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Stakeholders' Submission on:

Human Rights Situation in Japan

The Association of Comprehensive Studies for Independence of the Low Chewans (ACSILs)ⁱ was established on 15 May 2013 in Lew Chew (more commonly known as Ryukyu, which currently includes Okinawa Prefecture and the Amami Islands in Japan). ACSILs is an association of Lew Chewan peoples, by Lew Chewan peoples, and for Lew Chewan peoples. We have nearly 400 members who all have ethnic roots in the Lew Chew Islands. We have organized ourselves “for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression,” as prescribed in paragraph 9 of the preamble of the UNDRIP.ⁱⁱ ACSILs is conducting interdisciplinary and comprehensive research for the realization of Lew Chewan independence. Since Lew Chew is still colonized and discriminated by Japan, the Lew Chewan independence movement is NOT “any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States,” stated in article 46(1) of the UNDRIP.ⁱⁱⁱ It is a movement of the restoration of our sovereignty as a nation. According to the common article 1 of the ICCPR^{iv} and the ICESCR,^v all peoples, including Lew Chewan peoples, have the right to self-determination. We aim to realize this statement and to advance research related to Lew Chewan independence in accordance with ICCPR^{vi} articles 18 (“Freedom of thought, conscience, and religious liberty”), 19 (“Freedom of expression”), and 27 (“Rights of minority peoples”).



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I. Introduction

1. Lew Chewan (Ryukyuan) peoples who can trace their ethnic roots to the islands of the Lew Chew are a distinctive group of peoples. Today, Lew Chewan peoples live not only in the Lew Chew Islands and Japan, but also throughout the world.
2. The process of Japanese colonization of Lew Chew has its beginnings in the Satsuma invasion of 1609.^{vii} This colonization was made complete with the Japanese government's forcible annexation of Lew Chew in 1879 (the so-called "Ryukyu Disposition"), which was an act that violated article 51 of the Vienna Convention on the Law of Treaties.^{viii} Because of Japan's forcible annexation and colonization, Lew Chewan peoples have become stateless minorities who have been subject to discrimination, exploitation, and subordination. History makes clear that in 1945 Japan sacrificed the Lew Chew Islands during its Pacific War with the U.S., thus turning the islands into a hell on earth, and later pawned the islands to the U.S. military in order to regain its own sovereignty in 1952. This led to 27 years of oppressive occupation by the U.S. military following the end of the war, and although the Lew Chew Islands account for only 0.6% of "Japanese territory," they unwillingly host more than 70% of the U.S. military bases in Japan even after the so-called "reversion" to Japanese administration in 1972, which violates article 8 of the Potsdam Declaration accepted by Japan on 14 August 1945.^{ix} In truth, this "reversion" was merely a re-annexation by secret agreements between the Japanese and the U.S. governments.^x Currently, the U.S. and Japan have deployed MV-22 Ospreys, widely known to be defective and dangerous, to Lew Chew in 2012.^{xi} It did so despite nearly unanimous opposition on the island. Moreover, both the Japanese and the U.S. governments are violently pushing through construction of NEW military bases at Henoko and Takae in the northern part of Okinawa Island in Lew Chew.^{xii} These actions constitute further evidence of the continuing colonization and discrimination of Lew Chewan peoples.
3. Japanese people have exploited Lew Chew for their own "peace and prosperity" for their future. We Lew Chewan peoples shudder at the horror of future wars and fear that we will never be able to live in peace if this exploitation continues. Also, both the economic domination of Japanese corporations and the number of Japanese settlers continue to increase in Lew Chew. Further, the Japanese government's plans for promotion and development have destroyed the Lew Chewan environment, while its assimilation policies have become firmly embedded in our minds. We remain enslaved due to these different forms of exploitation and oppression.
4. Lew Chewan peoples are essentially independent and legal agents entitled to exercise the right to self-determination that is guaranteed in the common article 1 of the ICCPR^{xiii} and the ICESCR.^{xiv} Only Lew Chewan peoples can determine the future of Lew Chew. By gaining independence from Japan, restoring our sovereignty, and removing all military bases from our islands, we Lew Chewans will achieve our long sought-after goal of becoming sovereign islands of peace and build friendship with other countries, regions, and nations of the world.

