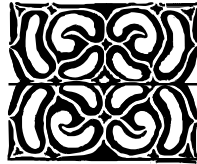


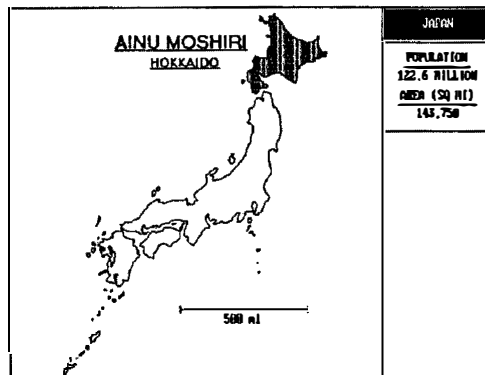
Japan's Suppression of



Ainu Association of Hokkaido
Sapporo, Hokkaido

(Excerpted statement submitted to the Sixth Session of the Working Group on Indigenous Populations Genève, Switzerland, August 1988)

The human rights condition of the Ainu people, the indigenous people of Japan, can be summarized by the following points. The Japanese government should deal appropriately with the Ainu issue in the light of the facts as presented.



Japanese Assimilation of Ainu

The Japanese government has consistently followed an assimilation policy with regard to the Ainu people, and no policy based on the concept of self-determination of the Ainu people has ever been adopted, or even considered, by it.

Former Prime Minister Nakasone is well known for the statement he made in September, 1986, that "Japan is a nation of homogeneous people." Moreover, until that time, Japanese government leaders had been ignoring the Ainu people and had been making similar statements. In a Diet session held in March, 1988, Prime Minister Takeshita made a statement in which he recognized the

Ainu Moshiri

"We want a 'New Act!'"

resistance of Ainu people, but he did not recognize the need for a "new act for the Ainu people" which would recognize their national rights and demand expansion of their rights, declaring that "there is no problem in the present measures for the Ainu people."

That the present assimilation policy is aimed at the extinction of the Ainu people, is clear from the fact that there is not legislation in Japan that guarantees the national rights of the Ainu people, nor is there any government agency concerned with the affairs of the Ainu people. In March, 1973, the then Welfare Minister Saito promised in the Diet to establish a special government council which would include Ainu people among its members. That promise has not yet been realized, having been shelved for the past 15 years.

The Ainu people are native to Japan and currently live mainly in Hokkaido. The Japanese government stated in the **Working Group of the United Nations on Aborigines [sic]** in 1987: "The Japanese nation was formed through a long historical process in which various racial groups were mixed.. The Ainu people is considered one of these racial groups." Furthermore, a Japanese government representative told the 324th session of the 12th Human Rights Committee of the United Nations, held in 1980: "the Ainu people should rightly be called Utari people, but that as a result of the rapid development of communications since the Meiji Restoration in the 19th century, it has become difficult to recognize any distinguishing features in their mode of living."

These statements reflect unilateral assimilation policy of the Japanese government and ignore the right of the Ainu people to self-determination.

Restrictions Imposed on Ainu

Some restrictive and discriminatory clauses of the *Hokkaido Former Aborigines Protection Act*, which is based on the policy of assimilation, are still in force.

The *Hokkaido Former Aborigines Protection Act*, which granted certain tracts of land to Ainu people, limits the transfer of those

lands by Ainu people, and places their common property under the control of the governor of Hokkaido. Furthermore, the Japanese government had confiscated all the Ainu people's land 30 years before the formulation of this act in 1899 and partitioned the confiscated land to Japanese colonizers. This act by the Japanese government was totally unilateral and aggressive in nature. [(1) 20,000 tsubo were provided to each farm household of former soldiers (*Tondenhei*) who settled here during the Meiji era (2) The Colonization Commission sold land lots, up to a maximum of 100,000 tsubo per farmer, according to the Hokkaido Land Sale & Lease Regulations.) Furthermore, the land grants to Ainu people were extremely discriminatory in that their landholdings were limited to only 15,000 tsubo (about 50,000 square meters), and were apportioned without any consideration paid to their suitability for farming. In view of this historical background, the statements by the Japanese Government that the Ainu people are not legally discriminated against are clear indications of the suppression of the human rights of the Ainu people by the Japanese government.

Wide Gap Between Ainu and Japanese

There are still wide social and economic gaps between the Ainu people and other Japanese people, and the rights stipulated in *Article 27* of the Government report are not actually guaranteed for the Ainu people.

