Becoming Sisamu and Having Charanke:

Constructing dialogue between the Ainu and non-Indigenous physical anthropologists to move forward towards inclusive model of community-based Indigenous archaeology in Japan

by Yuka SHICHIZA

Cover photo:
Chise (House) in Nibutani, Biratori-cho, Hokkaido.
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Abbreviations

AAH	**the Ainu Association of Hokkaido: The biggest group of the Ainu**
AAPA	American Association of Physical Anthropology
ASN	the Anthropological Association of Nippon
BABAO	British Association of Biological Anthropology and Osteoarchaeology
CAPP	Council for Ainu Policy Promotion
IPinCH	Intellectual Properties in Cultural Heritage: International research project at Simon Fraser University
JAA	Japanese Archaeological Association
NAGPRA	the Native American Graves Protection and Repatriation Act
RHM	the Research of HOKUDAI Materials: A group of Ainu activists and supporters who are analysing documents on the excavation of Ainu cemeteries disclosed by Hokkaido University, aiming at repatriation and reburial
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WAC	the World Archaeological Congress

1.0 Introduction

This thesis examines the relationship between physical anthropologists and Indigenous Ainu communities and individuals in Japan focusing on communication attempts concerning the treatment of Ainu human remains. As well, it also provides the overview of the issues surrounding repatriation of and legislation about Ainu human remains.

1.1 Repatriation in Indigenous Archaeology

Establishing a dialogue and including Indigenous peoples into decision-making processes related to their heritage is one of the essential challenges for different disciplines, archaeology in particular, around the world (Smith and Wobst 2005). Reflecting on past excavations and the collection of the material heritage of Indigenous peoples - which includes cultural objects and human remains - without their consent, various policies on the treatment of human remains found in archaeological excavations have been developed in various countries as well as by academic organizations, which take the rights of associated indigenous peoples into account (e.g. CCMC 2011; Jenkins 2008, 106-108; Scott 2013, 14; WAC, 1989). This was the result of active movements of Indigenous peoples for rights on their heritage (Cubillo 2010, 20; Kakaliouras 2012, 210; Mihesuah 2000a, 3, 4). As part of this movement, the repatriation of Indigenous human remains stored in the collections of museums and institutions is becoming a common practice (Kakaliouras 2012, 210; Scott 2013, 14).

Despite the initial resistance, nowadays many archaeologists and physical

anthropologists consider repatriation as an essential decolonisation practice, renewing the relationship with Indigenous peoples (Jenkins 2008, 108, 113; Scott 2013, 1, 14). Bruchac defines decolonising archaeologists as to "seek to untangle colonial influences by encouraging greater collaboration with Indigenous peoples, reconsidering foundational knowledges, and paying closer attention to the ethics of handling other peoples' heritage" (2014, 2069).

For Indigenous peoples, repatriation does not merely have religious significance; various other effects are also recognized. It is considered not only as the return of their ancestors' spirits to the community, but also as an important step to enhance cultural identity among communities, especially for the younger generation (Scott 2013, 76). Moreover, the healing psychological effect for the descendants of peoples with a traumatic colonial history is significant (Thornton 2002, 22-24).

On the other hand, some archaeologists recognize the development of a new form of archaeology by including the perspectives of Indigenous peoples (Kakaliouras 2008; Smith and Wobst 2005, 15; Zimmerman 2000, 301-303). As such, over the past few decades, many archaeologists have worked with Indigenous communities to construct an inclusive model and approach often called "Indigenous archaeology", which would aim to promote a dialogue between both sides (Smith and Wobst 2005, 12, 13). This shift also took place in physical anthropology which developed dialogue with living descendant communities for conducting research on the human remains of their ancestors (Buikstra 2006).

1.2 Research Problem

Ainu are one of the Indigenous peoples in Japan, mostly living in northernmost islands of Japanese archipelago. *Ainumoshir*, the territory of Ainu, includes present-day Hokkaido, Sakhalin, the Kuril Islands (Godefroy 2012, 1) (see fig.1). The Japanese national government only recently announced that it will consider the opinion of the Ainu peoples for the policy of the community-based repatriation of human remains in 2017 and 2018 (Nihonkeizaishimbun 2017; Yamashita 2018). While progress in Indigenous physical anthropology is made in different areas of the world, however, it seems this paradigm shift has not taken place in the academia in Japan yet.

In Japan, more than 1,600 human remains of Ainu are held in the collections of at least 12 universities and 12 museums (Ministry of Education, Culture, Sports, Science and Technology- Japan 2017). In the government-led guideline for the repatriation of Ainu human remains which was announced in 2013, it stated that only the remains of identifiable individuals can be returned to the lineal descendants with rights relating to worship upon requests (Council for Ainu Policy Promotion (CAPP) 2013). And the rest, the unidentifiable remains were to be transferred to a single memorial hall which will be constructed in Shiraoi, Hokkaido (CAPP 2013). This guideline was criticized by Ainu groups and individuals who demand the repatriation and reburial at each community (e.g. Hokudai kaijimonjo kenkyukai 2016). In light of this, some communities have decided to sue the universities in order to get the remains back for reburial (e.g. Adachi 2016; Kusakabe and Adachi 2016; Yokota 2017). As a result of court cases, these communities received their ancestral remains, and reburial and memorial ceremonies were practiced by community members (Kotan no Kai 2016; NHK Hokkaido 2017). Nakamura argues

that these court decisions caused the recent changes of governmental policy recognizing the rights of communities to request repatriation (2018, 18).

Figure 1: Map of Japan showing Hokkaido and Shiraoi

In addition, scientific research using Ainu human remains is another object of dispute. Ainu activists have voiced their resistance to being treated as objects of research for decades (lewallen 2007, 517). Yet this power asymmetry continues to exist in 21st century. A recent research publication by Adachi *et al.* (2017), "Ethnic derivation of the Ainu inferred from ancient mitochondrial DNA data" provoked critiques among Ainu activists as some of the remains used for this research may be younger than the date being claimed by Adachi *et al.*, and against the ethical conduct (JAA 2017) made by the Ainu Association of Hokkaido (AAH), the Anthropological Society of Nippon (ASN) and the Japanese Archaeological

Association (JAA) (HTV NEWS 25 January 2018a; HTV NEWS 2018b). As Kato points out, the lack of sufficient communication between archaeologists/physical anthropologists and Ainu individuals is the crucial drawback in this situation (2017, 188). This has resulted in tension between these parties and it is far from following the inclusive model of physical anthropology. Some Ainu individuals express that they are against scientific research on the human remains of their ancestors (HTV NEWS 2018b). Accordingly, they are afraid that the remains which would be held at the memorial hall may be used for scientific research in the future without asking their consent (HTV NEWS 2018a).

Uzawa, an Ainu identified scholar of indigenous studies states (2014, 90),
"It is no longer acceptable that Indigenous peoples be regarded as passive objects of study… it highlights the need for new Indigenous methodologies to come to the fore, methodologies that prioritize our role in our own lives and the centrality of our knowledge and ways of understanding and interpreting the world."
Thus, inclusion of Ainu people into research on Ainu-related studies is crucial. Uzawa also claims that having *charanke* (a traditional Ainu practice of oratorical discussion and arguments) with Ainu is essential to conduct research related to Ainu (2014, 90). As such, research methodology using Ainu human remains must be evaluated and reflected upon. Having *charanke* would be the key for non-Ainu physical anthropologists to conduct future research with concerned Ainu individuals and communities as being not alienated researchers but as the research partner, *Sisamu* (non-Ainu good neighbors).

The collection of Ainu remains and the recent repatriation movement has been discussed by lewallen (2007), Low (2012), Nakamura (2018) and Uchida (2017).

Among them, lewallen (2007) evaluated the notion of ethics among physical anthropologists in Japan as well as the drafted ethics policy of the Anthropological Society of Nippon (ASN) of 2007 and American Association of Physical Anthropology (AAPA)'s Code of Ethics (1998). However, detailed analysis of the attempts of communication between Ainu activists and physical anthropologists has not yet been conducted.

1.3 Research Questions

By comparing the context of communication attempts between non-Ainu physical anthropologists and Ainu activists with successful examples of community-based Indigenous physical anthropological projects in the global contexts, this thesis addresses the following research questions.

1. Regarding the treatment of Ainu human remains and their use for scientific research, how have Ainu activists and physical anthropologists attempted to communicate each other, and what are the current issues in such communication?
2. In order to move forward toward inclusive community-based model, how could a dialogue be established between Ainu communities and physical anthropologists in Japan?

1.4 Objectives

The objectives of this research are as follows.

1. To provide an overview of the issues concerning the repatriation and legislation of Ainu human remains in Japan
2. To analyse the current state of relations, conflicts and attempts of communication between Ainu communities and physical anthropologists

3. To discuss the potential for better communication between Ainu communities and physical anthropologists to move forward towards an inclusive model of community-based Indigenous archaeology.

1.5 Significance of Research

The historical experience of being exploited for the sake of "scientific research" and colonisation remains deeply in the memory of Ainu individuals and communities (lewallen 2007, 512, 517). As a consequence, it has been pointed out that modern-day anthropologists experience "ethnographic refusal" and "blocked access to these consultants and their networks" despite their effort to conduct inclusive research projects (lewallen 2007, 512). On the other hand, as a result of activism against being researched by Ainu individuals, scholars hesitate to conduct research on Ainu studies to avoid troubles, and the number of Ainu-related research has decreased sharply in physical anthropology (Dodo 2015, 104).

Given this context, my thesis argues that identifying current issues on the communication is an important step to improve the relationship between scholars and Ainu individuals and communities. Hence, this may contribute to the establishment of *charanke* and subsequently the inclusive model of community-based Indigenous physical anthropological projects in the future.

1.6 Scope and Limitations

Among the variety of issues surrounding the treatment of Ainu human remains, the main scope of this research is to examine the relationship between those Ainu individuals who are in fact demanding repatriation and the Japanese physical anthropologists who employ Ainu human remains as their research materials, but

not to characterise all of the actors related to the debate. As will be discussed further in Chapter 3 and 4, Ainu individuals and groups have different opinions in scientific research utilizing Ainu human remains as well as the procedure for repatriation and legislation of human remains. Yet, the treatment of human remains is a highly sensitive and political topic which many people hesitate to discuss openly. Due to these conditions and the shortage of time which makes it difficult to build trustworthy relationships that give sufficient confidence to informants, I decided not to approach non-activist Ainu stakeholders. Therefore, this thesis only focuses on the perspectives of Ainu individuals who are actively involved in the repatriation movement.

1.7 Methodology and Structure

The data used in this thesis consists of primary and secondary data in various forms. The primary data consists of personal interviews with an informant which were conducted in person as well as a review of research articles, and publications of concerned individuals. The secondary data includes peer-reviewed publications on Indigenous archaeology as well as the historical background of Ainu. The thesis additionally draws upon, other literature, news articles, documentary films, institutional reports and official government documents.

This thesis is organized as follows.

Chapter 2 will discuss the theoretical and political principles that inspire the movement of repatriation by exploring successful examples of community-based indigenous physical anthropological projects in global context. First, international policies related to the rights of indigenous peoples to the human remains of their

ancestors will be introduced. Second, a brief outline of the discussion among physical anthropologists and archaeologists on the repatriation of Indigenous human remains will be provided. Then, the development of the negotiations between physical anthropologists and indigenous communities and subsequent collaborative projects in different countries will be presented.

In Chapter 3, I will introduce an overview of the current issues surrounding repatriation and legislation of Ainu human remains. I will first provide the historical and social background of the Ainu. This includes the interaction with Wajin, the majority Japanese, the colonisation of the territory and the consequent issues on the identity of present-day Ainu individuals and management of their heritage. In addition, I will describe the way in which the collection of Ainu human remains was conducted, the corresponding reaction and activism by the Ainu and the current condition of the repatriation movement and the governmental policy. This background information is essential to understand the perspectives of two parties, Ainu groups and individuals who demand the repatriation and physical anthropologists.

In Chapter 4, the data to be analysed in Chapter 5 will be presented. These includes the Codes of Ethics of research using Ainu human remains established in a roundtable between the Ainu Association of Hokkaido (AAH), the Archaeological Society of Nippon (ASN) and Japanese Archaeological Association (JAA), presentations and publications of concerned physical anthropologists and dialogues between the Ainu and physical anthropologists recorded at symposiums and consultation.

Chapter 5 analyses the issues on the communication between Ainu activists and physical anthropologists by comparing them with the models discussed in Chapter 2. Then, I will discuss the potential to improve the communication regarding the treatment of Ainu human remains between these parties to move towards an inclusive model of community-based Indigenous archaeology.

With these discussion and arguments, I will conclude with final remarks on this research in Chapter 6.

2.0 Theoretical Background

In this chapter, the key concepts in discussing the repatriation of Indigenous human remains are outlined. These include the internationally recognized rights of Indigenous peoples, archaeological and physical anthropological concepts in the repatriation debate, some legal frameworks, and community-based Indigenous archaeology. A few examples of Indigenous community-based physical anthropological projects will then be introduced. The aim of this chapter is to provide a global perspective on the repatriation and related Indigenous archaeology in order to address the particular case of the Ainu. In this thesis, I refer to physical anthropologists as specialists who handle human remains from archaeological contexts as in common use in the United States and in Japan.

2.1 The Rights of Indigenous Peoples to Their Heritage

For the past few decades, the rights of Indigenous peoples to their heritage have been recognized and declared by international organizations. Archaeological and physical anthropological associations have also developed ethical guidelines on research related to Indigenous peoples. In this section, two representative examples which are applicable to Japan are introduced.

2.1.1 UNDRIP

Adopted in 2007, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is one of the most significant developments recognizing the rights of Indigenous peoples at the global level (United Nations 2007). Japan voted for UNDRIP in 2007 and ratified it. Strecker describes UNDRIP as “acting as a reference point, a source of inspiration and for providing a specific vocabulary to

address the issues faced by Indigenous Peoples globally" (2017, 360).

Among the articles, Article 11, 12 and 31 are particularly relevant to the repatriation of human remains. Article 11 declares "the right to practice and revitalize cultural traditions and customs" (United Nations 2007, 6), and Article 12 explicitly designates "the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains" (United Nations 2007, 6). In addition, these articles mention the responsibility of states to the restitution and the repatriation of objects including human remains which "taken without their free, prior and informed consent or in violation of their laws, traditions and customs … in conjunction with indigenous peoples concerned" (United Nations 2007, 6). Article 31 declares the right of Indigenous peoples to "maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestation of their science, technologies and cultures," which include "human and genetic resources," as well as their intellectual property rights over these (United Nations 2007, 11).

