The Asia-Pacific Journal: Japan Focus
In-depth critical analysis of the forces shaping the Asia-Pacific...and the world.

The Asia-Pacific Journal, Volume 11, Issue 34, No. 2, August 26, 2013.

The Limits of Sovereignty and Post-War Okinawan Migrants in Bolivia 主権の限界と戦後ボリビアへの沖縄移民

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ABSTRACT: This paper examines the legal implications for Okinawan migrants of Article 3 of the San Francisco Peace Treaty (hereafter SFPT), signed between Japan and most of the Allied Powers in 1951. Particularly, it analyses the case of post-war Okinawan migrants in Bolivia, showing how the legal conditions in the Ryukyu Islands were extended to the Andean country. The Japanese defeat in the Asia-Pacific War (August 1945) was followed by the occupation of the country by the United States. The peace treaty, signed six years later, originated during the early years of the Cold War and was fraught with geopolitical implications. The SFPT allowed the U.S. military to retain control of Okinawa prefecture without formally severing it from Japan. In other words, the treaty-makers allocated *de jure* sovereignty over Okinawa to Japan while the U.S. enjoyed *de facto* sovereignty. This distinction gave rise to a legal conundrum concerning the future of the islands and the legal situation of the Okinawan people onshore and abroad. Building on Japanese and English primary sources I examine the reaction of American and Japanese jurists to Article 3 and the approach of both governments toward offshore Okinawan migrants.

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The post-war United States occupation and administration of the Ryukyu Islands posed a series of questions regarding both Japanese sovereignty of its former prefecture and the legal status of the Okinawan people abroad.[1] The U.S. military administratively severed the islands from mainland Japan during the U.S. led post-war occupation of Japan (1945-1952) while garrisoning the islands. As former enemy territory and the main military hub for U.S. forces in the Western Pacific, the U.S. military government closely watched the Ryukyu Islands territory and discouraged border crossing.

The flow of migration to South America, once buoyant, became an option that only a few people could afford. In the penurious time of post-war Okinawa, international migration was only possible for those who had been "called" by relatives to join them in South America (*yobiyose*) and could pay the fees involved.[2] The San Francisco Peace Treaty (1951) did not substantially change the daily circumstances of people living in Okinawa. Unlike the rest of Japan, the islands remained under direct U.S. control. However, the prospects for migration did change; from 1954 Okinawans without family members abroad could migrate via one of the state-led migration programs to South America, one of the few regions in the world open to accept Japanese migrants after the war. First Bolivia, next Brazil, and finally Argentina became host nations for post-war Okinawan migrants. Between 1954 and 1967 over fourteen thousand Okinawans migrated to the Americas, including three thousand people who went to Bolivia.[3]

Scholars working on Okinawan post-war history have focused on the vicissitudes of the Islands and its people within the U.S-Japan bilateral framework.[4] Ōta Masahide, Gavan McCormack, Yoshida Kensei, Arasaki Moriteru and Tanji Miyume, among other researchers, have studied U.S. cold war policies implemented on the Ryukyu Islands, emphasizing the U.S. military base-building process, the impact of U.S. policies on the local population, and the emergence of resistance to U.S. military domination.[5] Known as the "Okinawa problem", scholars have studied the unbalanced power-relations between the U.S. and Japan.[6] Other scholarship, for instance the work of Oguma Eiji and Taira Koji, has emphasized the colonial elements in the historical relation between the Japanese government and the Okinawan people.[7] The problematic and ideological confrontations taking place on the Ryukyu Islands have been amply studied in Japanese and in English. However the question of the legal position of overseas Ryukyuan communities after the San Francisco Peace Treaty has not received much attention.[8] The purpose of this study is to examine the coming into being of the SFPT and the discussion around the legal status of post-war Okinawan migrants in Bolivia. By doing so, it allows us to highlight some of the ambivalence that underscored the relations between Okinawans, Japanese, and Americans in the Okinawa homeland as well as in Okinawan overseas communities.

In this article, I show that the legal situation of overseas Okinawan individuals was left unresolved by the creators of the peace treaty, led by John Foster Dulles. As a result, the international status of Ryukyuans in South America was subject to regional power plays involving Japan and the U.S., rather than the rules of international law. In particular, I evaluate the role of the Japanese state in overseeing Ryukyuan migrants in the 1950s. I argue that the Japanese government had sufficient legal grounds to claim that the Okinawan people were Japanese nationals and were thus entitled to the Japanese passport and Japanese consular protection. However, due to pressure from the U.S., the Japanese government did not honor its obligations toward Okinawan migrants. This is clear in the case of the post-war Okinawan community in Santa Cruz, Bolivia where a Ryukyuan colony was established in 1954 and became a site of great symbolic production of the political pressures at play in the region.[9] Since the Japanese government encouraged emigration to Bolivia, it had the responsibility to look after both emigré communities: those that originated in mainland Japanese and those from the Ryukyu Islands. But due to U.S. pressures, it failed to assist the latter. In other words, the case of the Okinawan emigration to Bolivia, the first U.S.-endorsed emigration program in the Ryukyu Islands, highlights the asymmetries of power between Japan and the U.S. in a non-Asian regional context.[10]

It is important to observe the process whereby the U.S. designed its long-term dominant position in the Ryukyu Islands. In particular I am interested in how the "sovereignty problem" was understood by U.S. and by Japanese jurists in the wake of the Treaty of San Francisco. The analysis of the legal discussion on the limits of Japanese sovereignty in Okinawa can shed light on two points: (1) Japanese awareness of Japan's rights and obligations concerning the Okinawan people and (2) the desired Japanese stance regarding international law in this matter by some Japanese jurists.

I begin this article by contextualizing U.S. post-war control of Okinawa Prefecture. I will then present the position of Japanese scholars who eloquently expressed concerns about the legal position of Okinawa under international law. Next, I will analyze the presentations on the "Okinawan problem" at the Annual Conference of Japanese International Law Scholars in 1954. The presentations were published in the 1955 special edition of the "Journal of International Law and Diplomacy" (*Kokusaihō gaikō zasshi*) a leading Japanese journal in the field.[11] Finally, I will examine the consequences of the SFPT for Okinawan communities living outside of Japan. In order to do this I will use the case of the "protection problem" (*Hogo Mondai*) and the Ryukyuans in the

Department of Santa Cruz in east Bolivia.

From enemy territory to "our territory"

Japan lost control of Okinawan prefecture when United States forces captured the islands in June 1945.[12] The Battle of Okinawa, the bloodiest battle fought in the Pacific, marked the end of Japan's direct control over the Ryukyu Islands and initiated long-term U.S. administration of Okinawa.[13] But what was the American rationale behind retaining the Ryukyu Islands? What benefits were sought by the U.S. Departments of Defense and State? In this section I would like to succinctly answer these questions as a means of gauging the status of the Okinawan people in the post-war period.

Like mainland Japan, the Ryukyu Islands remained 'occupied enemy territory' from the end of hostilities until the peace treaty came into operation in April 1952.[14] This meant that Okinawa was under U.S military control and its destiny would be determined by the wartime agreements. The Cairo Communiqué (1943) had stated that Japan would be "expelled from all other territory which she has taken by violence or greed". This cast a cloud of uncertainty over the future of the Ryukyus. However, U.S. officials subsequently held that the Communique did not pertain to the Ryukyu Islands.[15] Similarly, the Potsdam Declaration (1945) failed to state whether Okinawa was to be included in the territory that Japan would keep.[16] Indeed, the wartime agreements inconclusively referred to the status of the Ryukyu Islands. Moreover, the option of annexing Okinawa as a former enemy territory was rejected. The American government, particularly the State Department, wished to avoid violating the U.S. declared principle of "no territorial aggrandizement" (Atlantic Charter, 1941).[17] In the end, the future of the U.S. position in the Ryukyus (and that of the Okinawan people) would be determined by the terms of a peace treaty between Japan and the Allies.[18]

