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神繩問題調查報告書

CONFIDENTIAL

Report on the Survey of the Problems
of
the Ryukyu Islands

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Report on Survey of Specially Assigned Items

I. General Items

1. Improvement of Administration by the United States Civil Administration and Its Reception by the Ryukyuan

(1) The administration of the Ryukyu Islands by the United States Civilian Administration has been modified particularly in the past few years towards increasing the autonomy of the Government of Ryukyu Islands and people. Concrete steps have been gradually implemented in this direction. For this reason, the confidence and general satisfaction of the GRI and people with the government and administration have gradually increased. Thus the situation has changed radically since the early days of the U.S. administration. In this respect, the contributions made by the former High Commissioner Watson and the present High Commissioner Anger are to be highly evaluated.

(2) On the other hand, with the gradual revision of the administrative policy of the United States Civil Administration from its direct administration to the indirect administration (expansion of the autonomy of the GRI), criticisms concerning the fundamental contradictions inherent in the current government and administration of the Ryukyu Islands and the demands for their improvements tend to become more and more pronounced and wide-spread. Moreover, this trend cannot be simply dismissed as manifestations due to the sedition by Anti-American Communists and leftist labor unionists. It should be understood in the light of the fact that the Ryukyu Islands have been severed from Japan after the Pacific War and placed under a foreign administration for about a quarter of a century. The problem can only be solved through the reversion of

the Ryukyu Islands to Japan proper. For this reason, the desire and resolution of the Ryukyuan people towards the reversion to Japan would be bound to increase despite the improvement of the U.S. administration.

2. Anxiety of Business Circles in the Ryukyus and the Need of Measures to Cope with It

- (1) With the increasing discussion of concrete problems of the reversion of the Ryukyu Islands to Japan proper, the leaders of the Ryukyuan economy feel more and more anxious about its future after the reversion. This is natural for the weak Ryukyuan economy that has been nurtured under the glass of the U.S. administration shut off from the Japanese economy and depending for 23 years after the war economically on the U.S. bases in the Ryukyus.
- (2) The American Civil Administration of the Ryukyu Islands is also currently studying the future trends of the Ryukyuan economy and its long-range planning. It is also scheduled to be studied by the Advisory Committee mainly on the basis of the report made by Mr. Saburo Ohkita. In Japan, this problem has been increasingly discussed through study groups and inspection tours of the Ryukyu Islands made by the Identification Subcommittee of Ohhama Kondankai (Discussion Group) and the Ryukyuan Economy Promotion Kondankai. Nevertheless, no concrete steps has yet been materialized.

The problem of the long-range prospects of the Ryukyuan economy requires a number of important premises and estimations for its solution which is thus a complicated and difficult task to meet.

- (3) Nevertheless, from the standpoint of this country to have the prospect of returning the administration of the Ryukyu Islands to Japan in a few years, it would be indispensable for the Japanese Government to establish a substantial study organization including all the government ministries and agencies concerned with economic problems at the present point of time in order to examine this problem concretely and establish the future prospects and policies.

3. Identification Policy and Its Limitations

- (1) The policy of identification of Okinawa with Japan proper should not end with increasing the Japanese Government's financial assistance to the Ryukyu Islands simply to raise the levels of certain administrative fields in the Ryukyu Islands. It should include, in addition to raise the level of administration of the Ryukyu Islands to the level of a corresponding prefecture in Japan proper, identification of the systems of administration and finances of the Ryukyu Islands with those of Japan proper in order to prepare for the returning of the administration of the Ryukyu Islands to this country. For reducing the friction at the time of the reversion of the Ryukyu Islands to Japan proper, the latter would rather have a larger significance, and unless this identification of the systems is realized, it would be safe to predict that the preparation of the Ryukyu Islands as one of the prefectures of this country at the time of the reversion would not be completed.
- (2) Consequently, it would be practically impossible to carry out the identification of the systems of the Ryukyu Islands with Japan proper (either through legislative measures taken by the GRI or through

application of the laws and systems of Japan proper to the Ryukyu Islands upon the approval and consent of the United States Civil Administration of the Ryukyu Islands) if the United States Civil Administration interpretes the United States administrative rights over the Ryukyu Islands too rigidly. It was for this reason that during the tour of my survey there I asked High Commissioner and U.S. Civil Administrator to give considerations and understanding concerning "the flexible interpretation and implementation of the United States administrative rights." Furthermore, when the Japanese Government increases its financial burdens for raising the administrative standard of the Ryukyu Islands, the financial authorities of the Japanese Government would probably demand more supervising rights or initiative over the administrative field concerned as over the prefectures of Japan proper.

