

An Outline of the Republic of Korea's Intangible Cultural Heritage Safeguarding Framework

- Based on results of five-month long research carried out in 2017 within international expert exchange program *Cultural partnership initiative* under the auspices of the Republic of Korea's Ministry of culture, sports and tourism, the author presents a summary overview of country's intangible cultural heritage safeguarding framework. The paper focuses on circumstances of its emergence and development, and pays special attention to elements such as the Inheritance System and the Inventory System, while addressing a number of issues arising from almost half a century of its application.

Key words: intangible cultural heritage, legislation, Republic of Korea

Over the last couple of decades the interest for intangible cultural heritage (ICH) has become more pronounced than ever which can be attributed to the tendency of (re)evaluating the benefits of modern day era and expressing the fear of the effect of globalization (Deacon et al. 2004: 7). The ROK started the safeguarding process in early 1960s and today can be rightfully considered as one of the leading countries on the international scene, whose lawmakers are constantly upgrading the system in cooperation with relevant stakeholders.

Korean Act for Cultural Property Preservation¹ (*Munhwajae bohobeop*²), the backbone of ICH safeguarding framework, was developed into highly effective and unique instrument focused on holders, which are in case of ICH of national-level importance designated as *in-ganmunhwajae* (lit. ‘Human Cultural Asset’) or ‘National Living Treasures’. The system became globally recognized following UNESCO’s 1993 forum *International Consultation on New Perspectives for UNESCO’s Programme: The Intangible Cultural Heritage*, within which ROK proposed an international project entitled *List of the World’s Living Human Treasures*. It was endorsed by a number of experts and a proposition was submitted under which each Member State would establish its own list of Living National Treasures and submit it to UNESCO. The idea was to create an international register according to the *World Heritage List* model established after 1972 *World Heritage Convention* (Aikawa-Faure 2014: 47; UNESCO 1972; 2002: 8). The result of this endeavor were *Guidelines for the Establishment of National Living Human Treasures Systems*, a document distributed to UNESCO Member States as well as series of workshops, four of which were held in ROK. The outcome of this venture was the establishment of similar frameworks in several countries around the world (Aikawa-Faure 2014: 47):

“For example, while France created a system called ‘Masters of Art’ in 1994 for the holders of traditional craft techniques, the Czech Republic introduced a system called ‘Bearers of Popular Arts and Crafts Traditions’ in 2001 and Senegal put together a ‘Living Human Treasures’ system in 2006, as did Nigeria in 2007, Cambodia in 2010 and Mongolia in 2010.”

Republic of Korea took a prominent role in UNESCO’s programs after it ratified 2003 *Convention for the safeguarding of the Intangible Cultural Heritage* (UNESCO 2003) in 2005. Since then Korean National Commission for UNESCO in cooperation with many experts, institutions and local communities made 19 inscriptions on the *Representative List of the Intangible Cultural Heritage of Humanity* (UNESCO n.d. [a]), ROK established International Information and Networking Centre for ICH in the Asia-Pacific Region (ICHCAP) as a Category 2 center³ under the auspices of UNESCO in

-
- 1 Its future amendments are internationally known under the English name(s) *Cultural Properties/Heritage Protection Act* or colloquially *Cultural Property Protection Law* (CPPL).
 - 2 All Korean phrases have been transliterated according to the revised Romanization system from 2000 and Korean personal names are written in traditional fashion, with family names preceding given names.
 - 3 “Category 2 centers under the auspices of UNESCO are established and funded by Member States to contribute to the achievement of UNESCO’s objectives by way of global, regional, subregional or interregional activities.” (UNESCO n.d. [b])

2011 and currently acts as a member of the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage.⁴

When I was given an opportunity to participate in five-month long expert residency⁵ at the National Folk Museum of Korea (*Gungnip minsok pangmulgwan*), country's largest and most prominent ethnographic museum, I decided to explore in detail the circumstances of emergence and development of Korean ICH safeguarding framework, its administrative and operational mechanisms, challenges for stakeholders involved in the safeguarding process, and its practical side - its practical implementation on a various levels. Given that the efficiency analysis of Croatian *Law on Cultural Properties Protection and Preservation* is currently underway, my intent was to outline the basic features of Korean safeguarding framework, as well as the issues related to its application, in the hope that this contribution will stimulate debate regarding the modification of Croatian model and the possibilities of applying some elements of frameworks from the other countries.