II. Reviews

5. In 2007, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly of the United Nations. (A/RES/61/295)^{xv}
6. In 2008, the Human Rights Committee (CCPR) concluded that Japan "should expressly recognize the Ainu and *Ryukyu/Okinawa as indigenous peoples* in domestic legislation, adopt special measures to protect, preserve and promote their cultural heritage and traditional way of life, and recognize their land rights. It 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." (CCPR/C/JPN/CO/5, para. 32)^{xvi}
7. In 2010, the Committee on the Elimination of Racial Discrimination (CERD) concluded that "while highlighting that UNESCO has recognized a number of Ryukyu languages (2009), as well as the Okinawans' unique ethnicity, history, culture and traditions, the Committee regrets the approach of the state party to accord due recognition to Okinawa's distinctness and expresses its concern about the persistent discrimination suffered

by the people of Okinawa. It further reiterates the analysis of the special rapporteur on contemporary forms of racism that the disproportionate concentration of military bases on Okinawa has a negative impact on residents' enjoyment of economic, social and cultural rights (art. 2, 5).” (CERD/C/JPN/CO/3-6, para. 21)^{xvii}

8. In 2012, Japan reported that “people who live in Okinawa and natives of Okinawa are Japanese nationals.” (CCPR/C/JPN/6, para. 337)^{xviii}

9. In 2014, the Human Rights Committee (CCPR) concluded that Japan “should take further steps to revise its legislation and fully guarantee the rights of Ainu, 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 and facilitating, to the extent possible, education for their children in their own language.” (CCPR/C/JPN/CO/6, para. 26)^{xix}

10. In 2014, the Committee on the Elimination of Racial Discrimination (CERD) concluded that “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).” (CERD/C/JPN/CO/7-9, para. 21)^{xx}

11. In 2016, Japan released “Comments by the Government of Japan regarding the Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9)” and said “we understand that people in Okinawa have inherited a unique culture and tradition over their long history. However, the Government of Japan recognizes only the Ainu people as indigenous people in Japan.”^{xxi}

12. The latest comprehensive poll^{xxii} conducted by a local newspaper company in Lew Chew in October and November 2016 showed that the percentage of the Lew Chewan peoples who answered “Okinawa (Lew Chew) should remain a part (prefecture) of Japan” shrank to less than a half (46.1%), which marked a substantial decrease of 15.7% compared to the previous poll in 2011.

III. Deprivation of original copies of the treaties of amity between Lew Chew and the U.S., France, and Holland by the Japanese government^{xxiii}

Background and Challenges

13. In 1854, a Treaty of Amity between Lew Chew and the U.S.^{xxiv} was concluded. This was followed by similar treaties between Lew Chew and France in 1855 and Holland in 1859. The Japanese government deprived original copies of these three treaties during the so-called “Ryukyu Disposition” which was actually a process in which Lew Chew was forcibly assimilated into Japan in the 1870s. Currently, the Japanese Ministry of Foreign Affairs holds the documents, but has declined to explain how they fell into its possession.

14. We believe that this Japanese government’s act of deprivation goes strongly against article 27 of the ICCPR^{xxv} and also against articles 8(1, 2(a) & (d)) and article 11(1) of the UNDRIP.^{xxvi}

Recommendations

15. The Japanese government should immediately return original copies of these three treaties to Lew Chewan peoples.

IV. Ignorance of the historical existence of Lew Chew as an independent nation by the Japanese government

Background and Challenges

16. On 25 February 2015, Kantoku Teruya, a member of the Japanese House of Representatives elected from Okinawa Prefecture, submitted a formal memorandum with questions to the Japanese government^{xxvii} including the question of whether the Japanese government had recognized (the Kingdom of) Lew Chew as an independent and sovereign nation when the so-called “Ryukyu Disposition,” or the forced assimilation of Lew Chew into Japan, was initiated in 1879. On 6 March 2015, Japanese Prime Minister, Shinzo Abe, officially responded to this question^{xxviii} by stating that it was difficult to answer clearly because the situation of Lew Chew (Kingdom) at that time was ambiguous.

17. We believe that the Japanese government’s answer is nothing but sophistry. Moreover, its denial of the historical existence of Lew Chew as an independent nation grossly violates article 27 of the ICCPR^{xxix} and article 8(1, 2(a) & (d)), 13(1), and 15(1) of the UNDRIP.^{xxx}

18. Given that culture is based on history, ignorance or the denial of history will result in the “destruction of culture” which in turn leads to “forced assimilation.” Lew Chew was clearly an independent nation before 1879. As stated in paragraph 13 of this report, there exists physical evidence of Lew Chewan independence such as a Treaty of Amity between Lew Chew and the U.S. in 1854, France in 1855, and Holland in 1859. Additionally, the U.S. government even acknowledges on the official website of its own Department of State’s Office of the Historian, Bureau of Public Affairs that, “in the mid-nineteenth century, however, Lew Chew was an independent kingdom that specialized in trade between Japan and mainland Asia.”^{xxxi} It also states that “Japan directly took over the Lew Chew Islands in 1879, making them a part of Japan” in the same website.^{xxxii}

Recommendations

19. The Japanese government should officially and immediately admit the historical existence of Lew Chew as an independent nation and apologize for its forced assimilation of Lew Chew into Japan in the 1870s.

