

World Natural Heritage and Military Base: Its Contradictory Structure in Northern Okinawa's Case*

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Abstract

Northern Okinawa has been recently inscribed by UNESCO as World Natural Heritage under the auspices of the IUCN. However, the U.S. Navy base called Jungle Warfare Training Center is located adjacent to the designated area with its deployment of ospreys ousting endangered species. Military wastes are still there. It shows the political powerlessness of the Okinawans, the Indigenous people still oppressed by the majority in Japan as well as the governance problem due to the U.S. -Japan treaties. I think the international pressure after the inscription is essential. Facing many serious environmental problems in East Asia, the Indigenous perspective should be focused.

Key words :

World Natural Heritage; UNESCO/IUCN; endangered species; biodiversity; Okinawa; Indigenous people.

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Limitedness and Preciousness of the World Natural Heritage in East Asia

There are numerous debates about World Cultural Heritage, but discussions regarding the IUCN¹-related World Natural Heritage are limited. For example, in Korea, volcanos and related lava tubes (2007; expanded in 2018) in Jeju, Halla mountain(1950m) and Seonsan Il Chulbong are majestic and great examples of World Natural Heritage for their natural beauty and geological reasons.

In China, Karst in Southern China, such as the Wulingyuan Scenic Area (1992), Jiuzhaigou Scenic Area (1992) and Shilin in Yunan Province (2007)); Three Rivers in Yunan Province, (most prominently, Lancangjiang) (2003); and the Panda protected area in Sichuan Province (2006) are typical examples by the same reasons.

In Japan, there are Shirakami Beech Mountain (1993); Kagoshima Yaku Island for its giant cedar trees (1993); Hokkaido Shiretoko (2005); Ogasawara Island (2011) and most recently the Amami-Okinawa-Iriomote islands (2021), which have been registered for their biodiversity and engendered species.

This paper will debate precious natural resources in the Ryukyu archipelago and adjacent military bases, focusing on the case of Northern Okinawa. Even in Jeju, a peaceful island for the last several decades after the tragic Jeju 4.3 Massacre in the 1940s and 50s, the controversial Ganjeong Navy Base has been constructed, like in Okinawa².



Korea/Jeju/ Seongsan Il Chulbong (inscribed in 2007)



Japan · Northern Okinawa(inscribed in 2021)



Okinawa Rail: a symbolic and endangered bird(at Rail Forest of Kunigami, Ada)(August, 2021)

1) The International Union for Conservation of Nature [IUCN] is an international organization in the field of nature conservation and sustainable use of natural resources. Especially of late, closely related to UNESCO, it plays an essential conciliatory role for inscription of World Natural Heritage. It is involved in data gathering and analysis, research, field projects, advocacy, and education. It was established in Fontainebleau, France, in October 1948, and its headquarter is located in Gland, Switzerland.

2) On this issue, see, e.g., Kunihiko Yoshida, *Reparations and Reconciliation in East Asia: Some Comparisons of Jeju April 3rd Massacre with Other Related Asian Reparations Cases*, 2(1) *WORLD ENVIRONMENT & ISLAND STUDIES* 79–111(2012), included in do., *EAST ASIAN CIVIL LAW SCHOLARSHIP AND DISASTER, HOUSING AND REPARATIONS (Part II)* (Civil Law Theory Series vol.6) (Shinzan Pub. Co., 2017). See also, ERIC YAMAMOTO, *HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE: UNITED STATES, SOUTH KOREA AND THE JEJU 4.3 TRAGEDY* (Jeju C & P, 2021).

U.S. Military Bases in Okinawa

Three fourths(3/4) of U.S. military bases in Japan are congregated in Okinawa, whose population is 1%, and whose size is only 0.6% of the total mass of Japan³. This situation is called “the system of sacrifice” and is not permissible philosophically, according to Professor Takahashi⁴. Recent expansion of militarization in the Ryukyu Archipelago, i.e., the increase of Japan Self Defense Force camps is also similarly problematic.

Furthermore, the privileges of U.S. soldiers are protected by Art. 3 of the Okinawa Return Treaty: The U.S. military bases and areas in Okinawa can be used as facilities protected by the Japan-U.S. Security Treaty and the U.S.-Japan Status of Forces Agreement of 1960, even after it was ruled that that Okinawa would be returned to Japan in 1972. SACO (Special Action Committee on Okinawa) (1995~) has attempted to reduce the size of the U.S. army bases, but its efforts are insufficient.



