

The Limitation of the Korea-Japan Normalization Talks on the Issue of the Restitution of Cultural Properties

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Abstract | My study investigates how Japan nationalized the cultural assets from their colonies and foreign countries when the Cultural Assets Preservation Act was legislated in 1950. It also analyzes how Japan enforced the nationalization and restitution of the cultural properties to Korea during the Korea-Japan Normalization Talks in the 1950s and 1960s. During the fourteen years of Korea-Japan Normalization Talks, the cultural properties, which were excavated out of the Korean Peninsula and redefined as Japanese properties, were only partly restituted to Korea. Japanese Ministry of Foreign Affairs, however, proceeded with it in secret. The Diet and Japanese people only learned of the event from Korean or Japanese newspapers after the fact. Although Japan restituted the cultural properties to Korea, it still treated them as “national properties” of Japan. This fact revealed the limitation of the Korea-Japan Normalization Talks and the legacy of the Japanese colonial rule, which resulted in the Korea-Japan agreement that the Korean cultural properties are “the private properties of the Japanese people” or “the belongings of the Japanese people.”

Keywords | Korea-Japan Normalization Talks, restitution of cultural properties, the list of restituted cultural properties, Cultural Assets Preservation Act, Yangsan Couple's Grave

Introduction

In October 2012, a group of nine Koreans stole two Buddha statues from the temples in Tsushima, attempting to smuggle them into Korea. The incident itself, the robbing of national cultural properties¹ by Koreans in Japanese territory, was appalling to most Japanese people. But they were even more

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1. In Japan, it was only after 1950 that the term “cultural properties” became widely used, replacing other terms such as antiquities, artifacts, relics, important art works, etc. This paper standardizes the use of “cultural properties” for convenience.

startled by the provisional injunction by the Korean Ministry of Justice, which essentially forbade the restitution² of the stolen properties to Japan. The Korean government established a state-level investigation committee for the third time since Korea-Japan Normalization Talks, in order to carry out a full investigation on how the properties had been taken out from Korea in the first place. The result of this investigation would determine whether or not the statues would be returned to Japan.

In Korea, many people claimed that the government should not return the Buddha statues to Japan, at least until Japan return Korea's cultural properties that were illicitly displaced in Japan during the colonial period. The Korean government also had the incentive to initiate discussions regarding the restitution of Korea's cultural properties in Japan before simply returning the objects back to the Japanese. In fact, the Japanese government requested the restitution of the two Buddha statues during the ministerial meetings between the chiefs of Cultural Affairs in 2013 and 2014, before Korea demanded to discuss the status of 67,000 Korean cultural properties, which, from their viewpoint, had been illicitly displaced in Japan.

Japan has expressed apprehension toward such a move from Korea. One weekly magazine claimed that within Korea there existed groups of thieves who stole Japan's cultural properties and re-sold them for profits. The magazine claimed such activities had been thriving, especially after the former Prime Minister Kan Naoto returned the Royal Protocols (*Üigwe*) of the Chosŏn Dynasty in 2010. Furthermore, the article emphasized that the stolen Buddha statues were in fact properties of Japan, for the Normalization Treaty of 1965 had completely and finally settled the problems of properties and claim rights between the two countries (Gomi 2013). The impact of the article requires further examination. Yet Japanese society is upset over Korea's behavior for not only stealing Japan's nationally-designated cultural properties but also its refusal to return them to Japan. In addition, some argue that the issue of the restitution of cultural properties has been settled by the 1965 Normalization Treaty, and it is undesirable for the issue to resurface as the cause of further diplomatic tension.

Fifty years have passed since Korea and Japan "settled" the relationship as colony and empire and established diplomatic relations with the signing of Normalization Treaty in 1965. Yet this very treaty often stands in the way of full-fledged cooperation between the two countries, and the necessity for the

2. The term "restitution" or "return" is used mostly from the Korean perspective, while the Japanese officials often use the term such as "donation" or "gifts." For convenience, this paper will use "restitution" or "return" as a standard term.

reevaluation of the treaty has been widely advocated in recent years. My study responds to such growing demand for the intensive in-depth analysis of the context and meaning of the Korea-Japan Normalization Treaty.

Traditionally, the discussions on the return of cultural properties between Korea and Japan have revolved around simplistic yet conflicting claims, which has achieved nothing but repeated dead-ends. Since the initiation of the Korea-Japan talks in 1952, Korea has demanded the restitution of all cultural properties that have been taken out from Korea, while the Japanese government insisted that they are not obliged to return the objects they have “legally obtained through legitimate procedures.” Fortunately, the disclosure of “diplomatic documents of the Korea-Japan talks” have allowed room for empirical evaluations and analysis of the bilateral negotiation processes.³ For example, the documents reveal that, during negotiation talks, Japan’s Ministry of Foreign Affairs (MOFA) considered returning Korea’s cultural properties as diplomatic leverage. However, the Ministry of Education, Science, and Culture, as well as the Cultural Assets Preservation Committee, which were in charge of the preservation and management of the historical objects, expressed strong opposition. Existing studies illustrate that the issue became especially complex because the discord within the Japanese government derived from the question of the “legitimacy” of its colonial rule, while the Korean government designated Korea’s cultural properties in Japan as “plundered assets.”⁴

