

A faint, light gray map of East Asia, including Japan, Korea, and parts of China and Taiwan, serves as the background for the slide.

AINU PEOPLES ACCESS TO LAND AND NATURAL RESOURCES IN JAPAN

International Forum on Indigenous Peoples Legal Aid

2024.9 in Taiwan

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ABOUT AINU

Number of Ainu in 2017 **13,118** who came forward as Ainu themselves.

Living in and around Hokkaido island since prehistoric times.
The welfare rate for the Ainu is 2.5 times that of the Japanese.

Hokkaido government subsidies for high school enrollment, housing construction, etc.

LAWS AND REGULATIONS

a. Felling of trees(as Infringement of property rights)

.... Timber theft under the Forest Act

Up to 3 years imprisonment or a fine of up to 300,000 yen

b. Salmon fishing in the rivers(not only Ainu but all Japanese)

....poaching Under the Fisheries Resources Protection Act

Up to 1 year imprisonment or a fine of up to 500,000 yen

However, fishing in the sea and no value fishing is allowed.

LAWS AND REGULATIONS ABOUT FISHING

The Fishery Act

To be fishermen : Licenses are required by the Government

To get fishing rights: Permission is required by the Government

Permits are required for each species and fishing method

Ainu peoples do not have fishing rights as Indigenous Peoples

HOKKAIDO REGULATION

The Hokkaido Fisheries Adjustment Regulation

As for salmon,
Ainu Peoples can fish only with the permission of the governor up to 200
salmon

necessary required condition

"the transmission and preservation of traditional rituals or fishing methods,
and the dissemination and enlightenment of knowledge related to these"

Raporo Ainu Nation in 2021



SAPPORO DISTRICT COURT DECISION IN APRIL 2024

Raporo Ainu Nation brought a lawsuit to have the salmon fishing right in the river as an Indigenous Rights in 2018

Today, the Ainu people are primarily subject to welfare policies such as public assistance and governmental aid.

Raporo Ainu Nation yearns for self-sustaining livelihood through salmon fishing as an economic activity in the river

THE COURT FOUND 1

- ① Salmon Fishing by the Ainu peoples is constitutionally recognized as a right to enjoy their culture under the § 13.
- ② <But> the scope of culture is limited to "the transmission and preservation of traditional ceremonies or fishing methods and the dissemination and enlightenment of knowledge related thereto,"

THEREFORE

Salmon fishing as a livelihood or commercial activity is not protected as an Indigenous Peoples' Right to enjoy culture by the court decision. Financial independence becomes impossible.

<but>

GENERAL COMMENT NO. 23: ICCPR Art. 27 SAYS,

With regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples.

The rights to enjoy their own culture must include commercial activities

THE COURT FOUND 2

Rivers are public property and subject to public law control and management.

**<Therefore>
the Ainu Fishing Rights in rivers are a matter of legislative policy,
and the Ainu Fishing Rights in rivers do not exist unless it is
recognized by law.**

**Protection of salmon resources is a legislative policy, and the law
does not recognize the Ainu right to fish salmon.**

There are no laws recognize the Ainu's Rights !!



THE COURT'S VIEWS

**The court's view and thinking takes
colonialist perspective below these**

HISTORY OF COLONIZATION

Until 150 years ago, the lands of Hokkaido were controlled by Ainu groups (kotan) scattered throughout the region.

The Ainu groups had a dominant territory and exclusive and monopolistic hunting and fishing rights.

After 1869, the Emperor invaded the Ainu lands and all natural resources belonged to the Emperor, natural resources were placed under the Emperor's control with a permit system.

ASSIMILATION POLICY

**The Ainu language and customs were banned as barbaric,
Each sovereign Ainu group was exterminated under the policy of
assimilation,
The fishing salmon was prohibited because of resource protection**

**The Ainu lost their livelihood and became impoverished, and many died of
starvation. As "protection" for the Ainu, the government adopted a policy of
peasantization, granting each person 5 hectares of land.**

THE COURT'S DISCRIMINATION VIEW ①

the scope of culture

"the transmission and preservation of traditional ceremonies or fishing methods and the dissemination and enlightenment of knowledge related thereto,"

compared to Japanese whaling

Japan has long used whales not only as food, but also for their oil and whiskers, and each region has developed its own culture of using whales.

Whaling is one activity for this purpose, as is "food culture".(Fisheries Agency)

Court believes that Japanese culture includes economic activities and not Ainu

THE COURT'S DISCRIMINATION VIEW ②

the scope of “ Rivers are public property”
It Means

The Ainu are equal to the Japanese. Therefore,
they should obey the law in the same manner as
the Japanese.

Is this not discrimination?

CURRENT GOVERNMENT VIEWS

Although there are individual Ainu in Japan as an indigenous people,

→ → It means Ainu people have same rights as other Japanese

<But>

There is no Ainu group that had rights to land and natural resources.

Therefore, the Ainu do not have rights to land and natural resources.

→ → It means Ainu Peoples have no Rights as Indigenous Peoples