

**FSC Centralized National Risk Assessment**

Country: Japan

Analysis of sources of information and evidence for Controlled Wood Category 2 (Wood harvested in violation of traditional and human rights)

Sources of information	Evidence	Scale of risk assessment	Risk indication ¹
Context (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc. 			
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 215 countries (most recently for 1996–2012), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	http://info.worldbank.org/governance/wgi/index.aspx#reports (click on table view tab and select Country) In 2013 (latest available year) Japan scores between 81.52 (for Political Stability and Absence of Violence/Terrorism) and 93.78 (for Government Effectiveness) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	country	
World Bank Harmonized List of Fragile Situations: http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/Fragile_Situations_List_FY11_%28Oct_19_2010%29.pdf	Japan does not feature on this list	country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's	http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php Japan does not feature in this list	country	

¹ A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.



population. For this index, CPJ examined journalist murders that occurred between January 1, 2004, and December 31, 2013, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index. http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php			
Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring http://www4.carleton.ca/cifp/ffs.htm	http://www4.carleton.ca/cifp/app/serve.php/1419.pdf Japan scores low on State fragility map 2011.	country	
Human Rights Watch: http://www.hrw.org	http://www.hrw.org/world-report/2014/country-chapters Japan does not feature in Human rights Watch World Report 2014	country	
US AID: www.usaid.gov Search on website for [country] + 'human rights' 'conflicts' 'conflict timber' For Africa and Asia also use: http://pdf.usaid.gov/pdf_docs/pnact462.pdf	No information found on specified risks after searching Japan + 'human rights' 'conflicts' 'timber conflicts'.	country	
Global Witness: www.globalwitness.org Search on website for [country] + 'human rights' 'conflicts' 'conflict timber'	http://www.globalwitness.org/japanmalaysia "A new report by Global Witness titled "An Industry Unchecked: Japan's extensive business with companies involved in illegal and destructive logging in the last rainforests of Malaysia" [September 2013 – LV] examines the extensive timber trade between Japan and Sarawak, the widespread corruption, illegal logging, and human rights violations in Sarawak's forestry sector, and weaknesses in Japan's approach to preventing the import of illegal timber from Sarawak. Japan has been the largest buyer of timber products from Sarawak, Malaysia, for more than twenty years. This trade is dominated by some of the largest trading companies in Japan. This report presents two case studies based on Global Witness research and investigation showing how Japanese companies are purchasing timber products linked to widespread illegal and unsustainable logging by two of Sarawak's largest logging companies. Global Witness' analysis concludes that Japan's current approach to preventing the import of illegal timber, the so-called Goho-wood system, is inadequate to ensure that its timber imports from Sarawak are legal and	country	



	sustainable.”		
http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/	Japan not mentioned in article	country	
Transparency International Corruption Perceptions Index http://cpi.transparency.org/cpi2013/results/	Japan scores 74 points on the Corruption Perceptions Index 2013 on a scale from 0 (highly corrupt) to 100 (very clean). Japan ranks 18 out of 177 with rank nr. 1 being the most clean country.	country	
Chattam House Illegal Logging Indicators Country Report Card http://www.illegal-logging.info	http://www.illegal-logging.info/sites/default/files/uploads/CHillegalloggingreportcardjapan.pdf “Japanese imports of illegally sourced wood products have fallen further than those of the other four consumer countries studied, with a 43% reduction since their peak in 2004.[...]” • Japan’s imports of illegally sourced wood are still much higher per capita and as a proportion of overall imports than those of the US, UK, France or the Netherlands. Per capita consumption of illegal wood is double that of the other countries.”	country	
Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights	http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf “Police abuse and irregularities in police interrogations took place in Japan’s criminal justice system. The authorities continued to reject calls for justice for the survivors of Japan’s military sexual slavery system. Japan resumed executions after a 20-month hiatus. The number of people being granted refugee status remained extremely low.” (p. 141)	country	
Freedom House http://www.freedomhouse.org/	http://www.freedomhouse.org/report-types/freedom-world#U-3g5fl_sVc The status of Japan on the Freedom in the World index is ‘free’. http://www.freedomhouse.org/report-types/freedom-net#U-3hUvl_sVc The status of Japan on the Freedom of the Net is ‘free’. http://www.freedomhouse.org/report-types/freedom-press#U-3hkvI_sVc The status of Japan on the Freedom on the Net is ‘free’.	country	
Reporters without Borders: Press Freedom Index	2013: http://en.rsf.org/spip.php?page=classement&id_rubrique=1054 Japan ranks nr. 53 out of 179 with a score of 25,17 on the 2013 World Press Freedom Index, which ranks it among the countries with better press freedom in the world. “Japan, demoted from 22nd to 53rd place, recorded the biggest drop of any Asian country. The reason was the ban imposed by the authorities on independent coverage of any topic related directly or indirectly to the accident	country	



	at the Fukushima Daiichi nuclear power plant. Several freelance journalists who complained that public debate was being stifled were subjected to censorship, police intimidation and judicial harassment. The continued existence of the discriminatory system of “kisha clubs”, exclusive press clubs which restrict access to information to their own members, is a key element that could prevent the country from moving up the index significantly in the near future.” (p. 11)		
Fund for Peace - Failed States Index of Highest Alert - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Failed States Index is an annual ranking, first published in 2005, of 177 nations based on their levels of stability and capacity http://www.fundforpeace.org/global/?q=cr-10-99-fs In 2014 the FFP changed the name of the Failed State Index to the Fragile State Index: http://ffp.statesindex.org/rankings-2013-sortable	http://ffp.statesindex.org/rankings-2013-sortable Japan is ranked 156 out of 178 countries on the failed states index. (nr 1 being the most failed state). This ranks Japan in the category ‘stable’.	country	
The Global Peace Index. Published by the Institute for Economics & Peace, This index is the world's leading measure of national peacefulness. It ranks 162 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. Source: The Guardian: http://economicsandpeace.org/research/iep-indices-data/global-peace-index	http://www.visionofhumanity.org/sites/default/files/2014%20Global%20Peace%20Index%20REPORT.pdf The state of Peace in Japan is labelled ‘Very high’ with Japan ranking number 8 out of 162 countries with a score of 1.316 (p. 5)	country	
Additional sources of information (These sources were partly found by Googling the terms '[country]', 'timber', 'conflict', 'illegal logging')	Evidence	Scale of risk assessment	Risk indication
No additional sources found			
From national CW RA: FSC-CW-RA-017-JP V1.0 (Info on illegal logging)	“Any harvesting of forest is regulated by the Forest Law. Forest Law applies throughout Japan. Forest owners and standing tree buyers must submit application of harvest including information about harvesting area, harvesting method, harvesting species, harvesting tree ages and regeneration		

	<p>plans after the harvest 30 to 90 days prior to harvesting. The application is examined by municipality mayor to check if it complies with the Forest Law. When it complies with the Forest Law, harvest permit is given. In case of any suspect of harvest which is different from what it says in the application, the municipality investigates on the ground. If the harvest was found to be not following the application, municipality then instructs the forest owner or standing tree buyer to correct the operation.</p> <p>After harvest, legal certificate is needed to trade the harvested logs.</p> <p>Harvesting in special protection zone of natural park needs permission from state minister for the environment or prefectural mayor.</p> <p>Breach of the Forest Law rarely happens. According to the Prosecutorial statistics in 2010, there were 40 suspected cases. Number of applications of harvest submitted per year is estimated to be approximately 20,000. Therefore only about 0.2% were suspected to be breaching the Forest Law and so the risk of breach is very low."</p>		
Conclusion on country context: Japan scores good or very good on all indicators reviewed in this section on the country context, such as in relation to press freedom, peace, governance and absence of corruption. Some human rights issues are reported mainly in relation to criminal justice and justice for the survivors of Japan's military sexual slavery system. Japan is also reported as a significant importer of illegally harvested timber, although some regulations and policies are in place to combat illegal logging.			
Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.			
Guidance <ul style="list-style-type: none"> Is the country covered by a UN security ban on exporting timber? Is the country covered by any other international ban on timber export? Are there individuals or entities involved in the forest sector that are facing UN sanctions? 			
Compendium of United Nations Security Council Sanctions Lists http://www.un.org/sc/committees/list_compend.shtml	There is no UN Security Council ban on timber exports from Japan.	country	low risk
US AID: www.usaid.gov	Japan is not covered by any other international ban on timber export.		
Global Witness: www.globalwitness.org	There are no individuals or entities involved in the forest sector in Japan that are facing UN sanctions.		
From national CW RA	Japan is not included in UN Security Council Ban on timber.	country	low risk



Guidance			
<ul style="list-style-type: none"> Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions? Is the conflict timber related to specific entities? If so, which entities or types of entities? 			
www.usaid.gov http://pdf.usaid.gov/pdf_docs/pnact462.pdf Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3	No information on conflict timber related to Japan found.	country	low risk
www.globalwitness.org/campaigns/environment/forests	http://www.globalwitness.org/sites/default/files/library/Japan%20in%20Sarawak%20briefing_0.pdf (3 July 2014) Japan is the largest buyer of timber products from Sarawak, accounting for around one third of its exports of all timber products and half of its plywood exports. The Japanese government and private sector therefore have an obligation to address the rapid deforestation in Sarawak and take urgent action to prevent further harm to Sarawak's indigenous communities and biodiversity which rely on its forests. [...] This brief describes the findings of recent Global Witness research and field work looking into the operations of two major logging companies in Sarawak, Samling Group and Shin Yang Group. A number of recent independent studies have exposed systemic illegal and destructive logging by both companies, providing additional evidence of the environmental and legal issues surrounding logging in Sarawak. No mentioning of conflict timber in Japan.	country	low risk
Human Rights Watch: http://www.hrw.org/	No information on conflict timber related to Japan found.	country	low risk



World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf Now: PROFOR http://www.profor.info/node/1998	http://www.profor.info/node/1998 This work resulted in a publication: Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool (available on this page) published by PROFOR in June 2012. This tool has not yet been applied to Japan.	country	low risk
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights http://www.amnesty.org/en/annual-report/2011/ http://amnesty.org/en/annual-report/2013/	No information on conflict timber related to Japan found.	country	low risk
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 213 economies (most recently for 1996–2012), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home Use indicator 'Political stability and Absence of violence' specific for indicator 2.1	http://info.worldbank.org/governance/wgi/index.aspx#reports In 2013 (latest available year) Japan scores on the indicator political stability and absence of violence 81.32 on the percentile rank among all countries (ranges from 0 (lowest) to 100 (highest rank) with higher values corresponding to better outcomes.	country	low risk
Greenpeace: www.greenpeace.org Search for 'conflict timber [country]'	No information on conflict timber in Japan found.	country	low risk
CIFOR: http://www.cifor.org/ ; http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm	http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm "Forests and conflict" Illegal forestry activities and poor governance in tropical forested regions are two factors which can encourage violent conflict. Widespread violence in turn makes forestry and conservation policies in forested areas less effective. The scope of the problem	country	low risk



	<p>There are currently violent conflicts in forested regions in Colombia, Côte D'Ivoire, Democratic Republic of the Congo, India, Indonesia, Liberia, Mexico, Myanmar, Nepal, Philippines, Sierra Leone, Solomon Islands, Sudan, and Uganda.</p> <p>In the past twenty years there have also been violent conflicts in the forested regions of Angola, Burundi, Cambodia, Central African Republic, Guatemala, Mozambique, Nicaragua, Peru, Republic of Congo, Rwanda, and Surinam. Together these countries account for about 40 percent of the world's tropical forest and over half of all tropical forest outside Brazil.</p> <p>Timber incomes have financed violent conflict in Cambodia, Democratic Republic of Congo, Indonesia, Liberia, Myanmar, Sierre Leone, and other countries. While Illicit drugs are widespread in the forested regions of Bolivia, Colombia, Laos, Myanmar, and Peru.”</p> <p>Japan not mentioned</p>		
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	<p>http://www.illegal-logging.info/regions/japan</p> <p>“Japan is a heavily forested country, with 69% of its land covered by forest areas (FAO 2010). Whereas Japan experienced a low rate of deforestation between 1990 and 2000, its forest cover has increased since 2000, with an annual average growth rate of 0.04% between 2005 and 2010 (FAO 2010). Much of this growth is due to an increase in plantation areas, although Japan retains 19% of its primary forests, and also has a high proportion of naturally regenerated forest areas, at 40% of the total forest cover. Over half of the country's forests are protected (FAO 2010).</p> <p>Despite its high forest cover, the Japanese market for timber is huge and continues to grow. Japan is now one of the world's largest importers of tropical timber, sourcing this timber largely from neighbouring countries in East Asia. Japanese demand plays an important role in the global trade in illegal timber, although the volume of illegally sourced wood products has fallen by 43% since 2004 (Chatham House 2010). While Japan has no legislative framework</p>	country	low risk

	<p>in place to exclude illegally sourced timber from its market, the government introduced a requirement for proof of legal origin to its public procurement policy for wood in 2006 (Chatham House 2010).”</p> <p>http://www.illegal-logging.info/content/japan-needs-tougher-laws-end-illegal-timber-imports-ngo-says</p> <p>“Japan, the world’s fourth-largest buyer of timber products, needs to introduce laws and stricter oversight to stamp out imports of illegally logged wood, said the Environmental Investigation Agency, a lobbyist group.</p> <p>The country’s laws do not require private buyers of foreign timber to ensure it was legally logged nor do they provide for penalties for failing to do so, the Washington and London-based group said in a report today. This has led to illegally cut wood in Russia being exported to Japan via Chinese processing plants, the EIA said.</p> <p>Japan’s reliance on Russian wood for furniture, flooring and construction materials has set off a boom in illegal logging in Russia’s Far East, the EIA said after conducting a multi-year probe that traced the timber supply chain to buyers in Japan. At least 50 percent of wood logged in eastern Russia is done so illegally via falsified permits or overharvesting, the environmental group said.”</p> <p>http://www.geneva-academy.ch/RULAC/current_conflict.php?id_state=116</p> <p>Japan is not currently engaged in an armed conflict.</p>		
From national CW RA FSC-CW-RA-017-JP V1.0	<p>“Japan is not designated as supply region of conflict timber by USAID. In Japan, there is no civil conflict or military conflict therefore there is no evidence that domestic wood is supplying money to parties involved in those conflicts.”</p>	country	low risk
<p>Conclusion on indicator 2.1:</p> <p>Although information was found on Japan’s involvement in importing illegally harvested timber, no information on conflict timber in Japan was found.</p>		country	low risk

The following low risk thresholds apply: (1) The area under assessment is not a source of conflict timber ² ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge 'low risk' designation.			
Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.			
Guidance <ul style="list-style-type: none"> Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1) Are rights like freedom of association and collective bargaining upheld? Is there evidence confirming absence of compulsory and/or forced labour? Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender? Is there evidence confirming absence of child labour? Is the country signatory to the relevant ILO Conventions? Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above? Are any violations of labour rights limited to specific sectors? 			
general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:: or use: ILO Core Conventions Database: http://www.ilo.org/ilolex/english/docs/declworld.htm C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957 C111 Discrimination (Employment and Occupation)	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102729 Japan has ratified six of the eight ILO Core Conventions. Japan did not ratify: C105 Abolition of Forced Labour Convention, 1957 and C111 Discrimination (Employment and Occupation) Convention, 1958	country	specified risk for forced labour and discrimination

² "Conflict timber" limited to include "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal (see FSC-PRO-60-002a).



