

UN Permanent Forum on Indigenous Issues

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Joint Statement by:

**Association of Indigenous Peoples of Ryukyus, Ainu Resource Centre, and
Shimin Gaikou Centre**

On Agenda Item 3: Special Theme: "Land, Territories and Resources"

Thank you Madame Chairperson,

"Ryukyu kingdom" (Okinawa), which is situated southern part of present-day Japan, became a Japanese colony in 1879. After World War II, in year 1952, the United States Armed Forces requisitioned land forcibly, and build huge base in Okinawa. Okinawa was returned to Japan in 1972, but 75% of U.S. Armed Forces Facility in Japan is concentrated in Okinawa of 0.6% of Japan's land.

The people of Okinawa continue to accuse to Japanese Government that the compulsory land expropriation is conducted only in Okinawa (Ryukyu) and hence put an excessively heavy burden in the region. The landowners in Okinawa under the US military occupation are prohibited to enter their own lands and cemeteries, and it continues even today.

In 2006, Mr. Doudou Diène, Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Okinawa in order to conduct a survey on US military bases and he announced that this situation was abnormal.

The survey of asking "national identity" in 2005, 69.3% of an Okinawans answered that they are Okinawans not Japanese. People of Okinawa are strongly against the compulsory expropriation of land and make a request urgent recovery of "right of self-determination".

Ainu territory stretches in the northern part of present-day Japan, including the entire island of Hokkaido. The greatest portion of Ainu land was unilaterally incorporated into the Japanese state and renamed Hokkaido in 1869.

In 1899 the Meiji government enacted the Hokkaido Former Aborigines Protection Act. Ainu were forced to be farmers on poor land allotted to them by the Japanese government, which ended unsuccessfully and brought severe economic hardships.

Nearly 100 years later, supplementary provisions in the Japanese government's 1997 Ainu Culture Promotion Act stipulated that all remaining communal property be returned to the Ainu. As in the past, however, the government did not consult with the Ainu community. Instead it unilaterally established procedures to address the communal property claims and limited the entire restoration process to

merely a year. Without properly evaluating the assets or their management, the government is offering only a fraction of the real value of the communal property lost.

Citing violations of their human rights, plaintiffs demand just compensation. The Sapporo District Court found in the government's favor, arguing that plaintiffs have not been disadvantaged in the process. Several plaintiffs traveled to Tokyo in November, 2004 with over 6300 signatures supporting their appeal of the case to Japan's Supreme Court. The group demands that, at the very least, the government must begin a public hearing on the issue.

The communal property issue highlights the inability of the Ainu Cultural Promotion Act to address in any fundamental way the most pressing problems facing the Ainu. Although it recognizes the Ainu people as an ethnic group, the content of the law provides for only limited and indeed government-defined promotion of Ainu culture.

In this regard, we would like to propose that the Permanent Forum should include the following issues in its recommendations.

1. To call upon the Government of Japan to recognize the Ainu and the Okinawans as Indigenous Peoples of Japan and take action to establish the rights to land and resources including restitution and compensation.
2. To appeal to the Government of Japan to note the concern and follow the recommendation of the Concluding observations of the Human Rights Committee Japan. 19/11/98 and Concluding observations of the Committee on the Elimination of Racial Discrimination: Japan. 20/03/2001 and take necessary measures to the recognition of the rights to land and rights to compensation.

Thank you, Madam Chair.

Reference:

Concluding observations of the Human Rights Committee Japan. 19/11/98

14. The Committee is concerned about the discrimination against members of the Ainu indigenous minority in regard to language and higher education, as well as about non-recognition of their land rights.

Concluding observations of the Committee on the Elimination of Racial Discrimination: Japan. 20/03/2001

17. The Committee recommends the State party to take steps to further promote the rights of the Ainu, as indigenous people. In this regard the Committee draws the attention of the State party to its General Recommendation 23 (51) on the rights of indigenous peoples that calls, inter alia, for the recognition and protection of land rights as well as restitution and compensation for loss. The State party is also encouraged to ratify and or use as guidance the ILO Convention 169 on Indigenous and Tribal Peoples.