

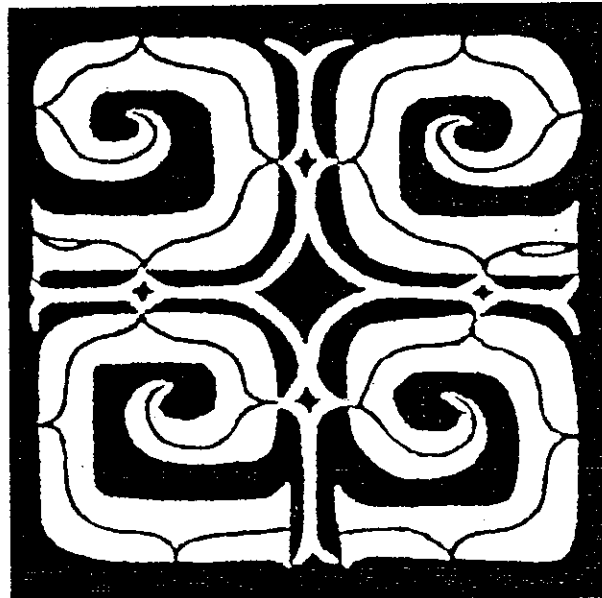
# AINU ASSOCIATION OF HOKKAIDO

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Statement  
Submitted to  
The Eleventh Session The Working  
Group on Indigenous Populations



Geneva, Switzerland

July, 1993

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Madam Chair and fellow indigenous peoples of the world, and all other parties concerned:

We, the Ainu people, are very happy and grateful for this opportunity to speak at the U.N. Working Group on Indigenous Populations again this year.

The wide variety of cultures, religions and social and economic conditions of indigenous peoples, along with their common plight of being the most neglected and vulnerable groups in the history of international society, is finally becoming the focus of the world's attention, with designation of 1993 as the International Year of the world's Indigenous People.

We were very happy to hear that a member of our indigenous peoples, Ms. Rigoberta Menchu from Guatemala, received the Nobel Peace Prize, almost as a prelude to the International Year of the world's Indigenous People, and has been actively working as a goodwill ambassador appointed by the UN Secretary General, for this year-1993. We expect that she will also attract the attention and promote the understanding of the world. We wish her good health and success in her future activities.

The three major characteristics concerning the Ainu people are as follows:

- (1) Ainu territory was divided as a result of historical progress and due to the cold war between east and west. Furthermore, the centuries-long forced evacuations and exploitation of labor caused Ainu society and economy to collapse. The Ainu people are indeed an indigenous people, even though the "Northern Territories" issue, which is still being disputed by Japan and Russia, is recognized by international society to be a problem.
- (2) While Japan has a population of 123 million, the minority Ainu people have an extremely low population of less than 100,000.
- (3) After Hokkaido (Ainu Moshir, a part of historical Ainu territory), which occupies 22% of Japan's total area, was included as part of the nation's territory, forcible assimilation measures were taken on the basis of the strong settlement and development policies. Furthermore, through changes in the national administrative system, the nation has made exceptionally rapid economic development and gained economic influence in the world.

After clarifying the above points, we would like to make a brief presentation and offer some suggestions regarding the current state and circumstances of the Ainu people, the indigenous people of Japan, in order to contribute to the discussion at the Working Group this year.

As we have only limited time for our presentation, objective data related to the content of the presentation will be supplied in the handout.

\* Recent state of Ainu people in Japan

<As a minority>

In the Japanese government's report to the United Nations concerning Article 27 of the International Covenant on Civil and Political Rights in 1980, it was stated that "minorities of the kind mentioned in the Covenant do not exist in Japan." The then prime minister made a remark denying the existence of the Ainu people, saying that "Japan is a racially homogeneous country." School textbooks used by children throughout the nation in public schools also referred to Japan as a racially homogeneous country, and the existence of the Ainu people was not recognized in the education system.

The 1991 report to the United Nations concerning Article 27 of the same Covenant defined minorities in Japan and, in accordance with that definition, provided that "As for the question of the people of Ainu raised in relation to Article 27 of the Covenant, they may be called the minorities of that Article, because it is recognized that these people preserve their own religion and language and maintain their own culture."

To our regret, the Japanese government did not even have criteria to recognize the existence of the Ainu people as an ethnic minority until 1991, due to the history of forced assimilation and annexation.

The Ainu people are now recognized as an ethnic minority, and there was no allusion to a racially homogeneous country in textbooks used in the nation's elementary, junior high and high schools in 1992, probably because of the change of the view of the government.

However, there are still obvious mistakes in textbooks regarding Ainu history, culture and present conditions, and the people involved in textbook publishing lack a proper understanding of the Ainu people.

<As indigenous people>

On December 10, 1992, Giichi Nomura, Executive Director of the Ainu Association of Hokkaido, was given the honor of attending and making a speech at the opening ceremony of the International Year of the world's Indigenous People.

It was a significant event for the Ainu people of Japan, as it led to the recognition by the Japanese government and Japanese people that the Ainu people are directly involved in various activities conducted by the United Nations and other systems concerned with indigenous peoples.

However, even though the Japanese government recognizes the Ainu people as a minority, it does not recognize them as an indigenous people (see Material 1). We think this is because a request has been made by our association, the Hokkaido government and the assembly for the national government to enact a new Ainu law. This request is based on the rights of indigenous peoples (Materials 2 and 3).

The Diet record and the record of our activities for the enactment of such a new law have been attached to the handout.

Just as it took a long time for the Ainu people to be recognized as a minority, the Japanese government is also having a hard time defining indigenous peoples in the context of the Japanese legal system, considering the results of the Declaration on the Rights of Indigenous Peoples, which is being prepar-

ed by the United Nations, and coordinating the above two matters with the demands of the Ainu people.

It is an undeniable fact that the Ainu people are an indigenous people. We will not speak at length about it here, as it has been declared by the director of the National Museum of Ethnology in Osaka and various groups of historians. We will only mention a particularly symbolic case. The "Collection of Data Concerning the History of Territorial Issues between Japan and Russia - Joint Compilation," which was prepared based on the mutual agreement of the two countries in 1992, was produced on the assumption that the Ainu people are an indigenous people.

\* Measures taken by the Japanese government regarding an indigenous people in international society.