<p>Convention, 1958 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999</p> <p>Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.</p>			
<p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/declaration/lang--en/index.htm Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'</p>	<p>http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_178415.pdf <i>Equality and non-discrimination at work in East and South-East Asia – Guide (2011)</i></p> <p>“Evidence of the gender wage gap in Asia According to an OECD study published in 2010 the gender wage gap in the Republic of Korea was almost 40 per cent and in Japan over 30 per cent – both much higher than the average 17.6 per cent across OECD membership.” (p. 19)</p> <p>“Available data also point to continuing vertical segregation in Asian labour markets. In China, including Hong Kong, Japan, the Republic of Korea, Malaysia, Singapore, Thailand and Viet Nam women represent less than 30 per cent of legislators, senior officials and managers. [...] In Japan and Republic of Korea, the figure is particularly low (under 10 per cent).” (p. 25)</p> <p>“Discrimination against women remains pervasive throughout the labour markets in Asia as they continue to be concentrated in the most vulnerable categories of atypical and informal employment. For example, in Japan and the Republic of Korea women continue to be overrepresented in part-time and nonregular employment, earning much lower wages than full-time and regular workers, most of whom are men.” (p. 26)</p> <p>“Box 14. Discrimination the basis of social origin – Asia Burakumin, Japan: The situation of the Burakumin, a Japanese social minority group, ethnically and linguistically indistinguishable from other Japanese people, represents an example of discrimination on the basis of socio-occupational category. The Burakumin face discrimination in Japan because of an association with work once considered impure, such as butchering animals or tanning leather. In particular, they often have trouble finding marriage</p>	<p>country</p> <p>country</p>	<p>specified risk for gender discrimination</p> <p>specified risk discrimination of Burakumin</p>



	<p>partners or employment.” (p. 29)</p> <p>“The UN Committee on Economic, Social and Cultural Rights (CESCR) has noted that persons with disabilities continue to face discrimination in employment, among others, in Cambodia, China and Japan. The underlying reason leading to difficulties in finding skilled employment is the deep-rooted inaccurate stereotype that persons with disabilities cannot be productive members of the society.” (p. 38)</p> <p>http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_154779.pdf <i>Equality at work: The continuing challenge</i> (2011)</p> <p>“In Japan, for example, the number of dismissed workers with disabilities increased on a quarter-to-quarter basis for five consecutive months from November 2008 to March 2009.” (p. 8)</p>	country	specified risk discrimination of persons with disabilities
		country	specified risk discrimination of persons with disabilities
ILO Child Labour Country Dashboard: http://www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm	Japan does not feature in the Child Labour Country Dashboard.	country	low risk
Global March Against Child Labour: http://www.globalmarch.org/	No specific information found on child labour in Japan	country	low risk
Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx	http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJPN%2fCO%2f3&Lang=en <i>Committee on the Rights of the Child, Concluding observations: Japan 20 June 2010 (latest available report)</i> No mentioning of child labour in Japan.	country	low risk
ILO Helpdesk for Business on International Labour Standards: http://www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm	http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3076050:NO <i>Observation (CEACR) - adopted 2012, published 102nd ILC session (2013)</i> <i>Equal Remuneration Convention, 1951 (No. 100) - Japan (Ratification: 1967)</i> “Assessment of the gender pay gap . The Committee notes the statistical information provided by the Government concerning the evolution between 2008 and 2010 of the disparity in hourly scheduled cash earnings between male and female workers , and concerning the same disparity by industry and by occupational group. The results of the Basic Survey on Wage Structure of 2011 show that, as of 2011, the average scheduled cash earnings (regular	country	specified risk gender discrimination

	<p>salary) of female “general workers” were 70.6 per cent of that of male workers (a pay gap of 29.4 per cent), and that considerable differences remain between industries and occupational groups (a pay gap of 45.5 per cent in the finance and insurance sector, and a pay gap of 36.3 per cent in the manufacturing sector).”</p> <p>“Part-time work. The Committee notes from the Labour Force Survey in 2010 of the Ministry of Internal Affairs and Communication that the rate of part-time workers (those who work less than 35 hours per week) among all the workers was 26.6 per cent. The rate of male part-time workers was 14.6 per cent among male workers, while it was 43 per cent for female workers. Female workers constituted 68.3 per cent of all the part-time workers.”</p>		
<p>Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx (Use the link to ‘Key documents’ on the left hand side. Go to “observations’ and search for country.) (Refer to CW Cat. 1) Or: Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations</p>	<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJPN%2fCO%2f6&Lang=en <i>Concluding observations of the Committee on the Elimination of Discrimination against Women – Japan 7 August 2009</i> (latest available report)</p> <p>“Employment</p> <p>45. The Committee remains concerned about women’s disadvantaged situation in the labour market, as reflected in the significant vertical and horizontal occupational segregation between women and men. The Committee is particularly concerned that the “employment management category” in the Administrative Guideline under the Equal Opportunity Law may provide leeway for employers to introduce a trackbased system which discriminates against women. It is also concerned about the persistence of a very high gender-based wage gap of 32.2 per cent in hourly earnings among full-time workers and of an even higher gender-based wage gap among part-time workers, the predominance of women in fixed-term and part-time employment and illegal dismissal of women due to pregnancy and childbirth. The Committee also expresses concern regarding the inadequate protections and sanctions within existing labour laws. In particular, the Committee is concerned about the absence in the Labour Standards Law of a provision recognizing the principle of equal pay for equal work and work of equal value in accordance with the Convention and ILO Convention No. 100. The Committee also expresses concern at widespread sexual harassment in the workplace and the fact the legislation includes measures to identify companies that fail to prevent sexual harassment, and no punitive measures to enforce compliance beyond</p>	country	specified risk on discrimination of women in labour market.



	<p>publicizing the names of the offending companies. The Committee is further concerned at the lengthy legal processes on employment issues, which are not understood by women and which impede them from obtaining redress in the courts, as provided for under article 2 (c) of the Convention.” (p. 9-10)</p> <p>“Reconciliation of family and work life</p> <p>47. While welcoming the State party’s legislative and policy efforts, such as the Charter for Work-Life Balance, the Action Policy for Promoting Work-Life Balance and the Strategy to Support Children and Family, as well as other measures to improve the reconciliation of family and work life, the Committee is concerned that domestic and family responsibilities are still primarily borne by women, and that this is reflected in the extremely low rate of men who take parental leave and by the fact that women interrupt their careers or engage in part-time jobs to meet family responsibilities.” (p. 10)</p>		
Human Rights Watch: http://www.hrw.org/	No specified risk information found regarding labour rights in Japan.	country	low risk
Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/	http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/	country	low risk
http://www.verite.org/Commodities/Timber (useful, specific on timber)	Japan scores ‘medium risk’ on the Child Labour Index 2014. “According to the U.S. Department of Labor (2010), timber is produced with forced labor in Peru, Brazil and Myanmar (Burma).” Japan not mentioned.	country	low risk
The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers’ rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en	http://www.ituc-csi.org/IMG/pdf/survey_ra_2014_eng_v2.pdf Japan is classified in the category 2 – Repeated violation of rights with a score between 9-17. Countries with a rating 2 have slightly weaker collective labour rights than those with the rating 1. Certain rights have come under the repeated attack by governments and/or companies and have undermined the struggle for better working conditions.	country	low risk
Google the terms '[country]' and one of following terms	http://www.ituc-csi.org/japan-public-workers-rights-still_8548		



<p>'violation of labour rights', 'child labour', 'forced labour', 'slave labour', 'discrimination', 'gender gap labour', 'violation of labour union rights' 'violation of freedom of association and collective bargaining'</p>	<p>"The report finds that the right to organise, collective bargaining and strike are still not recognised for civil servants and employees in state-run enterprises. Organising and collective bargaining are further undermined due to the increase in the number of non-regular workers and fixed-term contract holders – according to the most recent survey, the number of non-regular workers has now increased to 34.5 per cent of Japanese employees. The report also finds a considerable gender wage gap. Women's average monthly wage in 2009 was 226,100 yen (2,005 euros), while men earned 333,700 yen (2,960 euros). Although forced labour is not a widespread problem, there are cases of debt bondage in Japan's foreign trainee programme that need to be urgently investigated. Such debts are run up under contracts between trainees and sending agencies in their home countries. In Japan the trainees have been subject to exploitation under extremely poor working conditions that can entail very low wages and long hours."</p> <p>http://www.japantoday.com/category/national/view/gender-gap-still-exists-in-japan-in-pay-working-conditions-oecd-report</p> <p>[...] "Even for younger workers in Japan, the gender pay gap is 15%, and it increases to around 40% for those over 40. Japanese women have great difficulty to rise to the top and less than 5% of listed company board members in Japan are women, one of the lowest proportions among OECD countries, the report says. Difficulties with reconciling work and family commitments help explain the relatively poor female labor market outcomes in Japan."</p>	<p>country</p>	<p>specified risk on discrimination of women in labour market</p>
<p>Additional general sources</p>	<p>Additional specific sources</p>		
<p>Feedback from FSC Japan on discrimination of women in labour market</p>	<p>The social and economic status of the Japanese women are improving, but it is still low compared with many Western countries, as various statistics and reports from international organizations suggest. However, the data and information is limited when it comes to forestry. Globally, forestry is a male-dominated industry with intense physical labor and considerable danger. Thus it is not appropriate to conclude there is gender discrimination just by looking at the number of women working in the industry. It may be also due to occupational preferences of women. Statistics are not available to show how many women wish to work in the forestry industry.</p>	<p>country</p>	<p>low risk for discrimination of women in forestry sector</p>

	<p>In addition to the physical rigor required, the Japanese forestry also has economic problem. Forestry is a dangerous industry with the rate of labor related accident 13 times as much as other industries. On the other hand, the average income is lower 1.5 million yen (15,000 USD) than the mean income in all industries combined³. 80% of the forest cooperatives pay the wage daily, not as monthly salary. When the workers are paid by daily wage, female workers cannot earn for months at the time of pregnancy, childbirth and child-rearing. There are also problems of work environment such as lack of proper toilet in the field. All things combined, it is not a work environment favorable to women.</p> <p>According to the 2014 Forestry White Paper published by the Forestry Agency, there were 48,728 women working in the forestry industry in 1965, comprising of 17% of total forestry labor (282,432 workers). However, forestry labor kept decreasing with time, and by 2005, the figure has shrunk to 48,618 workers, of which 7,015 were women (14%). The number of workers in forestry has increased to 68,563 in 2010, though the proportion of female worker kept decreasing to 13.2%. In the past, women often took light silvicultural work such as planting, raising seedlings, weeding. However, as the population declined in rural villages and large area of plantations that were established after the World War II gets mature, the demand for such light silvicultural work has declined. At the same time, as different types of works became available in the rural area, the job opportunity for women became no longer limited to agriculture and forestry. Either case, the reasons are not related to gender discrimination.</p> <p>Still, with the tide of gender equality, women are encouraged to advance to every aspects of the society, and more and more women enter the forestry industry. Many of such stories are available in forestry related journals and online articles in the internet. "The Society of Forestry Girls", a nation-wide</p>	
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³ 林野庁「一目でわかる林業労働」<http://www.rinya.maff.go.jp/j/routai/koyou/pdf/hitome.pdf>

	<p>network of women who are interested in forestry has been established, and its branches are active all over Japan. It is said that introduction of high performance forestry machineries has removed the barrier of gender from physical strength⁴⁵.</p> <p>As the data and statistics on gender issues in forestry is limited, we depended on interviews and direct consultations to investigate this issue. We have interviewed members of the Society of Forestry Girls, forestry journalists, and forestry professors who often provide recruitment support to students. In general, most of the times, people stated that they do not feel gender discrimination. In fact, discrimination rarely become apparent as specifying gender for recruitment is prohibited by the law. Still, there were some stories indicating that there still may be preference for women in the forestry labor market. We did not hear any information related to discrimination of treatment once employed.</p> <p>We did not hear any specific story suggesting gender discrimination in treatment. However, it is difficult to compare wages as the amount often depends on the form of employment and payment. In the case of field workers, most of them are paid daily, often by the volume system. As a result, it is possible that women get lower wage due to inferior physical strength. Yet by far the majority of women in the forestry industry take clerical positions, and their earning cannot be simply compared with that of men who more frequently engage in the field work. One study that compared earning of male and female workers in forest owners cooperatives in Kyushu concluded that there is still disparity of wage between men and women, though it was shrinking⁶.</p> <p>Regarding sexual harassment, we cannot deny its existence, but the</p>		
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⁴ 「『林業女子』がヤマを変える？」建築知識ビルダーズ no.19 winter 2014. P. 114-115

⁵ 「機械化と女性オペレータ」機械化林業 1996. 516: 15-16

⁶ 飯田繁(2005)林業賃金の男女格差. 九大演報 86:121-132

	<p>interviewed women tended to consider sexual jokes as part of communication in the warm, easygoing atmosphere of the rural area. Most women replied that they did not know anyone who take it seriously. Some women told that their male colleagues are very mindful about their use of bathroom and shower, and with regards to their relative physical weakness.</p> <p>Conclusion In investigating this issue, we could not find concrete evidence to support that there is no gender discrimination in Japanese forestry workplace. On the other hand, the number of female workers are still limited in most forest management enterprises, and there were some stories suggesting opportunities for women is rather limited compared with men at the time of recruitment. At the same time, however, the general opinion of women engaged in forestry were that they had not really felt discrimination at workplace. If the gender equality can be only proven by equal participation in any work in of the forestry industry, it is clearly not met. However, it cannot be concluded so easily, considering women's occupational preferences and suitability to work type. Prejudice against women are steadily disappearing, and it is premature to conclude that there is specified risk about gender equality simply by looking at the statistics of the entire labor market in Japan."</p>		
Feedback from FSC Japan on discrimination of Burakumin in labor market	<p>"It is written that the Burakumin (people of Buraku) face discrimination in Japan because of an association with work once considered impure, such as butchering animals or tanning leather. This is not exactly correct from historical perspective. There are various theories on origin of Burakumin, but they are descendants of people who belonged to the bottom class called "Eta" and "Hinin" in the rigid feudalistic social hierarchy during Edo era (1603-1868). The social hierarchical system was enforced throughout Edo Era, and people inherited the social class from one generation to the next, though it was possible that people in the higher class drop to the bottom due to crime committed. Because of their caste, Eta and Hinin were only given such jobs as processing of dead animals and tanning leather, which people considered impure and avoided. Even after this caste system was officially abolished with Meiji Restoration in late 19th century, the discrimination against the group remained, and many Burakumins earned their living by leather processing with the skills passed down from their ancestors.</p>	country	low risk for discrimination of Burakumin in forestry sector

	<p>However, this issue has been weathering, and today many people are barely aware of the issue. Many Burakumins have moved to urban cities and live among people of various backgrounds. In cities, the origin of people rarely becomes an issue. Burakumins do not look any different from other people, therefore once they move to other areas, it becomes almost impossible to tell their origin.</p> <p>During the consultation to people in the forestry to investigate the issue, there was a comment that the culture of discrimination is also fading away as it has become difficult to maintain even the existence of rural villages as depopulation continues in rural areas. For example, there was once a festival in which only the people in the upper class from the old caste system could participate. But it was made open to everyone as the population of this village has fallen down which makes it difficult to even keep the tradition.</p> <p>Not many people in younger generation would be aware that this problem is still existent. While it may vary with schools, the opportunity to learn discrimination against Burakumin at school is limited. In particular, a few young people in urban cities would be aware of this issue as an ongoing issue even if they know history of the issue.</p> <p>According to the results of the public opinion survey published by Tokyo Metropolitan Government Bureau of Citizens and Cultural Affairs in April 2014⁷, the most common answer to a question about discrimination against Burakumin was “I don’t know about the issue”, 19.2%. 18.4% of people answered that they have heard it from TV, radio, newspaper and books; 17.7% answered that they have learned it in schools; 15.4 % answered that they have heard about it from their parent. This result showed that discrimination is not necessarily passed down from parents to children.</p> <p>To the question “Do you think the rights of Burakumin are respected?” in the same survey, the most common answer was they do not know (41%), suggesting that not many people are familiar with the issue. 32.3 % answered that the rights are respected or respected to a certain degree. 26.2%</p>		
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⁷ <http://www.metro.tokyo.jp/INET/CHOUSA/2014/04/DATA/60o48100.pdf>

	<p>answered that the rights are not respected or not very much respected. The survey also listed 20 different human right issues and asked about peoples' interest on them. Among different human rights issues, Burakumin issue showed the third lowest interest, after Ainu issue and discrimination against Hansen's disease sufferers.</p> <p>It is said that Burakumin issue comes to the surface at the time of marriage. To the question "how they would react when their child wants to marry to a person from discriminated Buraku" in the survey. 46.5% answered that they would leave the decision to the child; it is not the business of parents, while only 4.3% said that they would not allow the marriage. To the question "What would you do if your parents are against your marriage to a person from discriminated Buraku?", 56.5% answered that they would not listen to their parents and marry him/her, or they would try their best to persuade their parents and then realize the marriage; while 15.4% answered that they would give up the marriage or they would give up if their parents object. We cannot say that discrimination against Burakumin has disappeared completely, but the survey results clearly show that the majority of people do not care or object the discrimination. While it is not easy to compare with the degree of discrimination occurring in other countries, we do not consider the issue is as serious as discrimination due to origin or social class in many other countries.</p> <p>According to the statistics of Legal Affairs Bureau⁸, amongst all human rights issues consulted in 2013, 386 were about Burakumin issue. This number is lower than those for discrimination against women, elders, people with disabilities and foreigners. The data show that there was almost no such case in Hokkaido and Tohoku (Northeast) area whereas people still consult the authority regarding the issue in Kinki, Chugoku and Shikoku area.</p> <p>In terms of legislative measures, in 1969, the Unity Measure Operations Special Act was established with an active period of 10 years to implement projects to improve the infrastructure of discriminated Buraku area and to eliminate the discrimination. After a number of extensions and revisions of the law, it was not renewed after expiration in 2002, because of perceived</p>		
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⁸ <http://www.e-stat.go.jp/SG1/estat/Xlsdl.do?sinfid=000024991720>

