Okinawa and Human Rights Scholarship in the Law and Japan Field
A Bibliographic Compilation

Brandon Marc T. Higa, J.D./M.A.*

I. TAXONOMY .................................................................................................................. 205
II. MATERIALS FOUND...................................................................................................... 207
   A. General .................................................................................................................. 207
   B. International Relations & Law; Geopolitical and Legal Issues Concerning Okinawan Citizens Within the Context of the U.S.-Japan Security Alliance ................................................................. 213
   C. Protection of International Human Rights .............................................................. 219
   D. Legal Issues Concerning Okinawans ....................................................................... 228
   E. Okinawa Peace Movement and Protests Against U.S. Military Presence ............... 233
   F. Okinawa History, Generally ................................................................................ 239
III. KEYWORDS .................................................................................................................. 250

This bibliography, inspired by the bibliographic compilation by Professor Mark A. Levin and Kallista Hiraoka titled, Gender and Law Scholarship in the Law in Japan Field,1 and Professor Levin’s body of work in the Law in Japan field of study, aims to offer a tool for researchers interested in issues relating to human rights and free speech issues in Okinawa. This bibliographic compilation gathers sources from the University of Hawai‘i at Mānoa’s Hamilton Library Asia Collection the newly launched Sakamaki-Hawley Collection, William S. Richardson School of Law’s Law Library, and George Washington University’s Okinawa Collection donated by the Okinawa Prefectural Government. The collection of materials was expanded to include dissertations from a variety of social science disciplines, as well as legal scholarship from law journals.

---

*Brandon Marc Higa, J.D., Doctoral candidate (S.J.D.), Doctor of Juridical Sciences, William S. Richardson School of Law, University of Hawai‘i at Mānoa. B.A. & M.A., University of Southern California. This research was supported by the Michiko and Kaoru Kashiwagi Japanese Studies Scholarship and Sam and Helen Piesner Endowed Scholarship for Japanese Legal Studies. Thank you to Professors Mark A. Levin, Tae-Ung Baik, and Dr. Lonny Carlile for guiding my dissertation research. This project would not be possible without the editorial contributions of Kira Goo and the Asian-Pacific Law and Policy Journal. This bibliography is dedicated to my cousin Janet, first of the Sansei generation in the Higa family, as well as my late cousins Albert and Val whose adventures to lands where no Okinawan has traveled before I will remember very fondly.

This bibliography contains approximately 325 publications, including books, dissertations, law journal articles, online publications, treatises, and other sources. The bibliography focuses on the contemporary era, particularly on human rights, free speech, and other legal issues in Okinawa from 2000 to present.

Preliminary criteria for listings in this bibliography include: 1) existing English-language publications, 2) relating to human rights, free speech, or other legal issues in Okinawa Prefecture concerning the U.S. military presence, and 3) published in books, law review journals, academic journals, or other scholarly sources, rather than in mass media sources. This bibliography extends beyond legal scholarship and includes sources discussing Okinawa within the context of history, international relations, political science, feminism, and other social science perspectives.

This bibliography is organized through a taxonomy of two layers: 1) general organization by thematic categories; and, 2) centrality to my dissertation topic. The first layer organizes sources thematically by discipline, chronology, legal doctrines discussed, and other categories. For the second layer of analysis, sources within each category and subcategory are ranked according to centrality to my dissertation topic by high relevance (i.e., sources central to my dissertation), intermediate relevance (i.e., sources providing supporting information relevant to my dissertation), and low relevance (i.e., sources a researcher focusing on Okinawa should be aware of, but are not central to my dissertation).

I. TAXONOMY

1. General
   1.1. Overview works – multiple topics broadly themed, international relations, history, and legal theory in Japan
   1.2. Roles of national security and local politics in the Asia-Pacific region
   1.3. U.S.-Japan Security Alliance
   1.4. Japan Criminal Justice System
   1.5. Constitutional Law: Freedom of Speech and Peaceful Assembly

