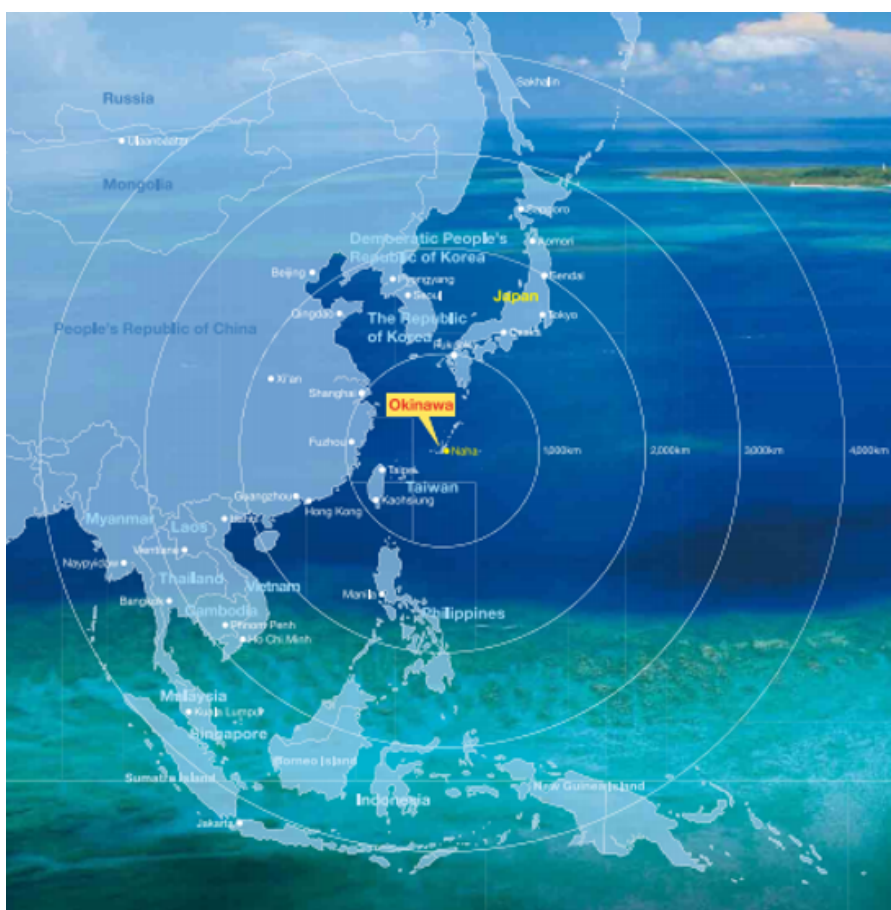


Universal Periodic Review (4th cycle)
42nd Session
(Jan – Feb 2023)

Human Rights Situation in Japan

With *specific focus* on human rights in Okinawa



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Joint Submission of
All Okinawa Council for Human Rights (AOCHR)
and
IAM (Okinawa Girls Empowerment Program)

Okinawa/ Geneva, July 2022

Introduction

1. AOCHR and IAm¹ present this joint submission concerning the human rights situation in Japan for consideration by the UPR Working Group at its 42nd session, January 2023. Our focus is on following four issues related to human rights violations faced by indigenous Ryukyuan/Okinawan people.
 - The right to self-determination of indigenous people of Ryukyu/Okinawa
 - The human rights violations against Okinawan women
 - The right to safe and clean water with specific focus on PFOS/PFOA
 - The right to health with specific focus on COVID-19 pandemic

