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United Nations Permanent Forum on Indigenous Issues
United Nations Headquarters
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Collective Statement
Shimin Gaikou Centre, Chin Human Rights Organization, PACOS
By Makiko Kimura

Agenda item 4 Human Rights (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

Thank you Mr. Chairperson.

On behalf of the Shimin Gaikou Centre, CHRO and PACOS, I would like to make a brief statement on the implementation of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP).

The UNDRIP was adopted by the General Assembly in 2007, and as many of us know, the Government of Japan voted in favor at that time. As a result, in Japan, a resolution to recognize the Ainu as an indigenous people was passed by a unanimous vote in the National Diet in 2008 and a Council to Promote Ainu Policy was established in the government at the end of 2009. Although no Ainu rights have been yet guaranteed, we may recognize a certain limited progress in Ainu policy since 2007 at domestic level.

Having said that, we are deeply concerned about reluctance of the Japanese government to disseminate the UNDRIP, and to embrace its spiritual, legal and political implications.

For example, the city government of Mombetsu, a municipality in Hokkaido Prefecture (traditional Ainu territory), authorized a plan to build an Industrial Waste Dumping Site near the Mobetsu river on February 26th, 2010. Prior to the authorization, a local Ainu community in Mombetsu, working in collaboration with local Japanese groups supporting for environmental conservation, demanded the city government to respect the UNDRIP including land, cultural and environmental rights and to review the plan from the indigenous peoples' perspective. However, unfortunately, the city government has not given any consideration to the Ainu rights, particularly their Free, Prior and Informed Consent (FPIC) in authorization of this project.

The Mobetsu River is one of the most important places for co-existence between the Ainu culture and the natural environment. Unlike other rivers in Hokkaido, there are no dams in the river. Thanks to this, various salmon can ascend the river to lay their eggs, and bears and eagles can live around the river area by catching and eating the salmon. At the same time, a traditional ritual (Kamui Chep-nomi) to thank the deities to provide the Ainu with lots of salmon, was revived in 2002, and the ritual is carried out every autumn by the local Ainu community. The reluctance of the Japanese government to disseminate the UNDRIP at local level violates an Ainu right to participate in the decision-making process. The authorization of the construction by the city government does not only

violates Article 29 of the UNDRIP but also seriously violates the Ainu right to Free, Prior and Informed Consent (FPIC) which is clearly stated in Article 32. It also denies an important role of indigenous and local community to preserve bio-diversity which is stipulated in the article 8(j) of the Convention on Biological Diversity (CBD). We are concerned about the initiative by the Government of Japan on this issue, as Japan will be the chair of the COP 10 of the CBD which will be held in Nagoya, in forthcoming October, 2010.

Recommendations:

1. We recommend the Government of Japan shall establish national and local systems in conjunction with indigenous peoples to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, in accordance with the UNDRIP.
2. We recommend that the city government of Mombetsu shall respect Free, Prior and Informed Consent of the local Ainu community concerned, and to reconsider the authorization of the Industrial Waste Dumping Site.
3. We request the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people shall use his good office to directly intervene in the Government of Japan regarding the construction of the Industrial Waste Dumping Site in Mombetsu city, Hokkaido Prefecture.

Thank you, Mr Chairperson.