- (3) The foregoing argument, however, does not mean that the administrative rights of the United States over the Ryukyu Islands should be gradually returned to Japan piecemeal. For it is clear that the relationship between the United States and Japan over the reversion of the Ryukyu Islands has passed the stage in which such a palliative may be considered. We should like to ask the United States authorities concerned to have proper understanding of this point.

4. Problem of Participation of the Okinawan People in the Government of Japan

- (1) Of the problems I learned directly or indirectly during my tour of survey in the Ryukyu Islands, I felt that the problem of participation of the Ryukyuan people in the government of Japan is the one that looms largest in the expectation and desire of the Ryukyuan people. The participation of the Ryukyuan people in the government of Japan is one of the slogans in the three big elections to be held in the autumn in the

Ryukyu Islands. Their strong desire for the participation in some form in the government of Japan is expressed in their opinion that without the participation (which outwardly described by the Ryukyuan people to be their representation in the National Diet just as in the other prefectures in Japan proper, which I understood to be a demand expressed by the Ryukyuan people who are conscious of the difficulty of its realization, just as their expressed demand concerning the conditions of the military bases in the Ryukyu Islands), the implementation of whatever policy of identification would be meaningless.

- (2) The reason for the demand for participation in the government of Japan by the Ryukyuan people may be summarized in the fact that the million-strong Ryukyuan people find it unbearable to see decisions being made on the important problems such as the identification policy preparatory for reversion of the Ryukyu Islands to Japan proper and the future economy of the Ryukyu Islands after reversion that determine the destiny of the Ryukyu Islands, at this juncture when reversion of the Ryukyu Islands is discussed as a concrete problem, without any opinion of the representatives of the Ryukyuan people reflected upon the deliberations made in the National Diet of Japan. The strong desire expressed by the Ryukyuan people to have their opinion represented in the National Diet is naturally closely linked with the unhappy history of the people of these islands whose position has been determined in accordance with Article III of the Japan-United States Peace Treaty without taking the will of the Ryukyuan people into consideration. Indeed, among the free nations under democracy, the people of the Ryukyu Islands alone are not entitled to have a voice in the parliament of their country. The people of the Ryukyu Islands have been discriminated unfavorably from the people of Japan proper,

including the problem of representation in the Diet, since the days of Meiji Era. Their attitude should of course be understood in the light of this historical background.

- (3) I felt strongly that there is an urgent need of solving in one way or another and as soon as possible through serious discussion and examination on the part of both the United States and Japan, this greatest political task of the people of the Ryukyu Islands.

5. Prospects of Maintenance of Public Order in the Ryukyu Islands

- (1) I asked the authorities of the United States Civil Administration of the Ryukyu Islands to see what view is held by them on the prospects of maintaining public order in the Ryukyu Islands. They said to the effect that in general demonstrations tend to be on the increase. However, this is not confined to the Ryukyu Islands, but, as it is well-known, is a world-wide trend. The character of the people of these islands has historically been known to be mild, so their demonstrations would not turn as violent as in Japan proper. Nevertheless, sufficient watch should naturally be maintained against Zengakuren students and extreme leftists smuggling into the Ryukyu Islands.

- (2) The authorities of the United States Civil Administration of the Ryukyu Islands expressed the following views on the role of the Japanese Government to be taken for reinforcing the police force in the Ryukyu Islands:

- (a) Assistance to training of policemen of the Ryukyuan Government in Japan proper and in the Ryukyu Islands by sending policemen from the mainland.

- (b) The continued assistance by the Japanese Government to the construction of a police school in the Ryukyu Islands.

- (c) The assistance by the Japanese Government to the ordinary police equipment should be avoided because it would induce the leftist elements in both Japan proper and the Ryukyu Islands to raise protests.

- (3) Furthermore, an opinion was expressed that countermeasures ought to be studied against local riots around the time of ballot counting which may take place as on similar occasions in the past, because stiff competition is anticipated in the elections in the coming fall. Also a view was brought out that countermeasures for pacifying demonstrations ought to be studied.

6. Others

- (1) I told U.S. Civil Administrator (as I also told Mr. Schneider, Country Director (Japan), Department of State, the United States, and others recently) that the following items must be realized by all means by the time of the elections to be held in the coming autumn:
- (a) Removal of B52 planes from the bases in the Ryukyu Islands;
- (b) Participation of the Ryukyuan People in the National Diet;
- (c) Agreement between the United States and Japan on the amount of financial assistance by the Japanese Government to the Ryukyu Islands;
- (d) Effective promotion of policies for the identification of the Ryukyu Islands with Japan proper;
- (e) Particularly scrupulous considerations for the reversion in every administrative measure taken by the United States Civil Administration.

