

## ***An 'Effective' Involvement of Indigenous People in Environmental Impact Assessment: the cultural impact assessment of Saru River region, Japan.***

**Naohiro Nakamura**, *Department of Geography, University of Victoria, Victoria, Canada*  
nakamura@queensu.ca

**ABSTRACT** *The Cultural Impact Assessment of the Saru River Region was the first time that a site investigation to preserve an ethnic culture regarding a dam construction was implemented in Japan. One of the project's basic concepts was to get local residents, especially those of Ainu ethnicity, to participate in the investigation. Existing case studies of environmental impact assessment have argued that the assessment has failed to sufficiently involve Indigenous people in its process and has largely failed to incorporate Indigenous knowledge, cultural values, and voices into its processes and outcomes. Also, intangible aspects of Indigenous cultural heritage have not been protected. In the Cultural Impact Assessment of the Saru River Region, the Final Report was released in 2006 and significantly included the three-year investigation of input by local residents. In this sense, this assessment succeeded in effectively involving Indigenous people in its process and in reflecting their cultural values in its results. The more important issue is, however, how these results are included in the final outcomes. If Indigenous people have no power over final decision-making, their involvement is not effective. This paper analyses the significance and unresolved problems involved in this overall assessment process.*

**KEY WORDS** *Cultural heritage; Indigenous people; dam construction; environmental impact assessment; Ainu; Japan.*

## **Introduction**

Many scholars argue that it is essential for more environmentally, socially, and culturally sustainable environmental impact assessment (EIA) reporting that local residents participate in such stages as scoping, prediction and evaluation of impacts, mitigation of impact, and monitoring and auditing. Effective public participation in EIA requires processes that can combine technical expertise and rational decision-making with public values and preferences (Stern 1991; see also Petts 1999, p. 145). In water development projects, public consultation is especially becoming an important component. In some countries where there are Indigenous populations, ‘community participation, in the sense of including indigenous people in the consideration of dam construction, takes on a different dimension’ (Brookes 1999, p. 405). For example, an EIA is required to effectively incorporate traditional Indigenous knowledge. Developers are required to consider how the project can be beneficial for displaced Indigenous communities when it affects their resource use and lifestyle and developers sometimes need to reach a formal agreement with Indigenous communities.

The Cultural Impact Assessment of the Saru River Region was the first time that a site investigation to preserve an Indigenous culture involved in a dam construction was implemented in Japan. The project was originally planned by the Muroran Development and Construction Department, which belongs to the Hokkaido Regional Development Bureau under the Ministry of Land, Infrastructure and Transport of Japan (in this paper, hereafter the national government). The local government of the Town of Biratori subcontracted the project with a subsidy from the national government. One of the project’s basic concepts was to get local residents, especially those of Ainu ethnicity, to participate in the project’s investigation. Existing case studies of EIAs have argued that they have failed to sufficiently get Indigenous people involved in its process and have not largely integrated Indigenous knowledge, cultural values, and voices into their processes and outcomes. In the Cultural Impact Assessment of the Saru River Region, the Final Report was released in 2006. It significantly included the three-year investigation results from local residents. In this sense, it can be said that this project succeeded in effectively involving Indigenous people in its process, particularly in the scoping and predicting stages, and reflecting their cultural values in its results. However, the more important issue in this kind of project is how local knowledge is incorporated into and affects the decision-making phase. It is not

enough for local residents to be heard but for local knowledge to be taken seriously in the decision as to whether or how projects will proceed. In this perspective, ‘effectiveness’ is analysed in terms of outcomes.

This paper considers the significance of this assessment process as an initial effort to integrate impact assessment and cross-cultural issues into project evaluation in Japan. It draws on research undertaken while the author was part of the secretariat group for the Cultural Impact Assessment of the Saru River Region as a volunteer with the Nibutani Ainu Culture Museum. The major question to be addressed is whether the participation of local residents was ‘effective’ and what unresolved problems remain in terms of the protection of Indigenous cultural heritage. The principle research involved periods as a participant observer in a volunteer capacity in July and August 2004 and June 2005. Open-ended interviews were also conducted with museum staff and project participants to supplement participant-observation data.