These previous works are characterized by the empirical analysis of the restitution process of cultural properties between the countries and focus on how the historical documents elucidate the diverging perceptions of colonial rule between the former empire and colony. It took two years for the two governments to compile a list of cultural properties to be returned from Japan to Korea. The reason for such protracted negotiations was rooted in the conflicting understanding of the nature of colonial rule between the two governments—whether it was “peaceful domination” or “forceful occupation.”⁵ In the end, as the studies revealed, the Korean government took charge of compiling the list of cultural properties, for which they referred to the records of the Government-General of Korea, as well as various exhibitions held in Japan during the colonial period. These findings were based on the analysis of disclosed documents produced during the Korea-Japan talks. The fact suggests that these historical

3. For more studies that used the disclosed documents, refer to Rhyu Mina (2009, 2010) and Park Hun (2010).

4. For more detailed analysis, refer to Rhyu Mina (2009).

5. In relation to the issue of claim rights, the discussions regarding the list of cultural properties require further academic research. Refer to Rhyu Mina (2010).

records provide invaluable insights into the nature of the Normalization Treaty.

My research is an attempt to shed light on Japan's restitution process of Korean cultural properties. Recognizing the importance of the documents from the Korea-Japan talks, it draws on more detailed empirical analysis based on my prior research on the subject. Specifically, I will focus on the "limitation" of the Korea-Japan talks that became apparent in the process of bilateral negotiations surrounding the restitution of cultural properties.

The Korea-Japan talks, along with the discussion of the restitution of cultural properties began about two years after the enactment of the Cultural Assets Preservation Act in Japan. After the defeat, Japan initiated domestic debates in order to designate the "imported" cultural properties from former colonies and occupied territories as "national properties." Yet soon the viability of the law was questioned as the demands for the restitution of cultural properties surfaced during the Korea-Japan Talks.

In this paper, I shed light on how Japan managed the imported cultural properties during the legislation process of the Cultural Assets Preservation Act, and evaluate the restitution procedures of the cultural properties from Japan to Korea. Then I examine on what ground Japan has or has not returned Korea's cultural properties. Specifically, I will analyze the reason that, despite avid demand by their Korean counterpart, the Japanese government refused to return the relics from the Yangsan Couple's Grave in 1965. This analysis will reveal an aspect of the diverging perceptions of each other between Korea and Japan, upon which today's bilateral relations is founded.

Management of Displaced Cultural Properties in Japan after World War II

The issue of displaced cultural properties became a matter of great concern not only for the former colonies and occupied territories, but also for the General Headquarters, Supreme Commander for the Allied Powers (GHQ/SCAP). In November 1945, the GHQ requested the Japanese government to turn in a list of national treasures and cultural properties in an attempt to grasp the number of all cultural artifacts that existed in Japan. Yet the context of the report showed highly passive attitudes of the Japanese officials. For example, it took two years for the Japanese government to compile the list of cultural artifacts, which was not turned in until May 1947. Furthermore, the passivity of the Japanese government can be inferred from the fact that this report listed only one item to fall under the category of "national treasure" or "cultural heritage." Dissatisfied

with the list, in September, the GHQ requested the government to submit an additional list of foreign artifacts by January 1, 1948.⁶ Yet the Japanese government only replied that there were no such items to be listed. This attitude of the Japanese officials remained consistent with their response to similar requests filed by the Chinese government.

What attracted the most attention among the foreign cultural properties in Japan after the war were the Chinese artifacts. China began its own investigations on the “plundered” cultural properties in October 1945 and submitted the “list of plundered cultural properties” to the GHQ’s Civil Property Custodian in January 1949. The GHQ requested an investigation on the list of artifacts to the Special Property Division of Japan’s MOFA, which revealed the whereabouts of 20,173 books and about one thousand antiques that originated from China (Morimoto 2010, 677-78). The Japanese officials explained that most of the artifacts listed in the document had already been returned to China, and only a small number of them remained in Japan. According to them, the Japanese government had held onto them because it feared the loss of the historical artifacts in the midst of wartime turmoil.

The demands for the restitution of cultural properties displaced by the Japanese from the former colonies and occupied territories arose not only from China but also from other regions. For example, soon after the liberation, a civic academic group in Korea submitted a resolution to General MacArthur in October 1945, demanding the restitution of plundered books and treasures. They also submitted a list of displaced properties to the US Occupation Government in December 1945. Yet no record can be found as to whether the GHQ took any responsive measures regarding these requests (Munhwajaechöng 2005a, 99; Rhyu Mina 2009).