Background

2. Okinawa, now one of the 47 prefectures (administrative regions) in Japan, was once a country called the Kingdom of Ryukyu which was annexed by Japan in 1879 (Ryukyu Disposition). Following the annexation, its languages and culture were banned by imperialist policies of the Government of Japan. Its land was taken and its environment was damaged by Japan's militarist policies².
3. At the end of the Pacific War, the islands of Okinawa became the battle fields between the Japanese and U.S. forces. The islands had been occupied and put under U.S. military control until it was returned to Japan in 1972. During the U.S. military occupation, much of its land was seized to construct U.S. military bases. Even after the reversion to Japan, the burden of U.S. military bases has not decreased, and currently about 70% of the U.S. military facilities in Japan are concentrated in Okinawa Prefecture, the small islands prefecture that accounts for only about 0.6% of Japan's land area. In recent years, the deployment of Japan's Self-Defense Forces (SDF) to Okinawa has also expanded rapidly, intensifying a discriminatory situation that has continued for 75 years since the end of World War II, in which numerous problems stemming from militarisation have been disproportionately imposed on Okinawa.
4. Civil society organisations in Ryukyu/Okinawa appealed to the Government of Japan through the United Nations Human Rights Bodies to recognise the peoples of Ryukyu/Okinawa as indigenous peoples and to respect and protect their rights as indigenous peoples. The UN treaty bodies have repeatedly recommended the

¹ All Okinawa Council for Human Rights is a research group consisting of researchers, journalists, and committed volunteers. Its purpose is to illuminate the continuing violation of human rights in Okinawa from the perspective of international human rights law and send voices of Okinawa to the international community. IAm (Okinawa Girls Empowerment Program) is a civil group that runs various programs for the empowerment of Okinawan girls and young women.

² E/CN.4/2006/16/Add.2, para 6.

Government of Japan to consider recognising them as indigenous peoples³. However, the Government of Japan has failed to do so.

Previous Relevant UPR Recommendations

- In the 3rd cycle (2017 - 2021), Paraguay urged and Japan supported: “Continue and deepen the implementation of measures to avoid and prevent discrimination against minorities and indigenous populations, including through consultations with the different indigenous peoples.” (161.69)
- In the 3rd cycle (2017 - 2021), Iran recommended and Japan supported: “Take adequate measures to effectively address violence against foreign, minority and indigenous women by prosecuting and sanctioning all forms of violence, and ensuring that victims have access to immediate means of redress and protection.” (161.125)
- In the 3rd cycle (2017 - 2021), Myanmar recommended and Japan supported: “Further strengthen the promotion of gender equality and protect women from all forms of discrimination and violence.” (161.152)

Additional recommendations have been made to Japan, indicating international recognition of the need to take steps to address human rights violations, which Japan has merely noted.

- In the 3rd cycle (2017 - 2021), Guatemala recommended and Japan noted: “Ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).” (161.30)
- In the 3rd cycle (2017 - 2021), Germany recommended and Japan noted: “Adopt and implement a comprehensive anti-discrimination law that would prohibit and sanction any direct or indirect form of discrimination based on age, race, gender, religion, sexual orientation, ethnic origin or nationality.” (161.63)
- In the 3rd cycle (2017 - 2021), Peru recommended and Japan noted: “Strengthen measures so that ethnic minorities - Ainu, Ryukyu and Burakumins - can fully enjoy their economic, social and cultural rights.” (161.205)

The Right to Self-determination of Indigenous People of Ryukyu/Okinawa

Non-Recognition as Indigenous People

5. Currently the Government of Japan refuses to recognize the people of Ryukyu/Okinawa as indigenous people, and does not acknowledge their rights to land and natural resources which constitute the "ancestral territories". Nor does it give special protection to them. On the contrary, a new U.S. military base and its facilities are being built by the Government of Japan in the northern part of the main island of Okinawa, while rapid construction of the Japanese Self Defence

³ CERD/C/JPN/CO/7-9, para 21, CERD/C/JPN/CO/10-11 para 17, CCPR/C/JPN/CO/5, para 32, CCPR/C/JPN/CO/6, para 26.

Force facilities continues in remote small islands of the Ryukyus . The Government of Japan claims that national security and military affairs are entirely exclusive to the Government and the construction of the military bases is based on Japanese law, denying the collective will and rights of the people of Ryukyu/Okinawa, and making decisions without guaranteeing any effective participation of the people.