U.S. Bases in Okinawa (Northern Training Area is located adjacent to the designated World Heritage Area)

Especially, crimes and accidents by U.S. soldiers are intolerable for Okinawans. First, the agricultural lands of Okinawans were widely confiscated for military bases: for example, in Iejima Island⁵. Multiple crimes by U.S. Soldiers have occurred. Especially, the rape of a 12 year-old Okinawan girl by a group of U.S. soldiers in September, 1995, has been most notoriously remembered. To make matters worse, a helicopter from Futenma Base crashed at Okinawa International University campus in 2004.

On the other hand, Prime Minister Naoto Kan gave an address and expressed appreciation for Okinawa’s sacrifices in June, 2010, and similar resolutions had been made by the U.S. Congress in the same month. However, it should be noticed that Okinawa’s sacrifice has been presupposed in those addresses and resolutions.



The 25th memorial rally of the 1995 rape (2020.10)



U.S. Helicopter Crash at Okinawa Int’l Univ. campus (2004)

3) On this issue, see, TETSUYA TAKAHASHI, THE SYSTEM OF SACRIFICE: FUKUSHIMA AND OKINAWA (Shueisha, 2012) 178. This fact had already been deplored in MASAHIDE OHTA, OKINAWA: ITS FUTURE MAP TOWARDS ISLAND WITHOUT MILITARY BASES (Shueisha, 2000)23 etc.
4) TAKAHASHI, supra note 3, at 206~.

5) On this issue, see, SHOUKOU AHAGON, U.S. ARMY AND OKINAWAN FARMERS: IEJIMA ISLAND, OKINAWA (Iwanami Shoten, 1973); do., LIFE AS TREASURE: ANTI-WAR SPIRIT OF OKINAWA (Iwanami Shoten, 1992).

Problems regarding the World Natural Heritage registration of Northern Okinawa in July, 2021 due to its Biodiversity

(1) The Process towards Registration

The process towards registration is as follows: ① First, the area was temporarily listed in January, 2013; ② Second, the Ministry of the Environment decided its registration in December, 2013; ③ Thereafter, it was nominated to UNESCO and the IUCN in February, 2017.

However, several months later, claims were submitted to the IUCN by environmental NGOs and other groups in July, 2017; ④ Then, the IUCN issued postponement of registration in May, 2018; ⑤ Three years later, the Japanese government re-submitted the nomination in February, 2019; ⑥ After some investigation, the IUCN recommended registration in May, 2021; ⑦ Finally, the resolution of inscription by the World Heritage Committee online meeting happened on July 26th, 2021.



Minister of Environment Koizumi's congratulatory Speech at the World Heritage Committee online on July 26th, 2021



Yanbaru [Northern Okinawa] National Park (in green) and the U.S. Northern Training Center (in brown) (Red points show newly constructed helipads.)

(2) The U.S. Northern Training area called the Jungle Warfare Training Center

The IUCN seems to have paid attention to the process of return of parts of the Northern Training Center when they inscribed Northern Okinawa as World Natural Heritage⁶. Related facts are as follows: ① Its northern part (circa. 4000ha) was returned on December 22nd, 2016. ② In December, 2017, the Okinawa Defense Agency in collaboration with the Forestry Agency of Okinawa, Forest Management Branch Division, that owns and administers 80% of the returned land, announced that all military waste had been removed in accordance with the Special Statute for the Effective Use of the Returned Former U.S. Military Base. ③ 90% of the returned land has been included in the "Yanbaru National Park" in June, 2018, which is now inscribed as World Natural Heritage.



Newly Constructed Helipads in Takae, Higashi Village

④ However, the U.S. army/navy and soldiers have no obligation of restitution by Art. 4, Section 1 of the U.S.-Japan Status of Forces Agreement of 1960. According to Art. 4, section 2, there is no obligation of reparations regarding abandoned buildings, either. Thus, innumerable bullets, cartridge cases etc. have been found, as Akino Miyagi's articles (2015; 2021)⁷ reveal. ⑤ Furthermore, the Southern part of the Northern Training Area (circa. 3500ha) is being used even now and 6 helipads (osprey

6) See, IUCN, IUCN World Heritage Evaluations 2020 and 2021: IUCN Evaluations of Nominations of Natural and Mixed Properties to the World Heritage List (WHC/21/44.COM/INF.8B2) (May, 2021) 7-8.