Japan’s perfunctory attitudes toward the requests for the restitution of cultural properties by the former colonies and occupied territories were exacerbated as the US policies toward Japan underwent a significant shift. The incentives for the US to incorporate Japan as a “strategic ally” grew drastically as the US-Soviet tension escalated and as China’s domestic political order began to challenge the international liberal order. The shifts in the GHQ’s Japan policies

6. Here, artworks of foreign origin referred to those that had been acquired in the colonial territories after July 7, 1937 (and preserved in Japan at that time), whose market price was worth more than five-thousand yen each. According to a note sent from the Civil Information and Education Section to the Civil Property Custodian, the reason that the line was drawn on the date of the Marco Polo Bridge Incident was because many items had already been returned overseas and due to the unwillingness of the counterparts to cooperate, it was becoming increasingly difficult to handle the issues (Morimoto 2010, 674).

were the results of the efforts by the Occupation Forces to mitigate Japan's war responsibility, which also reflected on the issue of reparation for the displaced cultural properties. For example, Supreme Commander Douglas MacArthur opposed to the idea of handing over Japan's cultural properties as "reparation payment" to the former colonies, and cooperated fully with Japan's policies of preserving its own cultural properties (Morimoto 2010, 652). Needless to say, Japan was in no position to completely ignore the requests from China and other former colonies. Yet Japan found no reason to actively deal with the issue, especially after its strategic importance to the US grew as "the bulwark against communist aggression."

Constitutional Process of the Cultural Assets Preservation Act and Japanese Provisions on the Cultural Properties of Foreign Origins

Even though Japan evaded responding to the restitution requests by the former colonies and occupied territories, they were nonetheless distressed over the task of dealing with the cultural properties. Especially during the constitutional process of the Cultural Assets Preservation Act that was enacted in 1950, the Japanese government attempted to find the basis upon which these artifacts could rationally be described as "Japan's" cultural properties.

The discussions regarding the Cultural Assets Preservation Act began as soon as the war ended. Defeated Japan advocated the construction of a democratic, pacifist, and culture-oriented state. After the devastating warfare, Japan faced the necessity of rebirth as such state in order to rejoin the international community. Preserving Japan's cultural assets was one of the strategic approaches to achieve this goal. At the same time, in the midst of severe food shortage and economic havoc, the central government found it increasingly difficult to track down not only antique art works but also cultural properties categorized as "national treasures," since many of them were misplaced or being sold to foreign buyers.

One incident that accelerated domestic discussion regarding the preservation of cultural properties was the fire at Hōryū-ji Temple in 1949. Hōryū-ji Temple was built in the seventh century A.D., making it one of the oldest wooden buildings in the world, and it had been considered one of Japan's most important cultural sites.⁷ The fire that broke out in January of 1949 caused

7. It is now registered as a UNESCO World Heritage Site.

severe damages to the wall paintings in the Kondō (Sanctuary Hall). A shocking loss of a piece of ancient culture triggered heated policy discussions on the preservation of cultural properties.

During the constitutional process of formulating the law, two issues came to the forefront: taxation on the owners of cultural properties and the handling of cultural properties of foreign origin. Imposing taxes on the owners of cultural properties during this time of severe economic disarray carried the risk of serious backlash from the masses. Furthermore, placing financial responsibility of repairing damaged artifacts to owners was a sensitive matter; the owners who were unwilling to finance the repair often hid their properties when the burden fell on them. In the end, the government decided only the culturally-important artifacts should be exempted from taxation, without providing detailed instructions as to how other cultural properties should be managed, which led to endless hiding and selling of the cultural properties.

On the other hand, the issues surrounding the handling of foreign artifacts developed in a more complex manner. In essence, labeling those artifacts as “Japan’s” properties brought up the inevitable question of the legitimacy of the imperial expansion to the regions where the products originated. It required rigorous assessment of how each property was purchased and carried over to mainland Japan. This analysis would allow the government to argue for the legitimate connection between the foreign cultural properties and the Japanese people. In particular, the designation of foreign cultural assets as one of Japan’s “national treasures” needed an indisputable reason to be named as such, and this task needed to be addressed thoroughly within the implementation of the new law. The Japanese lawmakers engaged in fierce debates on how to include these foreign cultural properties to the list of “national” treasures, and the discussion extended also to the problem of how to preserve them. For example, during the subcommittee hearing of the Upper House Culture Committee held on April 19, 1949, Diet member Iwama Masao questioned the limitation of the term “national treasure” used in the draft and addressed the complex relationship between foreign cultural properties and Japan:

Iwama Masao: I would like to ask a few questions on Article 2, the clause that stipulates how to select the cultural assets to be preserved by this law. According to this [draft], Article 2 Paragraph 1 talks about including the “buildings, paintings, sculptures, and other craftworks that the people have passed down since old times.” But as it has already been raised before, I believe there are quite a number of artifacts that were brought into Japan from abroad after the Meiji period, and among them, some are even considered as world-class cultural heritage pieces. What I wish to address here is, how do we handle these

properties, and if we are to exclude them from the list of artifacts to be preserved by this law, wouldn't it mean that those great cultural properties owned by Japan and the Japanese people could be scattered around or poorly managed? These are my concerns and I would like to hear your opinion.

