



All Local Governments with US Military Bases Request Revision of the Japan-US Status of Forces Agreement



In 2013, Okinawa Prefectural Government confirmed high levels of PFAS in wells at Kadena Air Base. “In October 2014, when the Japanese and US governments essentially agreed to the Environmental Stewardship Agreement Supplementary to Japan-US SOFA, which did not include provisions for environmental investigations, the US military in Japan began refusing to allow Japanese personnel to enter bases for investigations, including environmental investigations.”

Photo: Kadena Air Base, TM Photo album / PIXTA

In Okinawa, there have been a number of crimes committed by US military service members, and there are even cases where crime information is not provided or shared with the Okinawa Prefectural Government. All local governments with US military bases in Japan have called for the Japan-US Status of Forces Agreement to be revised. Considering the real strengthening of the alliance, we cannot turn a blind eye to the asymmetry of privilege between the United States and Japan.

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Policy on which all the Tokyo gubernatorial candidates' answers agreed

In a survey conducted by the *Tokyo shimbun* newspaper of the six main candidates for the Tokyo gubernatorial election on July 7, 2024, there was one issue on which all the candidates agreed. It was the revision of the Japan-US Status of Forces Agreement (SOFA). “There are US military facilities in Tokyo, including the US Yokota Air Base, which cause noise and other problems. Japanese domestic laws do not apply to these areas, and revision of the Status of Forces Agreement between Japan and the United States

has been a long-standing issue.” When asked, “Do you think the revision is necessary?,” incumbent Koike Yuriko replied, “Yes, it is necessary,” and all the other candidates replied, “If anything, it is necessary.”

In the issue of the detection of pollutants such as per- and polyfluoroalkyl substances (PFAS) exceeding the national interim target level in groundwater in the Tama Ward of Tokyo, near the US Yokota Air Base, it has been pointed out that the Yokota Air Base may be the main source of contamination. PFAS is a general term for organofluorine chemical compounds that are persistent in nature, and overseas research has shown that when they accumulate in the bodies of living organisms, they can cause a variety of adverse health effects.

The US military in Japan has acknowledged that foam firefighting agents leaked at Yokota Air Base three times between 2010 and 2012, and four times between 2020 and 2023. However, they state that the 2020–23 accidents involved foam extinguishing agents that did not contain PFAS (although, according to the *Tokyo shimbun*, they did contain PFAS), and claim that none of the accidents resulted in the agent leaking outside the base. They have also refused to disclose details of the accidents, such as the location and amount of the spill.

Article 4¹ of the SOFA states that the US is not obliged to restore areas used by US forces in Japan to their original condition or to compensate Japan, so serious pollution at US military bases all over Japan has gone unchecked for years. Moreover, the 2015 Agreement on Environmental Stewardship Supplementary to the Japan-US SOFA has exacerbated the situation, as will be discussed below.

Kanagawa Governor Kuroiwa Yuji also announced on July 5, 2024 that he would request the national government to revise the SOFA as the “Public Relations Liaison Council of National Governors,” which consists of 15 prefectures with US military bases and facilities, in response to the fact that five cases of sexual assault by US military service members that occurred in Okinawa between last year and this year were not reported to the Okinawa Prefectural Government (OPG). Governor Kuroiwa is the chairman of the Liaison Council. He urged local governments to provide information and prevent recurrence, and expressed his intention to push for revisions to the SOFA, such as strengthening Japan’s authority in criminal trials. The National Governors’ Association and the Liaison Council have each requested the national government to revise the SOFA almost every year since 2001. In 2018 and 2020, they submitted their own draft of the SOFA revisions, “Recommendations on the Burden of US Military Bases,” to the national government.

Article 17 of the SOFA stipulates that an incident or accident involving a US military service member and civilian component occurs whether the service member is on duty or off, and the US military will detain the perpetrator until charged, unless the perpetrator is caught in the act. In 1995, the Japanese and US governments agreed to improve the operation of the SOFA, and in cases of violent crimes such as murder, robbery, and rape, the US side will show leniency so that the perpetrator can be turned over to Japanese authorities for questioning even before indictment. However, until 2004, there were many cases in which the US military refused to extradite the perpetrator. In addition, there have been only six cases nationwide in which the Japanese side has requested the extradition of the perpetrator before indictment, and the last request was in 2008. Even in the case of a US Air Force service member accused of kidnapping

¹ The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration. <https://www.mofa.go.jp/region/n-america/us/q&a/ref/2.html>

and raping a girl under the age of 16 in Okinawa in December 2023, the Japanese side did not request the extradition of the perpetrator.