	<p>disappearance of the discrimination. With the expiration of the law, the measures for Burakumin by the national government have officially ended.</p> <p>We have carried out consultation to various people from different background to find out how this issue relates to forestry. In short, the general reaction was that they have not even considered or heard of the issue in forestry, though the issue may remain in some parts of the society. Even a forestry journalist who had been in the forestry industry for 30 years did not know any case where Burakumin issue was brought up.</p> <p>Article 3 of the Labor Standards Act prohibits discrimination based on nationality, belief and social class. Our consultation confirmed high awareness among people involved in employment that they should not do anything which may lead to discrimination such as specifying gender at the time of recruitment or investigating the origin of applicants. Certification bodies also replied that they have never heard of anything related to Burakumin discrimination in the forestry industry. In general, people showed high awareness that there should not be any discrimination, not limited to the issue of Burakumin.</p> <p>Some people seemed to consider that Burakumin issue should not be even mentioned. Thus they would not reveal the place of discriminated Buraku even if they know, and they would not tell it to people from outside. With such tendency, it is possible that the knowledge about discriminated Buraku area is limited to older generation, and younger generation often do not know about it. However, as the issue is fading away, there are no objective data to support disappearance of the discrimination.</p> <p>Although it is not possible to say that the issue has disappeared completely in rural areas, we consider the risk is low throughout Japan."</p>		
Feedback from FSC Japan on discrimination of persons with disabilities in the labour market	<p>Definition of people with disability varies among countries, and their employment rate cannot be easily compared for this reason. According to the study of Kudo (2008) ⁹, average percentage of people with disabilities in the</p>	country	low risk for discrimination against persons

⁹ 工藤正(2008) 障害者の雇用の現状と課題. 日本労働研究雑誌 No.578. p.1-13. 2008.09
<http://www.jil.go.jp/institute/zassi/backnumber/2008/09/pdf/004-016.pdf>

	<p>whole working population (20-64 years old) among 20 member countries of OECD was 14%. When only 15 EU countries are considered, the occurrence rate was 16.4% among the population of working age (16-64 years old). Japan applies rather narrower definition for people with disabilities; the population of people with disabilities is about 3.6 million, comprising 4% of the total population at working age (18-64 years old), which is 80.27 million. As such, Kudo proposed that when comparing the data about people with disabilities of Japan with that of other countries, it is more reasonable to compare it with the data about people with severe disabilities.</p> <p>In 2006, employment rate of people with disabilities in Japan was 40.3%¹⁰. This is similar to the average employment rate of people with disabilities among 19 member countries of OECD in late 1990s, 40.8%. On the other hand, in late 1990s, the average employment rate of people with severe disabilities among 14 member countries of OECD (that had available data) was 24.5%¹¹. This shows Japan had much higher employment rate of people with severe disabilities.</p> <p>As a legislative measure, the Japanese government enacted Act on Employment Promotion etc. of Persons with Disabilities in 1960. With this law, companies were mandated to employ people with disabilities at a certain rate. Currently the rate is 2.0%. When a company does not meet the rate, the company has to pay 50,000 yen (about 500 USD) per one person with disabilities in short as a penalty.</p> <p>However, the law specifies exclusion rate for industries that would be difficult to employ people with disabilities. The exclusion rate is applied to the calculation</p>		with disabilities in the forestry sector
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¹⁰ OECD (2003) Transforming Disability into Ability: Policies to Promote Work and Income Security for Disabled People (岡部史信訳(2004)『図表でみる世界の障害者政策』明石書店).

¹¹ OECD (2003) Transforming Disability into Ability: Policies to Promote Work and Income Security for Disabled People (岡部史信訳(2004)『図表でみる世界の障害者政策』明石書店).

	<p>of the required number of people with disabilities to be recruited to lighten the requirement. The exclusion rate for forestry was lowered from 45% to 35% in 2010¹². With the regular rate of 2.0%, a company with 50 or more employees need to employ at least one person with disabilities. In the case of forestry, however, with the exclusion rate of 35%, companies with 77 or more employees will need to hire at least one person with disabilities.</p> <p>Now let's look at the typical size of organizations in the forestry industry in Japan. According to Census of Agriculture and Forestry 2010¹³, out of 140,186 forestry organizations in Japan, 125,592 (89.6%) are family managed and 125,136 are individually managed. Average size of such organizations are quite small. In 2010, number of permanent workers in forestry industry was 31,289. Considering that there were 3,744 organizations employing permanent workers, one organization hires 8.36 permanent works on average. When part-time workers are added, the total number of workers increase to 325,589 and the organization number increase to 15,274, which makes the average number of workers 21.3 per organization.</p> <p>Forestry Cooperatives play the central role in Japanese forestry; they carry out more than 50% of all Japanese plantation, weeding and thinning work in terms of area size¹⁴. Yet the average number of permanent staff of a forestry cooperative paid by monthly salary is 12.5¹⁵. When the number of workers paid by daily wage or performance based wages is added, the average becomes 35. This shows that very few forestry organization have 77 or more employees.</p>		
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¹² 厚生労働省 <http://www.mhlw.go.jp/bunya/koyou/shougaisha/04.html>

¹³ 農林水産省 農林業センサス 2010 年世界農林業センサス 確報 第 2 巻 農林業経営体調査報告書 ー総括編ー

¹⁴ 平成 25 年度森林・林業白書第 1 部第 IV 章

¹⁵ 平成 24 年度森林組合統計 総括表（平成 23 年度及び 24 年度）雇用労働者関係等 4-2 賃金支給制度別雇用労働者数 <http://www.e-stat.go.jp/SG1/estat/Xlsdl.do?sinfid=000027248656>

	<p>However, this should not be interpreted that people with disabilities are not employed in forestry. According to the press release of the Ministry of Health, Labour and Welfare dated 19th November 2013, the actual employment rate of people with disabilities among all private companies in Japan was 1.76%. The employment rate of people with disabilities in the industry of Agriculture, Forestry and Fisheries combined was 1.83%, exceeding the average rate of employment together with other seven industries such as manufacturing and service industries. While we could not find data specific to forestry industry, there was no evidence that employment rate of people with disabilities in forestry industry is lower than other industries.</p> <p>According to the report from the Section of Employment Measures for Persons with Disabilities, Employment Security Bureau, Ministry of Labor and Welfare published in August 2013¹⁶, the number of people with disabilities employed has been increasing for the 9 consecutive years since 2004 and the actual employment rate has reached 1.69%, though it has still not reached the mandatory rate. 46.8% of companies has achieved the mandatory employment rate of people with disabilities. It has been reported that the situation around people with mental disabilities has improved significantly and on the whole the employment situation of people with disabilities has been improving.</p> <p>During the consultation conducted by FSC Japan, there were some opinions that it would be difficult to accept people with disabilities for dangerous field work of forestry. On the other hand, some people commented stated that they have seen people with disabilities working for a forestry company.</p> <p>Considering all the information mentioned above, the risk of discrimination against people with disabilities is considered low throughout Japan.</p>		
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¹⁶ 山田正彦「今後の障害者雇用施策の動向～障害者雇用促進法改正法について」2013. 08. 23
http://www.jil.go.jp/kokunai/research/monitor/houkoku/documents/20130823_blt_houkoku.pdf



From national CW RA FSC-CW-RA-017-JP V1.0	<p>"About the infringement of the ILO fundamental principles for labors (except for Clause 105 and Clause 111 which are unratified by Japan), we did not find the fact through ILO online database that violations of the right in forest areas in Japan had occurred.</p> <p>Especially about the Child Labor, the child labor for "Business of cultivation of land, planting, growing, harvesting or cutting of plants, or other agro forestry business." is prohibited by the Labor Standards Act.</p> <p>Clause 105 (Abolition of Forced Labor Convention) is not ratified because public workers are not allowed to have rights of dispute including strike by National Civil Service Law and Local Public Service Law. This is because any breach to these laws will end up imprisonment where they need to render a service which can be seen as forced labor. However, in the public forests, Forestry operation is outsourced to private contractors. These private contractors' rights of dispute is ensured by Labor Standards Act. Hence there is practical no forced labor in forestry industry.</p> <p>Clause 111 (Discrimination (Employment and Occupation Convention) is another one which is not ratified. However, according to the Labor Standards Act, not discriminations of gender, nationality, faith and social status are allowed. Especially for gender equality, Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment is in place to strengthen the gender equality. For Persons with Disabilities, Act on Employment Promotion etc. of Persons with Disabilities is in place.</p> <p>Nikkei telecom service was used to search for any articles about breach against ILO non-ratified clauses in forest management and forestry. Articles were searched from 5 major national newspapers, 48 local newspapers and 5 industrial newspapers for the period of Jan 1, 2010 to Dec 31, 2012. No article about the breach was found.</p> <p>For these reasons, there is no fact that ILO fundamental conventions are entrenched in domestic forest practice. However we continue to keep an eye on the situations regarding non ratified conventions."</p>	country	low risk
Conclusion on Indicator 2.2: • Not all social rights are covered by the relevant legislation and enforced in Japan. The right to organize, collective bargaining and strike		country	low risk

are still not recognized for civil servants and employees in state-run enterprises. However, in the public forests, Forestry operation is outsourced to private contractors. These private contractors' rights of dispute is ensured by Labor Standards Act. Hence there is practical no forced labor in forestry industry. According to the Labor Standards Act, not discriminations of gender, nationality, faith and social status are allowed. Especially for gender equality, Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment is in place to strengthen the gender equality. For Persons with Disabilities, Act on Employment Promotion etc. of Persons with Disabilities is in place. Nevertheless, several international sources indicate that Japan has a very high gender wage gap, that persons with disabilities continue to face discrimination in employment and that the Burakumin face discrimination in general in Japan, but in particular, they often have trouble finding employment. However, the additional information provided by FSC Japan indicates strongly that these risks can be considered low in the forestry sector in Japan.

(refer to category 1)

- Rights to freedom of association and collective bargaining are not upheld in the public sector, but this does not affect the forestry sector. (see also previous point)
- There is no evidence confirming compulsory and/or forced labour in the agricultural sector (which includes forestry).
- There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender, but this is considered a low risk in the forestry sector based on additional information provided by FSC Japan (see also first point).
- There is no evidence confirming child labour in the agricultural sector (which includes forestry).
- The country is signatory to 6 fundamental ILO Conventions. Japan did not ratify: C105 Abolition of Forced Labour Convention, 1957 because public workers are not allowed to have rights of dispute including strike by National Civil Service Law and Local Public Service Law. This does not affect the forestry sector (See also first point). Japan did also not ratify C111 Discrimination (Employment and Occupation) Convention, 1958. Although there is legislation to prevent discrimination in reality women, persons with disabilities and Burakumin face discrimination in the labour market, but this is considered a low risk in the forestry sector based on additional information provided by FSC Japan.
- There is some evidence that any groups (in particular women, persons with disabilities and Burakumin) do not feel adequately protected related to the right to equal opportunity and payment in the labour market, but this is considered a low risk in the forestry sector based on additional information provided by FSC Japan..
- Violations of labour rights are not limited to specific sectors, but are most widely reported in the public sector. No incidents of violations were found in the forestry sector.

The following low risk thresholds apply, based on the evidence:

(11) Applicable legislation for the area under assessment does not cover all key provisions of ILO Fundamental Principles and Rights at work but other regulations and/or evidence of their implementation exist. Reports do not lead to conclusions of systematic violations of rights. When labour laws are broken, cases are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

AND

(12) Other available evidence do not challenge 'low risk' designation.

Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.

Guidance:

- Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment?
- Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1)
- Is there evidence of violations of legal and customary rights of IP/TP?
- Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?
- Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?
- What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)
- Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COU_NTRY_ID:102729 Japan did not ratify Convention 169. Therefore this source does not provide information on its implementation by Japan.	country	specified risk on ILO 169
Survival International: http://www.survivalinternational.org/	No specified risk information found	country	low risk
Human Rights Watch: http://www.hrw.org/	No specified risk information found	country	low risk
Amnesty International http://amnesty.org	http://amnesty.org/en/library/asset/ASA22/007/2012/en/5eb739de-6137-4026-8604-8fbc9932dfe7/asa220072012en.pdf <i>Human rights concerns in Japan</i> (2012) "Ethnic and other minority groups in Japanese society, including Ainu, urakumin and Okinawans, continue to face discrimination." (p. 6)	Hokkaido and Okinawan prefecture	Specified risk on discrimination of IPs
The Indigenous World http://www.iwgia.org/regions	http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2014/JapanIW2014.pdf <i>IWGIA – THE INDIGENOUS WORLD – 2014 JAPAN</i> "The two indigenous peoples of Japan, the Ainu and the Okinawans, live on the northernmost and southernmost islands of the country's archipelago. The Ainu territory stretches from Sakhalin and the Kurile Islands (now both Russian territories) to the northern part of present-day Japan, including the entire island of Hokkaido. Hokkaido was unilaterally incorporated into the Japanese state in 1869. Although most Ainu still live in Hokkaido, over the second half of the 20th century, tens of thousands migrated to Japan's urban centers for work and to escape the more prevalent discrimination on Hokkaido. Since June 2008, the	Hokkaido and Okinawan Prefecture	Specified risk for lack

	<p>Ainu have been officially recognized as an indigenous people of Japan. As of 2006, the Ainu population was 23,782 in Hokkaido and roughly 5,000 in the greater Kanto region. Okinawans, or Ryūkyūans, live in the Ryūkyūs Islands, which make up Japan's present-day Okinawa prefecture. They comprise several indigenous language groups with distinct cultural traits. Although there has been some migration of ethnic Japanese to the islands, the population is largely indigenous Ryūkyūans. Japan forcibly annexed the Ryūkyūs in 1879 but later relinquished the islands to the US in exchange for its own independence after World War Two. In 1972, the islands were reincorporated into the Japanese state and Okinawans became Japanese citizens although the US military remained. Today 75% of US forces in Japan are in Okinawa prefecture, which constitutes only 0.6% of Japan's territory. 50,000 US military personnel, their dependents and civilian contractors occupy 34 military installations on Okinawa Island, the largest and most populated of the archipelago. The island is home to 1.1 million of the 1.4 million people living throughout the Ryūkyūs. Socio-economically, Okinawa remains Japan's poorest prefecture, with income levels roughly 70% of the national average and unemployment at double the national average.</p> <p>The Japanese government has adopted the UNDRIP (although it does not recognize the unconditional right to self-determination). It has ratified CERD, CEDAW and the CRC. It has not ratified ILO Convention 169." (p. 232)</p> <p>"Indeed, one of the main issues of contention for many Ainu continues to be the slow progress and resistance on the part of universities to the return of ancestral remains stolen from burial sites under the guise of research, despite repeated efforts by Ainu representatives stating the matter's urgency and high priority." (p. 235)</p> <p>"The presence of US military forces remains the central source of Okinawans most pressing problems." (p. 235)</p>	<p>Okinawa Prefecture</p> <p>Hokkaido</p> <p>Okinawa Prefecture</p>	<p>of recognition of Okinawans as IP</p> <p>Specified risk cultural rights Ainu</p> <p>Specified risk militarization Okinawans</p>
<p>United Nations Special Rapporteur on the rights of indigenous peoples http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx</p>	<p>http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-41-Add3_en.pdf <i>Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya Addendum Consultation on the situation of indigenous peoples in Asia</i></p>		<p>-</p>



