

2. The Circumstance of the Ainu People

(1) Relevant Recommendations of the Committee and statements of the Government Report

- Paragraph 20 and 24 of the concluding observations (CERD/C/JPN/CO/7-9)
- Paragraph 17-33 and Paragraph 201- 222 of the Government Report (CERD/C/JPN/10-11)

(2) Main Points

- (a) The Ainu people in Japan are different from indigenous, aboriginal races in other countries. This is the official view of the Japanese Government. It is clear from the following points: there is no historical basis to the contention that, during the Meiji era, the Japanese Government robbed the Ainu people of their land and rights. On the contrary, at the request of the Ainu people, the Diet enacted a law, called the Act on the Protection of the Indigenous People in Hokkaido, and vindicated their rights.
- (b) Some NGOs submitted a report asking for the rights of the Ainu people. However, what is written in the report is clearly a misrepresentation of fact. Clarifying the words of the NGO report, we would like to iterate the true circumstance of the Ainu people.

(3) Background

(a) Of the “aboriginality” of the Ainu people

On June 6, 2008, both Houses of the Diet adopted a “resolution to recognize the Ainu as indigenous peoples.” Considering historical and scientific facts, the Japanese Government maintains that “they are not an aboriginal race as defined by the United Nations.” However, the NGO in question frames the issue based on the conception that the Ainu people are the aboriginal race in line with the United Nations “Declaration of the Rights of Aboriginal Races.” Below are the facts clearly showing that the Ainu people are different from aboriginal peoples as in other countries.

- i. The Ainu people migrated to Hokkaido around the 13th century AD or earlier. Prior to their migration, there were several cultures already in Hokkaido. First came was the JOMON Pottery Culture (c. 8000(?)-300 BC), then came the later JOMON Pottery Culture (~the 6th century) and then, at the same time, the “SATSUMON” culture and Okhotsk culture (named after the sea lying between the Kamchatka Peninsula and Siberia), lasting from the 7th century to the 13th century AD).
- ii. From the 13th century onward the Ainu people migrated to Hokkaido from the Continent via eastern Siberia and Sakhalin and settled in Hokkaido, expelling the descendants of JOMON and Okhotsk culture, who also migrated from the Continent, before the Ainu people.
- iii. At a SATSUMON-era ruins, “TATARA” (bellows), used to manufacture iron, and Tokoname-style pottery, which was made around current Tokoname City, Aichi Prefecture, situated in the central part of the mainland, were unearthed. The Tokoname-style pottery was supposedly used by local lord , Fujiwara, in the Tohoku region to spread Buddhism. The discovery clearly shows that prior to the Ainu people’s migration, previous inhabitants had active exchanges with people living in the mainland to the south.
- iv. Prior to the settlement of the Ainu people, in the southern part of Hokkaido and along the coast of Hidaka district, Japanese people, WAJIN, and Japanese culture had taken root. There are several shrines that are over 800 years old, such as Funatama-jinja Shrine in Hakodate City, which was founded in 1135, and many more were established two or three hundred years ago, during the Edo period or earlier.
- v. Feudal lord Takeda Nobuhiro, who suppressed Koshamain’s Revolt in 1457, built Katsuyama-yakata castle in Kaminokini. At the castle, Wajin (Japanese people) and Ainu people lived together in significant numbers.
- vi. Through DNA analysis of the mitochondria of human bones unearthed from Ainu ruins, as early as the end of the 11th century, the Ainu people migrated from Sakhalin, and are believed to have conquered people of the Okhotsk culture.
- vii. Based on evidence that the Ainu people and Okinawans are closely related to the JOMON people, some assert that this is proof that the

Ainu people are “aboriginals”. However, this assertion ignores the following historical facts and, therefore, is wrong.

(b) Historical background and “Ainu” policies

The NGO report submitted to the UN Committee on the Elimination of All Forms of Racial Discrimination states: “Since the Meiji Restoration, the government of Japan has encroached on the land of the Ainu and conquered and ruled them.” However this statement is clearly a misconception of facts.