2.1.2 WAC Vermilion Acord

Since its establishment in 1986, the World Archaeological Congress (WAC) included Indigenous people as the members of the decision making central board (Zimmerman 1998, 79). The Vermilion Acord was established at the Inter-Congress on Archaeological Ethics and the Treatment of the Dead in 1989 (WAC 1989). Its six clauses state respect for the dead as well as living descendant communities, and

the agreement on the treatment of the dead made by mutual respect and negotiation by these parties (WAC 1989). By achieving "indigenous control over indigenous heritage" (Zimmerman 2000, 299,300), this accord became the first official statement to include Indigenous concerns in the large-scale international organization (Zimmerman 2002, 92). The First Code of Ethics was also established in the following year (WAC 1990).

In 2016, the 8th International Congress of WAC was held in Kyoto, Japan. At the plenary, Kato Tadashi, the Executive Director of the Ainu Association of Hokkaido (AAH), the biggest organization of Ainu, presented historical issues of the relationship between archaeology, physical anthropology and the Ainu mentioning the difficulty of the repatriation of human remains in Japanese universities (WAC 2016).

2.1.3 Limitations

In addition to the above examples, various associations of physical anthropologists have established codes of ethics although they are not specific to Indigenous peoples or applicable to Japan (e.g. AAPA 2003; BABAO 2010).

However, despite the large effort and progress, the limitations of these have been discussed among scholars. First, UNDRIP, as well as the codes of ethics, are legally non-binding (Giesen and White 2013, 20), and the implementation of UNDRIP is yet to be needed in many geographic areas (Strecker 2017, 360). Moreover, Zimmerman states that ethical codes themselves do not really propose solutions to ethical dilemmas (1998, 77). Additionally, another limitation is the adaptation of Indigenous perspective on codes of ethics. Even though it is not the case for

UNDRIP or Vermilion Acord, as Wiynjorroc *et al.* point out, codes of ethics in some professional organizations reflect only non-Indigenous, mostly Western perspectives (2005, 316). It is essential to include Indigenous voices to advance the debate (Wiynjorroc *et al.* 2005, 316).

2.2 Repatriation: Legal and Non-legal Frameworks and Procedures

Some countries have developed legal frameworks for repatriation and legislation of human remains of Indigenous peoples. In this section, one of the most influential examples, NAGPRA, from the United States, is presented. Then, repatriation in Canada and Australia are also introduced. For these cases, I will include summaries of these procedures, as well as evaluations of them based on their impacts.

2.2.1 NAGPRA

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law which imposes the obligation of the repatriation of cultural items including human remains upon request from affiliated tribes to any federally funded institutions (Trope 1997, 9, 10; United States Government 1995.). It also made it compulsory for museums and federal agencies to make inventories of Native American items (Trope 1997, 11). Since enacted in 1990, NAGPRA has been one of the most symbolic repatriation legal frameworks in the world. Many archaeologists and physical anthropologists have discussed the impact of NAGPRA in these fields, in both positive and negative aspects. One example of the positive effects have been pointed out that repatriation and reburial practices under NAGPRA have improved the data collection, and hence the quality and the quantity of osteological analysis of archaeological Native American human remains in the United States (Kakaliouras 2008, 113). Furthermore, the effect of NAGPRA in

other countries has been recognized as that it “acted as a catalyst for discussion and policy making” (Scotto 2013, 19). On the other hand, the main negative effect that some physical anthropologists argue is the “loss of science” which will be discussed in detail later in this chapter.

Despite the fact that it is a federal law, the repatriation procedure under NAGPRA is not uniform; each tribal group can decide whether to find a repatriation program with or without making a legal framework, and/or to build an institution for controlling their heritage (Suagee 1997, 30). Yet, among the number of controversies and limitations of NAGPRA which have been recognized, how to define cultural association can especially be problematic in some cases. The case of Kennewick Man is the best-known example of the weakness of this concept in NAGPRA with regard to, an ancient individual (e.g.Burke and Smith 2008; Chatters 2017, 23; Zimmerman 2000, 304).

2.2.2 Canada

In contrast to NAGPRA in the United States, there is no federal legislation on the treatment of First Nations archaeological human remains in Canada. Instead, decisions about repatriation, including whether to repatriate the remains, is based on the dialogue developed between each tribe and individual institutions (Scotto 2013, 97). According to the study by Scotto (2013) investigating the opinions of stakeholders who engage repatriation from different dimensions, despite the cons of no financial support from the government or explicit protocol and subsequent confusion in some cases, many stakeholders recognize the advantage of flexibility accepting the demands and concerns of each tribe (2013, 97).

2.2.3 Australia

Like Canada, repatriation of Indigenous human remains is operated by each institution or state in Australia instead of uniform federal legislation (Green and Gordon 2010, 260, 261). Each state enacted separate legislation, and Museums Australia, the association of national museums in Australia, set its own policy on the treatment and repatriation of Indigenous human remains (Cubillo 2010, 21, 26). The national government also plays a vital role. The Aboriginal and Torres Strait Islander Heritage Protection Act is a federal law which declares the directions of consultation of repatriation with communities established in 1984 (Australian Government 1984). In addition, the Cultural Minister's Council established the Return of Indigenous Cultural Property (RICP) Program in 1998 (Cubillo 2010, 22), and the national government supports both domestic and international repatriation of Aboriginal ancestral remains by funding collaborative efforts aimed at repatriation (Australian Government Department of Communications and Arts, 2018). And the Advisory Committee for Indigenous Repatriation which includes Aboriginal and Torres Strait Islander members gives advice to the government (Australian Government Department of Communications and Arts, 2018). Although issues and room for improvements still have been recognized, successful repatriation has developed as the outcome of the negotiation between Indigenous communities, states and institutions as well as the Indigenous involvement in policy-making (Green and Gordon 2010, 261-263).

2.3 The Repatriation Debate

Even though the repatriation of Indigenous human remains has become widely recognized as a necessary practice today, there is still debate among physical anthropologists contesting repatriation. There seems to be a dichotomy within academia, between archaeologists who recognize new values derived from the act of repatriation as well as the dialogue with Indigenous peoples, and those who value scientific research more. In the following sections, the arguments made by physical anthropologists and archaeologists from these perspectives are demonstrated.

2.3.1 "New Archaeology" and Multivocality

Zimmerman argues that support for repatriation is a crucial step toward "New Archaeology", which acknowledge the cultural values of descendant communities by respecting their belief systems (1996; 2000). Some argue that the introduction of postprocessual archaeology started this concept of multivocality for interpreting the past (Buikstra 2006, 395; Zimmerman 2002, 96). The discipline of physical anthropology was developed under the particular cultural condition that human remains are considered as detached from individuals, due to Christian influence as well as various historical and social conditions (Scotto 2013, 27, 28). On the contrary, the perspective on the time after death differs significantly for the majority of Native Americans. For them, the past exists in the present, and so do the spirits of ancestors (see Crawford 2000, 214; Scotto 2013, 33, 34; Zimmerman 1999). Therefore, understanding these different perspectives of indigenous peoples is essential to prevent ethnocentric behaviour.

According to Smith, it is necessary to shift the view on repatriation from "problem" to "opportunity" (2004). Zimmerman argues that the benefit of this shift is mutual;

not only for Indigenous and descendant communities which gain control over their heritage but also for archaeologists (2000, 303). In the theoretical level, archaeology can improve by including a different epistemology and methodology to approach the past (Zimmerman 2002, 96) and integrating the science into a social context (Zimmerman 2000, 303). Moreover, at the practical level, building trust may result in benefits such as the increased access to archaeological sites and objects of Indigenous peoples (Zimmerman 2000, 301). This theoretical shift led the development of Indigenous Archaeology which will be further discussed later (Zimmerman 2002, 96).

Involving repatriation, some physical anthropologists and archaeologists have pointed out the benefit for physical anthropology. For instance, repatriation and reburial practices under NAGPRA have improved data collection, and hence the quality and the quantity of osteological analysis of archaeological Native American human remains in the United States (Kakaliouras 2008, 113). In fact, many physical anthropologists who originally argued against repatriation have been acknowledging the benefit of repatriation for the discipline in the past few decades (e.g. Buikstra 2006). Thus, despite the criticisms made by physical anthropologists on the repatriation and reburials, it is not the end of physical anthropology, but rather the promotion of new opportunities.

2.3.2 The Loss of Science

On the other hand, physical anthropologists who are against repatriation consider repatriation and subsequent reburial as the loss of science (Smith 2004, 405). According to Landau and Steele, the goal of anthropology is to address questions about humanity, “who humans are - their origins and their heritage” (2000, 74, 75).

Research on human remains is essential for this goal, as they are considered to be the direct source of valuable information (Landau and Steele 2000, 74, 75). With this in mind, physical anthropologists argue against reburial for two main reasons. Firstly, it is crucial for statistical analysis to maintain a large sample size of human remains. Secondly, reburial prevents restudy of remains, application of more advanced technologies and new research questions, as well as the reevaluation of old research in the future (Landau and Steele 2000, 82-86; Meighan 1999). Regarding ancient individuals as the heritage of all humankind is another argument (Landau and Steele 2000, 90).

Moreover, some consider that repatriation will put at risk the fundamental value of science. Meighan criticizes the negotiation between archaeologists and Native Americans are "the abandonment of scholarly imperatives and the adoption of an "ethical" position that accepts the right of nonscholars to demand the destruction of archaeological evidence and the concealment of archaeological data" (2000, 190). Further, he also discusses the danger of cultural relativism, questioning the balancing of knowledge with belief systems other than archaeological scholarship (Meighan 2000, 191).

According to Zimmerman, this perspective is a key dilemma of American archaeology which has two conflicting views about itself: being responsible for the "stewardship of the past" considering the past as public heritage, as well as being accountable to the public at the same time (1998, 70). Here, the difficulty is that the public is not a homogeneous group of people but consists of numerous different groups with different interests and often have unscientific views of the past (Zimmerman 1998, 70). Thus, the point is how we recognize the past: is it public

heritage? Or can one particular group have rights over it? (Zimmerman 1998, 83). This argument leads us to discuss next point, the matter of power and politics concerning repatriation.

2.3.3 Remaining Issues, Power and Politics

In many societies, human remains are such powerful objects that they sometimes even hold political significance, as the way of treating the bodies of political leaders has often been influenced by social stability, for instance (Walker 2000, 15). Therefore, the significance of repatriation is not only around the religious beliefs but also embedded in identity, recognition and self-determination of Indigenous peoples (Smith 2004, 406-408; Stutz 2007, 5). Some physical anthropologists only see this political sphere negatively. Weiss argues that the trend of repatriation can be utilized by those who strive for political recognition by demonstrating the power to control the human remains for instance (2008, 87). Yet, as discussed in the section above, this is also about the unconfidence of physical anthropologists who worry of losing their legitimacy to pursue the value of science on the other hand. In order to understand the political concern on the repatriation from the other perspective, the cultural values and historical experience of Indigenous peoples must be acknowledged.

Here, I will introduce two issues which physical anthropologists sometimes face interacting with Indigenous peoples. First, it must be noted that physical anthropologists sometimes still receive negative reactions from Indigenous peoples (Pardoe 2013). This is due to the remaining strong influence of colonialism on Indigenous peoples' experience. Indigenous peoples have severely suffered from the practices done to them under the name of archaeology and science as part of the

colonial experience, and therefore negative images of physical anthropology still remain with many Indigenous groups (Pardoe 2013). Physical anthropologists are often blamed as grave looters due to the historical spectre of unethical excavation of human remains in communities where sufficient communications have not been developed (Pardoe 2013; Stutz 2007, 2-4).

Another misunderstanding often encountered is that sometimes Indigenous peoples claim that "only the remains of their ancestors are studied and cite this as a reflection of the racist attitudes of the European colonists who robbed them of their land" (Walker 2000, 17). In fact, skeletal collections in Western countries consist of a large number of remains of a wide variety of ethnicities including European ones (Walker 2000, 17).

In addition, there are misconceptions about emergency excavation and subsequent recovery of human remains, and active excavation of human remains (Weiss 2008, 27, 28). To summarize these misconceptions, it seems that physical anthropologists have not been able to differentiate their work from the dark history made by predecessors in decades ago to Indigenous peoples as well as to the public in such cases. As such, building trust with Indigenous peoples is a challenge for contemporary physical anthropologists (Stutz 2007, 4).

Furthermore, another important thing to consider in this debate is that the stance of "science vs indigenous peoples" is harmful to both parties. Failing to gain trust from Indigenous peoples closes the door for further communication with scientists as well as the potential future opportunities (Pardoe 2013). Stapp and Longenecker explain the reason why scientists had to take the case of Kennewick Man to court

as the result of the resistance of the Native Americans to work with scientists upon the violation of the protocol (2005, 183). In another example, Pardoe argues that the anti-science political stance of only focusing on the negative past has prevented Aboriginal people from access to science (2013). Therefore, re-evaluation and improvement of physical anthropology must be conducted by physical anthropologists themselves. In this regard, Stutz argues that it is the responsibility of archaeologists and physical anthropologists to actively participate in repatriation and its debate (2007, 9). She claims that if archaeologists and physical anthropologists do not engage in debate, it gives the impression to the non-scholarly stakeholders that these disciplines have nothing to offer for repatriation, and this can cause a subsequent denial of archaeology and physical anthropology (Stuz 2007, 9). Thus, it is essential for scholars to be open to different opinions while we still should bring perspectives from the disciplines in the negotiation for the repatriation (Stuz 2007, 9). Rather than blaming the loss of data, by recognizing past unethical activities by predecessors, archaeologists and physical anthropologists can play an active role supporting repatriation (Stuz 2007, 13, 14).

2.4 Inclusive Indigenous Archaeology

As discussed earlier, Indigenous archaeology is a rapidly developing field in the past few decades and many researchers are aiming at practising more inclusive archaeology. In this section, the concepts of Indigenous archaeology, as well as community-based archaeology, will be introduced. Then, I will provide some case studies to show how physical anthropologists treated community-specific demands in each repatriation procedure and research.

