

“Woman Was the Sun”

The Gendered Impact of Japanese Heritage Management on
Women’s Cultural Rights



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Front page:

Triptych "*The Sun Goddess Amaterasu awakening after her self-imposed exile*", or "*The Origin of Music and Dance at the Rock Door*", 1887.

By Utagawa Shunsai Toshimasa (1866-1913)

Lavenberg Collection of Japanese Prints

Source: Sirois, K., 2017. Solar myth to live by. Fukuko Ando and Amaterasu, <http://wrongwrong.net/article/solar-myth-to-live-by-fukuko-ando-and-amaterasu>, accessed on 16 July 2018.

**“Woman Was the Sun”:
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In memory of my father

Gerard Kerkhof

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1. Introduction

“...there is a real connection between heritage and human rights.”

William S. Logan and Laurajane Smith, (in Grahn and Wilson eds. 2018, xvii).

1.1 Purpose

This thesis investigates how heritage is constructed in ways that disadvantage and exclude women. Heritagization, the social process whereby traditions, landscapes or objects from the past are given value and turned into heritage (Harrison 2013, 69), is used to build a national identity rooted in the past (Harrison 2013, 96). Often, representations of power, grandeur and wealth (masculine traits) are chosen for preservation, reinforcing a male-biased narrative about the nation (Reading 2015, 399; Smith 2008, 159). Studies have shown how this heritagization process can have significant effects on the everyday lives of women in the present (Blake 2015b; Conkey and Spector 1984; Cote 2009; DeWitt 2016; Grahn and Wilson 2018; Levin 2010; Reading 2015; Smith 2008). Heritage studies have expanded from a narrow Western discipline to encompassing more ways of determining what heritage is, who it belongs to and who it represents, from indigenous to industrial sites. However, gender as a tool for analyzing power relations and systemic androcentric representation in heritage practices has received relatively little attention and has remained undertheorized, or at least not fully incorporated in the discipline's academic institutional memory (Reading 2015, 410). As Anna Reading (2015) notes, this has an effect not only on women's representation in heritage and how heritage is encountered or consumed (Reading 2016, 410), but it also affects women's inclusion in and the formation of local/international policy (Moghadam and Bagheritari 2007). Using a feminist human rights approach, this thesis will highlight in concrete ways how the heritage-making process infringes upon the rights of women and affects them, taking Japan as the context for this study and the role of UNESCO and (non-)state actors in related decision-making.

1.2. Background

In critically examining the heritage conservation practices of Japan, my thesis looks beyond the progressive, moral and apolitical image that Japan promotes as a member of the international community, which I outline here. By many measures, Japan seems an exemplary and reliable supporter of the United Nations (UN) and its many agencies. Tokyo houses the United Nations University and several important UN liaison offices. In 2016, Japan was the fourth largest donor to the UN System (United Nations System 2016), the second largest donor to the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women 2017), and to the United Nations Educational, Scientific and Cultural Organization (UNESCO 2017a). With the withdrawal of the United States in 2017 because UNESCO recognized Palestine as a state (Lynch 2017), Japan will likely fill the spot of top donor in the coming years. It has done so between 1984 and 2002 – when the US withdrew under the Reagan administration due to a perceived pro-Soviet stance of UNESCO (Lynch 2017) – ensuring the continuation of UNESCO operations by becoming the lead donor, culminating in the establishment of the UNESCO Japanese Funds-in-Trust in 1989.

The appointment of Koichiro Matsuura, a Japanese national, as Director-General of UNESCO from 1999-2009, is another example of Japan growing into its role as a global player, especially in the international heritage field. Japan's other major contributions in heritage are the Nara Document on Authenticity in 1994 (ICOMOS 1994), which has expanded the framework for understanding the concept of authenticity, and the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO 2003) adopted during Matsuura's term in 2003, which is considered the crown jewel of Japan's input in the international heritage discourse (Akagawa 2015, xvi). Japan has also proven itself a solid partner in heritage conservation, providing financial aid through the above mentioned UNESCO Funds-in-Trust, but also through its Official Development Assistance (ODA), where heritage is considered as part of development, but also as part of Japan's cultural diplomacy (Akagawa 2015, 154).

The development of Japan into a leading member of the international community after WW II has much to do with the construction of Japanese national identity (Akagawa 2015, 1). Attempting to grapple with rapid post-war economic growth and urbanization, the Japanese government “began to utilize its cultural heritage to reinforce the desired image of Japanese identity” in order to foster social cohesion (Akagawa 2015, 43). According to the website of the Agency for Cultural Affairs, currently 1,110 items are designated as national treasures, 13,166 items are considered important cultural properties, and nearly 3,300 locations are assigned historical, scenic or natural treasure sites (www.bunka.go.jp). That is a great number of places and things deemed valuable enough to become heritage. At the domestic level, UNESCO enjoys quite some popularity and local heritage sites are vying for World Heritage inscription as it is seen as a tool to gain international recognition and promote tourism (McGuire 2013, 333). At the global level, Japan’s international cultural diplomacy is an extension of rebuilding a national identity, of trying to gain prominence on the international stage (Akagawa 2015, 43-44). Japan’s role in heritage conservation and development has proven to be successful, it is recognized as a dependable partner and a leader in international heritage practice, and is considered a country with a rich historic and cultural tradition. This “soft power” strategy (Nye 2004) has become a key component of Japan’s foreign policy strategy, which has strengthened its presence in the Asia-Pacific and beyond (Akagawa 2015, 1).

However, in this thesis I aim to unpack and look beyond the international progressive, moral and apolitical image discussed above and to scrutinize gender equality and women’s rights in Japan’s heritage policies and practices.

The relationship between Japan as former aggressor and its surrounding neighbors has also been problematic due to revisionist heritagization processes attempting to profile Japan as a peaceful, homogenous and modern post-war nation (Nozaki 2008). Although this type of nationalist and masculinist heritagization is not unique to Japan, the Japanese case is an interesting area to study how national heritage is managed by (semi)governmental committees and upheld by non-state actors, while

observing friction between cultural rights and human rights in a seemingly modern country with a strong economy and high human development.

The Japanese government has faced numerous (inter)national critiques on women's rights in recent years. The Comfort Women issue, the lack of women in leadership positions, and most recently, the sexual harassment and sexual assault cases brought to light by the #MeToo movement. Sexual harassment is not considered a crime in Japan (US Department of State 2017), and continues to claim victims because policies remain unchanged and the government only requires training of people in powerful positions aimed at preventing sexual harassment (The Japan Times 2018e).

1.3 Problem Statement and Research Questions

The general purpose of this thesis is to investigate how the uses of heritage disadvantage women by examining the relationship between an androcentric and nationalist narrative and the current situation of Japanese women through a women's rights approach. With the construction of a dominant heritage narrative, selections are made by an expert community concerning what to eternalize and what is to be forgotten or not preserved. Japan is no exception in writing women out of history, or at least, representing them in stereotypical ways that affirm patriarchal values (Bouchy *et al.* 1999; Tonomura *et al.* 1999).

The main title of this thesis, *Woman was the Sun*, alludes to the Shintō sun goddess, who is variously referred to in contemporary Japan, both by political campaigns paying lip service to gender equality and in feminists' readings of women in Japanese history. At the same time, Japan promotes itself as a peace-loving, modern state, at the expense of the women it has victimized in the past and present. While women have officially achieved legal equality, and Japan's foreign and national policies do not reflect retrograde chauvinist sentiments, a glance at Japan's mainstream history, cultural practices and contemporary customs reveal a deeply rooted patriarchy based on religious tradition that hold women back. Social attitudes embedded in these traditional views still consider women as inferior, and as a consequence gender inequality is persistent throughout the country. The World

Economic Forum's Global Gender Gap Index (World Economic Forum 2017) ranks Japan 114th out of 144 countries, showing Japan's below average scores on women's economic participation and political empowerment. With no women having served as heads of state within the last 50 years, Japan will be left behind while other nations strive ahead for gender parity.

Thus, this thesis is partly motivated by the problem of how heritage managers can avoid perpetuating gender-biased heritagization that is to the detriment of women, but remain respectful of cultural diversity. The realization that a gender perspective is required irrespective of a country's development may help the heritage discipline recognize that gender inequality is pervasive and present in any society.

To investigate how heritage is constructed in ways that disadvantage and exclude women, I explore a set of interrelated research questions that reflect my dual intention to apply critical thinking and to formulate constructive approaches in heritage management. Starting with the main question, I ask:

1. How can a gender-sensitive human rights approach illuminate the nationalistic and androcentric performativity of heritage conservation, and its effect on contemporary women in both representation and participation?
 - a. How are the narratives of a collective selfhood tied to current national and international politics, and how does this affect women?
2. Can incorporating a human rights approach improve how women are portrayed, or have access to their heritage?
 - a. Do exclusionary practices need revising to meet international human rights standards?
 - b. If so, what is the best way forward?

In attempting to answer these questions, this thesis examines Japanese heritage practices from multiple angles, establishing a nexus between (inter)national politics, heritage processes and feminist theory for analyzing power relations, addressing the need for a gender turn in heritage studies (Conkey and Spector 1984; Reading 2015; Spencer-Wood 2011; Wilson 2018; Wylie 2007). This comparative study serves to

provide as an example to explore the gendered impact of heritage-making in other cultures, revealing the structures of power through critical gender heritage.

1.4 Scope

The thesis tackles the research question through an analysis that is delimited in scope to two case studies, the first focusing on an interregional memorialization issue and the second on a Japanese World Heritage Site in Japan. The first case study concerns the issue of the memorialization of “Comfort Women”, a euphemism for the survivors of Japan’s sexual slavery system before and during WWII. This example serves to highlight how the handling of this heritage goes against the grain of Japan’s “soft power” branding as a progressive peaceful nation, overlooking its role as former war aggressor, and underlines how current political embroilment hampers the healing process. It is beyond the scope of this thesis to examine if Japan is legally responsible for the sexual slavery system during WWII as a war crime. The focus therefore lies on processes of heritagization and memorialization of this issue. The important role of heritage in addressing and recognizing gross human rights violations, remembering and teaching history, promoting transitional justice and reconciliation, is recognized in the Durban Declaration (World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance 2001). Heritage can contribute to healing trauma (Meskell and Scheermeyer 2008), but it can also aggravate this process when heritage processes exclude victims or when facts are denied and responsibility is deflected, as is the case in the Comfort Women issue.

The second case study concerns a national site in Japan that was inscribed as UNESCO World Heritage Site (WHS) in 2004, named the Sacred Sites and Pilgrimage Routes in the Kii Mountain Range. The practice of *nyonin kinsei* (the customary exclusion of women), or *nyonin kekkai* (the exclusion of women from sacred areas) of this particular site will be discussed within the national context of cultural rights and women’s human rights in relation to Japan’s androcentric national heritage discourse. The roles and responsibilities of both UNESCO and Japan will be analyzed to see where improvements can be made in heritage practices.

1.5 Structure

In chapter two, the methods used for gathering qualitative data and the sources selected for the thesis will be described, and the theoretical framework will be outlined with a literature review on current discussions regarding nationalism, critical heritage and a feminist rights framework. Chapter three consists of an analysis of the interregional Comfort Women issue, which discusses Japan's role as a leader in the field of heritage in relation to women's rights. The fourth chapter scrutinizes the domestic situation regarding women's cultural rights against the background of a national World Heritage site in Japan. Several examples of exclusionary practices will be given to illustrate how cultural and religious traditions have gender-specific restrictions that are not limited to heritage sites only, and how they are negotiated and reproduced. In chapter five I bring together the international and national examples in the two case studies to discuss the similarities in the performative character of Japan's national identity and how these often happen at the expense of women. I will also suggest inclusive ways to move forward for heritage managers, advocated by women's rights scholars – the dual-track approach of a discourse ethics which is firmly grounded in a cosmopolitan concept of human rights committed to equality and reciprocity (Mullally 2006, xxxvii).

1.6 Note on Linguistic Conventions

While the Japanese and Korean practice is to write the family name first, I have adopted the Western convention (given name first, family name last) for consistency in structure with Western personal names, and because the chosen language for the thesis is English for which Japanese and Korean names have been Romanized. Important Japanese concepts that are elaborated on are written in *kanji* (Japanese characters), accompanied by their pronunciation in italics and an explanation or meaning. Japanese words that have made their way into the English language (e.g. Sumō) are written without emphasis or *kanji*.

2. Method and Theory

2.1 Methodology and Sources

In order to examine the central question of this thesis, investigating the ways how nationalistic and male-biased heritagization infringes upon women's rights, I draw on several areas of theoretical ideas and employ them together in a qualitative analytical framework. These theoretical areas comprise nationalism, critical heritage and a feminist rights framework (see below in detail).

My research design employs case-based study of heritage and gender, one international case study on the memorialization of Comfort Women, and one national case study of Kii World Heritage site. Both cases are well researched, allowing me to collect sufficient representative data for analysis. I have chosen the case-study research design because it enables me to usefully reflect on the theoretical frameworks that I engage with, especially the intersection of these theories, thereby allowing an understanding of the realities that women inhabit and experience. These case studies are crucial to illustrate the nexus between complex political processes that influence heritage-making such as identity and nation-building, and the gendered outcome that does not make women equal beneficiaries throughout the heritagization process. By narrowing the focus on gender, the difference in impact of heritage-making processes can be determined, and provides heritage experts with relevant and up-to-date knowledge to better serve the community.

I have used a combination of document analysis and discourse analysis to approach and understand the complexity of both cultural rights and women's rights issues. I borrow from the critical discourse analysis explicated in Laurajane Smith's *Uses of Heritage* (2006). The unchallenged idea of a hegemonic heritage discourse considers heritage as things from the past affirmed by artefacts, sites and monumental buildings, maintained by self-referential experts and reproduced in a normalized state narrative, making subaltern or non-dominant heritage practices invisible (Smith 2006, 11). An analysis of that heritage discourse reveals that heritage itself is a process, "'work' that 'heritage' 'does' as a social and cultural practice" (Smith 2006,

11), which takes places in the present, attaching contemporary values and meanings to materials from the past (Smith 2006, 12). Moreover, Smith (2006, 13) adopts the view that heritage practices are reflected in the discourse just as much as they help to construct the discourse, even having socio-political consequences (Smith 2006, 13). She therefore departs from the Foucauldian argument that “discourse is all that matters” (Smith 2006, 13). People and things influence discourse, but discourse also has an influence on people and things.

Within the case studies, I employ different types of data and sources to address my research questions. I have gathered data from institutional documents such as reports from UN Agencies and the UN General Assembly, international conventions and declarations, nomination files, and press releases and news outlets, as well as from secondary literature sources. These sources are listed in detail below in this chapter for each case study. The selection of these sources represent the internationally leading documents and materials relating to women’s rights and cultural heritage. Many of these sources not only investigate the heritage-making processes and their effects on women, they also provide suggestions and strategies to gender-mainstream heritage practices, i.e. integrating a gender perspective to promote gender equality at all levels of the heritagization process – from preparation to implementation and monitoring. The choice for the two cases reflect the dual foci of investigation, looking critically at the national *and* international heritage conservation practices and discourse, as well as identifying constructive approaches for inclusive heritagization practices.

My knowledge of the heritage processes in question is also informed by my personal observations made while employed with UN Women as an external consultant in the function of interim Liaison Officer in Japan, during the period 2011-2013. The experience partly motivates my problematization and study, drawing the link between the status of women and the politics of heritage.

Natsuko Akagawa’s work (2015) on Japan’s heritage conservation practice, the link to its national identity, and the way heritage is utilized in Japan’s cultural diplomacy

is an innovative contribution to the field of heritage, one that can function as a template for other contexts (Akagawa 2015, 1). Her work has been instrumental for this thesis. Akagawa provides the necessary framework on the political uses of heritage in diplomacy, onto which I expand by applying a gender lens.

Lynn Meskell's (2018, xi) analysis of UNESCO World Heritage, whose role it is to safeguard humanity's heritage, spans a decade of research that describes the shift from the original utopian, but universalist aim of UNESCO to promote world peace and solidarity – “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed” (UNESCO 2018) – to an intergovernmental agency whereby heritage preservation has turned into political football by its Member States. By studying the gender dimension of this politics, my aim and thus my contribution is to address the gender gap by deploying and reflecting on theories in the feminist international rights sphere.

The first case-study analysis on the Comfort Women memorialization issue is an area that is controversial and has yet to be solved diplomatically. There is a body of writing on the Comfort Women issue by feminist scholars from different disciplines – law, anthropology, memorialization, security studies – whose original research are incorporated into my analysis. In my analysis, I have necessarily drawn on recent news media sources to outline Japan's actions concerning Comfort Women memorialization because the politics of this case is ongoing and still under negotiation. Factual news reporting not only contain information, some reports reveal a certain stance or ideology of the speaker or institution, from ingrained gender stereotypes to power dynamics between states.

The second case-study analysis (on the Kii Mountain Range World Heritage Site) relies on research conducted by Lindsey DeWitt (DeWitt *et al.* 2015; DeWitt 2016), researcher at Kyūshū University. DeWitt has traced the religious practice of female exclusion on Mount Ōmine, the peak on the Kii Mountain range where women are not allowed. She showed that the negotiation of the boundary of exclusion has varied historically, and contestation has been part of history since the ban on women was

officially lifted in the Meiji Period. DeWitt challenged the idea of an unbroken linear tradition as claimed in the World Heritage nomination file. I add to her contribution, the subsequent lack of responsibility on UNESCO's part to fully integrate gender-mainstreaming efforts, which has the consequence that women's representation and participation in Japan's heritage is non-inclusive. Further analysis provides a nexus between the perceived selfhood of women's gender identity rooted in a nationalist heritage discourse that does not promote gender equity in current society.

The UNESCO conventions related to World Heritage Sites (WHS) and Intangible Cultural Heritage (ICH), and the nomination documents will be cross questioned against existent feminist research and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the core convention for the protection of women's rights. The Report of the Special Rapporteur in the field of cultural rights by Farida Shaheed (2012), remains the crucial touchstone regarding women's cultural rights. The voices of Japanese women (in DeWitt *et al.* 2015) who oppose the exclusionary cultural practices or seek inclusion in their national heritage are also included.

Recent perspectives within the disciplines of heritage management and international heritage governance are discussed to situate current debates on cultural rights and human rights, which I introduce and discuss in sections 2.2 to 2.5 below in this chapter. Works by critical heritage scholars such as Janet Blake (2011; 2014), Rodney Harrison (2013), Lucas Lixinski (2013; 2015) and Lynn Meskell (2002; 2010; 2013; 2015; 2018) and Laurajane Smith (2006) have informed my approach for this thesis. Their work at the intersections of the politics of heritage, human rights and international law are relevant for this thesis. For the legal framework, I have relied on the works of Rikki Holtmaat and Jonneke Naber (2011), Karen Knop and Annelise Riles (2017) and Siobhán Mullally (2006), because of their feminist rights approach focused on dialogue.

I have studied the sources from a feminist perspective, examining the nature and forms of male power in heritage-making. Realizing that striving for heritage that

empowers women is also not neutral, critical heritage discourse lets heritage experts understand that the dominant discourse is also neither neutral nor representative. However, it cannot be the goal to reproduce or maintain the status quo that is oppressive to many women. I therefore have opted to include the legal framework supporting a dialogical model that aims to include all interlocutors as equals. It is with this perspective I have studied the sources, and have made my conclusions to not just describe Japan's hegemonic heritage practices and their impact on women, but also to provide just solutions and ways to change, or at least nuance the discourse.

In chapter three, the case study on the Comfort Women issue is based on my analysis of the following sources listed below. The sources are cited in the case study and full reference details for the sources are given in the bibliography:

INSTITUTIONAL AND LEGAL DOCUMENT AND MATERIALS:

- UN Human Rights Council:
 - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), including:
 - Concluding Observations of the Committee on the Elimination of Discrimination against Women, Japan (CEDAW/C/JPN/CO/6, CEDAW/C/JPN/CO/7-8)
 - Concluding Observations on the Combined Tenth and Eleventh Periodic Reports of Japan. International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/JPN/CO/10-11)
 - Reports of the Special Rapporteur in the field of cultural rights, Farida Shaheed
- UN Women:
 - Annual Reports
- United Nations:

- Treaty on Basic Relations between Japan and the Republic of Korea, Signed at Tokyo
- Vienna Convention on Diplomatic Relations and Optional Protocol on Disputes, Done at Vienna
- Total Revenue by Government Donor 2016
- UN Security Council:
 - Resolution 1325
- US Government sources:
 - House Resolution 121 (H.Res. 121), House of Representatives US
- UNESCO:
 - UNESCO Memory of the World Register (MoW)
 - General Guidelines, UNESCO Memory of the World Register
 - Collection of Member States' Contributions 2017
 - Press releases
- Declaration on Preventing Sexual Violence in Conflict 2013, Preventing Sexual Violence Initiative (PSVI) by the UK Foreign & Commonwealth Office
- Japanese Government sources:
 - National Action Plan on Women, Peace and Security, Ministry of Foreign Affairs of Japan
 - Speeches and statements by Prime Minister, Foreign Minister, Cabinet Secretary
- 28 December 2015 Agreement, Government of Japan and Government of the Republic of Korea

OTHER SOURCES:

- News media
- Secondary academic literature

The case study in chapter four on the Kii UNESCO World Heritage Site, is based on the sources listed below. The sources are cited in the case study and full reference details for the sources are given in the bibliography:

INSTITUTIONAL AND LEGAL DOCUMENTS AND MATERIALS:

- UN Human Rights Council:
 - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), including:
 - Concluding Observations of the Committee on the Elimination of Discrimination against Women, Japan (CEDAW/C/JPN/CO/6, CEDAW/C/JPN/CO/7-8)
 - Reports of the Special Rapporteur in the field of cultural rights, Farida Shaheed
- UNESCO:
 - 1972 World Heritage Convention
 - Operational Guidelines for the Implementation of the World Heritage Convention
 - ICOMOS, Advisory Body Evaluation, 2004 on Kii Mountain Range (Japan), No 1142
 - Priority Gender Equality Action Plan 2014-2021
 - Speech by Director-General
 - Journals, magazines, annual reports
- Japanese Government sources:
 - World Heritage List Nomination: Sacred Sites and Pilgrimage Routes in the Kii Mountain Range, and the Cultural Landscapes that Surround Them, Agency for Cultural Affairs and Ministry of the Environment
 - Third and Fourth Basic Plans for Gender Equality, Gender Equality Bureau Cabinet Office
 - Numerical Targets and Updated Figures of the 4th Basic Plan for Gender Equality, Gender Equality Bureau Cabinet Office

- Other institutional documents:
 - The Global Gender Gap Report 2017, World Economic Forum
 - Womenomics 4.0: Time to Walk the Talk, Goldman Sachs

OTHER SOURCES:

- News media
- Secondary academic literature
- Nichiren Buddhism scriptures
- Website and Facebook pages of the Motomerukai

Further sources that are used throughout the thesis:

- Secondary academic literature
- News media
- UNESCO:
 - 1994 Nara Document on Authenticity, ICOMOS
 - 1972 World Heritage Convention
 - 2001 UNESCO Universal Declaration on Cultural Diversity
 - 2001 Convention on the Protection of the Underwater Cultural Heritage
 - 2003 Convention for the Safeguarding of the Intangible Cultural Heritage
 - 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions
- UN Women:
 - Annual Reports
 - UN System Wide Policy on Gender Equality and the Empowerment of Women (UN-SWAP)

- Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
- Universal Declaration of Human Rights, UN General Assembly
- Other institutional sources:
 - Agency for Cultural Affairs, Japan
 - Country Reports on Human Rights Practices for 2017, Japan 2017 Human Rights Report, US Department of State
 - Global Gender Gap Index, World Economic Forum
 - Cool Japan Strategy Public-Private Collaboration Initiative, Cabinet Office

The two appendices are:

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- 28 December 2015 Agreement on the issue of Comfort Women

The Convention, also called the international bill of women's rights, is an international convention adopted in 1979 by the UN General Assembly. It outlines the forms of discrimination women may encounter, provides an agenda to counter such discrimination, and holds ratified state parties legally responsible to commit to gender equality. It is the most important treaty for the promotion of women's rights in all parts of life, including culture. I refer to this convention in both case studies.

