

## The Contemporary Cloak of Japanese Colonialism

Robert HUGHES

*Colonialism* is both a dark legacy and an established framework that continues to this day as an ideology to benefit both the contemporary governments and settlers of many nation-states. Japan is one such country. The history of Hokkaido is a story that begins with Ainu governance by a Japanese colonial administration.

In 1986, then-Prime Minister, Yasuhiro Nakasone declared Japan a racially homogenous nation stirring up Ainu human rights activists. As recently as 2014, Masaru Onodera, a Hokkaido Prefectural assembly member stated it was highly questionable that the Ainu of northern Japan were indigenous people. With these assertions, some influential politicians choose to deny the colonization of the Ainu and the theft of their land.

Since defining the Ainu as aborigines in need of assimilation in 1899 with the Hokkaido Former Aborigines Protection Act, consecutive Japanese governments and politicians have propagated the myth that Japan is a uniquely homogenous country.

Biogeographers are increasingly convinced that the Ainu are descendants of the Jomon people, the world's earliest potters, and as such have a greater claim toward being original occupants of northern Japan than the *wajin* (Yamato people), who represent the current ethnic majority in Japan. This fact does not sit well with racial chauvinists in contemporary Japan.

Since the late 19<sup>th</sup> century, a series of discriminatory and oppressive Japanese laws and government policies have abetted cultural genocide against the Ainu. This should be undeniable. The purpose of this paper is to review Japanese Government policies towards the Ainu through the lens of colonialism and acknowledge the impact as cultural genocide.

### ***Cultural Genocide***

Since the 19<sup>th</sup> century, the Japanese legal system and its policies have been discriminatory and oppressive toward the Ainu (Maruyama, 2012). The area encompassed by what is now Hokkaido, the

Kurile Islands, and Southern Sakhalin represented the traditional Ainu settlement area known amongst Ainu themselves as Ainu Mosir. As early as the 14<sup>th</sup> century, the Ainu and the *wajin* engaged in trade and although there were disputes and uprisings, relatively good relations were kept to the benefit of both parties. When the Matsumae domain was established in 1590 in the southern part of Hokkaido, Abe (2012) points out that the situation began to deteriorate. By 1720, the Matsumae clan allowed *wajin* merchants to set up trading posts within Ainu territories. These merchants attempted to commercially exploit the Ainu undermining the Ainu way of life and Ainu communities.

Under tight Matsumae clan supervision, the Ainu were not allowed to learn Japanese nor could they practice agriculture (Godefroy, 2012). Eventually, in a reaction to the threat of Russian territorial expansion, the Tokugawa Shogunate over-ruled the Matsumae clan and took direct control of the region known as Ezo.

According to Abe (2015), with the Treaty of Shimoda in 1854, the Ainu, without their consent, were declared Japanese. Under this Russo-Japanese Friendship Pact, the Kuril Islands boundary with Russia was established at the Urrupu waterway while Sakhalin was declared a shared living area.

By 1869, the larger island of Ezo was renamed Hokkaido and the Meiji government effectively claimed state-ownership of the land. The Hokkaido Development Agency (*Kaitakushi*) was set up to develop and govern the territory.

Godefroy (2012) states the Ainu were given a new legal identity in 1871 under the Family Registration Law (*kosekiho*). Meiji administrators, sent to Hokkaido to conduct a population census in 1872, Japanized Ainu surnames and in some places, entire villages were given the same surname.

With the Hokkaido Land Regulation of 1872, the local authorities began land distribution to *wajin* settlers. The new Meiji Government was eager to assert Japan's dominance in the region and exploit the abundant natural resources (Godefroy, 2012). By 1877, the wilderness areas and forests were all declared state-owned due to ambiguous Ainu property concepts. Land use to the Ainu was not governed by individual ownership or the commercial activity of buying and selling property. The *wajin* did not recognize the Ainu relationship with the land which allowed territorial fishing, hunting, and gathering. Godefroy (2012) further states that from 1869 to 1882, the Hokkaido Development Agency renamed Ainu language toponyms into Japanese which effectively dispossessed the Ainu of their own language-based landmarks.

The assimilation of the Ainu began with these "modern" land reforms and colonization policies and in very short order, the Ainu were disenfranchised of their lands.

Classified in 1878 as former aborigines (*kyudojin*), the Ainu, under the law, were unequal to Japanese (Godefroy, 2012). The Ainu were given a classification that was intentionally discriminatory but interestingly identified them as aborigines, which arguably implies the original or rightful inhabitants of the region.