7) See, e.g., Akino Miyagi, Unique Forest only exists here in Yanbaru, WOMEN'S FORUM vol. 434 (2015) 73-76; do., Spoiled World Natural Heritage Site: The Returned Land of the Northern Training Center, in: IS THIS DEMOCRACY: THE REASONS WHY WE SHOULD SAY "NO" TO HENOKO BASE (Kage Pub. Co., 2021) 101-124.

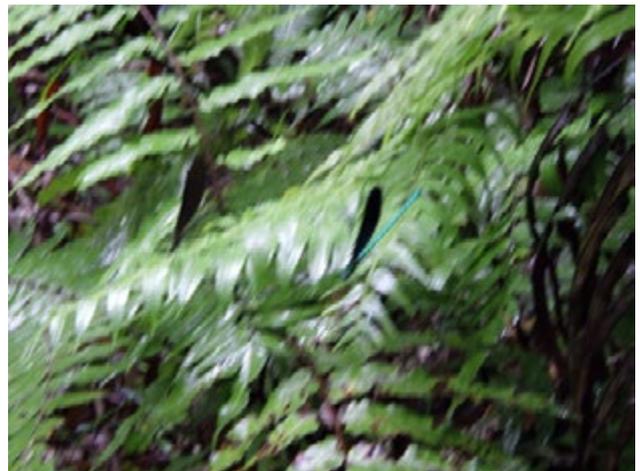
pads) are being constructed, seriously ousting the endangered Okinawa rails and Noguchi rails (Okinawa Woodpeckers). The roar of Ospreys at low altitude is beyond description(!) and well violates the case law standard of noise established by the Shinkansen (Bullet train) case in the 1980s⁸.



Ospreys over Yanbaru Forest in Takae, Higashi Village (from Ryukyu Shimpo)



The “Inconvenient Truth” at the Returned Northern Training site near FB-J, which is now Yanbaru National Park/World Natural Heritage sites: innumerable bullets etc. have been found by Ms. Akino Miyagi (August 19th, 2021)



Precious Endangered Wild Animals and Birds at the Returned Northern Training Area (Ryukyu Mountain Tortoise; Ryukyu Hagro Dragonfly[Calopteryx Atrata])



Map of Returned and Unreturned Areas of the Northern Training Center (The author visited LZ-1 and FB-J on this map by walking Yanbaru Forest with Akino Miyagi on August 19th, 2021 and noticed lots of bullets there.)

8) On this topic, see, e.g., HARUKOSHI FUNABASHI ET AL., SHINKANSEN PUBLIC NUISANCE: SOCIAL PROBLEMS OF HIGHLY DEVELOPPED CIVILIZATION (Yuhikaku Pub. Co., 1985). However, the discussion there seems to mean nothing in relation to the U.S. ospreys' roar.



At the Returned Helipad site (FB-J) (with Ms. Akino Miyagi)

3) Problems: Especially, the Opaque Process of the World Heritage Inscription of Northern Okinawa The U.S. Army base is not compatible with the spirit of World Heritage, i.e., UNESCO peace-building, as enshrined in the UNESCO charter [UNESCO constitution]⁹. In this sense, the World Natural Heritage inscription of Northern Okinawa displays internal contradictions.

To be more specific and more seriously, the existence of the U.S. Military base, the Northern Training Center specifically, contradicts with World Natural Heritage philosophy, because it has been endangering precious species and their biodiversity in the designated district of Northern Okinawa. The integral protection of these species and their biodiversity is indispensable to the inscription.

Problems of the Northern Okinawa inscription process are as follows: ① Already Okinawa Environmental Network, FoEJapan and other environmental NGOs had submitted proposals to the IUCN in July 2017: they argued that (i) the U.S. government should stop exercises deploying the osprey helicopters; (ii) the Japanese government should restore the damaged forest and water ecosystem and make efforts to expand the designated area to include the entire Yanbaru(Northern Okinawa) forest; (iii) the U.S. government should return the entire area of the

Northern Training Center to Okinawa; (iv) The IUCN members should hold meetings with local residents, environmental NGOs, and natural scientists for their on-site investigation and make report to the IUCN for its recommendation.

