

July 23-27,2001
Geneva, Switzerland

Statement by the Ainu Association of RERA
Kanakano Uzawa
Item 4

Thank you, Madame Chairperson.

I would like to share one experience of my people to highlight the importance of standards for government and corporate activities on indigenous lands. In 1971, the Japanese government announced its plan to construct a massive industrial park in our ancestral land, Hokkaido. The government announced it would build a large dam specifically to supply water and electricity to the industrial park. The dam would be built in Nibutani, on land sacred to the Ainu.

The government cancelled its plans for the industrial park. This, according to the governments' own stated purpose, rendered the Nibutani dam unnecessary. However, appropriation of Ainu land and construction continued, and the dam was completed in 1997. The government never consulted the Ainu, nor did it conduct any impact studies regarding the short or long-term effects of the dam on our culture. The government's actions showed tremendous ignorance of and disrespect for my people.

However, two Ainu activists refused to sell their land, and instead filed a lawsuit in the Sapporo District Court against the Japanese government. They claimed that construction of the dam, and the appropriation of Ainu land, violated their indigenous rights. In its landmark decision in 1997, the court recognized the indigenous identity of the Ainu, despite the Japanese government's long denial of our indigenous identity. The court also declared the land appropriation unconstitutional. Unfortunately, the dam looms large on the Nibutani landscape, and the sacred land of the Ainu rests at the bottom of the reservoir.

The dam construction caused a wide range of problems for the Ainu. First of all, it caused considerable social and political conflict among the Ainu community, especially among those who sold their land and the two Ainu who refused to sell their land to the Government. But the fact of the matter was that many Ainu in Nibutani felt compelled to sell their land to the government because it offered a means of escaping the serious financial hardship that most Ainu experienced in the wake of the assimilation policies of the Japanese government. Over-cutting of our forests by the Japanese led to flooding and erosion, making it impossible for Ainu in Nibutani to practice traditional agriculture. Forced to practice wet-rice agriculture at a time when the global economy made it difficult to make a living, many Ainu in Nibutani fell into debt. They felt they had no choice but to sell their land to the government in order to bring their children out of poverty.

The dam, like all of the Japanese government's so-called "development" projects and policies, has also had a negative impact on the ability of Nibutani Ainu to transmit our culture. Fish no longer fill the river because the dam changed the water temperature; places where Ainu used to gather wild plants disappeared; sacred sites that were central to Ainu ceremonies in Nibutani now lie under water. Many links between elder and younger Ainu were destroyed

because we lost the places and activities that were central to their communication. This is a clear violation of our indigenous rights by the Japanese government.

Of course, this experience is not limited to the Ainu people. The exact same thing happens to all indigenous peoples. I know this because of the many similar stories my indigenous sisters and brothers share with me through our cooperation here at the working group.

The Nibutani verdict was a landmark decision, but if you consider how the dam influenced the Ainu, you see the destruction of our community on several levels. Also, Madame Chairperson, despite the verdict, the Japanese government still has not recognized the indigenous identity of the Ainu, nor has the government acknowledged its role in the historical processes that violate our indigenous rights. The only way to ensure that the rights of indigenous peoples will not be violated is to respect our right, as nations and peoples, to determine our own course of social, economic, and cultural development, as provided for in Article 1 of the International Conventions on Civil and Political Rights and on Social, Economic and Cultural Rights.

Thank you.