	<p>"The groups in Asia that fall within the international rubric of "indigenous peoples" include groups such as those referred to as "tribal peoples", "hill tribes", "scheduled tribes" or "adivasis". The international concern for indigenous peoples, as manifested most prominently by the United Nations Declaration on the Rights of Indigenous Peoples extends to those groups that are indigenous to the countries in which they live and have distinct identities and ways of life, and that face very particularized human rights issues related to histories of various forms of oppression, such as dispossession of their lands and natural resources and denial of cultural expression. Within the Asian region, the distribution and diversity of such groups varies by country, as does the terminology used to identify them and legal recognition accorded to them. These groups, some of which span State borders, include, among others, the: [...] (e) AINU of Japan, officially referred to as indigenous peoples, and the Ryukyans or Okinawans, who have sought similar recognition as indigenous peoples;" (p. 5)</p>	Hokkaido and Okinawan Prefecture	specified risk for recognition of Okinawans as IPs-
<p>UN Human Rights Council Universal Periodic Review http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</p>	<p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/155/80/PDF/G1215580.pdf?OpenElement summary of 30 stakeholders' submissions to the universal periodic review</p> <p>"79. JS11 indicated that the living standards of Ainu people were far below than those of the general population. Ainu women were subject to multiple forms of discrimination and there was no legal means or recourse to improve their situation." (p. 10)</p> <p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/187/52/PDF/G1218752.pdf?OpenElement</p> <p>No conclusions or recommendations on indigenous peoples.</p>	Hokkaido	Specified risk discrimination of Ainu women

<p>UN Human Rights Committee http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx search for country Also check: UN Committee on the Elimination of All Forms of Racial Discrimination http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</p>	<p>http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_CSS_JPN_17358_E.pdf <i>Rights of Persons Belonging to Minorities The Issue of Ryukyu and Okinawa Civil Society Report on the Implementation of the ICCPR (2014)</i> “The Ryukyu Kingdom, an independent state of the indigenous peoples of the Ryukyus, was forcibly annexed by the government of Japan in 1879 as one of its prefectures named “Okinawa”, in contravention of Article 51 of the Vienna Convention on the Law of Treaties. Since then various policies and practices of colonisation, discrimination and assimilation have been imposed upon the indigenous peoples of the Ryukyus by the government of Japan, while peoples of the Ryukyus were excluded from participating in Japanese policy making process through election until 1919. A series of land reform were also carried out by Japan, denying the traditional form of communal land ownership of the indigenous peoples in the Ryukyus, known as <i>Somayama</i>, and converting their land into state owned property. It disintegrated the traditional economies, which were based upon the traditional land ownership system. To assimilate indigenous peoples of the Ryukyus into Japanese cultural norms, government of Japan prohibited the use of their indigenous languages in schools and many traditional cultural practices such as washing bones of the dead (<i>senkotsu</i>), tattoo for women (<i>hajichi</i>), Ryukyuan hairstyle for men (<i>katacashira</i>). During World War II and the subsequent US military occupation, large tracts of the land of indigenous peoples in the Ryukyus were seized by the government of the United States, in contravention of the 1907 Hague Convention and the Hague Regulations Relative to the Laws and Customs of War on Land (widely known as the 1907 Hague Regulations). This land was used to construct the US military bases and facilities. The government of Japan neglected the illegal expropriation of land and construction of bases without any protest. Furthermore after the 1972 reversion, the government of Japan constructed its own military facilities as well. The presence of the US military in the Ryukyus / Okinawa, including the land occupied by the military bases and facilities, their military activities as well as behavior of military personnel, are creating various human rights issues and risks in the life of the peoples in the Ryukyus / Okinawa. Those human rights problems affecting the indigenous peoples in the Ryukyus e.g. emerging from colonization and militarisation, crimes of UN military personnel and lack of justice and remedies to the victims,</p>	<p>Okinawa Prefecture</p>	<p>Specified risk on land rights Okinawan</p>
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	<p>sexual assaults, land issues, violation of the right to education, environmental and health issues are also documented in different NGO reports submitted to relevant UN bodies.</p> <p>Today, Okinawa is the southernmost prefecture of Japan, consisting of 160 islands with Okinawa Island being the largest. The population of Okinawa prefecture is 1.4 million and the vast majority of the population are the indigenous peoples of the Ryukyus, while there are also a certain number of Japanese (Yamato Japanese), who have migrated to Okinawa. There are more than 50 communities of the indigenous peoples in the Ryukyus i.e. Okinawa prefecture 3 having various and strong communal identity and own local languages/dialects. Despite these uniqueness and distinctness of the indigenous peoples in the Ryukyus, the government of Japan has been failing to give due recognition to their existence, while concerns were expressed by several UN Treaty Bodies over the lack of proper recognition of the indigenous peoples of the Ryukyus and protection of their rights." (p. 2-3)</p> <p>http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_CSS_JPN_17361_E.pdf</p> <p><i>Civil Society Report on the Implementation of the ICCPR (2014)</i></p> <p>"1. The government does not recognize the rights of the Ainu people as an indigenous people. Consequently Ainu people have faced very difficult situations.</p> <p>2. There are no governmental policies or measures in Japan to guarantee the rights of indigenous peoples as prescribed in the international law system.</p> <p>3. Schools do not teach the Japan's unjust and unlawful historical control over the Ainu people. Consequently, the government has made no apology and reparation and has not even recognized the right to land of the Ainu people.</p> <p>1. Japanese Government argues that the UNDRIP has no clause on the definition of indigenous peoples nor is there a definition within the Japanese legal system, and has not recognized any individual or collective rights of the Ainu people. Only the development and promotion of Ainu culture is legally recognized under the 1997 Law for the Promotion of Ainu Culture, that largely conflicts with the framework of the "Measures Relating to the Improvement of Living of the Hokkaido Ainu" of the Hokkaido Prefectural Government. At least, these measures of Hokkaido recognize the support/aid to individual Ainu in the</p>	Okinawa Prefecture	Specified risk recognition of Okinawan as IPs
		Hokkaido	Specified risk for rights of Ainu

	<p>fields of education, health and economy, albeit insufficiently. Naturally, these measures are local welfare programs for the socially vulnerable and are limited in its geographical scope to the Hokkaido region, despite the fact that Ainu people live in many other regions in the country. These measures are not measures specifically for the Ainu as an ethnic group, and do not recognize the rights of the Ainu as an indigenous people. [...]</p> <p>2. In 2009, the government has set up the “Ainu Policy Promotion Council” which functions to promote a comprehensive and effective Ainu policy chaired by the Chief Cabinet Secretary. Nevertheless, it has not implemented any “comprehensive and effective” measure. For instance, the Council consists of 14 members, of which only four are Ainu. It is only convened once a year, and it has so far met only four times for the past five years since its formation. Also, it has not taken any measures to address the problems in the fields of education, employment, housing, daily living, health and economy, which the Ainu people have kept calling for. In addition, the Council has never made any discussion regarding the guarantee of their rights. What it has discussed and decided on in its working groups are; the designing and construction of the so-called “Symbolic Space for Ethnic Harmony” where visitors will learn the Ainu culture, and the proposal to include a scholarship program for the Ainu children into the scheme of the Japan Student Services Organization. The Ainu Culture Promotion Act is exclusively for the promotion of Ainu culture, and not for the Ainu people themselves. Subsidies provided to the implementing body of the Act, namely “Foundation for Research and Promotion of Ainu Culture”, have been reduced from 360 million yen per annum in 1997 to 250 million in 2013. Furthermore, the subsidies that the national government has given to the Hokkaido autonomous government under the title of “measures concerning the improvement of living of the Hokkaido Ainu” have been cut to 1.4 billion yen in 2013 from about 3.4 billion in 1998. These setbacks indeed contradict the fact that in 2008 the Diet adopted the resolution on “Request to recognize the Ainu as indigenous peoples” which clearly stated that “the government shall continuously help the Hokkaido local government implement its measures for the Ainu, and make efforts to secure related budgets necessary for its smooth promotion.” It is also due to the fact that the Ainu people do not have the right to build their own financial basis.</p> <p>3. Today, the existence of the Ainu people is mentioned in the school</p>		
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	<p>education of Japan. Nevertheless, it has never taught the colonial domination over the Ainu people that the government of modern state Japan has done since 1869 when it started the “Hokkaido development.” Among others, the Japanese population do not learn that the one fourth of the Japanese territory is from the arbitrary confiscation of the Ainu’s traditional land (Ainu mosiri) by Japan claiming it as state-owned land; that the Ainu people were forcibly assimilated as Japanese while being deprived of their language, religious, culture and livelihood; and that the strong discriminatory structure has been built on these historical events. While the Diet has recognized the historical fact in its resolution to a certain extent, it has not been reflected in the revision of the discriminatory policy toward the Ainu people and destitution that they have had to live with, nor it has made any apology and reparation. Thus, their rights to land and natural resources are totally denied. (p. 13-14)</p> <p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/142/49/PDF/G1414249.pdf?OpenElement <i>Concluding observations on the sixth periodic report of Japan (2014)</i> “Rights of indigenous peoples 26. While welcoming the recognition of the Ainu as an indigenous group, the Committee reiterates its concern regarding the lack of recognition of the Ryukyu and Okinawa, as well as of the rights of those groups to their traditional land and resources and the right of their children to be educated in their language (art. 27). The State party should take further steps to revise its legislation and fully guarantee the rights of Ainu, Ryukyu and Okinawa communities to their traditional land and natural resources, ensuring respect for their right to engage in free, prior and informed participation in policies that affect them and facilitating, to the extent possible, education for their children in their own language.[...]” (p. 9)</p> <p>http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/INT_CE_RD_NGO_JPN_17538_E.pdf <i>Civil Society Report on the Implementation of the ICERD (2014)</i></p> <p>Rights of the Ainu People “2. Problems a) Insufficient guarantee of the participation of the Ainu in relevant bodies</p>	<p>Hokkaido</p> <p>Okinawa Prefecture</p> <p>Hokkaido and Okinawa Prefecture</p>	<p>Specified risk for land rights Ainu</p> <p>Specified risk recognition Okinawans</p> <p>Specified risk land rights and FPIC of Ainu and Okinawans</p>
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	<p>including the Council for Ainu Policy Promotion of the government.</p> <p>b) Survey on the protection and promotion of the rights of the indigenous peoples of Ainu and the improvement of their social status has not yet been conducted at the national level.</p> <p>c) Limited progress in the governmental measures for the implementation of “the UN Declaration on the Rights of Indigenous Peoples”.</p> <p>d) Non-implementation of the recommendations issued by UN Treaty Bodies such as CERD, CCPR and CESCR, in regard to the rights of the Ainu people.” (p. 20)</p> <p>“In 2008, following the adoption of “the resolution to recognize the Ainu as indigenous peoples” by both the House of Representatives and the House of Councillors, the government of Japan recognized the Ainu as an indigenous people and set up the Experts Advisory Panel. In 2009, with the report of the Experts Advisory Panel, the Council for Ainu Policy Promotion was set up within the Cabinet Secretariat. The Council, however, has only worked for the measures in a very narrow and limited scope leaving the restoration of the rights of the Ainu in an insufficient state.” (p. 20)</p> <p>“The Symbolic Space for Ethnic Harmony focuses on the historical and cultural exhibit (museum), research and study on history and culture, and the development of memory keepers. Obviously, these functions alone cannot achieve the restoration of the rights of the Ainu as indigenous peoples. Instead, much more comprehensive policy is required in full accordance with the UN Declaration on the Rights of Indigenous Peoples including measures for the protection and promotion of the right to land and natural resources of the Ainu, for the improvement of the situation in education, employment and welfare services as well as for the realisation of the right to own unique culture and language.” (p. 21)</p> <p>d) The government has ignored and failed to implement the recommendations of the UN Treaty Bodies relevant to the issues mentioned above. These recommendations were made for example for the implementation of the UN Declaration and creation of a new working group for it (as per the CERD Concluding Observations CERD/C/JPN/CO/3-6), recognition of the right to land and indemnification thereto, and the ratification of the ILO Convention 169 (as</p>	Hokkaido	Specified risk participation in decision making Ainu
		Hokkaido	Specified risk rights of Ainu

	<p>per the CERD Concluding Observations CERD/C/58/ CRP).” (p. 21-22)</p> <p>Indigenous Peoples of the Ryukyus</p> <p>“i) Problems</p> <p>Denial of the existence and rejection of the due recognition of the Indigenous Peoples of the Ryukyus by the government of Japan.</p> <p>[...] The Ryukyu kingdom was an independent state with own territory, citizens and social system, which also had ratified treaties with the US, France and the Netherlands. However, it was annexed to Japan by force and in a one-sided way to Japan by then government of Japan in 1879, which can be regarded as violation of the Article 51 of the Vienna Convention on the Law of Treaties. These are objective and historical facts that cannot be interpreted otherwise. One of the clear evidences of the discrimination against the Indigenous Peoples of the Ryukyus and its colonisation by Japan is the fact that 74 % of the US military bases in Japan are concentrated in the islands of the Ryukyus which consists of only 0.6 % of the land area of Japan.</p> <p>Despite the concerns expressed and recommendations issued by several UN bodies including the ones by the Human Rights Committee (para 32, CCPR/C/JPN/CO/5), by the Committee on Economic, Social and Cultural Rights (paras 13 and 40, E/C.12/1/Add.67) and by CERD (most recently, para 21, CERD/C/JPN/CO/3-6), the government of Japan has never responded sincerely, nor taken substantial action for the solution of the issues.” (p. 23)</p> <p>“At the same time, the government of Japan has been insisting that the equality is protected under the Constitution of Japan. However, the Constitution does not stipulate or anticipate the specific rights of the indigenous peoples and equality under such constitution cannot protect the rights of the Indigenous Peoples of the Ryukyus.” (p. 24)</p> <p>“i) Problems</p> <p>Increasing Yamato (mainland Japanese) to the Ryukyu islands and consultation with the government of Japan.</p> <p>[...] CERD has previously encouraged the government of Japan to “engage in wide consultations with Okinawan representatives...” in 2010. Although there is no detailed statistics, it is estimated that about 30,000 people, most of them Yamato people (mainland Japanese), are immigrating to the Ryukyus, which</p>	Okinawa Prefecture	Specified risk rights of Okinawans
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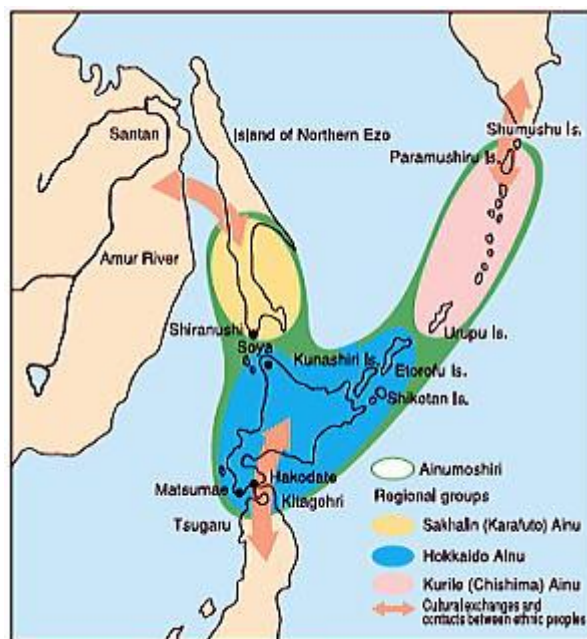
	has about 1.4 million population. In some of the islands of the Ryukyus, the number of immigrants has become even higher than that of the indigenous peoples there. While “wide consultations with Okinawan representatives” were recommended by CERD (para 21, CERD/C/JPN/CO/3-6), it is becoming more and more difficult and complicated to identify the will of the indigenous peoples of the Ryukyus under the current election system of Japan.” (p. 24)	Okinawa Prefecture	Specified risk participation in decision making Okinawans
	Construction of military bases and facilities in Henoko and Takae which will cause significant environmental destruction” (p. 25)		
	“While, the government of Japan is forcing the construction of new base in Henoko with the argument to lighten the US military burden on Okinawa, it is also discussed that the new military base to be built in Henoko can be jointly used by the Self Defence Force of Japan, which will further accelerate the militarisation of the Ryukyus also concerning the fact that the government of Japan has been increasing the deployment of the Self Defence Force in the Ryukyus in recent years. Such on-going and increasing militarisation of the Ryukyus is increasing the risk to the physical safety and life of the Indigenous Peoples of the Ryukyus.” (p. 25)	Henoko and Takae	Specified risk militarisation Okinawans
	“Restriction on the freedom of peaceful assembly. [...] The government of Japan has decided on the application of the Special Penal Code to the opposition movements of the Indigenous Peoples of the Ryukyus against the construction of the new military base in Henoko or helipads in Takae being forced by the government against the will of the Ryukyu peoples. This decision i.e. application of the said law will significantly restrict the rights of the Indigenous Peoples of the Ryukyus especially to the freedom of peaceful assembly and to life.” (p. 26)	Okinawa Prefecture	Specified risk participation in decision making of Okinawans
	“Denial of the rights to language and education of their own history and culture. [...] Despite the recommendations by UNESCO in 2009 to protect the languages of the Ryukyu islands, the government of Japan has not taken any measures and no opportunities was provided for learning their own languages within the framework of public education in the Ryukyus.” (p. 26)	Okinawa Prefecture	Specified risk cultural rights Okinawans
	http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/CERD		