Government Official (Iwamura Shinobu): ... Let me give you an example. There is a collection of Chinese bronze wares preserved at Sumiya Seiryō [sic] of Sumitomo,⁸ and as you have pointed out, these are some of the most valuable artifacts imported [to Japan] between the mid-Meiji to Taishō periods, and I believe some of them are considered to be invaluable cultural art. Another example would be *Tongdian* [literally “comprehensive institutions”] of the Song Dynasty, one of which is stored at the Imperial Household and another lies in the hands of Tenri University. This version of Northern Song's *Tongdian* came from China sometime during the Meiji period, and these are extremely rare and treasured pieces of historical writings. When I think about how to handle these specific cases, the law intends to protect those items that “have been passed down to the people since old times”—and if we were only talking about “the people” and how these items are passed down to them, we do not need to consider how long it has been in the hands of the people—and thus, it could be just a matter of five or even three years. But such an argument is too sophistic. I have given this a lot of thought and have been trying to come up with a more fitting phrase. If I may present my own personal view, the interpretation of the law may perhaps be divided into two parts. One is the protection of the important cultural properties that originated in Japan and have been passed down through generations since ancient times, most of which are already integrated well into the people's lives. Another part deals with some of the exceptional cases that we have just discussed—the protection of the foreign artifacts, which can fall under the category of important cultural properties that have indeed been “passed down to the people.”

...

Government Official (Takeuchi Toshio): ... In Article 1, the phrase “cultural heritage (*bunkateki isan*)” is used to designate the cultural properties that this law intends to preserve, but such terminology potentially limits the interpretation of cultural properties to only those handcrafted by the Japanese people. I still have no confidence in connecting “cultural heritage” with “what have been passed down to the people.” And if the purpose of this law is to preserve not only what have been created by the Japanese people but also those imported artifacts considered as pieces of important heritage by the Western cultural standard, it must be clarified so in the law. Further, if the central concern of this law is limited to the protection of cultural heritage made by the very hands of the Japanese people, then it would only mean that the government is not going to concern themselves with the whereabouts or maintenance of these invaluable foreign

8. Sumiya Seiryō is unidentifiable and it might be a miswriting of Sen'oku Hakukokan in Kyoto, which is known for Sumitomo family's collection of old Chinese bronze wares and also known as the Sumitomo Collection.

objects that entered after the Meiji period. These are potentially significant counterviews which could derive from the use of differing terminologies. (*Dai 5-kai Kokkai Sangiin Monbu Inukai Bunka Shōiinkai kaigiroku*, 1949)

In other words, in order to include highly valuable foreign artifacts to the list of “Japanese cultural properties” to be preserved by the law, it was necessary to establish a tangible relationship between the cultural assets and the Japanese people. Thus, it was pragmatic to emphasize the current status of the foreign artifacts—the fact that they existed in Japan—rather than the relational history of each cultural property. They arrived at the conclusion that, in order to demonstrate how these foreign artifacts had been “handed down” to the Japanese people, it was necessary to modify the use of explanatory reasoning and terminologies.

Based on this logic, the Japanese officials came to agree upon the modification of the terms on the relationship between the foreign properties and the people, which, above anything else, emphasized the Japanese people’s “ownership” of the foreign properties rather than their origins or historical value. In other words, in search of both “nationalistic” and “pragmatic” reasoning for incorporating foreign artifacts as “Japanese properties,” it was inevitable for the purpose of the law to focus on the “preservation” of the artifacts rather than the determination of the properties’ historical and cultural values (*Dai 5-kai Kokkai Sangiin Monbu Inukai Bunka Shōiinkai kaigiroku*, 1949, statement of Suzuki Ken’ichi). Hence the purpose of the law was “to preserve and utilize the cultural properties as the basis of the advancement of the people’s cultural consciousness as well as of world culture” (Bunkazai Hogohō, No. 318[1951]). And, in the law, “the cultural assets” were defined as both tangible and intangible cultural artifacts of “high historical and artistic value, including archeological materials, intangible cultural heritage, as well as folk materials and traditions that are indicative of the transformation of the people’s lives, and other relics of high academic value.”

The question of the connection between the people and the cultural properties of foreign origins was dealt by the “selection criteria for the designation of cultural properties,” supplementary regulations to the law, which claimed that the “foreign properties (*toraihin*) can be designated as important cultural property or national treasure if close connection can be found between the objects and Japan” (Bunkazai Hogohō, No. 318[1951]). In other words, the central focus of Japan’s Cultural Assets Preservation Act was to “preserve and utilize the cultural properties” in order to enhance the culture of both the Japanese people and the world, rather than to determine the origin and history of each asset. In this context, it became possible to designate some of the

cultural assets of foreign origins as Japan's "national treasures" or "important cultural properties" regardless of how they had been brought to Japan in the past.

The Cultural Assets Preservation Act faced another challenge during the Korea-Japan talks, as the restitution requests from Korea questioned the efficacy of the logic that lay behind the law. About two years after the law was enacted, the legitimacy of the cultural assets as "Japanese properties" was questioned. The next section reveals the procedure through which Japan rationalized returning "Japanese properties" back to Korea.

Handing Over Japan's "National Properties" as Gift to Korea: Another Aspect of Restitution of Korea's Cultural Properties

As discussed above, with the enactment of Cultural Assets Preservation Act, the cultural properties of foreign origin categorized as *toraihin* were designated as Japan's "national properties," and they included some artifacts that had been brought over from the Korean Peninsula. Accordingly, the restitutions of Korea's cultural properties, which took place in 1958 (106 cultural artifacts were returned to Korea) as well as in 1965 with the signing of Normalization Treaty, were the acts of returning Japan's "national properties" to Korea. How, then, was such a practice rationalized? To put it simply, the act of restitution became possible because of the political maneuvering by the Japanese government and the MOFA.

