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If the Law is Observed, There Can be No Reclamation: A Mayoral Opinion Endorsed by Citizens of Nago and Okinawans 法に従えば、埋め立ては不可　市民、県民が共感する市長意見

Sakurai Kunitoshi

This is the third in a five part series: Again Okinawa: Japan-Okinawa-US Relations in a Time of Turmoil

The other articles are:

•Gavan McCormack, Introduction: The Continued Saga of the Henoko Base and Japan-US-Okinawa Relations

•Urashima Etsuko, A Nago Citizens' Opinion on the Henoko Marine Base Construction

•Yara Tomohiro, Withdrawal of US Marines Blocked by Japan in the 1970s

•Sakura Kunitosh, Environmental Restoration of Former US Military Bases in Okinawa

In addition, we publish today a sixth important article on Okinawa:

•Jon Mitchell, Okinawa - The Pentagon's Toxic Junk Heap of the Pacific

The statement of opinion by the mayor of Nago firmly opposing the transfer of Futenma Air base to Henoko is reported as "unusual." However, the national government must not be allowed to ignore or belittle it by treating it as an "unusual" case of a mayor acting without precedent, since virtually all cases hitherto have been cases of requests for reclamation emanating from local governments.

As the mayor's opinion statement proposes, the principal duty of local self-governments is to assure the safety and security of citizens. Even setting aside for the moment the fact that the September 2012 joint Japan-US agreement on the operation of the Osprey has been completely ignored, the deployment of the Osprey to Futenma and the Henoko relocation has been utterly unacceptable to the heads of local self-government. The mayoral opinion is a natural expression of the views of Nago citizens, based on their expression of fear over the Osprey's flight. Since those flights have subsequently been extended through the whole of Okinawa, the same goes for the Governor of Okinawa, whose major responsibility is for the safety and security of the Okinawan people as a whole. And, as Nakachi Hiroshi observed in this column yesterday, the judgments of the national government and the prefecture are at odds on this matter.

That being the case, what is called for on the part of both national and prefectural governments is not observance of precedents but measured judgment as to whether or not the current application satisfies the requirements of the law. Japan is supposed to be a country ruled by law. If political judgments are made that ignore the law, then it is already a dictatorship.

Under Article 4 of the law on reclamation of public waters, the Governor is required to withhold approval for reclamation in cases of an application

a) Where the use of public land is inappropriate or irrational;

b) Where due attention has not been paid to environmental protection or disaster prevention;

c) Where the plan contravenes national prefectural, or city laws and edicts concerning the use of the land and the protection of the environment.

The mayoral opinion, after carefully analyzing the appropriateness of the reclamation application under each of these three heads, calls on the Governor, based on the law, to not grant the license. The mayor's opinion on the point of "appropriate and rational" use of the national land points out, quoting prefectural reports, that even in the United States there are dissenting views as to whether Henoko is the only possible site for relocation. It is sufficient just to quote from the former Minister of Defense, Morimoto Satoshi, known on all sides as a defense specialist, that "from a military perspective, the relocation does not have to be in Okinawa," to make clear that this application cannot be described as "appropriate and rational." As to the point of whether the plan shows due concern for the preservation of the environment, he views as problematic the sloppiness of the Environmental Impact study and the concealment as "inconvenient facts" of the appearance of the dugong, and concludes that the Yambaru forest and rivers, whose biodiversity is recognized under both national and prefectural plans, cannot be protected under the planned relocation.

Should not this mayoral statement calling for the resolute rejection of the relocation be warmly welcomed for the sake of the children and grandchildren who bear our future?

Sakurai Kunitoshi, former president and now professor of Okinawa University, is a specialist in environmental assessment law and a prominent figure in Okinawan environmental conservation circles. The Japanese original of this article was published in *Okinawa taimusu*, 21 November 2013, under the title "Kankyo e no muhairyo shiteki – shimin no koe fumaeta shucho." Here we adapt the author's originally chosen title "Ho ni shitagaeba, umetate wa fuka – shimin, kenmin ga kyokan suru shicho iken."

Translated by Gavan McCormack.

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