The 28 December 2015 Agreement is an agreement between Japan and South Korea, aimed at gaining closure on the Comfort Women issue that has not been addressed to the satisfaction of the victims survivors of sexual slavery, and has never been resolved diplomatically. The text is included in full, because of how this agreement is formulated – not a victim-centered approach. It contains references to the memorialization of Comfort Women in Korea and the problematization in the international arena, which are both relevant for chapter three where I outline the memorialization issues and political entanglements extensively.

2.2 Theoretical Concepts

This thesis employs theoretical thinking on heritage and gender as social constructions. Heritage is commonly understood in terms of ownership, as property that is bequeathed, or historical objects or traditions of value being bestowed from previous generations. However, this study focuses on the constructionist perspective whereby architectural or artefactual remains, memories, landscapes or traditions from the past are selectively enlisted as “cultural, political and economic resources for the present” (Graham and Howard 2008, 2). It does not make distinctions between tangible, intangible or documentary heritages, because the analyses center on heritagization processes that systematically ignore the inclusion, representation and contribution of women within various types of conventions, nominations and reporting.

Gender is not a code word for women (Nelson, 1994, 4). Rather, gender is a learned behavior where individuals are socialized through cultural processes on what it means to “be” masculine or feminine. This gender identity is socially produced by repetitive gestures, acts and discursive means, which is coined “performativity” by Judith Butler (1999, 185), but these are subject to an individual’s sexuality, psychology, or their environment. Since gender expressions and behaviors (or performance) vary depending on culture or time period, there is no consensus on the meaning of masculinity or femininity (Jackson and Scott 2002, 9). In other words, masculine behavior is often associated with biological males, who then perform masculinity according to what is culturally constructed and accepted, whereas biological females express their gender identity in culturally constructed feminine ways acceptable for women. But neither are mutually exclusive. For instance, in the US, soccer is seen more as a sport for women, while in Europe and South America, football is regarded as a men’s sport.

Looking at culture through a binary lens, simply including and writing about women is too limited and remedial at best. What is of scientific interest for heritage managers, is seeing gender as an asymmetrical relationship between the sexes, that is conveyed through cultural products and artefacts. This means, rather than a gender

approach, a feminist approach that is devoted to critically analyzing power structures, challenging the male perspective as the default, and seeing how gender is established through negotiation processes, is important. Men, women and other genders have always had pluralistic, complex roles and identities according to the archaeological record (Wicker and Arnold 1999, 3), so it is the duty of the heritage manager to represent them free from stereotypes. Acknowledging that gender is on a spectrum which includes gender non-conforming people, this thesis however, will focus its attention on women, which will in itself be far from monolithic. In fact, by analyzing hegemonic masculinity, other disadvantaged genders become visible, and I pursue the study of women because it can serve as an example of structural issues that lie at the heart of normalized masculine heritagization processes. The underrepresentation of women in heritage and history has had far-reaching consequences for women's identities, even "serious political and educational implications" (Conkey and Spector 1984, 2). This has elucidated a wider need for a diversity of representations, including queer and non-binary individuals, or even genders that are not transhistorical in the case of shamans of certain (pre-colonial) Native American communities (Hollimon 2006, 438; Voss 2006; 367).

This thesis will critically examine the masculinist power structures that is not exclusively practiced by male members of society. Women can uphold these structures too when they benefit from them. Women are not monolithic, so neither are men. That is why it is important to represent all genders. But when speaking of power and those making the decisions what to heritagize, the heritage of non-men is usually rendered invisible by men in positions of power (Alberti 2006, 406; Knapp 1998, 102-105; Spencer-Wood 2006, 62). Without ignoring the existence of gender queer people, the case studies are related to Japan which traditionally polarize genders into men (masculine) and women (feminine) within a patriarchy (masculine hegemony). Hence I will be deconstructing the heritagization processes along this binary and call for inclusion and better representation, without intending to essentialize genders.

2.3 National Identity and Nationalism

In her book *Heritage Conservation in Japan's Cultural Diplomacy: Heritage, National Identity and National Interest*, Natsuko Akagawa (2015) successfully expands the heritage field into a wider geo-political arena by linking together Japan's heritage conservation practices and foreign policy to the promotion of Japan's national identity and securing its national interest in development assistance. Because heritage is inextricably bound to concepts such as "nation-building" and "nationalism", Akagawa contextualizes Japan's heritage practices against this background.

Firstly, the definitions of "state", "nation" and "nationalism" must be clarified. According to Hutchinson and Smith (1994) a "state" is a political and territorial unit (Hutchinson and Smith 1994, 36). It has a tangible aspect, and is locatable on a map. A "nation" is more difficult to conceptualize, but can be defined as a "community of sentiment which would adequately manifest itself in a state of its own" (Hutchinson and Smith 1994, 25). This means it is intangible, because it comprises of a sense of belonging to a collectivity based on e.g. a shared language, culture, ethnicity, memories, ideology or combinations thereof. Providing one definition of nationalism is nearly impossible, since the growing amount of literature on nationalism expounds more meanings and nuances with every publication. Akagawa holds to the generic definition given by Anthony D. Smith; an "ideological movement for attaining and maintaining autonomy, unity and identity on behalf of a population deemed by some of its members to constitute an actual or potential 'nation'" (Smith 1991, 73 cited in Akagawa 2015, 16).

In the case of Japan, although, Japanese nationalism contains elements from nationalism based on ethnicity, to categorize Japanese nationalism as "Eastern" (a community based on ethnicity or language) versus "Western" (a civic type of liberal community) nationalism (Kohn 1944), erases several types of "nationalisms" that give character to Japan's national identity. I therefore wish to avoid this dichotomy, because "it describes normative types" (Smith 2010, 43), and also because "so many nationalisms change 'character' over time and so often partake of elements of both

types” (Smith 2010, 44). Japan has seen many changes over time as well. Civic nationalism and ethnic nationalism (Reid 2009, 4) better describe these ideologies, and this thesis works with these classifications. Apart from an ethnicity-based nationalism, Akagawa has identified several nuanced strands that are relevant to this study.

The first type of nationalism related to ethnicity is anti-imperial nationalism against the West. It was during the Meiji Restoration (1868-1912), also known as the Meiji Period or Era, of political reformation and modernization that the concept of Japanese heritage conservation evolved into national policy (Akagawa 2015, 13). As foreign pressure from Western Imperialism increased during the second half of the nineteenth century, Japan chose to reform its state according to the European model, “powerful enough in the end to meet the West on equal terms” (Beasley 1972, 1). At the same time, for fear of losing their identity due to the rapid socio-economic and political changes, the country sought to consolidate its national character, by actively constructing a Japanese identity which drew on an idealized, imagined past (Akagawa 2015, 15). This process was not unique to Japan, since innovation and a reactionary response to the traditional and familiar are interrelated. Heritage thus becomes “a product of the process of modernization” (Brett 1996, 8), a development seen throughout the world during the nation-building era of the 18th and 19th (some well into the 20th) centuries. The nostalgia for a disappearing traditional culture initialized the conservation of what was considered national heritage for many countries during industrialization, including Japan.

The second is a type of cultural nationalism, called “*nihonjinron*” (日本人論), a set of discourses that give an essentialized and exclusionist representation of Japan’s uniqueness, which gained popularity after WWII when Japan had to reconstruct a new identity away from the fascist one, but fits within the category of ethnic nationalism. Akagawa relies on the critique of the *nihonjinron* by scholars Harumi Befu, Peter N. Dale and Kosaku Yoshino (in Akagawa 2015, 36-39). Japan, its culture and its inhabitants are premised to possess a distinctive character that sets them apart from the rest of the world (Kowner and Befu 2015, 391). Moreover,

Rotem Kowner and Harumi Befu state that the belief in the *nihonjinron* is still very popular, “notably [in public discourses] related to Japan’s place in the world” (Kowner and Befu 2015, 390), and that it permeates “the political establishment and the economic elite” (Kowner and Befu 2015, 394). What makes these discourses problematic, is that they contain essentialist and sometimes racist aspects, erasing the diversity of cultures and ethnic minorities, claiming a unique homogeneity that only biologically native Japanese can understand, capture and pass on (Kowner and Befu 2015, 391-392). This uniqueness also implies an advanced form of “superiority” over “hierarchical lower” societies (Kowner and Befu 2015, 393). Of course, due to being an archipelago with natural borders formed by the seas surrounding it, the Japanese nation – especially during *Sakoku* (isolationism) in the Edo period (1600-1868) when foreign trade and relations were limited – was able to develop its own culture and language. However, these monoracial discourses deny the consistent influx of culture, religion, science, agriculture, art and more through peoples from neighboring and indigenous civilizations that have always existed. Nevertheless, the *nihonjinron* still remains the dominant belief that perpetuates the exclusion of non-Japanese based on culture and biology, simply because there is no alternative ideology (Kowner and Befu 2015, 394).

The third type of nationalism is a recent development brought on by globalization (Akagawa 2015, 18). Communities of people who share a culture, ethnicity, religion or language cross transnational borders, whereby identities are exported, cultures and traditions are adopted elsewhere, diaspora nationalism being one example.

Globalization also requires a state “to seek its national identity in global terms” (Akagawa 2015, 18), a motive for Japan to become a global citizen. One way this has manifested is the development of “Cool Japan” (fig. 1), a government branding strategy based on Joseph Nye’s (2004) concept of “soft power”, “that [sic] aims to disseminate Japan’s attractiveness and allure to the world and to incorporate and harness global growth for domestic economic growth” (Cabinet Office 2015, 1). At the political level, Japan has managed to conquer a prominent place in heritage conservation, precisely because it falls in line with its priorities of promoting

national identity and securing national interest. After WWII, the Japanese military forces were sidelined by article 9 of the Japanese Constitution, robbing Japan of military might. Due to having an ageing population and a declining birthrate, Japan was surpassed by China as the second largest world economy in 2010 (Barboza 2010). The niche that opened up in the global heritage arena became a way for Japan to profile itself as a globally-oriented and civilized society. Furthermore, by earmarking heritage conservation projects, it found a way to maintain political clout.



Figure 1. Prime Minister Shinzo Abe dressed as Super Mario at the Rio Olympics, a prime example of “Cool Japan”. (Source: <http://www.abc.net.au/news/2016-08-22/japans-prime-minister-shinzo-abe-waves-during-the-olympics-clo/7772108>, AP Photo/Vincent Thian)

Appropriating the universalism that UNESCO propounds to protect humanity’s global heritage, the principle of internationalism – the cooperation of the international community based on common interests – is a performative one in the Japanese case. Internationalism to promote peace and unification of the world’s peoples, is a post-war construction that disassociates Japan’s wartime aggression by positioning itself as nuclear victims (Giamo 2003, 705). This principle provides them with a new forward-looking identity, enabling to omit their responsibility by concentrating on cooperation as equals, rather than former enemies.

Evidently, these three types of ethnic nationalisms have impacted the construction of a national identity, and with this, the heritage-making processes post-WWII. The first type focuses on a return to tradition during the Meiji Period, the second expounds the uniqueness of Japan as a culture and a nation after WWII, while the last modern type is geared towards defining an international identity which at the same time transmits Japan's palatable distinctive culture abroad in an attempt to exercise "soft power", while finding a new way to influence the global community. Under the guise of internationalism, Japan whitewashes their aggressor past and replaces it with a pacifist image.

2.4 Critical Heritage

The role Japan has played and continues to play in the global heritage conservation discourse and activities has been invaluable. The most paradigm-shifting contribution has been the 1994 Nara Document on Authenticity (ICOMOS 1994), expanding on the concept of "authenticity", which has thus far been based upon the European definition of objects or sites having a proven legitimacy and seniority. It has been argued that UNESCO operates within universalist and Eurocentric frameworks (Byrne 1991, 274; Labadi 2007, 152; Meskell 2002, 564; Smith 2006, 11) that did not capture how the Japanese experience authenticity connected to e.g. landscape or rituals. According to Tsukasa Kawada and Nao Hayashi-Denis (2004), Japan presents itself as a guide, to help "other countries in achieving development, since many of these countries face the kind of difficulties that Japan itself once experienced in this endeavour" (Kawada and Hayashi-Denis 2004, 33).

However, any international heritage law has its "bright" and "dark" sides as is well illustrated by Lucas Lixinski (2013; 2015). By positioning itself as a non-Western state, Japan adds value to the international heritage discourse through the promotion of diversity and their right to culture, a development that has benefited many marginalized and Indigenous communities in their struggle for self-determination. At the same time, this positioning enshrouds the fact that they have their own "Authorized Heritage Discourse" (Smith 2006). Authorized Heritage Discourse (AHD) was coined by Laurajane Smith (2006), pointing to a way of seeing heritage

that upholds the status quo, from the perspective of the dominant group. This mechanism is perpetuated by heritage experts that promote a state's national identity, intentionally excluding diversity that does not support the dominant narrative.

In order to manage the risk of the vulnerable state of heritage, heritage experts select what is worthy of conservation for future generations, thereby validating “a set of practices and performances, which populates both popular and expert constructions of ‘heritage’ and undermines alternative and subaltern ideas about ‘heritage’” (Smith 2006, 11). By creating a uniform language for heritage governance in the form of the Nara Convention (ICOMOS 1994) or on Intangible Cultural Heritage (UNESCO 2003), it privileges “heritage experts over heritage practitioners, holders or custodians” (Lixinski 2013, 144), “enabling experts to create self-perpetuating mechanisms to ensure their own relevance” (Lixinski 2013, 145). The risk this brings is that it drowns out the call for representations of non-Indigenous minorities, including women.

This flaw relates to another negative aspect of international heritage governance, reinforcing state sovereignty over cultural matters (Lixinski 2013, 147). Nominating a multicultural site or minority cultural expression as a sovereign single state, it enables the state to assert complete control over said site or cultural expression. Under the pretext of promoting cultural diversity, it allows a state to promote only an “authorized diversity”, thereby excluding protection of other sites or cultural manifestations (Lixinski 2013, 149).

Lynn Meskell notes the “hypocrisy” of states and institutions in selectively signing certain conventions while failing to ratify others (Meskell 2002, 564). In Japan's case, those not signed include e.g. the 2001 Convention on the Protection of the Underwater Cultural Heritage (UNESCO 2001b) and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO 2005). The premise that Japan champions cultural heritage and cultural rights seems conditional.

It becomes clear that heritage, cultural rights and international law are grounds for contestation, even human rights infringements and repression. Meskell aptly observes that UNESCO's many cultural conventions "do not constitute a coherent statement on human rights" (Meskell 2010, 844), an observation that the two case studies of this thesis will support. Critical heritage experts notice how the Heritage program is shifting away from international cooperation and intercultural dialogue to serving nationalism (Logan 2012, 124; Meskell 2018, 153), for economic benefit (Meskell 2013, 483) and listing for the sake of listing rather than safeguarding (Blake 2014, 292).

The recognition to develop cultural rights with a human dimension (Francioni 2011, 9) that considers heritage not solely as cultural property, rather recognizing how its performance and construction are never neutral and affects the lives of real people, is something heritage managers need to be aware of. Heritage-making is after all "a social construct shaped by the political, economic and social concerns of the present" (Graham and Howard 2008, 2), whereby its contents, interpretations and representations should provide a sustainable legacy for future generations (Blake 2011, 200-201).

2.5 A Feminist Rights Framework

Androcentrism, or the normative ideal that man and maleness are universal and non-males are considered "others", has played a role in forging both nation-building and heritage-making that promotes the male-centered narrative (i.e. Nagel 1998, 248-249; Smith 2008, 159). Heritage scholars caution us to not assume that heritagization are positive and empowering for all members of any community, as it is a question of who holds power (Blake 2011, 205), and that it skewers contemporary culture after being constantly exposed to primarily masculine representations (Reading 2015, 401). It is no wonder that sometimes conflict arises when demands for gender equality are made in the right to culture. Since culture evolves constantly, the causes of friction between culture and women's human rights have yet to be sufficiently theorized. Below a brief summary of how the gender dimension is incorporated into the discussion on cultural rights.

While The Universal Declaration of Human Rights (UDHR) (UN General Assembly 1948), drafted in 1948, addresses equal rights in Article 2, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (see Appendix A), adopted by the UN General Assembly in 1979 and ratified by Japan in 1985, is the most robust international framework that defines discrimination against women. It has a committee of independent experts that monitor the implementation of CEDAW through periodic reporting and makes recommendations to Member States to improve the status of women.

CEDAW makes mention of women's cultural rights in article 1, 3, 5 and 13 that call on state parties to take measures so that women can enjoy equal rights, to develop and advance these rights, to combat prejudices and stereotypes, and to ensure that women can participate in cultural life (see Appendix A). Unfortunately, CEDAW is the convention with the largest number of reservations (Moghadam and Bagheritari 2007, 12), meaning that Member States who have ratified opt out of certain articles that prioritize culture and undermine the protection of women's rights. Japan has made no reservations and thus should adhere to the convention.

Androcentrism pervades throughout society, even among the higher echelons of the United Nations¹. Recognizing this systemwide gender imbalance, the United Nations General Assembly created UN Women in 2010, which coincided with the need to reform the UN agenda to promote gender equality from governance to operational levels. Under the leading role of this new UN agency, the UN adopted the UN System-Wide Action Plan (UN-SWAP) in 2012 to gender mainstream all UN entities through a reporting framework to promote accountability at the corporate level (UN Women 2012; www.unwomen.org). It is after the creation of UN Women and the introduction of UN-SWAP that we see gender appearing more in the language of UN official documents, including UNESCO's. This means that the UNESCO

¹ The UN Secretary-General reported in early 2018 that UN senior management had reached full gender parity. <https://www.unric.org/en/latest-un-buzz/30942-gender-parity-reached-in-un-senior-management>

Conventions relating to tangible and intangible cultural heritage, like the 1972 and the 2003 Conventions do not incorporate the word gender in their bodies. This does not mean that prior to 2010 gender has never been taken into account as the many reports and decisions have shown. However, Valentine Moghadam and Manilee Bagheritari argue that the “adding on” of women’s rights in a framework defined by androcentric standards does nothing to deconstruct the underlying discriminatory structure (Moghadam and Bagheritari 2007, 11) since these conventions are not drafted with gender equality as a fundamental core principle.

What is also problematic is the gender-neutral formulation of the language. Article 4 of the 2001 UNESCO Universal Declaration on Cultural Diversity (UNESCO 2001a) states “No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.” Firstly, this does not explicitly recognize the challenges faced by women in their own community (Moghadam and Bagheritari 2007, 16). Secondly, the sentence can be misconstrued to reinforce and preserve oppressive practices in cases where men may feel their human rights are infringed upon. There is no concrete formulation to protect women’s rights, and Member States may not implement them as such. They may also feel that gender equality is a Western concept, an imperialist tool that threatens cultural diversity (Holtmaat en Naber 2011, 2). Indeed, it is dangerous to transpose Eurocentric gender norms onto societies that may have different gender arrangements. The current state of affairs is that discussions have stranded on this dichotomy of universalist and individual rights versus pluralist and collective rights. However, equally problematic is the assumption that there are no cultural practices in the West that are harmful to women (Winter et al. 2002, 72-73). A feminist perspective does not equal critiquing non-Western cultures by Western standards. A feminist perspective does recognize that patriarchal societies are not exclusive to non-Western countries, and sees the oppression of women – while varying in degree, differing for each social dimension – as omnipresent.

Fortunately for governments, academic institutions and civil society, the UN Human Rights Council appointed Farida Shaheed as Special Rapporteur in the field of

cultural rights between 2012-2016. Shaheed (2012) put the empowerment of women and gender equality on the agenda in her *Cultural Rights Report A/67/287* (Shaheed, 2012). In the report she calls on Member States to ensure equal cultural rights, combat discriminatory gender stereotyping, and a return to the international human rights framework with respect to cultural diversity. In the last paragraph of the recommendations she encourages experts “to engage with women to identify measures that can catalyse transformative equality processes” (Shaheed 2012, 24), a conclusion that is shared by many rights scholars. Holtmaat and Naber (2011) call it “fruitful dialogue”, Janet Blake (UNESCO 2014a, 52) states how intangible cultural heritage can provide a space for “societal dialogue”, while Siobhan Mullally (2006) expands on Seyla Benhabib’s “dual track approach” with a “moral-political dialogue”.

