

# Repatriation of Ainu Ancestral Remains and Its Deadlock in Japan

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# 1. Preface: Ainu Property Disputes in General

- Underneath all the recent controversial Ainu issues, the Ainu property disputes remain.
- There was the terra nullius doctrine (the discovery doctrine) regarding Ainu indigenous property, and it still continues as the basis of the present Ainu policy: The Japanese government still rejects the reparations approach of the UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples in 2007). The government's past injustice is still hidden.

# Hokkaido University in wintertime

(Very few people know that the campus used to be an Ainu village and that the university was established after the conquest of the Ainu people there.) \*Negative legacy of colonialism; Negative roles of our university in the process of repatriation:

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The **Sakushu-Kotoni River** running in the Central Lawn of Hokkaido University (It comes from the name of Ainu family conquered there.)



\* The recent int'l Ainu remains repatriation in Japanese embassy in berlin (July 2017)



Ainu ceremony named 'Icharpa' near the repository room (August 2017)(The remains from Germany was kept there. )



With Ms. Sachiko Yahashi at Chikabumi AINU tomb(September 2017)(She wants to bury some part of remains from Germany.)



## 2. Repatriation of Ainu Ancestral Remains as One of the Recent Controversial Issues

- Ainu ancestral remains and cultural artifacts were stolen from almost all Ainu tombs across Hokkaido by many anthropologists, most prominently, or notoriously, by [Hokkaido University Professor Sakuzaemon Kodama](#).
- In those days, surprisingly, [the Prefectural Regulation regarding the “discovery of remains” was made in 1934\(Hokkaido Gov. Reg. No.83\)](#), which enabled their stealing Ainu ancestral remains legally [with the permission of the Hokkaido Governor](#). In case of their submission of related documents to the police, the Hokkaido Government considered Ainu tombs to be outside the category of ordinary tombs and its governor issued a permission (Art.1, 3).



アイヌ民族の墓を盗掘し、埋葬してあった頭蓋骨や副葬品『エムシ（刀）、タマサイ（首かざり）、ニンカリ（耳かざり）』を北海道大学に運び、多数の資料にかこまれた研究室。そこで、アイヌ頭蓋骨を手にとる北大医学部の故見玉作左衛門教授（1970年没）

The late professor Sakuzaemon Kodama (died in 1970) of the department of medical science at Hokkaido university, holds Ainu skulls, *emushi* (swords) *tamasai* (necklaces) and *ninkari* (earrings) carried away from the grave sites which he excavated without permission of Ainu people.

Prof. Sakuzaemon Kodama (1895-1970)'s office in Hokkaido Univ.: abundant Ainu remains and cultural artifacts