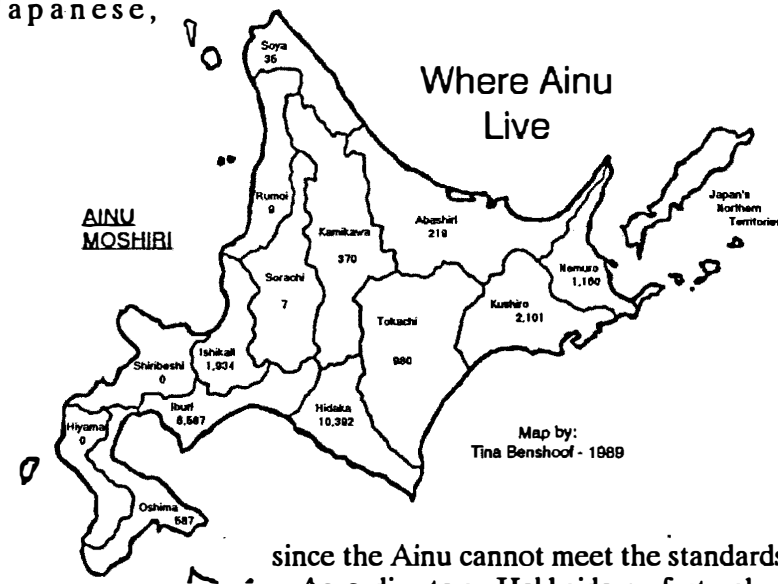
In view of the wide gap between the Ainu and Japanese living standards, the Hokkaido prefectural government initiated projects for the welfare of Utari people in 1974. This, in itself is proof that the assimilation policy [which the Japanese government pursued following its aggressive invasion of Hokkaido, the land of the Ainu people] has been unable to guarantee equal rights for the Ainu people.

The Japanese government, however, regards these projects undertaken by the Hokkaido prefectural government as relief to poor people, and says that it is merely assisting the Hokkaido prefectural government in its projects. These projects are precisely welfare measures and not measures for the Ainu people as a nation.

The Japanese government representative told the above mentioned **Working Group of the United Nations on Aborigines** [*sic*] that "In a period of 13 years from 1974 to 1986, the Japanese Government and the local government earmarked a special budget allo-

cation totaling ¥30.9 billion, and the Japanese government is determined to make further efforts in this respect." However, the budget for project directly related to the Ainu people (mainly individual welfare measures) amounted to only ¥17.1 billion, or 56 percent of the total. Of this amount, loans to individuals, which are required to be re-paid, amounted to ¥9.9 billion, or 58 percent of that total.

Conversely, the budget for projects indirectly related to the Ainu people (mainly local welfare measures) totaled ¥13.8 billion, or 44 percent of the total. Moreover, those projects for local welfare measures cover not only Ainu people but also Japanese living in the same areas, dependent on the type of project. Furthermore, there is a contradiction within the standards used for adoption of these projects, as they are sometimes only applicable to non-Ainu Japanese,



since the Ainu cannot meet the standards.

According to an Hokkaido prefectural government survey conducted in 1986, the number of poor Ainu households receiving grants under the Livelihood Protection Law is three times higher than that of comparable Japanese households, clearly demonstrating that the Ainu livelihood is extremely unstable,

Ainu people continue to hold the traditional rituals of a hunting and fishing people. However, hunting for bears and striped owls, which play an important role in such rituals, are restricted by the "act concerning the protection of and hunting for birds and beasts", while salmon fishing is restricted by *Article 25* of the "act for the protection of aquatic resources."

In recent years, the Hokkaido prefectural government has allowed salmon fishing by Ainu as an exception to the law for the purpose of "social education." However, it is allowed only once a year, and no more than 20 salmon may be caught in **only two** of the 212 administrative districts of Hokkaido [that is, Ishikari-town and Noboribetsu-city]. The Ainu people demand their special hunting and fishing rights, but the Japanese government does not recognize them.

In 1982, a day nursery was built in Biratori-town, Saru district, Hokkaido for the purpose of nurturing Ainu children in the Ainu language, with funds collected from Ainu people and donations by others.