2.4.1 Indigenous Archaeology

Practitioners describe contemporary Indigenous archaeology as different from Indigenous related-archaeology as in the past. For instance, Nicholas defines Indigenous archaeology as "an expression of archaeological theory and practice in which the discipline intersects with Indigenous values, knowledge, practices, ethics, and sensibilities, and through collaborative and community-originated or -directed projects, and related critical perspectives" (2008, 1660). Thus, in Indigenous archaeology, researchers are more concerned about their role and research outcome for communities, displaying "ethical and culturally appropriate behaviour at all stages of research" (Watkins 2012), as well as caring about socio-political dimensions of the work (Jackson and Smith 2005, 328). It is crucial to maintain good relationships, as Indigenous peoples are great informants for their past (Zimmerman 1999). As such, according to Watkins, the characteristic differences in Indigenous archaeology are "a shift in the frame of reference (such as the postcolonial strategy of 'decentring'), reflexive approaches to research, the primacy given to research ethics within research methodologies, an overt recognition of the subjectivity of scientific objectivity, a strong concern with sharing the benefits of the research in conjunction with community participation, and a more formalized understanding of the ways how and when community members will involve themselves" (2012).

Among these characteristics, sharing the benefit of the research is one of the particularly important concepts regarding physical anthropological research on Indigenous human remains. Archaeologists often do not consider the possibility that research would be harmful to the community (Zimmerman 2005, 304). Rather, they

believe in the good of their research to “enlighten” the community (Zimmerman 2005, 304). As noted earlier, some physical anthropologists claim that ancient human remains are the heritage of all people, not only that of descendants (e.g. Meighan 1999). However, many Indigenous peoples as well Indigenous archaeologists criticize this argument, questioning for whom the research is actually beneficial (Mihesuah 2000b, 96, 97; Smith and Wobst 2005; Thornton 2002, 19; Zimmerman 1999). According to them, many Indigenous individuals do not consider any benefit for themselves (Smith and Wobst 2005; Thornton 2002, 19; Zimmerman 1999).

In addition, the acknowledgement of the ownership of Indigenous peoples on their heritage is a concept to be discussed. While Indigenous peoples are often treated as one of many stakeholders to work with by archaeologists, McNiven and Russel suggest that Indigenous communities are not just stakeholders, but should be empowered to be the primary stakeholder (2005, 235). Other responsibility of archaeologists which have been argued includes the suggestion by Zimmerman that archaeologists who work with Native Americans have the responsibility to be activists, who can involve the conditions derived from the research (1999). Furthermore, the effort to include indigenous Individuals to the discipline of archaeology is also significant. For instance, some American organizations give scholarships to Indigenous students who wish to study archaeology (Zimmerman 2002, 94).

2.4.2 Community Archaeology

As well as Indigenous archaeology, more specific concepts and procedures of community archaeology have developed. According to Brady and Crouch, similar to Indigenous archaeology, community archaeology is “an approach to moderate

tensions between Indigenous communities and archaeologist, promote collaboration between two groups on issues related to Indigenous heritage, and recognize Indigenous rights to their cultural places and histories", yet the term generally applies to "archaeologists and Indigenous communities working together" (2010, 414). By reviewing various projects around the world, they argue that the essential features for successful Indigenous community-based archaeology are: "cooperative attitude, trust, return of information, plain English report, community participation, obtaining permission to conduct research, identification of benefit of the community, and Indigenous review of published materials" (Brady and Crouch 2010, 415). As noted earlier, many Indigenous communities have developed codes of ethics and legal frameworks to which researchers must adhere when conducting research (Wiynjorroc *et al.* 2005).

While evaluating community archaeology projects, understanding the complex nature of the community is essential for the critical (Brady and Crouch 2010, 415; Zimmerman 2005, 301). Looking at Indigenous communities, there is no uniform definition of "community" (Brady and Crouch 2010, 415, 416); for instance, sometimes communities do not even depend on geographical orientation (2005, 302). In addition, the political dimension is another important matter to consider; sometimes opinions contradict each other in terms of inter-community level as well as intra-community level (Zimmerman 2005, 302). The misconception of collective identity, which had been imposed or emerged through the encounter with settler colonialists, is another difficulty that practitioners should be aware of (Brady and Crouch 2010, 416). Moreover, even ancestors may be active participants in the composition of Indigenous communities in some cases (Brady and Crouch 2010, 417). And the inclusion of diasporas of descendants while researching relatively

recent historic sites have taken place (Zimmerman 2005, 303). Thus, how to identify community crucially depends on each case.

2.5 Collaborative Physical Anthropological Research

Collaborative physical anthropological research based on Indigenous descendants communities have been conducted in many regions (Buikstra 2006, 415). In this section, two cases will be introduced from the United States and Canada.

Collaborative physical anthropological projects, as well as heritage management, have developed between tribal groups and scholars in some parts of the United States in the past few decades (Buikstra 2006, 406-408). One of such examples is the project developed between Omaha Tribe of Nebraska and Karl Reinhard, a physical anthropologist of the University of Nebraska. In this collaborative relationship, Omaha Tribe defined the research goals while working with researchers of the University of Nebraska on the analysis of the skeletal remains and associated grave goods (Reinhard 2000, 515). Some of their particular interests include the lifestyle of the Omaha in 18th and 19th centuries, especially focusing on how dietary change might be concerned with modern-day diabetes issues (Reinhard 2000, 515). By analysing remains from 18th and 19th centuries, the research revealed the dramatic difference of diet and activity pattern compared to modern Omaha (Reinhard 2000, 515). In addition, the research identified the evidence supporting Omaha oral-tradition that smallpox epidemic caused a demographic decline in this period, while it was previously thought that warfare caused the decline and Omaha had been misrepresented as a war-like tribe (Reinhard 2000, 515).

On the other hand, in Canada, without a federal legal framework on repatriation or legislation of Indigenous human remains, Buikstra discusses that the conditions of collaborative research are often better compared to the United States (2006, 408). She suggests one of the reasons is that because Canadian academics started showing their concern on First Nations in the 1970s, decades earlier than the United States (Buikstra 2006, 408). Thus, numerous collaborative projects have developed between various scholars, institutions and First Nations in different regions.

One of the recent examples is the Journey Home Project of the repatriation of Stó:lō ancestral remains from the Laboratory of Archaeology (LOA) at the University of British Columbia and the Museum of Vancouver, started in 2005 (Schaepe *et al.* 2015). This project was conducted as part of the Intellectual Properties in Cultural Heritage (IPinCH) project, a worldwide research project based at Simon Fraser University (https://www.sfu.ca/ipinch/). In the Journey Home Project, LOA worked together with the Indigenous Stó:lō Nation and Stó:lō Tribal Council through the Stó:lō Research and Resource Management Centre, asking "What does the community want to do with the remains of their ancestors held at the institution?" and carefully navigating the community in examining the "intangible knowledge derived from the analysis of ancestral remains" (Schaepe *et al.* 2015, 1, 3). LOA constructed a dialogue with the Stó:lō to discuss their opinion, not for questioning whether remains should be returned, but for how to care for their ancestors in the appropriate manner (Schaepe *et al.* 2015, 2). The topics which had been discussed include "What range of analyses is applicable? Metric? Isotopic? Strontium? DNA? Radiocarbon dating? Even the simple act of establishing a radiocarbon date has important cultural considerations. Whose interests does it serve? If a community knows they lived in the land "since time immemorial" what is the purpose of the

radiocarbon date? Is it a requirement for repatriation or could it alter a determination in favour of repatriation? Who analyzes the data and who controls the results? What real or perceived impacts could such "scientific" information have on the community, considering their situation as Aboriginal peoples without resolution of rights and title issues in British Columbia?" (Schaepe *et al.* 2015, 2, 3). The characteristics of their dialogue are; the researchers have always showed their intention for "doing things is a good way", and participants listened to each other carefully to learn and share the knowledge, and sometimes committee members were "reframing it in a Stó:lō way" (Schaepe *et al.* 2015, 4).

Through the dialogue, Stó:lō decided to apply some analysis in order to understand who the ancestors are prior to the reburial (Schaepe *et al.* 2015, 8). The analysis includes radiocarbon dating, isotope analysis to reconstruct diet, estimation of age and sex, and other physical conditions and so on (Schaepe *et al.* 2015, 8). As a result, a bioarchaeological biography was made for 27 ancestors and these were used for determining the most suitable reburial for them (Schaepe *et al.* 2015, 8-13).

Similarly, in Australia and New Zealand, there are quite a few examples of collaborative projects (e.g. Brady and Crouch 2010; Pardoe 2003; Ruckstuhl *et al*. 2016). In any country, the common characteristics in these successful cases are: acknowledging the ownership of Indigenous peoples over the remains of their ancestors including the rights to decide research methodology and publication, sincere effort for the communication to negotiate as well as to share the information with communities, and responding to the particular interests of each community group. George Nicholas, director of IPinCH Project emphasizes the value of "collaboration than consultation" (2014). As well, involving the needs of

Indigenous peoples is essential to obtain a mutual respect, and hence fulfilling the responsibility of archaeology in the ethics of wider social condition (Jolie 2008, 191, 198).

3.0 The Ainu and Repatriation of Human Remains

3.1 The Historical Experience of the Ainu

In this section, the historical experience of the Ainu and how it has affected present-day Ainu identity will first be introduced through literature review. It is essential to understand this historical background in order to address the particular issues in the repatriation movement. Hereafter I write the names of Japanese individuals including Ainu in the order: surname and then given name.

According to the survey conducted by the Government of Hokkaido in 2013, there are 16,786 Ainu-identified individuals in Hokkaido (Hokkaido Government 2013), yet it is difficult to estimate the precise population. Adding the diasporas around the country and overseas, the estimations range from 25,000 to 1 million (lewallen 2016a, 51). This situation is primarily due to the complex issues concerning the Ainu identity, which will be explained later.

3.1.1 Ainu in Pre-colonial Period

In archaeology, the Ainu period is considered to start in the12th century AD, transformed from the pre-dated Satsumon culture and being influenced by Okhotsk culture from the north, but various traditions continued from these predecessors (Kato 2012, 205-207; Ōnishi 2014, 281; Sekine 2016, 71; Walker 2001, 26).

The traditional subsistence economy consisted of hunting, fishing, gathering and horticulture, and village settlement called kotan formed the basis of the community (Godefroy 2011, 1). Trade and individual level interaction with Wajin (ethnic

Japanese) dates back to archaeological “pre-Ainu periods”, before the 12th century AD (Walker 2001, 20-23). But the establishment of the Matsumae domain under Tokugawa Shogunate in 16th century marked the beginning of the partial control of Hokkaido by Wajin (Walker 2001, 38). Under the Matsumae domain, the Ainu gradually lost power over land. They began to be exploited by Wajin through unfair trade practices, their natural resources were threatened by Wajin immigrants, and their armed uprisings were crushed (Shinya 1972, 75, 107, 139). As a result, it became difficult to practice traditional fishing in many Ainu kotans, and the Ainu were forced to work for Wajin fishery (Howell 2014, 112; Shinya 1972, 113). Severe working conditions and mistreatment in such industries killed enormous Ainu and led to the collapse of many kotans (Shinya 1972, 149-157).

3.1.2 The Conquest and Meiji Period (1868-1912)

Hokkaido was officially colonized by Meiji Japanese government in 1869 (lewallen 2007, 514). The number of Wajin settlers soon exceeded the Ainu population, and “Ainu assimilation policies” caused severe destruction of the heritage and traditional lifestyles of Ainu people (Godefroy 2011, 2-3; Kato 2017, 186). The use of Ainu language was prohibited, and the Japanese registry recorded their names in Japanese (Low 2012, 57). Yet, Ainu people ware distinguished in the registration, recorded as "*kyu-dojin*" (former aborigine) which indicates their “lower status” (Godefroy 2011, 3-5). Under the law *Hokkaido Kyu dojin Hogoho* (Hokkaido Former Aborigines Protection Act), traditional hunting and fishing were banned, and Ainu were forced to practice farming (Low 2012, 57). In addition, many *kotans* were forced to relocate to inhospitable land and experienced famine and subsequent population decline (Cikap 1991, 217; Kimura 2018; Ueki 2017, 60).

3.1.3 Modern Day Ainu Identity and Heritage

Hokkaido Kyu dojin Hogoho remained until 1997, being replaced by the Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about Ainu Tradition. After signing UNDRIP in 2007, finally the Japanese government adopted the resolution that recognizes Ainu people as an "Indigenous people with a distinct language, religion and culture" in 2008 (Godefroy 2011, 8).

Being discriminated by Wajin is another experience that many Ainu individuals encountered after the integration to Japan. Even after the official recognition of the indigenous status in 2008, the negative impacts of the acculturation practice and discrimination remain in the identity of Ainu individuals and descendants today (lewallen 2016b, 3). Being influenced by the concept of biological assimilation which was introduced by the settler *Wajin* officers, Ainu identity is often expressed in the notion of blood, and it is used to explain one's Ainu and/or Wajin ancestry (lewallen 2016a, 51,64). In this context, it was quite common among Ainu people to consider marriage with Wajin was the only way to be integrated to the Japanese society and escape from discrimination by “diluting Ainu blood” to reduce phenotypic Ainu features (lewallen 2016a, 60, 66). As a consequence of the widely practiced intermarriage, most of present-day Ainu individuals have mixed ancestry of Ainu and Wajin, and they have to face how to determine one’s identity (Ishihara 2018). Many people with Ainu ancestry rather choose not to claim their Ainu identity in the public (Ishihara 2018; lewallen 2016b, 4), and some entirely reject their Ainu identity (lewallen 2016b, 3). Moreover, some Ainu descendants are not even aware of their Ainu ancestry because their parents or grandparents chose not to pass down his or her Ainu ancestry to younger generations (lewallen 2016a, 53). lewallen also argues the difficulty that those individuals who are adopted to Ainu

or married to Ainu from Wajin origin face in some Ainu communities (2016a, 70-72). Thus, how Ainu individuals experience Ainu identity remains under the influence of settler colonialism (lewallen 2016b, 3). Together with the relocations, this situation played much role in the alteration of the traditional Ainu kotans.

As well, the heritage of Ainu cannot be discussed excluding colonialism. Ainu heritage is deeply connected to tourism, which developed through the colonial expansion of imperial Japan, together with anthropology (Morris-Suzuki 2014, 50). In one sense, presenting Ainu culture to tourists was an important source of income for some communities, on the other hand, there are many individuals who prefer invisibility for reasons discussed above (Morris-Suzuki 2014, 57, 58, 62).
Thus, these days, being an Ainu descendant does not necessary mean belonging to a kotan or community in many parts of Hokkaido (Sashima 2016, 53). However, some regions such as Biratori keeps strong ties in the centre of Ainu culture, and many individuals have worked on various activities and organized regional groups to live as Ainu (e.g. Hatakeyama 2016, 41; Morris-Suzuki 2014; Sashima 2016, 53).