Non-respect to the Free Prior Informed Consent (FPIC) Principles and Violations of Land Rights

6. In the concluding observations⁴ of the Human Rights Committee on the sixth periodic report submitted by the government of Japan (2014), it is clearly stated that "the Committee reiterates its concern regarding the lack of recognition of the Ryukyu and Okinawa, as well as of the rights of those groups to their traditional land and resources and the right of their children to be educated in their language. The State party should take further steps to revise its legislation and fully guarantee the rights of Ryukyu and Okinawa communities to their traditional land and natural resources, ensuring respect for their right to engage in free, prior and informed participation in policies that affect them."
7. In November 2014, the former governor, who was elected based on his electoral pledge to oppose the construction of a new U.S. base at Henoko in Nago City, cancelled the approval of the landfill of the coastal area for the construction of U.S. Marine Corps military base. Then a lawsuit was brought by the Government of Japan to invalidate this cancellation, and the Supreme Court has ruled for the claims of the Government of Japan, deciding that the cancellation was invalid. The Japanese Supreme Court failed to recognize the right to ancestral territories recognized in international human rights law, and also failed to acknowledge the need to form consensus based on the FPIC principle described below.
8. In a legal system that does not recognize the right to ancestral territories, under the ruling of the Supreme Court, the Government of Japan ignored all rights to engage in free, prior and informed consent (FPIC principles). This procedure of approval of the landfill violates the Article 26, 27 and 30 of UNDRIP.
9. Furthermore, in Takae Ward of Kunigami Village, 30,000 trees were cut without obtaining the consent of the people of Ryukyu/Okinawa, and the Government of Japan forcibly continued with the construction of the U.S. Marine Corps Osprey's landing site. This move by the Government violated human rights by disrespecting the FPIC principles regarding the Ryukyuan/Okinawan people's ancestral territories. Furthermore, four civilians who promoted an opposition movement were arrested as an obstacle to the construction work, and were detained for a long period⁵. Three of them were bailed recently, however one still

⁴ CCPR/C/JPN/CO/6, para26 (20 August 2014).

⁵ <https://www.amnesty.org/en/documents/asa22/5552/2017/en/>

remains under detention as of 25 March, 2017.

10. On Yonaguni Island, the Government of Japan purchased private estates and townships, and a base for the Japanese Self-Defense Forces (SDF) was built with the approval of the town council and mayor. However, these also correspond to the ancestral territories subject to collective rights of the indigenous people of Ryukyu/Okinawa. No measures have been taken to protect the rights of the people of Ryukyu/Okinawa from the construction of the SDF base at Yonaguni Island and the deployment of SDF troops.
11. Furthermore, the Government of Japan is planning the construction of an SDF base and the troops deployment both in Ishigaki Island and Miyako Island. A movement calling for the consent of the mayor and city council is growing. However, the process for the construction in the islands does not comply with the FPIC principles for ancestral territories. Therefore, the construction of the SDF base violates the Article 26 and 31 of UNDRIP.

Violations of the Economic, Social and Cultural Rights Including the Right to Development

12. In its concluding observations on the combined third to sixth reports of Japan⁶, the UN Committee on the Elimination of Racial Discrimination (CERD) "expresses its concern about the persistent discrimination suffered by the people of Okinawa. The disproportionate concentration of military bases on Okinawa has a negative impact on residents' 'enjoyment of economic, social and cultural rights."
13. Since 1972, the Government of Japan has had the authority to formulate the budget for the Promotion and Development of Okinawa in order to realize the Plan for the Promotion and Development of Okinawa. In this formulation of the budget, structurally, a large weight is placed on public work projects for a long time. Although the development of socio-economic infrastructure has progressed, a sufficient budget has not been allocated for cultural and social development for more than 50 years. This has caused serious social problems including the relative poverty rate being about twice as high as in the whole of Japan, nearly 30%.
14. The Human Rights Committee has also recommended on social, cultural and linguistic rights of the indigenous people of Ryukyu/ Okinawa. As stated in the concluding observations of the Committee on the fifth periodic report⁷ submitted by the Government of Japan, "(The State party) should also provide adequate opportunities for Ainu and Ryukyu/ Okinawa children to receive instruction in or of their language and about their culture, and include education on Ainu and Ryukyu/Okinawa culture and history in the regular curriculum." The Government of Japan has not responded positively to this recommendation yet, repeatedly