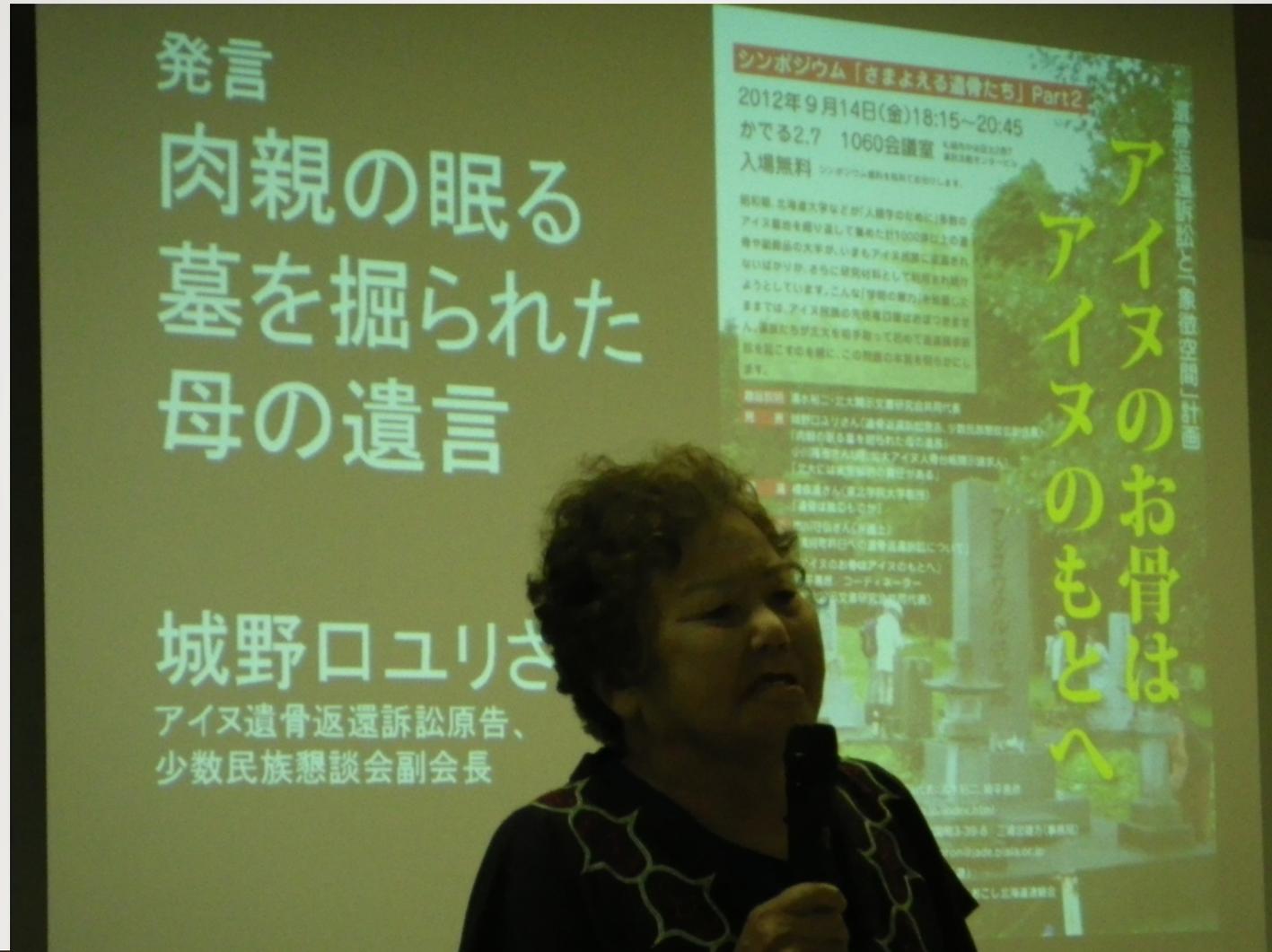
## 2. Repatriation (cont'd)

- More than a thousand Ainu ancestral remains had been kept in the repository house in the Hokkaido University campus since 1984, and then have been controversially consolidated at the ceremonial site of the Ainu Symbolic Space in Shiraoi that will be open in April 2020.
- Several repatriation lawsuits have been filed since September 2012, initially by Urakawa Ainu descendants. However, Hokkaido University has rejected their position by taking an individualistic property owner notion of 'next of kin', which does not match with the indigenous collective/communal notion of property. Eventually the University inconsistently accepted repatriation settlements one after another.
- Since the time of consolidation to the Shiraoi Ainu Symbolic park in November 2019, 1676 Ainu ancestral remains have been kept there in 382 boxes from 11 universities across Japan. Moreover, 74 stolen Ainu ancestral remains have been found at 13 facilities such as the Japan National Museum in Ueno, Tokyo.
- Incidentally, only 38 remains out of 1676 have been individualistically identified.