Abe (2015) states “The regulations forced the Ainu to use Japanese names, banned women’s tattoos, men’s earrings, and the traditional Ainu custom of burning the family home and moving elsewhere after the death of a family member (p.2).” Further, the Development Agency, in a bid to get a cheap local labor force, enacted laws to turn Ainu hunter-gatherers into farmers. Subsistence practices such as salmon or trout fishing and deer hunting were curtailed. In 1875, deer hunting regulations were enacted in the Iburi-Hidaka regions restricting hunting periods, the number of hunters, and the number of rifles. The Ainu bow and poisoned arrows were prohibited in 1876. Next, Ainu fishing nets became illegal. Finally, salmon and trout fishing were outlawed in 1878. For all practical purposes, a subsistence lifestyle based on the land became illegal.

Understandably, the situation for Ainu became increasingly desperate. In 1882 when three prefectural governments were established (Sapporo-ken, Nemuro-ken, and Hakodate-ken), Ainu protection acts were first passed. The Hokkaido Government, installed in 1886, continued pressure on the Ainu to survive as farmers. However, with large numbers of Japanese settlers arriving conflict was unavoidable. Corrupt government administrators accepted bribes and gave Japanese settlers access to land in the Chikabumi region that had been set aside for Ainu families. Ainu protests reached the media but it took until 1899 for the land to be restored (Godefroy, 2012).

The Hokkaido Former Aborigine Protection Act was established in 1899. To supposedly alleviate poverty among Ainu through farming, upon written request, the act granted land and restricted ownership rights to those Ainu who cultivated the land (Okada, 2012). However, the land allotments were considerably smaller than the allotments given to Japanese settlers. Due to illiteracy amongst Ainu, the written application process posed considerable difficulty as did learning farming techniques. According to Godefroy (2012), by 1909 most of the 9,656 hectares allotted to Ainu had either been rented to Japanese tenant farmers or abandoned. There were no provisions in this act to teach Ainu any other occupations.

Land certificates issued by the government were used to dispense what had become state-owned territory. With the support of free land, free tools, and other benefits *wajin* settlers arrived and the dispossession of the Ainu from their ancestral lands was accomplished. The governing powers of Japan had no intention of consulting with the Ainu over land ownership or use. This is evident as the election law of 1889 gave the right to vote to Japanese males twenty-five years of age who had been paying their general tax, but this did not apply to residents in Hokkaido (Abe, 2015). With no right to vote and

without a political voice the Ainu were effectively silenced.

After some early experiments in attempting to educate Ainu students, the Japanese government created a separate school system of aborigine schools in 1877 (Godefroy, 2012). Ainu children were sent to these special schools to study a limited curriculum where they could learn: reading, writing, counting, health education, and agriculture. In these schools, speaking Ainu was forbidden as was the study of history, geography, and science. By 1907, 89 percent of Ainu children were enrolled in such schools accelerating the assimilation process. With the loss of tradition, culture, religion, and language a cultural chasm widened between parents and their children. It was not until 1937 that Ainu children were allowed to attend Japanese schools. However, even with the loss of Ainu identity, the children were still not accepted as Japanese, leaving them alienated and out of place. It took nearly a century for the Hokkaido Former Aborigine Protection Act to be replaced. As Godefroy (2012) so aptly states “As a result of this legal, bureaucratic, and cultural assimilation, the Ainu were stripped of their identity as a people, as families, and as individuals (p. 4).” These discriminatory acts of assimilation constitute cultural genocide.

### ***Colonial Contrition***

In 1997, the Act for the Promotion of Ainu Culture and Dissemination of Knowledge Regarding Ainu Traditions (Ainu Cultural Promotion Act or CPA) came into effect to protect the dying culture. This law did not recognize the Ainu as indigenous and no Ainu members were chosen for the first expert advisory panel. With the second advisory council, there was one Ainu member and seven Japanese members which effectively excluded Ainu voices in Ainu policymaking (Maruyama, 2015).

In the Nibutani dam case, on March 27, 1997 the Sapporo district court recognized Ainu indigenous status in contrast to the Japanese government position (Tahara,1999). The district court recognized land as an essential part of Ainu culture. However, the court recognition was for the rights of individuals in minority groups to practice their own culture, and did not include recognition as Indigenous People with the right of self-determination in land, resources, or politics.