Incidentally, it was too early to make any sound prediction of the outcome of the elections to be held in the coming fall at the time of my tour of investigation in the Ryukyu Islands, but most of the people I met there agreed that the elections would have a stiff competition.

(2) Patrol of Sea Area Around Senkaku Islands and Yonaguni Island

Formosan fishing boats are currently conducting illegal fishing in the waters around the Senkaku Islands and Yonaguni Island. The implementation of effective control over these fishing boats is a very important problem. The Japanese Government had similar trouble in the past around Takejima Island and I am deeply concerned with this problem. Therefore, I made a strong request to the American authorities that this problem should not be left to the responsibility on the part of the GRI, but an effective patrol at least once a month should be made at the responsibility of the United States Civil Administration or the United States Navy stationed in the Ryukyu Islands.

(3) Position of the GRI after the Implementation of the Public Election of the Chief Executive

After the election of the Chief Executive of the GRI to be held this fall, the position of the Chief Executive and the GRI would become much higher no matter how the outcome of the election may be. Consequently, I conveyed U.S. Civil Administrator, our view that the United States Civil Administration should from now on give sufficient considerations for the position of the GRI and various steps to be taken for expanding its autonomy.

II. Concrete Items

At the present stage of development, where the problem of returning the administrative rights over the Ryukyu Islands to the Japanese Government is discussed politically as a concrete plan, as described earlier, the people of the Ryukyu Islands would strongly demand their participation in the National Diet, and at the same time the criticism against the contradictions in the internal administration tends to be inevitably increased. This tendency appears to grow stronger, particularly more pronounced and placed in the forefront of public discussion after the public election of the Chief Executive.

The contents of the concrete items which form part II of this report are the results of our survey and study, made with this view taken into consideration, of the problems of the United States Civil Administration in the Ryukyu Islands and of their solutions in the best interests of all concerned.

1. Mainly Legal Problems in the Implementation of the United States Administrative Rights

A. Problems in President's Executive Orders

(1) Guarantee of Basic Rights of the Ryukyuan Inhabitants

It is understandable that the people of the Ryukyu Islands should demand the basic human rights guaranteed in the Constitution of Japan.

There are also stipulations concerning the basic rights of the people of the Ryukyu Islands in Section 11 (b) and Section 12 of the President's Executive Order. Nevertheless, as long as the High Commissioner is permitted to exercise almost almighty power in accordance of Section 11 of the said President's Executive Order, true guarantee for the basic rights of the Ryukyuan people can hardly be maintained according to the opinion of most of the

concerned in the Government of the Ryukyu Islands. Furthermore, the stipulations of guarantee for the human rights in the President's Administrative Order are too abstract to have the concrete provisions for the rights of workers, the freedom of residence and moving, the right of living, etc. as stipulated in the Constitution of Japan.

The problem of giving explicit legal guarantee for the basic rights of the people of the Ryukyu Islands by determining the form and degree of such stipulations in relation to the special legal position of the people of the Ryukyu Islands is a thorny problem, but it is a problem that cannot be left unsolved.

(2) Problems Involved in Section 10.

(a) Jurisdiction of Criminal Procedure

The problem of jurisdiction over the juridical procedure in the Ryukyu Islands, even when the particular conditions of the Ryukyu Islands are taken into consideration, has been treated in a manner so diametrically different from the treatment of this problem in Japan proper in accordance with the United States-Japan Administrative Agreement. In particular, the jurisdiction over the criminal procedure ought to be revised in one of the following methods.

The jurisdiction over criminal procedure on the United States soldiers and civilians of the War Department should be transferred to the Court of the GRI except those committee outside the course of their official duties, or to the Court of the United States Civil Administration, leaving other

personnel than the military personnel, that is, dependents and employees to the jurisdiction of the Court of the GRI.

(b) Order of Transferring Court Procedure

It is still fresh in our memory that the system of transferring the court procedure developed a big political issue in the past as the Tomori and Mackerel Pike affairs.

In the present investigation, I did not find any need of altering the hitherto held view that the rights of pre-assignment and repeal passed by the High Commissioner in Section 10 a (2) of the Executive Order, and the rights of transferring the court procedure on criminal and civil procedures as stipulated in Section 10 a (1), b (1) and (2) ought to be entirely abolished.