The Japanese government voted in favor of the International Year for the world's Indigenous Peoples at the 45th United Nations General Assembly on December 18, 1990. In 1991, the Japanese government decided to contribute \$20,000 to the United Nations Voluntary Fund for Indigenous Populations, in response to the request of our association. Furthermore, the government contributed \$50,000 for the United Nations Voluntary Fund for the International Year of the world's Indigenous People (target sum being US\$500,000) in 1993.

Regardless of the amount of money, we take a favorable view of the government's attitude and are grateful for their help.

Our association is going to request further help from the Japanese government, in the form of continued and increased contributions to the funds for indigenous peoples.

The picture book which was delivered to this conference room, "Ainu Moshir - The World of Ainu Seen through Folk Patterns," was published by the National Museum of Ethnology in response to our request.

\* Measures taken in Japan for the International Year of the World's Indigenous People

It seemed difficult for the Japanese government to introduce a special budget for this purpose, as the Ainu people were not officially recognized as the indigenous people of Japan. However, we understand that the national government and local public organizations have made efforts to respond to our requests (cultural performances at the National Theater, exhibitions in national and local public museums, demonstrations of traditional Ainu dancing in various parts of the nation, etc.) by drawing from the budgets of other cultural programs.

However, as there is a tendency to emphasize the cultural aspects, we think that the legal and historical position of the Ainu people and specific measures should be promoted starting from this specially-designated year.

\* Suggestions from the Ainu Association of Hokkaido

Giichi Nomura, executive director of the Ainu Association of Hokkaido, spoke at the opening ceremony at the UN General Assembly on December 10, 1992, and outlined the seven main points listed below.

We are going to read out 4, 5, 6 and 7, as we regard them as important for the Declaration on the Rights of Indigenous Peoples and for the measures to be

taken in the future.

1. December 10 should be remembered as a red-letter day for the Ainu people, whose existence had not been recognized by the Japanese government until a few years ago, as the day when we were officially recognized by the United Nations.
2. The ethos of the indigenous Ainu people, in terms of their lifestyle, economy, society and culture, was lost through the development and assimilation measures of the Japanese government.
3. The Ainu Association of Hokkaido should not simply blame the government for the past, but should demand "a new partnership" with the government and invite the government to the discussion table.
4. The Japanese government should pay close attention to the effect of the activities of Japanese companies and foreign aid of the Japanese government on the lives of indigenous peoples, and must strive to establish new partnerships, not only with the Ainu people but also with indigenous peoples throughout the world.
5. The Ainu Association of Hokkaido should request the United Nations to establish an international standard to ensure the rights of indigenous people who are the victims of ethnocide.
6. The Ainu Association of Hokkaido should request the United Nations to establish an international organization to observe the conditions of the rights of indigenous peoples, and the member states to support it financially.
7. While the Ainu people may demand that the Japanese government grant them all the rights of indigenous peoples discussed at the United Nations, including the right of indigenous peoples to self-determination, such demands shall be ~~made~~ "a high degree of autonomy," and shall be made in consideration of such principles as "the unity of the nation" and "preservation of the nation's territorial integrity."

When we think about the future of indigenous peoples, it tends to be obscured by issues regarding the world's population, food, the environment, North-South problems, or other urgent global problems.

The aforementioned problems generally involve or are related to the issue faced by indigenous peoples, but it is not right to evade the issue of indigenous peoples or integrate it into other issues.

In order to solve the issues faced by the most neglected and vulnerable indigenous people, we sincerely hope to launch the Decade for Indigenous Peoples in 1994, as stipulated in the Vienna Declaration and Programme of Action, June 25, 1993, after the International Year of the world's Indigenous People, 1993.

We tend to think that the continued attendance, since 1987, of the Ainu people at this Working Group has served as a means to monitor indirectly international society and has also promoted the understanding of the people of the world and the Japanese government.

With your support, we will continue our efforts to raise the awareness of human rights in the world and to establish the rights of indigenous peoples in the future. Thank you.

Minutes of the 125th Lower House Committee on Foreign Affairs

(Igarashi, member of the House of Representatives)

December 4, 1992

Kozo Igarashi

Let me ask another question. The International Year for the World's Indigenous People, which was so designated by the UN, will start on the 10th of this month. Various events are to be held for this International Year for the World's Indigenous People. In December 1990, the 45th United Nations General Assembly adopted a resolution which designated 1993 the International Year for the World's Indigenous People. In December, the 46th United Nations General Assembly adopted the Action Program for the specially-designated year.

The Action Program includes a clause outlining the Plans for the International Year for the World's Indigenous People. In order to make the year a success, each country "shall designate a person of an appropriate division of a ministry or department to be in charge of the year and establish a national committee, which consists of representatives from government, indigenous people and NGO (nongovernmental organizations), to prepare national action programs." I understand that the Ministry of Foreign Affairs knows the fact that the Action Program includes such a clause.

In accordance with the clause, the Ministry of Foreign Affairs placed the Human Rights and Refugee Division in charge of the year after conferring with other ministries and agencies. I have heard that the ministries and agencies concerned met three times. However, I understand that a national committee, consisting of representatives of the government, the indigenous people and nongovernmental organizations, has not yet been established. Why hasn't the Ministry of Foreign Affairs established a national committee?

Spokesman (Kawai)

I'll try to answer your question. As you pointed out, we consider the International Year for the World's Indigenous People very significant in terms of promoting international cooperation to solve various problems in such fields as human rights, environment, education and the health of indigenous people.

For the first time this year, the Ministry of Foreign Affairs investigated the plans of other countries for the International Year for the World's Indigenous People. As you pointed out, the ministry met three times with the ministries and agencies concerned, based on the investigation. At the meetings, we explained to them the meaning of the International Year for the World's Indigenous People, the plans of other countries for the specially-designated year, and the requests from the Hokkaido government and other institutions concerned. We also requested that the ministries and agencies make plans for the International Year for the World's Indigenous People, and we have been making arrangements with those ministries and agencies. The Ministry of Foreign Affairs would like to continue to take a positive approach to this matter.

Therefore, the Ministry of Foreign Affairs is now discussing plans for public relations regarding the meaning of the year.

Kozo Igarashi

That does not answer my question. However, that does not bother me, because

it's a fact that the Ministry of Foreign Affairs has not established a Japanese national committee as stipulated in the UN resolution, which I mentioned earlier. I have serious doubt about the intentions of the Ministry of Foreign Affairs.