⁶ CERD/C/JPN/CO/3-6 (06 Apr 2010).

⁷ CCPR/C/JPN/CO/5, para32 (18 Dec 2008).

saying that the people of Ryukyu/Okinawa are not indigenous people.

15. In the CERD concluding observations⁸ on the combined seventh to ninth periodic reports of Japan, it states the following. "The Committee regrets the position of the State party in not recognizing the Ryukyu/Okinawa as indigenous peoples, despite recognition by UNESCO of their unique ethnicity, history, culture and traditions. While noting measures taken and implemented by the State party concerning the Ryukyu — based on the Act on Special Measures for the Promotion and Development of the Okinawa and the Okinawa Promotion Plan — the Committee is concerned that sufficient measures have not been taken to consult Ryukyu representatives regarding the protection of their rights. The Committee is also concerned by information that not enough has been done to promote and protect the Ryukyuan languages, which are at risk of disappearance, and that education textbooks do not adequately reflect the history and culture of the Ryukyu people (art. 5). "

Suggested Recommendations to the Government of Japan

- (1) Promptly recognize the right of self-determination of the indigenous people of Ryukyu/Okinawa⁹.
- (2) Establish an independent mechanism for consultations with the people of Ryukyu/Okinawa regarding U.S. military bases and facilities¹⁰.
- (3) Revise the legislations and policies to protect and promote the rights of the people of Ryukyu/Okinawa¹¹.
- (4) Recognize the rights of the people of Ryukyu/ Okinawa to ancestral territories, and fully comply with the Free, Prior and Informed Consent (FPIC) principles¹².
- (5) Ensure the composition of law enforcement officers and enforcement agencies in Ryukyu/Okinawa to reflect the composition of the local community.
- (6) Improve the decision-making process to be more inclusive concerning the people of Ryukyu/ Okinawa's economic, social and cultural development.

The Human Rights Violations Against Okinawan Women

Targeted Oppression Against Indigenous Woman Environmental Activist ¹³

⁸ CERD/C/JPN/CO/7-9, para 21 (25 Sep 2014).

⁹ CCPR/C/JPN/CO/5, para.32 (18 December 2008). CCPR/C/JPN/CO/6, para.26 (20 August 2014). CERD/C/JPN/CO/7-9, para.21 (26 September 2014).

¹⁰ CERD/C/JPN/CO/3-6, para.21 (6 April 2010). CERD/C/JPN/CO/7-9, para.21 (26 September 2014).

¹¹ CCPR/C/JPN/ CO/5, para.32 (18 December 2008). CERD/C/JPN/CO/3-6, para.21 (6 April 2010). CCPR/C/JPN/CO/6, para.26 (20 August 2014).

¹² CCPR/C/JPN/CO/6, para.26 (20 August 2014).

¹³ Report on violence against Ryukyu/Okinawa indigenous women and girls, 30th January 2022 <https://www.ohchr.org/sites/default/files/2022-03/AOCHR.pdf>