20. The Japanese government should officially and immediately encourage the publishing of textbooks that include the historical existence of Lew Chew as an independent nation.

V. The right to the repatriation of the human remains of Lew Chewan peoples

Background and Challenges

21. At least 26 human skeletons were taken from tombs in Lew Chew and have remained unreturned for more than 75 years.^{xxxiii} This is unacceptable even if they were allegedly taken for research purposes. It has been discovered that these Lew Chewan skeletons were taken by Japanese anthropologists conducting research in Lew Chew in 1928 and 1929 and are being kept at Kyoto University. Another 33 human skeletons of Lew Chewans are being stored at the National Taiwan University, which was originally a Japanese imperial university in Taiwan before the end of World War II. These are only two of the more well-known reports of skeletons being taken from Lew Chew and not returned. Kyoto University representatives responded with the statement: “We will not be taking any questions regarding this matter.”

22. We believe that this matter exceedingly violates article 12 of the UNDRIP.^{xxxiv}

Recommendations

23. The Japanese government should immediately and thoroughly investigate this matter and return these human skeletons to Lew Chew.

VI. Propaganda designed to promote and incite racial or ethnic discrimination directed against Lew Chewan peoples

Background and Challenges

24. Japan's Public Security Intelligence Agency (JPSIA)—an arm of the Ministry of Justice in Japan that

analyzes information on domestic and foreign terrorist organizations as well as the situations in various countries—claimed in its latest report^{xxxv} that China is moving to deepen its ties with a “group for the independence of the Ryukyu (Okinawa) Islands” through academic exchanges, and that it was possibly a strategy to divide Japan by promoting favorable public opinion of China. Moreover, according to a past JPSIA report,^{xxxvi} China manipulated the opinions of certain Okinawa citizen groups against the U.S. military bases in Okinawa to be expressions of “Japanese citizens' criticism of their government” in an international propaganda war and also approached a “group for the independence of the Ryukyu Islands” to divide the Japan-U.S. alliance and shake Japan over the Chinese territorial claim to the Senkaku Islands.

25. The “group for the independence of the Ryukyu Islands” in these reports clearly refers our association, the Association of Comprehensive Studies for Independence of the Lew Chewans (ACSILs). These reports contain factual errors and forms of propaganda designed to promote and incite racial or ethnic discrimination directed against Lew Chewan peoples by utilizing a so-called “Theory of the Chinese Threat,” which is a contravention of article 8(2(e)) of the UNDRIP.^{xxxvii}

Recommendations

26. The Japanese government should immediately erase such references in such reports and stop propagating any kind of information that is strongly prejudiced against ACSILs and Lew Chewan peoples.

VII. Racial discrimination and legislative protection

Background and Challenges

27. In 2012, Japan has agreed to “strengthening legislative protection from racial discrimination and discrimination based on sexual orientation” and “human rights training of public officials” (A/HRC/22/14, paras. 147.34 & 147.115).^{xxxviii} Although Japan's first anti-hate speech law has passed in the Diet in May 2016, this law does not cover racial discrimination or include penalty clause.^{xxxix}

28. On 18 October 2016, two Japanese riot police officers dispatched from Osaka Prefecture to Lew Chew directed discriminatory statements such as “*dojin*”^{xl} toward Lew Chewans who were protesting against the U.S. military base construction in Takae.^{xli} Although their hate speech violates article 195 of the Penal Code of Japan, the officers only received a formal reprimand, which was the lightest punishment possible, after they were sent back to Osaka Prefecture. Yosuke Tsuruho, Japanese Minister of State for Okinawa and Northern Territories Affairs, has repeatedly denied that words such as “*dojin*” can be considered discriminatory speech.

29. We believe that these matters go against article 4 of the ICERD^{xlii} and also against articles 2 of the UNDRIP.^{xliii}

Recommendation

30. In the first place, the Japanese government should immediately stop construction of new military bases at Henoko and Takae in the northern part of Okinawa Island in Lew Chew as stated in paragraph 2 of this report and start demilitarization and decolonization of Lew Chew right away.