Okinawa was one of many insular Pacific territories occupied by the U.S. in the wake of World War II, and an important part of the U.S. defense line in the Pacific. It was from the beginning placed under U.S. military government.[19] While mainland Japan, with its pacifist constitution, was (in theory at least) made a zone of "peace", Okinawa was explicitly transformed into a zone of "war".[20] This asymmetry was evident from the moment the first signs of the emergence of the Cold War became visible. As result, the U.S. State Department concurred with the Defense Department in the necessity to secure long-term control of the islands.[21] The future of Okinawa and its people was thus defined by its strategic location. The U.S. National Security Council (NSC), the highest defense entity in the U.S., framed U.S. national policy with regard to the possession of Okinawa in memorandum NSC 13/3 of 1949.[22] In these documents the NSC emphasized that any peace treaty with Japan had to include certain security requirements. Among them, NSC 13/3 stated that the U.S. had to "retain on a long-term basis the facilities at Okinawa and such other facilities as are deemed by the Joint Chiefs of Staff to be necessary in the Ryukyu Islands […] the military bases at or near Okinawa should be developed accordingly." From the American perspective, Okinawa had to remain under U.S. control after a peace treaty with Japan was signed.[23] NSC 49 and the September 1950 NSC 60/1 complemented the objectives of NSC 13/3 by expressing the view that any future treaty with Japan must guarantee the U.S "exclusive strategic control of the Ryukyus".[24]

It should be noted that at all times U.S. defense requirements prioritized territorial control. The language was framed to make legal permanent U.S. occupation of the Ryukyus in the service of building America's keystone in the Pacific.

Trust the Trusteeship System

The retention of Okinawa became one of the main issues during the peace treaty negotiations. John F. Dulles (1888 – 1959), Consultant to the Secretary of State, had the difficult task of putting together numerous interests, including the NSC plan for de facto military appropriation of the Ryukyu Islands, into the peace treaty. In Japan, Prime Minister Yoshida Shigeru's calculated efforts to work a deal with the U.S. to reduce as much as possible the duration and scope of the U.S. presence in the Ryukyus were systematically crushed by American officials.[25] In addition, Japanese authorities, including the Showa emperor, expressed in private their willingness to exchange Okinawa for U.S. protection.[26] Some of the Allied Powers such as New Zealand and Canada supported the idea of full U.S. dominion in the Ryukyu Islands. However, annexation would violate the U.S. declaration that it would not seek aggrandizement and risked provoking the opposition of the other Allied Powers and United Nations members generally.[27] Thus, Dulles sought a system that would facilitate U.S. control without annexation.

The idea of placing the Ryukyu Islands under the Trusteeship System was thoroughly discussed among U.S. scholars and diplomats.[28] The Trusteeship System was a revised version of the pre-war Mandate System, and it increased international accountability for the administration of a trust territory by implementing United Nations supervision.[29] This system allowed three categories of territories subject to the trusteeship: a. former mandated territories; b. ex-enemy territory; and c. territories voluntarily placed under the system by states responsible for the administration.[30] There were, however, two main limitations to putting a territory under the Trusteeship System: no member of the U.N. was eligible to become a trust territory, and an independent non-member state could not be made a trust territory because it had already attained self-governance, the ultimate purpose of the Trusteeship System being transition to independence.[31] Moreover, the U.S. had the possibility of locating the Ryukyu Islands as a 'strategic area' within the Trusteeship System.[32] This option actually meant reduced interference from the U.N. since 'strategic areas' were not scrutinized by the General Assembly but by the Security Council. Nevertheless, the trusteeship system did not prevent Security Council members from inquiring and, potentially, criticising the U.S. role in Okinawa.

John Foster Dulles decided to obtain in the peace treaty with Japan an option to seek trusteeship if desired by the U.S., but in the meantime the U.S. would retain full control of Okinawa. This meant that the U.S. military could remain in the island and avoid international scrutiny. As Senator Howard Alexander Smith noted in a meeting with Dulles in the Far East Sub-Committee of the Senate Foreign Relations Committee, the draft would "permit the United States to retain control of the Ryukyus indefinitely if a trusteeship were not secured" and inquired whether this "would not lay us open to charges of imperialism".[33] Dulles reportedly suggested that "the provision be allowed to stand until the attitude of other countries could be ascertained".[34]

In order to retain Okinawa, as required in the NSC documents, the U.S. opted for a formula that separated the sovereign from the administrator. Article 3 of the Treaty of San Francisco stipulated that "Japan will accept any proposal to put the Ryukyu Islands under the U.N. trusteeship system".[35] Futhermore it stated the following:

> *Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any power of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.*[36]

Okinawa remained under Japanese sovereignty since it was not severed by the SFPT but the United States controlled all rights of its administration.[37] Before and during the 1951 Peace Conference John Foster Dulles clarified the meaning of the legal wording. He

explained that although the U.S. had the rights of administration, Japan exercised "residual sovereignty" (*zanryūshuken*) over the territory.[38] The Office of Legal Adviser of the Department of State explained that:

The phrase [residual sovereignty] expresses the idea that, far from being a cession of sovereignty, Article 3 of the Peace Treaty contains provision only for the broad exercise of the rights and powers of sovereignty by the United States. Thus the United States has not annexed the islands or claimed sovereignty over them; sovereignty remains in Japan –even though in a latent or residual form. But the right to exercise the rights and powers usually associated with sovereignty has been given to the United States.[39]

The wording and explanation given for Article 3 served U.S. strategic interests in the region, but did little to make it comprehensible. The American control was Janus-faced; on the one hand it sought to control population, territory and military bases; on the other, it sought to avoid specifying the precise nature of U.S. power in the Ryukyus in the peace covenant. Indeed, it obscured the legal position of the Ryukyu Islands, puzzling both American and Japanese legal experts.

Making sense of Article 3: How the SFPT was interpreted?

Olcott H. Deming, U.S. Consul General to Okinawa (1957-1959), said that then-Secretary of State Dulles once asked him "what problems" he was having there. Deming responded that "the biggest one was continually trying to explain [to the locals] what residual sovereignty means".[40] Article 3 and the concept of 'residual sovereignty' triggered a series of debates on different aspects of U.S. - Ryukyu and Japan-Ryukyu legal relations. The legal conundrum around the sovereignty of Okinawa increased as it became clear that the U.S. had no intention of making any proposal to put the Ryukyus under the Trusteeship System.

U.S. political advisors noted the issues not addressed in the Article 3. For example, Niles W. Bond concluded in 1952 that, "as a beginning, it is believed that the legal status of the islands should be clarified, if feasible by formal recognition of the sovereignty of Japan and the Japanese nationality of the inhabitants".[41] However, these problems were left unresolved by U.S. government authorities. On the contrary, courts and judges settled disputes related to the legal position of Okinawa. For instance, a tort involving a car accident in Okinawa in 1951 raised the question of whether Okinawa was a foreign territory or not.[42] An American, employed by a contractor engaged in military construction in Okinawa, sought compensation from the federal government in a Court District in California. The appellant alleged that the accident resulted from the negligence of an unknown employee of the U.S. in leaving an unlighted crane parked on the road after dark. The judge in this case, before admitting to have no concluding answer, stated: "it cannot be said that the loss of sovereignty over the island by Japan vests the 'de jure sovereignty' in the traditional sense, in the native Okinawa" but since "the will of the United States is in fact the supreme will on Okinawa, the United States has therefore acquired what may be termed a 'de facto sovereignty'.[43] Similarly, the question of whether or not native Okinawans were nationals of the U.S. was brought to court in 1954. An Okinawan resident in Hawaii claimed that since Okinawa was a possession of the U.S. he was not an alien but a national of the U.S.[44] The court had to define where the sovereignty of Okinawa resided. It finally concluded that "Japan, and not the United States, having the 'de jure sovereignty' over Okinawa (…) the defendant [the Okinawan man] is not a national of the United States".[45]

These examples illustrate how Article 3 of the SFPT temporarily blurred the limits of Japanese/American sovereignty and confused the understanding of citizenship in the Ryukyu Islands. Furthermore, it allowed legal organs of the U.S. to have a privileged position to interpret matters of jurisdiction as they saw fit since the administration of the islands remained under U.S. military administration.