(3) Problems in Section 11

Section 11 of the Executive Order stipulates that "if such action is deemed by him to be important in its effect, direct or indirect, on the security of the Ryukyu Islands, or on relations with foreign countries and international organizations with respect to the Ryukyu Islands, or on the foreign relations of the United States, or on the security, property or interests of the United States or nationals thereof," the High Commissioner may (1) veto any bill or any part or portion thereof and annul any law or any part or portion thereof within a certain period of time, (2) remove any public official from office, (3) have the power of reprieve, commutation and pardon, and (4) "assume in whole or in part, the exercise of full authority in the Islands," if such assumption of

authority appears mandatory for security reasons.

This stipulation is so notorious in Japan and the Ryukyu Islands that it would offset the entire effort of the United States Civil Administration in the past few years to expand the autonomy of the GRI. Even if this stipulation has been provided in view of burdening the United States Administrative rights possessed by the United States Government mainly for the United States Government to maintain the military bases in the Ryukyu Islands, it must be regarded as a too old-fashioned and dictatorial stipulation at this point of time 23 years after the war.

My views concerning the revision of Section 10 are as follows:

- (a) Section 11 should be entirely confined to special stipulations when a state of emergency is declared. It should be amended for example that "the High Commissioner may, when he deems that there is a direct and serious effect upon the security of the Ryukyu Islands and Far East, (1) promulgate laws by himself, and (2) assume in whole or in part, the exercise of authority in the islands.
- (b) In this case, if the ordinance or proclamation issued by the High Commissioner in a state of emergency is to have priority over the rest of laws and orders, it would be unnecessary to stipulate the general rights of rejecting legislations or of making the laws and order out of effect.
- (c) The stipulation of the right to dismiss public officials would hardly be required.
- (d) The right to accord amnesty should be transferred to the administrative governor elected publicly.

2. The Following Ordinance and Proclamation are Considered to be Re-examined for Revision:

- (1) Custodian of Properties (Proclamation No. 7 of 1945) Ryukyuan Property Custodian (U. S. Military Government Directive No. 19 of 1948)
Proclamation No. 7 and Directive No. 19 should be rescinded and the rights of their management should be transferred to the Government of the Ryukyu Islands.

Nevertheless, the GRI in this case acts for the Japanese Government in the management of state-owned lands, and has only the right of management as a bona fide custodian over the lands owned by the former Okinawa Prefecture because the GRI is not legally identical with the former Okinawa Prefecture. Consequently, none of these properties can be disposed of without formal approval of the Japanese Government.

- (2) Land Title (Proclamation No. 8 of 1951)

This can be abolished.

- (3) Reclaimed Lands (Ordinance No. 106 of 1953)

This can be abolished.

- (4) Ryukyuan Income Tax (Ordinance No. 114 of 1953)

This should be abolished after providing intermediate measures.

- (5) Corporation Tax (Ordinance No. 115 of 1953)

This can be abolished.

- (6) Payment of Tax on Private Vehicles for Use of Highways (Ordinance No. 126 of 1954)

It would be advisable to abolish the ordinance and after integrating it into the civil code, to provide special stipulations on the tolls.

- (7) Establishment of the Department of Police (Ordinance No. 39 of 1961)

A recommendation has been given to the Legislature to draw up a draft of police law.

(8) Special Account for Emergency Disaster Relief Fund (Ordinance No. 40 of 1961)

This should be abolished and integrated into the civil code.

(9) Control of Narcotics (Ordinance No. 59 of 1965)

This ordinance stipulates about importation of narcotics and it would be advisable to keep this decree intact for the time being.

(10) Change of Status to Permanent Resident (Directive No. 5 of 1954)

This directive should be abolished, and the regulations on foreigners other than those having Japanese nationality should be established separately.

(11) Transfer of Permanent Family Register into Ryukyu Islands (Directive No. 6 of 1954)

Any one who has a Japanese nationality should be freely allowed to transfer its registration to that of the Ryukyu Islands.

(12) Family Register Information (Directive No. 6 of 1955)

This can be left intact for the time being.

3. Re-examination of the Effect of Directives and Letters

The form of law determining the rights and duties of the people and regulating the behavior of the people should be confined to "Ordinance," and the other forms such as "Directive," "memorandum," "letter," etc. should be confirmed to be without effect. (Hitherto, such various forms have been used as in the cases of Lewis Letter and Taxation on Mackerel Pikes.)

4. Coordination of Legal Systems in Ryukyu Islands

In the Ryukyu Islands, apart from the lack of a constitution or some basic democratic law to take its place, the laws promulgated by the United States Civil Administration have priority over the other laws, and the ordinance and proclamation issued by the United States Civil Administration, the laws established by the Legislature of Ryukyu Islands and the former Japanese laws are all concurrently applied.

