

**"Act for the Promotion
of Ainu Culture &
Dissemination of Knowledge
Regarding Ainu Traditions"**

-- A Translation of the *Ainu Shinpou*

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**Asian-Pacific Law
& Policy Journal**

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AINU SHINPOU¹
Act for the Promotion of Ainu Culture &
Dissemination of Knowledge Regarding Ainu Traditions
(#52/1997)

ARTICLE 1 (Purpose)

This act aims to have Japanese society respect the Ainu's pride in being an Ainu people and to contribute to supporting the various cultures in our country by implementing policies to disseminate knowledge regarding Ainu tradition and culture (hereinafter "Ainu Traditions"), which are the sources of Ainu people's ethnic pride, and to promote Ainu culture (hereinafter "Promotion of Ainu Culture"), as well as to educate the nation to the state of Ainu Traditions.

ARTICLE 2 (Definition)

Under this act, "Ainu Culture" includes the Ainu language, as well as music, dance, crafts, and other cultural derivatives that have been perpetuated by the Ainu people or have yet to be developed.

ARTICLE 3 (Duties of the National Government and Regional Governmental Bodies)²

- (1) The national government shall make efforts to implement policies to foster succession of Ainu Culture through its people, to promote public awareness of Ainu Traditions, to promote the monitoring and study of Ainu Culture in order to contribute to the promotion of Ainu Culture, and to implement other policies to promote Ainu Culture. Additionally,

¹ Translated by Masako Yoshida Hitchingham.

² In Japanese legislation, the lawmakers use roman and Japanese numerals to differentiate between sections and subsections respectively. A literal English translation makes both the sections and subsections appear with roman numerals. To make citation clearer, this translation puts the roman numerals of the sections in parenthesis, e.g., (1), and the Japanese numerals of the subsections in parenthesis with roman letters, e.g., (a). Thus, Article 5(2)(1) in Japanese is presented here as Article 5(2)(a) in English.

the national government shall make efforts to provide advice and support necessary to regional governmental bodies to carry out the Promotion of Ainu Culture.

- (2) Regional governmental bodies shall make efforts for the Promotion of Ainu Culture according to the social circumstances of their respective areas.

ARTICLE 4 (Respect in Implementing Policies)

The national and regional governmental bodies shall respect the autonomous will and ethnic pride of the Ainu people in the Promotion of Ainu Culture.

ARTICLE 5 (Fundamental Policy)

- (1) The Prime Minister shall establish a fundamental policy (hereinafter “Fundamental Policy”) for the Promotion of Ainu Culture.
- (2) The Fundamental Policy shall establish the following:
 - (a) Fundamental prescriptions for the Promotion of Ainu Culture;
 - (b) Other necessary prescriptions related to the Promotion of Ainu Culture;
 - (c) Prescriptions related to the dissemination of knowledge regarding Ainu Traditions to the nation, as well as those related to the implementation of measures to educate the people;
 - (d) Prescriptions related to the monitoring and study of Ainu Culture, which contribute to the Promotion of Ainu Culture; and
 - (e) Important prescriptions that should be considered when implementing measures related to the Promotion of Ainu Culture.
- (3) Prior to the establishment of the Fundamental Policy or any future changes thereto, the Prime Minister shall consult with the Secretary of the Hokkaido Development Bureau, the Minister of Education, and heads of other administrative organs concerned, and shall consider the opinions of the Prefectures Concerned as provided in Article 6 section 1.

- (4) As soon as the Prime Minister establishes a Fundamental Policy, he shall notify the public of it, and as he amends it, he shall notify the public of the amendments thereto. Further, the Prime Minister shall notify the Prefectures Concerned as provided in Article 6 section 1.

ARTICLE 6 (Fundamental Program)

- (1) Prefectures³ administrative bodies that the national government designates by ordinance are deemed appropriate for the comprehensive Promotion of Ainu Culture in light of their respective social circumstances (hereinafter “Prefectures Concerned”). The Prefectures Concerned shall establish a fundamental program (hereinafter “Fundamental Program”) to carry out the Promotion of Ainu Culture in accordance with the Fundamental Policy.
- (2) The Fundamental Program shall establish the following:
- (a) Basic policies for the Promotion of Ainu Culture;
 - (b) Prescriptions for implementing the details for the Promotion of Ainu Culture;
 - (c) Prescriptions for disseminating knowledge regarding Ainu Traditions to local residents, as well as for implementing the details of plans to educate local residents; and
 - (d) Other important prescriptions that should be considered when implementing measures related to the Promotion of Ainu Culture.
- (3) Each Prefecture Concerned, upon the establishment of the Fundamental Policy or any future modifications thereto, shall submit same to the Secretary of the Hokkaido Development Bureau and the Minister of Education without delay, and shall make an official announcement of these developments.
- (4) The Secretary of the Hokkaido Development Bureau and the Minister of Education shall make efforts to provide necessary advice, recommendations, and information to the

³ “Prefectures” refers to all districts, prefectures, or likewise in Japan. In Japanese, a *ken* is a prefecture and a *tou* is a metropolitan district. Besides these designations, there are also *fu* (e.g., Kyoto and Osaka) and *dou* (e.g., Hokkaidou).