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② Consequently, probably due to these proposals, the inscription was postponed in May, 2018. ③ However, the process after the submission of its re-nomination in February, 2019, has been opaque. Whether there was sufficient onsite investigation by the IUCN members is dubious. ④ In the end, the IUCN Evaluation paper (IUCN World Heritage Evaluations 2020 and 2021(WHC/21/44.COM/INF.8B2)) states that the area meets requirements of guidelines in terms of biodiversity¹⁰, while it also mentions the risk of the Northern Training Center¹¹.

⑤ According to the pre-report of the UNESCO World Natural/Cultural Heritage online meeting by the 44th World Heritage Committee(July 16th ~31st, 2021), presented on June 4th, 2021 (WHC/21/44.COM/8B) , there is no mention of the Northern Training Center. Instead, (i) tourism, including roadkill, (ii) invasion of foreign species, (iii) illegal collection of endangered species, (iv) river recovery, and (v) logging are mentioned as future challenges¹².

9) See, for example, the UNESCO Constitution, Art.1, Sec.1, that reads: The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

10) IUCN, IUCN Evaluations Report (supra note 6), at p.6, 10.

11) Id. at p.7-8.

12) World Heritage Committee, Item 8 of the Provisional Agenda: Establishment of the World Heritage List and of the List of World Heritage in Danger, 8B. Nominations to the World Heritage List (WHC/21/44.COM/8B) (June 4th, 2021) p.8.

However, it argues that the property is under the strictest protection in the Japanese system of nature conservation areas, and it relies on a comprehensive management plan by the regional liaison of the Ministry of the Environment, the Forestry Agency, the Agency of Cultural Affairs, Kagoshima and Okinawa Prefectures and 12 Municipalities¹³. Thus, the inscription decision on July 26th, 2021 was delivered according to a regressed stance of UNESCO. Understandably, Okinawa Environmental Justice Project expressed disappointment on July 27th, 2021¹⁴.

However, UNESCO/the IUCN should understand that the Japanese government cannot say anything to the U.S. in terms of legal framework. Furthermore, it is obedient to the U.S., especially since the Suga government is expanding Japanese Self-Defense Forces along the Ryukyu Archipelago with an emphasis on contesting the Chinese threat. In this sense, governance issues regarding conservation of endangered nature in such designated areas as the World Natural Heritage is serious. Environmental Minister Koizumi congratulated the World Heritage Committee's decision of inscription, but it is doubtful he really takes the conservation of nature in Okinawa seriously, although he might be interested in enhancing tourism by misusing World Natural Heritage commercially.

In the context of Indigenous peoples¹⁵, governance issues are often imminently discussed regarding environmental degradation due to urban development, hydroelectric dam construction, mining and logging. Even here in Japan, in the case of Northern Okinawan endangered species and biodiversity, the governance issue similarly is made serious by the special status of the Japan-U.S. sovereignty relationship under the U.S.-Japan Treaty of the Status of Forces in Okinawa.

Measures to Overcome This Situation

1. Solutions based on the Inscription of World Natural Heritage

(1) Toward the Japanese Government

UNESCO/The IUCN should argue that the Japanese government is obligated based on its "nomination" to ask the U.S. to diminish the size of the Northern Training Center.

(2) Toward the U.S.

The Trump Administration withdrew from UNESCO in October, 2018, notifying its decision to former Director-General Irina Bokova on October 12th, 2018, and effectuated at the end of 2018. Will the Biden Administration change this solitary policy and return to UNESCO? The IUCN should press the U.S. to re-enter UNESCO, and then to downsize the Northern Training Center in accordance with its inscription of Northern Okinawa.

(3) International Pressure

International alliance network should issue proposals as the World Heritage Treaty/Convention stipulates¹⁶. The IUCN should lead in this effort to construct international alliances for the protection of biodiversity in Northern Okinawa.