	<p>C JPN CO 7-9 18106 E.pdf <i>Concluding observations on the combined seventh to ninth periodic reports of Japan</i></p> <p>“Situation of Ainu people 20. While noting efforts by the State party to promote and protect the rights of the Ainu people, the Committee is concerned at shortcomings in measures developed by the State party, including; (a) the low/insufficient number of Ainu representatives in the Council of the Ainu Promotion Policy and in other consultative bodies; (b) persistent gaps between Ainu people, including those living outside Hokkaido, and the rest of the population in many areas of life, in particular in education, employment and living conditions; and (c) insufficient measures taken to protect the rights of Ainu people to land and natural resources and the slow progress made towards the realization of their right to their own culture and language (art. 5). [...]</p> <p>Situation of Ryukyu/Okinawa 21. The Committee regrets the position of the State party not to recognise the Ryukyu/Okinawa as indigenous peoples, despite recognition by UNESCO of their unique ethnicity, history, culture and traditions. While noting measures taken and implemented by the State party concerning Ryukyu based on the Act on Special Measures for the Promotion and Development of Okinawa and Okinawa Promotion Plan, the Committee is concerned that sufficient measures have not been taken to consult Ryukyu representatives regarding the protection of their rights. The Committee is also concerned by information that not enough has been done to promote and protect Ryukyu languages, which are at risk of disappearance, and that education textbooks do not adequately reflect the history and culture of Ryukyu people (art. 5).[...]” (p. 7-8)</p>	Hokkaido	Specified risk participation in decision making of Ainu
		Okinawa Prefecture	Specified risk participation in decision making of Okinawans
Intercontinental Cry http://intercontinentalcry.org/	<p>http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013 No specified risk information found</p> <p>http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf No specified risk information found</p>	country	low risk
Forest Peoples Programme: www.forestpeoples.org FPP's focus is on Africa, Asia/Pacific and South and Central	No specified risk information found	country	low risk



America.			
Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english	No specified risk information found	country	low risk
Regional human rights courts and commissions: - Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/ http://www.oas.org/en/iachr/indigenous/ - African Commission on Human and Peoples' Rights - African Court on Human and Peoples' Rights - European Court of Human Rights	There is no regional Asian human rights commission or court.	-	-
Data provided by National Indigenous Peoples', Traditional Peoples organizations;	The Ainu Association of Hokkaido http://www.ainu-assn.or.jp/english/eabout01.html "The Ainu Association of Hokkaido (incorporated) (hereafter "the Association") is an organization made up of Ainu who live in Hokkaido, which aims to "work to improve the social status of Ainu people and to develop, transmit and preserve Ainu culture in order to establish the dignity of the Ainu people" .	Hokkaido	-

the figure below shows traditional Ainu settlement areas from approximately the 17th to the 19th centuries. The figure shows the confirmed settlement areas of the Ainu people. Needless to say, it is recognized that the Ainu people moved to neighboring areas and came into contact with people there. Furthermore, it is recognized that the distribution of place-names stemming from Ainu words covers an area a little larger than the traditional settlement area. However, the figure below omits some of these places because of inconsistencies, including the existence of place-names whose origins cannot be proven.”



Map of Ainumoshir (traditional Ainu settlement areas)

	<p>Association of Indigenous Peoples in the Ryukyus (AIPR) http://imadr.org/wordpress/wp-content/uploads/2013/12/Written-Statement_HRC-21st-session_Militarization-in-Okinawa-2012.pdf <i>Joint written statement* submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), the Association of the Indigenous Peoples in the Ryukyus (AIPR), non-governmental organizations in special consultative status (2012)</i></p> <p>Land rights During WWII, the Japanese government was confiscating lands from the civilians for military usage, while in Ryukyu / Okinawa such land confiscation by the government significantly increased since 1943. No proper compensation was offered or provided by the government, even after the WWII. The forcibly confiscated lands of the Ryukyu people were resold to third parties or given to the U.S. military. US military has been also grabbing the land of the peoples of Ryukyus during the WWII as well as its occupation of Ryukyu / Okinawa thereafter for constructing its bases, violating Article 46 of the Hague Convention.¹ In 1972, US military government returned Okinawa (Ryukyu Islands) to Japan. However, under the Okinawa Reversion Agreement between Japanese and US government, US military bases have remained unchanged and even more military bases and facilities, including those of Japanese Self-Defense Forces, were brought to Okinawa from mainland Japan.² Today 74% of U.S. military bases in Japan are concentrated in Okinawa which consists of only 0.6% of Japanese territory. It is not only the violation of their land rights, but also such disproportionate concentration of military facilities in Ryukyu / Okinawa must be regarded as clear discrimination by Japanese government which violates various human rights of the peoples of Ryukyus. (p. 2) [...] Environmental issues and related human rights violation Several instances listed below highlight various environmental issues and related human rights violations emerging from or caused by the presence and action of US military in Ryukyu / Okinawa. • Sea pollution, forest and bush fires as well as noise pollution caused by various military training conducted at the Camp Schwab are frequently reported. (p. 3)</p>	Okinawa Prefecture	Specified risk land rights Okinawans
		Okinawa Prefecture	Specified risk environmental and human rights Okinawans
Data provided by Governmental institutions in charge of Indigenous Peoples affairs;	<p>Council for Ainu Policy Promotion http://www.kantei.go.jp/jp/singi/ainusuishin/index_e.html</p>		

	<p>“The Council was set up in December 2009, based on the Report of the Advisory Council for Future Ainu Policy in July 2009, and is hosted by the Chief Cabinet Secretary. [...] the Council is comprised of 14 members in total, among which five are Ainu representatives, five from scholars and experts on Ainu culture and human rights, and the remaining four from the leaders of the national and local governments.</p> <p>[...] The population of Ainu people living in Hokkaido is estimated at about 17,000, or 0.4% of the region's total, according to the 2013 survey by the Hokkaido prefectural government.</p>	Hokkaido	Specified risk participation in decision making Ainu
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);	<p>International Movement against All Forms of Discrimination and Racism (IMADR) http://imadr.org/wordpress/wp-content/uploads/2013/12/Written-Statement_HRC-20th-session_Indigenous-Peoples-in-Okinawa-2012.pdf</p> <p>Okinawa, which was Former Ryukyu Kingdom, is the southernmost prefecture of Japan with the population of about 1,400,000, most of them Ryukyans, the indigenous peoples in Ryukyu Islands. Ryukyu Kingdom, which Ryukyans had founded, was colonized by Japan in 1872, and renamed as “Okinawa prefecture” in 1879, in violation of Vienna Convention on the Law of Treaties, Article 51. While Japanese government has enforced assimilation policy on Ryukyans, Ryukyans have been facing discrimination as another ethnic group. However, the Japanese government has never accepted Ryukyans as indigenous peoples, but been holding the view that they are Japanese in contradiction to the opinions of the UN Committee on the Elimination of Racial Discrimination (CERD) and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.</p> <p>[...]Currently 74% of U.S. military bases in Japan are concentrated in Okinawa which consists of only 0.6% of Japanese territory. [...] Large number of crimes and accidents by US military personnel are reported in Okinawa, but not all of them can be properly dealt with due to the extraterritoriality. [...] (p. 3) Against the will of Ryukyans and despite the variety of problems caused by the presence of US military, the government of Japan is now forcing the construction of a huge military base in Henoko-Oura Bay and 6 helipads in Takae, both in Okinawa. [...]Moreover, Japanese and US governments are forcing deployment of V-22 military planes called Osprey in the bases in Okinawa, again against the will of Ryukyans.” (p. 4)</p>	<p>Okinawa Prefecture</p> <p>Okinawa Prefecture</p>	<p>Specified risk recognition Okinawans as IPs</p> <p>Specified risk militarisation Okinawans</p>



National land bureau tenure records, maps, titles and registration (Google)	No maps, titles or registration of indigenous peoples' territories found on Japanese governmental websites.	Hokkaido and Okinawan Prefecture	Specified risk on land rights of Ainu and Okinawans
Relevant census data	<p>http://en.wikipedia.org/wiki/Demographics_of_Japan#Minorities</p> <p>"The Japanese Census asks respondents their nationality rather than identify people by ethnic groups as do other countries. For example, the United Kingdom Census asks ethnic or racial background which composites the population of the United Kingdom, regardless of their nationalities. Naturalized Japanese citizens and native-born Japanese nationals with multi-ethnic background are considered to be ethnically Japanese in the population census of Japan"</p> <p>http://www.refworld.org/docid/49749cfe23.html</p> <p>"There may be between 30,000 and 50,000 Ainu in Japan (there are no official census figures; one of the few such surveys conducted was by the Hokkaido Government in 1984, which gave the Ainu population of Hokkaido then as 24,381). Only a very small number remain fluent in their traditional language."</p> <p>http://www.tofugu.com/2013/11/08/the-ainu-reviving-the-indigenous-spirit-of-japan/</p> <p>"According to the government, there are currently 25,000 Ainu living in Japan, but other sources claim there are up to 200,000. "</p> <p>http://www.ainu-museum.or.jp/en/study/eng01.html</p> <p>Ainu who lived in Hokkaido, the Kurile Islands and Sakhalin were called "Hokkaido Ainu", "Kurile Ainu" and "Sakhalin Ainu" respectively. Most Ainu now live in Hokkaido. It has been confirmed that a few Ainu people now live in Sakhalin. The census of the Ainu was started by the Japanese in the 1800 s for various purposes, e.g. for putting them to work. The Ainu population from 1807 to 1931 varied as follows :</p> <p>1807 : 26,256 1822 : 23,563</p>	Hokkaido	-



	<p>1854 : 17,810 1873 : 16,272 1903 : 17,783 1931 : 15,969 According to a current survey conducted by the Hokkaido Government in 1984, the Ainu population of Hokkaido then was 24,381.</p>		
<p>- Evidence of participation in decision making; - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.);</p>	See information in boxes above.	Hokkaido and Okinawan Prefecture	-
National/regional records of claims on lands, negotiations in progress or concluded etc.	See information in boxes above with regard to claims on land of Ainu and Okinawans	Hokkaido and Okinawan Prefecture	-
Cases of IP and TP conflicts (historic or ongoing).) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)	See information in boxes above with regard to claims on land of Ainu and Okinawans	Hokkaido and Okinawan Prefecture	-
Social Responsibility Contracts (<i>Cahier des Charges</i>) established according to FPIC (Free Prior Informed Consent) principles where available	not applicable in Japan	-	-
<p>Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'</p>	<p>http://www.minorityrights.org/5363/japan/ryukyuan-okinawans.html "The Ryūkyūan are an indigenous group of peoples living in the Ryūkyū archipelago, which stretches southwest of the main Japanese island of Kyūshū towards Taiwan. The largest and most populated island of the archipelago, Okinawa Island, is actually closer to Manila, Taipei, Shanghai and Seoul than it is to Tokyo. Though considered by the Japanese as speaking a dialect, the Ryūkyūans speak separate languages such as Okinawan, also known as Uchinaguchi and has less than a million speakers (Source: World Christian Database, 2000), as well as Amami, Miyako, Yaeyama and Yonaguni with a much smaller number of speakers. All are part of the Japonic language family, to which the Japanese language also belongs.</p> <p>[...] While there have been some private initiatives in revitalising Ryūkyūan languages and a greater appreciation of traditional culture and traditions, there has been no positive movement from Japanese authorities. Japan's reports to</p>		Specified risk

	<p>various UN treaty bodies dealing with human rights, minorities or indigenous peoples do not acknowledge the existence of the Ryūkyūans as distinct linguistic or cultural minorities. Despite some demands in the 1980s and 1990s for greater use of Ryūkyūan languages in government, no use of these languages is legally guaranteed in the judicial system, in public education or for access to public services. Educational materials for use in public schools continue to be largely silent on the topic of the Ryūkyūans as separate minorities with their own languages, cultures and traditions as indigenous peoples.</p> <p>[...]The Japanese government has begun in recent years to recognise the Ainu and Koreans, but there remains an almost complete refusal to consider the Ryūkyūans as minorities or indigenous peoples. While the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance referred to the 'people of Okinawa' as a national minority and as having an indigenous culture in his 2006 report on his mission to Japan, no such recognition is forthcoming from the side of the country's authorities.</p> <p>The only response from the government to the Special Rapporteur's comments has been to mention the formulation of an 'Okinawa Promotion and Development Plan' and the creation of an Okinawa Policy Council, none of which refer in any way to the Ryūkyūans as minorities or indigenous peoples. Representations were made in 2005 to the Special Rapporteur by Ryūkyūan representatives as to their perceived discriminatory treatment because of the continued presence and negative impact of the US military bases, but there were few attempts for the greater recognition of their indigenous traditions or language rights.</p> <p>At present, the United States' military presence and the discriminatory policies of the Japanese government that facilitate the US military occupation of the islands dominate the time and energy of most politically active groups in Okinawa."</p> <p>http://www.academia.edu/3299428/A_Shift_in_Japans_Stance_on_Indigenous_Rights_and_its_Implications <i>A Shift in Japan's Stance on Indigenous Rights, and its Implications – article by David McGrogan (Internarional Journal on Minority and Group Rights 17</i></p>	Okinawa Prefecture Country	recognition of Okinawans as IPs
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	<p>(2010) 355-373)</p> <p>"The fact that currently only 23,782 people identify themselves as Ainu according to the most recent survey,' while figures of up to 200,000 are regularly cited as estimates of the total population,'" indicates that this hidden group are in the large majority, and ironically, it is these Ainu - urban, working class and of mixed descent - who have suffered most from the assimilationist policies of the past, not to mention the most discrimination.'" (p. 358)</p> <p>"Ryukyuan are concentrated in a small geographical area, where they constitute the great majority of the population. And Okinawan identity is very strong: in a 2006 poll of the prefecture 40.6 per cent of responders categorised themselves as exclusively 'Okinawan', 36.5 per cent classified themselves as 'Okinawan Japanese', and only 21.3 per cent called themselves 'Japanese' "(p. 366)</p> <p>"Most importantly, however, where at least a high percentage of the Ainu self identify as an explicitly indigenous group, the Okinawan populace largely does not. Though Ryukyuan have been included in documents brought to the Economic, Social and Cultural Rights Committee by a Tokyo-based indigenous rights NGO and in its most recent dialogue with Japan the HRC has explicitly expressed the view that the Ryukyuan are an indigenous group, there is little indication of any widespread movement among Ryukyuan people themselves towards 'claiming' indigenous status. In fact, activism among the Okinawan populace has tended towards advocating outright independence rather than taking on the nomenclature of indigenous rights - or even rights as a national minority." (p. 368)</p> <p>http://www.japantimes.co.jp/news/2014/09/23/national/ainu-okinawans-join-first-u-n-indigenous-peoples-conference/#.VE0RrSLF_vY <i>Ainu, Okinawans join first U.N. indigenous peoples' conference</i> "Delegates for indigenous peoples from around the world, including Ainu and Okinawans, gathered this week at the United Nations to discuss measures to ensure their political representation and freedom from discrimination in the first U.N.-backed conference of its kind.</p> <p>Kazushi Abe, vice president of the Ainu Association of Hokkaido, and Shisei</p>		
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	Toma, of the Association of the Indigenous Peoples in the Ryukyus, an Okinawa civic association, were among those invited to speak at the two-day World Conference on Indigenous Peoples through Tuesday.”		
Additional general sources for 2.3	Additional specific sources	scale of risk assessment	risk indication
Source found during research on indicator 2.2.	<p>http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_178417.pdf <i>Equality and non-discrimination at work in East and South-East Asia - Exercise and tool book for trainers (2011)</i></p> <p>“Case B. Protection of traditional livelihoods of the Ainu in Japan: Case Discussion In 1971 the Japanese Government announced plans to construct a massive industrial park and a large dam on the Saru River to supply water and electricity. The dam would be built in Nibutani, on land sacred to the Ainu people. Although the industrial park never materialized, appropriation of Ainu land and construction continued, and the dam was completed in 1997. The government did not consult the Ainu before or during the construction process, nor did it conduct environmental impact or cultural studies.</p> <p>However, Kayano Shigeru and another Ainu activist, resisting both the government and some of their neighbours, refused to sell their land to the Government. Instead they filed a lawsuit in the Sapporo District Court against the Japanese Government on the basis of violation of their indigenous rights. In a landmark decision in 1997, the court recognized the indigenous rights of the Ainu and declared the land appropriation unconstitutional. However, by the time of this decision, the dam was completed and the reservoir filled, drowning sites sacred to the Ainu. A second dam is now being proposed.</p> <p>The dam construction caused a wide range of problems for the Ainu. First of all, it caused considerable social and political conflict among the local Ainu community, especially among those who sold their land and the two who refused to sell. Many of the Ainu agreed to sell their land to the Government because they were poor and they could no longer make a living as farmers. Fish no longer filled the Saru River because of changes in water temperature;</p>		