Prefectures Concerned to help them establish and smoothly implement their respective Fundamental Programs.

ARTICLE 7 (Appointment)

- (1) Upon filing an petition, the Secretary of the Hokkaido Development Bureau and the Minister of Education shall be allowed to appoint no more than one Japanese juridical person to be responsible for performing the duties described in Article 8 of this Act, if the juridical person established for the Promotion of Ainu Culture is in compliance with Civil Law No. Article 34 (#89/1896) and is ascertained to be able to perform the duties provided in Article 8 adequately and reliably.
- (2) When the Secretary of the Hokkaido Development Bureau and the Minister of Education appoint a juridical person in accordance with Article 7 Section 1 of this Act, they shall make an official announcement of the name, address, and office location of said juridical person (hereinafter “Appointed Juridical Person”).
- (3) The Appointed Juridical Person shall notify in advance the Secretary of the Hokkaido Development Bureau and the Minister of Education of any intent to change its name, address, or office location.
- (4) The Secretary of the Hokkaido Development Bureau and the Minister of Education shall make an official announcement of all relevant matters upon receipt of any notification from the Appointed Juridical Person in accordance with Article 7 Section 3 of this Act.

ARTICLE 8 (Duties)

- (1)⁴ The Appointed Juridical Person shall perform the following duties:
 - (a) Foster the succession of Ainu Culture through its people and perform other duties related to the Promotion of Ainu Culture;

⁴ There is no roman numeral for the section, but there are Japanese numerals for the subsections. Therefore, for consistency, this translation adds “(1)” to signify the section preceding the subsections.

- (b) Promote awareness of Ainu Traditions and perform other duties to educate the public by disseminating knowledge regarding Ainu Traditions;
- (c) Monitor and study that contributes to the Promotion of Ainu Culture;
- (d) Provide advice, support, or other help to those who perform monitor and study that contributes to the Promotion of Ainu Culture, who promote public awareness of Ainu Traditions, or who disseminate knowledge regarding Ainu Traditions; and
- (e) Other duties necessary for the Promotion of Ainu Culture in addition to those duties provided for in the foregoing subsections.

ARTICLE 9 (Relating to the Project Plan)

- (1) The Appointed Juridical Person shall draft a business plan and prepare a revenue and expenditure budget and shall submit them to the Secretary of the Hokkaido Development Bureau and the Minister of Education each fiscal year, pursuant to orders from the Office of the Prime Minister and the Ministry of Education. Upon making any amendment to the submitted plan or budget, the Appointed Juridical Person must follow the same procedure.
- (2) The business plan provided for in Section 1 shall be made in accordance with the required prescriptions of the Fundamental Policy.
- (3) The Appointed Juridical Person shall draft a project report and prepare a settlement of accounts, and submit them to the Secretary of the Hokkaido Development Bureau and the Minister of Education at the end of each fiscal year, pursuant to orders from the Office of the Prime Minister and the Ministry of Education.

ARTICLE 10 (Collection of Reports and On-site Inspections)

- (1) In order to ensure that this Act is enforced to its fullest, the Secretary of the Hokkaido Development Bureau and the Minister of Education may require the Appointed Juridical Person to report on his duties; send their officials to the Appointed Juridical Person's

office to inspect the performance of his duties, his accounting books and documents, or other matters; or have their officials question any person concerned.

- (2) Officials who carry out inspections under Section 1 of this Article shall carry official identification and shall show such identification when requested to do so by persons concerned.
- (3) Inspections carried out under Section 1 of this Article shall not be recognized as criminal investigations.

ARTICLE 11 (Orders to Improve)

If the Secretary of the Hokkaido Development Bureau and the Minister of Education determine that the Appointed Juridical Person's administration of the duties provided in Article 8 of this Act requires improvement, said offices may order the Appointed Juridical Person to take measures necessary to improve the administration of such duties.