With emphasis on individual rights, the Japanese government has avoided recognizing the collective rights of the Ainu as Indigenous People. In fact, the Japanese government objected to the early working group drafts on rights for Indigenous People in the United Nations from 1995 to 2006 because of the inclusion of collective rights. As Porter (2008) stated it is the collective rights that are the foundation of essential indigenous rights, with self-determination being of utmost importance. The Japanese government representative argued that the Ainu as Japanese citizens should not have a collective right different from Japanese citizens.

### ***Individual indigenous rights vs. indigenous collective rights***

From Japanese government debate during the development of UNDRIP, what was most obvious was the government's unwillingness to recognize past colonial practices to destroy the Ainu and their culture, let alone acknowledge the issues of collective rights and self-determination.

The Japanese government maintains the position that "the issue of self-determination could not be used to assert that indigenous people are separate from their states of residence nor did it impair the sovereignty of a nation's laws (Porter, 2008 p. 209.)" The implication being that Ainu cannot create their own sovereign space under their own independent government.

Then in 2007, after years of haggling, the Japanese Government voted in favor of the United Nations Declaration on the Rights of Indigenous People. In 2008, on June 6<sup>th</sup> the Japanese Diet approved a resolution for the government to recognize the Ainu as Indigenous and to end discrimination against them.

It is clear that the Japanese government stance is most comfortable in denying the history of Ainu colonization and that by toying with international definitions of "Indigenous," collective rights and self-determination (as outlined in UNDRIP articles) will not apply to the Ainu. Summarized content from relevant UNDRIP articles is listed below:

### ***United Nations Declaration on the Rights of Indigenous People (UNDRIP) Articles (U.N. 2007)***

#### ***Article 2***

Indigenous peoples are free and equal to all other peoples with freedom from discrimination and have the freedom to exercise their rights based on indigenous origin or identity.

#### ***Article 3***

Indigenous people have the right to self-determination regarding their political status and their pursuit of economic, social and cultural development.

#### ***Article 10***

Indigenous people shall not be forcibly removed from their lands without free, prior, and informed consent.

#### ***Article 11***

Indigenous people have the right to practice and revitalize their cultural traditions and customs from

the past, through the present, and into the future.

### ***Article 26***

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

### ***Article 28***

Indigenous peoples have the right to redress, by means that can include restitution, or when this is not possible, just fair and equitable compensation for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

It does not require much imagination to determine which of the above articles would be the most threatening and costly to implement for the Japanese government today.

### ***Political Reversal***

In another political reversal, on February 15<sup>th</sup>, 2019, the New Ainu Bill was passed and for the first time in legal documentation, the Ainu have been recognized as Indigenous Peoples of Japan. Clauses in the new bill oblige the government to both protect and support Ainu cultural identity.

The Japanese government is ambitiously promoting tourism and it seems there are plans for the Olympic opening ceremony in 2020 to showcase traditional Ainu cultural performances. The Japanese Government has announced plans for a National Ainu Museum and Park in Hokkaido to attract one million tourists annually. By appropriating the now “Indigenous Ainu” into their national framework, the Japanese government can preserve their myth of harmony without ever addressing historical wrongdoing.

Maruyama (2019), a professor from the Muroran Institute of Technology in Hokkaido, saw the draft bill as superficial and a continuation of colonial policy. Maruyama states that several of the Ainu factions were not consulted which clearly violates the standard of free, prior and informed consent. The Japanese Government engages with the Hokkaido Ainu Association which is the largest of the representative groups but this does not cover the membership in the Citizens Alliance for the Examination of Ainu Policy, the Monbetsu Ainu Association, nor the Sakhalin Ainu Association.

### ***Conclusion***

The Japanese government is ambitiously promoting tourism and it seems there are plans for the

Olympic opening ceremony in 2020 to showcase traditional Ainu cultural performances.

As the New Ainu Bill does not grant territorial resources nor establish rights to land, it seems to be an attempt to create only cultural space and to exploit the Ainu as a tourism resource. As such, the bill is superficial and a continuation of colonial assimilation policy (Tamura, 2019). The New Ainu Bill may well have been intended as a marketing ploy to increase tourism through the creation of an Ainu theme park. As we have seen, Japanese laws and developmental programs intentionally displaced the Ainu from their own lands. With displacement and oppression, the Ainu were marginalized to the point where today most Japanese know nothing about the Ainu as a surviving people, so addressing this issue is significant but falls short of what needs to be done. The New Ainu Bill seems to acknowledge UNDRIP Articles 2 and 11 which deal with freedom from discrimination and the revival of cultural traditions but it does little more than this.