### **Integrating Indigenous cultural heritage into EIA**

The Ainu are an Indigenous people of Japan, the majority of whom have lived in the northern island of Hokkaido, and in part, the Kurile Islands and southern Sakhalin (Figure 1). Historically, the Ainu have experienced hardships and racism similar to that experienced by other Indigenous peoples in the world: long-term colonisation by the Japanese, the government’s policy of assimilation, the relocation of community, the spread of disease, a decreasing population, and discrimination (see, e.g. Siddle 1996, 1997a, 1997b, 2002, 2003; Fitzhugh & Dubreuil 1999; Walker 2001). Biratori, located in central Hokkaido, is a small municipality with population of 5,800 in May 2008 and most of the area is mountainous. The District of Nibutani, approximately six kilometres north of ‘downtown’ Biratori, is situated along route 237 and on the Saru River (Figure 2). In Ainu language, the Saru River is called *Shishirmuka*, which means the river of the god. The District, where some 70 per cent of the residents are of Ainu ethnicity, has been particularly popular as an ‘Ainu village’, thanks to a famous Ainu, Shigeru Kayano. The Ainu do not have any legal status or political rights in Japan; therefore the term ‘Ainu village’ simply means a district where the majority of the residents are of Ainu ethnicity. The Nibutani Ainu Culture Museum, owned by the local government of Biratori, is now a strong force of Ainu cultural promotion in the area and local residents, either Ainu or Japanese, are participating in the

activities of Ainu cultural promotion (Nakamura 2007). Regarding the issues of water development and the protection of Indigenous cultural heritage, the 1997 Nibutani Dam Lawsuit, discussed below, was an epoch-making event both in the domestic and international contexts (see, e.g., Sonohara 1997; Levin 2001; Stevens 2001). However, the participation of the Ainu in the EIA has not been widely discussed.

Canada and the United States offer many cases of Indigenous participation in EIAs or strategic environmental assessments (SEAs). In Quebec, the La Grande project, the construction of a dam which environmentally and socially affected Cree and Inuit communities, led to the James Bay and Northern Quebec Agreement (JBNQA) in 1975. The JBNQA stated the necessity for 'a range of mitigative and compensatory measures and a framework and funding for social and environmental programs along with limited powers' (Mulvihill & Baker 2001, p. 373). Thus in the 1980s and 1980s, the Cree opposition to the Great Whale project, which was proposed to expand the La Grande project, showed a different phase. Accordingly, in 1991, the Federal Court recognised the JBNQA as a federal law and the Federal Government was required to conduct EIAs of the Great Whale project. As a result, in 1994, the project was indefinitely postponed by the government of Quebec, for economic reasons (Young 1999). Lajoie and Bouchard (2006, pp. 218-9) argued that the JBNQA established a legal requirement that the Cree must take part in the decision-making process of the SEA regarding natural resource development. Since the government of Quebec lacked interest in implementing such a SEA, however, Indigenous participation was not fully effective. In addition, a significant elevation of mercury levels in the reservoirs was unanticipated. This problem 'illustrates the complexity and wide-reaching implications of resource-based development for indigenous groups and their territories' (Howitt 2001a, p. 307). Based on three case studies in British Columbia, Baker and McLelland (2003, p. 582) argue that First Nations 'find it difficult to participate' in EIA processes. The reasons why Indigenous participation in EIA processes is ineffective are because developers or governments recognise Indigenous participation as a 'must-do-process', rather than being eager to listen to and reflect their voices. In addition, formal EIA process is not adapted to local culture and customs (Mulvihill & Baker 2001, p. 366, see also O'Faircheallaigh 2002, pp. 17-9). Furthermore, such assessments are subcontracted and developed by consultants with professional techniques; Indigenous people often do not understand the concepts and are to that extent left out of any meaningful participation (Iwasaki 2004). In effect, EIA 'is poorly integrated into

decision-making' (Wood 2003, p. 32).

In the Hoover Dam bypass project, Arizona, USA, while Indigenous impact assessment was conducted and it was argued that elderly people should be interviewed to assess the significance of Indigenous sacred landscapes, Indigenous people had no power over the final decision partly due to developers' reluctance to include 'non-scientific' EIA results by Indigenous people (Stoffle *et al.* 2004). King (2000) and Vest (2005) criticise existing EIAs for their failure to integrate Indigenous cultural property into their processes. Vest (2005) argues that cultural and moral values held by Aputosi Pii'kani people of Alberta were overlooked in project construction. Meanwhile, King (2000, p. 5) points out that '[c]ultural resource impacts are painfully limited' and it is necessary to identify Indigenous cultural resources, such as human remains and sacred objects, religious practices and specific places, and community cultural norms, values, and beliefs (2000, pp. 15-16).