2. International Relations & Law; geopolitical and legal issues concerning Okinawan citizens within the context of the U.S.-Japan Security Alliance
   2.1. Status of Forces Agreement
   2.2. Article 9 of the Constitution of Japan
   2.3. Territorial Disputes
   2.4. Regional Security Issues – China, North Korea, and other security concerns, regional and multilateral security alliances in ASEAN, etc.
3. Protection of International Human Rights
   3.2. Economic, Social, and Cultural Rights – potential violations of human rights protected by the United Nations ICESCR by the continued U.S. military presence in Okinawa Prefecture
   3.3. Ryukyuans as Ethnic Minorities and Indigenous Peoples
   3.4. Feminist Perspectives toward Human Security
4. Legal Issues Concerning Okinawans
   4.1. Human Security
   4.2. Women’s Issues
   4.3. Self-Autonomy
   4.4. Land Disputes
   4.5. Environmental Issues
5. Okinawa Peace Movement and Protests Against U.S. Military Presence
   5.1. Hiroji Yamashiro’s arrest and detention (2017 to present)
   5.2. Rina Shimabukuro rape and murder (2016)
   5.3. 1995 Rape Case
6. Okinawa History, Generally
   6.1. Ryukyu Kingdom in the Chinese tributary system (1300s to 1600s) – pre-modern Ryukyu Kingdom (Liu Ch’iu) as an independent sovereign in the Chinese tributary system
   6.2. Ryukyu Kingdom relations with Satsuma han (1609 to 1873) – Satsuma han (pre-modern Osaka Prefecture) invasion of Ryukyu and dual subordination to China and Japan, arrival of Western powers
   6.3. Ryukyu’s conversion to Japanese territory during the Meiji Restoration (1873 to 1945) – Ryukyu’s official annexation by Japan as Okinawa Prefecture, Japan’s imperial conquest in the Asia-Pacific and beyond
   6.5. Reversion and Cold War politics (1972 to 1995) – Okinawa’s reassimilation to Japanese society post-reversion, dual subordination to U.S. and Japan
   6.6. Okinawa’s anti-militarism (1995 to 2000) – re-emergence of peace movement, women’s groups, and land disputes
   6.7. Futenma Relocation Plan implementation (2001 to present)
II. MATERIALS FOUND

A. General

1.1. Overview works – multiple topics broadly themed, international relations, history, and legal theory in Japan

15. GEORGE AKITA, EVALUATING EVIDENCE: A POSITIVIST APPROACH TO READING SOURCES ON MODERN JAPAN (2008).

1.2. Roles of national security and local politics in the Asia-Pacific region

4. NETWORK POWER: JAPAN AND ASIA, (Peter J. Katzenstein & Takashi Shiraishi eds., 1997).
1.3. U.S.-Japan Security Alliance

7. NETWORK POWER: JAPAN AND ASIA, (Peter J. Katzenstein & Takashi Shiraishi eds., 1997).
1.4. Japan Criminal Justice System

First Tier Sources (high relevance)


Second Tier Sources (moderate relevance)

6. Daimeon D. Shanks, From Aspirational to Prescriptive Capacity Building: Post-Conflict States, Rule of Law, and


Third Tier Sources (background materials)


1.5. Japan’s Constitutional Law

First tier sources

2. GLENN D. HOOK & GAVAN MCCORMACK, JAPAN’S CONTESTED CONSTITUTION (2001)

Second tier sources


Third tier sources

1.6. Japanese Legal System (Japan-Okinawa Courts)

2. HIROSHI SEGI, ZETSUBO NO SAIBANSHO [COURT WITHOUT HOPE] (絶望の裁判所) (2014).

B. International Relations & Law; Geopolitical and Legal Issues Concerning Okinawan Citizens Within the Context of the U.S.-Japan Security Alliance

2.1 Status of Forces Agreement

First tier sources


Second tier sources


Third tier sources


2.2 Article 9 of the Constitution of Japan


### 2.3 Territorial Disputes


2.4 Regional Security Issues – China, North Korea, and other security concerns, regional and multilateral security alliances in ASEAN, etc.

First tier sources

10. **China-Taiwan Relations, the Japan-U.S. Alliance, and Okinawa - A Realistic Examination of the Issues** (中台関係・日米同盟・沖縄－その現実的課題を問う－), (Akikazu Hashimoto, Mike Mochizuki, & Kurayoshi Takara eds., Shohan ed. 2019).

Second tier sources


Third tier sources


C. Protection of International Human Rights

*First tier sources*


**Second tier sources**


3.1 Civil and Political Rights – potential violations of human rights protected by the United Nations ICCPR by the treatment of Okinawan peace activists during arrest and detention

First tier sources


Second tier sources


Third tier sources

1. MIYUME TANJI, OKINAWA UNDER OCCUPATION: MCDONALDIZATION AND RESISTANCE TO NEOLIBERAL PROPAGANDA (2017).

3.2 Economic, Social, and Cultural Rights – potential violations of human rights protected by the United Nations ICESCR by the continued U.S. military presence in Okinawa Prefecture


### 3.3 Ryukyuans as Ethnic Minorities and Indigenous Peoples


Second tier sources


Third tier sources


### 3.4 Feminist Perspectives toward Human Security

**First tier**


**Second tier**

10. Marysia Zalewski, *From the “Woman” Question to the “Man” Question in International Relations*, in *The “Man” Question in International Relations* 1–13 (Marysia Zalewski & Jane Parpart eds., 1998).