With the Nibutani dam ruling, the Sapporo district court recognized two very important matters: firstly, that Ainu have indigenous status and secondly, that land is an essential part of Ainu culture (Tahara, 1999). Sadly, the ruling came years after the dam had been built. However, this ruling stands as a precedent and as long as there are victims, there is still wrongdoing. Domestic and international activism needs to continuously prod the Japanese government to do what is right to address past injustices against the Ainu. Ang (2019) references Janice Forsyth's expression the "illusion of inclusion" to describe marketing and appropriation of indigenous culture for global events without redressing the unequal relations. Isn't this what is currently going on in Japan?

By recognizing that Ainu have the right to self-determination for their political status and their own economic, social and cultural development, the Japanese government could comply with UNDRIP Article 3. By restoring Ainu rights to a portion of the land, territories, and resources which they traditionally owned, occupied, and used, the Japanese Government could comply with UNDRIP Article 26. By granting the Ainu rights for the restitution of land or fair and equitable compensation for the territories and resources which they have traditionally owned and used, but which were confiscated and used without Ainu free, prior and informed consent, the Japanese government could comply with UNDRIP Article 28.

Assimilation is a specific elimination strategy used by settler societies as the settlers require the practical elimination of the Indigenous population in order to fully establish themselves (Wolfe, 2006). Article II (d) of the UN Convention on Genocide states that acts constituting genocide are acts taken with the intent to destroy a target group in whole or in part. Were the Ainu not victims of cultural genocide?

"Settler colonizers come to stay: invasion is a structure not an event (Wolfe, 2006 p. 388)." As long as there are victims, there is still wrongdoing that needs to be redressed! Will the Japanese government

finally remove their colonial cloak and do what is right?

### References

- Abe, C. (2015). Right To Land and the Ainu. *Focus*. Vol. 81 September
- Ang, R. (2019). Indigenous Survival Politics in the Promotion of a National Discourse. *Anthropology News* website. September 13,2019. DOI: 10.1111/AN.1260
- Godefroy, N. (2012). *The Ainu Assimilation Policies during the Meiji Period and the Acculturation of Hokkaido's Indigenous People*. International Meiji Research Seminar at CEEJA (Centre European d' Etudes Japonaises d' Alsace). Retrieved from URL: <http://www.f.hypothesis.org>>blogs.dir file retrieved in December 2019.
- Maruyama, H. (2012). Japan's post-war Ainu policy. Why the Japanese Government has not recognized Ainu indigenous rights? *Polar Record* 49 (249): Cambridge University Press 204-207 doi:10.1017/S003224741200040X
- Maruyama, H. (2015). Beyond the Present Ainu Policy: emancipating the Ainu from subordination to Japan. *Focus*. September Vol 8
- Maruyama, H. (2019). Japan's New Policy on the Ainu is misleading. <https://www.downtoearth.org.in/governance>) file retrieved in December 2019
- Nakamura, N. (2014). Realising Ainu indigenous rights: A commentary on Hiroshi Maruyama's 'Japan's post-war Ainu policy. Why the Japanese Government has not recognised Ainu indigenous rights?'. *Polar Record*, 50(2), 209-211. DOI:10.1017/S0032247413000417
- Okada, M. (2012). The Plight of Ainu, Indigenous People of Japan, *Journal of Indigenous Social Development*. Vol. 1, Issue 1 <http://www.hawaii.edu/sswork/jisd> pp.1-14
- Porter, C. (2008). After the Ainu Shinpo: The United Nations and the Indigenous People of Japan. *New Voices* 2. 201-219
- Tahara, K. (1999). Asia & Pacific: Nibutani Dam Case. *Indigenous Law Bulletin* 18 4(23)
- Tamura, M. (2019). Rights Groups Blame Japan Gov't Over Bill On Ainu Ethnic Minority. Kyodo News
- UN. (United Nations). (2007). United Nations Declaration on the Rights of Indigenous Peoples. URL: <http://www.un.org/esa/socdev/unpfii/en/drip.html> .Google Scholar file retrieved in December 2019
- Wolf, P. (2006). Settler colonialism and the elimination of the native, *Journal of Genocide Research*, 8:4, 387-409, DOI: 10.1080/14623520601056240