In actuality the consideration of cultural heritage in an EIA is a challenge in a wider context. Based on analyses of proposed development projects in the EU, Bond *et al.* (2004, pp. 37-9) argue that there are restrictions in considering the protection of cultural heritage in an EIA. Their particular concern was that 'only built heritage was taken into account and non-tangible aspects of culture (identity, language, community cohesion) were ignored' (2004, p. 41). They further argue that 'there is a need for better guidance on how best to consider the implications of proposals on cultural heritage', 'cultural heritage needs to be considered earlier in the process and should include greater public participation', and 'there is a requirement for cultural heritage to be considered throughout the EIA process and for relevant expertise to be consulted'.

In Australia too, the integration of intangible cultural resources into EIAs has not been successful, although the inclusion of Indigenous values and interests has been relatively widely discussed. Jackson argues that in water resource management, 'public access, participation, and decision making by all members are accepted as a core principle' (Jackson 2006, p. 20). According to Jackson:

In Australia, social justice perspectives and common law recognition of native title have served as a significant impetus to the creation of legal and resource management interests, especially the 'recognition of Indigenous rights to culture'.

A problem is that '[t]here is no prescribed water quality guideline for cultural and spiritual

values, unlike other environmental values' (Department of Environment and Heritage 2002, cited in Jackson 2006, p. 21). The definition of cultural value in the Australian Water Act 'provides little assistance when applying the concept' and only material views of heritage rather than spiritual or sacred are emphasised (Jackson 2006, p. 21; Porter 2006, p. 365). As a result, '[b]y providing data about tangible objects, it avoids the complex values associated with people's connections to place and their interaction with the landscape around them' (English 2002, p. 219).

Jackson argues that this problem is caused by 'the difficulty of understanding the significance of water among differing cultures and translating it into the resource management policy and planning institutions of Western society and culture' (Jackson 2005, p. 143; see also Williams 2006). This difficulty often causes 'conflicts in Aboriginal-Eurocentric management directions' (Jones 2007) and in many cases Indigenous concerns have been trivialised and 'indigenous efforts to intervene in local development decisions' have been disempowered (Howitt 2001b, p. 339). In the Arthur-Pieman Conservation Area, Tasmania, for example, the multiple-use management model of environmental resource conservation development resulted in ongoing damage and destruction of Indigenous heritage. Jones argues that 'existing systems of Indigenous place protection are inadequate in many Australian jurisdictions' (Jones 2007, p. 98). Furthermore, cultural heritages are registered based on the 'power of administrative and bureaucratic practices to determine management practices concerning places and landscapes' (Porter 2006, p. 365), which emphasises physical and tangible material evidence; 'therefore places of importance' to particular people 'remain unrecognized in state-based cultural heritage management terms' (Porter 2006, p. 367). It is rarely recognised that '[t]he significance of heritage does not lie in its materiality or its fabric, but in the cultural and historical processes that give it meaning' (Smith *et al.* 2003, p. 75, cited in Porter 2006, p. 368). It is also unrecognised that cultural heritage 'is about people, communities and values they give to heritage places' (Byrne *et al.* 2003, p. 53, cited in Jones 2007, p. 101).

Lessons of these case studies are that the EIA has not been successful in sufficiently involving Indigenous people in its process and in recognising the importance of Indigenous cultural heritage, especially intangibles, and the ways they use resources. It is therefore hard to say that Indigenous knowledge, cultural values, and voices have been 'effectively' incorporated into the EIA processes and outcomes. In this context, what is the significance of the Cultural Impact Assessment of the Saru River Region? Can it be said that this project

succeeded in effectively involving Indigenous people in its processes and to reflect their cultural values in results?