Prior to the Meiji era, Hokkaido had been ruled by the MATSUMAE clan, but just before the Meiji Restoration, the Edo feudal government put Hokkaido under its direct rule. During the rule by the MATSUMAE clan, the Ainu people were permitted to use only the Ainu language and prohibited the use of the Japanese language. The Ainu people did not have a written language of their own. The MATSUMAE clan prohibited the Ainu from learning and using Japanese. In addition to the prohibition on language, the MATSUMAE clan prohibited the Ainu from following Japanese customs, from clothing and hairstyle to footwear. In a sense, the MATSUMAE clan entirely discriminated against the Ainu people, prohibiting the Ainu from behaving like Japanese people. As a result, the Ainu culture, including their language, was preserved in a pristine manner.

Afterward, when Hokkaido came under the rule of the Edo feudal government, the abovementioned bans were rescinded. The Ainu people began to learn Japanese and how to read and write. Gradually, the Ainu people came to follow Japanese ways and customs. This should be understood in the context that the Ainu people were not at all happy with the bans and once the bans were lifted by the Edo government, they chose to follow Japanese culture.

During the rule of the Matsumae clan, the Ainu greatly benefited economically through trade with the Japanese. Ainu society was strictly hierarchical and wealth was monopolized by the chiefs and their families. There was even a “millionaire” chief with dozens of concubines. As a result, opportunities for marriage for young men and women were scares, causing the Ainu population to decline. The Edo feudal government, which took over the rule of Hokkaido at the end of the Edo period, regarded the concubine system, in which chiefs monopolized many women (in fact, they were slaves traded for money), as a major cause of the decline in the Ainu population, and restricted the number of concubines one man could own to three. Clearly, based on this, it was the chiefs in various regions who sat at the top of the hierarchy who ruled the Ainu. It is

not true that the Matsumae clan, the Edo feudal government or the Meiji government ruled the Ainu people.

The Matsumae clan, the Edo feudal government and the early Meiji government respected the Ainu social system, even allowing slavery, and negotiated with the chiefs who represented the Ainu people. For this reason, the difference in wealth between the chiefs and their families and that of ordinary Ainu remained great until the postwar years.

Before the Meiji era, while wealth was monopolized by the chiefs and their families, most of the Ainu people were obliged to live a very meager life. Considering this, the Meiji government legislated the Act on the Protection of the Indigenous People in Hokkaido. In the process of making this Act, the Ainu people truly wished for the law and asked the Japanese government for the legislation.

(c) Colonial rule over the Ainu people

In the report submitted by the NGO to the UN Committee on the Elimination of All Forms of Racial Discrimination there is this statement: “The government forcibly took the land of the Ainu, integrated in the nation state and colonized it.” But this too is not at all true.

Based on the Act on the Protection of the Indigenous People in Hokkaido, land was given to the Ainu, roughly 5 hectares per head (compared to 3.5 hectares per head to Japanese people), and the Ainu were favorably treated. In reality, land which was supposed to be given to each Ainu was collectively managed, as co-owned land by the chief and his family. The land was then leased to Japanese tenants. Money from the tenants was monopolized by the chief, and each of Ainu, who was the original owner of the land, received only what was remaining, which was meager. Thus, the Ainu people’s land was actually brought into cultivation by Japanese tenants.

The Ainu chiefs actively cooperated with the Meiji government for the sake of the prosperity of all Ainu people. Unjust ownership of the land continued until the postwar liberation of farmland.

(d) About the ban on the culture of the Ainu people

The NGO report submitted to the United Nations Committee on the Elimination of All Forms of Racial Discrimination also states: “the language, unique religion and all cultural manners and customs of the Ainu people were

prohibited as evil custom. The government of Japan also banned their traditional vocations and forced them into agriculture.” This statement is also false.

The Meiji government did not prohibit the Ainu language. As mentioned earlier, after the Ainu came under the direct rule of the Edo feudal government and later under the rule of the Meiji government, the Ainu people were permitted to speak Japanese, learn how to read and write, and refined their manners and customs according to Japanese ways. Some Ainu willingly followed Japanese customs. It is a well-known fact that during the Edo period, many Ainu people followed the Jodo (Pure Land) Sect of Buddhism. A book published early in the Meiji era described the Ainu in the Hiratori district, the biggest tribe in Hokkaido at that time, who worshipped at Yoshitsune-jinja Shrine and that when they paid a visit to the shrine, they were dressed in Japanese clothes.