In April of 1958, the MOFA returned 106 of Korea's cultural properties in confidence, about which Japan's National Diet was informed only after the fact. The Diet remained oblivious to the restitution process when it took place. Even though the MOFA was not obliged to release all information to the Diet, it was extremely unconventional for the ministry to "give away" national treasures during the talks without preliminary reporting to the Diet. From the MOFA's standpoint, leaving out the information was intentional in order to avoid severe opposition by the lawmakers, as was made clear in the remarks by Itagaki Osamu, then director-general of Asian Affairs Bureau. Mori Motojirō, a member of the Japan Socialist Party (JSP), criticized the MOFA during the Diet discussions held on May 31, 1958:

Mori Motojirō: Another thing. *The Tokyo Newspaper (Tōkyō shinbun)* briefly mentioned this issue, the restitution of cultural properties to Korea. Perhaps we have forgotten about this issue because we had an election took place right after

this, but I would like to ask first and foremost whether the ministry has made an announcement as to how many of the artifacts were returned to Korea and for what reason. Also, I would like to know why the ministry did not make an appropriate announcement before those artifacts were returned. It is my understanding that the agreement was made on December 31 of last year. And while Korea wanted to release an official statement on the decision—on getting their properties back—our government did not wish to let our people know about it, so it remained unannounced. But I ask you, if we are not doing anything bad or immoral, wouldn't it have been more appropriate to make the decision known in a timely manner? What are your thoughts on that?

Itagaki Osamu: Concerning the issue of cultural properties, in fact, when we concluded the agreement on December 31 of last year, we made an oral agreement that, as a gesture of friendship, Japan would return some of the cultural properties as gifts to Korea. But at the time, we also agreed not to make any official statement regarding this decision—and as you have mentioned, we sent over 106 artifacts back to Korea afterwards, but the government has not made an official announcement due to the aforementioned agreement with Korea. ...

Mori Motojirō: What you mean is that before those artifacts were returned to Korea, those were national properties of Japan and they were given away without the people knowing that fact. This is a kind of transaction we only see on the black market, isn't it? ... Well, the properties are already given to the Koreans, so there is no sense bumbling over this now. We are the only ones who have been oblivious to the fact, while the other party must be pleased with getting them back. Such a bizarre transaction is truly inexcusable, and it will remain a stigma for the Kishi cabinet. I do hope that the government would act swiftly and make an official announcement to gain public understanding. (*Dai 28-kai Kokkai Sangiin Gaimu Iinkai kaigiroku [Hei 1-gō]*, 1958)

As can be inferred from the above excerpts, it was the MOFA that took the initiative in the restitution process in 1958, and both the Japanese Diet and the people remained unaware of the diplomatic transaction. In fact, the compiled list of artifacts by the MOFA was conducted in an “unofficial” manner, as it was expressed in *Essentials of the Minister's Explanation on the Korea-Related Cultural Properties (Kankoku kankei bunkazai ni kansuru daijin setsumeï yōryō)*, released on April 14, 1958:

In addition to the delivery of the 106 artifacts, Korea strongly demands that we turn in the list of cultural properties that originated from Korea and that are now in our possession. Even though we did not make any comment on the matter, considering that this issue is likely to be related to the matter of repatriation of fishermen, we have decided to hand over the list of Korean artifacts (as indicated in the attached document 2) as an unofficial document to our counterpart—and

whether these will be returned to Korea is a matter that shall be decided in the future. (Gaimushō Ajia 1-ka 1958)

In other words, the MOFA not only returned the cultural properties without informing the Diet, which they learned through the news report in Korea, but it also single-handedly compiled the list of additional cultural properties upon Korea's request. Not surprisingly, the Japanese Diet acrimoniously criticized the ministry. Yet the MOFA only responded that they were not at liberty to make any specific comment on the matter because the restitution of cultural properties was one of the issues discussed during the normalization negotiation (*Dai 29-kai Kokkai Tokubetsukai Shūgiin Yosan Inkkai kaigiroku [3-gō], 1958*).

The more significant fact is that such criticism against the restitution of cultural properties to Korea developed based on their understanding that these artifacts were, in their view, Japan's "national properties" and its "important cultural arts." Diet member Mori's castigation against the MOFA and the handling by the Kishi cabinet was, after all, rooted in his perception that the "returned" artifacts were, in fact, Japan's properties. Such perspective can also be observed in the discussion between the JSP member Yamanaka Gorō and then-executive director of the Cultural Assets Preservation Committee Miyachi Shigeru during the forty sixth Diet Session in 1964.

Yamanaka Gorō: ... For this reason, even if we say it is not restitution but gifts, it is obvious that the other party would openly claim to the domestic audience that Japan responded to their restitution request. Under these circumstances, our efforts would not be appreciated by the people [of Korea] and therefore would not contribute to the amelioration of our bilateral relationship. Perhaps the policymakers and the US will be pleased, but our people will always hold a grudge.