### **The Cultural Impact Assessment of the Saru River region: backgrounds, planning, and progress**

The Biratori Dam is to be constructed at the junction of the Nukabira and Shukushubetsu Rivers (Figure 2). The Dam construction was initially planned by the national government in 1971, along with the construction of the Nibutani Dam (Plate 1), as a major part of the *Sarugawa Sōgō Kaihatsu Jigyō* (the Project of General Development of the Saru River), which aimed to supply industrial water to the Tomakomai area.[1] When industrialisation in Tomakomai did not progress as the national government expected, the purpose of the *Sarugawa Sōgō Kaihatsu Jigyō* later changed to the flood control of the Saru River. The local government of Biratori had investigated archaeological sites and buried objects at the construction sites of the two dams since 1976. The national government also conducted an EIA of the two prospective dam sites based on the *Hokkaido Kankyō Eikyō Hyōka Jōrei* (the Hokkaido Prefecture Environmental Impact Assessment Law) and released a report in 1982. This report concluded that the dam constructions would not seriously damage such natural environment of the area as fish habitation, climate change, and possible water pollution, and would not endanger any rare species. The existence of Ainu culture in the area was barely mentioned in the introduction and the importance of its cultural heritage was never considered.[2] Later the Biratori Dam construction and archaeological site investigation were suspended when the national government started the Nibutani Dam construction (Morioka 2003).

To construct the Nibutani Dam, in 1983 the national government acquired land owned by local residents and began construction in 1986. After the construction had started, two Ainu, Shigeru Kayano and Tadashi Kaizawa, who owned land at the site, firmly resisted the land acquisition by the government. They claimed that the construction site had been used as an agricultural field by the Nibutani Ainu for 200 years, possibly more than 400 years, and the field had been the base of cultural activities and identities. Kayano and Kaizawa characterised the land acquisition as an ongoing colonisation of Hokkaido and the Ainu by the Japanese government (Kayano 1988, statement in the lawsuit on 15 February, cited in Kayano & Tanaka 2003, p. 140). In 1989, the government expropriated Kayano's and

Kaizawa's land. Following the expropriation, Kayano and Kaizawa launched an action of claim to rescind this illegal land expropriation, citing a lack of valid reasons and the fact that the government did not conduct enough investigation to guarantee property rights of the Ainu as an Indigenous people (Kayano & Tanaka 2003, pp. 168-72).

After eight years of legal action and Kaizawa's death in 1992, the Sapporo District Court in 1997 dismissed the claim to rescind the land expropriation, since the dam construction was completed in 1997 and water was already reservoired. However, the Court declared that the expropriation of the land by the government was illegal, as the government had not conducted enough investigation and therefore did not respect the culture of the Ainu as an Indigenous people. This decision was a landmark in that the indigeneity of the Ainu was recognised by the Court. At that time, the government of Japan denied the existence of Indigenous peoples in the country and not until June 2008 were the Ainu formerly recognised as an Indigenous people by the government.

The year 1997 also recorded an important change in the social and political background of the Cultural Impact Assessment process. The *Kasen Hō* (the River Law) was amended and the new law stated that the *Kasen Seibi Keikaku* (the River Maintenance Plan) should reflect the opinions of local residents. In 1999, the River Bureau under the Ministry of Construction (now the Ministry of Land, Infrastructure and Transport) released the *Sarugawa Suikei Kasen Seibi Kihon Hōshin* (the Basic Plan for the Saru River System Maintenance) which stated that the Ainu lived in the Saru River area and their culture was alive. The national government organised the Saru River Regional Committee and they had meetings from December 2000 to April 2002. The national government also surveyed public opinion (Ainu Bunka Kankyō Hozen Taisaku Chōsa Inkaikai 2005, pp. 3-4).

The Ainu Culture Promotion Act, enacted in May 1997, also contributed to the development of the Cultural Impact Assessment. The Act stated that 'the national government should make efforts to promote measures for the nurture of those who will inherit Ainu culture', and 'local governments should make an effort to implement measures to promote the Ainu culture in accordance with the social situations of their areas' (Article 3).[3]

In Japan, after the introduction of EIA guidelines by the government in 1984, more than 3000 EIAs had conducted by 1997; but public participation was rare (Harashina 1998, p. 310). The Environment Impact Assessment Law was adopted in June 1997 and enacted in 1999. This new law required procedures to include 'scoping with public participation,



screening for designated medium-sized projects and the introduction of greater transparency in the review process' (Briffett 1999, p. 151). The International Association for Impact Assessment Japan Chapter was also established in 1997 and public participation opportunities have been increasing since then.