The UN resolution and the contents of the work plans are as follows: "(Each country) shall promote the initiative of indigenous people in such fields as model projects regarding radio, TV, education, health, employment, housing and the environment." "(Each country) shall provide information prepared jointly by the country and its indigenous people regarding general domestic conditions of (the indigenous people) and activities during the year." "(Each country) shall encourage its indigenous people to participate in the preparation and execution of all activities in relation to the year." "(Each country) shall encourage the organizations and communities of its indigenous people to prepare their own plans and activities."

In short, the UN emphasizes the participation of the indigenous peoples to promote their initiative for the International Year for the World's Indigenous People. However, a national committee has not even been established yet. What are we to make of this fact? For example, did the Ministry of Foreign Affairs talk with or confer with the Ainu people about this matter?

Spokesman (Kawai)

We received several petitions from Hokkaido's preparatory body. We have taken those opportunities to explain our plans and other related matters, which we are now discussing, and to exchange opinions.

Kozo Igarashi

As it is, the Ministry of Foreign Affairs has only received their petitions and has not ever heard their opinions, isn't that right? I cannot help doubting whether you actually have a sense of human rights. I assume from your attitude that you do not have any plans for next year. There are only a few days to be left this year. Moreover, the UN will open the International Year for the World's Indigenous People at the General Assembly on December 10. On the other hand, the Ministry of Foreign Affairs has not made domestic work plans for the International Year for the World's Indigenous People. Is that right?

I heard that the Ministry of Foreign Affairs received from the Hokkaido government petitions and requests for three works. I understand that you are discussing work plans based on the requests from the Hokkaido government, but your attitude toward the year is not right. At any rate, you must make specific plans as soon as possible. You must surely listen to the opinions of the Ainu people as you prepare such plans. I am sure that such a process is in line with the UN resolution.

I think the Ministry of Foreign Affairs must at least make specific work plans to prepare for the year as soon as possible, preferably within this year. I would like the Parliamentary Vice Minister to answer my question.

Government committee member (Kakizawa)

I think that, as you pointed out, Japan has come to a point where it should deal with its indigenous people, minorities and other problems from an international perspective.

I've heard that 13 ministries and agencies are involved in this matter. I hope Japan will decide what to do as soon as possible, through close communication among the ministries and agencies and by listening to the opinions of the parties concerned and other related people. I would also like to encourage the ministries and agencies concerned and authorities in charge to deal with this matter in such a way.

Kozo Igarashi

It seems that you do not understand this matter very well. The fact is that the work plans are being narrowed down to certain ones. The plans include two of three major requests from the Hokkaido government: 1) performances of traditional Ainu dances and other programs at the National Theater of Japan and in major cities throughout Japan; and 2) A special exhibition of Ainu culture at the National Museum.

These requests involve the Agency for Cultural Affairs, which I suppose has also received these requests. As a spokesman of the agency is attending this session, I would like the spokesman to explain what plans are being made in the Agency for Cultural Affairs.

Spokesman (Yoshizawa)

The entire government, not only the Ministry of Foreign Affairs, which is in charge of the International Year for the World's Indigenous People, is now discussing what it should do for the year. We think it is important to preserve, hand down, and exhibit the traditional dances of the Ainu and cultural assets such as Yukara so that people may understand the culture of the Ainu people. We are now endeavoring to make plans for next year as soon as possible by taking into consideration various circumstances, such as the requests from the Hokkaido government and the Ainu Association of Hokkaido and the discussions by the entire government for the International Year for the World's Indigenous Peoples, and by conferring and arranging with institutions concerned.

Kozo Igarashi

I think the Agency for Cultural Affairs will have particular difficulty arranging the schedule of performances at theaters, even with cooperation of local citizens and institutions. Therefore, proper plans cannot be made without rapid preparation. For that reason, I would like you to make specific plans within this year. Can you respond my request?

Spokesman (Yoshizawa)

Based on the meaning of the International Year for the World's Indigenous People, requests from the Hokkaido government and the Ainu Association of Hokkaido, and other factors, we are now discussing this matter. At this stage, we hope to make plans within this year.

Kozo Igarashi

I would be very pleased if you could do so.

I would also like to say that I have several questions for the Councilors' Office on Internal Affairs, the most important body dealing with Ainu issues, but that I cannot ask them due to time limitations. I would like to ask them next time, if possible.



In short, the government cannot confirm whether or not the Ainu people are an indigenous people, even though it has held about three meetings a month for the past three years. I am not satisfied with your assertion. It is a poor response to the International Year for the World's Indigenous People, which is to start soon. I take this opportunity to demand firmly that the government establish a policy regarding the enactment of the New Ainu Law as soon as possible.

Minutes of the 125th Diet - Upper House Cabinet Committee Session

(Yamaguchi, member of House of Councilors)

December 8, 1992

(Yamaguchi)

I have only about five minutes left. I would like to ask the Chief Cabinet Secretary about issues regarding international indigenous peoples, since he is so kind as to attend this session.

I am very much involved in Ainu issues, and I therefore consider this question very important.

As you know, next year will be the International Year of the World's Indigenous People. I think we must first officially recognize the Ainu people as indigenous. We can examine the issue from various perspectives, but results will always show that the Ainu people are indigenous. I can support that assertion in three ways.

First, the day after tomorrow, December 10, the opening ceremony of the International Year of the World's Indigenous People will be held at the UN headquarters. Mr. Giichi Nomura, Executive Director of the Ainu Association of Hokkaido, was invited to the opening ceremony on behalf of the Ainu people of Japan. He will deliver a speech in front of government representatives at the UN headquarters. Therefore, that means that the UN officially recognizes Japan's Ainu people as indigenous.

Second, Japan contributes to the UN Indigenous Peoples Fund every year, and that contribution comes from the budget of the Ministry of Foreign Affairs. When I negotiated with the Ministry of Foreign Affairs, I pointed out the fact that such a contribution meant that it had recognized the Ainu people as indigenous. However, the Ministry of Foreign Affairs gave me a vague answer by saying, "We contribute to the Fund, but..." The fact is that you actually do contribute to the Indigenous Peoples Fund.

Third, on May 15, 1987, Diet Representative Kozo Igarashi of our party made the following statement at the Special Committee on Okinawa and Northern Problems of the House of Representatives: "Everybody admits that the Ainu people formerly lived in the Northern Territories." In response, Mr. Yamashita, minister of state at that time, answered, "You are right. That is common knowledge." Furthermore, Diet Representative Igarashi also said, "We can't deny that the Ainu people lived on the island of Hokkaido. What is your response to that?" Yamashita answered by saying, "We recognize that that is also common knowledge."