INTANGIBLE CULTURAL HERITAGE AS A LEGAL CATEGORY

Legal instruments for the cultural heritage preservation in ROK are dating back to the beginning of the 20th century and today's system was established in early 1960s under the influence of 1950 *Japanese Law for the Protection of Cultural Properties* (Kim et al. 2012: 37, Garces Cang 2007: 47-49; Howard 2002: 52; cf. Scott 2003). Promulgation of aforementioned *Act for Cultural Property Preservation* (ROK 1962), first modern Korean law that dealt with safeguarding of the cultural heritage, could be seen as a result of nationalistic policies

4 An important event regarding international museum community and ICH took place in Korea as well. In 2004 Seoul hosted International Council of Museum's (ICOM) 21th General Assembly and 20th General Conference titled *Intangible Heritage and Museum* (ICOM n.d.; cf. Bae 2013).

5 Expert residency was undertaken from early July to late October 2017, within *Cultural Partnership Initiative* (CPI) program under the auspices of ROK's Ministry of Culture, Sports and Tourism. I'm using this opportunity to express my gratitude to all parties who made this research possible. In alphabetical order: Arts Council Korea, Cultural Partnership Initiative, Moon Dukgwan, Embassy of the Republic of Korea to Republic of Croatia, Ethnographic Museum (Iris Biškupić Bašić, Goranka Horjan), Haeyeo Museum (Lee Ji Eun, Kang Kwon-yong, Kang Kyung-il), Kyung Hee University, Ministry of Culture, Sports and Tourism of Republic of Korea, National Folk Museum of Korea (Cheon Jingji, Cho Haein, Choi Eunsoo, Jang Jang-sik, Kim Hyeongju, Kim Jongmin, Kim Meegyeom, Koo Mun Hoe, Lee Hyuna, Lee Kwan-Ho, Lee Nan-young, Lee Yunha, Oh Changhyun, Oh Joonsuk, Park Hyeroung, Park Seonju, Son Jeong Soo, Woo Seung Ha, Yi Kiwon, Yun Myeong A), National Intangible Heritage Center, Pakchomji Nori Preservation Society (Kim Donk-ik, Yi Tae-su), Park Sok-hui.

linked to the effort of (re)discovering national identity⁶ after several decades of Japanese colonial rule (22 August 1910 – 15 August 1945), post-World War II period under American occupation (8 September 1945 – 15 August 1948), catastrophic Korean War (25 June 1950 – 27 July 1953) and its aftermath that is characterized by rapid westernization and “disdain for traditional culture according to city-centered planning, industrialization, and modernization“ (Yim 2004: 11; Yang 2004: 182; Kim et al. 2012: 23).

The 1962 *Act* introduced the term ‘cultural property’ (in the present nomenclature it was substituted with ‘cultural heritage’) and provided instruments for the protection and promotion of both tangible and intangible culture (Yang 2003: 33). Generally speaking, safeguarding system revolves around two terms – *bojeon* and *boho*. First can be translated either as ‘preservation’ or ‘conservation’ and its purpose is to maintain the existence of certain physical properties, therefore it officially relates to tangible cultural heritage. On the other hand, *boho* relates to protection of the ICH with notion that those phenomena are results of temporary human expressions, so they are safeguarded by means of transmission together with recognition of those certified as ICH holders (Yang 2004: 181-182).

According to the law, cultural heritage in ROK is classified into five categories, however only the first two are important for the topic of this paper: state-designated and city/province-designated⁷. State-designated label covers the national level of significance and is divided into seven subcategories: national treasure, treasure, historic site, scenic site, natural monument, national intangible cultural heritage (NICH) and national folklore cultural heritage (or national folklore resource). Those types of heritage in the need of protection, but are not of national significance, are referred to as city/province designated and are divided in four categories: tangible cultural heritage, intangible cultural heritage, monument, folklore heritage (or folklore resource) (CHA n.d. [a], Kim et al. 2012: 22, 66).