	<p>the places where the Ainu used to gather wild plants had disappeared; and the sacred sites that were central to Ainu ceremonies in Nibutani were now under water.</p> <p>Still, the 1997 Nibutani case was a breakthrough in the recognition of the ethnic identity of the Ainu. Although the Ainu plaintiffs failed to stop construction, the court ruled that the Ainu people were indigenous as defined by the United Nations (UN) protocols. The court also criticized the Hokkaido Prefecture Government for its management of other Ainu properties. On 29 March 1997, the day after the decision was announced, Prime Minister Hashimoto Ryutaro for the first time referred to the Ainu as an indigenous people. A decade earlier the Government had conceded in a UN-ordered report that it recognized the Ainu as a minority, but they had not been officially considered as Japan's original inhabitants. On 6 June 2008, a "Resolution on Demand to Classify Ainu as Indigenous Peoples" was adopted unanimously at a plenary session of both houses of the Japanese Parliament." (p. 190-191)</p>	Hokkaido	-
Additional information provided by FSC Japan on discrimination of Ryukyu people	<p>"The issues with Ryūkyūans are specific to Okinawa prefecture. We limit our discussion to Okinawa Prefecture only. In the discussion, the term "Okinawan" and "Ryukyuan" are used interchangeably.</p> <p>Ethnicity and independence movement of Okinawan</p> <p>There are various arguments around whether or not Ryūkyūans should be regarded as indigenous people.</p> <p>We argue that it is not appropriate to consider them as an independent indigenous people especially because of the lack of self-recognition.</p> <p>Okinawa joined the Japanese nation in 1872. Before this, Okinawa have indeed had a unique history different from mainland Japan. But this does not necessarily mean that they are an independent ethnic group. In terms of the origin, there are theories that Ryūkyūans originally came from southeast Asia</p>	Okinawan Prefecture	low risk

	<p>and Taiwan. But a recent study based on broad genetic analysis of people in Okinawa islands, the results showed negative¹⁷. The study revealed there was no genetic link between people in Okinawa and Taiwan or Southeast Asia, and instead, Okinawans genetically originated in the main Japanese islands. Yet their origin may not be traced back to one place as there is a good chance of genetic mixing, for Ryūkyūans had been engaged in trade with people in Southeast Asia, Pacific, China, Korea and mainland Japan for centuries.</p> <p>The language of Ryūkyū is different from Japanese yet is similar in grammar and hence grouped in the Japonic language family. Before the advent of radio, people in various parts of Japan spoke very different dialects and in many cases, communication was difficult. Therefore, in terms of language, it is difficult to judge whether only Ryūkyū language should be considered a distinct language different from Japanese or it is just another dialect. Moreover, people in Yaeyama islands and Miyako island of Okinawa speak language so different from people in the Okinawa main island. The languages are so different that communication between People in the Okinawa main island and people in Yaeyama or Miyako would be difficult. Therefore, if language is the key to ethnic distinction, then people in Yaeyama and Miyako may need to be regarded as another ethnic groups different from Ryūkyūans. The same discussion goes for other parts of Japan in the past.</p> <p>One important criteria of indigenous people is self-identification. People in Okinawa does have a strong sense of identity that they are different from the rest of Japan, but do not necessarily regard themselves as indigenous people, as is also mentioned in the article by David McGrogan referred to in this CNRA. Some people argue that this is due to the assimilation policy in the past, but what we have to assess here is the current situation of Okinawa.</p> <p>During 1950s and 1960s, after the World War II, when Okinawa was put under</p>		
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¹⁷ <http://www.okinawatimes.co.jp/article.php?id=83349>

	<p>the occupation of the US military force, Okinawa Teachers Union promoted return movement to Japan under the slogan of “independence of nation”. What it meant was “independence of the Japanese as a nation from the US” that can only be achieved by reversion of Okinawa to Japan. During the Okinawa return movement in 1950s and 1960s, the idea of Okinawa as a part of Japan has been well established in Okinawa and fervently supported by the people in Okinawa¹⁸. After the return in 1972, this momentum of the nationalism stopped, and people in Okinawa started to accumulate discontent against Japanese government for the presence of US military bases in Okinawa. It is doubtful that the people in Okinawa today would currently use the term “nation” with the same sentiment and meaning. However, there were some comments from people in Okinawa that they do not feel comfortable with the term Ryūkyū ethnic group.</p> <p>On 22nd September 2014, Association of Indigenous Peoples in the Ryukyus advocated their rights as an indigenous people in the UN World Conference on Indigenous Peoples¹⁹. A local newspaper in Okinawa posted an opposing opinion from an Okinawan reader. In the article, a 78-year-old resident of Naha city (in the main Okinawa island) criticized the Association of Indigenous Peoples in the Ryukyus for the participation of the conference as a representative of indigenous people in Okinawa.</p> <p>In the article by David McGrogan, referred to in this CNRA, it is written as if the Okinawan populace largely advocates independence. This is quite misleading. There is only one political party, “Kariyushi Club”, advocating independence of Okinawa”, and only one candidate from this party named Mr. Chousuke Yara has been running elections. He ran for a series of elections including the election for the governor of Okinawa in November 2006, election for mayor of</p>		
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¹⁸ 小熊英二.1998. <日本人>の境界 (Boundaries of the Japanese) 沖縄・アイヌ・台湾・朝鮮植民地支配から復帰運動まで」新曜社 p.540

¹⁹ 琉球新報 2014 年 10 月 5 日論壇「沖縄人は「先住民族」ではない 国連での主張不適切」

	<p>Naha city in November 2008, election for Naha city council member in July 2013, and Naha city council by-election in November 2014 and lost in all of them. He did not get many votes in any of the elections; the highest vote he got was 6.8% in the recent Naha city council by-election in November 2014. Most of his shares of votes in the past were less than 1%. The Association of Comprehensive Studies for Independence of the Lew Chewans²⁰ is another group advocating the independence of Ryūkyūans. The association has just been established on 15th May 2013 and not much information on this association is available yet.</p> <p>According to the 2007 study by LIM, John Chuan-tiong, associate professor of Ryukyu University targeting more than 1,000 Okinawan of 18 years old or above, 20.6% answered that Okinawa should become independent²¹. On the other hand, a survey carried out by Ryukyu Shinpo (local newspaper) in November 2011 regarding the future position of Okinawa, 61.8% answered that Okinawa should stay as it is (as one prefecture of Japan); 15.3% answered Okinawa should become a special administrative region; and only 4.7% answered Okinawa should become independent. Another survey was conducted in December 2012 by Masaki Tomochi, who is a professor of Okinawa International University and a joint president of The Association of Comprehensive Studies for Independence of the Lew Chewans. The survey collected response from 140 university students, of which 6% supported independence. In the survey conducted by NHK (Japan Broadcasting Corporation, a public enterprise) to 1,800 people in Okinawa in 2012, 78% expressed positive view about return of Okinawa to Japan from the US occupation 40 years ago²².</p>		
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²⁰ <http://www.acsils.org/english>

²¹ http://ja.wikipedia.org/wiki/%E7%90%89%E7%90%83%E7%8B%AC%E7%AB%8B%E9%81%8B%E5%8B%95#cite_note-10

²² 復帰 40 年の沖縄と安全保障～「沖縄県民調査」と「全国意識調査」から～ https://www.nhk.or.jp/bunken/summary/research/report/2012_07/20120701.pdf

	<p>While some people advocate independence of Ryūkyūans and their distinct ethnicity from the Japanese, more people think that they are already a part of the Japanese nation. In April 2010, many Okinawans joined a political demonstration march on territorial dispute with China saying “Save our Japan. Save our homeland”²³. Such opinions are perhaps not included in the reports of the United Nations and human rights organizations, but it is misleading to consider that the claim for independence and rights as indigenous people is the consensus of Okinawans, ignoring the voices of the silent majority.</p> <p>We conclude that while Okinawans indeed have lived in the Ryukyu region for a long time and have developed a distinct culture, there is still lack of evidence to designate them as indigenous people, as most of them do not identify themselves as such. As such, discussion on their rights as indigenous people will not be applicable.</p> <p>Culture and Language</p> <p>Regarding the protection of culture and language in Okinawa, there was indeed assimilation policy before the World War II. Under the policy, the use of Okinawan language was banned in schools, and it was enforced with a penalty called “dialect card” put on students who used the language (dialect)²⁴. But after the WWII, when Okinawa was put under the control of the US military force, it was once again implemented by Okinawa Teacher's Union²⁵. In 1960 under the US occupation, the Union led the political movement of return to Japan and the movement was fervently supported by Okinawan people, who were neither Japanese nor Americans at that time in terms jurisdiction. They encouraged children to say “home country” instead of “Japan”, and use</p>		
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²³ <https://www.youtube.com/watch?v=ICcTUMk9fsY>

²⁴ 小熊英二.1998. <日本人>の境界 (Boundaries of the Japanese) 沖縄・アイヌ・台湾・朝鮮植民地支配から復帰運動まで」新曜社 p.545

²⁵ 小熊英二.1998. <日本人>の境界 (Boundaries of the Japanese) 沖縄・アイヌ・台湾・朝鮮植民地支配から復帰運動まで」新曜社 第22章:1960年の方言札

	<p>“citizens of Okinawa Prefecture” instead of “Okinawans” to enhance their awareness as Japanese. Under such tide, people stopped using the language and it was not passed down to younger generations.</p> <p>There is absolutely no pressure on the use of Okinawan language now. As the school curriculum is consistent throughout Japan, there is not much opportunity to learn the Okinawa language officially at schools. By now, it will be very difficult to teach the language as most people in young generation are no longer able to speak the language. It is also unrealistic to integrate the local language into the school program, considering people in Okinawa main island, Miyako Islands and Yaeyama Islands speak different languages which cannot be understood by each other. However, there have been initiatives to use Okinawan language on daily basis or learn the language in an extracurricular activities. NHK (Japanese national broadcasting company) has a TV program “Let’s play in Uchina (Okinawan language)”, in which local folktales and songs are introduced in the local tongue²⁶. More private media are using the local language. Okinawa prefectural government also designated September 18th as the “Okinawa Language Day” in 2006 in the fear of losing their original language. They have established the 10-year Okinawa language promotion plan with a target of increasing the population of Okinawan language speakers by 30% in ten years²⁷.</p> <p>Regarding the cultural promotion, there is a local culture course in Haeburu High School managed by Okinawa prefecture, where students can learn the history and culture of Okinawa, such as musical instruments, Okinawan dance and martial arts, to be successors of Okinawan traditional culture^{28,29}. Many events related to Okinawan traditional art and culture are held, some in</p>		
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²⁶ <http://www.nhk.or.jp/okinawa/asobo/index.html>

²⁷ <http://www.pref.okinawa.jp/site/bunka-sports/bunka/251016.html>

²⁸ <http://www.haeburu-h.open.ed.jp/>

²⁹ <http://www.55shingaku.jp/okinawanokoukou/koukouinterview/19112/>

	<p>mainland Japan.</p> <p>Curriculum of public schools is kept consistent throughout Japan, and there is little room for local materials. However, more local contents means less contents on other materials, which may negatively affect the exam scores or enrolment to schools in different areas. Thus, considering such possible negative outcomes, it cannot be easily concluded that it is suppression on local culture or lack of consideration to Okinawa.</p> <p>Land issues and US Military Bases in Okinawa</p> <p>Regarding the history of land use as well as possibilities of violation of Okinawan people's rights, most forests were public land called Somayama during Rykyu Dynasty Era (1429-1879). Each community managed their designated area of Somayama, which supported wood production for construction of castles and ships. Residents held commonage as use right for the land, and they were allowed to extract resources under certain rules. In other words, the responsibility of the forest management was shared and held by communities. The community set control measures on forest resource use to sustain the forest, such as limitation on equipment to be brought, limitation on harvesting level, prohibition of outsiders from entering the forest. According to the survey and border delineation of Somayama completed in the mid-18th century, the area and location of forests has not changed much since then.</p> <p>After Okinawa was integrated into Japan in 1872 and became Okinawa prefecture in 1879, a modern land registration system was introduced to clarify the land tenure. While many forests became privately owned, resource use was restricted in the forest lands that belonged to the national government, where people lost the commonage. Acquisition of concessions and development policy promoted abuse of the forest resources and farmers were pushed out of the forest. However, appropriation of common lands by the government was not a process specific to Okinawa; it was implemented</p>		
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	<p>throughout Japan. For example, in 1892, 97% of forest was designated as public land in Aomori Prefecture³⁰.</p> <p>In Okinawa, land sorting was carried out from 1899 to 1903. Some people gained ownership of Somayama by clearing the land, but most of Somayama was categorized as public forest. In 1905, 72% of forests are categorized as state-owned. In 1906, with “Okinawa Prefecture Special Regulation on Somayama”, those state owned forests were disposed to municipal governments and private owners. This led to deprivation of commonage from the local people and heavy debt from the payment for the forest. After the series of land reformation, the composition of forests in Okinawa became 28% state-owned, 45% by the local government, and 27% privately owned, which is similar to the present figure.</p> <p>During WWII, Okinawa became the only area in Japan which experienced ground battle. In the late stage of the war, Japanese troops appropriated the land in Chatan (including Kadena), Yomitan, Urasoe, Nishihara which are all in Okinawa main island to build military facilities such as airport. Except for Kadena and Yomitan, those lands were returned to original land owners after the war. Land used for airport in Yomitan was finally returned in 2006³¹.</p> <p>Regarding the state owned land in Kadena base, land owners brought it the court in 1977 to claim ownership of the land, but lost by the Supreme court decision in 1995.</p> <p>After the end of the World War II in 1945, Okinawa was put under control of the US military until 1972. During this period, large area of forests were occupied by the US military bases without change of land tenure. In particular, Jungle Warfare Training Center was established in the Northern part of Okinawa main island, occupying the largest area in Okinawa as a military base (78,330 ha).</p>		
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³⁰ 仲間勇栄 2011. 「増補改訂沖縄林野制度利用史研究」メディア・エクスプレス p.108

³¹ <http://www.vill.yomitan.okinawa.jp/sections/redevelopment/post-205.html>

	<p>During the Vietnam War, military exercises assuming fight in the jungle was carried out there. The forests in the northern part of Okinawa main island is called Yambaru, and the area has been a traditional timber producing area since the age of Ryukyu Dynasty. Forestry is still carried out by a local forest cooperative in the area. There have been forest fires caused by the military training in the training center, and concerns have been raised regarding the environmental impact.</p> <p>After the return to Japan in 1972, Forest Act of Japan has been applied to Okinawa as a prefecture of Japan. The forests in Okinawa are managed within the framework of the Japanese national forest plan. Yet large part of the state-owned forest is still enclosed as military bases and no timber production has been carried out there. In private forest, a local forestry cooperative practices forestry in the northern part of Okinawa main island, but in limited scale.</p> <p>Today, people in Okinawa live a modern life which is no different from other Japanese people in the mainland. In the past, forest had been more closely tied to the daily life; people extracted firewood and carried out rituals for a special spiritual value of the forest. Such traditions have almost vanished except in some areas like Kunigami village in northern part of Okinawa main island, where forestry is still practiced. During interview by FSC Japan, members of the Association of Indigenous Peoples in the Ryukyus also confirmed that their lives are not much connected to forests any more. Modernisation and urbanisation must have played a large role in creating this situation.</p> <p>A survey conducted in 2001 to 2,000 people in Okinawa revealed that 43% of</p>		
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	<p>them go to forest to enjoy the landscape and scenery, 42% go to forest to relax in nature, and 41% go to forest to refresh their mind and so on³². There was no opinion about using the forest for spiritual ceremony or for living.</p> <p>During the consultation of FSC Japan, there was a comment that uniform forest management system of Japan has made it difficult to pass down traditional forestry which has been developed in unique nature and history of Okinawa over time. But the unique traditional forestry is not prohibited by the modern forest management system and it is still possible to integrate it into the current framework at least to some degree, which has actually been attempted. If the situation that people cannot practice forestry in their own unique way by following the national guidelines is considered as infringement of traditional rights, it would become impossible to get certification in Okinawa Prefecture.</p> <p>On the other hand, land occupied by the US military bases are clearly violation of land rights of the original owners. However, we could not find any information that timber is harvested in the military bases. Therefore it is unlikely that timber originating in Okinawa came from these lands where land tenure rights are violated.</p> <p>Discrimination against Okinawans</p> <p>The evidence for the discrimination against Okinawa described in the CNRA are mostly related to the military bases. It is true that military bases are unevenly distributed in Japan; there are too many of them in Okinawa, putting a heavy burden on Okinawans. But this cannot be simply concluded as discrimination, as it has historical and geographical reasons.</p> <p>Okinawa is the only place in Japan which became a battlefield during WWII, and the islands continued to be occupied by the US force after the war. The</p>		
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³² 仲間勇栄 2012. 「島社会の森林と文化」 琉球書房