During the Meiji era, according to sources at that time, in Sapporo, well-educated and wealthy young Ainu men walked dressed in Western clothes, which were very expensive then, while most people still wore traditional Japanese clothes. “Shishamo (Shushnnhasmu in Ainu) Matsuri” or the Smelt Festival is now regarded as Ainu culture but it was actually restored by Professor Inukai Tetsuo of Hokkaido University. Another famous festival, the Marimo (Ball Weed) Festival of Lake Akan-ko and other popular festivals were introduced by Japanese people to promote tourism to Hokkaido after the War. Symbolic “carved wooden bears” are not of Ainu origin, but were made in Hokkaido also for the purpose of tourist promotion.

Among Ainu habits and customs, newly prohibited by the Meiji government was merely the tattooing of women’s face and arms.

(e) Were the Ainu people segregated?

The fact that the Meiji government tried to lift living and educational standards of the Ainu people is clearly verified from Diet records of agenda regarding legislation, the Act on the Protection of the Indigenous People in Hokkaido. There were cases in which certain rights were restricted but for good reasons.

For example, the Ainu were given fishing nets for catching salmon in rivers. Eventually, salmons were caught at random intervals at the mouth of rivers, causing a drop in the number of salmon travelling up river to spawn, which in turn became a big problem for Ainu living up-river. Consequently, the catch of salmon was restricted. The original Ainu hunting method used poisoned arrows,

which constantly resulted in human casualties. This kind of hunting was banned. Instead, Ainu were provided with guns for hunting. At that time, the demand for deer horns was high in China and deer were freely hunted to near extinction. Japanese hunters were prohibited from hunting deer, while only Ainu were permitted to hunt deer using guns. According a newspaper article in the *Hakodate Newspaper* at that time, two Ainu accumulated a huge fortune through permitted deer hunting.

In agriculture as well, it was Japanese tenants who brought the Ainu land into cultivation and were engaged in farming. Ainu people lived a graceful life without working as “absentee landlords of vast farmland.” Their elegant life was destroyed when the liberation of farmland was implemented by General McArthur after the War. Ainu absentees lost their land and they lived in poverty. This is a fact that should not be overlooked.

(f) About the encroachment on the Ainu people’s rights

A statement in the report submitted by the NGO to the United Nations Committee on the Elimination of All Forms of Racial Discrimination that says, “It is the state of Japan and the Hokkaido local government who have been violating the rights of the Ainu,” is also false.

It is true that the Matsumae clan discriminated against the Ainu people. But on the other hand, it was the Edo feudal government and later the Meiji government who saved the majority of Ainu who had been oppressed by a handful of Ainu chiefs. It is not an overstatement, that the state of Japan and the Hokkaido local government greatly contributed to protecting the Ainu’s human rights by prohibiting slavery, which is a hallmark of Ainu society, as well as concubines, called “chihankemachi” in Ainu, and lowly servants, “Utare,” who were traded for money.

(4) Conclusions

- (a) What we have explained so far is enough for one to be convinced how wrong and groundless descriptions concerning the Ainu are in the report submitted by the NGO to the UN Committee on the Elimination of All Forms of Racial Discrimination. The Ainu have never been mistreated nor oppressed by the state of Japan or the Hokkaido local government. On the contrary, they have been protected and favorably treated. On this matter, Isabella Bird, who visited

Hokkaido early in the Meiji era, wrote in her book *Unbeaten Tracks in Japan*(*1) to the effect that the Meiji government treated the Ainu in a gentlemanly manner, completely different from the way the native American Indians were treated. The Diet agenda records of consideration of the Act on the Protection of Indigenous People in Hokkaido also demonstrated the protective attitude taken by the Meiji government toward the “dear” Ainu people.

- (b) In the postwar years, three representatives of an Ainu body were asked by General Headquarters of the U.S. Occupation Forces, “Are the Ainu going to be independent?” Their answer was “No, we have been and we will be Japanese.” This episode was mentioned in a memorial published by the Hokkaido Ainu Society. From these facts, we can only conclude that the assertions concerning the Ainu in the NGO report submitted to the UN Committee on the Elimination of All Forms of Racial Discrimination are totally groundless and fabricated so that claims to nonexistent rights can be made.

Reported by “Indigenous and Minority Rights of Japan”

Note:

- (*1) Isabella Bird (1831-1904) English explorer, writer, photographer and naturalist
“*Unbeaten Tracks in Japan*” first published in English in 1881 by G. P. Putnam's Sons