Therefore, the Ainu people are recognized as indigenous by both the UN and the Japanese government. However, the government has not yet officially recognized the Ainu people as indigenous. Why haven't you admitted the fact?

(Chief Cabinet Secretary)

Ministry of State (Koichi Kato)

Let me respond. When we inquired of the UN about the concept and definition of indigenous people, it did not provide a clear answer, since it has not yet established any clear concept and definition. Moreover, we asked why the UN

invites people to ceremonies and conferences regarding indigenous people. The UN responded by saying that it invites, through various routes, people who think of themselves as indigenous to participate in various meetings as observers. Mr. Nomura was invited to the opening ceremony of the International Year of the World's Indigenous People, but the UN invited him indirectly, not directly.

Therefore, the government is now carefully examining the concept of indigenous people. We have not yet reached any conclusion, because we have to examine the concept, rights and obligation of indigenous people.

Tetsuo Yamaguchi

You are wrong. I am sorry, but we are running out of time. The government's failure to recognize the Ainu people as indigenous runs contrary to international common knowledge. We can find a clear internationally established definition of indigenous people in the Cobo Report, which was presented at the 1984 UN Working Group on Indigenous Populations, and No. 107 or 169 Treaty of ILO. Therefore, I doubt that you received such an answer from the UN. Later, I would like to hear from the Ministry of Foreign Affairs when you had such an answer and who inquired of whom. I am not satisfied with your explanation. Japan will be laughed at by the rest of the world. I suppose it is natural that Mr. Nomura, Executive Director of the Ainu Association of Hokkaido, may say the following at the opening ceremony: "Unfortunately, we have not yet had the New Ainu Law. Despite our insistent demands, the government has not taken a positive attitude toward the enactment of the New Ainu Law." I think Japan will be laughed at by the international community because of its improper attitude toward indigenous people. We have little time left until next year. Therefore, I would be pleased if the government could enact the New Ainu Law.

I would particularly like to mention that it has been three years since enactment of the New Ainu Law was originally studied. What has been done at the Councilors' Office on Internal Affairs under the supervision of the Chief Cabinet Secretary for the past three years? The office listened to the opinions of the Hokkaido government. I demanded many times that the office listen not only to the Hokkaido government but also to the Ainu people and scholars. Therefore, the office finally and reluctantly listened to the Ainu people several times. However, I heard from the Ainu that the office asked only basic questions. Interviewers were surprised because the Ainu questioned what had actually been studied at the office. When I met a staff member of the office, the person did not know Ainu place names at all. The person made wrong remarks regarding Ainu place names.

Therefore, I cannot possibly think that the government is earnestly engaged in Ainu issues. Three years have passed. I hope that Chief Cabinet Secretary Kato endeavors to prepare an original bill of the New Ainu Law while in office, particularly within the next year, and submit the bill to the Diet as soon as possible.

Minister of State (Kato)

I would like to examine this matter carefully by listening to various opinions.

Tetsuo Yamaguchi

Everybody says so. I am very sorry to hear your remarks. Diet Representative

Moriyama is attending this session. Ms. Moriyama, you finally decided to examine this matter when you were Chief Cabinet Secretary by establishing a committee. Everyone expected that some sort of conclusion would be reached after about one year. The government announced to the rest of the world that it was examining this matter. What has been done for the past three years? Only suspicion remains. How dare we say that Japan is an economic superpower when we don't adopt a proper attitude toward our indigenous people? We must first settle problems regarding human rights before we can be proud of Japan as an international country. Ainu issues are typical ones. Therefore, we must recognize the Ainu people as indigenous and enact the New Ainu Law so that they can truly lead comfortable lives. I would be pleased if the Chief Cabinet Secretary showed his determination.

Minister of State (Koichi Kato)

I would like to examine the matter, including that point. I think we must reach clear conclusions as soon as possible by distinguishing what we can do and what we cannot do.

We have not yet enacted the New Ainu Law. However, even if we don't have the law or reach conclusions regarding examinations of various problems, we would like to take positive measures, including the propagation of Ainu culture and the improvement of their daily lives.

Minutes of the 126th Diet - Upper House Budget Committee Session

(Tetsuo Yamaguchi, member of House of Councilors)

March 19, 1993

(Yamaguchi)

Before closing, I would like to ask the Chief Cabinet Secretary about Ainu problems.

I think that the Ainu people are an indigenous people. What is your response to that?

Minister of State (Yohei Kono)

It is evident from documents that the Ainu people have long lived in Hokkaido, and I understand that this is common knowledge.

Tetsuo Yamaguchi

That means that the Ainu people are an indigenous people. Do you agree with that?

Minister of state (Yohei Kono)

Apparently specialists are discussing an internationally acceptable definition of indigenous people from various perspectives. We have various reports, including the Cobo Report, regarding this problem. I received reports saying that we do not yet have an internationally established definition of indigenous people.

Tetsuo Yamaguchi

You are wrong. This document, which was sent from the National Diet Library on March 16, says that the UN has given a clear definition of indigenous people. This document is a copy of an official pamphlet for the International Year of the World's Indigenous People, which was issued by the Public Relations Department of the UN in July 1992. The pamphlet says that the UN has a clear definition of indigenous people.

Government committee member (Hiroyuki Ito)

Let me answer your question. As the Chief Cabinet Secretary said, we understand that the UN is discussing the definition of indigenous people from various perspectives. However, we understand that the definition of indigenous people presented by the UN is not the one formally adopted by the UN, but only part of a report presented by the UN, such as the Cobo Report, which was mentioned earlier.

Tetsuo Yamaguchi

The Cobo Report was formally commissioned by the UN. The definition of indigenous people as presented in the Cobo Report is the one accepted by the UN, because the UN issues such reports.

Spokesman (Hiroyuki Ito)

As you discussed earlier, the definition of indigenous people will be closely related to the granting of a legal basis in accordance with the definition.

Therefore, we understand that we should simultaneously discuss both the definition of indigenous people and rights granted to indigenous people. We also understand that the UN has not yet established such a definition nor clarified rights of indigenous people.

Tetsuo Yamaguchi

We don't know when the UN will establish a definition of indigenous people. This year is the International Year of the World's Indigenous People. Why can't you work without a definition of indigenous people established by the UN? The governments of America, Canada and Australia have already established their own definitions. Without waiting for the establishment of a definition by the UN, these countries are carrying out their plans. Why can't Japan do so?