The national government did not seem to be eager to listen to Ainu voices at the initial stage. Rather, mentioning Ainu culture in the plan was a 'must-do-action'. For example, when the national government organised the Saru River Regional Committee in 2000, only one member was of Ainu ethnicity. The initial version of the Basic Plan for the Saru River System Maintenance stated that it was 'desirable' to take actions to protect Ainu culture into the Maintenance Plan. This initial version was criticised by local residents in the public hearing. For example, a resident of the town argued that the Maintenance Plan should be prepared based on enough research on Ainu culture in the region and the benefit of the Dam. Another resident argued that there were no detailed suggestions to protect Ainu culture in the initial version and the concept of nature should be interpreted based on Ainu traditional knowledge. Two other people claimed that the issue is the legality of the Biratori Dam construction. Without enough research on the site and how the site has provided rich sources to the regional Ainu culture, consideration of research results, and consensus with local residents, the Biratori Dam construction cannot be legal. These people argued that the national government should listen to the court decision on the Nibutani Dam being illegal (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006, 51).

In this process, the national government recognised the necessity to reflect local residents' voices, especially those of the Ainu, and planned to elicit their participation in the investigation to preserve Ainu culture. In December 2002, the national government proposed the possibility of the site investigation to the local government of Biratori and the local government decided to conduct the site investigation with the subsidy from the national government over three years (2003 - 2005). This three-year project is the Cultural Impact Assessment of Saru River Region. While the administrative procedures to preserve archaeological sites and buried objects regarding land development had already been established, this was the first time that a site investigation to preserve an ethnic culture was implemented in Japan. There were four reasons why the local government accepted the subcontract. First, in order to promote Ainu culture, conflicts between development and the preservation of ethnic culture must be dealt with. Second, the potential results of the investigation may develop the plan for the state-managed park of *Iwor*, [4] which the local

government and the Biratori Branch of the Hokkaido Ainu Association have proposed. Third, the Culture Department of the town of Biratori had long believed that local residents must participate in this kind of investigation, even if the investigation was conducted by a professional organisation; subcontracting the project to the local government would enhance the efficacy of the investigation. Fourth, the local government itself had requested the immediate completion of the *Sarugawa Sōgō Kaihatsu Jigyō*. In fact when a huge typhoon descended on the area and downtown Biratori was flooded in July 2003, the Nibutani Dam protected the downtown from driftwoods. The local government afresh recognised the necessity of the construction of another dam upstream for more effective flood control. Residents in the Nukabira River area were also requesting the construction completion since they hoped the improvement and construction of roads to the area along with the Dam construction.

The local government organised the *Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai* (the Committee for the Investigation of Ainu Culture and Environment Protection, hereafter the investigation committee), which consisted of the mayor and executive members of the local government of Biratori, members of the Hokkaido Ainu Association, and specialists of anthropology, indigenous rights, and cultural heritage. The role of the investigation committee was to produce a final report of the investigation as well as to instruct research staff. The local government recruited research staff and the investigation was implemented in May 2003. All research staff members were local residents of the town, and more than half of the members were of Ainu ethnicity.

After instruction and training in investigation methodologies, the research staff were divided into four groups, and began the investigation. They picked 18 points along the Nukabira and Shukushubetsu Rivers, and investigated vegetation. They also conducted archival research and interviews with local residents, and tried to clarify how the Ainu had used land and resources and what social and cultural importance the construction site had had. The collected data were digitised and arranged for simulation. Simulation was one of important methodologies in the Cultural Impact Assessment. Researchers fabricated a miniature model of the construction site, mapped and visualised the information, and predicted how the dam construction would affect the environment to determine what needs to be done to minimise the damage and to preserve the existing environment (Aoyama 2003; Shiozaki 2003; Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2005, pp. 5-7). These research results were reported to the public in the investigation committee meetings

and the *Shishirimuka Ioru Bunka Daigaku* (the *Shshirmuk Iwor* Cultural College) organised by the Nibutani Ainu Culture Museum.

### **The results of the assessment**

In March 2006, the committee released the Final Report (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006). This demonstrated the importance of the site for the Ainu and their contemporary culture, predicted how the Dam construction affects Ainu culture and life in the area, and suggested measures to minimise the impact of the Dam construction on Ainu culture. I briefly summarise the Final Report, along with the Mid-Report released in March 2005 (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2005).