Stolen Ainu ancestral remains in the Hokkaido Univ. repository room; the recent repatriation to Urakawa Kineusu Ainu community after litigation (July 2016)



An Ainu litigant late Yuri Jonoguchi speaking about the stolen bones in Kineusu in Urakawa (2012.9)



# The Repatriation Ceremony (2016.7)



### 3. The Deadlock of Ainu Repatriation

- In the process of the consolidation, the Japanese government has prepared two guidelines for future repatriation:
- **First, for those identified individualistically issued in June 2014; and Second, for those kept by universities generally issued in December 2018.**
- Remains should go to the “next of kin” in the first case, and then they will go to Ainu local community residents where remains were originally discovered in the second case.
- Despite the guidelines, repatriation movements have stagnated after a series of settlements were performed.

### 3. The Deadlock of Ainu Repatriation(cont'd)

- The collective notion of the latter seems to overcome the individualistic concept of the former. However, what if some Ainu communities have disappeared?
- For example, in the case of **Otarunai Ainu, i.e., the Ainu people in Otaru, a historical city in the western suburbs of Sapporo**, their descendant are gone. Already in the 1880's, they were displaced to Hamamasu, a northern remote harbor town, due to urbanization. Shortly after their being conquered, **Professor Yoshikiyo Koganei (1859~1944) of Tokyo University, another anthropological giant, visited there with his wife in 1888 and 1889 and stole 166 Ainu ancestral remains near Sumiyoshi shrine.**
- His collection has also been consolidated in Shiraoi lately, because there are no Ainu residents in Otaru nowadays.

## Yoshikiyo Koganei (1859~1944)

- a Japanese anatomist and anthropologist of the Meiji period
- He graduated from Medical School of former Tokyo University in 1870, studied at University of Berlin in 1881-1885, and became a professor of Tokyo University in 1889.



Sumiyoshi Shrine in Otaru and its  
Outside  
(Prof. Koganei stole Ainu ancestral  
remains in July 1888 near the  
shrine: Suminoe 7 Chome)



### 3. The Deadlock of Ainu Repatriation(cont'd)

- In response to these guidelines, a nonprofit consisting of critical Ainu members named the Group Reconsidering Anthropological Research of Ainu Remains, made a request in January 2020, for the future vision of repatriation to the Japanese government :
- (i) the correct historical recognition of past injustice; (ii) the sincere apology and reburials on discovered sites by the Japanese government at its own expense; (iii) the sincere apologies by the related universities and local governments; (iv) the maintenance of reburied Ainu tombs by the related local governments.
- However, the repatriation deadlock has continued.
- Let's consider the background of this stalemate: ① the dominance of the individualistic notion of property about Ainu ancestral remains, more importantly, ②the vulnerability of decentralized local Ainu communities which lack the capability for maintenance of Ainu indigenous tombs, and much more powerfully, ③the resilient request for academic reuse of Ainu ancestral remains now in Shiraoi by anthropologists.