31. The Japanese government should immediately create anti-racial discriminatory laws to protect indigenous peoples in Japan.

32. The Japanese government should provide thorough instruction on right of indigenous peoples in the human rights curriculum of police academies.

33. The Japanese government should immediately withdraw all riot police officers from Lew Chew.

34. The Japanese government should immediately stop the unjust detention and completely release Mr. Hiroji Yamashiro^{xliv} who is a Lew Chewan leader in the protest against the U.S. military bases in Lew Chew.

□

- i <http://www.acsils.org/english>
- ii <http://www.un-documents.net/a61r295.htm>
- iii <http://www.un-documents.net/a61r295.htm>
- iv <http://www.un-documents.net/iccpr.htm>
- v <http://www.un-documents.net/icescr.htm>
- vi <http://www.un-documents.net/iccpr.htm>
- vii <http://www.japanupdate.com/2016/04/meiji-invasion-of-ryukyu-kingdom/>
- viii http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
- ix <http://www.ndl.go.jp/constitution/e/etc/c06.html> Potsdam Declaration. Proclamation Defining Terms for Japanese Surrender. Issued at Potsdam on 26 July 1945. Article 8: "The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine."
- x <http://english.ryukyushimpo.jp/2012/05/24/7151/>
- xi <http://english.ryukyushimpo.jp/2012/09/09/7924/>
- xii <http://english.ryukyushimpo.jp/2015/05/20/18545/>
- xiii <http://www.un-documents.net/iccpr.htm>
- xiv <http://www.un-documents.net/icescr.htm>
- xv <http://www.un-documents.net/a61r295.htm>
- xvi http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FJPN%2FCO%2F5&Lang=en
- xvii http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FJPN%2FCO%2F3-6&Lang=en
- xviii http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FJPN%2F6&Lang=en
- xix http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/JPN/CO/6&Lang=En
- xx http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JPN/CO/7-9&Lang=En
- xxi <http://www.mofa.go.jp/files/000190869.pdf>
- xxii <http://english.ryukyushimpo.jp/2017/01/11/26302/>
- xxiii <http://www.mofa.go.jp/mofaj/annai/honsho/shiryo/akebono/03.html>
- xxiv <http://english.ryukyushimpo.jp/2015/04/04/17747/>
- xxv <http://www.un-documents.net/iccpr.htm>
- xxvi <http://www.un-documents.net/a61r295.htm>
- xxvii http://www.shugiin.go.jp/internet/itdb_shitsumon.nsf/html/shitsumon/a189097.htm
- xxviii http://www.shugiin.go.jp/internet/itdb_shitsumon.nsf/html/shitsumon/b189097.htm
- xxix <http://www.un-documents.net/iccpr.htm>
- xxx <http://www.un-documents.net/a61r295.htm>
- xxxi <https://history.state.gov/countries/lew-chew>
- xxxii <https://history.state.gov/countries/lew-chew>
- xxxiii <http://english.ryukyushimpo.jp/2017/02/22/26505/>
- xxxiv <http://www.un-documents.net/a61r295.htm>
- xxxv <http://www.moj.go.jp/content/001221029.pdf> Annual Report 2016 Review and Prospects of Internal and External Situations (only in Japanese)
- xxxvi <http://www.moj.go.jp/content/001181138.pdf> Annual Report 2014 Review and Prospects of Internal and External Situations
- xxxvii <http://www.un-documents.net/a61r295.htm>
- xxxviii http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC2214_English.pdf
- xxxix <http://www.moj.go.jp/content/001184402.pdf> (only in Japanese)
- xl "Dojin" literally means "local people" in Japanese. However, the meaning changed after Japanese used it against Ainu people, especially when the Japanese government created a law called "the Hokkaido Former Natives Protection Law" (Hokkaido Kyu-Dojin Ho) in 1899. This law was nothing but a humiliating discriminatory law that actually used the derogatory term "dojin" for the Ainu in its title. From this historical perspective, we can see that the word "dojin" has roots in racial discrimination against the Ainu.
- xli <http://english.ryukyushimpo.jp/2016/10/25/25932/>
- xlii <http://www.un-documents.net/icerd.htm>
- xliiii <http://www.un-documents.net/a61r295.htm>
- xliv <https://www.amnesty.or.jp/en/get-involved/ua/ua/2017ua023.html>



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