2. Solutions based on Cancellation of World Heritage

This route is self-destructive, without hope. However, at the same time, it would behoove us to keep in mind as a comparative case the inscription of the English port town Liverpool (2004), which was recently cancelled on July 21st, 2021 due to the municipality's urban development (construction of a Soccer stadium).

Conclusion: From the Indigenous Perspective

(1) The Meaning and Effectiveness of the UNESCO Rules and Morals

The UNESCO rules and morals are at times effective and powerful: for example, the Henoko Base¹⁷

13) Ibid.

14) See, <http://okinawaejp.blogspot.com/2021/07/oejps-statement-on-unesco-decision-to.html>.

15) On this matter, see, Kunihiko Yoshida, On the Situation of Indigenous Peoples' Rights by the International Human Rights Legal Framework, in: COMPARATIVE LAW BETWEEN JAPANESE AND BRAZILIAN LAW (PROF. NINOMIYA'S 70TH YEAR MEMORIAL EDITION) (Shinzan Pub. Co., 2019) 461-.

16) The World Heritage Convention, adopted by the UNESCO in November 1972, stipulates international collaboration (art. 4, 6, 7), as well as domestic protection (art.4, 5).

17) Allegedly the controversial Henoko Base will be used, after its construction, to increase deployed Ospreys in Northern Okinawa. It would be disastrous for biodiversity of the inscribed World Natural Heritage there.

landfill from mainland Japan has been stopped due to the biodiversity rule. Additionally, the landfill from Southern Okinawa has become controversial, because it includes remains of WWII victims. In that sense, the possibility of the grassroots criticism of the Northern Training Center/Jungle Warfare Center adjacent to the World Natural Heritage should be taken seriously. For example, could the IUCN internationally support the Higashi Village Ordinance for Noguchi Rail (Okinawa woodpecker) protection?

(2) The Uselessness of the Japanese Judiciary System for Ecological Protection?

On the other hand, in the 21st century, the uselessness of ecosystem-related Japanese environmental litigation should be reconsidered: for example, the under-development of the Japanese public environmental litigation with regard to standing and mootness is internationally notorious. That's why we have to rely on overseas courts for ecological litigations. For example, regarding Dugong litigation, in 2008, the U.S. Federal District Court in San Francisco judged that insufficient environmental assessment violated the National Historic Preservation Act (NHPA).

However, we cannot help but realize that we have been overwhelmed by what is called "anthropocentrism"¹⁸ in environmental law, especially in the judiciary. We haven't paid enough regard to future generations of humans, let alone rights of endangered species. How long shall we continue this situation in the era of environmental crisis that is the 21st century?



Dugong found in Nakijin-Area (March, 2019)

18) Incidentally, the term "anthropocene" is a key word that the economist Kohei Saitou uses when he discusses climate change challenges in the 21st century. See, KOHEI SAITOU, THE CAPITAL IN THE ERA OF ANTHROPOCENE (Shuei Pub. Co., 2021) 140-.

Incidentally, the never-ending Isahaya-Ariake Wetland litigation in Kyusyu, the Western Japan, is also another notorious case that shows the powerlessness of the Japanese judiciary with regard to ecological devastation. In 1997, a controversial levee was built to block the Isahaya Bay, which devastated the largest wetland in Japan and killed lots of endangered species there. The litigation started to open the water gate at the turn of the century. However, the situation has never changed for the last two decades, despite fishermen in place of dying species have won many times¹⁹.



The Guillotine Levee at the Isahaya Bay



The Temporary Gate-Opening to Remove Green-Color Polluted Inland Backwater at the Isahaya South Gate) (August, 2021)

19) The litigation demanding a preliminary gate-opening injunction started in 2002, and the final decisions supporting gate-opening were made by Fukuoka High Court on December 6th, 2010 (2102 HANREI JIHOU 55), then by the Supreme Court with addition of penalties on January 22nd, 2015 (2252 HANREI JIHOU 33) and December 21st, 2015. Further disputes by the Japanese government were rejected by the Supreme Court on September 13th, 2019 (2434 HANREI JIHOU 16). To face this serious ecological issue, from the fishermen side, the environmental right and the right to maintain natural surroundings at the Ariake Bay, in addition to fishing right, have been argued, but the judiciary narrowly admits only the last one, i.e., the anthropocentric human fishing right.