These complicated legal systems must be re-examined and studied in order to coordinate them in the direction of approximating them to the Japanese laws in Japan proper as a preparatory step towards reversion. For this purpose, a legal council formed by Japanese and Ryukyuan legal experts.

III. Establishment of a New Relationship between the U.S. Civil Administration and the GRI

The situation in the Islands of Ryukyu has reached the stage in which the returning of the administrative rights over the Ryukyus from the United States to Japan has become a concrete problem negotiated between the govern-

ments of the two countries. In Naha, the Advisory Committee to the High Commissioner of the R.I. has been established, and recommendations are made to the High Commissioner on the identification policy of Japan proper and the Ryukyu Islands in preparation for the returning of the administrative rights to Japan. Thus "a new era" has started in the history of the Ryukyu Islands. Moreover, the Chief Executive of the GRI is scheduled to be elected publicly in November this year.

At this juncture, we feel strongly the urgency and the significance of radical revision of the relationship between the United States Civil Administration having the administrative rights and the GRI which legally has the character of its mere agency, and thus of giving the GRI the reality of being the government of autonomy for the people of the Ryukyu Islands. In other words, there ought to be a stage in which a radical revision of the United States administration over the Ryukyu Islands is to be made before the administrative rights of the Ryukyu Islands are returned to Japan. Such a stage itself would be an important step towards reversion of the Ryukyu Islands to this country. I firmly believe that such a radical revision of the administration by the United States over the Ryukyu Islands is quite significant and effective to Japan, the United States and the Ryukyu Islands. What I said in I. described earlier in this report is my views based on the recognition of this fact, and I should like to point out points of revision in this section on the new relationship between the United States and the Ryukyu Islands.

1. General Supervision of the United States Civil Administration

The points described here concerning the supervision by the United States Civil Administration on (1) revision and amendment of laws, (2) financial management, and (3) planning of works, etc. are merely illustrations and do not exhaust the whole problems.

(1) Revision and Amendment of Laws

The coordination before and after the revision and amendment of a general law should usually be abolished, and the rights to reject and to rescind the legislative drafts should be abolished.

(2) Supervision of Financial Management

Although it may be inevitable to conduct coordination beforehand with the United States Civil Administration concerning the legislative recommendations of the budget of each fiscal year, it appears unnecessary to supervise the GRI on the individual items of ordinary fiscal management.

(3) Supervision of Construction Work and Planning

The execution of a construction work by the financial assistance of the Japanese and the United States Governments is stipulated to be approved beforehand by the United States Civil Administration on the basis of the letter of the United States Civil Administration and the contract between the Civil Administrator of the United States Civil Administration and the Chief Executive of GRI. This is superficially natural to do for the United States Civil Administration having the rights of administration to meet its responsibilities for the two countries. Nevertheless, there is some room for revision in the present practice in which the United States Civil Administration conducts not only the approval prior to the construction work but also the management and inspection of the construction. The USCAR official in charge had pointed out that there are not many engineers in the GRI and that the level of engineering skills is low, and requested the Japanese Government to give assistance in this field. Now to meet this request, the Japanese

Government should increase its effort to train engineers and technicians of the Ryukyuan Government and give financial assistance for sending engineers for designing, planning and supervision for works to be undertaken by the assistance of the Japanese Government as a means of solving this problem.

2. Basic Attitude of the United States Civil Administration in Its Government of the Ryukyu Islands

At the present stage of the situation in the Ryukyu Islands, the United States Civil Administration should as the body of executing the rights of administration of the Ryukyu Islands give emphasis on grasping the fundamental principles of the government of the Ryukyu Islands and on its control concerning the internal affairs of the Ryukyu Islands, and should confine its direct administrative measures to those closely linked with the smooth management of the U. S. Military bases. It would be wiser to leave the entire internal administration to the autonomy of the GRI. On the standpoint of this view, the organization and the personnel of the United States Civil Administration could be considerably reduced.

This would meet the requirement of showing some concrete steps to be taken on the part of the United States Civil Administration to meet the request by the Ryukyuan people for expanding the autonomy of the GRI after the public election of a new Chief Executive of GRI. Moreover, if the United States Civil Administration fails to take such measures, friction or trouble may arise between the United States Civil Administration and the GRI.

3. Measures for Increasing Autonomous Capacity of the GRI

For the United States Civil Administration to increase the administrative rights of the GRI, it is necessary to enhance the administrative capacity of the present GRI. The method of doing this is as follows.