ARTICLE 12 (Relating to the Revocation of Appointment)

- (1) If the Appointed Juridical Person violates an order issued pursuant to Article 11 of this Act, the Secretary of the Hokkaido Development Bureau and the Minister of Education may revoke the appointment of the Appointed Juridical Person.
- (2) If the Secretary of the Hokkaido Development Bureau and the Minister of Education revoke the appointment of the Appointed Juridical Person in accordance with Article 12 Section 1, they shall make a public announcement of the reasons for such revocation.

ARTICLE 13 (Penalty)

- (1) Pursuant to Article 10 Section 1 of this Act, a person shall be fined an amount not to exceed ¥200,000 if he or she refuses to make a required report or makes a false report; refuses, interferes with, or prevents a required inspection; or does not answer or falsely answers a question as required.

- (2) If a representative, agent, employee, or other worker of the Appointed Juridical Person commits a violation described in Article 13 Section 1, the individual who commits the violation shall be fined; additionally, the Appointed Juridical Person shall be fined for the individual's conduct as described in Section 1.

Supplemental Provisions

ARTICLE 1 (Date of Effect)

This Act will take effect on a date not to exceed three months from the Act's promulgation that shall be provided by order of the government.

ARTICLE 2 (Repeal of the Act for the Protection of the Previous Indigenous People of Hokkaido)

- (1)⁵ The following acts will be repealed:
 - (a) Act for the Protection of the Previous Indigenous People of Hokkaido (#27/1899);
 - (b) Act for the Protection of Land Disposition of the Indigenous People of Asahikawa (#9/1934).

ARTICLE 3 (Temporary Measures Prior to the Repeal of the Act for the Protection of the Previous Indigenous People of Hokkaido)

- (1) The Governor of Hokkaido shall control the communal properties of the indigenous people of Hokkaido (hereinafter "Communal Properties"), which have been under the administration of Article 10 Section 1 of the Act for the Protection of the Previous Indigenous People of Hokkaido ("Previous Protection Act of 1899" in the following section), until the Communal Properties are restored to its owners in accordance with sections 2 to 4 of this Article, or reverts to the Appointed Juridical Person or Government of Hokkaido as provided in section 5 of this Article.

⁵ See *supra* note 4.

- (2) In restoring the Communal Properties to its owners, the Governor of Hokkaido shall publish notice of matters specified in the Ministry of Welfare ordinance in the official gazette, which are related to each properties administered under Article 10 Section 3 of the Previous Protection Act of 1899.
- (3) The owners of the Communal Properties may request the Governor of Hokkaido to restore their Communal Properties within one year of the public notice provided in Section 2 of this Article.
- (4) The Governor of Hokkaido shall not restore the Communal Properties to owners until the term provided in Section 3 of this Article expires except where all the owners of the Communal Properties make a request as provided in section 3 of this Article before the term expires.
- (5) If the owners of the Communal Properties do not request restoration as provided in Section 3 of this Article within the term as provided in the same section, the Communal Properties will transfer to the Appointed Juridical Person (but if there is no Appointed Juridical Person as provided by Article 7 Section 1 when the term provided in Section 3 of this Article expires, the Communal Properties will transfer to the Government of Hokkaido).
- (6) If the Communal Properties transfer to the Appointed Juridical Person, the juridical person shall use the properties to cover expenses required to perform its duties for the Promotion of Ainu Culture.

ARTICLE 4 (Partial Amendment of the District Government Act)

District Government Act (#67/1947) is amended in part as follows:

The annex figure #3-1(49) is deleted.

ARTICLE 5 (Partial Amendment of the Hokkaido Development Act)

The Hokkaido Development Act (#126/1950) is amended partially as follows:

The following provision shall be added to Article 5 section 1.

- (g)⁶ Perform administrative activities related to the Act for the Promotion of Ainu Culture & Dissemination of Knowledge regarding Ainu Traditions (#52/1997) except administrative activities that are under the control of the Prime Minister provided in Article 5 of the same act.

ARTICLE 6 (Partial Amendment of the Ministry of Education Enabling Act)

The Ministry of Education Enabling Act (#146/1949) shall be amended in part as follows:

Section 103 of Article 5 shall be numbered as “104”; Sections 100 through 102 shall each be raised by one⁷; and the following section shall be added after Section 99:

- (100) Perform administrative activities related to enforcement of the Act for the Promotion of Ainu Culture & Dissemination of Knowledge regarding Ainu Traditions (#52/1997).

The phrase “up to section 103” in Article 13 shall be amended to read “up to section 104.”

⁶ The Japanese provides for subsection “7.”

⁷ Thus, Section 100 would become section 101, and so on.