At first glance, the distinction between ICH and ‘folklore heritage/resource’ categories, irrespective of whether national or regional level of protection is concerned, might seem a bit vague. First is defined as “traditional performing arts and arts; traditional skills concerning crafts, art, etc.; traditional knowledge concerning Korean medicine, agriculture, fishery, etc.; oral traditions

6 The notion of ‘national culture’ is embedded in the Constitution of ROK as well. In *General Provisions* it states that “the State shall strive to sustain and develop the cultural heritage and to enhance national culture” (ROK 1987: § 9), and the President oath ends with the formulation “...and endeavoring to develop national culture” (ROK 1987: § 69).

7 ROK is administratively divided into nine provinces (*do*), including Jeju-do with the status of special self-governing province status (*teukbyeoljachi-do*) and eight metropolitan cities (*gwangyeoksi*), among which Seoul is recognized as a special city (*gwangyeoksi*) and Sejong as a metropolitan autonomous city (*teukbyeol-jachisi*).

and expressions; traditional ways of life concerning food, cloth, shelter, etc.; social rituals such as folk religion; traditional games, festivals and practical and martial arts“ (ROK 2010: § 2) and the later refers to “clothing, implements, houses, etc. used for customs or traditions related to food, clothing, housing, trades, religion, annual observances, etc. which are essential for understanding changes to the life of [Korean, ed.] nationals” (ROK 2010: § 2, cf. Yim 2005: 1). In other word, ‘folklore heritage/resource’ might be interpreted as necessary elements for understanding the lifestyle of preindustrial Korean population (cf. Kim et al. 2012: 22).

Abovementioned classification was defined by *Cultural Heritage Protection Act*, a successor to 1962 *Act* which was amended more than several times. On the basis of revisions undertaken in 2000s⁸ it was concluded necessary to take a new approach in ICH safeguarding and accordingly, *The Act on the Safeguarding and Promotion of Intangible Cultural Heritage* was promulgated in 2015 as an independent legal act. Key features of the previous framework such as the inheritance and the inventory system were improved and implementation of UNESCO's 2003 *Convention* became noticeable in couple of its novelties, such as introduction of the ‘intangible heritage in need of urgent safeguarding’ category (ICHCAP 2016 [a]) etc. As clearly stated in the law, the purpose of ICH safeguarding is cultivation of national identity, transmission and development of traditional culture, and realization and enhancement of the value of intangible cultural heritage (ROK 2015: § 3).

In order to produce expected results, such legal instrument requires highly functional administrative bodies. Primary entity dedicated to such task is Cultural Heritage Administration (*Munhwajaecheong*). Established in 1962 under the name of Bureau of Cultural Properties (*Munhwajae Gwalliguk*), its original purpose was to handle most of the tasks related to administration of cultural heritage on a national level. Today, Cultural Heritage Administration (CHA) is a central government agency subordinated to the Ministry of Culture, Sports and Tourism entitled to “safeguard the integrity of cultural traditions of Korea and enhance the cultural life of Korean people by preserving and promoting the use of cultural heritage” (CHA n.d. [b]). It is located in Daejeon Metropolitan City, one of the Korea’s administration hubs, and is organized in a number of bureaus, divisions and teams subordinated to the Administrator (head of the organization). CHA’s scope is nationwide and beside its own capacities it operates

8 In addition, in 2007 various policies were created in order to discover the cultural properties’ inbuilt values and to readjust them regarding a modern perspective, therefore in 2011 the national-level plan was developed to make cultural heritage familiar to Korean people through the prism of tourism (Kim et al. 2012: 26-28).

through a network of 27 affiliated organizations⁹. Its activity revolves around utilization of tasks such as designation and registration of cultural heritage, its conservation, research and investigation, tasks of providing financial support and training of specialists, approving alteration and excavation of cultural heritage, managing royal palaces, tombs and historic sites of the Joseon dynasty, globalization of cultural heritage and exchange with North Korea (ICHCAP 2013-2014: 50; CHA 2016: 14-31, 36).