Both Mullally, and Holtmaat and Naber advocate for reclaiming universalism, moving away from the Eurocentric and masculine hegemonies that pose as universalism, but with respect for cultural diversity (Holtmaat and Naber 2011, 88; Mullally 2006, xxxii), de-essentialize the homogenous trope of the “third-world woman” stripped of agency (Holtmaat and Naber 2011, 85; Mullally 2006, xxxi), creating conducive circumstances for dialogue that are respectful, equal, reciprocal and democratic (Holtmaat and Naber 2011, 126-127; Mullally 2006, 71). Simultaneously, those who advocate for women’s rights must make clear that the protection of women’s rights does not equate to individualism that undermines, rather it helps a community grow stronger and flourish. The constructions of heritage, culture and gender are and have always been fluid. Human rights are likewise not absolute. Therefore, it is imperative to include women in the negotiation processes, whose real identities lie at the intersections of both culture and human rights. Benhabib’s dual-track approach that reconciles universalism tailored to cultural specificity that ensures the equal participation of women in discussions, is crucial to changing the androcentric framework that has been considered the norm much too long.

Having contextualized Japanese nation-building as a form of ethnic nationalism, recognizing that the construction of a national identity is closely tied to a constructed gender identity – enhancing the masculine identity while erasing the feminine identity – and discussing how UNESCO treaties and conventions have helped maintain this male-centered heritagization framework, I am attempting to converge the approaches that advocate for the inclusion, participation and representation of women in heritage through dialogue from international law into heritage practices. The infringement on women’s rights through the perpetuation of androcentric practices and representation, is devastating the lives of real women today. Heritage practitioners must be aware of the gender aspect and power dynamics at any stage of heritage-making. I am advocating for a renewed cosmopolitan assessment that lay bare the structural inequalities of women’s cultural rights. Without essentializing women’s experiences, radical gender equality as a premise for inclusion, participation and representation is crucial. This thesis will now turn to two case studies to analyze these aspects in detail against the frameworks that have been discussed in the previous chapter and try to answer the research questions posed in the Introduction chapter.

3. The “Comfort Women” Memorialization Issue

This chapter discusses the difficulties surrounding the interregional issue of “Comfort Women” that has haunted Japan’s foreign relations with its former colonies and annexed territories. This issue is regarded as negative or difficult heritage, a negative memory that commemorates the trauma inflicted upon thousands of women and girls trafficked into sexual slavery during WWII. The role of preserving negative heritage can be for transformative educational purposes – for example never to repeat genocide, or to erase from heritage (but not from history) e.g. dictatorial regimes to prevent its glorification (Meskell 2002, 558). In the first role, the memorialization of this atrocity may help victim survivors to obtain transitional justice, a form of justice after a period of conflict that seeks recognition for victims of human rights violations (www.ictj.org).

The Comfort Women case study is the first example in this thesis that highlights the problematic stance Japan displays regarding women’s rights in heritage conservation and how it is trying to exercise its influence in heritagization processes. The goal of this chapter is to raise awareness on the real socio-political impact of heritage, how the wellbeing of a marginalized community is sacrificed over regional politics and national interest. The Japanese policies and strategies that are directed at branding the state as apolitical, internationalist and cooperative – the “soft power” approach – are contextualized and contrasted with the nationalist reactions this issue sparks on both sides. Japan has, in the eyes of the former Comfort Women, not recognized its legal responsibility as a nation that systematically condoned gendered violence in conflict. Because of Japan’s active resistance to memorialize Comfort Women, this in turn provokes nationalistic sentiments of neighboring countries that exacerbate the volatile situation and prevents the parties involved to come with adequate solutions that should center on benefitting the former Comfort Women. Instead, the issue is being used in ethnic nationalist discourse, or relegated as a past issue that should be forgotten in the grander scheme of regional peace and economic growth.

The chapter begins with a historical background on the controversial issue. Subsequently, the issues surrounding this negative heritage are discussed that complicate its heritagization and memorialization, including the cycle of political backlash emanating from ethnic nationalism. What has prevented the victims to achieve transitional justice, and what are some ways to move out of this deadlock that has paralyzed regional stability?

3.1 Historical Background

For the historical background, I have consulted government sources, several institutional documents that address the Comfort Women issue from multiple perspectives, such as women's rights, human rights, and the context of international law. Secondary literature by researchers on Comfort Women have been helpful to interpret not only the development of the issue and state activities, but also to read the narratives of the victim survivors that are far from monolithic. Articles from news outlets have been useful to trace the most recent regional political developments.

Comfort Women is the literal translation of the Japanese “*ianfu*” (慰安婦) and euphemistically refers to girls and women abducted, sold, trafficked, or lured into forced prostitution at so-called “comfort stations” throughout the Japanese Empire for its military service men before and during WWII (Soh 2006, 67). The comfort system as justified by Japan, had several (male-centered) functions: to boost the morale of the male soldiers, to prevent rape of women in occupied territories and to monitor and contain sexually transmitted diseases (Soh 1998, 451). The majority of the estimated 200,000 Comfort Women were from the Korean peninsula, which had been colonized by Japan since 1910 (Soh 2006, 67). A smaller number of women were from China, Taiwan, the Philippines and across Southeast Asia, including Japanese women and women of Australian and Dutch descent.

After WWII, the Batavia tribunal in 1948, recognized 35 Dutch women as sex slaves, leading to the conviction of several officers, but not the Indonesian women who underwent the same atrocities (Varga 2009, 290). During the International

Military Tribunal for the Far East in 1946 (also known as the Tokyo Tribunal), high ranking Japanese war criminals were prosecuted, but harms caused to Comfort Women were not addressed, and thus not considered a crime (Knop and Riles 2017, 872). In 1965, the Treaty on Basic Relations between Japan and the Republic of Korea (United Nations 1965), a bilateral agreement between Japan and Korea aimed at normalizing relations, recognized Japan's obligation to pay reparations to the annexed and colonized states in a traditional inter-state fashion (Knop and Riles 2017, 873). This meant that compensation was made to the state in the form of loans, development projects and products, but not to individual claims. Nor was this compensation considered a form of atonement since monies paid were not associated with past atrocities (Knop and Riles 2017, 873). Up until the 1990s, Japan considered this treaty as final, precluding future claims (Knop and Riles 2017, 874).

The ordeal of Comfort Women became public during the 1990s, after the recognition that gender-based violence in conflict zones such as Former Yugoslavia and Rwanda were finally regarded as criminal (Knop and Riles 2017, 871). More than 200 Korean Comfort Women came forward with their testimonies (Soh 2006, 67) and demanded compensation and formal apologies (Knop and Riles 2017, 871). With the discovery of archival documents by a professor of Japanese modern history, Yoshiaki Yoshimi (O'Brien 2000), which proved the involvement of the Japanese military in a system of sexual slavery – allegations the Japanese government had been denying – an official apology followed shortly after, known as the Kono Statement in 1993 (Ministry of Foreign Affairs of Japan 1993). Since this first formal recognition of the existence of Comfort Women, almost every Japanese Prime Minister or cabinet secretary has shown remorse for Japan's barbarous imperialist conduct, and some of these apologies have been contrite (Lind 2008, 64). In 1995, the Asian Women's Fund (AWF) was established to provide atonement money to victims, however, many Korean Comfort Women considered Japanese initiatives insufficient and rejected them (Knop and Riles 2017, 876). The critique against the AWF was that the funding did not come from the government but from private sources (Lind 2008, 65-66), and it was disbanded in 2007.

3.1.1 Japan's International Commitment

In preparation for the UK presidency of the G8, the UK founded the Preventing Sexual Violence Initiative (PSVI) in 2012 under the leadership of then Foreign Secretary William Hague and UN Special Envoy Angelina Jolie (www.gov.uk). At the G8 summit in 2013, the Declaration on Preventing Sexual Violence in Conflict was adopted by all eight states, including Japan saying it would “strongly support” this initiative through providing funding for projects (Ministry of Foreign Affairs of Japan 2017a). At the summit, Japan’s former Foreign Minister Fumio Kishida pledged “together with all of the other Champions gathered here today, we will redouble our efforts to eradicate sexual violence in conflict,” (Kishida 2013). In this same statement, Kishida promised to formulate a National Action Plan (NAP) on Women, Peace and Security, a Plan that only Japan and Russia had not drafted until then. These NAPs are based on UN Security Council Resolution 1325 (henceforth UNSCR 1325) – and subsequent resolutions on women, peace and security – calling states to develop and implement UNSCR 1325 for the inclusion and participation of women in peace processes, protection from human rights violations and access to justice in times of (post-)conflict (www.securitywomen.org). Japan finalized its NAP in 2015 (Ministry of Foreign Affairs of Japan 2017b).

Japan’s new global commitment to move forward, as the re-branded “champion” against sexual violence in conflict, is also noticed in its increased contribution to UN Women, the UN Agency for Gender Equality and Women’s Empowerment, in particular the UN Trust Fund to End Violence Against Women, a Trust Fund managed by UN Women on behalf of the UN System (untf.unwomen.org). Japan’s annual financial support to UN Women went from a minimal USD 498,000 in 2010, the year UN Women was established (UN Women 2011, 28), to a six-fold increase of USD 31,211,419, making Japan the second largest contributor after Sweden in 2016 (UN Women 2017, 45). When breaking down the resources from Japan, one sees that the largest portion of the donations is dedicated to non-core activities, meaning that donations are earmarked for Trust Funds, including the UN Trust Fund to End Violence Against Women (e.g. UN Women 2014, 27).

3.1.2 The December 2015 Agreement

Then, on 28 December 2015, the governments of South Korea and Japan reached an agreement over the Comfort Women issue (Tisdall 2015). The agreement contains an apology by the Prime Minister of Japan (at the time of writing Prime Minister Abe), and financial reparations coming from the budget of the government of Japan, but managed by the South Korean government (see Appendix B for the complete agreement). In return, South Korea would stop criticizing Japan in the international community. According to Knop and Riles, “this arrangement represents an important diplomatic innovation in that it allows Japan to apologize and compensate the victims while maintaining its position that it has no legal liability to individuals under international law” (Knop and Riles 2017, 877). Because this agreement places no legal responsibility on the Japanese government, it is met with criticism by mainly The Korean Council for Women Forced Into Sexual Slavery (henceforth The Korean Council), the organization that represents many of the Korean victim survivors (Knop and Riles 2017, 877). In addition, the UN Committee on the Elimination of Discrimination Against Women regrets that Japan does not honor previous CEDAW recommendations, “and that [Japan’s] position on the issue of ‘comfort women’ does not fall within the mandate of the Committee”, noting that both governments “did not fully adopt a victim-centered approach” (CEDAW 2016). This worry is shared by the Committee on the Elimination of Racial Discrimination (CERD), including the concern regarding “statements of some public officials, minimizing the responsibility of the Government with respect to comfort women, and their potential negative impact on survivors” (CERD 2018). Some of these statements will be discussed in the following paragraph.

In December 2017, the current South Korean government under president Jae-in Moon questioned the December 2015 Agreement, and appointed a panel to consider revoking the deal, because the former Comfort Women were never consulted or included in its negotiations (Choe 2017). This incident nearly resulted in a diplomatic row when Prime Minister Abe declined to attend the opening ceremony for the 2018 Pyeongchang Winter Olympics held in South Korea (Jang 2018).

However, the impending North Korean nuclear threat forces both countries to “construct a new future-oriented relationship” (Matsui and Kyuki 2018). The two national leaders met prior to the Olympics, whereby President Moon urged Japan to consider taking additional measures to apologize to the victim survivors, while Prime Minister Abe repeated the “final and irreversible” nature of the December 2015 Agreement, not accepting any unilateral requests when Japan is upholding their side of the deal (Matsui and Kyuki 2018). South Korean Minister of Foreign Affairs Kyung-wha Kang restated that South Korea will not demand a renegotiation of the agreement, and is seeking ways to strengthen “cultural and people-to-people ties” despite historical and territorial disputes through launching a specific task force (The Mainichi 2018). Korean public opinion do not reflect this stance: a survey conducted by the Korean Hankook Ilbo and the Japanese Yomiuri Shimbun newspapers between 22-24 June 2018, showed 73% of South Koreans want a renegotiation of the December 25 Agreement, opposed to 23% of the Japanese respondents (Yonhap News Agency 2018b). Further results of the polls are interesting. 91% of South Koreans vs 14% of the Japanese think Japan should offer an apology, 80% of South Koreans and only 5% of the Japanese agree with continued erections of Comfort Women statues (Yonhap News Agency 2018b). South Koreans showed more distrust towards Japan, especially of Prime Minister Abe (Yonhap News Agency 2018b).

3.2 The Politics of the Statues of Comfort Women

“We must not let our children, grandchildren, and even further generations to come, who have nothing to do with that war, be predestined to apologize. Still, even so, we Japanese, across generations, must squarely face the history of the past. We have the responsibility to inherit the past, in all humbleness, and pass it on to the future.”

Shinzo Abe, Prime Minister of Japan (Abe 2015).

A detailed analysis of the political entanglements that cause the recent controversy of the Comfort Women statues follows in this paragraph.

It is reasonable to conclude from the previous sections that the government of Japan is seeking a way to close this page of history. It has shown commitment to eradicating gender-based violence in conflict by joining the PSVI Declaration of the G8, drafted a NAP based on UNSCR 1325, mobilized financial resources that are specifically earmarked for eliminating violence against women and has tried to resolve the Comfort Women issue “finally and irreversibly” with a new agreement (Appendix 2). If not for the sake of future generations (see quote by Shinzo Abe above), then for national interest and regional stability. The fact that the Republic of Korea co-signed the agreement indicates that they also wish to strengthen the bilateral trade cooperation. The US government also sees no benefit in worsening the relationship between Korea and Japan and remain multilateral allies to counter the North-Korean nuclear threat (Yoon 2015). Moreover, Sung-hyun Kang, a professor at Sungkonghoe University, claims the US is “deliberately withholding documented evidence” of Comfort Women for fear of weakening the alliance out of political and economic interest (Shim 2018), further impairing the situation for the victim survivors. However, the countries that suffered from its wartime aggression are less inclined to dismiss Japan of its obligation to apologize.

According to Jennifer Lind, Korea’s distrust towards Japan is rooted in Japan’s nationalist backlash after each contrition its own government makes (Lind 2008, 84) and the revisionist educational policy that either justified past violence or omitted atrocities from textbooks (Lind 2008, 71). After every apology, high level “conservative opinion leaders routinely denied or downplayed the atrocities” (Lind 2008, 72), maintaining that comfort stations were not state-sanctioned but privately-owned brothels. Even current Prime Minister Abe, a known historical revisionist (Saaler 2013, 309-310; Shim 2018) denied Japan’s role in coercing women into prostitution in 2007, after Japan received international pressure to apologize (Lind 2008, 72). These types of verbal expressions by non-state actors like members of (local governments or extremist groups) push the issue beyond state control.

3.2.1 Statues in South Korea

In the December 2015 Agreement concerning Comfort Women (Appendix B), a reference is made to a statue situated in front of the Embassy of Japan in Seoul (see figs.3-5 for map and location). This statue (fig. 5) was placed by The Korean Council to commemorate the 1000th Wednesday Protest, weekly demonstrations held since 8 January 1992 to raise awareness on the Comfort Women issue (Kingston 2014). Japan feels it is a violation of the Vienna Convention (United Nations 1961) whereby the host country has a duty to protect its foreign missions and staff, and asks for its removal (Kim 2014, 88). Besides the fact that the place of the statue violates South Korean traffic laws (Kim 2014, 87), many would think that respect for a peace memorial statue is appropriate if Japan is willing to restore the “honor and dignity” of the women (Knop and Riles 2017, 864). However, when taking a closer look at the message on the plaque, the statue does not commemorate the suffering of the Comfort Women, rather it remembers the Wednesday Protests (Knop and Riles 2017, 864-865). The text reads “December 14, 2011 marks the 1000th Wednesday Demonstration for the solution of Japanese Military Sexual Slavery issue after its first rally on January 8, 1992 in front of the Japanese Embassy. This peace monument stands to commemorate the spirit and the deep history of the Wednesday Demonstration.” (Kim 2014, 88). Mikyoung Kim states “[b]y no means is the monument reconciliatory or merely aesthetic. Rather, it is purposefully performative.” (Kim 2014, 88).

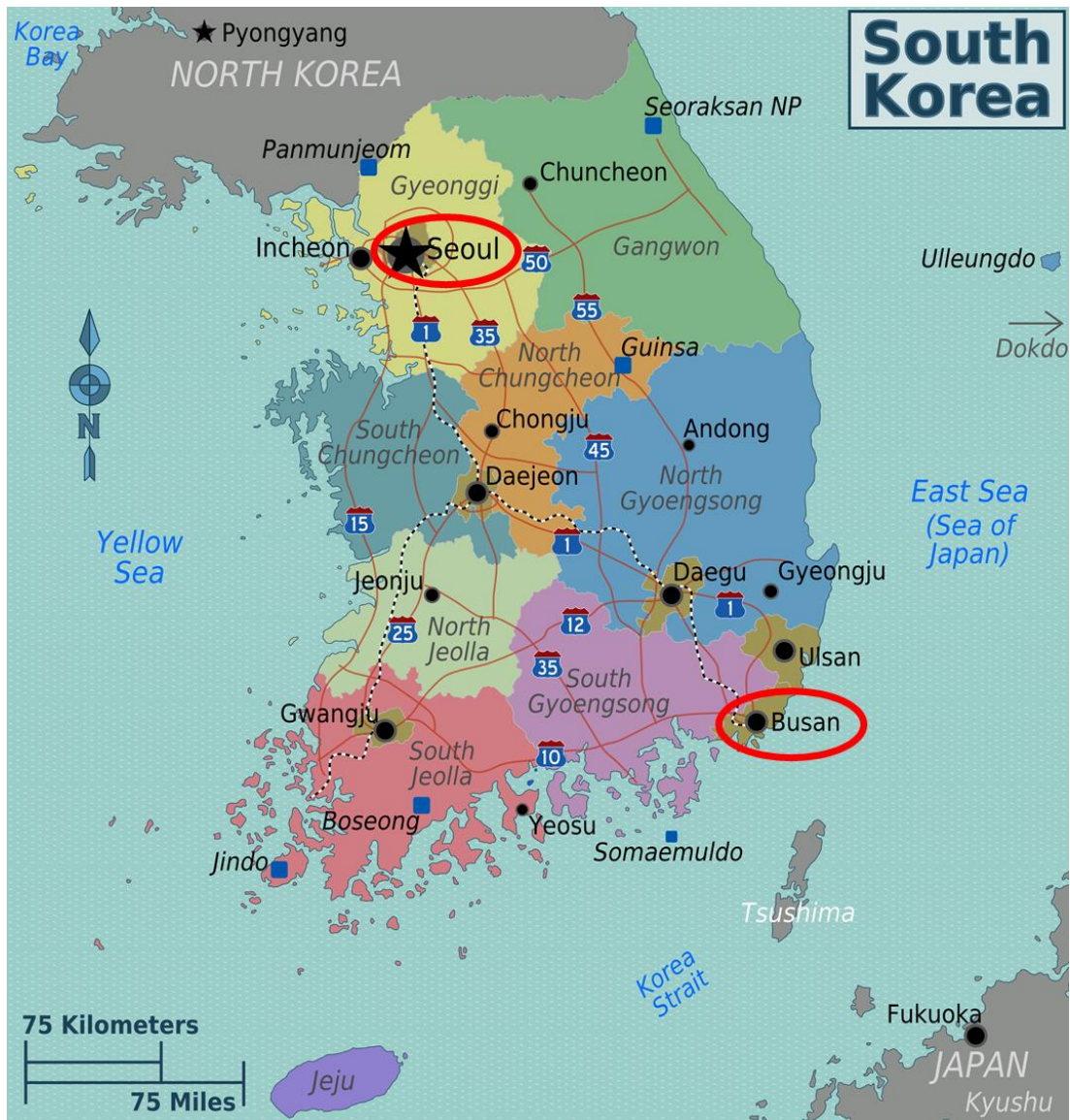


Figure 2. Map of South Korea where the cities Seoul and Busan are encircled in red. (Source: after <https://pasarelapr.com/detail/map-of-seoul-south-korea-20.html>)



Figure 3. Map of Seoul with the location of the Japanese embassy. (Source: after <http://ontheworldmap.com/south-korea/city/seoul/seoul-transport-map.html>)

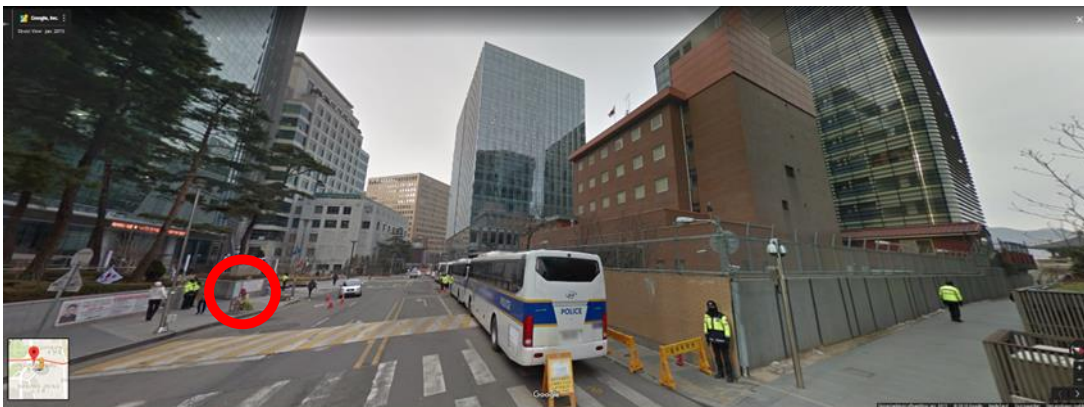


Figure 4. Street view of the location of the Japanese Embassy in Seoul (brown building on the right) and the location of the Comfort Women statue in the red circle (Source: after Google Maps 2018)



Figure 5. The first Comfort Women statue erected in front of the Japanese Embassy in Seoul, Korea. (Source: <https://www.japantimes.co.jp/news/2014/05/17/asia-pacific/politics-diplomacy-asia-pacific/commemorating-national-trauma-south-korea>, Jeff Kingston)

It is the critique of some Korean feminist researchers that the Comfort Women issue is being appropriated by nationalists (Knop and Riles 2017, 927). Many of the statues are modeled after the first statue shown in figure 5, where Comfort Women are depicted as teenage girls forever suspended in time. Korean public discourse has elevated the survivors to a heroic symbol representing “national suffering under colonialism” (Soh 2008, 224). They are projections of patriarchal femininity (Soh 2008, 224), with “specific narrative framing” of their testimonies (Joo 2015, 167), namely the narrative of the destruction of “feminine virtues of chastity and virginity” through colonial dominance over women’s bodies (Joo 2015, 169) which erases the complicity of Korea mobilizing daughters of poor families to find work (Joo 2015, 171). This is ironic, because in the period after WWII and until the 1990s when the issue entered international debate, the former Comfort Women were living marginalized lives in obscurity and poverty because of Korean patriarchal societal

norms (Varga 2009, 292). In the period 1961-1988, South Korea was under authoritarian rule where issues concerning former Comfort Women were subsumed, and priority was given to political stability and economic growth (Varga 2009, 288-289). Under religious and Confucian tradition², the victim survivors were considered tarnished and immoral, a double burden under which they had to suffer in addition to their wartime experience (Varga 2009, 289).