16. In 2021, Akino Miyagi, a butterfly researcher, was indicted after a raid on her house. Ms. Miyagi has been working to clean up the environment and remove military items from the site of the former U.S. military base, which is now littered with large amounts of shell casings and waste from military training. The site is now registered as a World Natural Heritage site, and from the perspective of maintaining and protecting a sustainable environment, the large amount of U.S. military waste is a very serious environmental threat.
17. Ms. Miyagi was charged with obstruction of justice and violation of the Waste Disposal and Public Cleansing Act for placing the waste near the entrance of the U.S. military base, and violation of the Road Traffic Act for stopping two U.S. military vehicles from entering the training area. She was indicted at home in December 2021 after a raid.
18. Ms. Miyagi's action is part of an act of political expression calling for the proper disposal of waste left behind by the US military, a right also guaranteed by Article 19 of the Covenant on Civil Liberties.
19. In response to the increasing persecution of environmental activists in recent years, the Special Rapporteur on Human Rights Defenders has stated that governments have an obligation to protect environmental activists from human rights violations by the state, that freedom of expression, including the right of access to information, must be protected in order to protect environmental rights, and that the obligation to protect these rights rests with governments. In the report, it was stated that the obligation to protect these rights lies with governments¹⁴. This raid by police forces violates these guidelines and runs counter to the international trend for the protection of environmental activists.

Sexual Violence: Sexual Violence Related to the U.S. Military Presence in Okinawa

20. About a half of all U.S. military personnel in Japan reside in Okinawa (55,026 U.S. military personnel in Japan and 25,843 U.S. military personnel in Okinawa, accounting for 47%).
21. There have been many incidents and accidents involving U.S. military personnel in Okinawa. In particular, sexual violence against women has been rampant since 1945, the year U.S. forces landed on Okinawa. It threatens the safety of Ryukyuan women.
22. During the post-war period of the U.S. military occupation of Okinawa until 1972, rape by U.S. soldiers was rampant. Even after the reversion of Okinawa to Japan in 1972, according to the statistics of the Okinawa Prefectural Police, the total number of criminal offenses committed by U.S. servicemen, servicewomen

¹⁴ A/71/281

and their families until September 2020 counted 6,052, of which 581 were heinous crimes such as murder, robbery, rape and arson, and 129 were rape cases. This is only the number of arrests made, and the actual number of incidents is believed to be much higher. Even today, half a century after the reversion of Okinawa to Japan, there is no end to the incidents of sexual violence committed by U.S. personnel in Okinawa which hosts the largest military base in the Far East.

23. Due to the Japan-U.S. Status of Forces Agreement, Japan does not have primary jurisdiction over cases involving U.S. military personnel on official duties, and even in cases where an incident occurred outside of official duties, the Okinawa Prefectural Police cannot take the suspect into custody before prosecution and therefore cannot conduct the full investigation. In addition, if the suspect flees to the base, the extradition of the suspect requires the consent of the US military. Since the U.S. military is not obligated to extradite, it is possible for the U.S. military to repatriate suspects so that they will not be tried for their alleged crimes. In fact, according to data from the period of 2001-18, the prosecution rate for criminal offenses committed by U.S. military personnel was 13.17%, which is about one-third of the national over-all prosecution rate of 43.85%. The crimes committed by U.S. military personnel have gone largely unaddressed. In addition, there is a Japan-U.S. Joint Commission agreement that, in principle, Japan will not exercise primary jurisdiction except in important cases, making it difficult for Japan to prosecute even if a case is filed. In other words, Ryukyuan women suffer from a situation in which not only the sexual violence is rampant, but also the damage is not legally redressed.
24. The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), paragraph 12 of the preamble emphasises the importance of demilitarisation of indigenous peoples' lands and territories, and Article 30, paragraph 1 stipulates the prohibition of military activities on their lands and territories.
25. CEDAW states in its General Recommendation No. 19 on violence against women (11th session, 1992) that "Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures." The situation in which the U.S. military has been stationed for nearly 80 years since the end of World War II is not a war or under armed conflict, but the prevalence of violence against women by military personnel makes the General Recommendation significantly relevant.
26. CEDAW also recommends States parties in its General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (2013, 56th session) to " (a) prohibit all forms of gender-based violence by State and non-State actors, including through legislation, policies and protocols; (b) prevent, investigate and punish all forms of gender-based violence, in particular sexual

violence perpetrated by State and non-State actors; and implement a policy of zero tolerance”.