3.2 Ainu Studies and Collection of Human Remains

3.2.1 Social Darwinism and Western Interests

The interests in Ainu human remains derived from the 19th century Western society (Ueki 2017, 23). In 1828, Philipp Franz von Siebold, the German physician who worked for the Dutch East India Company at Dejima in Nagasaki, argued that the Ainu would be the descendants of the Neolithic population in Japan in his book (Siebold 1828 in Low 2012, 59). In the 19th century when he and his son Heinrich von Siebold introduced about Ainu to Europe (Low 2012, 59), Social Darwinism

was a dominant theoretical framework there (Siddle 1996, 11). Applying Darwin's concepts of evolution and natural selection to the human society, Ainu was considered to be the "Representation of the Good Primitive" (Ölschleger 2014, 34), or "the stereotype of...inferior barbarians" who were opposed to "civilized" societies (Siddle 1993, 41) in this theoretical framework. This positivist interest in Ainu lead Western scientists to study Ainu human remains (lewallen 2007, 514). The interest was accelerated as some Europeans even considered the "Caucasian" origin of Ainu from skull morphology (Kreiner 1993, 35).The recorded first incident of Ainu grave looting took place in the villages of Mori and Otoshibe in 1865 by the British consul, Captain Vyse (Ueki 2017, 6). Soon after the incidents, Ainu from Otoshibe took the case to a court, demanding the return of the remains for the reburial (Ueki 2017, 8-10). This time court decision ordered remains to be returned to the village and British criminals were punished (Ueki 2017, 14, 15).

3.2.2 Development of Anthropology in Japan and Ainu Studies

Darwinism was introduced to Japan by Edward Morse, an American zoologist who founded Japanese archaeology and anthropology (Siddle 1993, 40). Like many other Western scientists at that time, Morse became interested in the Ainu to investigate the racial origin of ethnic Japanese (Wajin) (Siddle 1993, 40, 41). Following this, Japanese scholars were also motivated to study Ainu, but Japanese anthropologists was rather nationalistic at that time that the main focus was on the origin of Japanese than that of all humankind (Yamashita 2006, 177; Low 2012, 57). The Ainu were unique specimens for anthropology only available in Japan for them (Siddle 1993, 41).

In addition, as Siddle points out, later Social Darwinism became connected to the

imperial ideology, and Japanese scholars on Ainu studies regarded Ainu as an "inferior race" that needed to be protected (1993, 41). Such ideology also recognized the necessity to study other ethnic groups in new territories alongside the colonial expansion (Ueki 2017, 78). Consequently this led to the further development of anthropology (Ueki 2017, 79). Here, it is noteworthy that in Japan, scholars from medicine or anatomy background first engaged Ainu studies as anthropology developed later (Ueki 2017, 70, 71, 78).

Similar to other countries with a colonial history, the attitude among scholars to consider the Ainu as a "dyeing race", and to believe that Ainu culture would soon vanish due to the assimilation policy which remained for several decades even after the World War II (lewallen 2006, 514). A scholar of economic history and Ainu studies Takakura expressed his concern in 1966 that the Ainu with "pure-blood" were vanishing and so was "the primitive culture of Ainu" (Takakura 1966 in lewallen 2006, 514). As mentioned earlier, here the notion of blood was used to define the "race".

As Hudson noted, the ethnic diversity was often consciously ignored in Japanese archaeology after the World War II as to opposed to the expression of multi-ethnic Japanese ideology in the imperialism regarding colonies before the end of the war (2006, 414, 417, 423). Consequently, the development of Ainu archaeology was limited until the 1980s (Hudson 2014, 122). From this period, increased interest in Ainu history has led several archaeologists to approach Ainu archaeology with various foci.

3.2.3 Excavation and Collection of Ainu Human Remains

In this section, the outline of the excavation and collection of Ainu human remains is illustrated. The detailed record of each scholar's excavations is provided in the book of *Gakumon no Bouryoku* (The Violence of Academic Science) by Ueki (2017).

The first notable Japanese scholar who started the collection of Ainu remains is Koganei Yoshikiyo (1858-1944), a professor of anatomy at Tokyo Teikoku University (former University of Tokyo). Because the Meiji Government was desperate to establish a Western style medical education system, he was taught by German visiting professors at Tokyo and then sent at government expense to the Humboldt University of Berlin to study further from 1880 to 1885 (Ueki 2017, 35). At Berlin, he studied anatomy and became interested in craniometry (Ueki 2017, 41). After coming back to Japan to teach at Tokyo Teikoku University, he joined the debate on the origin of Japanese (Ueki 2017, 43-45). To prove the hypothesis that the Palaeolithic population of Japanese archipelago are same with the modern day Ainu, he started excavating Ainu cemeteries and taking measurements of living Ainu people around Hokkaido in 1888 and 1889 (Ueki 2017, 35,46). During these trips, many local *Wajin* individuals and officials offered him help (Ueki 2017, 52-55). Ueki points out that because of the respect to "the great doctor from Tokyo Teikoku University", he was able to gain support easily from the public (2017, 58). This prestige also helped him to collect data from Ainu people. In order to take measurements of living Ainu, Koganei convinced Ainu by telling them a falsehood that the measurements will be used for the research to save Ainu from epidemic diseases (Koganei 1935 in Ueki 2017, 51). In contrast, Ainu were against the disturbance of their cemeteries, and Koganei was aware of the religious belief of

Ainu and hence taboo of grave looting (Koganei 1935 in Ueki 2017, 57, 58). Therefore, Koganei tried to avoid Ainu people detecting his excavations as much as possible (Koganei 1935 in Ukei 2017, 57). By analyzing the description in Koganei's research papers and reports, Ueki estimates that at least 164 craniums were collected by him (2017, 62). Interestingly, Koganei did not mention how he acquired the collection of Ainu remains in presentations at symposiums held in Japan, but provide detailed description of his excavations when he published articles in German (Koganei 1894, 1928 in Ueki 2017, 63, 64). Ueki notes that probably he did not have to worry about the ethical issue concerning his excavation as long as the readers were limited to academia (2017, 64).

As a response to Koganei's hypothesis, Kiyono Kenji (1885-1955), a professor of pathology and microbiology of Kyoto Teikoku University, started archaeological research and claimed that both Ainu and ethnic Japanese are the descendants of the prehistoric Japanese population, but differentiated from each other through interaction with surrounding ethnic groups (Kiyono 1943 in Ueki 2017, 73). In order to prove this hypothesis, he excavated Ainu cemeries at Rorei, Sakhalin Island in 1924 and collected about 50 remains (Kiyono 1943 in Ueki 2017, 73, 74). Similar to the case of Koganei, he was supported by *Wajin*, but avoided the interaction with Ainu during his excavation (Kiyono 1943 in Ueki 2017, 75, 76).

Later in Showa period (1926-1989), largest scale excavations were conducted by scholars from Hokkaido Teikoku University (former Hokkaido University). Since its establishment in 1921, this university played a significant role in Ainu studies because of its location in Hokkaido. As well as the dissection of dead bodies of Ainu, excavations of Ainu cemeteries were practiced intensively by anatomists

Kodama Sakuzaemon and Yamazaki Haruo (Hokkaido University 2013, 14-15). The excavations took place at least seven times in different sites around Hokkaido as well as at Sakhalin and Kuril Islands during 1934 to 1938 (Hokkaido University 2013, 29). Furthermore, additional excavations were conducted even after World War II, from 1955 to 1965 (Hokkaido University 2013).

What differentiates the excavations of this period from the previous ones is that Kodama and Yamazaki were not concerned with following ethical procedures to excavate the dead for Ainu people (Ueki 2017, 181, 182). According to Ueki, "scientific research" was a powerful enough legitimization to ignore such concern at that period (2013, 182). Yet, he was aware of the religious taboo of Ainu (Kodama 1953, 1969 in Ueki 2017, 184). He emphasized that he always gets permission from landowners and convinces concerned Ainu people before excavations (Kadama 1936 in Ueki 2017, 186; Kodama 1970, 184). His arguments include that if the cemeteries were kept in situ, they would be destroyed by farming or future development, and hence it is better to keep remains in the university and they can receive memorial service and contribute to the academia at the same time (Kodama 1936 in Ueki 2017, 186). In addition, he claimed that the cemeteries he excavated were the ruins of "abandoned graves and cemeteries", and therefore, there is no ethical issue for the excavation (Kodama 1970, 163; Ueki 2017, 187). In this regard, Kodama criticized the British and Kiyono and called their actions looting (Kodama 1936, 1969 in Ueki 2017, 184, 185). Moreover, he expressed the necessity of rescue excavation to record the dwindling Ainu (Ueki 2017, 189). Nevertheless, Kodama's perception of Ainu can be seen in his statement describing his effort to request Ainu corpses: "we have to take a big trouble and a long time to persuade this primitive race, who is awfully fearful and extremely superstitious for the body" (1970, 184).

Analysing newspaper articles from the late 1940s to 1960s, Higashimura points out that media played a part in reinforcing the justification made by Kodama to the society (2013). Kodama and other researchers and the collection of Ainu human remains were portrayed in Japanese media only positively, and Kodama's work was introduced as "precious research" and human remains were discussed as if they are only research materials (2013, 6-8).

By such intentional excavations of cemeteries, as well as municipality-led rescue excavations in support of development plans, a total of 1636 Ainu remains have been recognized in the collections of Japanese institutions and museums (Ministry of Education, Culture, Sports, Science and Technology- Japan 2016, 2017).

Table 1: Number of Ainu human remains stored in universities in Japan (after Ministry of Education, Culture, Sports, Science and Technology- Japan 2017, 2)

University	Single individuals		Commingled remains (Box)
		Identified individuals among single individuals	
Hokkaido University	1,015	34	367
Tohoku University	20		1
University of Tokyo	201		6
Niigata University	16		2
Kyoto University	87		
Osaka University	32		1
Sapporo Medical University	294	4	
Osaka City University			
Nanzan Univerisry	1		
Tenri University			5
Okayama University of Science	1		
Tokyo Medical and Dental University	8		
Total	1,676	38	382

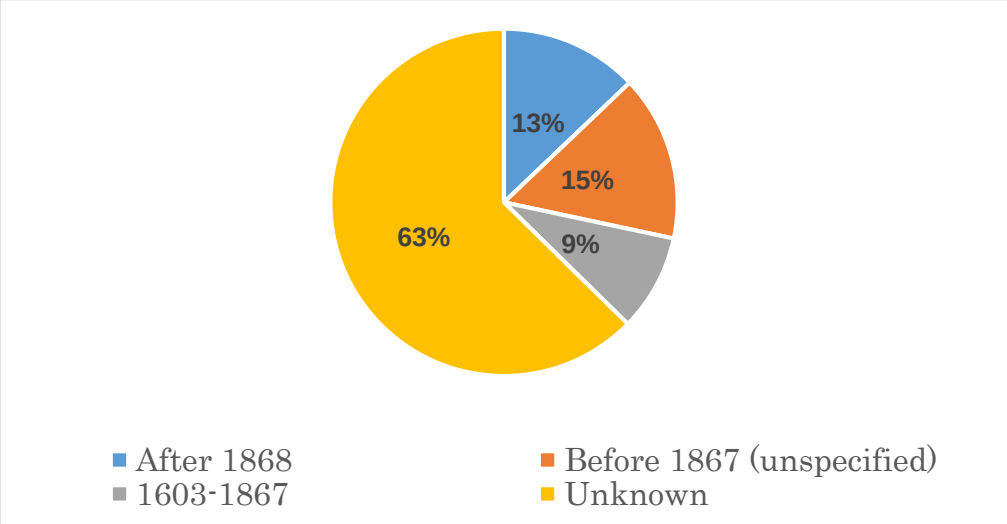

Figure 2: Chronology of the single individuals of Ainu human remains stored in universities in Japan (after Ministry of Education, Culture, Sports, Science and Technology- Japan 2017, 2)

As seen in Table 1, among the remains of single individuals, only very limited remains have been identified the names associated with them (identified individuals among single individuals). According to the report (Ministry of Education, Culture, Sports, Science and Technology- Japan 2017, 2,3), among the single individuals remains, 57% were collected from intentional excavations for research, and the rest consist of remains being consigned by municipalities and individuals, as well as those whose analysis were requested by municipalities. Figure 2 shows the chronology which the remains of single individuals belong to.

In both single individuals as well as commingled remains, namely about 19% and 65% lack the detailed information of excavation (Ministry of Education, Culture, Sports, Science and Technology- Japan 2017, 3, 5).

In addition, a similar survey in museums revealed that Tokyo National Museum and 11 museums in Hokkaido hold collections of Ainu human remains, totaling 76 single individuals and 27 commingled boxes (Ministry of Education, Culture, Sports, Science and Technology- Japan 2016). These remains at museums are not on display, and 88% of the single identified remains and 8% of the commingled boxes are recovered through excavations by municipalities (Ministry of Education, Culture, Sports, Science and Technology- Japan 2016, 2, 3).

Here, it is noteworthy that these survey do not include human remains from Hokkaido prior to Ainu period (before the 12th century AD).

3.2.4 Research from Meiji to Present Day

The collections in Universities still hold the name of collectors, such as the Koganei Collection in University of Tokyo, the Kiyono Collection in Kyoto University and

so on. These remains kept being used for research for decades. In this section, I will summarize the research which have been conducted on Ainu human remains.

As noted earlier, the earliest research was primarily motivated by Social Darwinism. Thus, like in Europe, the main research methodologies were craniometrics and bone morphometry (Ueki 2017, 65). As noted earlier, aiming at proving the relationship between Ainu and Wajin, Koganei calculated the average value of the craniometric and morphometric measurements of his collection of Ainu human remains in order to compare with that of Wajin (Koganei 1894 in Ueki 2017, 64, 65). Similarly, Kiyono and colleagues also discussed the relationship between prehistoric population in Japan and contemporary Ainu by comparing statistical data of craniometrics as well as morphometric measurements of various bones (e.g. Kiyono and Miyamoto 1926; Kiyono and Hirai 1928). In addition to craniometrics and bone morphometry, Koganei and Kiyono intensively discussed "artificial injuries on skulls" of Ainu remains (e.g. Koganei 1928, 1935 in Ueki 2017, 144; Kiyono 1943 in Ueki 2017, 146). As some damage had often been observed around the foramen magnum in Ainu skulls, the discussion on when, why and how such damage was made provoked much debate among Western scientists in the late 19th century (Ueki 2017, 141). Koganei argued that it was practiced by Wajin who believed human brain would have curing effect for syphilis excavated the remains after burial by dissected the skull with a knife (Koganei 1894 in Ueki 2017, 144). On the other hand, Kiyono claimed that it was practiced by Ainu (Kiyono 1943 in Ueki 2017, 146). Kodama also participated in this argument. In fact, Kodama put forward the hypothesis that it was practiced by Ainu for medicinal use of brain, but later denied this hypothesis and concluded that the injuries were the gnawing marks of rodents (1970, 258).