	<p>US Military force ruled the islands until 1972. During that time, many US military bases were established by appropriating the lands without a consent of the land owners. Most of them stayed even after Okinawa was returned to Japan, while a small portion of the land was given back to original owners. All land taken over by Japanese troops were either returned to the original owners or had the case settled on court. Currently, the Japanese government is paying more than 90 billion yen (900 million USD) per year to 39,000 original land owners as a land lease for the military bases.</p> <p>One reason for the slow progress on removal of the military bases from Okinawa, despite repeated requests from the local people is that the fact there is not enough land in Japan suitable for military bases. Japan is a heavily populated country with population density of 343 /km². The population density in residential area is even higher, as most land in Japan is mountains (70%). Flat area is already occupied by residential and industrial facilities with high population density. Considering the climate and geographical factors, it is not easy to find an alternative place for building military bases. Moving the bases is also highly costly. It is likely that moving the bases to other places will cause even bigger conflict with people living in the surrounding areas. It is likely that the government is maintaining the status quo as the most realistic and easiest option for these reasons.</p> <p>Indeed, when Narita airport was built, the national government tried to purchase vast area of land from local landowners, but some local people fiercely opposed. Noise from the airport was added to the issue, and the conflict still continues today since its start in 1960s, though the scale has shrunk. If the military bases are to be moved, it is likely that there will be even bigger conflict with local residents³³.</p> <p>One source in the CNRA describes Okinawa as the poorest prefecture in</p>		
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³³ <http://ja.wikipedia.org/wiki/%E6%88%90%E7%94%B0%E7%A9%BA%E6%B8%AF%E5%95%8F%E9%A1%8C>

	<p>Japan, but this may be a unique problem as a remote island removed from other parts of the country. Okinawa prefecture consists of isolated islands with limited resources and industries. The article mentions that unemployment rate of Okinawa is double the national average, but this is not correct. The actual unemployment rate in Okinawa in 2013 was 5.7 %, which is higher than the national average of 4.0% by 42.5%. When we look at a similar statistic of the UK, income level of Nottingham (out of 37 regions) is 68% of the national average³⁴ and the unemployment rate of North East (out of 12 regions) is 45% higher than the national average³⁵, which suggests that figures of Okinawa is not particularly bad. It is natural to have variations in economic indicators, and remote areas tend to be left behind from the center in terms of economic development. Thus we do not agree with the argument that these economic indicators suggest discrimination against Okinawa.</p> <p>Historically there might have been a social discrimination against people in Okinawa, before the World War II and soon after its return to Japan. It is recorded in the literature³⁶, and one of the members of the Association of Indigenous Peoples in the Ryukyus also mentioned some unpleasant experiences as an Okinawan at the time when he was working in mainland Japan in 1970s, such as being asked about the nationality or whether Okinawans speak English. But all these have already become things in the past. Since 1990s, many artists and actresses from Okinawa have become the top celebrities in Japanese pop culture, and Okinawan songs and TV dramas about Okinawa became so popular. Most Japanese people are enchanted by the distinctive culture and beautiful nature of Okinawa (like many Americans like Hawaii). Okinawa has become one of the most popular tourist destinations for vacations. Okinawan food restaurants are popular in urban</p>		
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³⁴ <http://www.ons.gov.uk/ons/rel/regional-accounts/regional-household-income/spring-2014/sty-gdhi-2012.html>

³⁵ <http://www.telegraph.co.uk/news/politics/10589129/Unemployment-in-the-UK-regional-breakdown.html>

³⁶ 小熊英二.1998. <日本人>の境界 (Boundaries of the Japanese) 沖縄・アイヌ・台湾・朝鮮植民地支配から復帰運動まで」新曜社

	<p>cities of Japan today. Many young people dream of living in Okinawa now and many actually move to Okinawa. An internet survey result show that Okinawa ranks the 3rd most popular prefecture³⁷. Okinawa also came fourth in the ranking of “which prefecture do you wish you were from”³⁸</p> <p>This is the reason why many people move to Okinawa recently. During the consultation we carried out, we did not hear any case that immigrants have caused significant conflicts or problems. As a Japanese, Okinawa people also have a right to move to wherever in Japan without any hindrance. In fact, many people in Okinawa move to main islands of Japan for schools, jobs etc. Since employment is limited in Okinawa, after graduating from schools, many young people move to big cities in main islands to seek opportunity. Okinawa prefecture also promotes tourism as its main industry. Many people from other parts of Japan visit Okinawa as tourists and decide to move in.</p> <p>One of the members of the Association of Indigenous Peoples in the Ryukyus had an opinion that “We are a distinctive nation. It is discrimination not to recognize it, and to regard Okinawa only as a prefecture of Japan and treat us the same as other prefectures”. But in 1960s, when Okinawa was still under the control of the US military force, the movement of returning to Japan was the prevailing and dominating trend lead by the Okinawa Teacher’s union. At that time, regarding Okinawa as a different nation was considered a discrimination caused by immature national awareness as a Japanese, and the word “Ryukyu” was considered a discriminative word while “Citizen of Okinawa Prefecture” was promoted. It was said that “Ryukyu” was a name given by Chinese and not the original name for Okinawa”. At that time, it was argued that assimilation of Koreans and Taiwanese into Japanese was a</p>		
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³⁷ <http://777news.biz/n/2012/09/23/14443>

³⁸ <http://news.mynavi.jp/news/2012/09/18/058/>

	<p>discrimination, but for people in Okinawa, exclusion from Japanese was the discrimination³⁹. This shows that what constitutes discrimination also changes with time, trend and people.</p> <p>Conclusion</p> <p>Okinawa has unique culture and history which indeed differs from main islands of Japan. However, their self-recognition as a separate ethnic group is low, and it does not satisfy one important criterion of the definition of indigenous people: self-identification. Therefore we do not consider that they are distinct indigenous people and the whole argument about indigenous people's rights is not applicable to people in Okinawa.</p> <p>Although we don't think further arguments are necessary, regarding the risk of local people's rights, there is history that use rights of the local people were deprived in the previous public forests in the process of introducing the modern land registration system. However, this history is not specific to Okinawa but happened throughout Japan. In addition, the scale is totally different from countries like US, Canada, Australia, New Zealand that have the history that settlers from outside appropriated the land by invasion.</p> <p>Presence of the US military bases clearly violates local peoples' rights. But this is a political issue and cannot be regarded simply as discrimination. In terms of controlled wood, timber harvest hardly occurs in the military bases, so the risk of timber coming from Okinawa violating the rights of local people is low. Thus we consider the risk designation for category 2 in Okinawa is low."</p>		
Additional information from FSC Japan on discrimination of Ainu	<p>"The issue with Ainu people are limited to the area they lived in the past, particularly Hokkaido. There are different theories about the area where Ainu people were present, but it is natural that the area changed with time. We limit our discussion to Hokkaido, considering that feudal clans of Yamato people</p>	Hokkaido	specified risk

³⁹小黒英二.1998. <日本人>の境界 (Boundaries of the Japanese) 沖縄・アイヌ・台湾・朝鮮植民地支配から復帰運動まで」新曜社 p.550-552

	<p>governed the Tohoku area and the Southern tip of Hokkaido by the 17th century.</p> <p>Measures for Promoting Ainu Culture and Improving Ainu People's Lives</p> <p>The Japanese government enacted “Hokkaido Former Natives Protection Act” in 1899 for the Ainu people to provide lands, medical service, economic assistance and education for protection. Yet the purpose of the legislation was to assimilate Ainu people into the Japanese. More recently, Hokkaido Prefecture Ainu Policy Promotion Office implemented “Ainu Welfare Policy” from 1974 to 2001, then “Promotion Policy on Ainu People's Livelihood” in an attempt to improve Ainu people's economic as well as social status. These measures included: subsidy for Ainu children's education at high schools and universities and economic measures; Ainu housing improvement project subsidy; and Ainu small and medium corporation promotion special subsidy, which enabled exhibition for Ainu handicraft marketing, technical training and corporate management training etc⁴⁰.</p> <p>In 1997, following the international public opinions to improve the status of indigenous people and request of Hokkaido Ainu Association, the Japanese government abolished “Hokkaido Former Natives Protection Act” and established “Act on Ainu Culture Promotion and Promotion and Spread of Knowledge about Ainu Tradition”. In 2007, the government agreed to the United Nations Declaration on the Rights of Indigenous Peoples. Then the both houses of representatives adopted “Resolution to Request Recognition of Ainu people as an Indigenous People” in 2008, formally recognizing the Ainu people as an indigenous people in Japan. In 2009, “Expert Council on Modalities of Ainu Policy” submitted a report to the Chief Cabinet Secretary, and the Council of the Ainu Promotion Policy was organized in 2011.</p>		
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⁴⁰ http://www.pref.hokkaido.lg.jp/ks/ass/new_suisin.htm

	<p>Regarding the members this Council, excluding the chair and the vice chair who are both high-ranking officials of the government, as of October 15, 2014, the council is comprised of 12 members, of which four are representatives of Ainu organizations, three belong to research institutions or museums related to Ainu, two are representative or researcher on human right organizations, two are the heads of the prefectural and municipal governments, and one is a representative of a local tourism company⁴¹. We could not confirm how many of them are actually Ainu, as it is not explicit from their names. But seven members are representatives from Ainu groups and Ainu related institutions, comprising half of the council. We consider this conformation is reasonable, considering that Ainu is by far the minority even in their residential area (comprising only 0.4% of population in Hokkaido, according to the survey by Hokkaido Prefecture in 2013), and it is necessary to consult non-Ainu experts and leaders of the local governments. Regarding the meeting frequency of the Council, the council is held six times since its establishment in 2010. However, there are three policy promotion work groups under the Council, and there have been 40 meetings of the work groups since 2010 to date (December 2014). Thus, we consider the criticism raised by UN Human Rights Committee is not reasonable.</p> <p>Following activities and measures have been implemented for Ainu people's protection:</p> <ul style="list-style-type: none"> • The 21st Century Ainu Cultural Heritage Forest Restoration Plan - On April 17, 2013, a comprehensive agreement was signed between Biratori Ainu Association, Biratori Town, and Hokkaido Forest Management Bureau to establish "Blakiston's fish owl's Forest" to pass down Ainu Culture⁴². • Establishment of Sustainable Use Strategies Study Group of Manchurian 		
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⁴¹ <http://www.kantei.go.jp/jp/singi/ainusuishin/meibo.pdf>

⁴² <http://www.rinya.maff.go.jp/hokkaido/press/kikaku/130410.html>

	<p>elm - The authority (Hokkaido Prefectural government) supports procurement of Manchurian elm (<i>Ulmus laciniata</i>), which is an ingredient for the traditional Ainu clothes, Attusi^{43 44}.</p> <ul style="list-style-type: none"> • Traditional Life Space (loru) Restoration Project - In July 2005, the Ainu Culture Promotion Measures Council compiled "The Basic Concept on Restoring Ainu Traditional Living Space". Based on this plan, specific measures have been taken to implement the plan⁴⁵. It is expected that restored loru (traditional life space) will serve as a holistic living space to conserve and promote Ainu culture for the future of the Ainu People⁴⁶. • Establishment of Symbolic Space for Ethnic Harmony⁴⁷ - On June 13, 2014, the Cabinet decided to establish Ethnic Harmony Park (tentative name) by Poroto Lake of Shiraoi Town, Hokkaido as "the Symbolic Space for Ethnic Harmony" and a base for Ainu Cultural Promotion, including the National Museum of Ainu Culture (tentative name), traditional house complex, Ainu Workshop. It is expected that this museum will function as a national center of Ainu culture promotion. Ainu Ethnic Museum has been open at the same site since 1976. • Consultation of Ainu people and related personnel for development of Forest Management Plan - Hokkaido Forest Bureau consults Ainu stakeholders in advance when developing regional management plan for Hidaka catchment area and Iburi area⁴⁸. • Hokkaido Ainu Children Education Promotion Subsidy and Hokkaido Ainu Children University Education Loan - Scholarship is provided or lent for tuition and enrollment of Ainu students to high school and or higher 		
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⁴³ <http://www.pref.hokkaido.lg.jp/sr/dyr/20140121siryo.pdf>

⁴⁴ <http://www.pref.hokkaido.lg.jp/sr/dyr/20140319siryo.pdf>

⁴⁵ <http://www.mlit.go.jp/common/000015024.pdf>

⁴⁶ http://www.pref.hokkaido.lg.jp/ks/ass/new_iorusuisin1.htm

⁴⁷ <http://www.town.shiraoi.hokkaido.jp/docs/2013012300233/>

⁴⁸ http://www.cais.hokudai.ac.jp/wp-content/uploads/2012/04/ainu_report2L_3-saigo.pdf アイヌ民族生活実態調査報告書 2009. p.42

	<p>education institute. In the case of high school students, subsidy for long distance commuting is also provided.</p> <p>In addition, Hokkaido Prefecture Forest Management Bureau, Hokkaido Prefecture Department of Fisheries and Forestry, Hokkaido Prefecture Department of Environment and Life Ainu Measures Promotion Office, the Ainu Culture and Research Promotion Organization conducts various activities of promoting traditional handicraft and technical training.</p> <p>It is said that less than ten people can speak Ainu language at present⁴⁹. Ainu did not have characters for writing, and the only record of the language was from researches. The 2013 survey by Hokkaido Prefecture Department of Environment and Life shows that only 7.2 people answered “able to speak the Ainu language” or “able to speak the language a little”⁵⁰. With this figure, it will be already difficult to teach at schools. However, The Ainu Ethnic Museum has developed the Ainu Language Archive, which provides an online platform to hear Ainu folktales spoken in Ainu language⁵¹. This Museum had been established as Shiraoi Ethnic Culture Heritage Foundation in 1976.</p> <p>Regarding the lawsuit mentioned in the CNRA (source: <i>The Indigenous World 2014</i>), twelve Japanese universities collected and stored bones of Ainu people for the purpose of research from about 1880 to 1950, and Ainu people are currently requesting return of the bones. On September 14, 2012, the first lawsuit against Hokkaido University was filed by three Ainu people, followed by two similar cases in January 2014 and May 2014. These cases are merged and currently under evaluation collectively. However, in the “Basic principle regarding establishment and management of “Symbolic Space for Ethnic</p>		
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⁴⁹ http://www.helsinki.fi/~tasalmin/nasia_report.html#Ainu

⁵⁰ 北海道環境生活部.2013.北海道アイヌ生活実態調査 http://www.pref.hokkaido.lg.jp/ks/ass/ainu_living_conditions_survey.pdf