The Japanese juridical understanding of the Status of Okinawa

In Japan, jurists and academics from the country's most prestigious universities met in Kyoto at the autumn 1954 conference of the Society of International Law. Professor Yamada Saburō (1869-1965) pointed out the aim of the Kyoto conference was to clarify the international position of Okinawa. They analyzed the "Okinawan problem" from three perspectives: history, international law, and international economy. The conference's proceedings were published in a special edition of the Journal of International Law and Diplomacy. Their views on the Okinawan problem allow us to highlight how the situation was perceived in mainland Japan and to identify the legal, if not necessarily political, limits of Japanese sovereignty over Okinawa after the SFPT.

For the Japanese jurists, it was important to confirm that Japan was entitled to claim full sovereignty over the Ryukyu Islands in the future. This concern was triggered by the obscure wording of the war covenants (e.g. Cairo Communiqué; Potsdam Declaration) as seen above. It was also influenced by the ongoing process of emancipation and nation-state building in several regions of the world (e.g. India, Indonesia, Philippines). The Ryukyu Kingdom had controlled most of the area of Okinawan prefecture prior to its incorporation within the modern Japanese state in 1879.[46] For the Japanese jurists there was a possibility that the territory under U.S. military control could be permanently severed from Japan. Consequently, some Japanese scholars considered it necessary to stress the legality of Japanese control over Okinawa from a historical point of view. For instance, Akiho Ichirō (1900-1988) emphasized that the Ryukyu kingdom's almost three hundred years old relationship with the Satsuma daimyo (vassals of the *bakufu* in Edo) was fundamental to justifying Japanese ownership of Okinawa. "The status of the Ryukyus is one of the most important matters. This problem could be clarified in the analysis of the Ryukyu Kingdom's status in relation to the Satsuma daimyo".[47] Similarly, Hanabusa Naoshi (1902-1994) vindicated the Japanese position in Okinawa vis-à-vis the Chinese tributary state status of the Ryukyu Kingdom. Hanabusa noted that in ultimate terms the government in Tokyo had legally incorporated the Ryukyu Kingdom into the Okinawan prefecture in its 1879 annexation.[48] For academics like Hanabusa, the Japanese claims to Okinawa were based on the historical relations between the two territories.

Also, it was important for many Japanese scholars to confirm American academics' thinking on the Japanese claim of sovereignty in order to clarify the international position and future of the Ryukyu Islands. Ueda Toshio (1904-1975), in his review of twenty-three American publications on the Okinawan question, concluded that scholars in the United States shared the view that Japan had historical rights over the Ryukyu Islands.[49] In his study, he mostly relied on Hyman Kublin's article on the 1870s' controversy between Japan and China concerning sovereignty over the Ryukyu Islands.[50] For Kublin (and Ueda) both China and Japan had a long history of relations with the Ryukyu Islands, but China had lost its rights over the Ryukyus because the Qing government persistently used an old system of traditions to sustain its claim rather than Western legal rationalism.[51] The Japanese on the contrary, as Kublin stated, "deemed the issue an affair of the first magnitude and, unshackled by tradition, quickly revealed how well Occidental diplomatic procedure had been mastered".[52] In conclusion, Ueda´s position was that Japan's legal rights over Okinawa had strong historical and legal foundations recognized by the Western Powers.

A more pressing issue was how to interpret the Japanese position on Okinawa after the San Francisco Peace Treaty. If put under the Trusteeship System, the Japanese jurists were confident that the Ryukyus would be initially severed (*bunri*) from Japan as a former enemy territory but eventually would return to Japan. There were a few precedents in international law for comparable cases. For

example, Irie Keishirō (1903-1978) mentioned the case of Bessarabia, a region of Moldavia. Bessarabia was severed from Russia after the Crimean War; but returned in the Berlin treaty of 1878.[53] My impression is that, in general, the Japanese scholars did not worry much about the future of the former Okinawan prefecture as a trust territory. They were more concerned with defining where Japan stood if the Ryukyu Islands were not put into the Trusteeship System.

As previously stated, the San Francisco Peace Treaty gave the U.S. the right to exercise all and any power of administration, legislation and jurisdiction in the Ryukyu Islands. The Japanese government endorsed this at the peace conference and reaffirmed its position in several bilateral treaties (e.g. The Aerial Navigation Service between Japan and the United Kingdom of Great Britain and Northern Ireland of 1952). However, the scope and duration of Japan's "residual sovereignty" was not defined in the SFPT. The treaty did not make clear to what rights Japan was entitled as holder of "residual sovereignty"; or how Japan was to fulfill its obligations towards the local Ryukyuans.[54] For Irie, the U.S. was entitled to the administration but not the disposal of the territory.

> *In relation to the southern territory, since Japan keeps residual sovereignty, America merely received the rights of administration for an unspecified time; without Japan's consent, it cannot change the territorial status. Even though Japan promised to agree to any American proposal to the U.N. in relation to putting the southern territory under the Trusteeship system, to which America is the sole administrating authority, it is not the case that the U.S. has received carte blanche to propose a change in Japan's vesedg territorial rights.*[55]

Indeed, the transfer of authority did not mean dividing the country. It only meant transfer of one section of the territory to the administration of another state.[56] Irie asserted that the Ryukyu Islands belonged to Japan, and not to the U.S. Thus, Japan had the right to expand various legal prerogatives into the territory and to keep its own public institutions in Okinawa. Moreover, he concluded that any institution established by the U.S. administrative authority, including the Government of the Ryukyu Islands (GRI), could not engage in foreign affairs as its authority came from the U.S. not from Japan.[57] Like Irie, Shinjō Toshihiko, asserted that Okinawa belonged to Japan. Indeed, he was more categorical when it came to defining what kind of sovereignty remained with Japan. For him, Okinawa's legal position was best explained as a quasi-leased territory:

> *For the above points, today's Okinawa is in a situation just like a leased territory. But because it has not been furnished with the necessary formal conditions of a leased territory, the international legal position of Okinawa is in a 'state of preparation to lease;' in other words I think is reasonable to understand it as a 'quasi-leased territory'.*[58]

Similarly, Kuwada Saburo considered that the transfer of administration did not cause a change in the nationality of the local population since "the administrator may not confer on the inhabitants the nationality of the state; the power of the administrator is limited to granting the inhabitants permission for permanent domicile".[59]

Finally, Irie stressed that if the U.S. did not pursue the option of the Trust territory, Japan could claim its "right of re-vindication (*shicchi kaifukuken*)". Moreover, because the treaty did not limit the scope of Japanese participation in Okinawa's daily life, Irie called for a more active role by the Japanese government in Okinawa issues.

Overseas Okinawans: Consular responsibility

Article 3 of the San Francisco Peace Treaty extended America's control of post-war Okinawa. As I have demonstrated, American politicians, academics, and the U.S. armed forces candidly confirmed the military purpose of retaining the Ryukyu Islands. The cold war scenario in the region made it "desirable" for the U.S. to retain the territory and the bases on it. However, the transfer of administrative rights also affected the position of Ryukyuan migrants.

The American and Japanese authorities did not discuss the legal status of overseas Ryukyu migrants during the negotiations of the peace treaty.[60] This is despite the ongoing flow of self-funded Okinawan migrants to South America, mostly to Argentina, from 1948 onwards.[61] By 1952 over one thousand Okinawans had migrated to South America. There is no reference of their legal status in the peace covenant.

Indeed, overseas Okinawans were invisible to Japanese and American negotiators. Consequently, when migration became a state effort in 1954, questions such as how Okinawan people could obtain legal benefits from their nationality, or what government was responsible for them abroad, emerged. Following the Universal Declaration of Human Rights, the Okinawan people had the right to a nationality (article 15[1]) and no one could arbitrarily deprive them of it (article 15 [2]).[62] However, cold war politics cast a shadow of ambiguity over these fundamental human rights in Okinawa. Both, the U.S. and the Japanese governments claimed responsibility for the migrants in the 1950s. So the question that arises from this situation is this: to what extent were the Japanese and the U.S. governments responsible for the Ryukyuan migrants?