All local governments with bases request revision of the SOFA

Calls for revision of the SOFA are also coming from mayors of cities and towns across the country where US military bases are located. Mayor Fukuda Yoshihiko of Iwakuni City, where Marine Corps Air Station Iwakuni (Yamaguchi Prefecture) is located, is a mainstream conservative who became mayor of Iwakuni in 2008 after inheriting the constituency that was originally the base of former Prime Minister Sato Eisaku (1901–75) and becoming a member of the Liberal Democratic Party’s House of Representatives. Mayor Fukuda stated at the March 2024 city council meeting that “revision of the SOFA is inevitable.” This followed an incident in December 2022 in which a Marine from Marine Corps Air Station Iwakuni broke into a car dealership in the city, stole a recently delivered sports car worth 5.3 million yen, and caused a rear-end collision while driving under the influence of alcohol.

After the incident, the Marine refused to pay compensation, claiming that he could not afford to pay. Based on Article 18 of the SOFA, the US authorities determined the amount of compensation and paid it to the victim, who was the owner of the car, but the total amount was significantly less than what the victim had requested. The victim gave up appealing for the reason that a lawsuit would take time and money, and he was not sure if he would win the case. Mayor Fukuda said, “The method of compensation and other matters are left to the discretion of the US side, so [the SOFA] needs to be revised.”

Incidentally, if a lawsuit for compensatory damages is filed and a Japanese court issues a judgment ordering the perpetrator to pay, and the US side’s compensation amount is less than the amount of the judgment, the Japanese government will pay the difference instead. It is called the SACO special payment for compensation, as it was agreed as an improvement to the administration of the SOFA in the final report of the Special Action Committee on Okinawa (SACO), which was established in November 1995 to improve the US military base issues in Okinawa.

Okinawa, where about 70% of US military facilities in Japan are concentrated, has been calling for a revision of the SOFA, whether conservative [base-dependent] or progressive [anti-base]. Since the 1990s, governors such as Ota Masahide (1925–2017), Inamine Keiichi (1933–) and Onaga Takeshi (1950–2018) have compiled their own prefecture-specific “review” proposals and submitted them to both the Japanese and US governments. In 2010, the Central Association of Cities and Towns of Okinawa also unanimously passed a resolution calling on the government to “fundamentally revise” the SOFA. In a survey of candidates conducted by the *Ryukyu shimpo* newspaper ahead of the Okinawa Prefectural Assembly election on June 16, 2024, 68 respondents (except for one who did not respond) answered that the SOFA “needs revision.”

Supplementary agreements as political trade-off with Futenma relocation

Although local governments across the country, whether conservative or progressive, have called for revision of the SOFA, it has never been revised since its inception in 1960. Incidentally, Germany revised the Supplementary Agreement to the NATO Status of Forces Agreement (NATO SOFA) in 1993, Italy in 1995, and South Korea agreed to revise the US-South Korea Status of Forces Agreement in 2000.

In Japan, when former Prime Minister Kishida Fumio was Foreign Minister, two supplementary agreements, the Agreement on Environmental Stewardship Supplementary and the Agreement on Cooperation with regard to the Implementation Practices relating to the Civilian Component of the US Forces in Japan (Supplementary Agreement on Civilian Component), were concluded, but they cannot be called revisions of the SOFA. Both supplementary agreements have resulted in what can only be described as deteriorations.

The Agreement on Environmental Stewardship Supplementary, which was signed in 2015, provides for the sharing of information between Japan and the United States on environmental pollution on bases, the establishment of environmental standards, and procedures for entering bases for environmental surveys. However, the Agreement on Environmental Stewardship Supplementary did not specifically mention the environmental surveys on US military bases that have been conducted annually since 1978 by the Ministry of Environment (in Okinawa, the OPG is commissioned by the Ministry of Environment). In this survey, the Japanese side enters the base to examine the quality of water and air, and if pollution is confirmed, they request the US side to take improvement measures.