(1) Abolition of Political Appointment of Bureau Directors

The fact that the positions of bureau directors which form the center of administrative execution are politically appointed has been a cause of lowering the administrative capacity of the GRI and clearly caused various troubles in the administrative system. For this reason, the positions of bureau directors should be regulated under the public servant law of the GRI as part of general public servants. This revision would bring about (a) raising of the morale of the public servants of lower ranks, (b) clearing away of political corruptions, (c) maintenance of the neutrality and continuity of the administration, and (d) obtaining of really responsible administrative officials.

(2) Adoption of Plural Chief Executives

The GRI has to carry out both affairs of the administration of state and prefecture as well as complicated business under the United States Administration. Consequently, there ought to be created two or three deputy executives to assist the Chief Executive by dividing these affairs into the state affairs, prefectural affairs, and foreign relations affairs (including the affairs concerning the political parties), etc. and assigning these to the deputy executives separately. Thus the management of the GRI should be made functioning completely.

(3) Promotion of Exchange of Personnels between the Islands of Ryukyu and Japan Proper

Almost everyone points out the necessity of conducting personnel exchange between the GRI and the State or prefectural government agencies of Japan for both preparing the Ryukyu Islands to become a prefecture of Japan and expanding the autonomy of the Ryukyu Islands as a preparatory step towards reversion of the Ryukyu Islands to this

country. During the past 23 years since the end of the war, the administration of Japan proper has continuously changed radically, and the administrative system itself has become complex and highly modernized to meet the requirements of a modern welfare state, and a considerable portion of the administrative works is conducted in technically specialized fields. In contradistinction to this metamorphosis of the administration in Japan proper, the administrative officials in the Ryukyu Islands have almost entirely kept their traditional ways of doing things without sufficiently recruiting or training specialists to meet the requirements of modern administration in the past 23 years since the end of war.

Of course, the Ryukyu Islands have their special historical background, and sufficient considerations must be given to the interests of the Ryukyuan people who currently serve as public servants. Nevertheless, in view of the fact that a considerable number of officials take part in the personnel exchange between the prefectures of Japan proper, and they meet the requirements of modern administrative works through training on their jobs in various highly specialized fields, for expanding the autonomy of the GRI in preparation for reversion of the Ryukyu Islands from the overall standpoint, a personnel exchange program should be planned between the general public servants of the GRI and municipal officials and those of Japan proper and the program should be gradually implemented for enabling the GRI to conduct efficient administration.

(4) Reinforcement of Training

Together with the establishment of a personnel exchange program, expansion of the system of training employees of the GRI and the

municipal officies is very important for improving the administrative efficiency of the GRI.

Training of these workers is already underway to a considerable extent now in the technical assistance program extended by the Japanese Government to the GRI. Furthermore, the United States Civil Administration also conduct a training program of Ryukyuan public servants by sending them to the United States, Formosa, and other parts of the world. However, I think that the future programs of training public employees should be planned from the standpoint of giving training on the spot in various administrative and financial fields in Japan proper in an overall planning. Such programs should be planned annually for training public servants of the Ryukyu Islands either at home or in sending them to Japan proper.

On the effectiveness of the training conducted by the United States Civil Administration through sending Ryukyuan public officials to Formosa, I should frankly admit that I personally feel doubtful.

IV. Problems in Basic Rights of the Ryukyuan People

As has been pointed out earlier, it is evident that the people of the Ryukyu Islands seek similar basic rights to those enjoyed by the Japanese people in Japan proper. Since the Constitution of Japan is not yet applied in the Ryukyu Islands, the fundamental solution of this problem cannot be sought in other means than reversion of the Islands to Japan. The system of division of the three rights, legislative, administrative and juridical, of the Ryukyus can hardly be regarded as real as long as the GRI remain an agency of the United States Civil Administration.

If the true purpose of the United States policy of maintaining its administrative rights over the Ryukyu Islands lies in securing the military bases in these islands, the main thing is to give substantial guarantee for protecting the basic rights of the Ryukyuan people in the President's Executive Order which forms the fundamental law for governing the Ryukyu Islands, from the stand point of harmonizing the effective maintenance of the military bases with the welfare and security of the people of these islands.

I shall therefore limit my description to three of the items surveyed.

(1) Guarantee for Educational, Health and Social Welfare Standards

For raising these standards, it is necessary to increase administrative and financial assistances to the GRI and to integrate as far as possible the laws and systems concerning education, health, and social welfare.

(2) Basic Labor Rights of Workers in U.S. Military Bases

The differences in treatment between the workers in the United States military bases in the Ryukyu Islands and the workers (indirect employment) in the United States military bases in Japan proper are described in the attached material to the items investigated. For this reason, I shall omit detailed description.