Another concern is how the type of memorialization has essentialized the women into perpetual victims, when it is represented in the nation's history as such (Knop and Riles 2017, 882-883). Oftentimes, the elderly survivors are called "*halmoni*" (Korean for grandmother) who are lamented for their deprivation of their filial and patriarchal duty to bear children (mother trope) through forced sterilizations, medical experiments, abortions or diseases (Enloe 2004, 107). These stereotypical portrayals of Comfort Women as non-virgins and non-mothers are weaponized as an expression of Outrage at State Humiliation (OSH), a variant of ethnic nationalism (Reid 2009, 10) whereby the rape of Korean women has left Korean men feeling emasculated and humiliated by their colonizer, and where their victimhood is equaled to national shame (Knop and Riles 2017, 884).

An exact copy of the girl statue in Seoul sits in front of the Japanese Consulate in Busan, South Korea's second largest city (see figs. 6 and 7 for the location of the consulate and statue). In January 2017, Japan recalled both its Ambassador and Consul General in protest of the placement of the Busan statue in December 2016, claiming it was in violation of the December 2015 Agreement (Choe and Rich 2017). The Busan municipality removed the statue, but placed it back within days after public outcry (Choe and Rich 2017). A former Japanese Defense Minister visited the controversial Yasukuni Shrine in Tokyo in the same week, a Shrine which

² In Confucianism, obedience to hierarchy, correct behavior and family loyalty are important tenets. Under Confucian patrilineal kinship, male children are considered more valuable than girls and infanticide was a common practice. Hence the sex ratio in South Korea was skewed until the mid 1980's (Chung and Gupta 2007). The Confucian philosophy stems from Confucius (Kong Fuzi, 6th BCE) from present-day China.

commemorates convicted class A war criminals (Choe and Rich 2017), a typical backlash action by a right wing politician which caused deep resentment with Koreans.

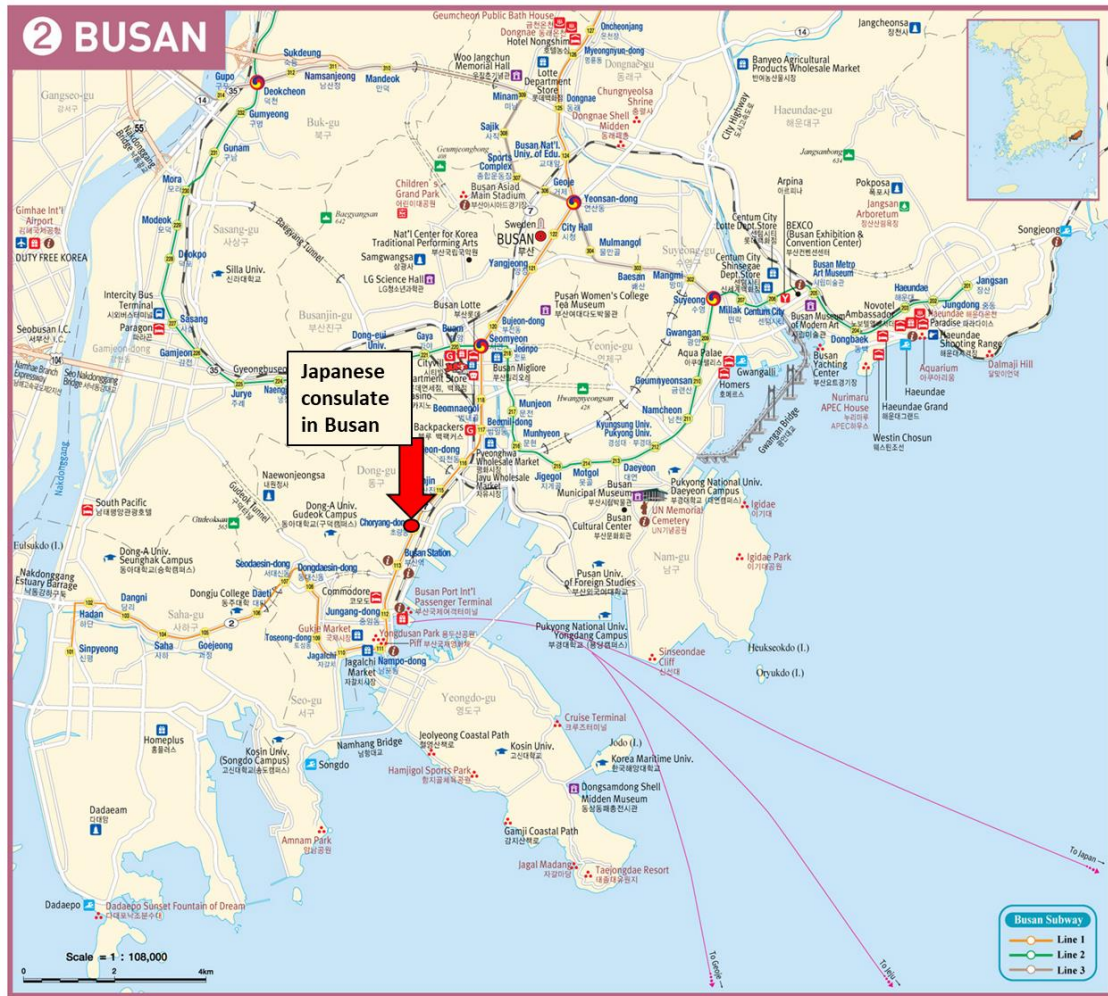


Figure 6. Map of Busan with the location of the Japanese consulate. (Source: after <http://lookatkorea.com/blog/wp-content/uploads/2010/07/Busan-Map-English.jpg>)



Figure 7. The Busan Comfort Women statue facing the Japanese Consulate (Source: <http://cdn.images.express.co.uk/img/dynamic/78/590x/secondary/Commemorative-statue-for-Korean-comfort-women-779710.jpg>)

3.2.2 Statues Outside Korea

Both South Korea and Japan signed the December 2015 Agreement which includes the clause to “solve this issue” in regards to the statue built in front of the Embassy in Seoul, but Japan cannot lay claims to statues that are built in *other* countries because it does not have a similar agreement. In fact, Japan’s reaction to the first and subsequent statues backfired, spurring a global movement for transitional justice to build more monuments (Kim 2014, 92). In this paragraph, I will discuss Japan’s similar reactions to two recent statues that have had different counterreactions from the (local) governments where the statues were erected.



Figure 8. Map of San Francisco with the locations of the Japanese consulate and the Comfort Women Statue. (Source: after <https://upload.wikimedia.org/wikipedia/commons/7/79/San-francisco-map.png>)



Figure 9. Comfort Women Statue in San Francisco. (Source: <https://www.nytimes.com/2017/11/25/world/asia/comfort-women-statue.html>, Getty Images/Justin Sullivan)

The first is a statue that was unveiled in September 2017 in San Francisco, California (see fig. 9; see fig. 8 for location). The statue was commissioned by a multi-ethnic umbrella group called the Comfort Women Justice Coalition, of which two Chinese-American judges were instrumental in the erection of the statue (Kang 2017). It became municipal property after late mayor Edwin Lee accepted the monument (BBC 2017). The statue depicts three young girls of Korean, Chinese and Philippine ethnicity, being looked on by an elderly Korean woman which is meant to be Hak-sun Kim, the first survivor to speak out (BBC 2017).

The inscription on the monument reads: "This monument bears witness to the suffering of hundreds of thousands of women and girls euphemistically called 'Comfort Women,' who were sexually enslaved by the Japanese Imperial Armed Forces in thirteen Asian-Pacific countries from 1931 to 1945" (BBC 2017).

It is one of the more than fifty statues (Taylor 2017) around the world that garner attention to the historical wrong of the Comfort Women issue (not all depicted in stereotypical ways), much to the dismay of the Japanese government who actively lobby against this practice. Obviously, it is antagonistic to the image that Japan is trying to promote through “soft power”, that of the peaceful nation that wants women to “shine” (more on this in chapter four). It is theorized that the Japanese have constructed a post-war narrative of nuclear victimhood, a performative internationalism – an image of themselves as pacifist people in the wake of the atomic bomb, divorced from their wartime aggression and colonialism – preferencing international cooperation rather than dwelling on “issues” that do not promote global unity (Dower 1995, 281; Giamo 2003, 705; Lee 2018, 6). This internationalism is fed by the type of nationalism brought on by globalization (see paragraph 2.3; Akagawa 2015, 18) which deflects their wartime responsibilities. This has become the Authorized Heritage Discourse (AHD) (see paragraph 2.4) – the dominant narrative that posits Japan as victims, but also as the state party that wants to move forward without acknowledging responsibility for their atrocious past. This AHD is actively maintained also by revising history textbooks (more on this below) without real consequences for Japan’s national security, because besides China and South Korea, revisionism is not enough cause for concern for South-East Asian countries to fear for Japanese militarism (Pollmann 2016, 328). This AHD is supported by conservatives and extremists from grassroots to high level local and national politicians, as well as right-leaning academics, who deny the problematic past and feel that raising visibility of the Comfort Women issue is an attack on Japan’s nationhood and national interest. These conservatives from different backgrounds loosely assemble themselves in an organization called Nippon Kaigi (Japan Conference), Japan’s largest right-wing alliance organization, established in 1997.

The establishment of the statue in San Francisco led to severe nationalist backlash from the Osaka Restoration Association (*Osaka ish-in no kai*), a local right-wing nationalist political party. The mayor of Osaka, Hirofumi Yoshimura, a member of

this party, has reacted fiercely to the unveiling of this statue, by cutting ties with the sixty-year-old sister-city San Francisco (BBC 2018). Osaka City has even tried to mobilize national government to have the statue removed because “these actions injured the spirit of the Japan-South Korea agreement” (Johnston 2017b), further complicating the issue beyond state level.

Important to note is that the founder of the Osaka Restoration Association is former governor of Osaka prefecture and former mayor of Osaka City, Toru Hashimoto. In 2013, Hashimoto fell into disrepute when he said that in times of war “a comfort women system is necessary” (BBC 2013), for the soldiers were targeted by the enemy and needed consolation. This is an androcentric view that invisibilizes the plight of the Comfort Women, in which colonialism led to conditions of sexual exploitation (Varga 2009, 288), and ignores the killing that took place after Japan’s surrender (Kim 2014, 83; Soh 2008, 141) supported by recently discovered video evidence of a mass grave of Comfort Women (Shim 2018). Hashimoto also claims that Japan should not be singled out to be held accountable for sexual violence in conflict since many militaries exploited women, and sex workers’ agency who choose to go into the “entertainment business” should also be taken into consideration (Kimura 2013). It is a misogynistic view that considers women’s functions only in relation to that of men, and dismisses how “militarized masculinity have perpetuated intersectional gender and sexual violence and exploitation” (Kimura 2013). Even though Hashimoto is a local politician, he reflects the ideology of conservatives in Japan, and thus he reproduces and reinforces these ideas of Comfort Women as one in service of men, without recognizing the trauma of the victim survivors, indicative of a male bias in the Japanese collective narrative, in opposition of the memory of the victim survivors.

Hashimoto received international criticism, resulting in a cancelation of his trip to meet with the late San Francisco mayor Edwin Lee. Mayor Lee, of Chinese descent, was “disappointed and offended by Hashimoto’s remarks”, expressing that the people of his city would not welcome him (Johnston 2013). Hashimoto who is still active as adviser to the Osaka Restoration Association, has not forgotten this episode

which temporarily damaged the image of Osaka. It is therefore plausible to assume that the severing of the sister-city relationship is retaliatory. San Francisco has not budged under Japanese pressure and the statue still stands.



Figure 10. Map of the Philippines and the location of the capital Manila. (Source: after <https://geology.com/world/philippines-satellite-image.shtml>)



Figure 11. Close up of Manila with the location of the Japanese embassy and the Comfort Women statue (Source: after https://seacitymaps.000webhostapp.com/philippines/manila_map.htm)

The outcome is quite different for the second statue I will discuss. In December 2017, several private foundations inaugurated a statue of a Comfort Woman (fig. 12) on Roxas Boulevard in Manila, the Philippines, near the Japanese embassy (Mabasa 2017; see fig. 11 for the location). Initially, the Philippine government and President Rodrigo Duterte did not intend to interfere with the establishment of the statue, even though Japanese officials had complained (Esmaguél 2018). However, five months after the unveiling, the statue was removed on 27 April 2018 citing “a drainage improvement project” (Yoshimura 2018).



Figure 12. The statue of a blindfolded Filipina Comfort Woman on Roxas Boulevard, Manila. (Source: <https://www.japantimes.co.jp/news/2018/04/28/national/politics-diplomacy/new-comfort-women-memorial-removed-thoroughfare-manila-pressure-japanese-embass>, Kyodo)

Some suggest it is likely that the Philippine government has conceded to Japanese pressure, because Japan is one of the Philippines’ top investor, trade partner and aid donor (The Japan Times 2018b). This can be concluded from the reaction of the Philippine Foreign Secretary Alan Peter Cayetano, who stated that the Philippines will be unable to fortify its relationship with Japan if inflammatory actions are brought up, while repeating the matter had been “officially settled” in a 1956 bilateral agreement (Esmaguél 2018). President Duterte agreed that “[i]t is not the

policy of [the] government to antagonize other nations”, and suggested the statue be moved to private property (The Japan Times 2018b; Yoshimura 2018).

For the women’s organizations who have been advocating for an official apology and reparations, this has come as a blow. “What happened is that we kneeled down to the Japanese.” said activist Teresita Ang See, co-founding president of *Kaisa Para sa Kaunlaran*, a Chinese Filipino rights group (The Japan Times 2018c). A spokesperson for *Lila Pilipina*, an organization of survivors of WWII Japanese military sexual slavery, says that “the Philippines’ diplomatic interest with Japan are getting in the way of pushing for any deal” (Shibata 2016), reiterating the deliberate stance of the Philippine government who would rather bury the past to the detriment of the victim survivors in favor of economic development. President Duterte is no champion of women’s rights, known for his misogynistic language in public address, such as the order to shoot women communist rebels “in the vagina” (Ranada 2018) and making rape jokes for which he was reprimanded by the Commission on Human Rights (Gavilan 2017). Additionally, the fact that Osaka severed its ties with San Francisco seemed to have worked as a deterrent, because Manila has a sister-city relationship with Yokohama (Esmaguél 2017).

There is one more example of how Japan has acted contrary to its positive image of a responsible member of the global community, the nomination of the Comfort Women in the UNESCO Memory of the World (MoW) Register.

3.3 The UNESCO Memory of the World Register Nomination

The MoW Programme was established by UNESCO in 1992 to safeguard the preservation of humanity's documentary heritage in various parts of the world (UNESCO Memory of the World Programme 2017). Examples of previous inscriptions range from the Diaries of Anne Frank to the Collection of Mexican Codices. In May 2016, a multi-country joint nomination with the title "Voices of the 'Comfort Women'" was submitted to be inscribed in the MoW Register (Vickers 2017). However, at the end of October 2017, the nomination was "postponed" and the International Advisory Committee of the MoW Programme recommended that "UNESCO facilitate a dialogue" among the parties concerned (UNESCO 2017b). What were the circumstances that led to the decision to defer the nomination?

In October 2015, the documentary heritage submission on the Nanjing Massacre (also known as the Rape of Nanking) by China was inscribed on the MoW Register which caused upset in Japan. Japanese Chief Cabinet Secretary Yoshihide Suga complained that the MoW selection process was not transparent, while the foreign press secretary Yasuhisa Kawamura had issues with the documents' "integrity and authenticity" (Ap and Ogura 2015). Japan consolidated its reaction against the Nanjing Massacre inscription by withholding its contribution to UNESCO in 2016, after learning about the Comfort Women nomination (The Guardian 2016), while submitting a competing nomination with the US called the "Documentation on 'Comfort Women' and Japanese Army discipline". In this document Comfort Women are defined as *prostitutes*, whereas the "Voices of the 'Comfort Women'" nomination describe Comfort Women as *sex slaves* (Yamamoto 2017). According to the Japanese state, "[t]he term 'sex slave' doesn't match the facts, and (the Japanese government) believes it should not be used" (Yoshida 2016). Over 100 Japanese scholars signed a petition of protest before the decision was made by the committee, citing the incompatible definition and other problems with the application materials (Sankei Shimbun 2017).

Because of two competing documents on the same Comfort Women issue, but with contrastive definitions, and the financial leverage Japan has over UNESCO, the

MoW committee had no option but to defer the inscription to the next nomination cycle and to advise a joint nomination. After losing the US as a member and major contributor over “anti-Israel bias” and the acknowledgment of Palestine’s full membership (Koran and Cohen 2017), UNESCO could not afford to lose another major donor over another controversy.

Japan would also not want to relegate its dominant position to China, since it has successfully branded a global identity in cultural diplomacy, being on the forefront of cultural heritage. China has many more nominations listed as heritage (including cultural, natural and intangible) and is just as politically motivated to replace Japan as major donor, while maintaining its own AHD and appropriating cultures of its minorities (Silverman and Ruggles 2007, 11-12).

Japan is rightly concerned that more State Parties are politicizing UNESCO (Vickers 2017), and has lobbied for more transparency and guideline reform (Nikkei Asian Review 2017). The MoW Register’s new Operational Guidelines are expected in 2019 (Nikkei Asian Review 2017), while the General Guidelines were revised in December 2017 (UNESCO Memory of the World Programme 2017). A disclaimer was added that clarifies the MoW’s role in identifying and preserving documentary heritage but not making historical judgments or resolve disputes: “UNESCO’s acceptance of a nomination does not in any way imply automatic agreement with its content” (UNESCO Memory of the World Programme 2017, 9).

3.4 Discussion of the Comfort Women Memorialization Issue

Within an issue that is complex, interminable and aggrieving, below is a discussion in what ways heritage managers can learn from and give heed to ways of managing negative heritage, reflecting on the impact on human rights that flow out of their decisions. Would the recognition of the existence of Comfort Women as sex slaves through memorialization as negative heritage not aid the recognition of the global issue of impunity of sexual violence in conflict? It is put high on the global agenda by the adoption of UNSCR 1325, being one of UN Women’s mandates, further fortified by the G8’s PSVI Declaration. If Japan is to become a “martyr” of

retroactive condemnation of sexual violence with the inscription of Comfort Women on the MoW Register, what will happen when addressing other instances of sex slavery and gender-based violence in past conflict? If Japan is singled out for its atrocious aspects of its past, this would leave open the possibility for other countries to be held accountable, like Korea and the US. Thus, memorializing Comfort Women has been met with high-level opposition as it could destabilize regional security. Trafficking of women and girls for sexual slavery – in both peace time, but especially in war time – has never been exceptional. Drawing on secondary literature concerning the political history of Comfort Women and opinions of revisionist political figures, Japanese ethnonationalists like to point out how Koreans themselves were complicit in mobilizing and selling young women from poor families into prostitution (Soh 2008, 224), profiting from a system of patriarchal capitalism. Many of these girls were living in systemic oppression, coming from abusive homes (Soh 2008, 104). Myung-ja Cho, who had an abusive father, is one of the few women who sued the South Korean government for being sold to a US military brothel (Park 2014). In 2017, the South Korean court ruled that the human rights of these women were violated, and 57 out of 120 plaintiffs received compensation (Choe 2017). In this case, the South Korean government feared worsening bilateral relations with the US, and silenced these women until the late 1980s (Choe 2017). The same Confucian values that underpin Korean society has kept these women marginalized, just like the Japanese Comfort Women.

During the Vietnam War, Korean men who served alongside US soldiers have victimized Vietnamese women as well. The children born out of that rape, the *Lai Dai Han* or “mixed blood”, are seeking justice and recognition for their traumatized mothers and their lives destroyed by stigmatization as illegitimate offspring of the enemy (Hendry 2017).

To view women as property or only in relation to men, to classify women as virtuous or non-virtuous, and value them based on their biological reproductive functions underpins the androcentric attitude that robs women of their agency and humanity. Compare this to women who were interviewed by Sarah Soh (2008). Her work

reveals stories of many women with complex experiences, for instance those of some Dutch Comfort Women who integrated back into society, married and had children. Soh ascribes this to different societal norms, unlike the strict East Asian Confucian patriarchy (Soh 2008, 179). This is not to refute the trauma they may have relived and the anxieties they have experienced after their ordeal. However, these women were not marginalized and stigmatized, not like in many Asian societies, including Korea where sex work is illegal and looked upon disparagingly.

3.4.1 Narrative Framings

The nuanced narratives of different women, the fact that not all Comfort Women were forced but some enlisted voluntarily, those women from impoverished families who had no alternative sources of income, are all ammunition for Japanese revisionists to altercate the existence of Comfort Women. The issue becomes debatable when women's experience lie in gray areas; Were they "prostitutes"? Did they receive payment? If some volunteered, could the number of the estimated 200,000 Comfort Women also be debatable?

National identity is constructed through historiography, therefore the link between history textbooks and government policy is evident: history education is an indicator for how governments memorialize past violence (Lind 2008, 15). In 2007, the US Congress passed House Resolution 121 (H.Res.121) addressing the revisionist stance and pressuring the Japanese government to apologize for the sexual enslavement of the trafficked women (www.congress.gov). Prime Minister Abe denied the forced recruitment and military involvement (Lind 2008, 72). Prime Minister Abe is an advocate for a more "patriotic" recount of history, a founding member of the Committee for the Examination of History, established by the right-wing Liberal Democratic Party (LDP) to which Abe belongs (Nozaki 2008, 142). Sven Saaler, Professor of Modern Japanese History at Sophia University, states Abe was a "key figure in the development of the movement for historical revisionism and was always at the center of its activities" (Saaler 2016, 176). Abe has questioned previous apologies, wanting to revisit the moderate Kono Statement, but has ultimately relinquished to do so (Quigley 2014). Nevertheless, members of the Committee for

the Examination of History, together with the Society of History Textbook Reform, deny the existence of the Comfort Women (at least doubt the forcible nature and the number of victims) and the Nanjing Massacre (Nozaki 2008, 142; Saaler 2016, 176-178) and have actively lobbied to publish more “neutral” textbooks to avoid “controversy” (Saaler 2016, 176). The Mainichi reports in 2017, that there is only one junior high school history book that makes mention of Comfort Women – albeit without acknowledging that women were forcibly taken, and how 11 out of 38 schools that use the textbook have received massive protesting (The Mainichi 2017). Japan’s attempts to whitewash its history is not unnoticed by its former colonies.

