

Expert Mechanism on the Rights of Indigenous Peoples  
12th session in July 2019  
Oral Statement by Shimin Gaikou Centre (Japan)

Thank you. We would like to update the recent situation of Ainu in Japan, especially about a newly-enacted law for the Ainu people in April 2019.

First of all, we welcome the commitment of the Government of Japan to the enactment of the new act in regards to Ainu and the first legal recognition of Ainu as an Indigenous people. As some of the notable aspects of this law, it simplifies procedures for Ainu to engage in their cultural activities such as traditional salmon fishing and ritualistic use of forest resources. Local municipalities can also receive subsidies to establish their own plans to promote Ainu culture, both in industrial activities and tourism.

However, we also find critical issues in this new act in multiple ways. Prominently, although the new law recognises Ainu as an Indigenous people, it does not provide any Indigenous peoples' rights as stipulated in the UN Declaration on the Rights of Indigenous Peoples, and it also lacks recognition of the colonial history of Hokkaido, or an apology for invasion of the land of the Ainu. As a prominent example, Article 3(2) in the new act provides that Ainu policy promotion needs to be implemented "in consideration of" respect of Ainu people's will, but not based on consultation with or "free, prior and informed consent" of the Ainu people.

Additionally, in the process of enactment, inputs from Ainu were very limited. The bill had not become public until February 15th this year, and Ainu people had not known the bill until this time either. It was only two months before the passage of the bill in April. Before this time, there were several explanatory meetings by the government in Hokkaido, but according to Ainu individuals who attended these meetings, the governmental officials explained the new bill unilaterally, and this does not mean that "free, prior and informed consent" was obtained from Ainu. Indeed, multiple organisations including regional Ainu associations such as Mombetsu and Sakhalin Ainu Associations have announced statements that request the retreatment of this Ainu new law.

Therefore, we call upon the Expert Mechanism on the Rights of Indigenous Peoples to review the situation and to provide necessary assistance with the Government of Japan: firstly, to ensure full, effective and transparent participation of Ainu in decision making and implementing process of their policies, projects and legislation, based on the principle of free, prior and informed consent; secondly, to reconsider provisions on the Ainu law to promote, protect and respect Indigenous peoples' rights as stipulated in the UN Declaration on the Rights of Indigenous Peoples; and thirdly, to establish an independent committee to verify colonial history of Hokkaido for the reconciliation in the future.

Thank you.