Miyachi Shigeru: ... Japan is not obligated to return the cultural properties at the request of the Republic of Korea. I do not believe that is the way it should be. However, instead of thinking of it as a "returning" process, as we are about to sign the Normalization Treaty, we believe such a gesture could count as an act of cultural cooperation, and send over an adequate number of the cultural artifacts among Japan's national properties as gifts to the other party. (*Dai 46-kai Kokkai Shūgiin Bunkyo Inkkai kaigiroku [13-gō], 1964*)

Yamanaka commented that Korea should express a certain degree of "gratitude" for receiving Japan's national treasures, to which a government official replied that the restitution of the cultural properties were conducted as a gift-giving gesture. In other words, to be precise, Japan's restitution of cultural properties to Korea was nothing other than a sharing of Japan's national properties with Korea. Japan's stance was again made clear in the signed treaty after the

Normalization Talks, shown in the *Agreement Record on the Treaty on Cultural Properties and Cultural Cooperation between Japan and the Republic of Korea* signed on June 22, 1965:

Representatives of the Republic of Korea expressed their wish for the cultural properties that originated from Korea, which are under the ownership of the Japanese people, to be donated to Korea.

Representatives of Japan stated that the Japanese government endorses voluntary donation of those cultural properties from the Japanese people to Korea, for such gesture is most likely to contribute to the promotion of cultural cooperation between the two countries. (*Bunkazai oyobi bunka kyōryoku*, 1965)

Simply put, even in the Korea-Japan Normalization Treaty and during the restitution process, Korea's cultural artifacts were discussed as the "properties of the Japanese people," and this framework was to be applied to all future transactions as well. In other words, the bilateral agreement on the restitution of cultural properties stipulated in the Treaty was based on the premise that the cultural artifacts were under "private ownership of the Japanese citizens" and were, in fact, owned by the "Japanese people."

Then on what basis did Japan select the cultural properties to be returned to Korea? The existing studies have been insufficient in providing a definite answer to the question, and it is impossible to holistically answer in this paper as well. Instead, we will now turn to the analyses of the Diet records and unreturned cultural properties, which provide an insight into the selection criteria on which the Japanese government decided whether or not certain artifacts should be returned to Korea.

Japan's Selection Criteria of the Cultural Properties: The Relics from the Yangsan Couple's Grave

This section discusses the selection criteria and its implications for the cultural properties that were returned to Korea following the Diet debates surrounding this issue.

On November 19, 1965, the fiftieth extraordinary Diet session was in the midst of discussing the text of the Normalization Treaty that had just been signed. The JSP member Mori inquired about the selection criteria for the cultural properties, including artifacts, paintings, books and other writings, which were to be "delivered" to Korea, and Nakamura Umekichi, a Ministry of Education official, replied as follows:

Mori Motojirō: ... What are the selection criteria for the artifacts, paintings, and books that are to be sent over to Korea? Were they based on Korea's request, or did our government choose on our own? I think this should be made clear. I don't see any items here on the list that have been designated as important cultural properties or national treasures. Does this mean that there are no cultural artifacts that have been brought from Korea to Japan and designated as important cultural properties, or are we unwilling to hand them over to Korea? I would like a detailed explanation on this matter.

On a different matter, the government of Japan delivered 106 cultural properties to Korea as a gesture for promoting friendship in 1958. ... From what I have heard, these items had not been preserved properly, and in fact, they were in poor condition. They are actually far from being qualified as invaluable artifacts. For example, some beads are missing from one of the necklaces, and there are quite a few duplicates of the books.

Nakamura Umekichi: ... Let me make a few comments on the selection criteria for the cultural properties. There was no specific guideline as to how we selected those items, and the list was completed based on discussions with our Korean counterpart. ... In all fairness, we didn't think it was particularly necessary to return the artifacts if similar artifacts already existed in Korea. We dismissed some of Korea's requests in accordance with such logic, for they can conduct their research on those cultural properties with the items they already have. ... Also, responding to the earlier comment that the list does not include any national treasures or important cultural properties, it was not intentionally done so; we followed the same reasoning I just mentioned, and as you pointed out, none of the items listed in the agreement was classified as national treasures or important cultural property.

To sum up, both the Korean and Japanese governments took part in the compilation of the list of cultural artifacts which were to be returned to Korea, and some of the items were dismissed and excluded from the list based on the fact that similar ones were already in Korea's possession—as a result, the list did not include a single artifact that was categorized as Japan's national treasure or important cultural property. However, such selection criteria were not applied to all cases discussed during the agreement talk. One example was the relics of the Yangsan Couple's Grave.

The Yangsan Couple's Grave is a large-scale ancient burial mound located in Yangsan, South Kyōngsang Province, which was excavated by Government-General of Korea in 1920. The relics found in the grave were carried to the Tokyo Imperial Household Museum (today's Tokyo National Museum), and at the time of Korea-Japan Talks, they were preserved in the Tokyo National Museum. The burial mound was created after the husband died first in the mid-fifth century, and the wife joined after her passing. The relics found in the grave,

such as gilt-bronze shoes and jewelry have been identified to have a close connection with the Silla period between the fifth and sixth century, and are considered to be critically important in the study of ancient history of the Korean Peninsula.⁹ What, then were the reasons behind Japan's dismissal of restitution requests from Korea for these artifacts?