It is understandable why countries like China and Korea are making efforts to enlist the memory of the Comfort Women, because there is a potential threat for this negative heritage to become erased. Japan may blame the actions of China of being political, but its own revisionist actions are equally questionable, serving its own national interest. Unfortunately, the prioritization of this national(ist) interest harms women in the region, violating their human rights, their right to culture (albeit negative heritage) and negation of their existence, let alone invite them to participate in dialogue.

Knop and Riles aptly call the issue “Comfort Women Trouble” – a nod to Judith Butler’s “Gender Trouble” (1999) – outlined as “an experience of interminability and exhaustion and a reversion to simplistic narratives on all sides accompanied by lingering self-doubts and internal conflicts within all camps. At the same time, this ‘trouble’ also involves violence to, even the retraumatization of, those involved in the process of seeking healing and justice” (Knop and Riles 2017, 870). Indeed, the archaeologist and anthropologist Lynn Meskell suggest that the negative heritage of Comfort Women is being weaponized in a “proxy war” (Meskell, personal communication in 2018), complicated by non-state actors like right-wing extremists, politicians defending the AHD, diasporic communities seeking recognition, and feminists and human rights activists advocating for justice.

3.4.2 Ways of Moving Forward

In the above discussion I have shown that the nationalist revisionist stance of Japan's present government does not promote reconciliation with its neighboring states. Regional stability is jeopardized if the Comfort Women issue continues to be used as a political instrument, causing nationalist backlash that invalidates each attempt at an apology. It is true that former enemies have not always apologized for their war aggression (Lind 2008, 190), and contrition is not a necessary prerequisite for reconciliation (Lind 2008, 197). The US never apologized to Japan for dropping the atomic bombs, nor did Italy apologize for its fascist hostility. However, structural denial, erasure and omissions from schoolbooks triggers distrust and prevents states from reconciling their problematic past. In sum, Lind (2008; 2009) has theorized that acknowledging past violence is more important for reconciliation than contrition (Lind 2009, 551), and nationalist backlash feeds Korean distrust (Lind 2009, 552).

While Japan may point a finger to UNESCO for becoming politicized, it does the same through its protectionist international policy by exercising its power in the field of heritage. The international reputation of Japan is at stake, since withholding funding to UNESCO creates the impression that Japan denies its wartime atrocities and discredits its "apolitical" identity of a responsible member of the international community. Having drafted the NAP 1325 and joined the G8's PSVI Declaration, the Japanese government is at least showing the intent to prevent sexual violence in conflict, by funding projects for women in current (post-)conflict situations. But Japan's internationalism is only seen as performative, since its androcentric and revisionist reactions reveal a nationalism in its international policy, a duality between the progressive façade it is trying to establish and the regressive protectionist reality that contradicts the image of protector of cultural and women's rights. It is unfortunate that Japan fails to recognize the continued trauma its former Comfort Women have suffered.

My findings on the political usage of UNESCO for Japan's cultural nationalism is corroborated by Meskell's research (2018). Her account on the nomination of the WHS "Sites of Japan's Meiji Industrial Revolution", a series of sites

commemorating the rapid industrialization of Japan during the Meiji Era that was inscribed in 2015, reveal “the Abe government’s hard-line stance on nationalism, militarism, and historical memory” (Meskell 2018, 150). The nomination was to foreground Japan’s industrial revolution, but failed to mention the forced laborers from China and Korea, and the sexual exploitation of foreign women that made the technological advancement possible (Meskell 2018, 150). The inscription upset both China and Korea, but because Japan is UNESCO’s major donor, and the State Parties’ avoidance to get involved in the politicization of heritage, Japan was ready for a lengthy negotiation as a display of power play that “bolsters national identity and autonomy” (Meskell 2018, 152-153). Adding insult to injury, the World Heritage Committee assumed a politically neutral stance by focusing on the technical aspects of the nomination, abetting in maintaining the status quo, which Meskell calls the “intergovernmental UNESCO” – as opposed to “global UNESCO” – that has drifted away from its foundational spirit of world peace, internationalist cooperation and dialogue (Meskell 2018, 160).

Meskell also critiques the lack of mechanisms within the “soft power” framework to prevent the mobilization of World Heritage “as a proxy for international conflict” (Meskell 2018, 155), whereby old hostilities are revived at the global stage called UNESCO through the instrumentalization of cultural heritage (Meskell 2018, 153). Furthermore, Japan seeking international recognition in the form of a World Heritage inscription of such contested sites promotes the “internationalization of nationalism” (Meskell 2018, 153). In the case of the WHS of the Meiji Industrial Revolution, Japan has succeeded in nominating the file. In the case of the MoW file on Comfort Women, Japan has succeeded in postponing the nomination. Both have bolstered its national identity through heritage, revising the violent aspects to fit their branding of peaceful nation.

Soh states that “people must engage in a process of ‘reconciliation at home’ first” (Soh 2008, 240), and indeed, perhaps both Japan and its former colonies need to have a reflexive dialogue that puts the needs of the victim survivors first. President Moon may have initiated this “reconciliation at home” when he met with former

Comfort Women to express his apology for not being able to renegotiate the December 2015 Agreement:

“When Korea lost its sovereignty in the past, we failed to protect the people, and you suffered awful things as well. Since liberation restored our sovereignty, we ought to have embraced your pain and addressed your grievances, but we failed to do that. Instead, we didn’t listen to your views, and we signed an agreement against your will. I’m sorry about that, and as the president, I’d like to offer my apology.”

Jae-in Moon. ROK President (in Kim *et al.*, 2018).

The realization of President Moon reflects an earlier CEDAW report which listed several issues in how the December 2015 Agreement “did not fully adopt a victim-centered approach” (CEDAW 2016, 8-9). It is a solution-focused reaction, one that Japan may wish to emulate.

The CEDAW Committee recommends to Japan:

- 1) To ensure its leaders and officials refrain from making statements regarding responsibility that may retraumatize victims;
- 2) To provide full and effective redress and reparation;
- 3) To take account of the views of the victim survivors in implementing the December 2015 Agreement, and ensure their rights to truth, justice and reparations;
- 4) To ensure the objective representation of historical facts of the Comfort Women in textbooks;
- 5) To report back on progress in the next periodic report.

(CEDAW 2016, 9)

Farida Shaheed has provided a list of recommendations that promote memorialization as a process of engagement, whereby “collaboration between the authorities, citizens and civil society, especially representatives of those directly affected by past events” is essential (Shaheed 2014, 20). She explains how rigorous historical research is indispensable, stresses the need for space for a plurality of narratives, and recommends states and stakeholders to refrain from furthering their

political agendas (Shaheed 2014, 21). An important passage in her conclusion is “[States and other stakeholders] should neither engage in nor support policies of denial that prevent the construction of memorials or memorialization processes, nor should they build, support or finance works that may incite violence.” (Shaheed 2014, 22).

Equally important are the questions she poses: What are the intended goals and who is the memorial made for? What is its expected sociopolitical impact? Who is involved in the processes, from design to stewardship? (Shaheed 2014, 20). Holding the “Comfort Women Trouble” against these recommendations, it is evident that there are solutions to depoliticize the processes and move away from the cycle of backlash and blame. UNESCO is known to aid in negotiating historical narratives through an international textbook committee. Japan, South Korea and China have co-authored a history book for joint use before (Lind 2008, 29). Another solution is to find a neutral place or memorial – a “hybrid heritage” (Meskell 2002, 571) – that is less confronting or triggering, where both Japan and Korea could hold commemorative ceremonies, taking the focus away from blaming individual countries (Lind 2008, 190) and work towards memorializing the past “in ways that are unifying” (Lind 2009, 517). However, this may not satisfy those who do not privilege geopolitics over human tragedy. Indeed, the participation of victims in both the nomination processes and consultation is essential and has been insufficiently taken into account. Sometimes, when all negotiations fail, perhaps a multi-vocal approach to heritage making is pertinent where differing viewpoints can co-exist (Meskell 2002, 570). Again, this should be a victim-centered approach that narrates the structural violence these women experienced, the context of the time and culture, as well as the resistance to power or the agency they had. It should not excite nationalists on both sides or instigate violence. The problem with multivocality is that extremist views are given equal weight and a platform. This is where a legal intervention might prove useful.

The 1965 Treaty was deemed sufficient, but did not address the trauma of the former Comfort Women. In the 1990s recognition of the plight of the victim survivors

gained worldwide attention, and led to some contrition, but severe backlash and denial caused deep mistrust. Seeking transitional justice, statues were erected to gain renewed attention for the issue now recognized as a crime against humanity, amid a growing revisionist tendency by Japan. However, the meaning of the statues differ as is apparent from the accompanying texts. The statue in Seoul commemorates the Wednesday Protests, whereas the San Francisco statue focuses on commemorating the war crime of sex slavery. Meanings change as time passes, recombining goals and outcome. This is the polytemporal aspect of the Comfort Women issue, a pitfall where no party is objective and closure seems unattainable.

Knop and Riles (2017) offer sequencing from a polytemporal feminist conflict-of-laws approach as a solution. “Sequencing involves inhabiting different points of openness and closure in turn. Building on the anthropology of ritual [obviation], we emphasize how such sequences have a ‘world-making’ capacity—how they transform the very space-times they act upon.” (Knop and Riles 2017, 927). The sequencing approach reduces all these spatio-temporal complexities (Knop and Riles 2017, 917), and allows for all parties involved to be heard, which is functional in healing processes (Knop and Riles 2017, 921). It also provides closure in one sequence, leading to openings in other sequences, providing a means to process trauma of historical injustice (Knop and Riles 2017, 923) when a regular justice system is unable to adequately redress violations.

Siobhán Mullally (2006), a Professor of Human Rights Law and Commissioner on the Irish Human Rights Commission, whose work is informed by philosopher Seyla Benhabib, recognizes the challenges feminists are facing in human rights discourse, who have shifted away from universalism, for it renders invisible the unequal treatment of women, and excludes especially minority women (Mullally 2006, xxxi-xxxii). Mullally explains that the universalism underpinning international human rights is a false universalism: it is the masculinist, Eurocentric hegemony “posing as universalism” (Mullally 2006, xxxii). She senses “the need to move beyond the postmodernist celebration of diversity to contemplations of how difference can be accommodated politically and oppression and injustice challenged” (Mullally 2006,

xxxiii), for universalism, as she argues, is “deeply sensitive to difference” (Mullally 2006, xxxii). However, a simple return to universalism is not enough. To negotiate a cultural conflict, a normative framework based on both the need for a universal legal regulation *and* an expanded moral-political dialogue is necessary: the so-called “dual-track approach” (Mullally 2006, 69). This approach prevents universalism from essentializing women, while not falling prey to cultural relativism (Mullally 2006, 77). The conditions for this dialogue, however, must be rooted in “radically open and fair to all” egalitarian reciprocity (Mullally 2006, 71).

As the case of the Comfort Women has shown, the perpetual complexities of standpoints and cultural conflict has not brought justice and healing for the victim survivors. By joining the G8 in ratifying the PSVI Declaration, donating vast sums of money to funds that combat sexual violence in conflict, the Japan government is attempting to better its image and finding explicit ways to leave the past marked by violence behind. Implicitly, it withholds funds from UNESCO when certain nomination files harm its progressive image, it works towards revising textbooks to evade state responsibility in sexual slavery and pressure dependent developing economies like the Philippines to prevent memorializing the Comfort Women issue. The fragile security in the region force neighboring countries to therefore prioritize international cooperation over justice. I strongly believe these two issues need to be discussed separately, for security and justice should complement each other.

Furthermore, the Comfort Women issue developed into an ethno-nationalist narrative that frames victims within patriarchal stereotypes, denying them agency and a place at the table. This weaponized nationalist discourse has only exasperated the issue whereby blame is shifted from one nation to the other, exempting the responsibility to reflect on *what* circumstances enabled and facilitated the sexual slavery system that victimized 200,000 women and girls. The diverse stories of the Comfort Women are essentialized and erased, to the detriment of the survivors.

The Special Rapporteur Shaheed recommends that heritagization should empower victims (Shaheed 2012). However, as these cases have shown, the way this heritage

was managed from a male-centered and patriarchal framework, the consequences are that the victims were stigmatized, not the perpetrators. Former Comfort Women were not consulted or included as equal partners in any dialogue aimed at reconciliation or restitution up to now, as is typical of hegemonic universalism. At least, South Korean President Moon has admitted to excluding former Comfort Women in peace talks. From the evidence in this case, the lack of diverse narratives (apart from Sarah Soh's (2008) work), the memorialization processes have failed to promote both peace and mutual dialogue. This is not only due to heritage experts working within a patriarchal paradigm that valorizes male achievements, centered on grandeur, militarism or heroism. It is equally about not having enough women stakeholders at the decision-making table. This needs to change first.

I propose further that the transformative approaches like sequencing and the dual-track approach, should be combined and integrated with heritagization processes that empower victims in cases of negative heritage. The dialogue generated aims to be more ethical and depolitical, and to facilitate the rehabilitation of the survivors, truly opening up a way forward in an issue that has been telling in the way the global community has treated victims of sexual violence in conflict, including how this negative heritage has been managed. Without getting lost in "proxy wars", the different approaches described above may help heritage experts navigating through politically loaded subjects, without losing sight of the memorialization as a form of transitional justice for victims. Heritage cannot replace a court of justice, but it can represent the multiple stories that have been silenced.

4. No Women Allowed at Kii World Heritage

“Women make up more than half of the world’s population. Yet in most societies, at least traditionally, women have been largely excluded by custom from formal decision-making and so been handicapped by binding social constraints. They have been effectively prevented from expressing their full creative potential, in the many domains hereto mostly reserved to males. It is at least fair to say that the centuries-long exclusion of half the human race, from so many fields of self-expression, has been a truly tragic waste of talent and imagination for humanity in general.”

Koichiro Matsuura, former Director-General of UNESCO (Matsuura 2000).

As part of his address at the Conference of Asian Women for a Culture of Peace, held in Hanoi, Vietnam in 2000, former Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Kōichiro Matsuura, spoke these words as part of a call for the full and equal inclusion of women in the promotion of a culture of peace (Matsuura 2000). With the launch of the Millennium Development Goals (MDGs)³ in 2000, of which goal number three is the Promotion of Gender Equality and the Empowerment of Women, the UN system as a whole recognized the need for gender-mainstreaming, and Matsuura seems to echo the need for more female participation, a vision that was previously lacking. Has UNESCO lived up to this goal and has it kept its Member States accountable? And how has Japan responded to this global initiative of gender equality?

This chapter highlights the domestic issue regarding women’s rights in heritage conservation. I will describe the national context of gender and heritage, and gender

³ The MDGs are succeeded by the Sustainable Development Goals (SDGs) since 2016. There were 8 MDGs in total, while there are 17 SDGs in total, representing calls to action ranging from ending poverty to addressing climate change. <https://sustainabledevelopment.un.org/>

in heritage in Japan. I do this in relation to discussing the Kii World Heritage Site (WHS) in Japan, which I have selected because its heritage status sharply exemplifies issues related to gender inequality in Japanese society and a gendered dimension of heritage inscriptions. Specifically, this site restricts access to women. The site's heritage management and policies are understood here in the context of the status of Japanese women generally held in contemporary Japanese society and how the site reflects or maintains gender inequality. I thereby consider what the gendered consequences are of determining Kii as having "outstanding universal value" and inscribing as a World Heritage Site. "Outstanding universal value" or OUV are ten specific criteria for a site to be included on the World Heritage List that distinguish them because of exceptional qualities and must therefore receive special protection to preserve for all humankind. The sites must meet at least one of these cultural or natural criteria that are outlined in the Operational Guidelines (UNESCO 2017), a working document for Member States on how to protect its World Heritage.

First, the socio-cultural background is provided to place the Kii site in context (i.e. Japanese policies, the construction of gender in recent history), followed by the description of the heritage sites and the history of discriminatory practices and the contestation of these practices. Lastly, the UNESCO gender-mainstreaming efforts are discussed against the CEDAW, identifying human rights violations, and concluded with further suggestions for heritage managers. Similarly to chapter three, Web-based institutional documents, governmental sources, secondary literature on the WHS and women's rights in international law, and feminist writings have been consulted and studied to provide a critical interdisciplinary discussion.

4.1 Socio-cultural Background

4.1.1 Gender Politics of the Japanese State

“In the beginning, woman was the sun.”

Raichō Hiratsuka, 1886-1971 (Craig 2006).

These are the often-quoted words of Raichō Hiratsuka, journalist, feminist activist and suffragette, one of the most influential figures in the women’s rights movement. While her autobiography is titled the same, she wrote these words in the first issue of the first women’s literary journal *Bluestocking (Seitō)* (Craig 2006). Hiratsuka was referring to Amaterasu-ōmikami, the sun goddess of the Shintō pantheon, shown in a nineteenth century depiction on the cover of this thesis. Amaterasu is also the (only female) primordial ancestor of the Japanese imperial lineage – a patrilineal lineage. There is a certain melancholy to her words, as if to say that at the beginning of time, women were valued and revered. It is no coincidence that Prime Minister Shinzo Abe carefully chose the words “creating a society in which women shine” (Abe 2014) for his “Womenomics” initiative launched in 2012, the year he made a successful comeback after a brief change of government when the reigning LDP lost to the Democratic Party of Japan (DPJ) in the period (2009-2012). How does Abe want women to “shine”?

“Womenomics” is a key strategy within the broader economic reforms carried through by Prime Minister Abe named after himself, “Abenomics”, since his re-election in December 2012. The Japanese government intended to promote gender equality through greater women’s economic participation and promoting women’s leadership in corporate life. From a legal perspective, Japan has made quite a few advancements in correcting discriminatory laws against women at the national and international level since Hiratsuka’s time who fought for women’s independence. The state issued the right to vote since 1945, ratified the Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, adopted the Equal Employment Opportunity Law in 1985, passed the 1992 Childcare Leave Law (partially paid parental leave for up to one year), and the Basic Law for a Gender-Equal Society in 1999. The Gender Equality Bureau of the Cabinet Office was established in 2001.

However, it must be noted that gender equality translates to 男女共同参画 (*danjokyōdō sankaku*) in modern Japanese, which literally means “male female joint participation.” The word for equality, 平等 (*byōdō*) is strategically avoided since conservatives believe in the essential difference between men and women (Bullock *et al.* 2018, 8), and they prefer to direct attention to equal opportunities rather than actual outcomes that need quotas and intervention (Kano 2011, 44), without changing gender norms and recognizing gender oppression. The concept of *danjokyōdō sankaku* “lacks clarity” in intention and policy (Yamaguchi 2018, 78-79). Therefore, the Abe administration now prefers to use “women’s active role” (女性の活躍 *josei no katsuyaku*) (Yamaguchi 2018, 79).

Feminists have been skeptical about the motives for Abe’s feminist performance (Kano 2018, 4-5). During his first elected term in 2006-2007 (resigned for health reasons), Abe was notorious for his overt and inflammatory anti-feminist stance (Kano 2011, 42; Kano 2018, 2). His membership of the Nippon Kaigi organization, raises questions because its members are known to hold conservative views regarding the preservation of Japanese culture, who caused a backlash against gender equality measures since 2000 (Yamaguchi 2018, 71). The change of heart may have been initiated by the efforts of the more feminist oriented Democratic Party of Japan made (fig. 13) to improve the status of women in Japan (Kano 2018, 4). Japan was rebuked by the CEDAW Committee in the Concluding Observations for not having temporary special measures such as quota (CEDAW 2009, 5), which lead to a Third Basic Plan for Gender Equality (Gender Equality Bureau Cabinet Office 2010), approved by the Democratic Party of Japan cabinet in 2010. The Third Basic Plan for Gender Equality states that it would examine “matters raised in the latest CEDAW

concluding observations and strives for international harmonization, giving weight to international ideas and perspectives on gender through measures such as active observance and domestic implementation of international criteria and standards. At the same time, the Third Basic Plan also considers other factors, like Japanese culture and social conditions” (Gender Equality Bureau Cabinet Office 2010, 1). The second sentence is equivocal as to how the government would like to implement the CEDAW. It polarizes gender equality measures that the CEDAW recommends as non-Japanese, therefore likely non-compatible with aspects of Japanese culture, typical of the *nihonjinron* (see paragraph 2.3), a strand within Japanese nationalism that distinguishes Japanese culture from the rest of the world. They hereby also frame their collective identity in opposition to gender equality as foreign, other, non-Japanese.



