

Shimin Gaikou Centre

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Submission to the EMRIP

On the Report on the Right to Repatriation of ceremonial objects, human remains, and intangible properties under the UN Declaration on the Rights of Indigenous Peoples: A human rights focus.

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1. In Japan, from 1888 to 1960s, more than 1600 human remains of Ainu people were excavated from Hokkaido by academics for research purposes, and they were kept in various universities. An inquiry by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) revealed that there were 1636 bodies of human remains kept at twelve universities in 2013. The largest collection was with Hokkaido University, with 1027 bodies. It is alleged that many of them were excavated without the consent of the community (*Kotan*) or the immediate family members.

2. In 2008, following the adoption of the UNDRIP, the Japan's Diet recognized the Ainu as an indigenous people. The Council for Ainu Policy Promotion was established and it decided to establish the National Ainu Museum and Park (also called Upopoy) in Shiraoi, Hokkaido. All the human remains were to be relocated to the Museum.

3. There were objections from some individuals and groups regarding relocation of the human remains to the Museum. Since from 2012, four legal cases were brought by Ainu people and groups against Hokkaido university to retain the human remains of their ancestors. All the cases were settled with the university agreeing to return the remains. But among 1636 human remains, only 101 were returned. Currently, there is a case against University of Tokyo to return 6 human remains to a group based in Urahoro.

4. Some problem lies with the inflexibility of *the Guidelines Concerning the Repatriation of Ainu Remains Collected by Universities to their Excavation Site* published by the Japanese government in December 2018. It requires government approval of organizations representing the regions to which the human remains should return. Because of the inflexibility, so far, no Ainu has been able to apply for the return of the ancestral human remains.

5. The Expert Mechanism on the Rights of Indigenous Peoples should recommend the following:

--The Government of Japan, concerned academic societies and twelve universities should scrutinize the historical records of long-term injustices and colonization, and offer a formal apology regarding the excavation of human remains without the consent of Ainu people.

--The Government of Japan should commit themselves to the repatriation and reburial of Ainu human remains in cooperation with the all the concerned Ainu people who are willing to retain their ancestral human remains.

--The Government of Japan should conduct human rights training to the academics, especially those belonging to the Archaeological Society of Nippon, the Anthropological Society of Nippon, the Japanese Society of Cultural Anthropology, in accordance with the spirits of the UNDRIP. The EMRIP, PFII and other UN agencies should extend technical support in providing experts on indigenous rights.

-- *The Guidelines Concerning the Repatriation of Ainu Remains Collected by Universities to their Excavation Site* should be amended in consultation with Ainu people who are willing to retain their ancestral human remains.

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