From the American point of view, since the inhabitants of the Ryukyu Islands were under U.S. authority the U.S. was the sole party responsible for their wellbeing. This was also considered to be the case when outside Okinawa. The establishment of the United States Civil Administration of the Ryukyu Islands (hereafter USCAR) in 1950 and the Government of the Ryukyu Islands (hereafter GRI) in 1952 aimed to promote the development of Okinawa and the betterment of living conditions in the islands.[63] Since the migration program, a policy to reduce population in a demographically constrained region, was one of the joint-policies pursued by these two organizations, the U.S. authorities in Okinawa considered that the success of the emigration plan was connected with the development of the Ryukyu Islands.[64] As Norman D. King, Chief of the Public Affairs Division, demanded: "The State Department must assume the responsibility of providing protection for the émigrés. Failure to do this will undoubtedly result in assumption of responsibility by a Japanese mission".[65] Outside the islands, the U.S Foreign Services was made responsible to assist the migrants.[66] Initially the Foreign Operation Administration (FAO) was the American agency in charge of the migrants.[67]

The Okinawan migrants had to apply for a travel permit and an identity document (*mibun shōsho*) at the USCAR offices.[68] The latter document, in lieu of a passport, identified them as "Ryukyuan" and indicated neither Japanese nor American citizenship. In fact, it proved to be more a cause of confusion than assurance for the travelers. For example, it made it difficult for the Ryukyuans to obtain visas in the consulates and embassies in mainland Japan. It also provoked constant misunderstandings at the port of entry in the country of destination.[69] At the end of the day, the American position was that Okinawan migrants were the inhabitants of a U.S. occupied territory. Consequently, they could travel and enter into foreign countries as Ryukyuans, not as Japanese citizens, and thus, subject to the U.S. consular services. On the other hand, the Japanese position called for the recognition of the migrants as Japanese nationals (*nihon kokumin toshite*). If the SFPT prevented the Okinawan people from enjoying the benefits of Japanese nationality in the Ryukyus, there was no legal impediment to recognize their nationality beyond the islands. Irie Keishirō, a leading advocate for a greater involvement of the Japanese government in Okinawan affairs, analyzed the legal position of Okinawan

The first Japanese immigrants to South America disembark in Brazil in 1908. Half were Okinawans.

migrants in the Kyoto conference of 1954. Taking the case of Cyprus in the nineteenth century as a precedent, he concluded that in a case of transfer of authority the inhabitants keep their nationality.[70] Since the Japanese constitution guarantees freedom to move and change residence (chapter 2, article 22) the Okinawan people could maintain their Japanese nationality even if they migrated overseas. Furthermore, for Irie the U.S. rights over the Ryukyus were geographically framed and thus held no authority over the Okinawan people outside the Ryukyu Islands.[71] Indeed, from a Japanese point of view, the nationality of the inhabitants of the southern territory had to be properly specified in their travel documents: "The citizens of the Ryukyus, together with being 'Ryukyuan' are Japanese nationals. For this reason, the Certificate of Identity has to be applicable to the Japanese and Ryukyuan laws".[72] Therefore, Irie concluded that the Ryukyuans had no legal impediment to seek and receive assistance from the Japanese consulates or embassies.

"Following the SFPT plan, even though all and any of the southern territories would become part of a trust territory, as mentioned above, the status of Japanese nationals doesn't change; and in contrast with other trust territories' inhabitants, in this case they keep Japanese nationality. Moreover, unless special regulations are set forth in the trust agreement the protective authority of Japanese diplomacy continues to exist".[73]

Japan was rightfully entitled to claim and take responsibility for the overseas Okinawans. In the end Okinawa, as Prime Minister Yoshida had stated in the last stage of the peace treaty negotiation, has "always been Japanese territory, inseparably tied to Japan proper; and its inhabitants are Japanese".[74] Thus we could have expected a stronger commitment from the Japanese government towards its overseas nationals. However, due to the American pressure to keep the Okinawans under their control (and the prosaic Japanese defense of their rights), the Ryukyuan migrants were kept in an ambiguous position. As seen below, in some cases, post-war Okinawan migrants depended more on U.S. consulates than on the nearby Japanese diplomatic offices in South America.[75]

The *Hogo Mondai* and the limits of Japanese nationality in Bolivia

The international status of Ryukyuan migrants in South America became a minor problem in Japan-U.S. international relations. The question of the status of the migrants and their nationality originated a debate which was called "the protection problem" or *Hogo Mondai*.[76] The Japanese government, at a request from the GRI, sought to include the soon-to-arrive Ryukyuan migrants in Bolivia under the umbrella of its diplomatic service in the region in mid-1954.[77] Japan's Ministry of Foreign Affairs considered providing protection to the migrants in Bolivia but first "desired to know what will be the role played by the U.S. officials in Bolivia" and inquired into the plans proposed by the U.S. to protect the Ryukyuans in Bolivia.[78] The United States rejected the idea and claimed the sole right to protect the migrants. As explained in the Tokyo based monthly-publication "Kaigai Ijū" (External Migration):

The beginning of the discussion on the Protection Problem was initiated when the GRI requested to the Japanese government that the Okinawans overseas be treated as Japanese citizens. The Japanese Foreign Ministry accepted the request and in the case of Bolivia discussed sending a delegate from the embassy in Peru. However, the American [government](with the authority over Okinawa) felt uncomfortable that the GRI was asking the Japanese government to protect the migrants so assistance for sending migrants overseas is still at a standstill.[79]

U.S. apprehension concerning the Ryukyuan migrants was not based entirely on its interpretation of Article 3 of the SFPT. There were also economic and political reasons for strengthening control over the islands. The U.S. government had allocated nearly one million dollars to support the Ryukyu migration program and wanted to protect its investment.[80] Moreover, in the case of the Santa Cruz colony, it had compromised with the Bolivian government to ensure the sustainability of the colony through the assistance of the "Point 4" delegation in Bolivia.[81] The U.S. thus had a stake in the success of the migrants in paving the way for a well-established community which could host thousands of Okinawans as well as contribute to the prosperity of the host society.

The debate on the *Hogo Mondai* took a twist when natural disaster struck the newly established Okinawan community "Uruma" in Santa Cruz. As told by Gushiken Kotei, a leader within the local community, an unknown high fever disease ran wild throughout the colony. "It was a disease which, within three days of getting the fever, determined whether the patient dies or lives".[82] The unknown disease, at the time called "Uruma", took the lives of fifteen migrants in six months. Shuzo Nishihira, leader of the Okinawan group in Bolivia, urgently wrote to GRI's Chief Executive requesting help.[83] The GRI looked to the Americans for help.[84] First, Higa Shuhei, Chief Executive of the GRI, and Inamine Ichiro, chair of the Ryukyu Emigration Association, wrote several letters to U.S. authorities and to their American acquaintances to hasten aid.[85] In reply, coordinated by Point 4, the U.S. dispatched a group of physicians from

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Foreign Operations Administration (hereafter FOA) to the region.[86] Together with Bolivian specialists, they treated the patients and investigated the disease.[87] Higa, in February 1955 thanked them for the assistance: "It is thanks to the great efforts made by both the U.S. Government and Bolivian Government to protect against the disease that the patients seem [sic] to have recovered".[88] For the United States, the question of the success or failure of the Ryukyuan colony posed a grave problem from the standpoint of public relations because it could serve as "an example of the U.S. treatment and concern for the welfare of Ryukyuans".[89] Conversely, the Japanese government did not show similar interest or readiness to get involved in the Uruma disease crisis. The Japanese upon hearing of the disease outbreak in Bolivia, while preparing for the incoming Japanese mainland settlers, secured a report from their Legation in Peru and, two months later, appointed a member of the Ministry of Foreign Affairs as a resident official in Bolivia.[90] However, the Japanese move did little to counterbalance U.S. control of and responsibility for the Ryukyuan community in Bolivia.[91] Finally, at a different level, Nagayama Tetsu, chief of the Uruma Colony, reported that the Japanese Association at La Paz "was kind enough to present us Bs. 1,074,000.00 in token of sympathy".[92]

The Uruma disease crisis confirmed the dependent relationship between the Ryukyuan community and the U.S. government. For the American authorities it was important to show "interest" in the emigration project to preclude Japanese criticism of the U.S. position. The case revealed that the Japanese government, far from Bolivia, did not challenge American primacy in Ryukyuan affairs in Bolivia. Indeed, in taking no action in a time of crisis, the Japanese government failed to establish a claim to sovereignty over Okinawa.