# \*Okinawan Debates

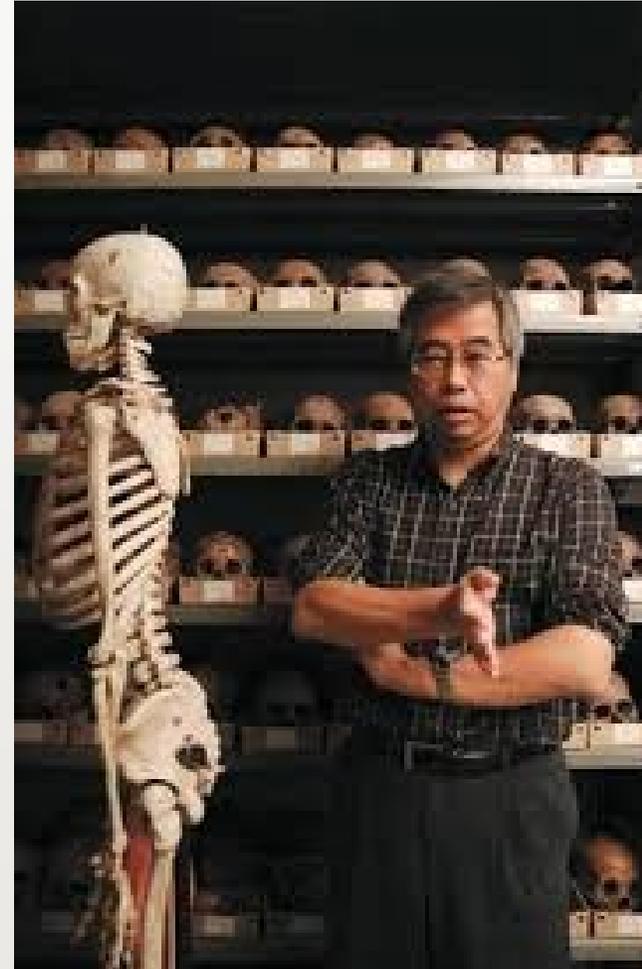
- For example, regarding the repatriation lawsuits against Kyoto University by the Ryukyu people in Okinawa, another indigenous people despite **the Japanese government's outdated denial of Ryukyu people's indigeneity**, Professor Ken'ichi Shinoda sent President Juichi Yamagiwa of Kyoto University a controversial letter in July 2019, describing **that Ainu and other indigenous people's ancestral remains are public property and that they should be provided for anthropological research.**
- The assimilation policy towards the Ryukyu people started from the colonization of Ryukyu Kingdom by the Meiji Government in 1872, named "Transfer of Ryukyu Islands" in Japan. Not many Japanese know that the United Nations, especially its Committee on the Elimination of Racial Discrimination(CERD), has requested that the Japanese government should admit the Ryukyu people as a separate indigenous people since October 2008, and that the CERD issued its final decision and statement to Japan in September 2014. The Japanese government has been constantly inactive, even though Senator Keiko Itokazu herself made an appeal at the UN shortly before the committee's conclusion, for the right of political participation under UNDRIP art.18.

Senator Keiko Itokazu  
at the UN(September  
2014)(She retired  
from the Japanese  
Diet in July 2019)



# Prof. Ken'ichi Shinoda(1955~)

- He graduated from Kyoto Univ. in 1979, worked at Saga Univ. from 1986, and then moved to the National Science Museum in 2003. He's also a visiting professor of Kyoto University and Broadcasting University.
- A president of the Japanese Anthropological Association



### 3. The Deadlock of Ainu Repatriation(cont'd)

- This request for academic reuse by anthropologists and archaeologists might be a substantial reason when Hokkaido University rejected repatriation by taking an individualistic view of property and demanding DNA tests and a tough hurdle of “next of kin”.
- Taking account of the longstanding legal principle of the Japanese traditional commons named ‘Iriai’, which late Professor Eleanor Ostrom also spotlighted as an empirically interdisciplinary new institutionalist, **the Hokkaido University’s individualistic property assertions for the Ainu people do not match with the mainstream argument of collective property, even with regard to Ainu ancestral remains. The judiciary itself took such notion at the level of settlements and suggested the repatriation to Ainu communities.** We should take note that all the indigenous hunting and gathering people across the globe, including the Ainu people, took such communal property notion for a long time before the legal transplant of the modern individualistic notion of private property.

### 3. The Deadlock of Ainu Repatriation(cont'd)

- For the Ainu people in quest of overall repatriation to their local communities, **their substantial challenge should be the institutional establishment of their stronger communities, for the reburials of repatriated remains and for the maintenance for their local Ainu tombs, which requires the financial assistance for the Ainu people.** In this sense, the grant system for the Ainu culture might be one of the limited outstanding financial institution introduced anew by the new Ainu statute. It should be expanded to the Ainu people to respond to their imminent needs in this score at least.
- Incidentally, I paid a visit to the traditional Ainu tomb in Kaminukibetsu, a mountainous Ainu community in Biratori, which is exactly the place where the Anesaru Ainu people in Hidaka residing adjacent to the Imperial ranch moved, after their displacement in the 1910s. Late Aiko Hatozawa, at the age 85, who experienced **the tragic displacement, i.e., the Japanese version of the 50 km “trail of tears”**, showed me around their community tomb in September 2012. She frugally maintained care for the traditional Ainu tomb there. I’m wondering who takes care of it after her death.