Kodama's osteological interests include racial classification of Ainu, craniometrics and abnormal development, regional differences of cranial morphology of Ainu and so on (Kodama 1970, Ueki 2006, 122-136). Kodama's interests were not limited to anatomy and osteology, and he published his research on Ainu culture and objects including the grave goods and other Ainu objects (e.g. Kodama 1931, 1941 in Ueki 2006, 125, 126; Ueki 2017, 104-112) like Koganei and Kiyono who had interests in Ainu and older archaeological material culture from Hokkaido and Sakhalin (Koganei 1928 in Ueki 2017. 63; Kiyono 1943 in Ueki 2017, 74). In fact, his wife and children also involved research of Ainu objects (Higashimura 2013, 6). Kodama's dedication to study Ainu from social and historical background as well as from anatomy and osteology can be seen in his book, *Ainu: Historical and anthropological studies*, published in English (1970). The sections include "The historical consideration on the Ainu in Asia", "Tatoomarks and hairdressing", "Somatoscopical studies", "Somatometrical studies", "Craniological studies", "The characteristics of the cerebrum of the Ainu", "The so-called artificial injuries on the Ainu skulls" (Kodama 1970). In this book Kodama described the characteristics of Ainu for each regional groups, based on his observation, measurements and also referred osteological works of other researchers (1970). In several sections, Kodama describes various Ainu skeletal and other phenotypic features as distinct from that of ethnic Japanese (Wajin) (e.g. 1970, 93, 103, 184, 185). Other scholars including Kodam's colleagues and students also conducted various research on Ainu human remains. For instance, some examples from the 1970s and 1980s include study on the nonmetric cranial traits of Ainu, genetic characteristics of teeth crown of regional Ainu populations (Shinya 1972, 281), and some of them employ such research to discuss regional and chronological differences of various

populations in Japan (e.g. Mouri 1986).

In contrast, since the 1980s, more attention have been paid to reconstruct past society and populations, including the health condition and activity patterns observed in skeletal remains (Shinoda 2011, 28). Yet interest in genealogy of Ainu remain popular in investigations of archaeological populations from Japan and East Asia (e.g. Kawakubo *et al*. 2009; Matsumura *et al*. 2010), and new technologies such as MtDNA analysis started being applied intensively in addition to metric and nonmetric osteological analysis (Dodo 2015, 217, 218; Shinoda 2015, 168). Through such research, the genetic continuity from the populations of Neolithic Jomon (approx. 15,000–2,500 years BP) through Epi-Jomon (approx. 2,500–1,300 years BP), Satsumon (approx.1, 300–800 years BP) to modern day Ainu and has been revealed (see Kawakubo *et al*. 2009 66 and Matsumura *et al*. 2010, 70). And one of the recent key argument is the genetic influence of Okhotsk cultural people, the migrant population from Amur basin of Siberia, to the Ainu (approx. 400 to 1300 BP) (Matsumura *et al*. 2010, 70).

According to Shinoda (CAPP 2009, 7), the collection of Ainu human remains at Hokkaido University are currently not used for physical anthropological research as they are stored not for research but for memorial service. Thus, researchers use other collections. For instance, Dodo *et al*. have analysed the genealogy of Ainu compared with neighbouring populations in East Asia as well as the regional variation of Ainu populations by investigating nonmetric cranial traits (Dodo *et al.* 2012a; Dodo *et al.* 2012b). In these lines of research, Dodo *et al*. used the Koganei collection from University of Tokyo, the Kiyono collection from Kyoto University, the collections of Sapporo Medical University and Tohoku University, as well as

remains held at two local museums in Hokkaido (Dodo *et al.* 2012a, 3,4; Dodo *et al.* 2012b, 137,138). The recent publications by Adachi *et al*. which were noted in introduction, obtained samples from Sapporo Medical University and Date City Institute of Funkawan Culture, Hokkaido (2018, 141).

It is noteworthy that in Japan, materials used for such physical anthropological studies are not limited to Ainu human remains, but include modern as well as prehistoric human remains of ethnic Japanese (Wajin) (e.g. Kaneiji Yanaka Tokugawake Kinsei bosho chousadan 2012; Shinoda 2015, 207, 216).

3.3 Activism and Repatriation Movement

3.3.1 Activism against Being Researched

The anger of being treated as objects for research started being expressed by Ainu individuals as early as 1930 (Siddle 1993, 43). Later in 1972, a strike protesting against the attitude of researches was organized (Siddle 1993, 43). In this year, two groups of Ainu activists criticized the 26th conference of the Anthropological Society of Nippon and (ASN) and the Folklore Society of Japan, which themed Ainu studies (Shinya 1972, 281). They claimed that scholars failed to explain the purpose and meanings of the presentations such as a study on the nonmetric cranial traits of Ainu, genetic characteristics of teeth crown of Ainu populations (Shinya 1972, 281). As such, several Ainu individuals have criticized the excavation of Ainu cemeteries and the collection of human remains and burial goods as unethical treatment for which no consent was given by Ainu (Cikap 1991, 202; Ueki 2017, 207). The grave looting reflects the relationship between “observers” and “observed” and activists are struggling to be free from “treated as spectacles” (Morris-Suzuki

2014, 54, 56).

3.3.2 Demand of Repatriation of Human Remains

As mentioned above, the excavation of graves has been criticized by many Ainu individuals. The first movement demanding repatriation took place in 1970, after the death of Kodama, Ainu individual Kaibasawa Hiroshi started claiming the return of Ainu remains which were collected by Kodama and held in Hokkaido University (Higashimura 2013, 1). Even though Hokkaido University did not properly respond to Kaibasawa, it started negotiation with Utari Association (former name of the Ainu Association of Hokkaido) (Hokkaido University 2013, 92). Ogawa Ryukichi notes his experience to visit the faculty of medicine in 1983 as one of the representatives of Utari Association (2015, 124). He expresses his anger seeing the remains of ancestors in the display alongside animal specimens (Ogawa 2015, 124). Following the claim from Utari Association, Hokkaido University still expressed the need to keep remains for the research on Ainu, but eventually agreed to return some remains to regional branches upon request, and construct a memorial hall to place remaining human remains in the university and held annual *Iicharupa* (memorial ceremony for ancestors) (Hokkaido University 2013, 93- 106). Consequently, total of 35 remains were returned to five regional branches (Hokkaido University 2013, 106). However, Ogawa criticises Hokkaido University as these actions operated without apologizing to Ainu people or clarifying the ethical issue on the excavations of cemeteries (2015, 127). In addition, this event marked the end of Hokkaido University responding to any Ainu individuals or groups and instead dealing with Utari Association and the later Ainu Association of Hokkaido (AAH) (Hokkaido University 2013, 93; Ogawa 2015, 127; Nakamura 2018, 7). It should be noted here that although it has become the

institution for the negotiation for Ainu related problems (Siddle 1999, 114), this association is not an official representative of Ainu people (Ueki 2017b). This was not the end. As participants of *Icharupa* figured out the condition that Ainu human remains had been stored without proper management, Utari Association required the improvement of the treatment of human remains as well as a documentation of the information of each remains, including provenance, sex and age, in 2002 (Hokkaido University 2013, 110-111). In 2009, Hokkaido University finally completed the Ainu human remains record of Hokkaido University (2013).

The recent repatriation movement flourished as the result of the request for disclosure by Ogawa in 2008, as more records concerning Ainu human remains were obtained from Hokkaido University (Ogawa 2015, 182-184). In order to investigate these records, Ogawa, other Ainu individuals and supporting Wajin individuals including lawyers, academic researchers and journalists established an organization, *Hokudai kaijimonjo kenkyukai* (The Research of HOKUDAI Materials, here-after 'RHM') in 2008 (Ogawa 2015, 184; Hokudai kaijimonjo kenkyukai 2016). Since then, this group has organized various symposiums and guest lectures to discuss issues concerning repatriation and to raise awareness in different parts of Hokkaido where concerned communities are located, as well as in Tokyo (Hokudai kaijimonjo kenkyukai 2016). Corporated with RHM, Kotan no Kai, a non-governmental organisation (NGO) of Ainu individuals from Hidaka region, was established in 2015 (Kotan no Kai 2018). Kotan no Kai defines its roles to be responsible for the acceptance and the management of the returned Ainu human remains to each community, organising religious ceremonies such as *icharupa* and *kamuinomi* (ceremony to pray for spirits) (Kotan no Kai 2018). In addition, it also organises study events to learn about Indigenous rights and rejuvenation of Ainu

kotans and rights (Kotan no Kai 2018).

As such, RHM and Kotan no Kai have played prominent roles in the expressing demands on repatriation and reburial for each community. They have sent letters to the national government, the Council for Ainu Policy Promotion (CAPP) and Hokkaido University (RHM 2011a; 2011b; 2014a), and appealed to the Japan Federation of Bar Associations as the government-led repatriation guideline violates their right to practice memorial service for ancestors according to Ainu religion (RHM 2015). The plaintiffs of the cases are the members of these organizations, and hence RHM and Kotan no Kai support lawsuits requesting repatriation which will be discussed later.

3.3.3 Traditional Ainu Funerary Practice and the Religious Belief

Ainu individuals who actively engage the repatriation movement have expressed their religious belief concerning funerary practice in many forms including speeches, presentations at symposiums and publications. Traditionally, Ainu individuals were inhumated in a cemetery of each kotan (Hokudai kaijimonjo kenkyukai 2016, 22). Although a grave-marker was placed for each dead, they did not write the name of individuals (Uzawa 2016). Uzawa explains that is probably because the cemetery did not function as the place to link the dead and living, but as the place where the dead marginalize to the earth (2016). And the soul of the dead go down to the underworld called *pokunamoshir* where they can have happy and eternal life (Kimura 2017 Appendix 1). Likewise, a member of the RHM and the chairperson of Urahoro blanch of AAH, Sashima, states that Ainu did not have the custom to visit cemeteries unlike Wajin, because visiting cemeteries would bother the dead (Sashima 2016, 92). Instead, *icharupa* or *shinnurappa* (memorial ceremonies) were practiced by households and also the kotan at a ritual platform

called *nusa* (Sashima 2016, 92). Through these ceremonies, ancestors and descendants had mutual supporting system between *Ainumoshir* (the terrestrial world) and *pokunamoshir*; ancestors receive offerings from descendants, and they return good to the descendants (Sashima 2016, 92). He expresses that taking the remains of ancestors out from the kotan disturbed this religious practice (Sashima 2016, 92). Thus, they believe that the remains of the ancestors have to be reburied at each community where they came from to rest in peace, not to be stored elsewhere (Kimura 2017 Appendix).

3.4 Governmental Response

Since 2011, the national government has organized the Council for Ainu Policy Promotion (CAPP), a panel of experts including the board members of AAH and specialists of law, museum studies, history and physical anthropology (Nakamura 2018, 11). In 2014, CAPP announced the policy for these Ainu remains as following (2014);

1.) Each university will return the remains which can be identified to individuals with associated names to descendants who have the right to worship.

2.) Other remains which have no prospect for return will be placed in the memorial hall which will be constructed.

3.) Comprehend the current situation of storage and administration of remains by collaborating with the universities in order to identify remains as well as to develop the procedures for returning and gathering remnants.

4.) The location of the memorial institution will be taken into consideration and much effort will be made to gain the understanding of local communities.

5.) In the memorial institution, the remains will be treated so that they can be used for future research for revealing history of Ainu further, while gaining

understanding of Ainu people.

In 2014, the location of the memorial institution was decided in Shiraoi as part of "the space representing the coexistence of ethnicities in harmony" (CAPP 2014).

As discussed in detail later in this chapter, this policy was criticized by the Ainu individuals who demand community-based repatriation and against continuation of the research on the remains. As a result, series of lawsuits against universities took place 2014 onwards.

Later in 2017, the policy was changed to allow repatriation to communities rather than to linear descendants (Nihonkeizai shimbun 2017), yet the announcement did not clearly state when the new policy will be imposed. In 14 May 2018, CAPP announced that they will establish a new guideline by the end of the year with the policy adopting the voice of the regional communities (Yamashita 2018).

3.5 Court Cases and Subsequent Return of Remains

As mentioned earlier, Ainu members of RHM and Kotan no Kai have took the demand for the repatriation of their ancestral remains to court. In this section, I will summarise the list of lawsuits up until May 2018 (see Table 2). The first lawsuit was made by individuals from Kineus, Urakawa-cho against Hokkaido University in 2012(Hokudai kaijimonjo kenkyukai 2016, 15). Monbetsu and Urahoro followed in 2014 (Hokudai kaijimonjo kenkyukai 2016, 16, 25). In 2016, total of sixteen human remains were returned to Kineus Ainu as the result of judicial decision at the court against Hokkaido University (Mimata 2016; Adachi 2016). Members of Kotan no Kai organised the reburial ceremony (Kotan no Kai 2016). As shown in

Table 2, other communities and Kotan no Kai also have filed lawsuits in 2017 and 2018 (Mainichi Shimbun 2017; Mainichi Shimbun 2018). Although they ended up not taking to court because of the change of the governmental policy, individuals from Biratori were also considering to file a lawsuit (Kimura 2017 Appendix 1). The location of these communities are shown in the map (fig.3).