In context of ICH, CHA is responsible for tasks regarding its preservation and management on a national level – it deals with management of NICH System, supports holders and makes preparations for the inscriptions on UNESCO Lists. In addition, according the 2015 *Act* it is obliged to formulate a national level master plan regarding ICH safeguarding and promotion every five years (ROK 2015: §§ 7-8). Main tasks regarding ICH are handled by its Intangible Cultural Heritage Division and Intangible Cultural Heritage Committee (ICHC) which acts as its advisory body (ICHCAP 2013-2014: 50-51).

Establishment of ICHC is defined by the 2015 *Act* and its main task is to investigate and deliberate on matters concerning the safeguarding and promotion of ICH. It is comprised of up to 30 members which are chosen amongst experienced professionals in the field of anthropology, folklore, law, business administration, traditional performing arts, traditional craftsmanship etc. Their mandate is two years. (ROK 2015: § 9).

ICHC deliberates on matters concerning master plans, designation of NICH (as well as its revocation), recognition of persons involved in inheritance activities (as well as their revocation), designation of NICH in need of urgent safeguarding (as well as its revocation), selection of ICH for nomination on UNESCO Lists and other matters referred to ICHC by the Administrator of CHA for deliberation regarding safeguarding and promotion of ICH (ROK 2015: § 9).

National Intangible Heritage Center (NIHC) acts as the main national body for comprehensive ICH safeguarding and promotion. It is founded in 2013 with purpose of establishing Korea's "cultural identity, the right to enjoy culture and cultural diversity through creative inheritance of intangible heritage and the expansion of related values" (NIHC 2015). The center became an instrument for implementation of changes in policies regarding ICH, most prominently tasks of providing systemized support for cultural transmitters and transmission activities. It is authorized for tasks regarding evaluation and certification of training process, which was used to be conducted by the *in-ganmunhwajae*.

9 For instance, Korea National University of Cultural Heritage (Buyeo, Chungcheongnam-do), National Palace Museum of Korea (Seoul Special City), National Intangible Heritage Center (Jeonju, Jeollabuk-do), National Research Institute of Cultural Heritage (Daejeon Metropolitan City) and its six local subsidiaries, National Research Institute of Maritime Cultural Heritage (Mokpo, Jeollanam-do) etc.

In addition, NIHC deals with support for traditional crafts revitalization projects, it's upgrading NICH database through surveys and research, it's experts are working on systemization and management of ICH data with the aim to expand its accessibility, popularization of ICH performances, enhancement of the quality of ICH exhibitions, training and operational capacity, they are expanding the base for the protection and revitalization of regional ICH, and finally, they are involved in promotion of Korea's ICH abroad (ICHCAP 2013-2014: 54-56; NIHC 2015).

In present day ROK there is a well-developed network of interconnected entities involved in ICH safeguarding and it consists of national and sub-national level government bodies, academic community gathered around universities, research institutes, museums and related institutions, as well as a range of NGO's.

THE INHERITANCE SYSTEM

The Inheritance System was conceived in order to maintain a stabile process of systematical transfer of knowledge, skills and other heritage properties from a holder on to the next generation. The term 'holder' (*boyuja*) refers to any individual who can learn, preserve, and practice artistic and technical skills of NICH as original forms. Aside individuals, the system recognizes groups or organizations as holders as well (*boyu danche*), but only in cases where the element cannot be practiced individually or there are many individuals worthy of recognition (ICHCAP 2013-2014: 85-86). The system's setup covers both national and sub-national level, and those certified as holders of NICH are commonly referred to as National Living Treasures.

The system developed hierarchy consisting of five distinct levels of 'successors'. As individuals or groups are recognized as a 'holder' they are required to transfer the ICH by providing training to 'students' (*jeonsuja/jeonsusaeng*). If among them are individuals with remarkable potential, they can be recommended for scholarship by and are legally referred to as 'successor scholarship recipients' (*janghaksaeng*). After successful completion of at least five years of training, one is issued certificate of completion of successor training and becomes 'certified trainee' (*isuja*). Most notable among them will become 'assistant instructor for successor training' (*jogyo*) on the recommendation of the holder after assessment is made by experts in accordance to detailed standards proscribed by CHA. They are required to assist holders in order to match their level of expertise so they can become successors of NICH when the time comes. Cancellation of granted recognition for the holder happens in two cases: by decision of CHA in case the holder is deemed unfit due to physical disability to perform training (however,

Administrator of CHA can grant the holder title of ‘honorary holder’, *myeongye boyuja*) or automatically if the holder passes away. In case no successor is appointed, NICH is bound to lose its title (Aikawa-Faure 2014: 46, Kim et al 2012: 92).