The Hokkaido prefectural government and the Ministry of Health and Welfare notified the day nursery that no language other than Japanese should be used in the nursery if it wished to receive operational subsidies from government body. The explanation was

Population of Ainu in Hokkaido
(Ainu Moshiri)
(as of 1986)

YEAR	TOTAL	Male	Female
1972	18,298	-	-
1979	24,160	11,855	12,305
1986	24,381	12,004	12,377

based on the monolingual requirements of *Articles 24 and 35* of the *Children's Welfare Law* and the "law concerning a proper execution of budgets concerning subsidies and others." As a result, the plan to nurture Ainu children in their own language at the day nursery had to be abandoned.

In 1981, the Japan Travel Bureau placed a quite discriminatory advertisement (regarding Ainu people) in a national newspaper. However, there was and is no domestic law in Japan that can effectively regulate racially discriminatory advertisements. Nor is it possible to counter such advertisements by invoking the *International Convention on the Elimination of All Forms of Racial Discrimination*, as the Japanese government has not ratified it.

Discrimination and Denial An Ainu Alternative

Acts of discrimination against the Ainu people, due to their ethnic origin, continues to persist in schools, places of employment, marriages and other aspects of social life, and the Ainu people are forced to live under extremely difficult conditions. The Japanese government has never conducted any survey on the Ainu people for the development of their rights and improvement of their social position. The Ainu people strongly demand that their rights be guaranteed and that for this purpose a new act legally providing for their right to national self-determination be formulated to replace the *Hokkaido Former Aborigines Protection Act*.

The Japanese Government ratified in 1979 the *International Covenants on Human Rights* (except for the Optional Protocol to the International Covenant on Civil and Political Rights) to which it had not committed itself for a long time, but has officially stated to the international community that no ethnic minorities of the kind mentioned in the *International Covenant on Civil and Political Rights* exist in Japan.

On the other hand, while some advanced industrial nations, in establishing themselves as modern states have dealt rather reasonably with ethnic problems as an important question which cannot be neglected, in Japan it is a fact that both the government itself and the people have had a *vague consciousness* that there are no ethnic problems within Japan. This might possibly be because the Ainu, the indigenous people, did not show strong enough resistance in the modernization process after the *Meiji Restoration* (in 1868).

As a matter of fact, however, we, the indigenous and ethnic minority people, called the Ainu, (several tens of thousands of us)

the Ainu Moshiri (the earth where the Ainu live), has possessed its own language, culture and life-customs and has established its own history

exist. Moreover, this people's own language, culture, lifecustoms, and so on are still retained.

This Association has petitioned and demanded both the Hokkaido prefectural and the national governments to repeal the Hokkaido *Former Aborigines Protection Act* enacted in 1899 and pass the "New Act" which will be firmly established in behalf of the Ainu people, and furthermore has been carrying on an extensive campaign in order to obtain the understanding of the Japanese people, based on the fundamental notion that it is necessary to establish the institutions which will be predicated on the recovery of the rights of the Ainu as a people, and which will enable such drastic and comprehensive measures as the elimination of racial discrimination, the promotion of ethnic education, the measures for economic self-sustenance, etc.

Appeals to the United Nations

Because it was necessary to change the attitude that the Japanese Government had taken toward its ethnic policy, this organization requested the United Nations Centre for Human Rights for an investigation in our letter of 25 November, 1986. We also sent three representatives from this Association to participate for the first time in the U.N. Working Group on Indigenous Populations (a working group under the Sub-Commission on Prevention of Discrimination and Protection of Minorities) which was held in Geneva, Switzerland from 3 to 8 August, 1987, and we made a statement concerning the problems of the Ainu people in Japan, seeking understanding.

The Movement Toward the Revision of I.L.O. Convention No. 107

This Association learned for the first time about the movement concerning the revision of International Labour Organization (ILO) Convention No. 107 through its presentation at the above U.N. Working Group on Indigenous Populations. Returning home even without a full understanding of its contents, our organization immediately began studying about how to cope with it. But we have not reached any specific conclusions at this stage, and, therefore, would like to confine ourselves to some basic ideas concerning the views requested by the Deputy Vice-Minister about the questions in the

Report.

On the Definition of the Object

We interpret the indigenous populations (translated officially as *genjumin*) in this Convention as the aboriginal populations (translated as *dochakumin*). Because this group of people who, living in Hokkaido, Sakhalin, and the Kuriles as the *Ainu Moshiri* (the earth where the Ainu live), has possessed its own language, culture and life-customs and has established its own history, is the Ainu people and at the same time is also the aboriginal people, and because we still exist today, we believe that we belong as an object of this Convention.