Spokesman (Hiroyuki Ito)

We have various matters to deal with. For example, what can Japan do for the International Year of the World's Indigenous People? Even if we don't have a clear definition of indigenous people, we would like to conduct activities with an emphasis on public relations regarding Utari, or Ainu, culture so that people can fully understand Utari culture. However, we would like to develop such activities regardless of the UN's definition of indigenous people. We understand that we can simultaneously but separately develop public relations regarding Utari culture and establish a definition of indigenous people.

Tetsuo Yamaguchi

Demands for the enactment of the New Ainu Law have been made by Hokkaido. You must first recognize the basic human rights of the Ainu people. You must then establish a fund which helps the Ainu people lead independent lives. There are several other measures you must carry out. You should be able to do so without a definition of indigenous people established by the UN, if you are willing to so. What is your response to that? Are you willing to do so?

Minister of State (Yohei Kono)

I fully understand that requests regarding the New Ainu Law have been made. As you know, the Government Committee for Consideration of the New Ainu Law and other institutions are discussing this matter from various perspectives. We are now waiting and seeing how the study will progress at the committee.

I apparently believe that we must not necessarily wait for the UN to establish a definition of indigenous people in order to enact the New Ainu Law. I see your opinion as a proposal, which deals separately with the definition of indigenous people by the UN on the one hand and the enactment of the New Ainu Law, on the other hand. However if the definition of indigenous people is internationally established and international common rights of indigenous people are granted, I consider it is important that the New Ainu Law be in accord with the definition and rights. We are taking these factors into consideration and are now waiting and seeing how the study will progress at the Government Committee for Consideration of the New Ainu Law and how the discussion will progress at the Councilors' Office on Internal Affairs.

Tetsuo Yamaguchi

I would also like to ask the Prime Minister some questions. It is useless simply to wait for the development of discussion at the Government Committee for Consideration of the New Ainu Law because it takes a long time. The committee was fully established when Ms. Mayumi Moriyama was Chief Cabinet Secretary, and I greatly appreciate her effort. How many years have passed since then? It has been four years since the committee was established. What do you think has been discussed during the past four years? You listened to only staff members of the Hokkaido government. We told you that you must listen not only to the Hokkaido government, but also to other parties concerned. Therefore, you reluctantly came to listen to the parties concerned. However, you don't listen to our demand that you must listen to scholars as well. You have only studied for the past four years. This is a political matter. Are there any obstacles to the recognition of the Ainu people as indigenous and to the enactment of the New Ainu Law?

Minister of State (Yohei Kono)

You made many reasonable points in your remarks, because you have worked on this matter for a long time.

However, let me get the facts straight. You gave us various suggestions, as did other people from various fields, and the Government Committee for Consideration of the New Ainu Law has therefore conducted hearings. For example, we conducted a hearing with Prof. Nakamura of Hokkaido University this January. We are preparing for another hearing probably this month or next. I have heard that hearings are quite actively conducted, generally monthly or bimonthly.

Of course, I think it is necessary to conclude this matter as soon as possible. However, I hope that you give us a little while, so that we can wait and see the progress of the study at the Government Committee for Consideration of the New Ainu Law.

Tetsuo Yamaguchi

I am very sorry to say this, but I cannot help thinking that the government is trying to postpone the enactment of the New Ainu Law. Therefore, I cannot help thinking that the government has even given instructions to delay the enactment of the New Ainu Law. You have not made any conclusions after four years on study. How can this happen?

We have adequate reasons to enact the New Ainu Law, don't we? This report from Hokkaido even includes the reasons. Considering such facts, I think that we should first establish the Council for the Enactment of the New Ainu Law, in which parties concerned also participate. We should then listen to opinions from various circles and every walk of life. The Japanese people deprived the Ainu people of language and all property during the past 100 years, didn't we? It is reasonable that the government be held responsible for the establishment of a system in which the Ainu people have the New Ainu Law, are granted human rights, are recognized as an indigenous people, and can lead independent lives. Do you agree with that, Prime Minister?

Minister of State (Yohei Kono)

I wonder if I can answer your question suitably, because you have a far better knowledge of this matter. As you know, 10 ministries and agencies are involv-

ed in the Government Committee for Consideration of the New Ainu Law. It is natural that a wide variety of discussion is conducted at the committee. I would very much like you to understand that it takes a rather long time to examine one by one and reach conclusions regarding such a wide variety of problems.

We have to discuss this matter from various perspectives. What is the definition of Ainu? What rights do they have as an indigenous people? What is the character and contents of the rights? As you may well understand, we have such difficult problems. We are endeavoring very hard to analyze such problems one by one. Therefore, I would like to repeat my request that you be so kind as to give us some time.

Tetsuo Yamaguchi

Several items which the Chief Cabinet Secretary has just mentioned have already reached their conclusion. There is no room for further examination.

When Nakasone was prime minister, a remark that there were no minority people in Japan caused a big international stir. This year is the International Year of the World's Indigenous People. As long as the government continues to answer questions in such a way, Japan's superficial knowledge and ignorance of human rights will be further exposed to the international community and the rest of the world, since many international conferences on this subject will be held. I believe it is high time that Prime Minister Miyazawa enacted the New Ainu Law as soon as possible for the International Year of the World's Indigenous People. What is your response to that?

Minister of State (Kiichi Miyazawa)

As for the current situation, the Chief Cabinet Secretary mentioned it earlier. I would like to examine this matter fully and earnestly, because we must also consider what will happen after the enactment of the New Ainu Law.



## Progress in Demands for Enactment of New Ainu Law

(1) May 1984

A New Ainu Law (draft), drawn up by the Ainu Association of Hokkaido, was approved by the association's General Assembly.

(2) July 1984

The Speaker of the Hokkaido Assembly and the Governor of Hokkaido were requested to enact the New Ainu Law.

(3) (May 1985 - March 1988)

Enactment of the New Ainu Law was examined at the Ainu Affairs Meeting, a private advisory organ of the Governor of Hokkaido.)

(4) August 10-11, 1988

The Ainu Association of Hokkaido, the Hokkaido government and the Hokkaido Assembly carried out joint activities to demand that the Japanese government enact the New Ainu Law.

(5) October 1988

Chairman Ito of the General Council and other people were requested to establish a government section in charge of the New Ainu Law.