Usage of the titles *boyuja*, *boyu danche*, *myeongye boyuja*, *jogyo* and *isuja* is constrained to exclude anyone that is not a part of the System (ROK 2015: § 51).

Among successors inside the Inheritance System there are some eligible to receive direct financial support¹⁰ in accordance to the law and in amount prescribed by the special regulations. CHA establishes and announces the annual strategic plan for supporting the transmission of NICH on its website every January. In 2017 basic monthly support for holders was 1.317.000 KRW¹¹ (approx. 980 €) and 660.000 KRW¹² (approx. 490 €) for instructors. Honorary holders were granted 1.000.000 KRW (approx. 750 €) and scholarship fee was 263.000 KRW (approx. 200 €) (CHA n.d. [c]). Aside from above stated financial support, holders are entitled to additional support for performances and exhibition related activities, and central government co-finances establishment of transmission training centers, potentiates ‘honorable treatment’¹³ of holders and covers their medical insurances and funeral expenses (ICHCAP 2013-2014: 87).

Aside from the measures directed directly to successors, State or local governments are providing support for activities (presentations, lectures etc.) for primary, secondary and lifelong education, ie. within the in-school culture and arts classes. Also, various events and festivals are supported by public funding, international exchange and cooperation (overseas performances, exhibitions and sales of traditional craft products), programs within governmental and local institutions such as educational centers, museums, theaters etc. (ROK 2015: §§ 37-39, § 45).

In accordance to the law holders are obliged to promote ICH by giving public performances and presentations of their skills at least once a year. Such activities are monitored by inspections in order to ensure that the bearers are indeed carrying out their responsibilities. In case the person (or group) fails

10 The source of funding on the national level is Cultural Heritage Preservation Fund. It is constituted mainly from the Government’s contributions, donations and money transferred from the lottery fund (ROK 2009: § 4).

11 The amount relates to the national minimum wage. CHA makes annual assessment on the state of NICH and designates especially endangered ones in a special category that receives additional benefits, amongst other higher financial support. In 2017 holders in ‘vulnerable’ category are receiving 1.710.000 KRW (approx. 1.275 €).

12 921.000 KRW (approx. 690 €) for those designated in ‘vulnerable’ category.

13 The law provides for special concessions regarding both State and Local Governments, as well as legal entities founded by them, such as tax reliefs, exemptions from fees for the use of public spaces etc. (ROK 2015: § 50)

to meet the standards, Administrator of CHA may revoke its recognition as a ‘successor’ after the consultations with ICHC (Aikawa-Faure 2014: 45).

Finally, in order to provide “preservation space for holders, an educational place for successors and a social education center for residents” (NIHC n.d.), the government started to establish nationwide network of Inheritance Centers (*muhyeong munhwajae jeonsuhoegwan*). The construction expenses are allocated evenly between State and Local Government, and the local authorities are obliged to take care of the future expenses (management, maintenance etc.). From 1974, when the first inheritance center was built, to 2014 132 such centers were established in ROK. This process proved quite useful since the centers successfully reached out for the new public, therefore contributing in search of potential successors, as well as in popularization of ICH (Bak 2004: 162; Kim et al. 2012: 89; NIHC 2017).