The *Hogo Mondai* entered a new stage when the Japanese government began its own migration program in Bolivia. Less than a year after the first GRI-sponsored community was established, a mainland Japanese community was created in Bolivia. There was thus both an Okinawan colony and a Japanese colony in the region of Santa Cruz. For the benefit of mainly the latter, the Japanese government strengthened its diplomatic links in the region by adding to the embassy in Lima, Peru a mission in La Paz, Bolivia. In addition, the Overseas Cooperation Office (*Kaigai kyōkai rengokai*) (aka. Kaikyōren) opened an office in Santa Cruz to assist the mainland Japan migrants in Bolivia. Technically both communities were Japanese and all migrants were Japanese nationals.[93] But far from providing assistance to Okinawans migrants in Bolivia, Japan confined its support to Japanese migrants.[94] For instance, according to the Japanese Nationality Act of 1950, art. 9 and the Family Register Act of 1947, art. 104, if Japanese nationals wished to obtain Japanese nationality for a new born child in Bolivia or elsewhere abroad, they were required to report the birth of the child to the nearest Japanese diplomatic office within 14 days of the birth. The Act also states that if the will to obtain Japanese nationality was not made known within that period, the child would lose the privileges of obtaining Japanese nationality.[95] Ryukyuans in other parts of South America outside Bolivia could register the newborn in a Japanese embassy or consulate. The diplomatic service processed the documents and sent them to the justice bureau in Fukuoka where a special Family Registration Office exclusively for Okinawans operated. In Bolivia, as reported by Ken Asato from the Economic Development Department of USCAR, all GRI-sponsored settlers sought to obtain Japanese passports for their children, but:

> *[U]nlike other Japanese diplomatic service offices in South America, the legation [in Bolivia] does not register Ryukyuan settlers as Japanese nationals. Therefore, it does not issue Japanese passports to them. The Japanese legation [in Bolivia] is afraid the U.S. government will object to issuing passports to them for reason that emigration of the Ryukyuans to Bolivia and their settlement have been co-sponsored by the U.S. Government.*[96]

Although the Japanese and GRI requested that the Ryukyuan migrants be placed under the protection of the Japanese office in Bolivia, the U.S. rejected this petition, insisting rather that Point 4's office would carry on with that responsibility.[97] The American authorities held that a Japanese passport was not necessary for Ryukyuan migrants. Not having one did not prevent settlers from pursuing "legitimate activities" or from receiving "lawful protection from the Bolivian government".[98] Besides, as stated by Lt. Col. C. I. Guida, from the Executive Office, "all U.S. embassies and consulates are prepared to assist people from the Ryukyu Islands".[99] Asato concluded that "the crux of the whole matter lies in the desire to maintain a link between the place they left and the land they chose […] however the Japanese legation in Bolivia does not handle such matters of the settlers for the reason stated [above]".[100]

In other words, the *Hogo Mondai* was a conflict between Japan's obligation to protect its nationals, and the U.S. insistence on maintaining its guardianship over the migrant community in Bolivia. It was not the case that the Ryukyuans desired to end their connection with the American government in Bolivia in favor of a closer relation with Japan. Ota Sochi, Director of Social Affairs GRI, suggested that in order to provide complete protection for the migrants, "(…) the emigrants carry the passport issued by the GOJ's resident office as well as the certificate of identification issued by the High Commissioner so that they can receive protection from both the U.S. government and that of Japan".[101] However, this idea was also rejected by the American authorities. The American position in Bolivia created a Gordian Knot that the Japanese did not dare to cut. The result was that Okinawans were deprived of their right to have a nationality and kept in an ambiguous status (neither Japanese nor American).[102] In short, the ambivalence of their status overseas reflected the ambivalence of their status at home.

Conclusions

In this article we have analyzed some of the consequences of Article 3 of the San Francisco Peace Treaty on Okinawan migrants, particularly to Bolivia. We observed that the U.S. defense requirements were essentially territorial and that John Foster Dulles attempted to satisfy the Department of Defense requirements by assuring that U.S. maintained control of the island and the inhabitants. Article 3 sprang from an Asian cold war context and it was meant to be an instrument to be used in Asia, not in South America. However, Japan's post-war territorial division was projected onto the overseas communities as we have demonstrated for Bolivia and South America.

Article 3 gave the U.S. the right to control entry and exit from the Ryukyu Islands. In addition, the American hegemonic reach enabled the U.S. to maintain responsibility for the islanders throughout South America. For the U.S. the most important Ryukyuan communities were those which involved higher transfers of funds and also those for which the U.S. entered into a formal agreement with the local government. Consequently, the Okinawan community in Bolivia, the first migration project since the U.S. took control of the Ryukyus, was among all such communities in South America the most influenced by American hegemony in terms of their Nationality.

Although Article 3 separated the administration of the Japanese territory it did not legally affect the Okinawan people's Japanese nationality. As shown by some of the Japanese jurists quoted in this study, the treaty neither hindered Japan from participating in Okinawan daily life, nor prohibited it from taking responsibility for overseas Okinawans. The Japanese government, however, failed to provide basic consular services such as provision of identifying documents for Ryukyuans abroad, notably in Bolivia, as a result of American pressure to maintain control. If we understand a client state as a state that conducts its foreign policy according to the dictates of a more powerful state, Japan behaved as a client state in Bolivia in the 1950s.[103] Where we could have expected a stronger Japanese commitment from the Japanese government towards its overseas nationals, we found a pragmatic nation reluctant to act against the U.S. will.

Acknowledgements

I would like to thank Prof Mark Selden, Prof Gavan McCormack, Prof Tessa Morris- Suzuki, Prof Matt Allen and Prof Miyume Tanji for helpful comments on earlier drafts of this paper. I would also like to thank Prof Sensui Hidekazu for the enthusiastic support I received while visiting Okinawa.

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Recommended citation: Pedro Iacobelli, "The Limits of Sovereigny and Post-War Okinawan Migrants in Bolivia," The Asia-Pacific Journal, Volume 11, Issue 34, No. 2, August 26, 2013.

Notes

[1] I will use the terms Okinawa, Ryukyu Islands (or Ryukyus), and Nansei Shoto interchangeably. The Nansei Islands are the entire island chain to which the Ryukyus belong. In the San Francisco peace treaty the term Nansei Shoto (plus its bearings) was used. Okinawa is the name of the largest island of the Ryukyu group, and "Okinawa" is often used to designate all of the islands and the Japanese prefecture as well.

[2] Ordinance 93, 1953: "Control of Entry and Exit of individuals into and from the Ryukyu Islands" in United States Civil Administration 1950 - 1972, *Laws and Regulations During the U.S. Administration of Okinawa: 1945-1972*, ed. Gekkan Okinawa Sha, vol. Book 2 (n/d). Section VII.

[3] Endoh Toake, *Exporting Japan: Politics of Emigration toward Latin America* (Urbana and Chicago: University of Illinois Press, 2009), p.164.

[4] On the bilateral problem see Robert D. Eldridge, *The Return of the Amami Islands: The Reversion Movement and U.S. - Japan Relations* (Lanham: Lexington Books, 2004), Robert D. Eldridge, "The Revision of the U.S.-Japan Security Treaty and Okinawa," in *Japanese Diplomacy in the 1950s: From Isolation to Integration*, ed. Iokibe Makoto, et al. (London: Routledge, 2008). Nicholas Evan Sarantakes, *Keystone: The American Occupation of Okinawa and U.S. - Japanese Relations* (College Station, Texas: Texas A&M University, 2000).

[5] Ōta Masahide, *Okinawa No Tennō: Kōtōbenmukan (the Okinawan Emperor: The High Commissioner)* (Tokyo: Asahi bunnkō, 1996), Yoshida Kensei, *Democracy Betrayed: Okinawa under U.S. Occupation*, ed. Edward H. Kaplan, vol. 23, *Studies on East Asia* (Bellingham: Western Washington University, 2001). Arasaki Moriteru, *Okinawa Gendaishi (Contemporary History of Okinawa)* (Tokyo: Iwanami Shinsho, 2005). Tanji Miyume, *Myth, Protest and Struggle in Okinawa* (London: Routledge, 2006). Gavan McCormack and Satoko Oka Norimatsu, *Resistant Islands:Okinawa Confronts Japan and the United States* (Lanham: Rowman&Littlefield Publishers, , 2012).