The Ainu, or their ancestral ethnic groups have inhabited this area since 200 BC. Currently 49 archaeological sites, seven of them located in the proposed Dam construction site, have been discovered in the Nukabira River basin. A historical document of 1809 clarified the existence of two Ainu communities in the area. At the end of the eighteenth century, the Ainu engaged in agriculture around the site. More than 100 Ainu place names in the area had been recorded by 1858, and *i-oman-te* (a ceremony to send animal's spirits back to the world of the god) was being held around 1900 (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2005, pp. 8-11). There are three sacred sites (*ci=nomi-sir*) in the Dam construction site area (Plate 2). In addition, the junction of the Nukabira and Shukushubetsu Rivers is a sacred site for the Ainu, and people, who often pray at the site (Plate 3). Some Ainu often hold such ceremonies as *kamuy-nomi* (a ceremony to express gratitude to gods) or *sin-nurappa* (a ceremony to recall ancestors). The site still provides rich natural sources for Ainu culture, their traditional knowledge, and habitat for animals and plants that are closely related to the Ainu religion. Bears are of particular note, since the bear god is the highest ranked among all animals. People are engaging in fishing and gathering. Children learn skills through these activities. The area around the site has also inherited oral legends. The site and its natural environment have been, and still are, the base of life for the Ainu, in other words, the site is *iwor* (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006, pp. 12-3).

The effect of the dam construction was summarised as follows. Three *ci=nomi-sirs* are to be destroyed or submerged by the Dam. The Dam will also destroy *iwor* with the loss of Ainu life space (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006, pp. 15-6, 23). The

Nukabira River basin has 198 Ainu place names, which represent landscape and geographical features. Fifteen of those geographical features are predicted to be submerged or destroyed by the Dam. Place names often represent how people have historically used the land or what cultural meanings the landscape has. The Dam construction will erase such representation of geographical features and the cultural meaning of place names will be also lost (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006, pp. 16-7). Plant habitation will be significantly damaged at the site upstream and downstream. Animal habitation will be also affected, especially for such birds as hawks, owls, and falcons, which are ranked at the top of food chain, and bear and deer, which have a wide sphere of activities. The impact on fish habitation would be small, however, since few such fish as salmon and trout now inhabit the area (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006, pp. 18-23). The site is such an important place for the Ainu that the Dam construction will physically and emotionally affect their lifestyle. The loss of this important site for the Ainu means the loss of both tangible and intangible elements of culture and their pride and dignity.

The committee suggested the following eight points should be considered.[5]

- (1) It has to be considered that the Ainu can hold ceremonies such as *kamuy-nomi* at a *ci=nomi-sir* site located in the Dam site. A consensus among stakeholders is necessary.
- (2) Certain actions have to be done to raise and gather plants which have supported Ainu lifestyles. The impact on animal and fish habitation should be minimised.
- (3) Traditional ways of cultivation should be restored to preserve Ainu culture and the ways should be conveyed to the public to enhance their understanding.
- (4) The disappearance of Ainu place names should not happen. A map of Ainu place names should be made and place names and their meaning recorded.
- (5) Field facilities do not always provide satisfactory alternative measures to realise the four suggestions above. In-house exhibitions should be established if necessary.
- (6) Although significant data have been obtained during the past three years, additional investigation is still necessary in some areas. Regarding necessary actions or alternatives stated here, further discussion is necessary. The Ainu

who understand the significance of the Cultural Impact Assessment of Saru River region have to participate in the discussion. An organisation should be established for further investigation and data collection.

- (7) Some plants with cultural significance have been gathered or grown by now. Such plants should be further grown for the future use. A certain action is necessary.
- (8) In addition to the seven suggestions above, perspectives and opinions provided in this Report should be respected. (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006, p. 41)

The committee concluded the Report by stating that the next problem was how to protect and preserve existing Ainu culture and who should do this (Ainu Bunka Kankyō Hozen Taisaku Chōsa Iinkai 2006, p. 41).