Important part of the System is the support of traditional craftsmanship which transgresses usual subsidiaries in raw materials, equipment etc. CHA is authorized to provide successor involved in traditional crafts production a certificate for traditional craft products upon a request followed by detailed examination (it can include additional data submission such as sample of produced traditional craft product, as well as request for process observation by experts). Once obtained, certificate grants successor unique certification mark that is meant to be used to label traditional craft products during three years period of validity (may be extended following reexamination). Cancellation of certificate’s validity happens in case it was obtained by fraud or other improper means, when it was used on a traditional craft product non-compliant with the criteria for certification or when the successor failed to comply the standards prescribed by CHA. In addition, 2015 Act presupposes that the Administrator of CHA may operate a ‘bank’ that conducts business, such as the purchase, leasing, and exhibition of traditional craft products in order to facilitate the transmission of traditional craftsmanship to the next generation and to publicize the excellence of traditional craft products. It also states that the State and Local Governments may provide necessary support for successors of intangible cultural heritage to facilitate the business startup, manufacturing and distribution, and their entry into overseas markets (ROK 2015: §§ 40-44). Although commercialization of ICH holds a potential threats, one may argue that proposed system (if strictly enforced) could provide an additional impulse to the popularization of specific craft. In addition, the less financially dependent on governmental support ICH successors are, they are subjected to a lower risk of adverse effects brought by unexpected circumstances.

THE INVENTORY SYSTEM

Inventories regarding NICH were introduced as a direct result of 1962 *Act enactment* and *Jongmyo Jeryeak*, the royal ancestral ritual music from the period of Joseon Dynasty, was inscribed as NICH № 1 in 1964. The Inventory System developed over the years and underwent numerous changes and improvements. At the time of this research was undertaken, there were 132 items inscribed in the national register (CHA n.d. [d]).

According to the law, in order to designate ICH item as an NICH it must possess “great historical, academic, and artistic significance, as well as local characteristic, and it should fall into a specific category¹⁴” (ICHCAP 2013-2014: 44). Once a holder is recommended by the local authority, NIHC performs an investigation that results in a report submitted to CHA. The Administrator of the CHA determines if ICH is worthy of being designated as NICH after having reviewed an investigative report and then proceeds to announcing the nomination in the official gazette. In a 30 day period (legal deadline) ICHC performs an evaluation and reports its outcome of the Administrator who then determines whether to designate or dismiss the nomination. In any case, the process has to be finished within six months from the expiration of the period from the prior notice.

2015 *Act* introduced the measure of urgent safeguarding for NICH in order to give additional support to a specific phenomenon in danger of disappearance due to changes in an environment for transmission and living conditions. The measures could also be applied in cases when for a substantial period no person or group are eligible to be recognized as a holder or when it’s impossible or impracticable to transmit it because its ‘original form’¹⁵ (*wonhyeong*) as NICH is substantially lost. Under especially extreme circumstances Administrator may shorten the period required for the designation (ROK 2015: §§ 12-14; ROK 2016: §§ 14-15).

In addition, revocation of designation (both of NICH and NICH in need of urgent safeguarding) is issued in case a designated item has lost its value, in case its transmission was irreversibly interrupted or became absolutely impossible. Law makes difference between terms revocation and cancellation, and considers later as a measure when it’s established that the designation was made by fraud or other improper means (ROK 2015: § 15).

14 “Traditional performing arts and arts; traditional skills concerning crafts, art, etc.; traditional knowledge concerning Korean medicine, agriculture, fishery, etc.; oral traditions and expressions; traditional ways of life concerning food, cloth, shelter, etc.; social rituals such as folk religion; traditional games, festivals and practical and martial arts.” (ROK 2010: § 2)

15 More in the following chapter.

Closely related to the process of inventorying is systematic documenting and archiving of ICH elements that started in 1965. For a substantial period of time this task was entrusted to Intangible Cultural Heritage Division of National Research Institute of Cultural Heritage. Its activities revolved around conducting surveys and studies on Korean ICH, its experts were responsible for the documentation projects, research on the status of ICH transmission concerning the community participation, research on ICH resources as part of efforts to establish NICH inventory, research on traditional rituals, donated ICH materials, as well as domestic and foreign policies and related systems concerning UNESCO's *Representative List* (ICHCAP 2013-2014: 52-54). In 2014 Intangible Cultural Heritage Division of National Research Institute of Cultural Heritage was integrated into NIHC and *Enforcement decree* of the 2015 Act reaffirmed its authority, appointing it as CHA delegated institution for affairs of investigation and documentation of ICH (ROK 2016: § 35).