The main source of trouble lies in the fact that, in spite of the inevitable interpretation that "Basic Freedoms" in Section 12 of the President's Executive Order naturally include the rights of union, of collective bargaining and dispute of the workers, those classified in Classification No. 1 and those engaged in important industries of the workers for the United States forces are not allowed to have the right of dispute by Ordinance No. 116. On this problem I have exchanged

opinions and ideas with the officials in charge of the United States Civil Administration, officials in charge of the GRI, and the leaders of the Prefectural Labor Association and the All-United States Military Base Employees, and the opinion I hold as a result is as follows:

(a) Problem of Indirect Employment

One approach for solving this problem takes the form of indirect employment. If the GRI becomes the intermediate employer of the workers for the United States Forces in the Ryukyu Islands as the Japanese Government in Japan proper, the GRI would determine the working conditions through collective bargaining with the workers whose right of dispute would then be maintained. This problem would then be solved.

Nevertheless, the United States Civil Administration appears to consider this approach impracticable because of the capacity of the GRI (that is, it is different from the case of the Japanese Government). I also think that the judgement of the United States Civil Administration on the GRI is correct.

In brief, the GRI views this problem from the standpoint of the rights of the workers while the United States Civil Administration judges the problem from the standpoint of effective management of the U.S. military bases, and thus there is no prospect of agreement between the two. At least judging from the management of the U.S. military bases in the Ryukyu Islands, I consider it difficult to take the approach of indirect employment.

(b) Problem of New General Ordinance

It was a wise step that Ordinance No. 116 was revised and

collective bargaining was to be allowed between the United States committee members appointed by the High Commissioner and the All Okinawa Military Employee's Trade Union to cope with the problem of 100% holidays of the AOMETU.

Now the problem of abolishing Ordinance No. 116 and promulgating a new general ordinance under study by the United States authorities is to be solved in the future.

The official in charge in the United States Civil Administration revealed that the United States Civil Administration intends to promulgate the new general ordinance which includes the stipulations concerning the labor disaster insurance, holidays for child births, additional payments, etc. and is thus remarkably better than the current system, as soon as Washington approves it. The GRI is opposed to this opinion, and I also find it necessary to request the United States Civil Administration to withhold such a rush promulgation because such a rush promulgation would disturb the quiet waters and what is simply held improvements would inevitably be criticised variously as the problem of the basic rights of the workers when it is promulgated as a general decree.

I further told the American official in charge that the Japanese Government should be informed of the new general ordinance sufficiently before its promulgation for its examination so that the Japanese Government could inform the United States of its opinion on it, and he revealed that the United States Civil Administration is prepared to do so.

(c) Measures for Relieving Former Employees in the United States Forces

It is absolutely necessary to take some effective relief measures for the former employees in the United States military bases in the Ryukyu Islands in a similar manner to the system used in Japan proper, even if it is difficult to change the system into that of indirect employment. Both the GRI and the AOMETU showed enthusiasm for such relief measures.

I should like to report that I felt strongly the importance and urgency of such relief measures as realistic assistance to the former employees in the United States military bases in the Ryukyus apart from the legal matter concerned.

(3) Code of Penal Law and Procedure (Ordinance No. 144, 1955)

The ordinance has many problems from the point of view of the principle of determining punishment legally and from the point of view of proper legal procedure. This ordinance must be re-examined and it is advisable to abolish if it is possible at all.

V. Problems Around the U. S. Military Bases

1. Problems of Public Nuisances and Counter Measures

(1) Problem of Noise

For Katena Primary School, Kadena Junior High School and Yara Primary School situated close by the U. S. military bases where the level of noise exceeds 90 phons, the United States has provided a measure of protecting from noise, and explosion noise transfer devices are provided in the U. S. military bases. Nevertheless, although there are 17 other schools which suffer from noises between 70 and 90 phons among the primary and junior high schools in the Ryukyu Islands

reportedly around the U. S. military bases, no investigation or measures have been taken. It also appears that the noise protecting walls built in the U. S. military bases have little effect.

(2) Problem of Gasoline Leakage in the US Base

An incident of mineral oil leakage at Katena Air Force Base has polluted 16 wells, but the problem of compensation has not yet been solved because of disagreement of both parties. The problem of pollution of simple water ways and paddy field by the broken pipe line of oil in Futenma Marine Base has been solved through the payment of damages at 16,272 dollars.

The GRI is demanding the U. S. military authorities of providing a permanent separator made of concrete for disposing of inflammable detergent exhausted from the airplane washing shop in Kadena Air Base so that only water would be exhausted into the ditch that runs into the village. It also is requesting the U. S. authorities to conduct more rigorous management of the oil pipe line at Futenma.