(6) November 20, 1988

Prime Minister Takeshita was requested (at a hotel in Sapporo) to establish a government section in charge of the New Ainu Law.

(7) January 1989

Chief Cabinet Secretary Obuchi (acting secretary) and Diet representatives from Hokkaido were requested to establish a government section in charge of the New Ainu Law.

(8) March 22, 1989

Lower House Speaker Hara was requested to work for the early realization of the New Law.

(9) April 1989

Director General Kanayama of the Management and Coordination Agency and LDP Secretary-General Abe were requested (at a hotel in Sapporo) to establish a government section in charge of the New Ainu Law.

(10) June 1989

Yamaguchi, of the SDPJ (Social Democratic Party of Japan) and member of the House of Councilors, was requested to promote the enactment of the New Ainu Law.

(11) August 1989

The SDPJ's Special Committee on the Ainu People was requested to promote the enactment of the New Ainu Law.

(12) September 1989

Chief Cabinet Secretary Moriyama, Director General Mizuno of the Management and Coordination Agency, LDP Secretary-General Ozawa, Chairman Karasawa of the General Council, Chairman Mitsuzuka of the Policy Research Council and Representative Watanabe were requested to establish a government section in charge of the New Ainu Law.

(13) November 1989

Prime Minister Kaifu was requested (in Sapporo) to establish a government section in charge of the New Ainu Law.

(14) November 1989

Chairman Kita of the LDP Hokkaido Diet Representatives Association and other Diet representatives were requested to establish a government section in charge of the New Ainu Law.

(15) December 4, 1989

The Japanese Government established the Committee for Consideration of the New Ainu Law under the Hokkaido Liaison Conference of Ministries and Agencies dealing with Ainu Affairs, to study the necessity of the New Ainu Law. The committee consists of 10 ministries and agencies, including the Cabinet Councillor's Office on Internal Affairs.

(16) December 1989

Members of the Government Committee for Consideration of the New Ainu Law were requested to promote the enactment of the New Ainu Law.

(17) (Furthermore, a total of 5 similar requests were made in 1989 to the Hokkaido government and others related to the Hokkaido Assembly.

(18) April 12, 1990

Prime Minister Kaifu, Chairman Nishioka of the LDP's General Council, Acting Chairman Ochi of the Policy Research Council, Chairman Kita of the LDP Hokkaido Diet Representative Association, Chairman Watanabe of the Ainu Program Promotion Committee, Chairman Ikehata of the SDPJ Special Committee on the Ainu People, Chairman Ogasawara of the JCP Ainu Issue Committee and each Diet Representative elected from Hokkaido were requested to promote the enactment of the New Ainu Law.

(19) April 13, 1990

Parliamentary Vice-Minister Takebe of the Hokkaido Development Agency, Chief Kumon of the Cabinet Councillor's Office on Internal Affairs and individual members of the Government Committee for Consideration of the New Ainu Law were requested to promote the study for the enactment of the New Ainu Law and provide opportunities for the opinions of the Ainu Association of Hokkaido to be heard.

(20) (During this period, the government, the Diet and the individual political parties were requested, on every possible occasion, to promote the study for the enactment of the New Law and provide opportunities for the opinions of the Ainu Association of Hokkaido to be heard.

(21) March 27, 1992

Tokyo Appeal for the Early Enactment of the New Ainu Law was carried out. A petition was submitted to the Diet.

(22) April 7, 1992

Some members of the Government Committee for Consideration of the New Ainu Law came to Hokkaido to visit the Ainu Association of Hokkaido and the towns of Biratori, Shizunai and Shiraoi.

(23) June 26, 1992

The opinions of the Ainu Association of Hokkaido concerning the enactment of the New Ainu Law were presented to the Government Committee for Consideration of the New Ainu Law. (1st time)

(24) August 6, 1992

The SDPJ Special Committee on the Ainu People was requested (at the Members' Office Building of the House of Councilors, attended by the 10 officials from the related ministries and agencies) to promote the enactment of the New Ainu Law at the national budget request meeting for fiscal 1993.

(25) September 21, 1992

The Hokkaido Assembly was requested to make a decision to promote the enactment of the New Ainu Law. (On October 14, 1992, the assembly unanimously adopted a written proposal, which was to be presented to the national government.)

(26) September 21, 1992

The Governor of Hokkaido was requested to encourage the national government to promote the enactment of the New Ainu Law.

(27) October 9, 1992

The following government figures were requested to work for the early enactment of the New Ainu Law.

(Government)

Koichi Kato, Chief Cabinet Secretary

(LDP)

Tamisuke Watanuki, LDP Secretary-General

Koko Sato, Chairman of the General Council

Yoshiro Mori, Chairman of the Policy Research Council (Acting Secretary)

(Hokkaido Federation of LDP Branches)

Shoichi Watanabe, Chairman

Muneo Suzuki, Vice Chairman (Acting Secretary)

Shoichi Nakagawa, Vice Chairman (Acting Secretary)  
Hiroshi Imazu, Vice Chairman

(28) October 27, 1992

The opinions of the Ainu Association of Hokkaido concerning the enactment of the New Ainu Law were presented to the Government Committee for Consideration of the New Ainu Law. (2nd time)

(29) November 6, 1992

The Hokkaido Federation of LDP Branches was requested, at its policy meeting, to promote the enactment of the New Law.

(30) November 11, 1992

When Hokkaido's draft budget for fiscal 1993 was discussed, Governor Yokomichi and other officials of the Hokkaido government were requested to encourage the national government to promote the enactment of the New Law.

(31) December 6, 1992

The LDP Political and Economic Seminar was requested, at its 1993 government budget petition meeting, to promote the enactment of the New Law.

(32) December 22-24, 1992

The following government figures were requested to work for the early enactment of the New Ainu Law.

(Government)

Yohei Kono, Chief Cabinet Secretary  
Hiroyuki Ito, Chief of the Cabinet Councillor's Office on Internal Affairs

(LDP)

Seiroku Kajiyama, LDP Secretary-General  
Koko Sato, Chairman of the General Council (Acting Secretary)  
Hiroshi Mitsuzuka, Chairman of the Policy Research Council (Acting Secretary)

(SDPJ)

Seiichi Ikehata, Chairman of the SDPJ Special Committee on the Ainu People  
Kozo Igarashi, member of House of Representatives

(33) February 27, 1993

Speakers of municipal assemblies in Hokkaido were requested to work for the early enactment of the New Ainu Law.

