

AGENDA ITEM 5

STATEMENT OF MR. TAKEMASA TESHIMA, ASSOCIATE PROFESSOR OF KYUSHU WOMEN'S JR. COLLEGE AND REPRESENTATIVE OF THE SHIMIN GAIKOU CENTRE.

Thank you very much, Madam Chair,

I'd like to comment briefly on the "non-events" pertaining to the situation in Japan and on the relationship of Japan with indigenous peoples abroad.

Three and a half years ago, as you know, the Japanese government set up a committee consisting of ten ministries and agencies, with the sole purpose of considering whether or not it is necessary to enact a new law as demanded by the Ainu people. It is claimed that this committee has met once every month. If that is true, the committee must have met more than 40 times! Nevertheless, it has not reached any conclusion as to the necessity for the proposed Ainu law; nor has it made public when it will conclude its "consideration" of this question.

The bottleneck, according to the government, is the lack of a definition of "indigenous peoples". Given the absence of a clear-cut definition of "indigenous peoples" in international law, the government claims that they cannot make a move forward.

The two main pillars of the contemporary Japanese Ainu policy are the Hokkaido Kyudojin (Former Aborigines) Protection Act of 1899, and the Hokkaido Utari Welfare Measures that has been in place since FY 1974. The government of Japan, as you know, has repeatedly spoken at the past sessions of the W.G. about the achievements of the latter Measure. We would like to request the representative of the Japanese government respectfully through you, Madam Chair, to present to the W.G. the definitions of "Utari" and "Kyudojin".

In fact, we cannot find any definitions of either term in existing legal instruments. The government representative expressed his concern about the "subjective interpretations" but he should have also stated that the Hokkaido Utari welfare Measures operates exactly based on such "subjective interpretations" of "Utari" by local Ainu people.

The government's insistence on the need for a very rigid definition of "indigenous peoples" both domestically and internationally, is merely an excuse for its own inability and unwillingness to make changes in the status-quo. Thus, we must object, as we did last year, to the intention that lies behind the statement that the Japanese government made last week. Back in Japan, the scandal-ridden legislation has lost its proper function and the politicians, busy counting their votes (and money perhaps) merely pay lip service to the demands of the Ainu people. Bureaucrats have dominated Japanese policy-making. There exists departmental rivalries and conflicts of interests, preventing any coordinated positive action on the Ainu question.

In the minds of individual bureaucrats, the Aimuⁿ issue is not taken seriously. They wait for time to pass, hoping to be promoted or reassigned. Thus, bureaucratic inertia prevents any significant, substantial change in the Aimuⁿ policy.

Japan, however, must realize that she lives in a different world today. In the past, Japan only needed to pay attention to the so-called "domestic" side of the indigenous question — which is to say, the Aimu. Even this has not been^{adequate}. Now, being an economic giant, Japan is directly and indirectly affecting the lives of indigenous peoples in many parts of the world. In the past few sessions of the Working Group, we have heard reports about Japanese companies^{adversely} affecting the situations of the indigenous peoples in West Papua, Hawaii, the Philippines, ~~waster~~^{western} Canada, Alaska, and elsewhere.

The official development aid of Japan is also influencing the lives of indigenous peoples. Every year, for example, here in the W.G., we hear of various human rights violations against the Jhumma people in the Chittagong Hill Tracts and of their concerns about the role of foreign aid to the government of Bangladesh. It has been reported by the Chittagong Hill Tracts Commission that much of the development aid to this country has been used to consolidate, rather than reduce, the militarization of the Hill Tracts. Donor countries and international agencies are contributing directly and indirectly to the militarization and human rights violations in the CHT.

From FY 1988-1990, Bangladesh ranked fifth among the countries receiving the largest amounts of Japanese ODA. If we look only at the portion of ODA which is in the form of grants, Bangladesh ranked first from 1984 to FY 1991. Japan has become the largest donor to Bangladesh, and has also come to play an important role in the Asian Development Bank, whose development aid policies repeatedly undermine the economic and social life of the Chittagong Hill Tracts people.

What all this indicates is that Japan is at crossroads, facing many challenges regarding its policies towards indigenous peoples. Its policy must not only look inside Japan, but also pay close attention to the activities of Japanese private companies abroad, and the effects of its official development aid.

The greatest issue at home is the enactment of a proposed new Aimuⁿ law. The success of the International Year in Japan may be gauged by the progress to be made toward the realization of the demand that Aimuⁿ people have been making for the past 10 years.

Among the challenges Japan face in relation to indigenous people in other countries is the re-evaluation of its own foreign aid policy, with particular attention to the human rights of indigenous peoples. Japan should shift its aid priorities in favour of supporting the grass-roots projects of indigenous peoples, with a view to equalizing the power relationships between indigenous and non-indigenous peoples. The best available guidelines to do this may be contained in the Draft Declaration before us.

Inspite of such important challenges, the statement of the Japanese government last week left the Ainu and other representatives of indigenous peoples disappointed about the future role the country appears to be taking in this field. The Japanese government could not have made such a statement unless it holds a discriminatory world-view, that indigenous and non-indigenous peoples are unequal in their dignity and rights — the very racist idea Preamble paragraph 1 and Article 2 of the draft Declaration rejects. Such a world-view is now being rejected even by other governments. *and pessimistic*

No matter how much money Japan may contribute to the Voluntary Funds for indigenous peoples and the International Year, it may not be fully appreciated as long as it keeps denying indigenous peoples the equal status they deserve, and these contributions reflect genuine support for the cause for which indigenous peoples are fighting. *unless*

Thank you very much