(3) Radiowave Disturbance

The problem of radiowave disturbances of VOA radio station once became a big issue in Okinawa, but the problem is now abated by the emergency measures taken by the VOA station.

Concerning these public disturbances and nuisances due to the U. S. military bases, the U. S. authorities should of course prevent such accidents and take immediate steps to cope with the problems when they arise. For if the steps are taken too late, it would be utilized by some seditious elements.

2. Problem of Areas Allowed for Cultivation in Areas Assigned for U.S. Military Use

I heard that the renewal of rent contracts of areas assigned for military use and revision of rentals were to be made on July 1, this year, so I requested that negotiations should be sufficiently made with the people concerned and that satisfactory solutions should be made.

3. Compensations Concerning the U. S. Military Bases

The current law of damages and compensations for foreigners should be revised. Individual compensations are not always insufficient, but the law gives considerable disadvantages compared with the Special Civil Laws in Japan proper because of the limit of 15,000 dollars in the amount indemnity, compensations being made as a favor, and these are not objects of civil procedure.

4. Problems of Crimes Committed by U. S. Military Personnel

It must be highly evaluated that the High Commissioner, the U. S. military authorities are doing their utmost for preventing crimes by the U. S. military personnel, and that the efforts are being made to prevent accidents through collaboration of the United States Civil Administration, the U. S. Armed Forces and Ryukyuan Police.

Nevertheless, the number of crimes committed by the U. S. military personnel cannot be said to be on the decrease. This is quite regrettable.

(1) Right of Search (Cooperation with the U.S. Forces)

About 27% of the arrests of offenders are arrested by the United States agencies, while the rest 73% are arrested by the Ryukyuan Civil Police. A memorandum for cooperation in searching has been exchanged between the United States armed forces and the Ryukyuan Civil Police,

and the two have cooperated in arresting offenders on the basis of this memorandum.

For reinforcing this system of investigation, negotiations are underway with the Criminal Investigation Detachment on the "Investigation Mutual Assistance Agreement."

I requested the United States authorities that Ordinance No. 87 "The Right of Arresting by Ryukyuan Police" which has been often pointed out as problematic should be revised in order to increase the right of arresting for the Ryukyuan Police.

(2) Right of Court Procedure

This point has been already described, so it is omitted here. When I pointed out to the official in charge at the United States Civil Administration that the results of judgment on crimes committed by the U. S. military personnel tend to be withheld from public announcement which caused undue suspicion on the fairness of the judgment, he admitted that there was such incidents in the past but they intend to announce the results publicly as soon as possible. He also revealed that a measure of allowing the presence of a judge of the High Court of the GRI at the Military Court in order to clearly indicate the fairness of judgment publicly is under consideration.

(3) (1) the reality of crimes committed and the compensations made need not be described here, so they are left out.

Conclusion

- (1) I owe greatly to the cooperation of General Anger, High Commissioner of the R.I., Mr. Carpenter Civil Administrator, and the Bureau Directors and officials in charge at the United States Civil Administration for preparing this report. For these people I am deeply grateful.

At the same time, I should like to acknowledge my deep gratitude for cooperation to Mr. Matsuoka, Chief Executive of the GRI, Mr. Akamine, Deputy Executive, and the Bureau Directors and officials in charge.

- (2) In this report, I have tried to give unbiased judgment on the basis of factual findings, but it has been inevitable that my own personal experience during my sojourn in office for the past three years and nine months colored the description.

Consequently, if there is any prejudices and dogmatic descriptions, I am the first one to correct them gladly. I shall welcome any comment by anyone concerned in this respect.

- (3) The guiding idea throughout this report is how to cope with the problems involved in the Islands of Ryukyu through understanding and cooperation between the governments of the United States and Japan at present in treating the present task of bringing about reversion of the Islands of Ryukyu to Japan. Therefore, I should like to note that I have no intention of criticising the United States Administration of the Islands of Ryukyu with prejudice.

I hope that this report would contribute to the ultimate reversion of the Ryukyu Islands to Japan satisfactorily through understanding and cooperation between the United States and Japan over the problems of the Ryukyus.

極 秘
無 期 限
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26 下田大使

27 高瀬大使

28 堂, 参事官

29 控

30~31 在京米大使館

英文(11~30, 但し21欠番) 19部

11~15 在京米大使館 (5部)

16 堂, 参事官

17 下田大使

18 評長 (燃部 45/11/9)

19 局長

20 参事官

21 高瀬大使

22 控

23 佐藤参事官 (燃部 45/11/9)

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26 (燃部 45/11/9)

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