Figure 13. Former UN Women Executive Director Michelle Bachelet meets with Former Prime Minister Yoshihiko Noda in November 2012, a few days before the Democratic Party of Japan government fell. (Source: <https://www.flickr.com/photos/unwomen/8180648903/in/album-72157631994165589/>, UN Women/Hiroaki Yamaguchi)

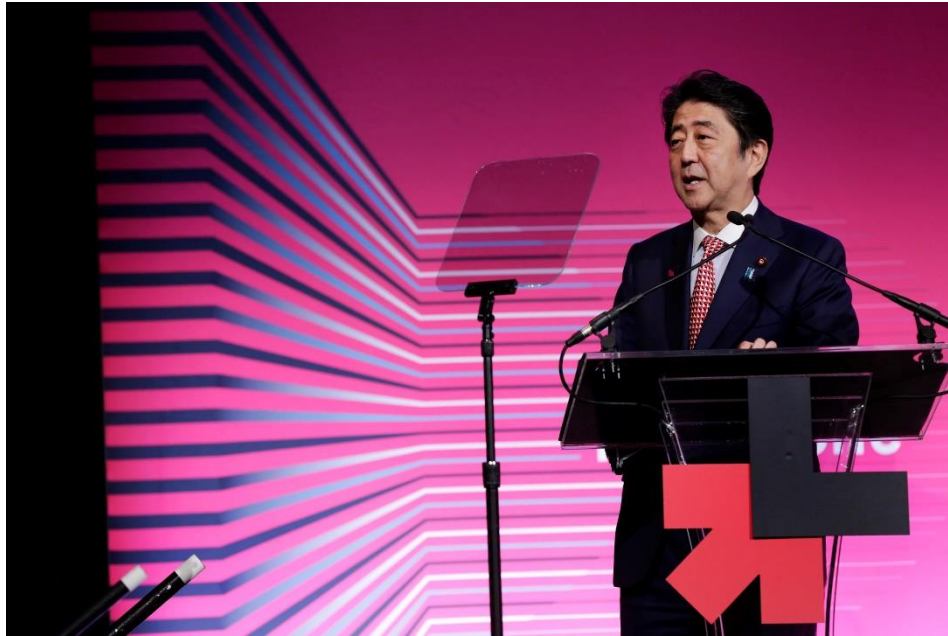


Figure 14. Prime Minister Shinzo Abe at the 72nd UN General Assembly side event as a HeForShe champion, for women’s equality. (Source: <https://www.flickr.com/photos/unwomen/37188149916/in/album-72157686335931240/>, UN Women/Ryan Brown)

It remains that no matter which party is in power, in order to boost the weakened Japanese economy, women’s labor is greatly needed. Calculations were made by Goldman Sachs that due to the ageing society, Japan’s population would shrink by 30%, but by closing the gender employment gap, Japan’s GDP could potentially be boosted up to 13% (Matsui *et al.* 2014, 1). As was established in the previous chapters, Japan is sensitive to rankings in the international arena. By promoting women in leadership positions, the Japanese nation state could elevate its position in any ranking pertaining to women’s empowerment. Thus when Abe was re-elected, he appropriated feminist measures to boost his own and the state’s image (fig. 14) (Kano 2018, 4). Initially, the Third Basic Plan aimed at increasing women’s leadership positions to 30% by 2020 “in all fields of society” (Gender Equality Bureau Cabinet Office 2010, 3). However, soon after, the Abe administration lowered some numerical targets in the Fourth Basic Plan of Gender Equal Society for key functions like women directors in national government (the goal is now 7%) and CEOs in the private sector (aim is 5-10%) (Gender Equality Bureau Cabinet Office 2017, 1-3).

4.1.2 The Construction of Gender

Both Tomomi Yamaguchi (2018) and Ayako Kano (2018) argue that “Womenomics” is a neoliberal appropriation that lets only a limited number of elite women “shine” in their “active role” (Yamaguchi 2018, 80), relegating the majority of women to revitalizing the ailing economy as cheap low-status labor in part-time jobs while they also are expected to bear children to overturn the demographic crisis (Kano 2018, 2; Yamaguchi 2018, 80). Concrete feminist policies like paternity leave, better childcare facilities or economic incentives for women to return to work are not central in “Womenomics”.

This conservative vision of women’s roles primarily as “birth-giving machines” – a Health Minister’s gaffe referring to women (BBC 2007) – has its roots in Japan’s Meiji Period, an era of both modernization due to foreign influences and return to older tradition for maintaining its identity. During the period’s nation-building processes the ideal of “good wife, wise mother” (良妻賢母 *ryōsai kenbō*) was instilled, and women’s roles in the domestic realm was considered a service to the state (Bullock *et al.* 2018, 3). With the 1940 National Eugenics Law, women were urged to become mothers to many children by banning contraceptives for healthy women, but promoted the sterilization of women with hereditary diseases, thus placing women’s reproduction under state control (Maxson 2018, 35). The state also tried to influence women by constructing a dutiful ideology of “martial motherhood”, a gender ideal of mothers sending their sons off to war with pride and without emotions (Maxson 2018, 35-36).

While women in Japan have always contributed to the economy, working in the field or in family businesses, and also produced daily necessities like clothing and food, it was during the Meiji and subsequent eras that women entered public life and started to claim their right (Bullock *et al.* 2018, 4). However, during the Post-War period under Allied Occupation rule, the course was reversed. The threat of the Cold War made the Allied Forces privilege economic growth over social reform. The LDP, which has been in power since the war, re-imposed their conventional vision of womanhood within the domestic sphere, and further shaped the division of labor by

promoting women within the home, while their men could make the “economic miracle” happen (Bullock *et al.* 2018, 5-6). For this, they relied heavily on the gender constructions created during the Meiji Period, which was ironically also the time of modernization (Hirota 1999). Historian Masaki Hirota identified several social constructions of womanhood, broadly classified as:

- 1) constructs of the **state**, through measures like the above mentioned Eugenics Law and “martial motherhood”,
- 2) changes wrought by **capitalism** which strengthened patriarchal power – women were able to gain more economic independence but only before marriage, after which they quit their jobs. The advance of capitalism also meant an increase in sex work, whereby the practice of trafficking young women as prostitutes was normalized. Yet, the stigma around sex work grew worse for women. Note the similarities in the Korean circumstances that facilitated the trafficking of young women from poor families into sexual slavery in paragraph 3.4.
- 3) and **educational** ideologies, to which the “good wife, wise mother” belongs (Hirota 1999).

Interestingly, Hirota (1999, 214) notes the “good wife, wise mother” trope fits well in both Confucian and Christian ideology, both emphasizing the binary division of gender roles whereby women are relegated to the private sphere, and men to the public sphere, both fulfilling their role to maintain the state. The Post-War reversal by the (Christian) Allied Forces made use of these gender arrangements to curb women’s liberation (Bullock *et al.* 2018, 5).

The extent to which these gender constructions are modern and selective is outlined in *Women and Class in Japanese History* (1999), an edited work by gender historians Hitomi Tonomura, Anne Walthall and Haruko Wakita. Take for example the discussions on patrilineal succession of the Chrysanthemum (Imperial) Throne. During the Pre- and Protohistoric period, women rulers could ascend the throne in paired chieftaincy, meaning women’s status depended on their class (their union with

male sovereigns), not on their gender (Piggot 1999, 41). It is theorized that male dominance and gender hierarchy were imported from the mainland through diplomatic and trade relations, bringing new organizational modes and new ideologies like Confucianism and Buddhism which considered women impure (elaborated on in the subsequent paragraphs) (Piggot 1999, 23). As Hiratsuka laments, women were indeed valued and respected in the distant past, for it was since the Meiji Restoration, a time of pressured modernization due to an ever expanding West, that the Imperial Court strengthened the legitimacy of imperial patrilineage. Japan modeled its mode of succession after Prussian tradition, consolidating the exclusion of female contenders by law in 1889. Japan had to modernize quickly, to adjust to new influences from the West, either claim its “place among the powerful and ‘enlightened’ countries of the world” (Beasley et al. 1972, 1-2) or be swallowed or defeated by them. Within a generation, Japan was industrialized, centralized and arming themselves against the hostile world. In a vast and fast changing world, traditions are sometimes all that is left (see paragraph 2.3 for a discussion on the Meiji Period’s anti-Western imperialist nationalism). That is why the male lineage of the imperial system is valuable and inviolable, even though it is in danger due to the small number of male heirs (McCurry 2017a). Discussions to change a patrilineal succession to absolute primogeniture, which entitles the first born the right to the throne regardless of sex, however, is met with opposition by the current government. They are claiming the succession was intact for over 2,600 years, but cite a law that exists for less than 200 years, selectively obscuring the fact that women did rule in chieftain pairs in the 6th-8th centuries, while the latest ruled in the 18th century.

The contemporary family unit called 家 (*ie*) stems from the early medieval period (12th century CE), when patrilocal marriage became more common among all of society (Wakita 1999, 81). Wakita (1999) states, “it is easy to assume that the medieval household (*ie*) is identical to the contemporary family or household” (Wakita 1999, 81). However, the current *ie* is incomparable to the medieval *ie*, making contemporary gender norms that are projected onto the past invalid. Medieval households functioned more as political or economic units whereby the

male patriarch was active outside the household, but women managed the household unit exercising some leadership, as merchants, artisans or entertainers (Wakita 1999, 94). Male dominance was the norm, but this does not equate to patriarchy. Women, while subordinate, had agency in as much as the family unit was based on the existence of both the husband and the wife (Wakita 1999, 94), having the same inheritance rights and responsibilities (Tonomura and Walthall 1999, 7). Wakita concludes that due to economic developments, administrative reform and the increasing power of masculinist structures, the patriarch's power expanded, while the wife's role diminished to reproductive duties (Wakita 1999, 94). This development was brought on by political turmoil and foreign security threats leading to shifts in inheritance practices which "disadvantaged some sons and all daughters" (Tonomura and Walthall 1999, 7). The revival of Neo-Confucianism during the Edo Period (1600-1868) further weakened the status of women, whereby rulers sought to regulate behavior in chaotic and strife-ridden times, and "put together an amalgamation of Shintō [the indigenous belief of Japan], Buddhist, and Confucian concepts to justify their rule and stabilize society from top to bottom" (Tonomura and Walthall 1999, 9). In a sense, these rulers did what the rulers of the subsequent Meiji Period did. In an attempt to consolidate their power and national interest, they constructed an imagined identity drawn from different traditional ideologies, to maintain the status quo (Akagawa 2015, 15). These Edo period rulers also projected their stereotypical ideas of an imagined masculinity onto the past, whereby the legacy of women is further distorted and obscured, while universalized male identities are enhanced and normalized: a palimpsest of self-reinforcing androcentrism. A negative side effect of this one-sided representation of masculinity is that it erases the diversity of men as well. Male same-sex relationships have existed throughout Japanese history, between Buddhist monks and samurai warriors, as well as queer and androgynous identities in Kabuki theater, but acceptance of non-heteronormative identities has diminished in modern Japan after the Meiji Restoration (Williams 1992).

It is not an easy task to pinpoint the origins of patriarchy, since mainland influences of gender hierarchy in politics and religion have always been present. However, from the evidence presented in this paragraph, I conclude that the *current* gendered constructions that systematically disempower women originated in the Meiji Era. Of course, the waves of mainland influx contributed to the build-up of male dominance, which can be observed by the diminishing power women had. Yet, historians like Wakita (1999) and Piggot (1999) have shown women had power and agency. The past is often used to justify male hegemony, but it was not until the Meiji Period that womanhood as opposed to manhood (not as a political or economic unit, but as diametrics) was constructed and propagated widely.

In the following paragraph, we shall also see cracks in the integrity claim of a 1,300 year old tradition practiced at a World Heritage Site, and how access to the men-only zone has been contested and negotiated in both past and recent times. Restricted access of women to other cultural sites, like the Sumō ring have come under scrutiny and have opened up societal debate which will be discussed in section 4.2.2.

4.2 The Practice and Origins of Women’s Exclusion at a Universal World Heritage Site

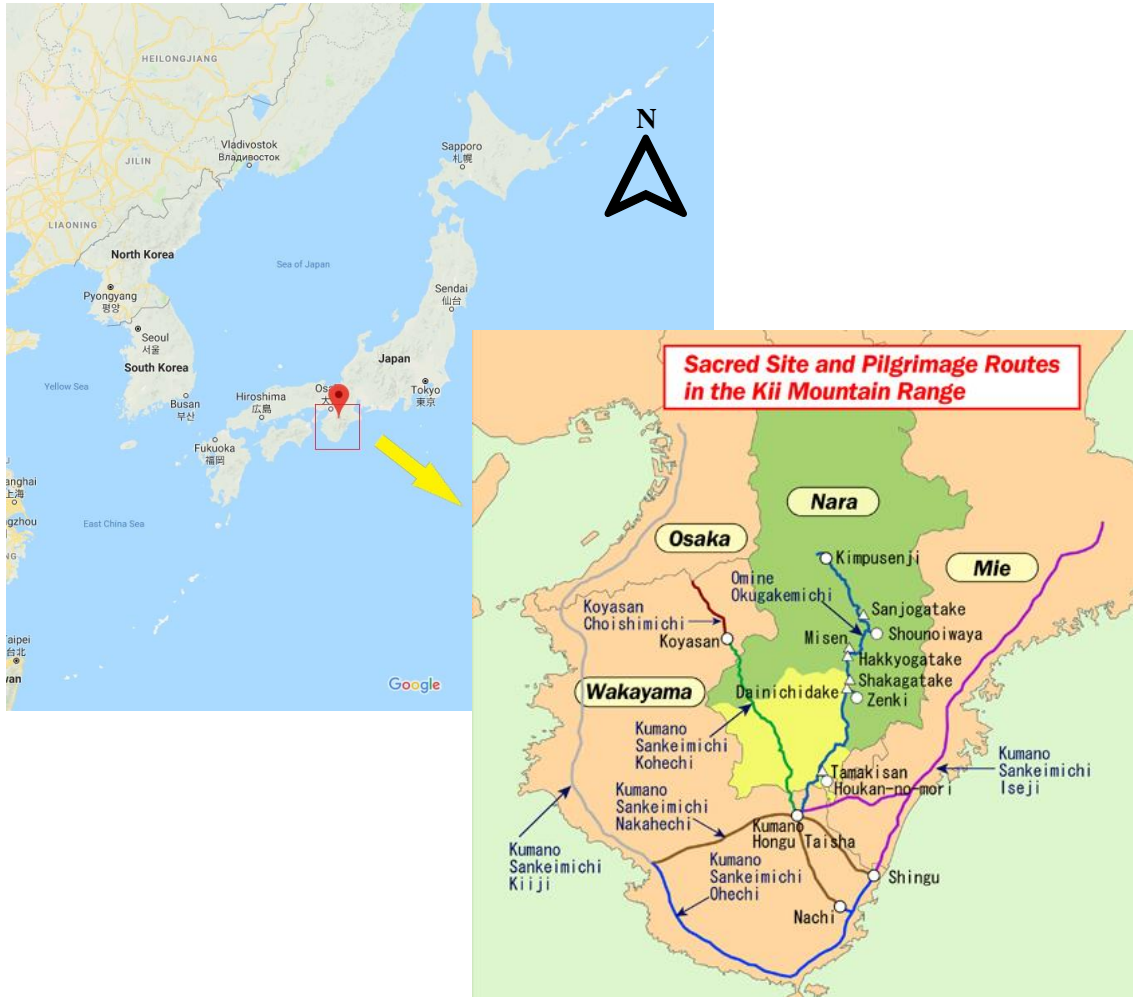


Figure 15. The location of the Sacred Site and Pilgrimage Routes in the Kii Mountain Range within Japan. The location in question is Sanjogatake, located on the blue Omine Okugakemichi trail in Nara prefecture. (Source: after Google Maps 2018 and after http://www.nps.ed.jp/totsukawa-hs/sub/yoshikuma/y_kyodo/trip_e/_src/sc832/route_e.png)

The “Sacred Sites and Pilgrimage Routes in the Kii Mountain Range” cover an area in three adjacent prefectures: Mie, Nara and Wakayama, located on the Kii Peninsula, Japan (fig. 15). It was enlisted as a mixed cultural and natural UNESCO World Heritage Site (WHS) in 2004, because the pilgrimage routes lies within a mountainous area with dense forests, rivers and waterfalls. It attracts millions of

visitors – both men and women – every year, with consequences for maintaining the natural preserve. The three sacred sites are located in Yoshino and Ōmine, Kumano Sanzan, and Kōyasan, that contain shrines as old as the 9th century CE. The pilgrimage routes lead to these sites from the ancient capitals Nara and Kyoto. Before WHS inscription, the area had already been designated as both a National Park and Prefectural Natural Park, whereas the buildings are considered National Treasures or Important Cultural Properties. The focus of this chapter is on one particular part on the pilgrimage trail, referred to as Ōminesan or Mount Ōmine. The official name of the sacred peak is called Sanjōgatake, not a separate mountain at all as the name Mount Ōmine suggests, but all three names are used synonymously. It is the only part on the Ōmine Okugakemichi trail that is not accessible to women.

The pilgrims (*yamabushi*) today, perform an ascetic type of training as part of the Shugendō doctrine, an esoteric school of Buddhism that borrows elements of Shintō. Ōminesan is the only place that practices 女人結界 (*nyonin kekkai*), i.e. “the exclusion of women from sacred areas” in this WHS. As will be delineated below, the exclusionary custom is still practiced extensively in Japan. Sanjōgatake is considered a liminal space, whereby male *yamabushi* are held upside down on the edge of the sharp drop (fig. 19). After having been on a restricted diet, harsh training under icy waterfalls and sleep deprivation, the goal is to experience a rebirth, since Sanjōgatake functions as the womb of a female Shintō deity (DeWitt et al. 2015, 168). It is claimed that these ascetic practices are over 1,300 years old, including the ban of women in religious spaces (McGuire 2013, 346).

4.2.1 Women’s Expulsion from Religious Participation

The origins of *nyonin kekkai* are usually ascribed to the introduction of mainland ideologies like Confucianism and most strands of Buddhism which consider women defiled because of menstrual/childbirth blood (DeWitt *et al.* 2015, 12). However, Naoko Kobayashi, an academic of Japanese culture and religion, argues that based on research of historical social practice in Japan, the exclusion of women in religious activities was initially limited only during the menses (Kobayashi 2017, 106).

Haruko Okano (2011) states that in the early years of Buddhism arriving in Japan

(6th-7th centuries CE) nuns were able to practice in the same place as monks (Okano 2011, 18). By the 8th century, the monasteries of women and men were divided, and a hierarchy was established where nunneries were made to support monasteries in their day to day lives (Okano 2011, 19). Many of these established “Old Buddhisms” were under patronage of noble families, becoming politically powerful themselves. Okano (2011) claims that the rulers used religion to exert authority over people, whereby the exclusion of women was a method to gain control (Okano 2011, 22). However, there were some Buddhist teachers who perceived women to be equal to men, able to reach enlightenment, since salvation in the Mahayana tradition (practiced widely in Japan) is considered sexless and universal (Okano 2011, 17). Even in a time like Medieval 13th century Japan, two influential teachers of “New Buddhism” (*shin bukkyō*), Dōgen (Soto Zen school), and Nichiren (Nichiren school), criticized the exclusion of women in “Old Buddhism” (*kyū bukkyō*) (Okano 2011, 22). Nichiren wrote in 1264:

“I have never come across any passage in the sutras or treatises that speaks of avoidances connected with menstruation.

“While the Buddha was in the world, many women in their prime became nuns and devoted themselves to the Buddha’s teachings, but they were never shunned on account of their menstrual period. Judging from this, I would say that menstruation does not represent any kind of impurity coming from an external source. It is simply a characteristic of the female sex, a phenomenon related to the perpetuation of the seed of birth and death.”

Nichiren 1222-1282 (1999, 71-72).

In his writings, Nichiren explains that he has never heard of the practice in India or China, where Buddhism traveled from, and reassured the woman follower her menstruation would not interfere with her daily devotions (Nichiren 1999, 72). Unfortunately for women, as the state’s grip on Buddhism increased as an ideology to protect the nation and to maintain power, it became increasingly patriarchal (Okano 2011, 19).

Contributing factors to an increasing systematic ban on women were monastic rules that forbade monks to engage in sexual relations with women, and women being seen as inferior beings who were unable to attain Buddhahood in their present bodies (Kobayashi 2017, 106). This Buddhist influence impacted the way women were regarded in Shintō as well. Okano (1993) classifies the development of Shintoism into three periods, Primitive Shintō (2-7 centuries CE), Organized Shintō (645-1867), and Shintō after the Meiji Restoration (1868 onwards) (Okano 1993, 58). During the early period, women yielded power as priestesses, shamans (*miko*) and mediators. Queen Himiko, the first known ruler of Japan was thought to be a priestess (Okano 1993, 59). It is no coincidence that her existence is relegated to a myth because no archaeological remains have been found. However, she is recorded in the official Chinese Book of Wei (*Wei Shu*, 551-554 CE), as having lived in the first half of the third century CE (Piggott 1999, 18). She co-ruled with her brother, because both men and women, as chieftain pairs of a certain class, had important functions within the Shintō system (Okano 1993, 59). Archaeological evidence support the existence of other ruler pairs during the 4th-6th centuries CE from excavated burials in West-Japan (Piggott 1999, 22). From the 7th century, due to state centralization, male-biased continental influences that preferred male priests, and the above mentioned Buddhist concept of blood impurity, female priestesses started disappearing (Okano 1993, 28-29), coinciding with the expulsion of nuns from prominent places in Japanese Buddhism, stripped of their religious functions, even “restricted from entering religious life” (Okano 2011, 19).

With the advent of the Meiji Period, women could no longer be a member of the official priesthood (Okano 1993, 59). As mentioned in the previous paragraph, the legitimacy of the Emperor had to be restored and consolidated in the Meiji Restoration, and Shintō was crucial in this process. The priesthood was replaced by an all-male body of official priests, thereby shunning women from religious sites, even today.

4.2.2 Purity and Contemporary Cultural Practices

Many prominent Shintō chief priests are members of the nationalist Nippon Kaigi.

Even though women regained entrance again into Shintō priesthood after WWII (fig. 16), their participation has been limited at high status shrines, and blood impurity is still observed (Okano 1993, 59). Nowadays, women priests use hormones to control their periods.



Figure 16. Shintō priest Tomoe Ichino at Imado Shrine in Tokyo, one of the approximately 1000 women priests in Japan. (Source: <http://www.thisinsider.com/women-sexism-work-photos-2017-3#people-dont-know-women-shinto-priests-exist-so-they-think-we-cant-perform-rituals-priest-tomoe-ichino-40-japan-1>, Reuters/Toru Hanai)

A famous present-day arena where blood impurity is observed and women are still officially excluded, is the *dohyō*, or sumo ring. The wrestling sport is a living tradition very much connected to Shintō – including the ritual element of salt purification, the ceremony to invite Shintō gods to watch over the games and the referee being a Shintō priest. In April 2018, at a sumo tournament in Maizuru, the local mayor suffered a stroke and collapsed on the *dohyō* (McCurry 2018). A female nurse and several other women rushed from the crowd onto the mound to provide first aid, before the all-male medical team arrived to take over heart massage. During the rescue mission, the referee ordered the women to “get off the ring”. The images went viral and national indignation followed soon, which sparked debate about

lifting the ban on women from the sport, especially in cases of life or death. The mayor of Maizuru whose life was saved, is now a proponent of lifting the “outdated” ban on women in sumo, at least in an “emergency” (Japan Times 2018d). Moreover, what is less known is that sumo has been practiced by women since the Edo Period (Kaneda 1999, 113), even gaining popularity outside of Japan, at the amateur level.