(34) March 3, 1993

The Hokkaido City Assembly Speaker's Federation and the Hokkaido Town and Village Assembly Speaker's Federation were requested to work for the early enactment of the New Ainu Law.

(35) April 14-15, 1993

The LDP Chairman of the General Council, Chairman of the Policy Research Council, Director General of the Management and Coordination Agency, Director General of the Hokkaido Development Agency, members of the House of Representatives from Hokkaido and people in charge in the Cabinet of Councillor's Office on Internal Affairs were requested to enact the New Ainu Law.

The Chairman and three Vice Chairmen of the Hokkaido Federation of LDP Branches were also requested to do so on a supra-party basis.

(36) May 18, 1993

The Hokkaido City Assembly Speaker's Federation and the Hokkaido Town and Village Assembly Speaker's Federation were again requested to work for the early enactment of the New Ainu Law.

(37) May 28, 1993

The speakers of the municipal assemblies in Hokkaido which had not yet made any decisions were again requested to work for the early enactment of the New Ainu Law.

(38) June 8, 1993

All the Diet Representatives from Hokkaido were requested to promote the enactment of the New Ainu Law.

(39) June 16-17, 1993

Opposition party leaders and Diet Representatives from Hokkaido were requested, on a supra-party basis, to enact the New Ainu Law.

Views of the Ainu Association of Hokkaido in response to the Japanese Government Committee for Consideration of the New Ainu Law (October 27, 1992)

(Questions from the committee.)

1. Concerning the demands for the establishment of new legislation for the Ainu people, how does the association view the items demanded by the Hokkaido government, including the study process?

(Is the association satisfied with them or not?)

- (1) The Hokkaido government established the Utari Affairs Council, a private advisory organ to the governor, in order to examine the New Legislation for the Ainu People (draft), which was submitted by our association to demand the enactment of the New Ainu Law.
- (2) Members of our association also joined the meeting and actively spoke and participated in it.
- (3) Except for certain sections, the report of the meeting generally coincided with the views of the legislative draft which our association submitted.
- (4) An item concerning suffrage was annexed to the demands of the Hokkaido government to the national government. Apart from that, however, the demands were almost the same as the report of the meeting.

\* Therefore, we consider that the demands of the Hokkaido government are adequate, except for certain parts.

(Problems) Although demands concerning suffrage were expressed concretely in our legislative draft, these were expressed as a postscript in the report of the meeting, since they might be contrary to the present constitution. As this bears a strong relation to the Rights of Indigenous Peoples, we are dissatisfied with this treatment.

## 2. Definition of the Ainu People

\* How should the Ainu people be defined, in terms of whom the New Ainu Law will be applied to?

\* How and to what extent can people be identified as Ainu, and what are the necessary conditions?

(Should the identification be done for the Ainu people as an entire race or for each individual?)

- (1) The Ainu people, whose bases of life have been Hokkaido, Sakhalin and the Kuril Islands for a long time, have coexisted with nature by subsisting mainly by hunting, fishing and gathering. The people have their own language, culture and customs, which have been handed down for generations. The Ainu people as a group can be defined by these historical facts.

(Identification of Ainu, extent, and so on)

(2) They should be Ainu or members of Ainu families

Concretely,

- A. One who is of Ainu blood, recognizes oneself to be Ainu, and declared oneself to be Ainu of one's own will.
- B. One who insists that he can be identified through confirmation of one's relations.
- C. One who newly joins the Ainu people through marriage or adoption.
- D. The degree of blood relations shall be irrelevant.
- E. It is not necessary to limit the identification to the entire people.

### 3. Rights as Indigenous Peoples

\* What kind of rights are their actual "rights as indigenous peoples?"

For example, on what are their rights to the land, to suffrage and to self-determination grounded?

- (1) It is historically evident that the Ainu people lived in Hokkaido before the Japanese. This fact cannot be denied. The Japanese government should grant the basic recognition that the Ainu people are the indigenous people of Japan.
- (2) We consider the following rights and freedoms, which have been taken from the draft of the "Declaration on the Rights of Indigenous Peoples," which is being examined by the Working Group on Indigenous Populations of the United Nations, to be their "rights as indigenous peoples."
  - A. Items concerning protection of racial and cultural characteristics, uniqueness and so on.
  - B. Items concerning religion, language, education, and so on.
  - C. Items concerning fishery, gathering, agriculture, and so on.
  - D. Items concerning environmental preservation.
  - E. Items concerning land and natural resources.
  - F. Items concerning suffrage and self-determination.

\* Their "right to the land" is grounded on the following facts.

It is a historical fact that the Ainu people are indigenous to Hokkaido and other areas.

The Japanese government arbitrarily determined, without consulting with the Ainu people who actually resided there, that the land which the indigenous Ainu people had governed and used throughout their history to live in and secure necessary food was "unowned land." The state

unilaterally made it a Japanese demesne and illegally deprived the Ainu people of it.

The Ainu people have never given up nor handed over any land, including Hokkaido, on which they have lived.

Therefore, the land originally belonged to the Ainu people, and they have the rights to the land, which no one can infringe.

\* "Suffrage and self-determination" are grounded on the following facts.

With the discriminatory policies of the government, represented by the Former Aborigines Protection Act, such policies still influence the Ainu people greatly in educational, social, economic, and various other fields. We therefore earnestly hope that racial discrimination will be abolished at the earliest date possible and that we will recover from our history of oppression. In order to realize these goals, seats for representatives of the Ainu people must be ensured in the Diet and local assemblies, so that the demands of the Ainu people will be reflected properly and certainly in national and local administrations.

While living on their ancestral land, the Ainu people were deprived of their land and have conversely been dominated by the Japanese. Even in such circumstances, we have the right of self-government to protect our people's rights and dignity, and naturally have the right to determine by ourselves political, economic and social issues.

#### 4. Declaration on the Rights of the Ainu People

\* What are the actual contents of the declaration?

At the general assembly of the International Labor Organization (ILO) in June 1989, the "Convention on Aborigines and Tribe Peoples (Convention on Indigenous Peoples)" (Convention 107) was amended. The basic concept of the convention, which was to protect and assimilate was changed to "respect for social and cultural characteristics peculiar to aborigines and tribal peoples (indigenous peoples) in independent states," and was adopted as Convention 169.

The Japanese Government has not yet ratified Convention 169. However, we hope that the "Declaration on the Rights of the Ainu People" will be based on the rights and measures provided for in this convention.