On a subnational level ICHC is established in each City/Province and the Mayor/Province Governor has the authority equivalent of the CHA Administrator. Matters concerning to investigations of, and deliberation on ICH, safeguarding and management, matters concerning commissioning and dismissal of committee members, matters concerning the establishment and operation of subcommittees are prescribed by municipal/provincial ordinances. The processes of ICH designation and its revokement, as well as urgent safeguarding option are more or less similar to national-level procedures, except their technical scope is in accordance with local/regional legal practices. Mayors/Province Governors are obliged to consult the Administrator of CHA regarding the master plan on the national level, to present him an action plan for the relevant year, results of the implementation of the action plan in the preceding year, as well as to report when the new ICH is designated or revoked ('standard' or in need of urgent safeguarding), when the relevant parties involved in the transmission process are recognized or their recognition has been revoked, and finally, when any administrative order is violated (ROK 2015: §§ 31-35; ROK 2016: § 3, §§ 31-32).

WONHYEONG

Although ICH is being successfully safeguarded thanks to the System, its shortcomings were emphasized by a number of scholars. Critics such as Yang Jongsung warned about unfavorable propagandistic use of ICH which is often a direct consequence of actions carried out by the structures of political power, as well as ideological tension between folklorists and policymakers on the issue of 'improved forms' that is visible in cases when some elements of ICH were changed not "as part of the natural evolution of that form in reaction to time

and space” (2003: 109-111), but arbitrarily, especially coming from the holders who are “tempted to ‘refine’ expressions of traditional culture in order to emphasize their artistic dimensions and to appeal to an urban public and to those reviewing the expressions for nomination” (Aikawa-Faure 2014: 46).

Since in the context of safeguarding it is quite difficult to decide on the form that should be designated for transmission, legal instruments introduced the concept of ‘archetype’ or ‘original form’ (*wonhyeong*) (Howard 2002: 56):

„The Korean system makes much of historical authenticity, embracing a concept of an original form, *wonhyeong*, which should be identified [as a relevant one, ed.] and kept without a change. Such an agenda is characteristic of many Korean scholarship, and could be said to reflect a Confucian philosophical approach that respects the old.“

Potential risks arise from the intent to preserve authenticity of intangible cultural expressions which when implemented in practice resulted with many phenomena ending up disconnected from the communities of origin and stripped of its local characteristic (cf. Yang 2003: 51; Yim 2004: 12). Although many Koreans are aware and genuinely proud of their ICH and there’s a respective number of people involved in the process of safeguarding, it is becoming more and more detached from its original context (Zorić & Kim 2014: 156):

“In their attempts to make the past present, Koreans ‘othered’ their heritage twice – first they revived it as a certain remembered form, then they ended it by declaring this form unchangeable. Thus ICH lacks not only continuity in time between ancestors and their descendants; establishing a positive reception among younger generations proves difficult as well.”

In compliance with restrictions fixated by the concept of *wonhyeong*, holders of NICH aren’t very keen of the idea of developing new forms based on traditional ones. Interesting, during my research I had an opportunity to interview over a dozen of holders and the common opinion among them is that their main task is transmission of skills and knowledge, and everything else is considered as waste of time, resources and even entrusted status. In their point of view, which is backed up by the significant number of “traditional” folklorists, creative (re)use of designated ICH is something that in falls under the domain of contemporary art, design and applied arts etc.

Nowadays, Korean ICH is seen as a pragmatic tool in national and regional cultural and tourism policies and it is very interesting to see how the framework will reconcile the concept of *wonhyeong* with a need of reception among younger public. In any case, this process already started and one should bear in mind that “ICH is a real and symbolic part of Korean social and cultural life, contesting its new positions and negotiating its new meanings and functions” (Zorić & Kim 2014: 156).

CONCLUSION

Safeguarding of the ICH in ROK is a process with long tradition and is based upon progressive laws and regulations on national and subnational level, network of interconnected bodies, institutions and organizations. Although built as a result of specific sociohistorical circumstances, the system is up to date with international standards and since 2015 ICH safeguarding is regulated by the standalone legal act, *The Act on the Safeguarding and Promotion of Intangible Cultural Heritage*.