27. This means that sexual violence committed by the military, a state actor, must be prohibited, prevented, investigated and punished, and a zero-tolerance policy must be implemented.
28. The Government of Japan promotes disproportionate militarisation on the land of Ryukyus, which not only violates the UNDRIP but also constitutes discriminatory treatment of the indigenous peoples of Ryukyus. In addition, Ryukyuan women continue to suffer from widespread sexual violence and the lack of legal redress under the prolonged military presence. These constitute intersectional discrimination against indigenous women, and the Government of Japan has not taken effective measures to address this intersecting form of discrimination.
29. The Government of Japan needs to explicitly acknowledge that due to the long-term presence of U.S. forces on Okinawa, women and girls of Ryukyuan ethnicity and those living in areas affected by U.S. forces on Okinawa are particularly vulnerable to the effects of militarization. In addition, the Government of Japan needs to put in place laws and a zero-tolerance policy that prohibits and prevents all forms of gender-based violence against the above-mentioned women and girls.

Health Hazards: Health Hazards to Mothers and Children from Military Training by U.S. Forces in Okinawa¹⁵

30. In the vicinity of U.S. military bases in Ryukyus, health hazards, especially to mothers and infants, have arisen due to the effects of noise pollution over the years.
31. Okinawa Prefecture conducted a four-year survey on the health effects of aircraft noise on residents living near the Futenma and Kadena Air bases from 1995 to 1998. It revealed the adverse effects of aircraft noise pollution on the residents, such as loss of hearing due to years of exposure to noise, an increase in the birth rate of low-birthweight (LBW) babies, and a large number of infants requiring physical and mental observation.
32. According to another survey conducted by Okinawa Prefecture, the percentage of LBW babies in Okinawa Prefecture is the highest in Japan at 11%, compared to the national average of 9.4%, while the number of LBW babies is highest in the Okinawa’s Chubu area where the U.S. military bases are concentrated. It has been pointed out that LBW babies often require medical care after birth, and are at high risk for delayed growth and development, disability, and health problems,

¹⁵ Inputs for the Day of General Discussion on the Rights of Indigenous Women and Girls, 18th June 2021
<https://www.ohchr.org/en/events/days-general-discussion-dgd/2021/day-general-discussion-rights-indigenous-women-and-girls>

including in adult life.

33. Residents living near the Futenma and Kadena Air bases filed lawsuits against the Government of Japan, seeking an injunction order against night-time flights of U.S. military aircrafts and compensation for damages, but in each case, the lawsuit was dismissed on the basis of the "third party act theory", which stated that the Government of Japan does not have the authority to restrict the actions of U.S. forces.
34. In addition, in the decision on the appeal of the second Futenma explosive sound lawsuit, the Naha Branch of the Fukuoka High Court acknowledged the health hazards caused by the noise, such as psychological burden, mental anguish, sleep disturbance, and increase in blood pressure due to stress, but it denied the increased risk of ischemic heart disease, increase in LBW babies, decrease in long-term memory of school children, and damage caused by infrasound, stating "no evidence sufficient to admit the facts".
35. Under Article 24 of the Convention on the Rights of the Child, States parties are required to strive for "the enjoyment of the highest attainable standard of health and [the right] to facilities for the treatment of illness and rehabilitation of health" for children. Considering the impact on maternal health and other specific harms to women's health, The Japanese government needs to conduct an investigation on the impact of noise pollution from night-time military aircraft on the health of mothers and children, and to make the results known.
36. In its recommendation to the Government of Japan in March 2016 (CEDAW/C/JPN/CO/7-8), CEDAW expressed concern that indigenous and minority women in Japan are experiencing intersecting and multiple forms of discrimination and urged the State party to make active efforts aimed at eradicating multiple and intersecting forms of discrimination in health, education, employment and public activities and in health and education services.
37. In addition, CEDAW General Recommendation No. 9 on statistical data concerning the situation of women (8th session, 1989) calls for data that can be "disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested."
38. The Government of Japan should clarify the obligation of States parties to collect disaggregated medical and socio-economic data of indigenous women and girls, and to take necessary measures to ensure that indigenous women and girls enjoy the highest attainable standard of health, based on research into factors that impede health.