The existing *Hokkaido Former Aborigines Protection Act*, the Kuriles-Sakhalin Exchange Treaty, etc. are the very proofs of the above point.

On Assimilation

We, as the Ainu people, also oppose any international convention or domestic law which holds an assimilationist program as its basic orientation, and believe that the rights to control our own economic, social, cultural and other aspects of development as much as possible, to stand equal based on our own institutions, and to mutually cooperate with the national society should be recognized.

On the Revision of I.L.O. 107

As stated above, this existing Convention holds integrationism as its basic principle and aims at the protection of the populations concerned, which is undoubtedly an archaic idea, and the application of this principle is destructive. We, therefore, believe that the Convention should be revised in favor of the respect for identity being its fundamental idea.

This applies to the Ainu people in Japan, too. For, as stated previously, the group that, originally living in Hokkaido, Sakhalin, and the Kuriles as the *Ainu Moshiri* (the earth where the Ainu live), possesses its own language and culture, has engaged in a common economic life, and has established its own history, is the Ainu people.

We retained our independence as a people while fighting the

unjust aggression and oppression brought on by the Tokugawa shogunate government and the Matsumae Clan.

However, the Japanese Government, which through the *Meiji Restoration* made the first step toward a modern unified state, annexed the Ainu Moshiri to the Japanese territory without any negotiations with the Ainu people, who were the indigenous people there. By concluding the **Kuriles-Sakhalin Exchange Treaty** with Imperial Russia, they also forced the Ainu to give up our rightful land where we had existed in peace.

On the other hand, with the increase of Japanese immigrants into Hokkaido, terrible reckless development began, which threatened the very existence of the Ainu people. Furthermore, the enactment of the *Hokkaido Former Aborigines Protection Act* in 1899, with its purpose being assimilation, tied the Ainu down to the land granted by the government, thereby reducing the freedom of residence and the freedom to choose an occupation other than agriculture. And in the field of education, the law trampled down the dignity of our people's own language.

Today, it is said that the Ainu living in Hokkaido are several tens of thousands, and those outside the prefecture are several thousand. Many of them do not have the security of equal opportunity in finding a job because of unjust racial prejudice and discrimination. They form a potential group of unemployed, and their life is always unstable.

The present situation is that discrimination increases poverty, which in turn causes still further discrimination, resulting in the widening gaps in social and economic status.

This Association, therefore, has stood up to demand the enactment of the "New Act" which regards the respect for the Ainu people's identity as its fundamental principle.

On Ratification of I.L.O. 107

The labour-related laws and regulations in Japan have made great strides since the end of World War II. If international labour conventions and recommendations form the foundation of the drafting of such legislation, we believe that the revised Convention ought to be ratified and that the corresponding domestic laws be coordinated accordingly.

What this Association is demanding as the domestic law is the "New Act".

Potlatch Economics

A Lummi Perspective

Larry Kinley

A condensed version of a speech by Lummi Chairman Larry Kinley presented at the Newberry Library Conference, "Overcoming Economic Dependency" at the D'Arcy McNickle Center for the History of the American Indian, Chicago, Illinois, February 18, 1988. Previously published under the title: **Potlatch Economics and Governing Ourselves Fully** in *Indian Self-Governance: Perspectives on the Political Status of Indian Nations in the United States* C.W.I.S. Fourth World Papers Series 1989.

In its simplest terms, economics is a term which serves as that very broad label referring to a system within society for distributing goods and services and, thereby, ensures the distribution of wealth among all the members of a society. It is often used as if there is only one way of understanding the system for distributing wealth, and it is over disagreements between reasonable people about the best economic systems that wars have been waged and are now being fought.

It should be no surprise to anyone, therefore, that one of the first contests between Indian Nations in North America and the European colonists was over economics - the delivery of goods and services and the distribution of wealth. Indian Nations with strong economies met destitute European colonists who lacked all of the necessary skills and capabilities to provide for themselves. It was the European colonist who had to depend on the strength of tribal economies to survive. While depending for life and limb on the nations which surrounded them, European settlers did not learn how to live in tribal economies, but adapted tribal economic systems to their own use. With the backing of well formed European economies, colonists became increasingly dependent on the countries of Europe. Only when colonists developed their own capacity to trade among themselves, with the Indian Nations, with European countries and other countries in the world were they able to reduce their heavy dependence.

While the colonial economics grew stronger, their capacity to