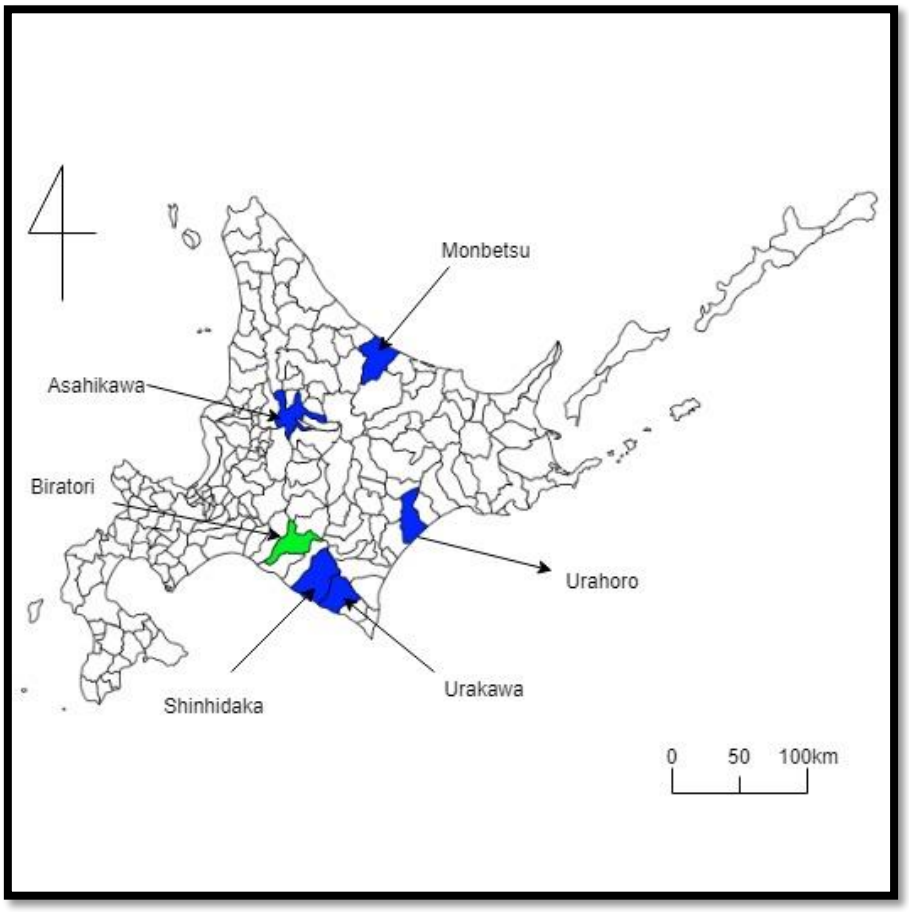

Figure 3: Ainu communities which have filed lawsuits and considered filing

Table 2: List of lawsuits filed by the Ainu demanding repatriation

Date of the lawsuit	Plaintiff Community /Region	The accused	Court decision	Consequence
14 September 2012	Kineusu, Urakawa	Hokkaido University	Settled: returning remains	Reburial of 12 remains in July 2016; 4 remains in October 2017
31 January 2014	Monbetsu	Hokkaido University	Settled: returning remains	Reburial of 4 remains in September 2017
27 May 2014	Urahoro	Hokkaido University	Settled: returning remains	Reburial of 84 in August 2017
19 October 2017	Kotan no kai and Urakawa	Hokkaido University; Prefecture of Hokkaido	In progress	
13 July 2017	Asahikawa	Hokkaido University	Settled: returning remains	3 remains will be returned in June 2018
26 January 2018	Kotan no kai and Urahoro	Sapporo Medical University; Municipality of Shin Hidaka cho	In progress	

3.6 Issues Concerned to the Guideline

In this section, I will outline the issues concerning the national government-led repatriation guideline by reviewing the published and unpublished sources of experiences and arguments of the Ainu individuals who demand repatriation as well as scholarly arguments in publications.

3.6.1 Who Decides the Repatriation Guideline?

Firstly, the fundamental issue is that the guideline did not include Ainu people with different opinions in decision making process. As Nakamura points out, the majority of CAPP members are Wajin and only a few representatives from AAH and the chair of another Ainu group, Kanto Utari Kai are included in the decision making (2018, 11). As noted earlier, AAH is not the official representative of all Ainu people, and individuals who engage repatriation movement, even members of regional branches, express that their opinions are not adopted (e.g. Ogawa 2015, 185, 186; Kimura 2017 Appendix 1). This is distinct from the regional procedures of repatriation practices introduced in Chapter 2. In this regard, Nakamura argues that "leaving decisions on indigenous policy making to experts might result in the failure to facilitate collective consent" (2018, 16).

3.6.2 Who has the Right to Demand Repatriation?

As noted in the introduction, the most significant limitation concerning the guideline of 2014 is that it did not recognize the right of the kotan or community to demand repatriation. In addition, Ueki points out the impracticality of the policy which does not take unidentified remains into account (2016, 108, 109). As shown in Table 1, out of 1676 single identified remains, only 38 have been identified as single individuals with associated names (Ministry of Education, Culture, Sports,

Science and Technology- Japan, 2017). In addition, there are 382 boxes of commingled human remains which are unidentifiable as single individuals (Ministry of Education, Culture, Sports, Science and Technology- Japan, 2017). He states that the memorial ceremony is practiced by kotans in the communal level according to the traditional practice of Ainu, and therefore even unidentified remains can be repatriated as they belong to the kotan rather than individuals if the excavation sites are known (Ueki 2016, 109). And limiting the recipients to linear descendants with right to worship is only taking the cultural practice of Wajin, disrespecting Ainu cultural practice (Ueki 2016, 109).

It must be noted that despite the difficulty of defining Ainu kotans due to the assimilation policy and destruction under colonialism, some communities sustain strong ties.

3.6.3 Unclarity

Furthermore, the fact that the guideline did not state clearly the methodology of process of identification of remains and the time when repatriation would be conducted is another severe issue. The reason why many communities decided to file a case is that they wanted the remains back as soon as possible (Sashima in RHM 2016). In fact, some of Ainu descendants who actively engage to the repatriation are elders or have health issues. For instance, Johnoguchi Yuri, one of the plaintiffs of case of Kineusu unfortunately passed away of illness in 2015 before the court decision was made (Johnoguchi 2016, 33).

Even descendants who can show direct linear relationship to identified remains face difficulty in repatriation. Dobasih Yoshimi, Ainu activist from Biratori-cho published a book entitled *Itami no Penriuku: Toraware no Ainu Jinkotsu* (Pain of

Penriuku: Captured Ainu Human Remains) in 2017. As she figured out that the remains of her relative Penriuku (1832-1903) is held at Hokkaido University in 2016, she demanded his body back according to the governmental repatriation guideline (Dobashi 2017, 118-125). Although once Hokkaido University promised her it was certainly the remains of Penriuku, later the university told her the remain which thought to be Penriuku is not likely that of him in fact, according to the comparison with the craniometric measurements known from Penriuku (Dobashi 2017, 126-128). She describes her experience of communicating with Hokkaido University, and criticizes the unclarity of the identification process (Dobashi 2017, 116-146).

3.6.4 Communication

The case of Penriuku illustrates another fundamental issue: communication.

According to Dobashi, the reexamination of the remains by staff members of Hokkaido University as well as the experts from the third party took place without the attendance of her or other family members (2017, 130-135, 142). As such, she wonders if Hokkaido University told her false results because it does not want to return the remains (Dobashi 2017, 142).

Other Ainu individuals who demanded repatriation have also faced issues related to communication. When the plaintiffs of Kineusu requested to meet the chair of Hokkaido University in 2012 to ask for the repatriation of the remains from the region, they were rejected at the entrance (Johnoguchi 2016, 35; Shimizu 2016, 296-298).

Thus, the board of universities do not respond to individuals but only to the board

of AAH, as noted earlier (Ogawa 2015, 127). This insufficient communication is another reason why Ainu community and individuals who have different perspective than the board of AAH decided to sue universities (Ogawa 2015, 189, 190).

3.6.5 Summary

Considering these issues, it can be concluded that the government-led repatriation guideline and the procedure of 2014 fundamentally lacks flexibility to adapt to community specific demands as well as the support for universities and communities to have sufficient communication unlike the examples from the United States and Australia. In addition, universities do not have their own agency to involve repatriation rather than following the imposed guideline, unlike Canadian cases. Due to regionalism as well as historical colonial experiences, the Ainu is not a uniform tribe but consists of individuals and communities with different opinions. Therefore, it is essential to recognize the rights of individuals or communities in the decision making regarding each repatriation. The modified policy which would be available in 2018 may improve some of the issues of the guideline of 2014.

Further, issues regarding the repatriation guideline are comparable to the issues related to the research on Ainu human remains and attempts of communication between Ainu individuals/communities and physical anthropologists which will be illustrated in Chapter 4 and 5.

4.0 Data to be Analysed

In this chapter, the attempts of making communication between Ainu activists, the supporters and physical anthropologists are provided to be analysed in Chapter 5. I will first introduce the ethical guideline on research using Ainu human remains which was established in a roundtable between Ainu Association of Hokkaido (AAH), the Anthropological Association of Nippon (ASN) and Japanese Archaeological Association (JAA). Then, I will present the attempts at symposiums and consultations. In addition, speeches, presentations, publications and interviews included in documentary films will be presented to approach the opinions of the stakeholders. Furthermore, a personal interview conducted in person with Kimura Fumio, one of Ainu activists from Biratori, will be used to get deeper insight of one of opinions (see Appendix 1).

4.1 Codes of Ethics of Research

As seen in research of Adachi *et al.* (2017, 141) and Shinoda (2015, 168), together with Hokkaido Kyoikucho (Hokkaido Government Board of Education), AAH has been the authority that gives permission to physical anthropologists to use the Ainu human remains for research. As seen in the speech at WAC Indigenous Plenary, Kato Tadashi, the Executive Director of AAH has the perspective that osteological research can benefit Ainu by revealing the history of Ainu (WAC 2016). In 2017, a roundtable of the AAH, ASN and JAA produced the final version of the report on the conduct of future research on the Ainu human remains and grave goods (2017). The final agreement on the remains which are excluded from research materials is as follows (AAH, ASN and JAA 2017, 7).

1. Those remains which Ainu people do not agree on research.
2. The remains buried within three generations, or approximately 100 years from the point when the research is conducted (considering the foreign examples of guidelines and laws).
3. The remains whose collection process cannot be opened considering the effect on descendants.
4. The remains with no available provenance or date, or any fundamental data to prove the value as a material. This criteria also includes those with ethical issues regarding use as research material.

Note: The remains of criteria 4 can be considered to be used for research if the validity of the research would be guaranteed by discussion with Ainu people.

In addition, other statements include:

> "The researchers must reflect on the past, when the Ainu distrusted research on human remains and grave goods as a result of the condition where there was no occasion in which they directly exchanged opinions with the Ainu, who are directly concerned" (AAH, ASN and JAA 2017, 2).

> "The fundamental goal of the research is the pursuit of the truth. It is the premise that the return of the research outcome and the fairness and the accessibility to the research result for the public including Ainu as the Ainu is the Indigenous people" (AAH, ASN and JAA

2017, 3).

> "It is necessary to establish the clear outline for conducting research. In this regard, it is essential to take prior inspection from the neutral inspection organization. Thus, the concrete requests from Ainu people on the research must be adapted sincerely" (AAH, ASN and JAA 2017, 5, 6).

The most relevant statements concerning communication for conducting research are:

> "When conducting research on heritage and history of the Ainu - which is deeply related to the identity of the Ainu, it is essential for researchers to understand the historical and social background of the Ainu, to communicate sufficiently with the Ainu as the successor of Ainu heritage, and to keep the fundamental attitude of "they can learn only after gaining understanding and support from the people with that culture". In addition, they must be aware that the research outcome may affect the ethnic identity of the Ainu, and therefore they should consider the past with present day Ainu, understand the present and advocate for the future. Among those, it is especially important to obtain informed consent. In every stage of research including planning, conducting, publishing and utilization of the outcome, and storage of the data, researchers should consider the potential of the participation of the Ainu to the research and collaboration while listening sincerely

> to the opinions of the Ainu and conducting research based on consultation with the Ainu. ASN and JAA will make an effort to construct mutual trustworthy relationship with the Ainu through these activities" (AAH, ASN and JAA 2017, 5).

Furthermore, the roundtable acknowledges the preexisting frameworks and codes of ethics including UNDRIP, WAC Vermilion Accord, codes of ethics of the American Association of Physical Anthropologists (AAPA) and so on (AAH, ASN and JAA 2017, 9, 11).

4.2 Symposiums and Consultation

Among the attempts, I will mainly use the symposiums and meetings listed in the Table 3. By reviewing the way physical anthropologists present themselves and their research their perspectives can be seen.

Table 3: Selection of the attempts to be discussed

Date	Organiser	Event Title	Type of the event	Location
6 December 2008	Centre for Ainu and Indigenous Studies Hokkaido University	Ainu kenkyu no genzai to mirai	Symposium	Hokkaido University, Sapporo
10 March 2011	Science Council of Japan	Ima, Ainu de aru koto; Tomo ni ikiru tame no seisaku wo mezashite	Symposium	Housei University Ichigaya, Tokyo
12 August 2014	AAH	Ainu jinkotsu to henkan irei no arikata; Senjuminzoku no jinken –Sekinin to Koueki -	Symposium	Kaderu 27, Sapporo
16 May 2017	RHM	Ainu jinkotsu kenkyu riyou ni kansuru Sapporo ika daigaku he no shitsumonjo; Mendan	Consultation	Sapporo Medical University

In the symposium of *Ainu kenkyu no genzai to mirai* (The Present and Future of Ainu Studies) (2008), Dodo presented his research entitled *Ainu to Jomon* (Ainu and Jomon people) (2010). And then two individuals, namely Kaiwaza from AAH and Hudson, cultural anthropologist specialising in Ainu, gave comments (Hokkaido University Ainu Senjumin Kenkyu Center, 2010). In this presentation, Dodo discussed the continuity from Jomon to the Ainu as well as the distribution of the Ainu in northern Honshu (the largest island of Japanese archipelago) (Dodo 2010). As a response, expecting that physical anthropological research can reveal and clarify the history of the Ainu, Kaizawa commented that Dodo should publish a book so that more Ainu people can access to the research on Ainu human remains (2010, 132, 134). In fact, his statement is comparable to that of Kato Tadashi. It is noteworthy that Kaizawa points out the insufficient communication

between physical anthropologists and local Ainu communities and lack to returning research outcome to Ainu (Kaizawa 133, 134). Thus, the importance of communicating with local communities has been recognized as early as 2008. In addition Hudson highly evaluated Dodo's research and his attitude while pointing out that physical anthropology on Ainu human remains has not reached to the stage of collaborative research (2010, 136, 139). Hudson emphasized that physical anthropology played a vital role in proving the fact that the Ainu is the Indigenous people with long and dynamic history in northern Japan and surrounding region (2010, 138). He also continued that research on Ainu human remains can engage relevant and interesting field for both anthropology in the global context as well as to the Ainu people (Hudson 2010, 139). In this presentation, even though Hudson mentioned that some Ainu peoples are not supporting research (2010, 138), Dodo, Kaizawa and Hudson are positive about current physical anthropological research on Ainu human remains.