Suggested Recommendations to the Government of Japan

- (7) Investigate cases of sexual assaults targeting women living in Okinawa committed by the U.S. military personnel.
- (8) Conduct factual investigation of all impacts, particularly those on physical and mental health, experienced by women and children living in Okinawa derived from the training of the U.S. military personnel.
- (9) Legislate against discrimination toward women, which addresses intersectional forms of discrimination against women belonging to minority groups.

The Right to Safe and Clean Water with Specific Focus on PFOS/PFOA

39. High concentration of U.S. military bases and militarization in Okinawa have resulted in serious violation of human rights relating to the enjoyment of safe and clean drinking water. There is a wide and serious concern in Okinawa about high level water contamination from PFOS/PFAS chemicals which are known to be associated with serious health problems including cancers, hormone imbalance and harm to the immune system. Under the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, the Government of Japan is obligated to remedy these situations. However, the Government of Japan has failed to address, much less redress these problems and issues.
40. In surveys conducted by our local and concerned civilians, elevated PFAS level has been repeatedly detected in waterways, soil, residents' blood and drinking water. From various resources and investigations, it has been revealed that U.S. military operations have been polluting Okinawa with PFAS via leaks of firefighter foam including PFAS chemicals, and disposal of contaminated water. However, local municipalities and their citizens have been kept totally in the dark about what amount of toxic materials U.S. Forces in Okinawa possess and how they are administering those substances.
41. The presence of PFAS on the island's water was first noticed in 2016 when the Okinawa Prefecture announced that the chemical's presence is higher in drinking water that comes from a river flowing along the Kadena base, the largest US Air Force installation in the Pacific. A massive leakage of firefighting foam containing PFOS from the Futenma base into a nearby river occurred in April 2020. In 2021, the U.S. Marines dumped about 64,000 liters of water contaminated with PFOS kept in water tanks at Marine Corps Air Station Futenma into the local sewage system from the base in August. The release of one million tonnes of contaminated water into the marine environment imposes considerable risks to the full enjoyment of human rights of concerned populations.

42. In 2019, A team of Kyoto University researchers conducted blood checks on residents living near the U.S. bases on the island and found that the amount of PFAS in the blood of residents of three cities in the prefecture was four times higher than that of an average Japanese. The researchers also detected a higher level of perfluorohexane sulfonic acid (PFHxS), in the subjects' blood at more than 50 times the national average.
43. Ensuring safe and clean drinking water is critical for people in order to fully enjoy their fundamental human rights including economic, social and cultural rights. However, due to the lack of environmental accountability, the people of Okinawa still have very limited information on the source of contamination, nor the measures to prevent further contamination. This is a failure to uphold human right, including enjoyment of the safety of water, and both governments' international obligations to prevent exposure to hazardous substances. Also given the uneven concentration of the US bases in Okinawa, it is against the principle of nondiscrimination to underlying determinants of health.

Suggested Recommendations to the Government of Japan

- (10) Take effective measures to remediate past and present water contamination and implement preventive measures with consultation with the people of Okinawa to protect them from exposure to contaminated water and strengthen a mechanism which allows the people of Okinawa to actively participate in discussions with the Government of Japan and the U.S. Forces on these measures.
- (11) Grant Okinawan people and local authorities a legal right to promptly enter U.S. bases for investigation when a significant spill or contamination emergency occurs.
- (12) Guarantee full access of the people of Okinawa to all information regarding water contamination on the island including assessments of on-base environmental damage, remediation plans, and other related records.