[6] For instance the work of Watanabe Akio, *The Okinawa Problem, a Chapter in Japan - U.S. Relations* (Melbourne: Melbourne University Press, 1970).

[7] For example Ōta Masahide, *Kenshō : Showa No Okinawa (Inspection: Okinawa During the Showa Period)* (Naha: Naha shuppansha, 1990), Taira Koji, "Troubled National Identity: The Ryukyuans/Okinawans," in *Japan's Minorities: The Illusion of Homogeneity*, ed. Michael Weiner (London: Routledge, 1997). Oguma Eiji, *'Nihonjin' No Kyōkai - Okinawa, Ainu, Taiwan, Chōsen, Shokuminchi Shihai Kara Fukki Undō Made (the Boundaries of the 'Japanese': Okinawa, Ainu, Taiwan and Korea. From Colonial Domination to the Return Movement)* (Tokyo: Shinyōsha, 1998).

[8] There have been a few approaches to the topic from Kozy Amemiya and Taku Suzuki. See Kozy Amemiya, "The Bolivian Connection: U.S. Bases and Okinawa Emigration," in *JPRI Working Paper* (JPRI: Japan Policy Research Institute at the USF Center for the Pacific Rim, 1996). Suzuki Taku, "Becoming 'Japanese' in Bolivia: Okinawa-Bolivia Trans(National) Formation in Colonia Okinawa," *Identities* 13, no. 3 (2006).

[9] For a discussion on "corporal inscription" in the Ryūkyū islands see Suzuki Taku, *Embodying Belonging: Racializing Okinawa Diaspora in Bolivia and Japan* (Honolulu: University of Hawai'i Press, 2010). pp.8-9.

[10] The literature on this case has focused, mostly from an ethnographic perspective, on the local dynamics in the colonies in Bolivia and their relationship with the local Bolivian community.

[11] The JILD is the journal of the Japanese Society of International Law (est. 1897), based in the Faculty of Law of the University of Tokyo. It has been published since 1902.

[12] Ōta Masahide, "Re-Examining the History of the Battle of Okinawa," in *Okinawa: Cold War Island*, ed. Chalmers Johnson (Cardiff: Japan Policy Research Institute, 1999). pp.13-14. Most textbooks date the Battle of Okinawa between April 1st and June 23rd of 1945.

[13] For testimonies of the battle of Okinawa see Yahara Hiromichi, *The Battle for Okinawa*, trans. Roger Pineau and Masatoshi Uehara (New York: John Wiley & Sons, Inc., 1995). p.105. and George Feifer, *Tennozan: The Battle of Okinawa and the Atomic Bomb* (New York: Ticknor & Fields, 1992). p.446. Also see chapter 2 of McCormack and Norimatsu, *Resistant Islands:Okinawa Confronts Japan and the United States*. The Itoman Prefectural Peace Memorial Museum vividly illustrates the terrifying situation experienced before, during and after the battle.

[14] The main study on the first seven years of U.S. administration in Okinawa from a military perspective is Arnold G. Fisch, *Military Government in the Ryukyu Islands. 1945 -1950*, 2005 ed. (Honolulu: University Press of the Pacific, 1988). p.4. For an Okinawan perspective, see the first chapter of Arasaki, *Okinawa Gendaishi (Contemporary History of Okinawa)*. pp.1-30. On the genealogy of the bilateral problem see Robert D Eldridge, *The Origins of the Bilateral Okinawa Problem : Okinawa in Postwar U.S.-Japan Relations, 1945-1952* (New York: Garland Pub, 2001). It should be noted that in December 1953, the Amami islands to the north reverted to Japan.

[15] Although in the Cairo meeting Roosevelt intended to transfer the islands to China, Department of State personnel were not aware of his intention. So when the Division of Political Studies, under Dr. Isaiah Bowman, interpreted the Cairo Declaration, it concluded that the Ryukyus "did not appear to be of the type which fell within the meaning of the phrase in question (…)" quoted in Eldridge, *The Origins of the Bilateral Okinawa Problem : Okinawa in Postwar U.S.-Japan Relations, 1945-1952* p.57.

[16] For the Cairo Communiqué see here; for the Potsdam declaration here. All sites visited on April 7, 2010. The Yalta Agreement, the other main wartime agreement, did not address the future of Japan's territory. For a complete study on the wartime agreements and the position of China towards Okinawa see Hara Kimie, *Cold War Frontiers in the Asia-Pacific:Divided Territories in the San Francisco System* (London: Routledge, 2007), pp.158-65.

[17] As early as 1942 discussion was held on the status of Okinawa. In 1943 the State Department recommended that the islands be returned to Japan following U.S. victory. See Eldridge, *The Origins of the Bilateral Okinawa Problem : Okinawa in Postwar U.S.-Japan Relations, 1945-1952* p.53.

[18] Fisch, *Military Government in the Ryukyu Islands. 1945 -1950*. p. 55. For a cultural approach to the U.S. position in Okinawa see Pedro Iacobelli, "Orientalism, Mass Culture and the Us Administration in Okinawa," *ANU Japanese Studies On-Line* 1, no. 4 (2011).

[19] Okinawa had a different administrative structure than mainland Japan. The Ryukyu Islands were under the jurisdiction of the General Headquarters of the Far East Command GHQ/FECOM from 1947. For a complete analysis of the chain of command in occupied Japan and Okinawa see Takemae Eiji, *Inside G.H.Q.:The Allied Occupation of Japan and Its Legacy*, trans. Robert Ricketts and Sebastian Swann (New York: Continuum, 2002). pp.121-123.

[20] Gavan McCormack, *Client State: Japan in the American Embrace* (London: Verso, 2007). p.122. For an analysis of the "separation" of Okinawa from Japan and its contemporary consequences see particularly chapters six and seven.

[21] Okinawa Policy within the State Department, illustrated by the 1943 Masland Paper, 1944 Borton Paper, 1945/1946 Emerson paper, and 1946/1948 Feary Paper, all envisaged return of the Ryukyus to Japan. By 1949 that option was unthinkable. Eldridge, *The Origins of the Bilateral Okinawa Problem : Okinawa in Postwar U.S.-Japan Relations, 1945-1952* p.54.

[22] Department of State, *Foreign Relations of the United States, 1949*, vol. VII, The Far East and Australasia (in two parts) Part 2. (Washington, D.C.: Government Printing Office, 1976). pp.730-736. Also see Hara Kimie description in Hara, *Cold War Frontiers in the Asia-Pacific:Divided Territories in the San Francisco System*. Chapter seven.

[23] Initially the U.S. Department of Defense and Department of State aimed to retain "facilities" and develop the U.S. position in Okinawa. See Department of State, *Foreign Relations of the United States, 1949*. p.655. In 1950, this came to mean control of the whole territory. Dean Acheson, "Crisis in Asia -an Examination of the U.S. Policy," *The Department of State Bulletin* XXII, no. 551 (1950). pp.111-118

[24] Quoted in Yoshida, *Democracy Betrayed: Okinawa under U.S. Occupation*. p.45.

[25] Eldridge, *The Origins of the Bilateral Okinawa Problem : Okinawa in Postwar U.S.-Japan Relations, 1945-1952* pp.301-314.

[26] For the official Japanese position on Okinawa, see Department of State, *Foreign Relations of the United States, 1951*, vol. VI, Asia and the Pacific (in two parts) Part 1. (Washington, D.C.: Government Printing Office, 1977). pp. 811; 833; 960-961;1163. For comment on the so-called 'Tenno message" see Ōta *Kenshō : Showa No Okinawa (Inspection: Okinawa During the Showa Period)*. pp. 314-329. Matsuoka Hiroshi, Hirose Yoshikazu, and Takenaka Yorohiko, *Reisenshi: Sono Kigen, Tenkai, Shūen to Nihon (the Cold War History)* (Tokyo: Dobunkan, 2003). pp. 84-85.