In October 2014, the Japanese and US governments essentially agreed to an Environmental Stewardship Supplementary Agreement that did not include provisions for environmental investigations, and US forces in Japan began denying the Japanese side access to the bases for investigations, including environmental investigations. The previous year, the OPG had confirmed high levels of PFAS in wells and other sites on Kadena Air Base property.

Why did this happen? Because of Article 4 of the SOFA, the Japanese and US governments agreed to exclude “restoration” from the scope of the agreement during the negotiation phase of the Environmental Stewardship Supplementary Agreement. After the agreement was concluded, the US military in Japan began to claim that the investigation of past contamination was “the first step toward restoration.” In addition, under the US Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which requires polluters to bear the costs of investigation and cleanup, the Department of Defense (DoD) has taken the position that “cleanup of contamination outside the United States is a matter of national agreement.” For this reason, when the US military in Japan established the Japan Environmental Governing Standards (JEGS), the DOD’s instructions stated that restoration based on the SOFA did not include restoration.

Why did the “Environmental Stewardship Supplementary Agreement” become one that can be interpreted in a way favorable to the US side? This is because it was hastily put together by the second Abe Shinzo administration with the political situation in Okinawa in mind.

In December 2013, at the Okinawa Policy Council, a meeting of government ministers and the governor of Okinawa Prefecture, Governor Nakaima Hirokazu called for the implementation of measures to reduce the burden on Okinawa’s bases, such as allowing on-site inspections of US military bases before approving the reclamation of public waters in Henoko, Nago City, where Marine Corps Air Station Futenma will be relocated. That same month, Prime Minister Abe told Governor Nakaima that he would begin negotiations between Japan and the US to create a supplemental environmental agreement that would meet Okinawa’s demands. The Japanese and US governments held nine rounds of consultations beginning in February 2014, and announced a substantive agreement on the Agreement on Environmental Stewardship Supplementary in October of that year. The Okinawa gubernatorial election

was scheduled for November of that year, and the announcement came at a time when Nakaima's third term was being supported. However, Nakaima lost by about 100,000 votes to Onaga Takeshi, who had campaigned on preventing the relocation of the Marine Corps Air Station Futenma to Henoko.

The Supplementary Agreement on the Civilian Component, signed in 2017, was also intertwined with the lawsuit between the national government and the OPG over the Henoko landfill and election strategy. The direct trigger was the April 2016 case in which a former US Marine assaulted and murdered a local woman while she was taking a walk in Uruma City, Okinawa Prefecture, with the intent to rape her. The assailant had worked at Kadena Air Base after leaving the military and was a military employee under the SOFA. The United States has primary jurisdiction over incidents and accidents that occur while on duty, and there was a risk that the Japanese side would not be able to detain someone until they were charged, even if they were not on duty.

The Abe administration began the main construction of the Henoko reclamation project in October 2015, and filed an enforcement lawsuit against the prefectural government of Onaga Takeshi for revoking the reclamation permit granted by former Governor Nakaima after the Minister of Land, Infrastructure, Transport and Tourism recommended and instructed the government to revoke the permit. However, the Naha Branch of the Fukuoka High Court responded by issuing a settlement recommendation at the end of January 2016, and construction was temporarily suspended in March of that year. At the same time, the assault and murder in Uruma City occurred, and the July Upper House election was scheduled, with the re-election of incumbent cabinet minister Shimajiri Aiko, who was elected from Okinawa Prefecture, at stake.

Therefore, with the Upper House election looming, the Abe administration (1) clarified the scope of the Civilian Component, (2) strengthened mechanisms and procedures to ensure that persons ordinarily resident in Japan are excluded from being members of the Civilian Component, (3) ensured that they are indeed eligible for such status (designated as members of the Civilian Component), and (4) agreed with the US government to consult on strengthening education and training for all persons with status under the Japan-US Status of Forces Agreement. Then, in January 2017, they signed a supplementary agreement on the civilian component. However, Shimajiri lost the upper house election, and there is no LDP Diet member elected from the Okinawa Prefecture constituency.