\* The rights and measures provided for in Convention 169 roughly include the following items:

- A. Items concerning general policies (objects, measures, application, etc.).
- B. Items concerning land.
- C. Items concerning conditions of recruitment (of workers) and employment.
- D. Items concerning vocational training, making handicrafts and rural industries.
- E. Items concerning social security and insurance.



F. Items concerning education and means of communication.

5. Promotion of Ainu Culture

\* What kind of Ainu culture should actually be promoted?

\* What is the goal of the "promotion of Ainu culture"?  
(e.g. education of the Ainu language --> official language)

(1) Ainu culture

Ainu culture has been fostered through the unique time-honored customs, language and religion of the Ainu people. The culture has been handed down to the present days, even though it has suffered greatly from discrimination and prejudice due to the protection and assimilation policies of the Japanese government, including compulsion to use Japanese and prohibition of customs peculiar to the Ainu people.

\* The culture includes:

Language, oral literature (Yukara, etc.), history, traditional dance, art, crafts (Ainu patterns, folk furniture and goods, textile, musical instruments, etc.), religious rites, and other tangible and intangible aspects of the life of the Ainu people.

(2) Goal of the Promotion of Ainu Culture

A. As the promotion of Ainu culture is an important element to reaffirm the rights of the Ainu people, it must be carried out comprehensively and by stages to promote renaissance, by grasping the historical circumstances and the current state of Ainu culture. (Of course, this activity will be promoted not only among the Ainu people, but also by fostering the interracial and intercultural understanding of other peoples.)

B. We also aim to maintain the level and substance of culture so that it can be practiced daily among the general public, so as to retain the pride of the Ainu people, and to establish a society in which this aim can be practiced. (Opportunities for non-Ainu people to study Ainu culture must be ensured.)

Since language is closely related to the practice of Ainu culture, the following points in particular must be considered.

1. Development of ability to sing, listen to and comprehend songs and tales.
2. Establishment of printed style of writing and development of the ability to communicate.
3. Increased understanding of one's culture through language.
4. Development of daily conversation skills.
5. Practice of rites and so on through language.
6. Development and study of the educational system of language,

and talent development of the Ainu people.

7. Study to understand the Ainu language and culture in public education.
8. Official introduction of broadcasting, education and documents in the Ainu language.

#### 6. Establishment of the Ainu Independence Fund

- \* What is the reason for establishing the fund? (Why does it have to be a fund? Is the existing Utari Welfare Measures insufficient?)
- \* What projects will be carried out with the fund?
- \* What are the scale, management and operation of the fund?

##### (1) Reason for establishing the fund

- A. The responsibility of the national government for the existing Utari Welfare Measures is not clear. Since the program was made to protect and ensure the welfare of the Ainu people, it has been considered only in the same category as other such systems. Although we asked the government to take drastic measures with regard to the Ainu issue, our request has not been accepted at all.
- B. It is a historical fact that the indigenous Ainu people were illegally deprived of the land and resources of the land where they had lived from ancient times.
- C. The fund will be established as a measure to realize various rights of the Ainu people as an indigenous people bearing responsibility.

##### (2) Projects by the fund

- A. This is the fund to materialize the rights of the Ainu people as an indigenous people. The execution of the projects should be the responsibility of the people.
- B. Projects must ensure the prosperity and continuation of the Ainu people.
- C. Projects must contribute to the construction of infrastructure of various industries and commerce.
- D. Projects must ensure that people with weak livelihood bases become self-supporting.

\* Assuming these items, we expect the following projects to be carried out with the fund.

##### A. Projects to abolish racial discrimination and prejudice

- \* Reform of national consciousness (Edification of the idea of human rights)
- \* Improvement of organizations which protect human rights
- \* Heightening of racial awareness

B. Projects to promote and hand down education and culture

- \* Ethnic education
- \* Measures for education
- \* Culture and art

C. Projects to stabilize bases of livelihood

- \* Measures to support livelihood

D. Projects to promote various industries and commerce

- \* Measures for agriculture, forestry and fishery
- \* Measures for commerce and industry
- \* Measures for labor

E. Other projects related to the Ainu issue

- \* International relations

(3) Scale, management and operation of the fund

A. The details of the projects of the Ainu Independence Fund, which will be carried out by the Ainu people, are not yet decided, since these projects must be coordinated with projects which should be carried out by the national government and other organizations. At this stage, we have not calculated the actual amount of the fund.

B. As for management and operation, we hope to establish a nonprofit foundation or a special status corporation which will be operated under the proper supervision of the national government so that the independence of the Ainu people will be ensured.

7. Establishment of an Organ of Consultation

\* What are actual items for deliberation?

We consider the following items for deliberation to reflect the policies of the Ainu people justly and continuously.

- A. Items concerning racial discrimination of the Ainu people.
- B. Items concerning promotion of ethnic education.
- C. Items concerning development and succession of language and culture.
- D. Items concerning measures to ensure financial self-support.
- E. Items concerning the Ainu Independence Fund.
- F. Items concerning proper programs for the Ainu people.
- G. Other items concerning major problems of the Ainu people.

## 8. Utari Welfare Measures

- \* Why are there still differences in dealing with racial problems apart from the existing Utari Welfare Measures?
- \* What are the fundamental differences between the Ainu Independence Fund and measures by the Utari Welfare Measures?
- \* How will the Utari Welfare Measures be dealt with after the New Law is enacted? (Will it be abolished?)

### (1) Reasons for unsolved differences

- A. Since measures to overcome racial discrimination are unsatisfactory, discrimination and prejudice will never be overcome.
- B. The Utari Welfare Measures has been carried out as a part of welfare programs, which are in the same category as Dowa programs as an example. Therefore, it is not a fundamental measures to deal with the Ainu issue.

### (2) Fundamental differences

The Utari Welfare Measures is only an array of the measures created for the protection and welfare of the Ainu people. The Ainu Independence Fund is to realize various rights of the Ainu people by the Ainu people. The fund can therefore be regarded as a drastic measure for the Ainu issue.

### (3) How will the Utari Welfare Measures be dealt with?

The existing Utari Welfare Measures has been continued, while the responsibility of the national government has not been clarified. This must be reviewed in the future. Basic policies to make the Ainu people self-supporting, including policies to ensure suffrage, promote education and culture and construct industrial infrastructures, must be established. The national government and local governments will then define the policies which they should continue to carry out as their own projects.