[27] Department of State, *Foreign Relations of the United States, 1951*. pp.1057-1062. The U.S. position in Okinawa was repeatedly criticized by the Soviet bloc following the peace treaty meeting in San Francisco. See Nippon Times, "Excerpts from Gromyko Speech," Sept. 7 1951.

[28] Edwin O Reischauer, one of the most influential academics in Japanese affairs, and later U.S. ambassador to Japan, supported limiting the U.S. trusteeship on Okinawa as much as possible and returning the rest of the territory to Japan. W.W. Butterworth, Director of the Office of Far Easter Affairs, William Sebald and Douglas L. Oliver were cautious about extending the occupation. And J.F. Dulles and John Allison supported the trusteeship option. See respectively: Edwin O. Reischauer, *The United States and Japan* (Cambridge: Harvard University Press, 1950). pp.237-239; Department of State, *Foreign Relations of the United States, 1949*. p.815; and Yoshida, *Democracy Betrayed: Okinawa under U.S. Occupation*. p.45.

[29] Under the Mandates System, the Permanent Mandate Commission of the League of Nations was responsible for supervising the mandates territories but in the practice it did not have real power. See George Thullen, *Problems of the Trusteeship System : A Study of Political Behavior in the United Nations* (Geneve: Librairie Droz, 1964). p.12. ibid. p.11. The Trusteeship system has been inactive since 1994.

[30] In the history of the Trusteeship System the only case of making an ex enemy territory a trust territory was when Somalia was trusted to Italy, its former colonial master. There are no cases in which states voluntarily placed a territory under the system. Chairmian Edwards Toussaint, *The Trusteeship System of the United Nations* (London: Stevens & Sons, 1956). p.40.

[31] Ibid. pp.39-42.

[32] Leland M. Goodrich and Edvard Hambro, *Charter of the United Nations: Commentary and Documents* (Boston: World Peace Foundation, 1946), pp.359-60.

[33] Department of State, *Foreign Relations of the United States, 1951*. p.933.

[34] Ibid. p.933. For another document stating Dulles' position see ibid. p.841.

[35] "Treaty of Peace with Japan" in UCLA East Asia Studies Documents at here accessed April 7, 2010.

[36] Ibid.

[37] The Peace treaty was signed by forty eight nations, including Bolivia. The USSR opposed the "illegality" of transferring the Ryukyus to U.S. custody. Similarly the Gov. of India rejected Article 3 and thus did not attend the SFP Conference. Nippon Times, "Excerpts from Gromyko Speech." For the Indian position see Department of State, *Foreign Relations of the United States, 1951*. pp. 1062; 1269-70;1288-1291.

[38] The term was Dulles' creation. Mikio Higa, *Politics and Parties in Postwar Okinawa* (Vancouver University of British Columbia, 1963). pp. 10-12. Rosa Caroli suggests that the Ryukyu Islands became a "Land without status". Rosa Caroli, *Il Mito Dell´Omogeneita Giapponese : Storia Di Okinawa* (Rome: Franco Angelini, 1999). pp.191-203.

[39] Marjorie M. Whiteman, *Digest of International Law*, vol. 1 (Department of State Publication 7403, 1963).,p.270.

[40] Eldridge, *The Origins of the Bilateral Okinawa Problem : Okinawa in Postwar U.S.-Japan Relations, 1945-1952* p.359.

[41] "The United States Political Adviser to SCAP (Sebald) to the Department of State" in Department of State, *Foreign Relations of the United States, 1952-1954*, vol. 14,(in two parts) Part 2 (Washington, D.C.: Government Printing Office, 1985). p.1092.

[42] *Cobb v. United States*, 191 F.2d 604, N° 12746, (9th Cir, 1951) in here accessed April 10, 2010.

[43] Ibid.

[44] The case's description can be found in Whiteman, *Digest of International Law*. pp 268 – 271.

[45] Ibid. p.269.

[46] The Ryukyu kingdom was a tributary state to China and since the seventeenth century to the Satsuma daimyo. See George H. Kerr, *Okinawa, the History of an Island People*, 1969 ed. (Rutland, Vermont: Charles E. Tuttle Co., 1958).

[47] Akiho Ichirō, "(Okinawa Kizoku Ni Kansuru Ichishōsatsu)," *The Journal of International Law and Diplomacy (Kokusaihō gaikō zasshi)* LIV, no. no. 1-3 (1955). p.57.

[48] Hanabusa N., "Transitions About the Reversion of Okinawa (Okinawa Kizoku No Enkaku)," *The Journal of International Law and Diplomacy (kokusaihō gaikō zasshi)* LIV, no. no. 1-3 (1955). p.38.

[49] Ueda T., "Okinawa Question in the Eyes of American Scholars (Amerika Gakusha No Mita Okinawa Mondai)," *The Journal of International Law and Diplomacy (Kokusaihō gaikō zasshi)* LIV, no. no. 1-3 (1955).

[50] Ibid. pp.40-46.

[51] Ibid. p.46. Hyman Kublin, "The Attitude of China During the Liu-Ch'iu Controversy, 1871-1881," *Pacific Historical Review* Vol. 18, no. No. 2 (1949).

[52] Kublin, "The Attitude of China During the Liu-Ch'iu Controversy, 1871-1881." p.116.

[53] Irie Keishirou, "Legal Status of Okinawa (Okinawa Shotō No Hōtekichii)," *The Journal of International Law and Diplomacy (Kokusaihō Gaikō zasshi)* LIV, no. 1-3 (1955). p.64.

[54] Ashida Hitoshi, former Prime Minister and leader of the Democratic Party questioned Yoshida on the contents of the treaty. The focus was the practical benefits of having "residual sovereignty" of the territory.

[55] Irie, "Legal Status of Okinawa (Okinawa Shotō No Hōtekichii)." p.74.

[56] Ibid. p.77.

[57] Ibid. pp.78-80.

[58] Shinjo T., "Okinawa No Kokusaihōjyō No Chii (Status of Okinawa in International Law)," *The Journal of International Law and Diplomacy (Kokusaihō gaikō zasshi)* LIV, no. 1-3 (1955). p.107.

[59] Kuwada Saburo, "Status of Okinawans under the Japanese Nationality Law," *The Japanese Annual of International Law*, no. 3 (1959). p.88.

[60] Following the documents on the San Francisco Peace Treaty published in the FRUS collection.

[61] Source: JICA, Okinawaken to kaigai ijuu (Tokyo: Jica 1982) pp, 98 – 99. Cited in Endoh, *Exporting Japan: Politics of Emigration toward Latin America*. p.164.

[61] The declaration of Human Rights was ratified in 1948. Japan joined the United Nations in 1956.

[62] The directives for USCAR were established in a memorandum approved by the Joint Chiefs of Staff (JCS) in October 4, 1950. Department of State, *Foreign Relations of the United States, 1950*, vol. VI, East Asia and the Pacific (Washington, D.C.: Government Printing Office, 1976). pp.1313-1319. For the GRI see Art. II, C.A. Proclamation No. 13, 29 February 1952; in United States Civil Administration:1950 - 1972, *Laws and Regulations During the U.S. Administration of Okinawa: 1945-1972*, ed. Gekkan Okinawa sha, vol. Book 1 (n/d). p.112.

[63] The U.S. supported the emigration program as a policy to reduce the levels of social tension in an overpopulated area. See Kozy Amemiya, "The Bolivian Conection: U.S. Bases and Okinawa Emigration," in *Okinawa: Cold War Island*, ed. Chalmers Johnson (Cardiff: Japan Policy Research Institute, 1999).

[64] "*FOA Report on Emigration Possibilities in Bolivia*", 3 September 1954, U.S. National Archives, RG. 319, SA 270 R18 Ex60 Box 30.

[65] In the preamble of the 1961 agreement between the Bolivian Government and the United States concerning the immigration of Ryukyuans, it is made clear that because the U.S. exercises "all and any powers of administration, legislation and jurisdiction over the territory and inhabitants" , it can act as responsible authority for the migrants in Bolivia. See "Agreement Between the Government of Bolivia and the Government of the United States of America Concerning the Immigration of the Ryukyuans" Draft 8/23/61. The United States Administration Materials – The Ryukyu Islands: S 312 UN 19 (20), at the Sengo Shiryō shitsu, Ryukyu University.