⁵¹ <http://www.ainu-museum.or.jp/takar/book/index.html>

	<p>Harmony” to promote restoration of Ainu Culture” decided by the Cabinet on June 13, 2014, one of the roles of the “Symbolic Space” including the national Ainu Cultural Museum is “to manage Ainu people’s bones and burial accessories”. It is explained that “Considering that returning bones has become the global tide and that Ainu people’s bones and burial accessories (hereafter bones etc.) has been excavated and collected in the past and stored in various universities around Japan, we aim to aggregate the bones etc. in the symbolic space, thereby realizing memorial services of Ainu people with dignity, and manage the bones etc. until Ainu people is ready to accept the bones.⁵²” The direction of resolution is still left to the court, but this shows that the government is also taking it into account.</p> <p>History Education</p> <p>Regarding the lack of education of history about Ainu, it is true that Ainu-related materials are limited in the nation-wide history education. However, this is partly due to the nature of Japanese compulsory education, which is consistent throughout Japan with little regional difference. In addition, as Ainu did not have characters, there is no Ainu ethnic history recorded formally by Ainu people. The only historical records available about Ainu are made by the Yamato Japanese. It is considered that most of Ainu original culture has been already lost. To learn about its original culture, we need to depend on the anthropologic research.</p> <p>Still, Hokkaido Prefecture Education Committee develops teaching guidelines for teachers, homepage for children, and conducts training⁵³. In addition, there are initiatives at municipal level: following the recommendation of the United Nations, Sapporo City has developed teaching guidelines for teachers and</p>		
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⁵² <http://www.kantei.go.jp/jp/singi/ainusuishin/pdf/260613kakugi.pdf>

⁵³ <http://www.dokyo.pref.hokkaido.lg.jp/hk/gky/pizara.htm>

	<p>conducted trainings for teachers so that Ainu history and culture can be properly taught in public schools in Sapporo City⁵⁴. There are also cases that discrimination against Ainu is taught at schools, though it is not known how prevalent it is⁵⁵. In the 2013 Survey by the Cabinet Office, 95.3% of people answered yes to the question “Do you know the existence of the ethnic group Ainu?”, and 43.8% people answered that they learned at school lessons. Regarding the materials they know, 38.1% of people answered that they know that Ainu people had conflict with Yamato Japanese in the Middle Ages to the early modern period, and that they have the history of being impoverished in the process of development of Hokkaido⁵⁶.</p> <p>Yet there are reported cases that Ainu children who previously had not had trouble became a target of bullies after the lesson about Ainu⁵⁷. This suggests that sometimes education about Ainu can also have a negative impact such as bringing in discrimination, instead of having the desired positive impact to improve understanding about different culture.</p> <p>Discrimination against Ainu people</p> <p>In 2013, five years since the recognition of Ainu people as indigenous people, the Cabinet Office has conducted a survey to 3,000 adults regarding their understanding about Ainu people. To the question whether Ainu people is treated equally free from discrimination or prejudice, 50.4% of people answered “equal” (25.3%) or “relatively equal” (25.1%), while 33.5% of the</p>		
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⁵⁴ http://www.city.sapporo.jp/kyoiku/top/education/ainu/ainu_minzoku.html

⁵⁵ 深澤智成「歴史教育における異文化理解—アイヌ民族の歴史と文化の実践から—」 学校教育学会誌 no.18. 2013.03 <http://s-ir.sap.hokkyodai.ac.jp/dspace/bitstream/123456789/6923/1/hak-gakko-18-03.pdf>

⁵⁶ <http://survey.gov-online.go.jp/h25/h25-ainu/2-1.html>

⁵⁷ http://www.cais.hokudai.ac.jp/wp-content/uploads/2012/04/ainu_report2L_3-saigo.pdf

	<p>people did not think Ainu people were treated equally (relatively unequal 24.3%, not equal 9.2%)⁵⁸. On the other hand, 2013 Hokkaido Ainu Livelihood Survey by Hokkaido Prefecture showed that 23.4% of Ainu people said that they have been discriminated at least to some degree since their childhood.</p> <p>2009 Ainu Living Survey Report⁵⁹, which provides stories of Ainu of various age groups, revealed that the older generation has experienced severer discrimination⁶⁰. Discrimination occurred commonly at schools, work places and at the time of marriage. Some reported discrimination by other Ainu's regarding purity of their blood. According to the report, there is tendency to avoid marriage with other Ainu to dilute the blood. In fact, Ainu intermarriage with other ethnic groups (mostly Yamato Japanese) is common, and it is said a few pure Ainu descendants are left today. On the other hand, in recent years, discrimination has gradually subsided. There are younger Ainu who had never experienced any discrimination or who feel proud of being descendant of Ainu. This survey revealed that 40.2% of Ainu thought positively of their identity as Ainu, while only 6.3% perceived it as negative.</p> <p>Regarding the multiple discrimination against Ainu women mentioned in UN Human Rights Council Universal Periodic Review, the report tells us that some Ainu women have been mocked or ridiculed for their physical characteristics of being hairy, and they developed inferiority complex because of it. According to the statistics on human right violation from the Ministry of Justice⁶¹, since 2006 that the data are taken, there have been mostly less than ten cases of</p>		
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⁵⁸ <http://survey.gov-online.go.jp/h25/h25-ainu/2-2.html>

⁵⁹ 現代アイヌの生活の歩みと意識の変容 2012. 現代アイヌの生活の歩みと意識の変容 2012 http://www.cais.hokudai.ac.jp/wp-content/uploads/2012/04/ainu_report2L_3-saigo.pdf

⁶⁰ 現代アイヌの生活の歩みと意識の変容 2012. 現代アイヌの生活の歩みと意識の変容 2012 http://www.cais.hokudai.ac.jp/wp-content/uploads/2012/04/ainu_report2L_3-saigo.pdf

⁶¹ http://www.moj.go.jp/housei/toukei/toukei_ichiran_jinken.html

	<p>consultation about discrimination of Ainu people.</p> <p>Ainu People's Traditional Use of Forests Today</p> <p>FSC Japan conducted consultation of Ainu related stakeholders for national risk assessment in 2012.</p> <p>At the time of consultation in 2012, Hokkaido forest management station answered that when Ainu people request use of forest resources or use of land in the National Forest, they accommodate it as much as possible within the limitation of available budget and regulations, to meet the goal of national forest management to contribute to local industry and improvement of welfare of local citizens. They also answered that they have never heard of any conflicts with Ainu people about such request. Interviewed Ainu people also confirmed that when they request use of forest resource, they are mostly allowed to do so after the process of application and getting permit. Yet it is also possible to consider that their rights are limited as they cannot exactly choose the place to use.</p> <p>Hokkaido is a place where large paper companies (FSC certificate holder) have been sourcing Controlled Wood. It seems they are conducting survey and consultation to various stakeholders related to Ainu issues.</p> <p>Land Rights of Ainu</p> <p>Ainu people's traditional livelihood is based on hunting and gathering, without notion of land ownership. They have engaged in trade with neighboring ethnic groups such as Yamato Japanese, and by 16th and 17th century, they have been gradually incorporated into the political and economic system of Yamato Japanese. In 1869, the new Japanese government officially placed Hokkaido under its direct control, and promoted immigration of the Yamato Japanese to Hokkaido develop the island. In 1899, with enactment of "Hokkaido Former</p>		
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	<p>Native Protection Act", the government provided land, medical service, livelihood assistance, education to Ainu people, while also implementing the cultural assimilation policy. When introducing the modern land registration system, after appropriating the land as the national land, the Meiji government also provided some land area of specified size to individuals. While large area of forests are given to big industries, those that were given to Ainu people were limited. With destruction of the nature for development by settlers together with prohibition of traditional living based on hunting and gathering, many Ainu people were impoverished without any experience or skills of cultivation.</p> <p>This is certainly history of persecution of indigenous people by colonization, depriving the land from the indigenous people, similar to that of United States, Canada, Australia, New Zealand, etc. As multiple countries share a common issue, how such history should be evaluated in the framework of FSC Controlled Wood risk assessment needs to be discussed among such countries to ensure consistency in risk categorization.</p> <p>Perhaps due to the low awareness of land ownership, so far there have not been many claims of land rights by Ainu people like the Nibutani Dam litigation case explained in the CNRA (from <i>Equality and non-discrimination at work in East and South-East Asia - Exercise and tool book for trainers</i> (2011)). During the consultation that FSC Japan conducted in 2012, there was an opinion from a leader of an Ainu association that for the Ainu people vying for land ownership and land use rights in the court is difficult. However, the victory of Ainu plaintiff at Nibutani Dam lawsuit proves that it is possible to legally recognize the land rights of the Ainu through litigation.</p> <p>In November 2014, Hokkaido Ainu Association submitted a formal opinion, which is summarized below:</p> <ul style="list-style-type: none"> • The history of modern land system and forest ownership of Hokkaido was carried out based on the principle that the national government takes 		
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	<p>ownership of terra nullius (or land without clear ownership), without any consideration for indigenous people's use of land and resources.</p> <ul style="list-style-type: none"> Regarding FSC forest certification, the Ainu indigenous people are completely neglected from the origin of the "Controlled Wood from Hokkaido". It also have a big problem that even the state-owned forest and prefecture owned forests do not satisfy the level of FSC forest certification. <p>Still, Ainu Associations did not deny the use of wood from Hokkaido as Controlled Wood completely. They stated that while there are still problems with the current situations of Ainu people, recognizing the challenge, they are willing to engage in the discussions with other stakeholders for possible resources use with focus in the future.</p> <p>We do not consider the risk is particularly high compared with those countries that have the history of colonization at the country level, e.g. the United States, Canada, Australia, New Zealand. However, when the history of land rights is considered, we cannot deny that the rights of Ainu people as indigenous people was neglected and the situation still continues today. At this time, taking the perspective of Ainu Associations into account and with limited information available, we cannot say that the risk is low. In the following CW national risk assessment (NRA), we plan to a conduct more detailed risk assessment by engaging further discussion with stakeholders including Ainu Associations.</p> <p>Conclusion</p> <p>The life of Ainu people has been modernized with time, and there is almost no one who still continues the traditional livelihood purely based on hunting and gathering. In addition, discrimination against the Ainu people is gradually disappearing, and the economic disparities is shrinking. According to the interviews, Ainu people can extract forest resources for their traditional activities from forest upon request, and we did not find any conflict or problem regarding it. Thus, it is unlikely that wood procured in Hokkaido comes from</p>		
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	<p>forest management that disturbs traditional cultural activities that the Ainu people carry out today.</p> <p>On the other hand, Ainu people's traditional rights as indigenous people are indeed limited in some aspects. While there have been many measures of cultural promotion, most of the land that Ainu people used to use freely for the traditional livelihood of hunting and gathering now belong to other individuals or organizations. Ainu people have been relegated to specified area, and they have limited rights to the land that they used to use. With the opinion from the Ainu Association, we cannot consider the risk to be low at this point. However, the risk determination should be carefully evaluated to ensure consistency with other countries, such as United States, Canada, New Zealand and Australia, which have the history of colonization and appropriation of lands by settlers.</p>		
From national CW RA FSC-CW-RA-017-JP V1.0	<p><i>2.4 There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights including use rights, cultural interests or traditional cultural identity in the district concerned.</i></p> <p>“About the right for people under the range of current proprietary right, its ownership right is protected by various laws such as the Constitution, the Civil law and the Real Property Registration Act. To solve disputes regarding the ownership right, the Constitution (Clause 32) guarantees the right for a trial. In addition, to improve the accessibility for conflict resolutions, Civil Conciliation Act would be used.</p> <p>On the other hand, in Japan, as an entity with use rights and traditional rights, Ainu people in Hokkaido are known to be indigenous people. The rights of Ainu people is limited in Hokkaido. Dialogue and consultation with Ainu people by FSC Japan revealed that there are many different opinions about Ainu peoples' use rights and traditional rights as well as their tenure right of land and resources in Hokkaido. It was found to be difficult to judge if there is a concrete equitable processes in place to resolve conflicts regarding these rights. Therefore the risk in Hokkaido region is determined to unspecified.”</p>	Hokkaido	specified risk

	<p>2.5 There is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned.</p> <p>“FSC Japan asked Hokkaido Regional Forest Office, Hokkaido Office, ILO office in Japan and Hokkaido timber industry about the current situation of the Ainu people, and we did not find the fact that the Ainu people are infringed on their right in the forest areas.</p> <p>Meanwhile, Association of Ainu and Ainu participant showed the examples of the issue of land use, which are not directly related to forest practices such as past case of Nibudani Dam and current situation of Biratori Dam as well as Monbetsu industrial waste dumping site.</p> <p>About the issues of the Ainu people, after the colonization of Hokkaido in 1869, land ownership was established without taking care for potential ownership of land and resources of Ainu people.</p> <p>For these reasons, we could not prove there is no evidence for violation of ownership and tenure right of land and resources. We therefore conclude that the risk in Hokkaido is unspecified.</p> <p>Regarding other areas in Japan, there is a view of United Nations Human Rights Committee and the committee on the elimination of racial discrimination about indigenous people in Okinawa and there is also a concern about access rights in US Military bases. However, Japanese government announced its view that they understand that people in Okinawa could not be covered by “racial discrimination” as provided for in the Convention on the Elimination of All Forms of Racial Discrimination. Level of recognition by people in Okinawa about themselves being indigenous people is very low. The prefectural government does not mention anything about indigenous people in its future vision.</p> <p>Considering above situation, FSC Japan decided that Okinawa be not applicable for this indicator.</p> <p>In the future revisions of the NRA, FSC Japan is to check any changes in the situation regarding indigenous issues in Okinawa.</p>		
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	Regarding other regions of Japan, there is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas.”		
Conclusion on Indicator 2.3: <ul style="list-style-type: none"> Since June 2008, the Ainu have been officially recognized as an indigenous peoples of Japan. As of 2006, the Ainu population was 23,782 in Hokkaido and roughly 5,000 in the greater Kanto region, while figures of up to 200,000 Ainu are regularly cited as estimates of the total population. Historically, Ainu territory stretches from Sakhalin and the Kurile Islands (now both Russian territories) to the northern part of present-day Japan, including the entire island of Hokkaido. The Japanese government has never accepted Okinawans/Ryukyuan as indigenous peoples, in contradiction to the opinions of UN Treaty Bodies and Special Rapporteurs and despite recognition by UNESCO of their unique ethnicity, history, culture and traditions. Okinawans, or Ryūkyūans, live in the Ryūkyūs Islands, which make up Japan’s present-day Okinawa prefecture. The island is home to 1.1 million of the 1.4 million people living throughout the Ryūkyūs. The Association of the Indigenous Peoples in the Ryukyus participated in the UN World Conference on Indigenous Peoples in September 2014 and Okinawans are also referred to as an indigenous peoples in IWGIA’s Yearbook The Indigenous World 2014. However, some sources (including FSC NRA) state that the Okinawan population largely does not self-identify as an indigenous peoples, and the additional information provided by FSC strongly indicates that this is indeed the case. As self-identification is an important criteria in the FSC definition of indigenous peoples, Okinawans can therefore not be regarded as an indigenous people of Japan. Regulations included in the ILO Convention 169 and UNDRIP are not enforced in the area concerned, in particular regarding land rights and rights to FPIC. (refer to category 1) There is evidence of gross violations of legal and customary rights of Ainu, in particular in relation to land rights. There are conflicts of substantial magnitude⁶² pertaining to the rights of Ainu people (see previous point). There are recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to indigenous peoples’ rights such as the Ainu Policy Promotion Council, and Okinawa Policy Council, but these are not broadly accepted by affected stakeholders as being fair and equitable. The regular court system has proven to be effective for claiming Ainu rights in the case of the 		Hokkaido	specified risk for land rights and right to FPIC of Ainu people

⁶² For the purpose of the Indicator 2.3, a conflict of substantial magnitude is a conflict which involves one or more of the following:

- Gross violation of the legal or customary rights of indigenous or traditional peoples;
- Significant negative impact that is irreversible or that cannot be mitigated;
- A significant number of instances of physical violence against indigenous or traditional peoples;
- A significant number of instances of destruction of property;
- Presence of military bodies;
- Systematic acts of intimidation against indigenous or traditional peoples.

Guidance:

In the identification of conflicts of substantial magnitude one must also be aware of possible parallel activities of other sectors than the forest sector that also impact the rights of indigenous/traditional peoples and that there can be a cumulative impact. This cumulative impact can lead to a ‘gross violation of indigenous peoples’ rights’ or ‘irreversible consequences’ but the extent of the contribution of forest management operations needs to be assessed. The substance and magnitude of conflicts shall be determined through NRA development process according to national/regional conditions. NRA shall provide definition of such conflicts.

<p>Nibutani Dam lawsuit, but a leader of an Ainu association mentioned that for the Ainu people vying for land ownership and land use rights in the court is difficult.</p> <p>The following specified risk thresholds apply, based on the evidence:</p> <p>(23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6); AND (24) Substantial evidence of widespread violation of IP/TP rights exists; AND (26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies. (27) Neither the legality framework for the area under assessment covers all key provisions of ILO governing identification and rights of IP and/or TP and UNDRIP nor do other regulations and/or evidence of their implementation exist. Substantial evidence of widespread violation of rights exists.</p>		
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