Ainu Traditional Tomb in Kaminukibetsu in Biratori;  
late Ms. Aiko Hatozawa)(in September 2012)

## 4. Addendum: Problems of the Recent Ainu New Statute

- Let me explain **some features of the new Ainu statute** that was made last April, even though I'm critical of it. It's mainly for the establishment of Ainu Park in Shiraoi named Ainu Symbolic Place, which will be open on April 2020, that includes a ceremonial place for stolen Ainu ancestral remains.
- Thus, first, the statute includes some articles about the management organization for the Ainu park (Art.7, 8, 9, 10), **but no articles about consolidated ancestral remains or repatriation.** Ironically, tourists at the Ainu park in Shiraoi might be limited due to the recent outbreak of coronavirus.
- It is also called "Upopoi," meaning to sing together, in Ainu language.



# \* The plan of the AINU symbolic space



国立アイヌ民族博物館のイメージ図



## 4. Addendum: Problems of the Recent Ainu New Statute (cont'd)

- Second, regarding **the revival movement of the Ainu indigenous hunting and fishing right**, 150 years after the Meiji government's establishment and its subsequent denial of their indigenous right, some Ainu people, most notably **Mr. Satoshi Hatakeyama**, have eventually made a request for indigenous Ainu salmon fishing rights for their ceremonial purposes, even though the level is limited and it's far behind the world standard such as the Boldt decision(1974) in the U.S. There's one related clause in the recent statute (Art. 17) in response to his controversial activities, but there's no change regarding regard to the Japanese Central and Local Hokkaido governments' restrictive stance about the indigenous fishing rights. Mr. Hatakeyama himself was arrested after his indigenous fishing activities in September 2020.
- See, Satoshi Hatakeyama, *The Revival of Ainu indigenous fishing right in the Sea of Okhotsk*, 932 HUMAN RIGHTS AND BURAKU ISSUES 23 (2020).

Mr. Satoshi  
Hatakeyama  
(1942~)

- Mr. Hatakeyama, a leader of Monbetsu Ainu Association, was arrested after his indigenous salmon fishing in September 2019.



## 4. Addendum: Problems of the Recent Ainu New Statute (cont'd)

- Third, there are some clauses about the enhancement of the Ainu tourism: it includes grants system for the Ainu tourism (Art.15). However, unlike the situation in Sweden, there could be no genuine Ainu indigenous tourism by this statute. Rather, the statute is overwhelmed by the superficial commercialism. What makes matters worse, grants will be provided to local governments, rather than to the Ainu people themselves.
- Fourth and last, there are clauses at the beginning about the respect for the Ainu people which prohibit the discrimination against them generally (Art.1, 3, 4). However, they are not effective, because the Japanese government still denies the UNDRP's reparations approach and it still hides its past injustice, including most infamously the conquest of Ainu's land: i.e., Hokkaido, due to the terra nullius doctrine.

## The Ainu Exhibit at the Snow Festival of 2020

- 70 million JPY(636,363 US Dollars) granted money was spent for the Ainu-related private event entrepreneurs, not for the Ainu people, on the Snow Festival in February 2020.



## 4. Addendum: Problems of the Recent Ainu New Statute (cont'd)

- Thus, the Japanese government takes the welfare approach rather than the reparations approach for many indigent and vulnerable Ainu people. In that case, the reverse discrimination arguments loom large and the related discriminatory hate speech never stops.
- In conclusion, there's no important change regarding Ainu policies by the recent statute, at both levels of principles and concrete policies. Instead, I'm rather worrying about the biased shallow Ainu commercialism expanding due to new budgets by this statute.
- For the detail of my critical analysis of the recent Ainu statute, see, Kunihiro Yoshida, *Problems of the Recent Ainu Statute Debates (Part 1) (Part 2): How It is Distant from the World Standards*, 44 MODERN THEORY (GENDAI NO RIRON)142, 45 *id.* 150(2019).



Thank you for your  
attention!