On March 22, 1965, the MOFA's Northeast Asia Division held the Conference on Cultural Properties. At this conference, cultural properties specialists and the government officials from the MOFA gathered to discuss the matter of cultural property restitution, which was to take place with the conclusion of the Korea-Japan talks, exchanging their views on the list of cultural properties to be returned to Korea. The participants were: Matsushita Takaaki, director of Fine Arts Division, Cultural Properties Protection Committee; Tanaka Sakutarō, director of Archeology Division, Tokyo National Museum; Hariya Masayuki, director of Cultural Projects, the MOFA; Yanagiya Kensuke, secretary of Northeast Asia Division; Morita and Tajima as administrative staff members. The most striking content found in the report is that, despite Korea's consistent request, the Cultural Properties Protection Committee as well as Tokyo National Museum refused to return the relics from the Yangsan Couple's Grave. The following statement from Matsushita clearly illustrates the underlying logic of Japan's dismissal:

Director Matsushita, from a purely academic viewpoint, said, "These invaluable artifacts demonstrate the relationship between ancient Mimana [Kaya in Korean] and Japan, and even though similar crafts can be found in Korea, they are nonexistent in Japan." Director Tanaka, on the other hand, explained how the artifacts were acquired in the first place, saying, "When the Chosŏn Historical Remains Research Association (*Chōsen Koseki Kenkyūkai*) first excavated the grave, the Japan Society for the Promotion of Science made a yearly donation of twenty-thousand yen over the period of three years, the Imperial Household Agency donated five-thousand yen, and the Royal Yi Family donated three-thousand yen to finance the excavation. In return, a third of what had been found in the grave was donated to the Tokyo National Museum. In addition, the Government-General paid the landowners in cash that is equivalent to two to three years' worth of crop production. Therefore, the authorities had not taken these artifacts by force." To this, Mr. Morita mentioned, "In relation to this issue, a Korean newspaper wrote last March that these items must undoubtedly be returned to Korea. And if two-thirds of what was found at the site remained in Korea, it is likely that Korea would insist on getting them back for the purpose of

9. Munhwajaechŏng [Cultural Heritage Administration of Korea] search engine. Accessed September 29, 2014. http://www.cha.go.kr/korea/heritage/search/Culresult_Db_View.jsp?mc=NS_04_03_01&VdkVgwKey=13,00930000, 38.

preserving the entire collection.” Director Matsushita replied, “The purpose of this restitution is to promote a sense of amity between Japan and Korea. Giving up these important cultural properties that prove ancient cultural exchange between Japan and the Korean Peninsula would rather antagonize Korea specialists in Japan. Also, if they insist on preserving the entire collection, I would rather prefer the rest of the collection to be handed to us.” ... Secretary Yanagiya explained the recent development of the Japan-Korea talks, adding that there is a possibility that a conference session will be held in April relating to the issue of cultural properties. Director Matsushita urged that, “There should be no political transaction when it comes to donating cultural properties. It is especially undesirable for the relics from the Yangsan Couple’s Grave to be the subject of political give-and-takes. If such demand turns out to be unavoidable, I will consider selecting some of the remains of the grave and hand them over to Korea.” (Gaimushō Hokutōajia-ka 1965)

Strictly speaking, Director Matsushita maintains that the relics from the Yangsan Couple’s Grave cannot be returned to Korea because they are invaluable cultural resources that explain the ancient relationship between Japan and the Korean Peninsula, which, in his view, extends to Japan’s relationship with ancient “Mimana.”

As is widely known, since the Meiji period, Japan often referred to the relationship between “Mimana” and Japan as the justification for its colonial expansion to Korea, arguing that Japan’s colonial rule on the Korean Peninsula began as Japan established an outpost in “Mimana” during the Yamato Period. In their view, returning the relics from the Yangsan Couple’s Grave was inconceivable because they were the only remaining evidence to prove the long-standing relations between Japan and “Mimana” (i.e. Korea). Director Matsushita was adamant in insisting that, if the logic of the Korean government’s demand for restitution of the relics laid in the preservation of the entire collection, then Japan would be willing to take over the remaining two-thirds of the artifacts in Korea. He further added that under no circumstances should the relics become the means of political compromise during the negotiation talks. Despite the fact that the purpose of the restitution of cultural properties was to celebrate the normalization of bilateral relations as well as Korea’s independence, it is possible to find that the logic of colonial rule lingered on well into the negotiation process.

The relics from the Yangsan Couple’s Grave became the subject of discussion in the Upper House session on December 10, 1965, during which the JSP member Matsunaga Chūji criticized the government for not returning them to Korea:

Matsunaga Chūji: What needs to be pointed out here is the fact that our government refused the fervent request by the Korean government for the restitution of the relics found in the Yangsan Couple's Grave. Now it is my understanding that our refusal was based on the fact that those relics were brought into Japan legally. We basically abided by the principle that we would not return the items if similar kinds of artifacts already existed in Korea, and the relics from the Yangsan Couple's Grave were not returned based on this principle.

...