### **The lessons of the project: an ‘effective’ involvement of Indigenous people**

What is the significance of this project? First, there are some negative aspects which cannot be overlooked. An example is conflict and miscommunication among the research staff, the investigation committee, and the secretariats. I observed investigation committee meetings several times. The committee members from academic institutions often controlled the discussion and members from the local government of Biratori and the Hokkaido Ainu Association, who do not have highly academic backgrounds, could not join the discussion. The specialists also criticised ‘unprofessional’ methodologies adopted by the research staff, even during field surveys. As a secretariat, the curator of the Nibutani Ainu Culture Museum was dissatisfied with such attitudes among the specialists because the research staff members were local residents and not all of them had a highly academic background. The specialists should have taught research methodologies more frequently and effectively, but there seem to have been few such opportunities as the specialists basically visited the town only to attend committee meetings once every two months.

In addition, some research staff members seem to have misunderstood the concept of the Cultural Impact Assessment of Saru River Region. Again, this Project aimed to predict the impact on the natural environment and Ainu culture of the Biratori Dam construction. However, some research staff members seemed to understand the assessment Project to be

opposed to the Dam construction. The national government was of course dissatisfied with this miscommunication. The national government subsidised the Project to get local residents to conduct site investigation but not to oppose the Dam construction. If the national government had judged that investigation by the local residents is ineffective, the ultimate result would have been the discontinuance of the Project. In interviews with the investigation staff members and the Nibutani Ainu Culture Museum staff, however, no one denied the significance of the local residence participation. An investigation staff evaluated the Project using a metaphor of salmon:

The Cultural Impact Assessment of Saru River Region is the first trial in the country. We are still in the very initial stage, even before fertilisation. The publishing of the Mid Report would be fertilisation, and the completion of the Project in 2006 would be hatching. If similar projects are developed in other areas, salmon goes down a river and reach to the ocean. After some decades, when we get the feedback from other projects, the salmon comes back to the river, Nibutani, where it was born. I hope the Project will be spread over Japan and the world like salmon, which explores the vast ocean. (Satsuki Kawashima, interview on 30 August 2004, Nibutani Ainu Culture Museum, author's translation)

### **Effectiveness**

Here I would like to analyse the issue of the 'effectiveness' of the involvement of Indigenous people in the Cultural Impact Assessment of the Saru River region at two levels: in terms of process and of outcomes. Wood, Rodriguez-Bachiller, and Becker examine the central concept of 'significance' of EIA projects. They argue (2007, pp. 810-11) that:

research has revealed little evidence of EIA serving to influence the final direction of project authorisation decisions (in terms of whether the proposal should proceed or not on environmental grounds), the production and analysis of information generated during the EIA process *can* influence decisions made in relation to project design and impact mitigation. (emphasis in original)

Galbraith, Bradshaw and Rutherford (2007, p. 28) also argue that:

[a]nother failing concerns the tendency for EA to focus on process rather than outcomes; that is, instead of concentrating on substantive goals (such as environmental or cultural protection or the attainment of sustainability), at times the conduct of EA has tended more towards mere compliance with obligatory stages.

The biggest product of the Cultural Impact Assessment of Saru River Region was that local residents, especially those of Ainu ethnicity, participated in the research. The results were published as the Final Report and were also used by the committee to demonstrate that the Dam construction site had been an *iwor* and was still providing rich sources to the Ainu. The site was significant for Ainu culture in the past and the present. Another product is that the research staff acquired many skills, not only field investigation skills but also computer and presentation skills. A staff person who did not go to high school for fear of discrimination against the Ainu stated that she learned a lot from the project and had a good experience.[6] The project also offered employment opportunity to local residents, although it was only for three years. In this context, the participation of local residents in the project process was effective. The Cultural Assessment of the Saru River region is a successful example of the integration of Indigenous voices and knowledge of EIA processes.

When considering the issue of ‘effectiveness’ in terms of outcomes, however, the Cultural Impact Assessment of the Saru River Region may not be free from the critique that the EIA is poorly integrated into decision-making (Wood 2003), despite local residents’ participation and the integration of Indigenous knowledge. The Project aimed to predict the impact on the natural environment and Ainu culture of the Biratori Dam construction. It has to be remembered that the Project is not against the Dam construction and the Final Report would not be used to decide if the Dam construction was necessary. The Dam construction and the construction site have been confirmed and the local government of Biratori also recognised that the Dam was necessary for flood control. The Final Report suggested a few measures but they are not more than the establishment of alternative sites or the record of cultural heritage. By the establishment of an alternative site, the habitation itself can be protected. Yet it will unlikely happen that people who hunt and gather in existing sites will go hunting and gathering to a newly established site, when the site is quite distant from the original sites, for example. The relocation of plant and animal habitation is not always followed by the relocation of communities and people’s life space. As history has