Figure 17. Members of the amateur women sumo team of the Asahi University. (Source: <https://www.theguardian.com/world/2018/jun/19/its-exhilarating-japans-female-sumo-wrestlers-take-on-sexism>, The Guardian/Laura Liverani)

Professional sumo is only recognized and practiced by the Japan Sumo Association, but the support for opening the sports up professionally for women is growing because of the Maizuru incident. What this example in sumo shows, is that irrespective of the widespread cultural practice of *nyonin kekkai*, or *nyonin kinsei*, women have always participated in their own culture and religion. The locals at the sacred Ōmine WHS may boast that the 1,300 year old tradition is unbroken, but this is not supported by historical records. While the Japanese state constructed a national identity during the Meiji Period, it also wanted to modernize. The practice of banning women from sacred mountains and places of worship was officially lifted in 1872 (DeWitt *et al.* 2015, 1), then reinstated again locally in 1936 as a “mountain rule”, meaning it is unofficially sanctioned by local government officials (DeWitt *et*

al. 2015, 174). Thus, the ban is not strictly enforced, nor is the sacred zone fenced in. In acts of resistance, women dressed as men, or men dressed as women have ascended the peak (Wijers-Hasegawa, 2004).

From this, the conclusion can be drawn that the customary restrictions have been contested, negotiated and have changed both in the past, and in the present. The tradition of blood impurity was only limited to the time of menstruation, and not propagated by all Buddhists sects, the modern gender construction is a product of the Meiji Period, where the past is reimagined and used to justify male hegemony in order to legitimize the Chrysanthemum Throne and with this the collective selfhood of an empire with a unique tradition, erasing narratives that do not fit the selfhood of *nihonjinron*. Women have always been part of culture and the religious experience, yet, the marginalization and discrimination of women continues at the Kii site, because officiating the world Heritage nomination means that the particular cultural expression – that of *nyonin kekkai* – is controlled and perpetuated, under the pretense of culture. The site represents a selective and biased narrative that impedes on women's right to culture.

The restricted area at Ōminesan is demarcated by modern signage (fig. 18 and 20) erected some 50 years ago (DeWitt 2016, 20). Lindsey DeWitt, who conducted a doctoral research project on women's exclusion at Ōminesan, asserts that the signage is “conceptually inconsistent, indicative of neither a true modern nor ancient history, but instead presenting us with an ‘imagination’, that is, an imagining of the past.” (DeWitt 2016, 20). Her research shows that the original boundary of the *nyonin kekkai* zone has moved several times throughout history, for practical and economic reasons (DeWitt *et al.* 2015, 175). Visitor facilities have altered the boundaries of the sacred area, as well as the opening up of the neighboring peak, Inamuragatake. From 1960, either in an attempt to prevent women from climbing up Sanjōgatake (DeWitt *et al.* 2015, 160) or to provide married women an alternative while their husbands hiked up Ōminesan, the route to a nearby peak called Inamuragatake was opened up. It is now known as the “Women's Ōmine” (DeWitt *et al.* 2015, 159). Originally, the Inamuragatake was also off-limits to persons of the female sex. The *nyonin kekkai*



Figure 18. Bilingual sign prohibiting women to ascend the sacred peak of Ōmine. (Source: <http://www.unesco.org/library/PDF/GenderEqual.pdf>, Edwin Bernbaum 2014)



Figure 19. A *yamabushi* is held upside down the steep cliff on Ōmine. (Source: Mc Guire 2013, 325)

rule was dropped for this peak without protest, and naturalized as a women’s peak. However, the religious experience is said to be different since the peak is not a woman-only sacred area – meaning men still have access to it, nor does it have the dangerous “rebirth” worship facilities like Ōminesan (fig. 19) (DeWitt *et al.* 2015, 159). The religious tradition is indeed an “imagined” tradition, a cultural performance that is actively enforced in the present, while its current meanings and values are transposed onto the past as fact to legitimize women’s exclusion. By officially recognizing this “imagined” past it replaces the history of the mountain with a new androcentric history (DeWitt 2016, 25).

Furthermore, the recognition of the site including its discriminatory practice upheld in Shugendō is problematic in several more ways. Firstly, it is men only who can be endowed with the spiritual experience, giving men a privileged status, contrasting women as “the other”, as defiled. Men are considered cultural ideals and are

attributed the most valued characteristics of their culture (Cuddy *et al.* 2015, 633). This is a harmful stereotype that is based on “a narrow and incomplete interpretation of history and religious practice” (DeWitt *et al.* 2015, 17) and not representative of all Japanese religions. Concurrently, through consolidating the nomination as a world Heritage Site with Outstanding Universal Value, the Japanese State selects those religions that supplement and uphold the Authorized Heritage Discourse and the collective selfhood of Japanese uniqueness, preferencing certain forms of religion over others (such as previously mentioned Nichiren and Dōgen) that do not perpetuate narrow and prescriptive stereotypes of women *and* do not tell a unilinear story of the development of religion in Japan. UNESCO seems “to create cooperation mechanisms that reinforce sovereign prerogatives” (Lixinski 2013, 147), under the guise of religious diversity, but it is only an “authorized diversity” (Lixinski 2013, 148).

Elevating this religious site to World Heritage status by the highest cultural organization in the world, this act legitimates a new history that erases women positing a timeless continuation of *nyonin kekkai*, and it enforces the exclusion of women from cultural practices on a biological basis that was not widely or uniformly practiced in the past. Why did UNESCO approve of such practices that seem in contrast with its operational guidelines that require a site to be of “outstanding universal value”? The UNESCO criteria of “Outstanding Universal Value” is that the site has to be “exceptional”, “be of common importance for present and future generations of all humanity” (UNESCO World Heritage Centre 2017, 19), but this seems only to relate to half the population since the female half is excluded from accessing the site. Moreover, the site was enlisted under the Value criteria as bearing “a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living...” (UNESCO World Heritage Centre 2017, 26), while the evidence shown above indicates a tradition that is intermittent and selective, not integral or authentic as presented. The next paragraph will show the flaws in the UNESCO decision, the possible causes and suggestions for heritage managers to extend attentiveness to excluded communities.

4.3 Discussion of the Impact and Issues of the Nomination Process

This section examines the vision of UNESCO on gender equality in culture. It specifically considers whether the experts at UNESCO were aware of the issue at Mount Ōmine, of the criticisms of the inscription and UNESCO's response and the role of UNESCO, Member States and as heritage experts.

4.3.1 The Problem of Claiming an Integral Tradition

Inspecting the nomination file (Agency for Cultural Affairs and Ministry of the Environment, Government of Japan 2003) and the Advisory Body Evaluation document (ICOMOS Advisory Body Evaluation 2004) of the Kii Mountain Range shows that no mention is made regarding the cultural practice of excluding women, because it is a “mountain rule”, not a legally binding ban. Therefore, UNESCO did not have to be informed. DeWitt also notes that “the status of the lands is not universally agreed upon” (DeWitt 2016, 22) since boundaries have shifted throughout the past, making the issue harder to grasp. It is also not true that experts of the International Council on Monuments and Sites (ICOMOS) who work for the conservation and protection of heritage sites and advise Member States, had no prior knowledge of the practice. In 2003, a single UN official and male professor from South Korea, was sent to inspect the mountain. He was aware of the tradition and expressed his concern as to whether the “small gate will be enough to keep women out” (Wallace 2004). A local innkeeper told him that “the same gate had kept them out for 1,300 years”, referring to a gate that was constructed in 1970 (DeWitt 2016, 22-23), 10 years after reducing the sacred area to accommodate for economic needs, including the opening of Inamuragatake. DeWitt (DeWitt *et al.* 2015) illustrates the fluidity of the exclusionary zone, and the difficulty of criminalizing a religious tradition since officially and legally, the practice of *nyonin kinsei* was lifted with the 1872 decree.

Voices of opposition to the female exclusion on Ōminesan come from several women's organization, the most prominent one called the Association Seeking to Liberate “Ōminesan's Female Exclusion” (in short *Motomeru kai*) (www.on-kaiho.com). Besides conducting activities to raise awareness on the discriminatory

practice, they collected 12,418 signatures in 2004 in protest of the WHS designation, including the request to re-examine the legality of female exclusion, and presented the petition to UNESCO, the Prime Minister, several other Ministers and the Gender Equality Bureau, local governments, local organizations and religious institutions (DeWitt 2016, 23). The *Motomeru kai* claims that public tax money was used to promote the nomination process, promote tourism and to restore roads and trails within the men-only area (DeWitt 2016, 23). However, the managing stakeholders of the WHS assert that the “unquestioned” religious tradition is a cultural rule that needs to be respected (DeWitt 2016, 24). On their website, the *Motomeru kai* question this religious tradition, “because any man can enter the mountain” (http://www.on-kaiho.com/info/info_top.html), indicating that non-religious or non-native men are granted access over religious women. Moreover, the site is awarded



Figure 20. Members of the *Motomeru kai* at the demarcation gate and stone pillar which reads “Women’s restricted zone from this point on” (Source: <https://www.facebook.com/1447677002208546/>)

World Heritage status, having outstanding universal value for all humankind. Therefore access to the site is a universal right, especially when public funds are spent on maintaining the site. The scholar and leader of the *Motomeru kai*, Junko Minamoto, felt that UNESCO did not regard the ban on women an important issue, even though her claims are grounded (Wallace 2004).

4.3.2 Erasing Contestation and Marginalization

To find out if the efforts of the *Motomeru kai* have reached the highest level at UNESCO, and to ascertain their view and position in this nomination, I have analyzed several UNESCO publications that discuss the Kii WHS. In a publication issued 10 years after its inscription as a WHS, UNESCO's Director of the Division for Heritage and the UNESCO World Heritage Centre, Mechtild Rössler (2014) seems to acknowledge that the 1972 World Heritage Convention lacks references to legal instruments on human rights, and states that they have received a petition of protest from the *Motomeru kai* that the ban violates the CEDAW, calling on heritage experts to apply a gender perspective in their interpretation (Rössler 2014, 61-63). She writes that UNESCO also recognizes the need to institutionalize gender equality efforts to have dialogue and provide State Parties with policy advice to promote gender equality (Rössler 2014, 69).

However, in a publication that appeared two years after this acknowledgment, *World Heritage* issue number 78 (UNESCO 2016), Rössler describes in the editorial section that the Kii Mountain Range is a gendered site “with separate access to mountains for men or women only” (UNESCO 2016, 1). As I have outlined in section 4.2.2, separate access is only a recent feature, not an authentic historical one, because women's entry to Inamuragatake was barred until 1960. I have also shown above, the religious significance and experience of Inamuragatake is incomparable to Sanjōgatake, because the former lacks the facilities to have the rebirthing experience that is a crucial climax of the whole ascetic practice. To posit that the WHS has separate, but equal status mountains erases the controversy and contestation that takes place. Furthermore, in the same issue, a contribution by a male “expert”, Edwin Bernbaum (2016), a scholar of comparative religion and mythology, almost makes it

sound like women are more fortunate to have been awarded the better peak, because it “is a few metres higher and has a more pointed and elegant summit than the men’s mountain”, as he describes the ritual ordeal of the *yamabushi* and “wonder[s] how [his] wife was doing on her climb of the ‘Women’s Omine’” (Bernbaum 2016, 23). For UNESCO to publish an uninformed view by a male American religion scholar who is uncritical of the deeper lying issues of exclusion of women in religion is irresponsible. Noriko Kawahashi, a historian specialized in gender and religion, and Naoko Kobayashi who teaches religion and culture (Kawahashi and Kobayashi 2007), state:

“[W]hen scholars from other countries present research that vindicates the patriarchal practices of some religious group in Japan, that research ends up as toxic fuel for that community’s gender discriminatory system, keeping the system in operation. In other words, when their work states that a new religion is bringing salvation to women, who are in the very bottom strata, or when they declare that there is no gender discrimination in Buddhism, or when they disseminate other such conventional androcentric interpretations, there is a real possibility that these scholars are rendering invisible the oppression and exploitation that women are being subjected to by patriarchal religion, and that they are marginalizing women’s resistance.”

Noriko Kawahashi and Naoko Kobayashi (2017, 3).

I observe here that when it comes to *national* oppositional voices like the *Motomeru kai* are easily disregarded as feminist (and therefore Western) ideas that have no place in traditional heritage. However, *foreign* scholars who ignore the voices of *local* women are considered respecting the diversity of the nation and their opinions are publicized in UNESCO publications. This type of cultural relativism that negates the rights struggle of a marginalized group is what makes the Kii WHS case problematic. It legitimates the authorized state narrative through the establishment of a “cooperation mechanism” (Lixinski 2013, 147), the UNESCO platform.

4.3.3 Not All Communities

In this section, I will elaborate more on the different communities in heritage management, and the need to consider the power relations amongst these groups.

Heritage expert Nobuko Inaba (2016), who served the Japanese government's Agency for Cultural Affairs, writes in her contribution in the same *World Heritage* 78 issue (UNESCO 2016) that the women who have acted in resistance to the ban and have climbed up the mountain, have only strengthened "local communities' and the followers' opposition" (Inaba 2016, 25). It is of fundamental importance that heritage managers collaborate with host communities so that they benefit from the development and tourism that a WHS brings, as well as empowering them to manage and protect the WHS. Yet, it is equally important for heritage managers to engage with stakeholders that have differing views from the majority, since the impact of inscription varies from community to community. Which "local communities" does Inaba refer to? The innkeepers and shopkeepers of Dorogawa (the village at the entrance to Sanjōgatake) receive income from visitors who are drawn to Ōminesan precisely because female exclusion is a unique selling point (DeWitt *et al.* 2015, 105). However, the residents of neighboring Kashiwagi to the east of the peak planned as early as the 1930s to build a new trail open to women, "seeking to break Yoshino and Dorogawa's monopoly on mountain entrance" (DeWitt *et al.* 2015, 104). The perception that only feminist activists oppose the ban is problematic and polarizing, and contributes to essentializing these women as anti-tradition, because they approach the exclusion issue from a feminist perspective.

Inaba also ponders the question: "how should or could we deal with the continuity of tradition and political correctness?" (Inaba 2016, 25). To state such claims while I have offered arguments that there is no "continuity of tradition", to place the blame on women whose rights to cultural heritage are violated, framing gender inequality as a women's issue, and to call the issue "political correctness" is a slap in the face of those fighting for their right to culture. It also highlights that gender-mainstreaming efforts within UNESCO have yet to trickle down to heritage specialists at Member State level. Gender is relegated to the periphery while the established narrative of communities in power dominate the discourse.

There is another group of stakeholders who would benefit from lifting the ban: women followers. The number of women practicing Shugendō make up a growing

part of religious groups, old and new (DeWitt *et al.* 2015, 170). In 1997, leading up to the 1300th death anniversary of the founder of Shugendō, En no Gyōja in the year 2000, several temples and affiliates which represent about one million followers, agreed to lift the ban on women (DeWitt *et al.* 2015, 120). According to DeWitt (DeWitt *et al.* 2015) they argued that the Shugendō tradition does not support gender discrimination, that there is a female increase in the composition of devotees, and feel that, since Shugendō temples have been training women practitioners, they should also be awarded access as part of their religious education (DeWitt *et al.* 2015, 128). The consortium of temples stated that “Shugendō must respond to the requests based on the faith of the devotees, in a form appropriate for the twenty-first century” (DeWitt *et al.* 2015, Appendix Three). Unfortunately, due to miscommunication with the climber guilds who are invested economically in Dorogawa and emotionally in the practice of *nyonin kekkai*, the situation backfired and ultimately led to no change.

4.3.4 UNESCO’s Responsibility in Promoting Gender Equality and Member State Accountability

The UN-SWAP (see paragraph 2.5) requires all UN agencies, including UNESCO, to promote gender equality within the framework of their mandates. In 2014, UNESCO published the UNESCO Priority Gender Equality Action Plan 2014-2021 (UNESCO 2014b). This is the second plan, stating its vision:

“UNESCO’s vision of gender equality is in line with relevant international instruments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).” (UNESCO 2014b, 11)

“The ultimate goal of UNESCO’s Priority Gender equality is to strengthen the Organization’s ability [...] to support the creation of an enabling environment for women and men from all walks of life, to contribute to and enjoy the benefits of sustainable development and peace. UNESCO also commits itself to ensure that the Organization’s contributions to sustainable development and peace have a positive and lasting impact on the achievement of women’s empowerment and gender equality around the globe.” (UNESCO 2014b, 13)

Furthermore, the Action Plan states UNESCO would support its Member States in raising awareness to the importance of gender equality, in heritage, developing cultural policies that respect gender equality, ensure women and girls' equal access to and participation in cultural life, and ensure their access to decision making positions. Important is how UNESCO attempts to hold its Member States accountable. Unfortunately, only one sentence at the end of the report is dedicated to the roles and responsibilities that Member States and civil society have:

“Representatives of Member States (Permanent Delegates, National Commissions, Parliaments, UNESCO Clubs, NGOs) will be involved as partners in the implementation of the GEAP [Gender Equality Action Plan] through organization of joint activities on gender equality with the UNESCO Secretariat, and through advocacy for gender equality within their States.” (UNESCO 2014b, 57)

This means that UNESCO, as a UN agency has to take responsibility for the promotion of gender equality, but that it mainly has a supporting role, and has no power to interfere with Member States' sovereignty. However, State Parties that have ratified CEDAW are under the obligation to eliminate all forms of discrimination against women, a powerful leverage for UNESCO to wield, but often remains unused. In the case of *nyonin kinsei*, the practice is in violation of CEDAW Article 5(a) and Article 13(c) (Appendix A). The women devotees are barred from participating in all aspects of cultural life, because the practice is rooted in the belief that women are polluted, an idea based on inferiority. The responsibility of the state is clear; whether the perpetrator is a State official or non-state actor (e.g. guilds and local organizations, even the National Sumo Association), the State party should “decline any appeal to culture by any State or private actors who violate women's human rights” (Holtmaat and Naber 2011, 30). Article 5 urges State Parties to actively take measures to modify those cultural patterns. International law is clear on the issue.

The Concluding Observations of the Committee (CEDAW 2009) state that the CEDAW Committee is concerned “at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men

in the family and in society” especially how these stereotypes continue to be reflected in the media and educational textbooks and the impact it has on peoples choices and responsibilities (CEDAW 2009, 5). The Committee recommends Japan to “intensify its efforts to change social norms that reinforce the traditional roles of women and men and to advocate positive cultural traditions that promote the human rights of women and girls,” (CEDAW 2009, 5) and to “review educational textbooks and materials to eliminate discriminatory gender stereotypes” (CEDAW 2009, 5).

However, the issue lies between cultural diversity and universality of human rights, or at least in the normative content of human rights, specifically the implementation of these rights (Donders and Vleugel 2016, 324). As we have seen in paragraph 3.4.2, the CEDAW Committee closely monitors each Member State and provides Concluding Observations (e.g. CEDAW 2016), which are preceded by a dialogue. Yvonne Donders, a professor of International Human Rights and Cultural Diversity, and Vincent Vleugel, specialized in Children’s Rights, established that the Committee is “very critical and restrictive when it comes to accepting cultural variation in the implementation of the Convention” (Donders and Vleugel 2016, 334). The recommendations in the Concluding Observations are also very broad and non-prescriptive (Donders and Vleugel 2016, 335), so that they can be applied universally. They conclude that the dialogue between the Committee and State Parties is not constructive, because it is not interactive and lacks discussion (Donders and Vleugel 2016, 347). They critique the Committee for not leaving “much room for cultural diversity in the implementation of the treaty provisions”, and accuse the Committee for adhering to its own interpretation of culture – being dynamic and subject to change (Donders and Vleugel 2016, 351).

Acknowledging this critique of the rigidity of the Committee, what is left out of the equation are the voices of the marginalized women, because the dialogues are between the Committee and the State Party. It should be the State’s responsibility to make sure women can enjoy equal rights to culture, combat discrimination and exclusion, and fight harmful gender stereotyping. However, in the Japanese case, the dialogue’s tendency to prioritize cultural rights over women’s rights in the name of

religion, tradition or culture, and seeing women's rights as a Western invention is much stronger. Yet, women who practice the religion are not given a podium in the dialogue on rights to culture. The women who practice Shugendō do not want to abdicate or reject their religion. They merely want acknowledgement in their resistance to oppressive power structures infused by androcentrism, not be seen as passive victims, and are reclaiming their agency. From a feminist perspective, the unyielding stance of the Committee to revert to cultural relativism is understandable. After all, the CEDAW is a women's human rights instrument that is aware of the State's position of power, the AHD it is trying to maintain, and the pervasive androcentrism embedded in the minds of delegates and experts. The State or the dominant non-state actors, have no interest in advocating for such marginalized communities, ultimately favoring advantage over masculinist interest such as economic benefit and a unilinear representation of an imagined hegemony.

4.3.5 Responsibilities of the Heritage Manager

The critique of Donders and Vleugel (2016) is legitimate about the CEDAW Committee exercising more power in their "dialogues" that appear to be one-sided. However, trying to give equal weight to opposing views when the State's voice is already authoritative, does not result in hearing the voices of marginalized women. In this case too, Benhabib's dual-track approach (Mullally 2006) that requires a radical equality of all interlocutors may be the best solution to promote discussion and negotiation. In this case, women whose rights are violated must be seated as equals at the table without essentializing them as feminists who want to appropriate a "tradition" for a perceived non-Japanese political agenda. To blame the Committee for its non-negotiable attitude is to turn a blind eye to the power that the State Party representatives have. It is unfortunate that UNESCO lacks the ability to enact more accountability when Member States practice discriminatory and exclusionary cultural practices under the guise of cultural relativism. The critique of Lynn Meskell on UNESCO (2018) is applicable in the Kii WHS case. The "soft power" of cultural heritage that focus on the conservation of monuments, landscapes and cultural traditions can mask the state's real political intent (Meskell 2018, 155). However, it

must start by not granting official recognition of cultural practices that discriminate against women through UNESCO World Heritage inscriptions, because excluding half of humanity is not an “Outstanding Universal Value” that benefits humankind. It perpetuates a patriarchal and male-centered tradition while violating the rights of women in the same tradition that seeks equal representation.