From this perspective, as I have mentioned earlier, the text of the Treaty, which is supposed to reflect our strong empathy for the independence of the Korean people, are insufficient in pursuing its purpose. To our regret, this is something we need to point out to our government. ... France and Britain continue to hold onto the cultural properties they acquired during their colonial rules and display them at museums in their own countries as if they are proud of their past actions. We should learn from such wrongdoings and instead consider returning what we have acquired in the Korean Peninsula during the colonial period. Especially, we strongly urge our government to reconsider the restitution of the relics from the Yangsan Couple's Grave, which is now our national property, given that their return is desired most passionately by the Korean people. (*Dai 50-kai Kokkai Sangiin Honkaigi kaigiroku [13-gō], 1960*)

To summarize Congressman Matsunaga's criticism, the Japanese government rejected Korea's fervent restitution request for the relics of the Yangsan Couple's Grave, and such rejection does not conform to the underlying purpose of the restitution of the cultural properties, "celebration of Korea's independence." Aside from the issue of the historical accuracy of Japan's "colonial rule" in "Mimana," both the Cultural Assets Preservation Committee, that was in charge of supervising the cultural properties, and the Tokyo National Museum were considerably fixated on the association between the Yangsan Couple's Grave and Japan's ancient presence in "Mimana." Furthermore, the mere fact that the Government-General of Korea and the Imperial Household Agency financed the excavation of the ancient site indicates that these particular remains were strongly linked to Japan's colonial perceptions. Most significantly, Japan's fixation on the relics, which ultimately led to the rejection of Korea's restitution request, elucidates the limitation of the Korea-Japan talks in achieving the advancement of the bilateral relations.

The relics from the Yangsan Couple's Grave were never returned to Korea, even after the signing of the Normalization Treaty. Facing strong opposition from Japan, the Korean government demanded additional artifacts, including the excavated relics from Kyodong Burial Mound in Changnyŏng and Hwangori Burial Site No.16 in Kyŏngju. It is interesting to note that, according to the research conducted by the Korean government on the cultural properties that

have been returned from Japan, their historical and cultural values are much greater than those of the relics from the Yangsan Couple's Grave (Munhwajaechöng 2005b, 517). It is undeniable that Japan assigned profound meanings to these relics, and their determination to hold onto the relics from the Yangsan Couple's Grave more so than other valuable properties negated the two nations' professed aspiration for the construction of a new bilateral relationship.

Conclusion

I have tried to show how Japan's Cultural Assets Preservation Act emphasized the preservation and utilization of cultural properties as the medium for the advancement of culture for both the Japanese people and the world, rather than elucidating the contextual history of each artifact. In addition, when dealing with the cultural properties of foreign origins, I have focused on how they should be preserved, rather than illuminating the historical context in which they were brought into Japan or whether or not they should be returned to their original places. During the fourteen-year-long Korea-Japan Normalization Talks, some of the cultural properties that originated from Korea and had been defined as "Japan's national properties" found their way back to the peninsula. But such transactions were made behind closed doors by the MOFA and the Japanese government, while the Japanese people, including the Diet, only came to find out about the process through Korean and domestic news media.

The Treaty on Cultural Properties and Cultural Cooperation between Japan and the Republic of Korea, signed after many years of tortuous negotiation, was supposed to represent the two states' efforts to improve bilateral relations. Yet its context was heavily colored by the lingering colonial consciousness. And such limitations embedded in the treaty were highlighted in the statements found in the Agreement Records on the Treaty on Cultural Properties and Cultural Cooperation between Japan and the Republic of Korea, which described Korea's cultural properties as "owned by the Japanese people."

The bilateral relationship surrounding the issue of cultural cooperation continues to be accompanied by deep-rooted mutual mistrust to this day. Needless to say, Korea is not the only one with trust issues; Japan also has a sense of distrust towards Korea. For example, according to the Diet records of the Upper House Budgetary Committee held on November 15, 2011, Liberal Democratic Party representative Yamamoto Ichita castigated then Prime Minister Noda, concerning the return of the Royal Protocols of the Chosön Dynasty. Diet member Yamamoto asked Prime Minister Noda whether the

government had heard the Korean officials express gratitude upon restitution. He asked the same question five times, and on every occasion Prime Minister Noda avoided answering the question (*Dai 179-kai Rinji Kokkai Sangiin Yosan Inkai kaigiroku* [3-gō], 2011, statement of Yamamoto Ichita). Such exchanges between the two politicians were similar to what happened in 1958, when Japan returned 106 items to Korea. Though only fragmentary records have been found, Japan's attitude toward the issue of cultural properties has not undergone significant change. The cultural properties that had been brought to Japan from the Korean Peninsula are still considered as Japan's national properties.

Further research is necessary to improve such distorted perceptions surrounding the restitution process of cultural properties between Korea and Japan. As my study has made clear, the issue of the restitution of cultural properties is directly related to the perceptions of colonial rule, making it even more difficult to find an easy solution. But it does not mean that the two countries cannot take preparatory measures, including the promotion of a multifaceted academic approach to the restitutions of cultural properties. It is my intention to shed light on the political measures made by the Korean government during the composition of the Treaty on Cultural Properties and Cultural Cooperation in the future and also to conduct further research on the restitution of cultural properties that took place after the Korea-Japan Normalization Talks. Further, it is my goal to make assessments on how the actual restitutions were related to the agreements made during the talks, illustrating the situational shifts surrounding the fates of cultural properties.

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