Can Chinese Individuals Request the Restitution of Chinese Cultural Relics in Japan?: A Revisit under International Law

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During the Japanese Occupation of China (1931-45), countless Chinese cultural relics were simply destroyed or looted in accordance with Japan’s notorious ‘Three Alls Campaign,’ also known as ‘Burn all, loot all, and kill all’. Due to the 1972 Japan-Chian Joint Communiqué, however, the Chinese Government renounced its demand for war reparation from Japan. The question then becomes whether, when the Chinese Government renounced its claims for war reparations in a peace treaty, Chinese individuals still have a means to vindicate their rights to request restitution of Chinese cultural relics from Japan. The primary purpose of this research is to tackle two questions: First, was the taking of Chinese cultural relics during the Japanese Occupation prohibited by law? Second, can the Chinese individuals legally require the restitution of looted cultural relics? This paper handles a case of a 1300-year-old Tang dynasty stele in Japan which has been asked to hand over to China since 2014.

Keywords
Chinese Cultural Relics, Japanese Occupation, Restitution and Individual Requests

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1. Introduction

In August 2014, the China Federation of Demanding Compensation from Japan called on Japan to hand over a 1300-year’s old Tang dynasty stele from the north-eastern city of Lushun.¹ This Tang dynasty stele carries considerable historical meaning and significance for defining a border for the Tang dynasty (618-906) and includes an inscription of 29 Chinese characters mentioning Tang emissary, Cui Xin, who gave instructions for two wells to be dug. However, it was found in the early twentieth century and shipped by the Japanese military to Tokyo, as a trophy of Japan’s victory over the Russians in 1905. Afterward, the Tang-era stele was placed in the Imperial Palace in Tokyo.

Figure 1: Tang Dynasty Stele in Tokyo²

Chinese scholars have suggested that the stele should be displayed in a place where the public can enjoy it, since it is not just Chinese people who cannot see the stele but Japanese, as well.³ However, Japan declined to move it maintaining that: “The Tang

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³ Perlez & Feng, supra note 1. See also Chinese Academics Request the Return of Tang Dynasty Stele from