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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Shimin Gaikou Centre (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The rights of indigenous peoples denied in Japan due to the planned construction of an industrial waste dumping and processing site on Ainu Land**

1. In September 2007, the Japanese government voted for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in the General Assembly. In June 2008, the Japanese Diet unanimously passed the resolution, urging the government to recognize the Ainu people as an indigenous people in Japan, to which the Chief Cabinet Secretary immediately responded favorably in his official statement. In December 2009, the government followed this move by establishing the Council on Ainu Policy within the Cabinet Secretariat, of which five of the fifteen members are Ainu. We welcome these recent developments.

2. Yet, in spite of this apparent change of wind at the national level, the rights of the indigenous Ainu people are still denied significantly at the local level. A good example of this point is the situation involving the planned construction of the industrial waste dumping and processing site on the upper reaches of the Mobetsu River in Okhotsk area of eastern Hokkaido.

3. The Mobetsu River is sacred to the Mombetsu Ainu community that is located in Mombetsu City, Hokkaido, Japan. The community members have gained their livelihood dependent upon the river's surrounding environment for countless centuries. Today the Mombetsu Ainu practice welcome ceremony celebrating the return of salmon – their sacred, staple food – which spawn every year (Kamuy Chep-nomi Ceremony). In regard to the conduct of the ceremony, since 2002, the Hokkaido Prefectural Government has granted the Ainu community a special permit for salmon fishing in the Mobetsu river only for the purpose of ceremony. As this shows, in the Mobetsu basin we may find a rich ecosystem of animals, fish and birds, including bear, trout, and eagles. The forest there provides a variety of nutritious food to the living creatures in the downstream lakes and seacoast. The area is rich in flora and fauna.

4. "Do not pollute our sacred mother river." The Ainu people of the community have expressed their opposition to the planned construction of the industrial waste site in cooperation with other NGOs. They have been claiming their land rights, the right to the conservation and protection of the environment, and their cultural rights as provided under the UNDRIP against the Hokkaido Prefectural Government since 2009.

5. In February, 2010, the Mombetsu City Government approved the construction plan without any good faith consultation with the local Ainu, totally ignoring the Ainu community's demand for respecting their rights as well as the stipulated principles of the UNDRIP. Furthermore, the Hokkaido Prefectural Government unilaterally gave the final approval to the plan as proposed in the report released by an evaluating commission at the end of July, 2010. The commission had no Ainu representation, nor did its report even refer to the UNDRIP. In the opinion of the Hokkaido Prefectural Government, the UNDRIP has no validity in the Japanese legal or administrative system at all and their authorization for the plan is institutionally justified in the existing procedures. What this means is that the local governments played no responsible role to protect and promote the rights of the Ainu people.

** We would like to express special thanks to Mo-pet Sanctuary Network for their cooperation.

6. In April 2010, the Committee on the Elimination of Racial Discrimination adopted its concluding observations (CERD/C/JPN/CO/3-6) after examining the periodic report made by the Japanese government. The Committee expressed its concern with the limited progress in the implementation of the UNDRIP in Japan and recommended to the government establish a working group on the implementation of the UNDRIP within the Council on Ainu Policy.

7. The Shimin Gaikou Centre is concerned with the complete disregard of the UNDRIP and inter alia the specific rights of the Ainu by the Japanese national and local governments after the recognition of the Ainu as an indigenous people. The Japanese government will host the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP10) in Nagoya in October this year. The Mo-pet Sanctuary Programme, an alternative plan presented by the Mombetsu Ainu community and other supporting NGOs to the Hokkaido Prefectural Government, will be a model or a good practice of the proposed Indigenous and Local Community Conserved Areas (ICCAs) for the CBD COP10. In relation to the COP10, the Japanese government issued a pamphlet which explains the new National Strategy for Biological Diversity in May 2010. However, the pamphlet does not introduce or mention the rights of indigenous peoples, particularly those of the Ainu, while it refers the rich natural environment of Hokkaido, a main part of the Ainu traditional land.

8. We wish to stress that the respect of the rights of indigenous peoples has a close relationship with the protection and promotion of cultural and biological diversities. In other words, the UNDRIP provides all of us with a new social paradigm for the future of human beings. We also wish to stress the rights of indigenous peoples must be fulfilled not only in national and international communities' level but also in local level as the Mombetsu Ainu's claim case illustrates.