On the other hand, the symposium of *Ima, Ainu de aru koto; Tomo ni ikiru tame no seisaku wo mezashite* (Being Ainu Today; Towards policies for living together) in 2011, Shinoda Kenichi, president of ASN and a member of the roundtable mentioned above, gave a presentation and explained the academic importance of research on Ainu human remains by introducing some palaeopathological research and genetic analysis of the Ainu (2011). Here, he recognized the unethical treatment of the human remains in the past and the lack of the attempt of returning the research outcome to the Ainu (2011, 30). Yet, he expressed his opinion on the reburial of the Indigenous human remains practiced in some countries as vanishing the history of Indigenous peoples (2011, 31). According to him, as the ethnic Japanese and the Ainu are both formed in

Japanese archipelago-unlike countries colonized by Westerners- physical anthropologists in Japan are responsible to reveal the history and the past living conditions of the people in Japan and therefore need to find different solution from the other countries (2011, 31). Then, he stated the discussion with AAH since 2005 and concluded with the hope for the future of the research by the sincere discussion between the Ainu and physical anthropologists (Shinoda 2011, 31, 32). In the end of symposium, question and answer session took place, and answering to the question from the floor on the research on human remains, Shinoda expressed that he consider Ainu human remains should not be returned to kotans for reburial (in Takezawa 2011, 62). His points are that the human remains are almost the only sources to address the past lifestyle as well as genetic ancestries of Ainu considering the lack of literature in Ainu records and therefore, repatriation will mark the end of reconstructing the history of Ainu in the future (Takezawa 2011, 62). He repeated that it is the responsibility of physical anthropologists to research the human remains and return the outcome to the public (Takwzawa 2011, 62).

Ainu jinkotsu to henkan irei no arikata; Senjuminzoku no jinken –Sekinin to Koueki - (Ainu human remains and the way of repatriation and memorial service; Rights of Indigenous people -Responsibility and the public good) was held in 2014 (questions and answers available at RHM 2014b). Responding to the question asking the benefit of research using Ainu human remains for the Ainu, Dodo answered that the genetic continuity from the Jomon period may be the pride for the Ainu, and Shinoda also mentioned the identity of the Ainu can be revealed (RHM 2014b). Further, Dodo explained his intention to protect the dignity of the Ainu by proving the Indigeneity of the Ainu through research. In

addition, a question asked the necessity of apology by the physical anthropologists to the Ainu (RHM 2014b). Dodo explained that apology should be made as ASN rather than individual researchers, while Shinoda stated that apology has no meaning without trustworthy relationship, and questioned the repatriation as the way of taking responsibility in the United States and Australia (RHM 2014b).

Interestingly, in this presentation, a different perspective from a physical anthropologist was presented. Igarashi, a member of ASN stated her opinion that only emphasizing the benefit from the perspective of physical anthropology before returning remains, and not listening to the Ainu with different opinions would not lead to mutual understanding (RHM 2014b).

The next case is the consultation in 2017 between Dodo, Matsumura Hirofumi and members of RHM and other Ainu demanding repatriation. Compared to the above examples, this consultation is rather informal and consists of discussion between these participants. In this consultation, RHM sent the list of questions concerning the DNA sampling of the Ainu remains stored in Sapporo Medical University (RHM 2017a). These include whether prior consultation was made with the descendants or the members of kotans where the human remains belong to, and the opinion on the regional repatriation as a university (RHM 2017a).

In the consultation, Matsumura explained that the permission on the DNA extraction of remains was given from AAH and Hokkaido Kyoikucho, and it was not problematic according to the research procedure when the research was conducted (RHM 2017a). He also explained that the majority of the collections of human remains at Sapporo Medical University derived from rescue excavations

(RHM 2017a). According to him, Hokkaido Government Board of Education requests to Sapporo Medical University as it considers that human remains should be kept at the institution with specialists in osteology (RHM 2017a). As Matsumura stated that he recognises the AAH as the representative of the Ainu, members of RHM tried to convince him that researchers should consult the descendants of each kotan to which the remains belong (RHM 2017a). The discussion continued to the research ethics of each researcher, and the matter of Indigeneity of the Ainu (RHM 2017a). Here, the narrative of "proving Ainu indigeneity" and "preserving the history of Ainu" have not changed. Dodo and Matsumura also discussed that their research contributed to prove the Indigeneity of the Ainu, and hence the Indigenous rights of the Ainu (RHM 2017a). Then, the RHM members asked the responsibility of the researchers, but Dodo replied that there will be no researchers work on Ainu remains because they ask responsibility, and continued that without the remains of the ancestors, there will be no Ainu in 100 years (RHM 2017a).

Reviewing this discussion, many points were not sufficiently concluded between the two parties. And it may be said that Matsumura and Dodo had not been aware of the opinions of the Ainu who are against the research on the human remains of their ancestors. In the end of the consultation, Ainu participants requested researchers to understand the feelings of the Ainu on historical grave looting and being treated as research materials, as well as the religious belief of the Ainu (RHM 2017a).

Although they will not be provided here, there are many other symposiums focusing on the treatment of Ainu human remains in addition to the selection

listed above. These include the symposium, *Ainminzoku no bunkaisan to kenkyurinri: Senjuminzoku kara miru ikotsuhenkan to jinken* (Ainu cultural heritage and research ethics: Repatriation of human remains and human rights from the perspective of Indigenous people) by Ainu Association of Hokkaido at Sapporo (AAH 2017), and Koukogaku Jinruigaku to Ainuminzoku; Saishin no kenkyu seika to kongo no kenkyu no arikata (Archaeology, Anthropology and Ainu: The recent research outcome and the future of research), co-organized by ASN, JAA and AAH at Tokyo were organised (JAA 2017) namely in August and December 2017.

4.3 Perspectives of Physical Anthropologists in the 21st Century

In addition to the presentations and discussions at symposiums, reviewing the publications, and interviews conducted by media, perspectives can reveal the detailed insight of the perspectives of physical anthropologists who have studied Ainu human remains. In his book of *Ainu to Jomonjin no Kotsugakuteki Kenkyu*: *Hone to Katariatta 40 nen* (Ainu and Jomon population history reflections from a lifetime of osteological research), Dodo states that himself learnt how much Ainu people had hated Wajin scholars, especially those who looted Ainu graves for collecting human remains as well as researchers who use these remains as research materials (Dodo 2015, 104). According to him, the claim made by Yuki and Shinya in 1972 had much impact among scholars. After this, many researchers hesitated to study Ainu human remains and the amount of research dropped significantly (2015, 101-104). Dodo himself had to stop his research for a few years after 1975, but he continued his work on Ainu human remains as he considered it is his responsibility as a researcher (2015, 104, 220).

He also notes the experience of working with Ainu people at Jomon and Epi-Jomon site of Usu-Moshiri of Date, southwestern Hokkaido (Dodo 2015, 132). The local Ainu people at first complained the excavation is disturbing their ancestors, but Dodo convinced them that his research is to investigate whether the remains are the ancestors of the Ainu (Dodo 2015, 132). After that, the local Ainu people became supportive to the excavation, and the remains were considered to be their ancestors in the end of the research (Dodo 2015, 132).

Here, like the opinion of Shinoda mentioned above, although he admits that the collection of Ainu human remains is ethically unacceptable and considers that the Ainu human remains should be treated following opinions of Ainu, states that “as a researcher, I wish reburial can be avoided "because researchers can access to the remains at anytime in case Ainu and Wajin recognise the necessity of further research if the remains were kept in the memorial hall” (Dodo 2015, 222). And he states his hope for collaborative research with Ainu who would be interested in osteological research in the future (Dodo 2015, 223).Then, as a concluding remark, he expresses that “there are always critiques on studies on human remains. No matter how much we work hard, there must be someone who says that is unacceptable” (Dodo 2015, 227).

On the other hand, the perspective of Shinoda can be seen in the debate with Ueki on Hokkaido Shimbun (2017). Here, Shinoda claims that quitting scientific research on the human remains will not be beneficial for the Ainu themselves in the long term (2017). He continues that there may be possibility that the indigeneity of Ainu would be denied in the future if the genealogy of Ainu would not be proven (2017).

4.4 Opinions of the Ainu on Research Using the Human Remains

While Ainu Association of Hokkaido and some Ainu individuals support scientific research as noted earlier, there are different opinions in each region as well as individuals. The Ainu who demand repatriation of the human remains in each region are more critical of research. They claim that the stolen remains should be returned to each kotan before discussing the possibility of research (e.g. Kimura 2017 Appendix 1). Yet, among them, some completely disagree with research, while others consider the potential to consider in the future depends on the terms (HTV 2018; Kimura 2017 Appendix 1). For instance, Kimura, with the latter opinion, states that after the Ainu got remains back, he can consider accepting research on revealing the history of the Ainu by having discussion with researchers if they show the sincere attitude - conducted primarily by Ainu if possible (2017 Appendix 1).

5.0 Analysis and Discussion

In this chapter, I will analyse the data presented in Chapter 4 by comparing with successful examples of community based Indigenous physical anthropological research projects. In addition, the historical background and the recognized issues of the current repatriation procedure presented in Chapter 3 will be referred to because they are necessary to understand the perspectives of Ainu and the physical anthropologists.

Compared with the examples of successful cases of community based physical anthropological projects discussed in Chapter 2, the insufficiency of the current research methodology as well as the concerned communication between physical anthropologists and Ainu groups/individuals can be classified as below.

5.1 Lack of Communication

While evaluating the recent research on Ainu human remains, the fundamental difference with community based projects discussed in Chapter 2 is that researchers have made very limited attempt to directly communicate with the concerned Ainu individuals and communities. I will discuss the issues concerning communication in the sections below.

5.2 Recognising Ainu Kotan and Their Rights

Firstly, the recognition of Ainu kotan, community, is crucial. Due to the historical and social background, the form of Ainu kotan depends on each region, and sometimes it is difficult to define. However, it would be possible to figure out at least active Ainu people in the region as the people to approach. For instance, Kotan

no Kai works for rejuvenating Ainu kotans in Hidaka region through supporting the reburial in each community and practicing traditional memorial ceremonies (Kotan no Kai 2016; NHK Hokkaido 2017). However, in research papers as well as the dialogue in the consultation at Sapporo Medical University, it is clear that researchers have not recognized each Ainu community as the descendants of kotan who have the rights to the remains of the ancestors. This is also seen in the fact that most of symposiums -even ones aiming at returning the research outcome to the Ainu (JAA 2017), are held in Sapporo, or even in Tokyo (JAA 2017) rather than each region where Ainu individuals resides. As shown in Chapter 2, in successful community-based projects, Indigenous communities are recognized as research partners who can primarily make decisions in each stage of research, and the importance of the community members have been recognized. Therefore, the condition in Japan is largely in contrast to the successful cases. And this issue is comparable to the argument about regional repatriation.

The communication should take place in the regional level. As well, if the scholars want to notify Ainu people about their research, it would be more appropriate to visit kotans, and hold *charanke*, discussions in Ainu manner, rather than expecting people to attend symposiums in Sapporo or Tokyo, or to understand explanation on the scientific research in one-directional presentations.

As declared in UNDRIP, community-based Indigenous archaeology respects Indigenous communities as the owner of their heritage and ancestral remains. Pardoe started the negotiation with Aboriginal communities by acknowledging "complete acceptance of Aboriginal ownership of their ancestors' remains" (2013, 736), as well, the Journey Home Project of Stó:lō ancestral remains treated the demand of the community as the first priority. Thus, recognizing the rights of Ainu

kotans would be the first step to construct the dialogue. Moreover, if some communities or individuals request not to use their ancestral remains to research, their will should be respected.

5.3 Concept of Decolonization

Secondly, a question to be addressed here is whether Japanese scholars have the concept of decolonization in conducting their research. One point many Ainu activists repeatedly emphasize is that universities and the Japanese government should apologize to the mistreatment of Ainu human remains including the unethical excavations of the past (e.g. RHM 2017b). Similarly, they also demand apology from scholars who have used Ainu human remains for their research materials (RHM 2017a). However, as seen in the statements of Dodo and Shinoda, neither individual physical anthropologists nor the ASN has made apologies to the Ainu concerning the treatment of the human remains, even though the responsibility to the past wrongs has been acknowledged. They consider it their responsibility to keep working on research rather than to support repatriation. Again, this is in contrast to the argument of Stutz (2007) as well as the cases in the United States, Australia and Canada, where physical anthropologists have been involved in repatriation by working with Indigenous communities. Further, this leads us to the next point.

5.4 Differentiating Present-day Physical Anthropology from Social Darwinism

Thirdly, it seems that the physical anthropologists have not successfully distinguished their research from the past excavation and subsequent research motivated by Social Darwinism to the Ainu. The Ainu who demand regional

repatriation have repeatedly emphasized how unethically the human remains were treated by scholars including Koganei, Kiyono, Kodama and so on (e.g. Johnoguchi 2016, 36; Kimura 2018; RHM 2017a). However, Dodo and Shinoda do not criticize the past scholars who mistreated Ainu human remains but referred them as part of the development of physical anthropology. In the symposium in 2008, Dodo mentioned the work of Koganei and Kodama in the introduction of how physical anthropological studies have approached the origin and the development of Japanese and Ainu (2010, 118). Then, he introduced his own research and hypothesis derived from it (Dodo 2010). Furthermore, he concluded by emphasizing the importance of continuous research on the human remains (Dodo 2010, 129). Listening to this presentation, it would be difficult for the audience to distinguish his own research from those conducted by Koganei or Kodama. Similarly, Shinoda argued that research using Ainu remains which had been collected by "pioneers" since Meiji period formulate the genealogy of Ainu population in a symposium in 2011 (2011, 30). Although he admitted that the collection of Ainu remains was conducted without consent from the Ainu, he emphasized that the collections were essential to understand the genealogy of the populations in Japan as well as the life of ancient peoples (Shinoda 2011, 30, 31). Such attitude of not critically reflecting the past wrongs of physical anthropology by themselves differentiate Japanese scholars from those scholars who engage in decolonization or Indigenous archaeology. Moreover, as Igarashi pointed out (RHM 2014b), emphasising the value of research for anthropologists first before negotiation is questionable regarding the establishment of mutual respects. This seems that those physical anthropologists are still claiming their power over human remains, like how it was in Australia in 1980s (Turnbull 2010, 120).