[66] The FAO was part of the U.S. aid plan for friendly countries. In 1953 the role of FAO was to assist the colonization plan by giving guidance. See "*Memorandum for the Record*" 10 Nov. 1953. At the U.S. National Archives, RG. 319, SA 270 R18 Ex60 Box 30. Still in late 1954 FOA's role in the migration program was not all clear. Oscar Powell, Director of the FOA office in Bolivia, was at loss about his duties toward the migrants, so he requested an Airgram defining in general terms what they were expected to do. See "*Letter to Marry W. Yee (Director W.C. Division FOA)*" December 22, 1954. U.S. National Archives, RG. 319, SA 270 R18 Ex60 Box 30.

[67] Since there was no Japanese office in the Ryukyu Islands that could emit passports, they had to apply for one of the Ryukyu-proof of citizenship.

[68] For a complete description of the Visa application procedures see Tamashiro Migorō, "Okinawa Kaigai Ishū Kankei Kiroku (Records Related to Okinawan Overseas Migration)," *Ijūkenkyu*, no. 16 (1979).

[69] Turkey agreed to assign the island of Cyprus to be occupied and administered by England in the Berlin treaty (1878). England could control Cyprus though titular sovereignty would remain in Turkey. See Thomas Ehrlich, "Cyprus, the "Warlike Isle": Origins and Elements of the Current Crisis," *Stanford Law Review* 18, no. 6 (1966). pp.1024-1025.

[70] Irie, "Legal Status of Okinawa (Okinawa Shotō No Hōtekichii)." p.86.

[71] Ibid. p.86.

[72] Ibid. p.88.

[73] Quoted in Eldridge, *The Origins of the Bilateral Okinawa Problem : Okinawa in Postwar U.S.-Japan Relations, 1945-1952* it should be noted that Yoshida's "always" could not mean anything earlier than 1609.

[74] In conversation with Ota Masahide, I learned about the case of Japanese and Okinawan fishermen who were shipwrecked on the Indonesia coast in the 1950s. The Japanese consular office in Indonesia promptly took care of the Japanese fishermen whereas the Okinawans were left without assistance.

[75] The term *Hogo,* together with "protection", can be translated also as "conservation", "guardianship" or "patronage".

[76] *Kaigai Ijū*, 20 July 1954, p.6.

[77] "*Summary of meeting held between Mr. Ishida and LO*" 10 May 1954. In The United States Administration Materials – The Ryukyu Islands: S 312 UN 11 (19), at the Sengo Shiryō shitsua, Ryukyu University.

[78] In Japan International Cooperation Agency's Record Office (JICA), *Kaigai Ijū*, edited by Nihon kaigai kyōkai rengōkai, 20 July 1954, p.6.

[79] The U.S government, through USCAR, invested US$160,000 for the first Bolivian group. The U.S. Congress appropriated over US$800,000 to support migration. See *Kaigai Ijū*, 20 June 1954, p.39. However, the latter sum was not used in fiscal year 1955. Also the counterpart funds (from the Bolivian government), used to build housing, provide food supply for the first year and for road construction, was derived from the nine million dollars in aid received from the U.S. government. Therefore, most of the money came from U.S. appropriations. See "*Memorandum for the Record*" 10 Nov. 1953. U.S. National Archives, RG. 319, SA 270 R18 Ex60 Box 30.

[80] The U.S. Technical Assistance Program was called "Point Four". Harry Truman's inaugural address in 1949 proclaimed the Point Four Program, with the objective of "making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas". See Ravi Kanbur, "The Economics of International Aid," in *Working Paper Department of Applied Economics and Mangement* (Ithaca: Cornell University, 2003).

[81] Gushiken arrived in Bolivia a year after the diseased was controlled. He quotes his brother, a member of the first group, to explain the tragedy. Kotei Gushiken, *Okinawa Ijyūchi : Boribia No Daichi Totomoni (Okinawa´S Migration Land : Together in Bolivia's Ground)* (Naha: Okinawa Taimusu, 1998). p.52.

[82] "*Letter from Shuzo Nishihira (Chairman Urgent Countermeasure) to Higa (6 January 1955)".* In U.S. National Archives, Registration Number 319, Stack Area 270 Room 18, ex.60 box 30.

[83] Higa Shugei, Chief Executive, wrote to J. Tigner requesting immediate dispatch of government officials. He also called for an official investigation and necessary action. Similarly, Inamine wrote to U.S. Senator W. Judd. Letters and related documents in Okinawan Prefectural Archive (hereafter OPA), Cod. R 0053789B.

[84] Many of Inamine's letters were directed to Representative Walter Judd, who had advocated and sponsored migration to Bolivia. See Walter Judd papers, Box 145, folder 2, The Hoover Institution Archives (HIA), California.

[85] JICA, *Kaigai Ijū*, 20 March 1955, p.8. American specialists were interested in the disease itself and ran a series of experiments. The treatment was mainly to immunize the population against yellow fever with the first injection of diphtheria-tetanus-whooping cough vaccine administered to all children. See "*Letter to Harry W. Yoe (FOA) by O.Powell*", February 1, 1955, U.S. National Archives R.G. 319 S.A. 270, R.18 Ex.60 Box 30.

[86] Initially it was thought to be Malaria but the test failed to confirm it. JICA, Kaigai Ijū, 20 March 1955, p.8. According to Kozy Amemiya, it could have being an outburst of Hanta virus. Amemiya, "The Bolivian Connection: U.S. Bases and Okinawa Emigration."

[87] "Remittance as medical expenses for the patients among emigrants", OPA, Cod. R 00053789 B

[88] "*Current Status of Ryukyuan Colonization in Bolivia*" 10 February 1955. U.S. National Archives R.G. 319 S.A. 270, R.18 Ex.60 Box 30.

[89] "*GRI Mission to Bolivia*" 23 March 1955. U.S. National Archives R.G. 319 S.A. 270, R.18 Ex.60 Box 30.

[90] This doesn't mean that the Japanese newspaper did not cover the event, but in their report there is no direct mention to any form of official aid.

[91] "Report of the group condition", OPA Cod. R00053789B. The official exchange rate was one dollar for 100 bolivianos, but the free rate was one dollar for 1200 bolivianos.

[92] Ryukyuans were Japanese nationals even though Okinawa was under U.S. military control.

[93] This situation changed in the 1960s when the U.S. modified its position towards Okinawan emigrants and allowed the Japanese agencies to gain control over all Okinawan and Japanese colonies.

[94] Acts quoted in "Excerpts of Provisions of Japanese Laws" OPA Cod. 0000011835.

[95] "Status of Ryukyuan Emigrants in Bolivia" OPA, Cod. 0000011835, p.2. Italics mine.

[96] Nihon Kaigai Kyokai Renairais, "Boribia no seikatsuto roudou", 1956, p.84.

[97] "Status of Ryukyuan Emigrants in Bolivia" OPA, Cod. 0000011835, p.2.

[98] MOFA, 16 Kai, J'0079, folder 2. Lt. Col. Crescenzo I. Guida from the Executive Office replied to the request to change the U.S.-issued Ryukyuan travel document for Japanese passports.

[99] "Status of Ryukyuan Emigrants in Bolivia" OPA, Cod. 0000011835, p.3.

[100] "Letter to Byron E. Blankinship, office of HICOM" 21 April 1961. in The United States Administration Materials – The Ryukyu Islands: S 312 UN 19 (7), in the Sengo Shiryō shitsu (Postwar Archives Room), Ryukyu University.

[101] This situation affected the socioeconomic conditions of the community in the 1950s and early 1960s. Years later the mainland Japanese community of San Juan in Bolivia remembered this situation. JICA, Shinsaku Nanbo, in *Nihonjin Borivia Ijyūshi (History of the Japanese Migration in Bolivia)* (Tokyo: Nihonjin Borivia Ijyūshi Hensai iinkai, 1970). p.147.

[102] See note 95.