

Second Session of the Expert Mechanism on the Rights of Indigenous Peoples

United Nations

Geneva, Switzerland

August 10-14, 2009

Association of Indigenous Peoples of the Ryukyus

Morita Tonaki

Thank you, Madame Chairperson.

What I will be addressing is Agenda 4b) Adjudication, Remedies, Repatriation, Redress and Compensation. I believe that Okinawa case is very good example of the lack of appropriate remedies and model situation for the promotion of positive implementation on UNDRIP.

As a back ground, Ryukyu was an independent state before the annexation by Japan in 1879. It has signed treaties with the United States, France and Holland and had an equal status with other independent states. Since 1870s, Japan deprived Ryukyu's right to establish relationship with other states and eventually its right to home affairs was also terminated. Ryukyu people appealed to the international society and resisted, but Japan annexed Ryukyu and merged it Okinawa prefecture, making it a part of Japanese territory. After the annexation, forced assimilation policy was taken against Ryukyu people by applying Japanese laws and effort was taken to abolish Ryukyu language, history, culture and values. As a result, most of the present Okinawan people, as with other indigenous peoples in the world, lost their identities and are not able to realize even the infringement of their rights. Moreover, till today, the Government of Japan does not recognize Ryukyu/Okinawan people as an Indigenous People.

Japan applied forced assimilation policy against Ryukyu people but they were discriminated by mainstream society. During the World War II, Japanese Army regarded Ryukyu people who spoke their own language as collaborator of the Allied and order was given to execute them. Under the order, many Ryukyu people were killed by Japanese Army with impunity. Recently, a section of revisionists attempted to erase the record of such atrocities committed by the Army and also slandered the victims. In fact, this is crime against humanity and compensation to victims' family is not considered till today.

In 1945, the US occupied Ryukyu/Okinawa and many lands were confiscated for building military bases without their Free, Prior and Informed Consent. Local residents were relocated from their traditional land and Army bases were constructed. Atrocities such as rape, murder, and robbery committed by the US army personnel, noise pollution and crash of army helicopter in residential

areas resulted loss of human lives. In 2008, US army based in Kin-town, fired bullets like-spare-free to neighboring houses and narrowly escaped from killing human being. Both the US and Japanese governments did not investigate the matter and no apology was made. Moreover, both the governments agree to construct a new US military base in the habitat area of Dugong which is one of internationally protected species. Also, the government of Japan tries to array Self-Defense Forces in Okinawa in order to strengthen military function in the area.

After Okinawa was returned back to Japan in 1972, Ryukyu people's land are developed as resort areas by Japanese private companies that results in destruction of environments and sacred areas. Their rights to resources are also deprived off. Moreover, populations flow from mainland Japan into Ryukyu Islands is alarmingly increasing and Okinawan will become minority in their own land in the near future if population flow is continued in the present pace. It can also be resulted that mainland Japanese will become decision-maker on the fate of Okinawa in the future.

Recommendations:

As a first form of remedy is simple recognition of indigenous peoples.

Secondly, State parties should establish a national commission for adjudication, remedies, repatriation, redress and compensation of the rights of indigenous peoples such as Ryukyu people pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used in accordance with UNDRIP. Indigenous peoples must have the right to participate in this process.

Thirdly, all governments should establish a commission for the following purposes such as;

- To investigate extra judiciary killings that occurred recently or historically, punish the assailants, give remedy to the victims and redeem their honor, and make an apology to concerned persons.
- To take effective measures for prevention of concealing historical documentation or information regarding conflicts and propitiating criminalization of Indigenous Peoples who were actually the victims of the conflicts.
- To establish mechanism for redress, remedies, compensation for damages made by governments involved or benefiting from conflicts including returning lands which were confiscated without Free, Prior, and Informed Consent.

I also would like to request that the EMRIP shall look into the cases of damages during historical incidents in conflict including the WWII in Okinawa. My organization will be happy to provide detail information with respect to the Okinawan situation on this regard to the EMRIP.

Thank you, Madam Chair.