**Third tier**

10. Steve Smith, *“Unacceptable Conclusions” and the “Man” Question: Masculinity, Gender, and International Relations*, in *The “Man” Question in International Relations* 54–72 (Marysia Zalewski & Jane Parpart eds., 1998).
11. Jennifer Lynn Gossett & Sarah Byrne, *“Click Here”: A Content Analysis of Internet Rape Sites*, 16 Gender & Soc. 689, 689–709 (2002).

D. *Legal Issues Concerning Okinawans*

4. **Legal Issues Concerning Okinawans**

4.1 **Human Security**

4.2 Women’s Issues


4.3 Self-Autonomy

**First tier sources**


**Second tier sources**


**Third tier sources**

18. Masamichi S. Inoue, “*We Are Okinawans of a Different Kind*: Henoko History, Camp Schwab, and Working-Class

4.4 Land Disputes

First tier sources


Second tier sources


4.5 Environmental Issues


E. *Okinawa Peace Movement and Protests Against U.S. Military Presence*

5.1 Hiroji Yamashiro’s arrest and detention (2017 to present)

**First tier sources**


**Second tier sources**


apan-commentary/silencing-anti-u-s-base-protester-okinawa/ (last visited Nov. 24, 2019).

Third tier sources


5.2 Rina Shimabukuro rape and murder (2016)


237 Asian-Pacific Law & Policy Journal [Vol. 22:1


22. David McNeill, Special Report: US Troops Are Stationed in Japan to Protect the Nation. But to Sex Workers in Okinawa, They Bring Fear, Not Security, INDEPENDENT (June 16, 2013),
5.3 1995 Rape Case

F. Okinawa History, Generally

6.1 Ryukyu Kingdom in the Chinese tributary system (1300s to 1600s) – pre-modern Ryukyu kingdom (Liu Ch’iu) as an independent sovereign in the Chinese tributary system


6.2 Ryukyu Kingdom relations with Satsuma han (1609 to 1873) – Satsuma han (pre-modern Osaka Prefecture) invasion of Ryukyu and dual subordination to China and Japan, arrival of Western powers


6.3 Ryukyu’s conversion to Japanese territory during the Meiji Restoration (1873 to 1945) – Ryukyu’s official annexation by Japan as Okinawa Prefecture, Japan’s imperial conquest in the Asia-Pacific and beyond


6.4 Post-World War II Occupation (1945 to 1972) – U.S. military occupation of Okinawa

First tier sources

2. JAPAN AND OKINAWA: STRUCTURE AND SUBJECTIVITY (Glenn D. Hook & Richard Siddle eds., 2003).

Second tier sources

**Third tier sources**


**6.5 Reversion and Cold War politics (1972 to 1995) – Okinawa’s reassimilation to Japanese society post-reversion, dual subordination to U.S. and Japan**


6.6 Okinawa’s anti-militarism (1995 to 2000) – re-emergence of peace movement, women’s groups, and land disputes

First Tier Sources


8. Masahide Ota, Governor Ota at the Supreme Court of Japan, in Okinawa: Cold War Island 205-14 (Chalmers Johnson & Japan Pol’y Research Inst. eds., 1999).


**Second Tier Sources**


**Third Tier Sources**


6.7 Futenma Relocation Plan implementation (2001 to present)

First Tier Sources

Second Tier Sources


Third Tier Sources


III. KEYWORDS

1. The “Okinawa Problem”
2. SOFA, Status of Forces Agreement, extraterritoriality, civilian components, contractors
3. Marine Corps Air Station Futenma (“MCAS Futenma” or “Futenma”), Henoko, Nago City, Oura Bay, base relocation, Osprey, Camp Schwab
4. Okinawa peace movement, sit-in protest, citizens activism, civil society, Hiroji Yamashiro, Keiichi Inamine, Denny Tamaki, Masahide Ota
5. Freedom of speech and peaceful assembly
6. Human rights in Japan, The Nibutani Dam Decision, Article 98(2) of the Japanese Constitution, self-executing treaty, direct applicability
7. Japanese Code of Criminal Procedure, hostage justice, pre-trial detention, pretextual arrest, right to an attorney, due process rights
8. ICCPR, arbitrary detentions, liberty and security of persons, prisoner of conscience, right to hold opinions without interference
9. ICESCR, UNESCO, indigenous rights, self-autonomy, right to self-determination
10. Ryukyu Kingdom (Liu Ch’iu), Ryukyu people
11. Constitution of Japan, Article 9, re-militarization
12. Feminist international relations, military violence, recreational rapes, hypermasculinity, Rina Shimabukuro
13. Comparative law
14. Law and international relations, constructivism, historical analysis, Northeast Asia regional security, North Korea, China, territorial disputes, Diaoyu, Senkaku