On the matter of representation, the Kii WHS represents those “certain actors such as temple priests and government bureaucrats [who] yield greater influence and power” (McGuire 2013, 344). The voices of local stakeholders, women and men, who take an opposing stand on the ban of women on Sanjōgatake, or any other issue affecting the local community, are often drowned out (McGuire 2013, 344). In this sense, the determination of Outstanding Universal Value does not seem representative of the whole community. It follows from the arguments above that for heritage managers, the dual-track approach, a moral dialogue that respects both human rights with respect for cultural diversity is best when listening to all relevant stakeholders. The universality of human rights can only be strengthened by reconciling cultural diversity and work towards inclusivity of all peoples concerned. It may lead to a common history, it may lead to a multivocal past, or both. A “reversion to simplistic narratives” (Knop and Riles 2017, 870) is something that heritage managers should avoid at all cost. To prevent this, rigorous historical research that give space to plural narratives is recommended by Shaheed (Shaheed 2014, 21).

Another point is that there is a lack of women heritage experts in Japan. While there are no official numbers, it is estimated only 10-20% of archaeologists/heritage experts are women (Okamura 2014, 79). Representation of the community is crucial, but so is female representation of the expert body. Women bring their own views and experience to the discipline, making it more diverse, strengthening and innovating the field, giving us “more ways to think about the past” (Nelson 2006, 2). The discipline used to be (and in Japan is still) dominated by men who conducted research related to power, war and conquest, subjects identified as masculine. These ideas have recently been challenged by feminist scholars, yet they still circulate and

are reproduced, having “serious political and educational implications” (Conkey and Spector 1984, 2).

A detrimental consequence is an explicit lack of representation of women in history and the varied lives they led (Labadi 2007, 162; Smith 2008, 163). The goal of applying a gender lens to heritage research is to identify who is oppressed by gender-structured systems of inequality (Wylie 2007, 211). In the case studies of heritage management in Japan, those who are subjugated to unequal treatment are women (DeWitt *et al.* 2015; Okano 2011; Tonomura *et al.* 1999; Wakita *et al.* 1999). The ways in which women are represented often use harmful stereotypes based on biological essentialism, their nurturing abilities and subservience naturalized as fact.

As established in this chapter, the choices made concerning what to heritagize and what to forget are often made by those in power, who protect the status quo they benefit from, the androcentric and nationalist narrative that legitimizes their authority. The result is that the imagined past onto which current gender norms are projected through heritage-making becomes perceived as truth. Also shown in this chapter is that in the nation-building processes of the Meiji Era reference was made to the past to create a selfhood that has been reduced to a simplistic and monotone single-story narrative. One could say that it is a deliberate erasure of other stories, of e.g. women in power and the contestation of their rights, or religious teachers who propagated equality, as my case study has shown. Worse still, women become second-class citizens whose contributions are largely forgotten, since they are commonly understood as never having played an active role in their lives. After all, men are represented as having been the active and leading heroes of the past. This view contributes to a widening gender polarization. Men are posited as active, strong and capable, whereas women are inactive, nurturing and compliant. What is insidious about such portrayals of women, is that they are projected into the present.

Current notions about men and women dictate and elicit stereotypical behavior, called stereotype threat. This can lead to underperformance, undermine an individual’s sense of belonging and have consequences for well-being (Spencer *et al.*

2016). Children exposed to negative stereotypes suffer from impeded cognitive performance and lesser memory (Ambady *et al.* 2001; Hilliard and Liben 2010; Paterson and Lach 1990), and affect girls' self-esteem and identity (Paterson and Lach 1990, 186). Interventions that reduce the negative effects of stereotyping by actively and purposely promoting diversity, have been successful in children's education improving cognitive functions (Bigler and Liben 1992), in history laying bare the deep-seatedness of patriarchy (Beard 2017) in museums calling out overrepresentation of male specimens and inviting visitors to rethink museum curation and display (Machin 2008), in archaeology publishing about African American lives by an African American archaeologist (Battle-Baptiste 2011) and in heritage raising awareness on the abuse of Indigenous women (Reading 2015) to name a few examples. Their research is in opposition to the exclusive, selective, narrow and biased linear stories that pretend to represent a monolithic nation, erasing the human diversity that UNESCO claims to promote. It is enshrined in Article 5 of the CEDAW (Appendix A), and it is encouraged by the Special Rapporteur in the field of heritage rights that "academic institutions and scholars...gather evidence of the *actual* diversity of practices and to *engage* with women to identify measures that can catalyse transformative equality processes in different spheres of life, in particular, cultural life, and *to research the histories of diverse women that showcase their contributions to cultural norms and practices promoting justice for all*" (Shaheed 2012, 24; emphasis added). It is therefore imperative that making conscious intervening decisions in heritage-making that portray women in more than one way can contribute to strengthening women's position within Japanese society. Women have to be included at all levels of decision-making.

5. Conclusion

The aim of this thesis has been to investigate heritage-making processes and their impact on women, examining the intersection between established androcentric narratives and the impediments to women's rights to culture. In the introduction, I posited the following questions:

- How can a gender-sensitive human rights approach illuminate the nationalistic and androcentric performativity of heritage conservation, and its effects on contemporary women in both representation and participation?
- How are the narratives of a collective selfhood tied to current national and international politics, and how does this affect women?
- Can incorporating a human rights approach improve how women are portrayed, or have access to their heritage?
- Do exclusionary practices need revising to meet international human rights standards? If so, what is the best way forward?

In order to investigate these questions, I employed a framework informed by feminist theory and research on heritage and nationalism that poses as cultural diplomacy. While there was no shortage of research literature in the fields of feminist theory, critical heritage and nationalism, approaches bringing these fields into dialogue is not common. Cultural diplomacy, especially from a gender perspective, is an area that also has yet to be fully theorized. It is certainly an area worthy of future research as indicated by cases appearing every day in news media and the cases discussed in the thesis.

To summarize my findings on the heritagization processes of Comfort Women, the application of the framework of ethnic nationalism, especially the type brought on by globalization, explains why Japan is eager to move forward on the issue of sexual slavery, because it clashes with their nation-branding of a modernized, peaceful country. Post-WWII, Japan constructed a revisionist nuclear victimhood, rather than focus on its war aggressor role. Both Korea and Japan have instrumentalized the Comfort Women issue as proxies for underlying political tensions that have yet to be

solved diplomatically, but the well-being of the women is sacrificed over regional stability. This social consequence of a masculinist heritage discourse cannot be underestimated. The critical concept of heritage from a constructivist perspective, has revealed the performative nature of Japan's cultural diplomacy, and how heritage is shaped by wider geopolitical developments, but proliferating at non-state level. Employing a feminist lens, I have analyzed how reductive narratives of survivors as perpetual victims as a symbol of humiliation, exacerbate nationalist backlash, without laying bare the structural oppression that facilitated the sexual enslavement and the erasure of the survivors in the immediate aftermath. Former Comfort Women have never been invited in any peace processes, from reconciliation and reparations, to outright expunction of their existence in Japanese history books. The problem is that each former Comfort Woman has a distinctive way of how they became a Comfort Woman, whether trafficked, kidnapped, tricked or volunteered. But they are all stigmatized and shamed, while those who enabled the system and raped these women repeatedly walked away, and were decorated and commemorated for their service. International law has recognized the lack of a victim-centered approach which has prevented the survivors from obtaining justice. This is where heritage managers can provide empowering representations and promote dialogue by exposing varied narratives, changing the discourse.

My findings on the exclusionary practice of *nyonin kekkai* through a nationalist analysis, first highlights the justification of the practice as a unique Japanese cultural trait and considers feminist intervention a threat to this uniqueness. Furthermore, Japanese nationalism is interwoven with nation-building and national identity, both identity and gender were constructed to counter Western Imperialism, and are drawn on an imagined past with idealized gender representations. A critical eye on how women's status declined throughout history demonstrates the self-perpetuating mechanism of male hegemony, essentializing women to their biological functions. A feminist approach to heritage-making has been fruitful to expose how notions of femininity constructed during the Meiji Era as products of modernization. This has structured the lives and thoughts of men and women today, which is reflected in

policies and cultural traditions, excluding women in both arenas. The feminist approach has also revealed the harmful role UNESCO has played in reinforcing State prerogatives, marginalizing women, and not taking sufficient account of International law on discriminatory practices that are prevalent in Japan.

Both cases analyzed through a gender-sensitive human rights approach have answered my main question, that heritage processes are male-biased and have operated in ways that exclude and invisibilize women. The Japanese identity was constructed in the recent past and reinforces a monotone, authorized cultural expression, extinguishing manifestations of other cultural practices which are in turn appropriated by political, educational and religious institutions as unconditional truths. To the question to what extent this has an effect on the lives of women, it is evident that the plight of former Comfort Women remains unacknowledged and subservient to the needs of male perpetrators who have acted with impunity. For women in Japan, their biological functions have been weaponized against access to sacred areas, prohibiting them from enjoying their cultural rights. UNESCO's Universal Declaration on Cultural Diversity (UNESCO 2001a) claims that "No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope," is a clash between cultural rights and human rights, where women's rights lose out. When heritage is not neutral to women's rights, but (international) laws are in place that protect women's rights, a dialogue has to take place on the participation, inclusion and portrayal of women in heritage. The outcome of this thesis is that UNESCO is still grappling with gender equality measures, and that Japan's performance as champion of cultural heritage is hypocritical with nationalistic and sexist undertones.

While the case study on the Comfort Women memorialization issue differs from the case study of the Kii Mountain Range and its exclusionary practice, there are also many similarities between the two cases. In both cases women's rights are appropriated by the state to improve its global brand as a modernized country striving for peace through signing the G8's PSVI Declaration against violence against women in conflict and adopting "Womenomics" as a strategy to empower

women economically. These uses of women's rights are espoused within the nationalist frameworks that use a constructed and prescriptive idea of womanhood stemming from the Meiji Period, which is used to position Japan as a unique society. This instrumentalizing of heritage reinforces a sense of collective selfhood of Japan as a global player seeking to gain political influence. The Authorized Heritage Discourse erases the pain endured by Comfort Women in a revisionism of heritage, and on the other hand the discourse erases the agency and power of women through universalizing a fragmentary and selective religious tradition. The case studies in this thesis uncover the duality of the progressive façade that the Japanese state tries to maintain, but which at the same time enforces a protectionist and revisionist narrative that infringes upon women's rights.

In the case study of the memorialization issue of Comfort Women, the analysis from a gender perspective provided an account that could give heritage professionals renewed impetus to review heritagization processes that have been so heavily androcentric and that contribute to the stigmatization and marginalization of women. In order to garner international attention for this human rights violation, statues have been erected, first in South Korea, but now also in countries outside Korea. The issue of stereotypical representation of victims as virgins or childless grandmothers is discussed, inciting backlash that has not brought any peace for the victim survivors. The issue has become a proxy to diplomatically tarnish a nation state's brand in regional conflict. Japan's selfhood is tied to promoting itself on the basis of "soft power", and it has done so by retraumatizing the former Comfort Women through acknowledging sexual violence in recent conflicts in the international arena, while negating its legal responsibility to the state's own atrocities committed during WWII. Moreover, the Japanese government has actively lobbied to have statues removed, and has succeeded in the Philippines. It has pressured UNESCO financially to deter the MoW nomination that would allow for negative heritage to be recognized. This puts heritage managers in a difficult position, since recognition could lead to financial blackmail, but ignoring the issue would be morally wrong.

Since women's cultural rights are in question, I have opted to use the CEDAW as a guideline to provide several solutions that heritage managers could follow.

Collaboration and representation are key tenets in critical heritage management, for without the inclusion of the community heritage tells only a single story. However, women's voices are rarely heard in appropriate fora. To prevent heritage managers from perpetuating gender-bias, active intervention is necessary. Proposing a joint nomination or a "hybrid heritage" are solutions that are less provocative. Without reverting into a political war, heritage managers can be encouraged to conduct a moral dialogue with all stakeholders on an equal footing, reclaiming universalism by depoliticizing the issue through reliance on the existent international human rights framework. To prevent abuses of power, this dialogue must be rooted in a cosmopolitan view dedicated to cultural diversity and the richness of women's stories. It may not be conducive to change international law for specific cases, because having too many laws may actually impede the rule of law. International law is drafted in a way to provide some freedom of interpretation. It is then up to the heritage manager's gender-sensitive training to meet the needs of the community, but mostly to empower women and return their agency and dignity.

In researching this issue, I had to rely on mainly historical sources. Excavations have been conducted on negative heritage sites such as Holocaust sites, but as far as my research has revealed, no excavations have been conducted at Comfort Stations. This could provide new knowledge on how people lived that is not recorded in eyewitness statements. Perhaps the memory is still too painful, but bioarchaeological investigation of mass graves of executed Comfort Women could, in principle, provide evidence of violence, which could contribute to authorities owning up to the number of victims involved. Another interesting outcome to research is how heritage as development can have gendered impacts. Could there be a nexus between better gender representation and the empowerment of local women? Otherwise, has stronger and diverse roles for women in heritage management changed how communities view women?

The research on the Kii Mountain Range WHS that excludes women on Mount Ōmine is representative of the exclusionary practices that are practiced widely and considered normal throughout Japan. From temples to Sumo rings, women's bodily functions are considered impure. This is in contrast with the image the government wants to present as being women-friendly. This image is rooted in a self-serving nationalist ideology that was forged only in the recent past, but performed as if the cultural and religious practices have an uncontested and linear tradition.

Unfortunately it is a common phenomenon for nationalist countries to base their identity on an imagined past, but for many Japanese women, it has been structurally oppressive. The reductive stereotype of women being essentialized to their biological functions is limiting them from participation in cultural life as I have shown in the thesis. The constructions of womanhood relegate women to the private sphere, thereby limiting their role in society, even now.

A feminist analysis of the *nyonin kinsei* practice, which is legitimized through the officiation of World Heritage listing, shows that this tradition is not as ancient as it seems. Boundaries have been negotiated, laws have been contested, and advocates (male and female) of lifting the ban have also been present. However, in obtaining rights to culture, there is a power struggle between those who maintain the status quo to their economic and political advantage, and those who lack representation at the decision-making table. It should have been the duty of the experts of the World Heritage Committee to hear all stakeholders. With regards to the gender-mainstreaming efforts at UNESCO, the CEDAW is hardly applied since UNESCO lacks power to interfere with a Member State's sovereignty. Another problem is that UNESCO is highly dependent on its donors for continuation of its operations. In a country like Japan where WHS is considered the ultimate recognition, a boost from tourist income, and a means for political influence, it creates a dependent reciprocity.

This case study of *nyonin kinsei* also teaches heritage experts to be mindful of the existence of a variety of communities who may have different values and views concerning sacred sites like Sanjōgatake. Representation and participation of women remains crucial to remedy the violation of cultural rights. By law, discrimination is

prohibited, but these rules are observed as a customary rule, enforced by those who maintain the AHD. However, female practitioners exist who do not want to repudiate their religion but want access. It is imperative to include them in the dialogue on lifting the ban. It is not a question of abolishing a cultural practice in the name of “women’s rights”. What heritage managers can pay attention to is the problem of upholding only one type of religion or one type of tradition. This case study has uncovered nuances that may help empower women whose heritage it also is. While the same dual-track approach can be applied to open up space for dialogue, more importantly, the role of the heritage manager in portraying women as persons with agency, not just relegations to femininity, is essential. When women today are oppressed by invented ideologies that previous scholars have propagated consciously or not, which have shaped these unjust ideas as truth, then we have the responsibility to challenge those ideas to improve the status of women. Further research in the area of representation could examine gender stereotyping in Japanese history textbooks and consider the impact on Japanese children who consume these portrayals, or even gauge how many women archaeologists and heritage managers there are, and how they perceive gender in their respective fields.

I hope this thesis inspires heritage managers to rethink current practice and include gender sensitive methodologies in their toolbox, and motivates them to conduct the moral dialogue needed to tell stories that reflect the rich human past that is more inclusive of women.

Abstract

This thesis investigates how heritage is constructed in ways that disadvantage and exclude women. This heritagization process has tremendous effects on the everyday lives of women. Through a feminist human rights approach, I have examined in what ways this heritage-making process infringes upon the rights of women, taking Japan as the context for this study. Japan is a global player in the international community, promoting culture as a form of cultural diplomacy (soft power), and brands itself as a modern and peaceful nation state. At the same time, they claim to promote women's empowerment and fund several international programmes. However, their heritage practices serves the purpose of consolidating their national identity, often to the detriment of women. The issues surrounding the memorialization of Comfort Women is discussed, an issue that is highly political and controversial. Heritage managers are made aware of the impact decisions have on what to preserve as heritage, and whose interest it serves, and how to be inclusive in representing heritage. The second case study contextualizes the practice of excluding women from sacred sites, and names the effects of elevating the pilgrimage Kii Mountain range to World Heritage Status, thereby legitimizing the exclusion of women as tradition. The study shows that the actual heritage practice is more nuanced and doubt is places on UNESCO's commitment to gender equality. The importance of applying a gender lens to heritage analysis is stressed, guided by the International Women's Convention (CEDAW), and heritage managers are made aware of their responsibility in promoting just and diverse narratives and engaging women at all decision-making levels.



Deze scriptie onderzoekt hoe erfgoed wordt geconstrueerd op manieren die vrouwen benadelen en uitsluiten. Dit erfgoedwordingsproces heeft enorme gevolgen voor het dagelijks leven van vrouwen. Vanuit een feministische mensenrechtenbenadering heb ik onderzocht op welke manieren dit erfgoedvormingsproces inbreuk maakt op de rechten van vrouwen, en daarbij Japan genomen als de context voor dit

onderzoek. Japan, een belangrijke speler in de internationale gemeenschap, zet cultuur namelijk actief in als een vorm van culturele diplomatie (soft power), en promoot zichzelf als een moderne en vreedzame natiestaat. Tegelijkertijd claimt het land de empowerment van vrouwen te ondersteunen, en financiert de Japanse overheid verschillende internationale programma's op dit gebied. De Japanse erfgoedpraktijken dienen echter vooral om de eigen nationale identiteit te consolideren, vaak ten nadele van vrouwen. In dit kader wordt het probleem rond herdenkingsmethoden met betrekking tot de zogenaamde Troostmeisjes, een kwestie die zeer politiek en controversieel is, besproken. Voorts worden erfgoedmanagers bewust gemaakt van de impact die hun keuzes hebben op wat wordt bewaard als erfgoed, wiens belang daarmee wordt gediend, en hoe erfgoed op een inclusieve wijze kan worden gerepresenteerd. De tweede case-study contextualiseert de uitsluiting van vrouwen van religieuze plaatsen, en benoemt de gevolgen die het nomineren van de Kii-bergketen tot Werelderfgoed heeft, waarmee de traditie van het uitsluiten van vrouwen wordt gelegitimeerd. De studie toont aan dat de feitelijke erfgoedpraktijken genuanceerder zijn en plaatst twijfels bij de doelstellingen van UNESCO voor gendergelijkheid. Met het Internationale VN-Vrouwenverdrag (CEDAW) als leidraad wordt het belang om bij erfgoedanalyses door een genderbril te kijken, benadrukt, en worden erfgoedmanagers bewust gemaakt van de verantwoordelijkheid die zij hebben om rechtvaardige en meer diverse narratieven te bevorderen en om vrouwen bij de besluitvormingsprocessen op alle niveaus te betrekken.

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List of Abbreviations

AHD	Authorized Heritage Discourse
AWF	Asian Women's Fund
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
DPJ	Democratic Party of Japan
ICH	Intangible Cultural Heritage
ICOMOS	The International Council on Monuments and Sites
LDP	Liberal Democratic Party
MDGs	Millennium Development Goals
MoW	UNESCO Memory of the World
NAP	National Action Plan
ODA	Official Development Assistance
PSVI	Preventing Sexual Violence Initiative
SDGs	Sustainable Development Goals
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNSCR	UN Security Council Resolution
UN-SWAP	United Nations System-wide Action Plan
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WHS	World Heritage Site

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Appendix A

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with article 27(1)

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education

which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

<http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>, accessed on 4 July 2018.

Appendix B

28 December 2015 Agreement

Announcement by Foreign Ministers of Japan and the Republic of Korea at the Joint Press Occasion



1. Foreign Minister Kishida

The Government of Japan and the Government of the Republic of Korea (ROK) have intensively discussed the issue of comfort women between Japan and the ROK at bilateral meetings including the Director-General consultations. Based on the result of such discussions, I, on behalf of the Government of Japan, state the following:

(1) The issue of comfort women, with an involvement of the Japanese military authorities at that time, was a grave affront to the honor and dignity of large numbers of women, and the Government of Japan is painfully aware of responsibilities from this perspective. As Prime Minister of Japan, Prime Minister Abe expresses anew his most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

(2) The Government of Japan has been sincerely dealing with this issue. Building on such experience, the Government of Japan will now take measures to heal psychological wounds of all former comfort women through its budget. To be more specific, it has been decided that the Government of the ROK establish a foundation for the purpose of providing support for the former comfort women,

that its funds be contributed by the Government of Japan as a one-time contribution through its budget, and that projects for recovering the honor and dignity and healing the psychological wounds of all former comfort women be carried out under the cooperation between the Government of Japan and the Government of the ROK.

(3) While stating the above, the Government of Japan confirms that this issue is resolved finally and irreversibly with this announcement, on the premise that the Government will steadily implement the measures specified in (2) above. In addition, together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations.

2. Foreign Minister Yun

The Government of the Republic of Korea (ROK) and the Government of Japan have intensively discussed the issue of comfort women between the ROK and Japan at bilateral meetings including the Director-General consultations. Based on the result of such discussions, I, on behalf of the Government of the ROK, state the following:

(1) The Government of the ROK values the GOJ's announcement and efforts made by the Government of Japan in the lead-up to the issuance of the announcement and confirms, together with the GOJ, that the issue is resolved finally and irreversibly with this announcement, on the premise that the Government of Japan will steadily implement the measures specified in 1. (2) above. The Government of the ROK will cooperate in the implementation of the Government of Japan's measures.

(2) The Government of the ROK acknowledges the fact that the Government of Japan is concerned about the statue built in front of the Embassy of Japan in Seoul from the viewpoint of preventing any disturbance of the peace of the mission or impairment of its dignity, and will strive to solve this issue in an appropriate manner through taking measures such as consulting with related organizations about possible ways of addressing this issue.

(3) The Government of the ROK, together with the Government of Japan, will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations, on the premise that the Government of Japan will steadily implement the measures it announced.

http://www.mofa.go.jp/a_o/na/kr/page4e_000364.html, accessed on 15 May 2018.