The Right to Health with Specific Focus on COVID-19

44. With the new coronavirus pandemic from 2020, it has become clear that the Okinawan people bear a significant risk with regard to infectious diseases due to institutional factors.
45. Normally, people entering from abroad are required to undergo Japanese quarantine procedures at airports. When the new coronavirus spread, all countries strengthened their quarantine procedures, making PCR testing mandatory and requiring isolation for a certain period of time.

46. However, US military personnel entering Japan through US military facilities in Japan are exempt from Japanese quarantine procedures. Based on the Final Report of Special Action Committee on Okinawa (SACO Agreement), to which the Japanese and US governments agreed in 1996, the occupants of US vessels and aircraft entering Japan from facilities and areas provided to the US are subject to quarantine procedures conducted by the United States armed forces, i.e. they are exempt from the Japanese standard quarantine procedures when they arrive directly at bases and other US military facilities. It is agreed that if a US quarantine officer discovers a patient with a quarantinable infectious disease, he or she must notify the competent Japanese quarantine station chief, but otherwise the US side is not obliged to report to the Japanese Government, including the standards, methods and results of quarantine.¹⁶
47. This arrangement has had the greatest impact on Okinawa, where approximately 70% of the US military facilities in Japan are concentrated. The estimated number of US troops stationed there is approximately 25,000.¹⁷ In fact, on 28 March 2020, when COVID-19 virus infection had not yet spread much in Japan, Kadena Air Force Base in Okinawa Prefecture announced that two airmen stationed at Kadena had contracted COVID-19 virus. Neither of these airmen had passed through Japanese quarantine, and the agreed notification to the competent Japanese quarantine station chief was not initially made, and the announcement was made via the US Air Force Kadena Air Base Facebook page. The number of infected US military personnel on US bases continued to swell.
48. Okinawa subsequently became the prefecture with the highest number of new cases per 100,000 inhabitants in Japan, leading to the declaration of a two-week state of emergency from 1 August 2020. In December 2021, it was announced that an infected person with the Omicron strain had been confirmed in Okinawa Prefecture, despite the Government of Japan's efforts to prevent its entry by suspending the entry of new foreign nationals and implementing strict waterfront measures. It was also announced that the infected person was a man working at the US Marine Corps base Camp Hansen (Kin Town), and that a cluster of 100 Marines on the base had been infected at this point.
49. As is evident from this case, the quarantine system plays an important role in protecting people's right to health, but it is seriously flawed in that the Government of Japan cannot quarantine US military personnel who arrive directly at US military facilities in Japan, and the people of Okinawa, where there is a high concentration of US military facilities and where people live in close

¹⁶ "Opinion Calling for Review of the Status of Forces Agreement between Japan and the United States and Improvement to the Framework for Its Implementation in Relation to Quarantine, in Light of the Increase in COVID-19 Infection at U.S.

Military Bases," Japan Federation of Bar Associations, March 18, 2022 at:

<https://www.nichibenren.or.jp/en/document/opinionpapers/220318.html>

¹⁷ "Number of US troops stationed in the country," Okinawa Prefectural government, 2019 at: <https://www.pref.okinawa.jp/site/chijiko/kichitai/sofa/documents/us-mil-number201903-1.pdf>

proximity to US military facilities and personnel, are most severely affected by this deficiency. It is discriminatory that an excessive base burden is being imposed on Okinawa, resulting in a situation where the Okinawan people's rights to health are disproportionately threatened.

Suggested Recommendations to the Government of Japan

- (13) Review the SACO Agreement to ensure that regular Japanese quarantine procedures are applied to US military personnel entering Japan via US military facilities, in order to protect the health rights of people living in Japan, including those in Okinawa.
- (14) Strengthen the testing and treatment systems for the Okinawan population in order to protect their right to health, which is disproportionately affected by the threat of infectious diseases.
- (15) Reduce the presence of US military facilities in Okinawa in order to remedy the discriminatory situation in which the Okinawan people are disproportionately threatened in their right to health as a result of the excessive base burden being imposed on Okinawa.