5.5 Benefit of Research for Ainu?

Further, I would like to discuss how scholars have argued the benefit which their research on the human remains can bring to the Ainu. According to Dodo and Shinoda, their research can reveal the history of the Ainu and hence contribute to prove the Indigeneity of the Ainu in northern Japan as well as to the identity of the Ainu (RHM 2017a; Shinoda 2017). However, it is questionable whether non-Ainu scholars are qualified to argue the identity of the Ainu, because there is a potential of causing destruction of the self-determination of the Ainu. As mentioned in Chapter 3, identity is very sensitive matter for many present-day Ainu. The danger of using DNA markers to determine Indigenous status and Native American identity to access social resources has been discussed by TallBear (2013). Although DNA-based genealogy has not been used to determine identity for Ainu in political or legal context yet (lewallen 2016a, 56), determining Ainu genetic markers may cause similar social or political tension in the future. Ueki criticizes the argument of "proving Indigeneity" as misleading as if the indigeneity of Ainu cannot be proven without scientific research on human remains (2016, 111; 2017). According to him, the genealogy and origin of Ainu has nothing to do with Indigeneity of Ainu, as there is no doubt in the fact that Ainu had lived in Hokkaido before the colonization by Wajin (Ueki 2016, 112). Whether being Indigenous or not is a crucial matter for Ainu considering their Indigenous rights and status (Ueki 2016, 111). As such, Ueki discusses that inconsiderable statements on Indigeneity and genealogy of Ainu only encourage misunderstanding on Ainu and even racism in the public (Ueki 2016, 115). Therefore, as Zimmerman argues (2005, 304), scholars must be aware of the potential negative impact of their research to the Ainu and be responsible. If further genetic research would be conducted in the future, all possible research outcomes in political and social dimensions must be considered beforehand and discussed

with concerned Ainu communities and individuals.

Lastly, in community-based projects, who is to decide what is beneficial to each community are the community members, not scholars from the outside. In this regard, perhaps some communities may consider they benefit more from the healing effect of practising reburial soon, rather than starting long negotiation for conducting research to gain biographies of ancestors. To improve the relationship with the Ainu, scholars must listen to the specific demand and perspectives of individuals and communities, and consider the potential of socio-political impacts of their research on Ainu identity. Careful examination of such potential outcome must be intensively discussed with Ainu communities and individuals as well as Indigenous studies specialists.

5.6 Other Pitfalls: Concepts to be clarified

5.6.1 Provenience

Another topic to be considered in research on Ainu human remains is a matter of differentiating the remains which had been excavated intentionally from cemeteries and other remains. As discussed in Chapter 2, the misunderstandings on the treatment of human remains in archaeological context can happen by the failure of distinguishing emergency excavations and subsequent recovery of human remains from intentional acquisition of human remains as seen in the consultation at Sapporo Medical University (RHM 2017a). Yet, reviewing the consultation, it seems that not all Ainu who attended were aware of it (RHM 2017a). In this regard, it would be essential for universities and scholars to clarify the provenance of all human remains from Hokkaido and explain to the Ainu individuals and

communities.

5.6.2 Chronology

In addition, even though this is beyond the scope of this thesis, in the future, there should be the discussion on the treatment of human remains that date to the "pre Ainu" period. At the time of writing in 2018, the repatriation movement focuses on the treatment of relatively modern Ainu remains, especially those after 1867. However, some Ainu people state the feeling of cultural continuity from Jomon period (Kimura 2017 Appendix 1), and there are events featuring the continuous identity from Jomon to present-day Ainu culture (e.g. Municipality of Hokkaido, 2014). Therefore, an argument on the right of Ainu people on human remains of pre-Ainu period may develop as part of the Indigenous rights in the future.

5.7 Following the Codes of Ethics

Evaluating the report of the roundtable, in fact, most of issues I discussed in this chapter have been recognized by the roundtable of the AAH, ASN and JAA (2017). Therefore, the matter is that individual researcher need to move to action. By analysing the process of making protocol of ethical guidelines in Japanese Society of Ethnology in 1992 , lewallen describes the violent refusal of the guideline by many members as "ethics allergy" (2006, 524). They regarded the imposition of code of ethics as violation of their academic freedom (2006, 524). However, first of all, scholars should be aware of the necessity of fixing the power asymmetry with the Ainu in holding the human remains for which individuals and communities demand repatriation. It is essential for each researcher to recognize their responsibility to understand the demand of the Ainu of each community through sincere communication. In other words, they should visit communities and have

charanka (discussion). In order to do so, understanding the historical experience of not only Ainu as a whole but also each community/individual is crucial.

6.0 Conclusion

In this thesis, I have illustrated the issues and suggested improvement of communication between Japanese physical anthropologists and the Ainu who are critical to scientific research on human remains. I have first discussed the scholarly arguments of inclusive "New Archaeology" and inclusive model of community-based Indigenous physical anthropological research projects in order to analyse the case of the Ainu by comparison.

Motivated by Social Darwinism and determining the origin of the Japanese, numerous Ainu human remains were collected by scholars in Japan. Ethnic Japanese (Wajin) physical anthropologists claim the scientific value of the research using Ainu remains for revealing the history and genealogy of the Ainu. However, some Ainu individuals are critical of the use of "stolen" remains. Like many other Indigenous peoples around the world, some Ainu have actively demanded not to be treated as research materials, and also regional repatriation of the remains of their ancestors. Although the original government-led repatriation guideline of 2014 and the protocol had many issues - not recognizing Ainu kotan and instead only including Ainu Association of Hokkaido in the decision making process, and unclarities - years of various activities by Ainu groups and individuals including lawsuits have forced the government to change its policy in 2017-2018. As the new policy will recognize the rights of the kotan (community) to demand repatriation, each kotan which demands regional repatriation would gain the ancestral remains in a next few years. Thereafter, the remains should be owned by the Ainu both in name and reality.

When it comes to the osteological and genetic research using Ainu human remains, the voice of the Ainu who are against research had not been taken into account for years. In fact, the roundtable of the AAH, ASN and JAA has recognized the issues to be addressed, considering the concept of the community-based indigenous archaeology. However, Japanese physical anthropologists yet to become aware of the necessity of sincerely following such codes of ethics.

Currently the communication between physical anthropologists and the Ainu who are critical to scientific research on human remains are insufficient due to the limited opportunities for intense discussions, and unawareness and misunderstanding between each other. In order to improve the relationship, firstly physical anthropologists have to recognize Ainu kotans as research partners who have the rights to the ancestral remains - not only to gain consultation from but also to work with. Then, they should understand the historical and social background of the individuals as well as communities and listen to their perspectives rather than trying to convince the Ainu by explaining the scientific importance of their current research. In addition, it is important for researchers to reflect past unethical excavations and research of Ainu human remains in order to differentiate their work from unethical research. Through sincere communication and clarifying the misunderstandings, they may be able to start constructing dialogue and develop mutual respect.

After regional repatriation and gaining control of the ancestral remains, some Ainu individuals may become more open to the research in the future while others may prefer reburial as soon as possible. In contrast to some other Indigenous peoples, Ainu do not have their own political system to control research yet. Therefore, in

conducting physical anthropological research in the future, it is essential to become *sisamu*, good neighbor, by having *charanke*, to negotiate and work with community members in each stage of research -planning, methodology, control of the data and publication, as well as the return of the research outcome to the community. Here, researchers and the Ainu may be able to work on community-specific interests, while integrating science to a social context. As well, researchers should be aware of the responsibility to consider potential socio political impact of their research outcome on the Ainu. Here, I would like to suggest that there may be room for Japanese physical anthropologists to support repatriation utilizing their scientific knowledge and technique dealing human remains. As Stutz notes (2007), engaging with repatriation would change the perspective on physical anthropologists within society. In addition, the national government may be able to play a role supporting each community as well as universities to work on repatriation and or conducting research on human remains like the case in Australia. The decision making related to their heritage can be supported by local governments in municipality/community level.

In this thesis, I have provided an overview of the condition surrounding Ainu human remains in Japan. However, my study only focused on the relationship between Japanese physical anthropologists and the Ainu who are critical to the scientific research on the remains of their ancestors by analysing only available records to limited extent. As repatriation as well as the construction of dialogue between these parties are ongoing dynamic issues, I consider the need of conducting further research to approach deeper and broader contexts of the human remains legislation of the Ainu. For instance, future research should be conducted on the effect of repatriation and reburial to members of the communities where reburial of

their ancestral remains have been practised.

Abstruct

An inclusive model of community-based Indigenous physical anthropological research projects has been conducted by constructing dialogues between researchers and Indigenous descendant communities in a global context. Acknowledging the ownership of Indigenous communities over the ancestral human remains, physical anthropologists often support repatriation by closely working with community members. However, in Japan, the repatriation of human remains of the Indigenous Ainu people has not successfully collaborated with physical anthropologists. The relationship between physical anthropologists and Ainu people who are being critical of the use of "stolen", unethically excavated ancestral human remains on scientific research is in much tension and they are far from an inclusive model. This thesis addresses the issues surrounding the attempts of communication between these parties. By understanding the social and historical background of the situation, as well as comparing occasional dialogues and opinions of stakeholders with successful cases of an inclusive model in global context, I was able to identify the issues. Despite the acknowledgement of the rights of the Ainu over their heritage in the code of ethics, the attempts of making communication are insufficient in terms of the recognition of Ainu *kotan* (community) with their ownership over the ancestral remains, and there are misconceptions and ignorance between each other. In order to move forward towards an inclusive model, physical anthropologists should approach to the Ainu sincerely to construct dialogue by *charanke*, a discussion in Ainu manner. Understanding the specific demands and feelings of Ainu kotan and being aware the socio-political impacts of their research outcomes are also essential. Through these efforts, an inclusive model may be achieved in the future, working with the

Ainu as *sisamu*, good neighbour.

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Appendix 1

Interview Transcript

Informant: Mr. Kimura Fumio, vice chair of Biratori branch of Ainu Association of Hokkaido and co-representative of Biratori Ainu ikotsu wo kangaeru kai (Biratori Associate to consider Ainu human remains)

Conducted at the house of Kimura in Nukibetsu, Biratori-cho, Hokkaido, on 3 August 2017.
(My translation from Japanese to English)

What is your opinion about the governmental guideline of transferring all unidentifiable remains to Shiraoi?
I think the plan of Shiraoi is only covering up what happened. As well as Tokyo Olympic in 2020, it is only the performance and not the fundamental solution. Scientists would continue conducting research there. Placing remains in the memorial hall is firstly the cultural practice of Shamo (Wajin). I do not think it is the appropriate manner that the remains would be placed in the building made of concrete in the memorial hall in Shiraoi. Memorial hall rather sounds like the storage for research materials. As well, I am afraid of that the remains may be used for research at any time. The remains should rest in peace in the soil of their kotans. I do know that the national government will never return our *Ainumosir* (territory) to the Ainu, but they should reflect on the past and should work sincerely. As well, universities should be ashamed on themselves for not recognising how important this

issue is. I think those universities which hold remains should conduct repatriation with their own responsibility rather than waiting for the governmental guidelines.

Ainu Association of Hokkaido has been conciliated by the national government. The current repatriation guideline was made without adopting the opinions from different regions. There was no representative from Biratori-cho in the board of Hokkaido Ainu association. Therefore, the demand for the regional repatriation to Biratori was not adopted.

However, even within Biratori-cho, individuals have different opinions about this issue. Some wonder who should be responsible for the management of reburial as being worried of the burden. There are also some people who do not want to be concerned about even with their direct ancestral remains.

As long as I am aware of, I do not have a direct lineal link with the six ancestors whose remains were excavated from Biratori- cho. But I still would like to practice reburial for them. If the descendants want to practice reburial by themselves and not to bury the remains as a community, I would respect their decision and will not fight over the remains.

Have you considered taking the case to the court?

I hope the remains from Biratori can be returned by the end of 2018. We (Biratori Ainu ikotsu wo kangaeru kai) are considering to sue Hokkaido University like other people have done. I wish the regional branch of the Ainu Association, local government and residence of Biratori can all participate repatriation movement. However, I think it is not ok that it is the Ainu who have to sue the university to get the ancestral remains back. They (universities) should return the remains as soon as possible.

Do you consider potential of any scientific research on Ainu human remains in the future?

First of all, those stolen ancestral remains and objects must be returned to each region. When it comes to research, I really think physical anthropologists lack imagination of how Ainu people feel by the way they treat our ancestors as only research materials. The ancestral remains should be managed by the Ainu and treated as human, not materials.

I personally consider that scientific research on human remains may be conducted at limited condition in order to investigate the history of Ainu. If this would be the case, the availability of the permission depends on the attitude of scholars. If possible, I would like Ainu persons to conduct research.

What is the religious belief of the Ainu about the life after death?

The world consists of three segments; *Kamuimoshir* (the land of gods), *Ainumoshir* (the land of humans) and *Pokunamoshir* (underground world). The diseased depart from *Ainumoshir* to *Pokunamoshir* where the dead have eternal happy lives have. Considering this, the excavation of burials means the disturbance of their lives after death. So I think reburial (inhumation) is the respectful memorial practice.

Traditionally Ainu people do not visit cemeteries. When children had to come to cemeteries, they use a stick of Japanese mugwort to pretend as if they were elders so that the spirits do not mischief.

Once we manage to rebury the ancestral remains, I will practice annual *shinnurappa* (memorial ceremony). I also would like to build a monument about the reburial in order to pass down the history to next generations. But because the most important thing is that the ancestral remains should be marginalised to the soil, I do not think we need to spend too much money.

As being Ainu, do you feel any continuity from Jomon or archaeological cultures of "pre-Ainu periods"?
I have seen an archaeological site of Jomon period excavated from a farm. I felt the continuity of Ainu from Jomon period.
-End of Interview-

After the interview, Mr. Kimura and his colleague Mr. Izawa, co-representative of Biratori Ainu ikotsu wo kangaeru kai, took me to Kyu Kaminukibetsu cemetery where six Ainu remains are buried. Mr. Kimura introduced me that his ancestors buried here were forced to relocate to this unopened forest region from their original kotan in 1916 due to the order by imperial household agency. Those people suffered from harsh environmental condition and unproductive soil for agriculture.