repeatedly told us, the forced relocation of communities has all too often destroyed Indigenous society. In addition, it is unclear how and where such an alternative sacred site as *ci=nomi-sir* can be established and if such sites still can be sacred. The Final Report did not discuss these issues. Nor did it ever state that existing cultural heritage would be preserved as it was. The truth is that existing cultural heritage will be destroyed if the Dam is constructed.

Based on the Final Report, the *Sarugawa Sōgō Kaihatsu Jigyō* is moving to the next step; accordingly, the national government is looking for measures to protect cultural heritage. As of the end of 2007, however, the Dam construction was suspended since the national government and local residents had not reached a consensus over the protection of intangible cultural heritage. It would be hard to reach a consensus by money compensation, as dam constructions do not always make a profit. At the moment, this Project does not demonstrate any form of consensus among the developer, stakeholders, and local residents over cultural protection.

Many studies now argue that the integration of cultural aspects into the EIA process is necessary and that not only tangible but also intangible cultural heritage needs to be protected. The involvement of Indigenous communities is also important: social impact assessment research in cross-cultural setting ‘needs to be participatory, empowering and interventionist’ (Howitt 2001b, 341). These studies have, however, rarely suggested feasible detailed measures to protect such heritage, when development is necessary. As O’Faircheallaigh (2002, p. 30) points out, the recognition of ‘accurate information on impacts and on indigenous aspirations and concerns’ by the government is not always followed by public official’s implementation of ‘policies which seek to minimize negative effects and maximize positive effects on indigenous people’. It is easy to argue that ‘effective’ Indigenous participation is necessary in an EIA. To strengthen EIA practices and procedures, it is necessary to consider at what stages Indigenous participation is effective and to suggest strategies to maintain power over the final decision. At the moment, there is still a gap between involvement and decision-making in Indigenous participation in EIA, even if Indigenous voices are heard.

The Cultural Impact Assessment of Saru River Region demonstrates the difficulty of ‘effectively’ integrating community participation and the consideration of cultural aspects into decision-making. A good thing is that at the moment the Dam construction is not proceeding prior to a consensus being reached. This project will enter a new phase when



the national government and regional residents reach such a consensus.

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## NOTES

[1] Unfamiliar Japanese and Ainu words, except place names, are italicised and I added the English translation after each word. Macrons indicate a long vowel. The Roman spelling of Ainu words is following the Ainu language dictionary by Shigeru Kayano (Kayano 2002). The character C is pronounced as [ch].

[2] Hokkaido Kankyōkyoku Kankyō Seisakuka. ‘Asesu Ichiran (The list of assessments)’:  
<http://www.pref.hokkaido.lg.jp/ks/kss/assesshp/ankenindex.htm>

[3] The English translation of the Act is from the website of the Foundation for Research and Promotion of Ainu Culture.

[http://www.frpac.or.jp/eng/e\\_prf/profile06.html](http://www.frpac.or.jp/eng/e_prf/profile06.html)

[4] According to Kayano, *iwor* indicates a space for hunting or one’s own territory for hunting (Kayano 2002). The state-managed park of *Iwor* is a national project to restore traditional Ainu life spaces in seven sites where Ainu culture is well preserved.

[5] It has to be noted that original Japanese statements are vague and they are interpreted in several ways. Here I demonstrate this vagueness by literal translation.

[6] Interview with an investigation staff person on 24 August 2004, Nibutani Ainu Culture Museum.

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**Captions**

Figure 1: The location of Hokkaido and surrounding areas

Figure 2: The town of Biratori and the Biratori Dam construction site

Plate 1: Nibutani Dam (photo: N. Nakamura).

Plate 2: A mountain considered to be a sacred site. The Ainu have held *ci=nomi-sir* toward the mountain (photo: N. Nakamura).

Plate 3: The junction of Nukabira and Shukushubetsu Rivers, where the Ainu have held *ci=nomi-sir* ceremony. This riverside will be submerged when water is reservoired (photo: N. Nakamura).