The Supplementary Agreement on the Civilian Component does not specify the scope of military personnel, but stipulates that the scope of military personnel will be determined by the Joint Committee, which mainly discusses the implementation of the SOFA between the US Forces Japan Command and the Ministry of Foreign Affairs. The criteria for determining whether employees of contractors to the US military are to be considered civilian employees will be determined by the US-Japan Joint Committee, just as they are for civilian employees. As a result, the perpetrator of the Uruma incident was confirmed not to have the status of a civilian employee, but the number of civilian employees has nearly doubled from 7,048 in October 2017, shortly after the conclusion of the Supplementary Agreement on the Civilian Component, to 13,227 as of January 2022.

The problem is political will

The 2015 Report on Status of Forces Agreements issued by the US Department of State, which is responsible for foreign affairs, frankly lays out the US position and the problems. The United States has

514 military bases in 45 countries, and once it negotiates a status of forces agreement with one ally, other allies will be stimulated and demand revisions to the status of forces agreement. So it is always cautious about revising the status of forces agreement.

The US also places great importance on the criminal jurisdiction provisions in Status of Forces Agreements. The US State Department explains that the reason for this is that if US service members are judged “unjustly” by a foreign judicial system, the US government may not be able to maintain US forces overseas with popular support.

The State Department analyzes that the US side will always have the advantage in negotiating the SOFA if the country that hosts US troops needs them. According to a public opinion poll conducted by the *Yomiuri shimbun* newspaper in March and April 2022, the 50th anniversary of Okinawa’s return to Japan, 87% of people responded that the Japan-US Security Treaty contributes to Japan’s security. Owing to Japanese public opinion, the United States does not feel the need to enter into negotiations to revise the SOFA.

In addition, the SOFA divisions at the US Department of State and the US Department of Defense, Joint Chiefs of Staff, which deal with the SOFA issues, have very small staffs. The people assigned to the departments are experts with long careers, but they are reassigned every two or three years, and there is no proper handover. In addition, when SOFA problems arise, the first point of contact with a country hosting US troops is the local embassy, but the State Department sends people to each country’s embassy without giving them SOFA experience. As a result, the embassy staff is said to have no knowledge of the SOFA and to consider it a low political priority.

The problem is also serious on the Japanese side. The Ministry of Foreign Affairs is in charge of diplomatic negotiations on the SOFA, and the Ministry of Defense is in charge of responding to incidents and accidents involving the US military. This vertical division of responsibilities has resulted in a lack of coordination and cooperation between the MOFA and the MOD. The MOFA collected information about the sexual assaults by US service members that occurred in Okinawa in December last year and May this year before the indictments and shared it with the Prime Minister’s Office, but the MOFA did not share the information with the MOD.

Most importantly, the SOFA issues have been made invisible by Japanese leaders who want to emphasize the closeness of Japan and the United States as allies at home and abroad. The joint statement of the US-Japan summit held in the United States in April of this year proclaimed that “the US-Japan alliance has reached unprecedented heights.” At that time, Prime Minister Kishida said nothing to the US side even though he was aware of the crimes committed by US service members in Okinawa.

There is no contradiction between emphasizing the importance of alliance and facing the problems of the alliance head on, and solving the problems should lead to the real strengthening of the alliance. However, the Japanese leaders have neglected and ignored the SOFA issues, mistaking them for the priority of the alliance and instead threatening the lives of the people with an alliance that is supposed to protect them from external threats. This attitude by the Japanese government has turned US military bases into “nuisances,” concentrated facilities exclusively for the US military in Japan in Okinawa, and deadlocked the long-standing conflict between the OPG and the national government.

Okinawa is not in conflict with the national government because it “opposes US military bases” (in fact, Governor Denny Tamaki supports the Japan-US Security Treaty); rather, the OPG is protesting the

national government's upside-down attitude of not informing local governments, which are responsible for protecting the lives of their residents, about incidents and accidents involving the US military, and demanding the protection of its people.

Moderated by Mizushima Ryusuke, PHP Institute

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