(3) The Hopefulness of Asian International Environmental Education from the Indigenous Perspective



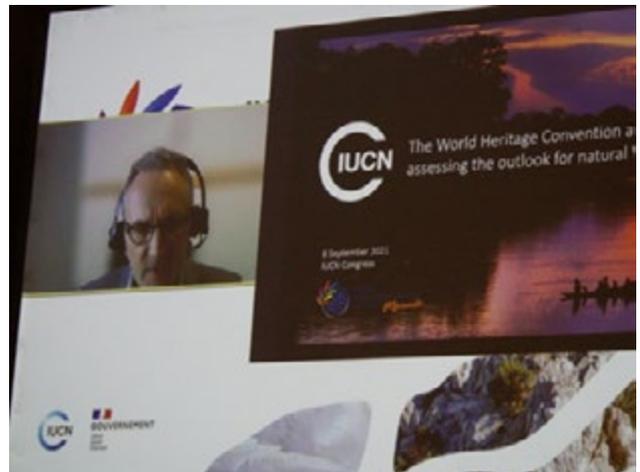
The IUCN East Asia-Hub Meeting Presentation (Sept. 5th, 2021) (at Marseille)

(Next to me, Ms. Suzanne Case, Chair of Dep. of Land and Natural Resources, State of Hawaii, and Mr. Yang Bo Kim, an expert of UNESCO-Korea)

Prof. Chang Hoon Ko of Jeju University, Korea, has expounded the peace islands network among Jeju, Hokkaido, Okinawa, and Hawaii etc., since the turn of the century²⁰ and we have continuously extended peace-building international environmental education for the last decade. I think it should be reexamined and emphasized again from Indigenous perspectives²¹. All Indigenous peoples of our network of islands, i.e., the Ainu people, the Ryukyuan people (Okinawans), the Tamna(Tamra) (Jeju) people (Jeju Islanders), and Native Hawaiians are still oppressed, marginalized and subordinated, as this paper discussed in the military context, by each nation-state assimilative majority power.

However, surrounded as they are by beautiful nature, the environmental philosophy of the Indigenous peoples of all of our islands pays high regard to co-existence with ecological nature²²,

collective thinking, such as the system of common property as opposed to individual modern property, and peace-building by hunters and gatherers. Anthropologically, agricultural people started accumulation of wealth and power, which has historically brought about war, as is ubiquitous in the modern world. We should recognize and reemphasize that all of those Indigenous features fit with the ecological vision imminently required in the era of environmental/climate change at the beginning of the 21st century.



Peter Shadie, Director of IUCN in charge of World Natural Heritage, attended our East Asian Environmental Hub meeting to listen to my address in Marseille on Sept. 5th, 2021, and himself gave a Keynote Address on World Heritage Convention Outlook on Sept. 6th, 2021, online from Switzerland²³.

20) For example, see, Chang Hoon Ko, Editorial Notes: An Introduction to WEIS, 2 WORLD ENVIRON. & ISLAND STUD. 4 (2012).

21) For this, see, Kunihiro Yoshida, Why Do We Need Environmental Education from Islanders' and Indigenous Perspectives? (Keynote address given at the East Asian Environmental Hub Meeting at the IUCN Congress on Sept. 5th, 2021). For the need for law education regarding the Ainu people, do., Implications of Ainu Indigenous People's Rights Protection and Related Apology Based on the World Standard: From Civil Law and Intersectional Anthropological Perspectives, 72 (1) HOKKAIDO L. REV. 1 (2021).

22) Professor Kristen Carpenter, a Chair of the Expert Mechanism on the Rights of Indigenous Peoples [EMRIP], describes, in the American Indians' context, Indigenous peoples' legal framework by stressing their peopleship /stewardship/trust model based on animism/spiritual religion.

23) Furthermore, Director Shadie, after listening to my address, emailed me on Sep. 14th, 2021 that he was well aware of the U.S. military presence in Northern Okinawa, and he argues that the World Heritage property will need to go through IUCN's monitoring processes in the future(on file with the author).



Our First Environmental Univ. Online School (at Marseille)
(Sep.9th, 2021)) (Pro. Ko in the middle; Ms. Jihee Kim to the
right

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