

The 16th Session Mechanism on the Rights of Indigenous Peoples

Item 8 : Panel Discussion

The Right of Indigenous Peoples to engage freely in all their traditional and other economic activities, with a focus on fishing practice

Raporo Ainu Nation

The Legal Team for the Lawsuit over Ainu Salmon Fishing Right

Shimin Gaikou Center

19th July 2023

Raporo Ainu Nation Chairman, Masaki Sashima

- 1 We are an organization of Ainu, indigenous peoples in Japan.
- 2 Our ancestors had lived in the Urahoru Tokachi River valley and called the sea, mountains and rivers around us “Ioru”, where they used exclusively for fishing salmon or hunting.

Salmon, Gods sent us is the very important food, trade goods, material of shoes and clothes and important resources of Ainu's economic activities.

- 3 However, about 150 years ago, the Japanese Government took possession of Hokkaido and prohibited fishing salmon in rivers. The ban on fishing salmon and hunting in the fields made Ainu starved and forced many Ainu to leave their Kotans due to hunger and loss of their livelihood.

Even today, the Japanese domestic laws *such as Fisheries Resources Protection Act, the Fisheries Act and the Hokkaido Inland Waters Fisheries Adjustment Regulations based on them* prohibit catching salmon in rivers.

It is a clear violation of the Article 20, 25, 26 of the UN Declaration, which guarantee the indigenous peoples' rights of traditional economic activities, lands and natural resources.

Fishing salmon in rivers as our ancestors had been doing is our identity as Ainu. In 2020, we filed a lawsuit to the Sapporo District Court seeking confirmation of our indigenous right as Ainu to fish salmon in our domestic river.

The defendants, the Japanese Government and the Hokkaido Prefecture, externally agree with the UN Declaration and admit Ainu as an indigenous

peoples, but never make any reference to the historical facts that Ainu had fished salmon and hunted deer freely before the Meiji period. They deny our indigenous right to fish salmon in the river because of the current Japanese domestic laws and regulations. If we fish salmon in the river as our ancestors had been doing, we will be arrested as poachers.

We request the EMRIP as following;

- We request the EMRIP and other UN organizations to urge the Japanese Government strongly to admit indigenous peoples' rights of traditional lands and natural resources.
- We request the EMRIP and other UN organizations to urge the Japanese Government and other States to obligate their law enforcement officials and legal professionals to master international human rights laws and treaties.
- *The EMRIP and other UN organizations should establish an institution to monitor whether States guarantee indigenous peoples' rights of traditional lands and natural resources.*

Thank you, chairperson.