Safeguarding framework proved to be very efficient, given the fact it is able to produce fairly large number of successors in relatively short period of time (Kim et al. 2012: 95, Yim 2004: 11). For instance, from early 1980s, when the inheritance system was introduced, it encompassed more than five thousand active practitioners (ICHCAP 2016 [b]: 67). One of its most positive outcomes was the social impact on holders – once a person receives the title of *in-gan-munhwajae* he (or she) becomes somewhat of a celebrity in Korean society. In addition to new social status, designation brings a certain financial stability and the set of benefits which are enabling holder to focus solely on the safeguarding.

It is important to stress that the system is not without its problems. In fact, one of its biggest challenges is proving to be the concept of *wonhyeong* – the insistence on the safeguarding of the specific form of ICH phenomena, which is inevitably detaching it from its original context. Closely related issues are arising from its propagandistic use in the widest sense, especially when it comes to the engagement of a new audience. My impression is that younger generations have embraced the westernized Korea as a fact and are up to the certain extent indifferent to, or in some cases even slightly annoyed by discourses including nationalistic sentiments. Open questions for the future are also arising within the topics such as ICH and tourism policies, commercialization etc. Given the fact that ICH covers a very large area of human activities (which I believe in very near future will not be limited only to traditional or preindustrial context) it cannot be expected of any safeguarding framework to be flawless and future-proof.

Korean ICH safeguarding framework already served as an inspiration for a number countries which recognized the benefits of some of its elements, mainly ‘living human treasure’ concept. However, taking into account its shortcomings it should not be taken for granted and its applicability should be addressed carefully. Paraphrasing Aikawa-Faure (2014: 48): “...corrective measures need to be taken in order to remedy any adverse consequences. Indeed, there is still a need for further reflection on appropriate ways of safeguarding folk cultural expressions, based on the experience of different countries.”

REFERENCES

- AIKAWA-FAURE, Noriko. 2014. "Excellence and authenticity: 'Living National (Human) Treasures' in Japan and Korea". *International Journal of Intangible Heritage* 9: 38-51.
- BAE, Kidong. 2013. "ICOM 2004 Seoul and Development of Museums in Korea; from an Asian Perspective". In: *ICOM 2004 Seoul and Museum Development in Korea: Retrospect with Global Perspectives*. Seoul: ICOM Korea, 8-15.
- BAK, Sangmee. 2004. "Republic of Korea". In: *2004 ACCU Regional Meeting in Asia and the Pacific on Promotion of Safeguarding Intangible Cultural Heritage*. Osaka: ACCU, 160-166.
- CHA [Cultural Heritage Foundation]. 2016. *Introducing the CHA*. Daejeon: CHA.
- CHA [Cultural Heritage Foundation]. n.d. [a]. "Heritage Classification". <https://www.cha.go.kr/> (1 October 2017)
- CHA [Cultural Heritage Foundation]. n.d. [b]. "Vision & Mission". <https://cha.go.kr/> (1 October 2017)
- CHA [Cultural Heritage Foundation]. n.d. [c]. "2017 nyeon gukgamuhyeong-munhwajae jeonseungjiwon gyehoek". cha.go.kr (24 August 2017)
- CHA [Cultural Heritage Foundation]. n.d. [d]. "Heritage Search" <https://www.cha.go.kr/> (1 October 2017)
- DEACON, Harriet; PROSALENDIS, Sandra; DONDOLO, Luvuyo; MRUBATA, Mbulelo. 2004. *The Subtle Power of Intangible Heritage: Legal and Financial Instruments for Safeguarding Intangible Heritage*. Cape Town: Human Sciences Research Council.
- GARCÉS CANG, Voltaire. 2007. "Defining Intangible Cultural Heritage and its Stakeholders: The Case of Japan". *International Journal of Intangible Heritage* 2: 46-55.
- HOWARD, Keith. 2002. "Living human treasures from the lost age: Current issues in cultural heritage management". *Korean Research Journal of Dance Documentation* 3: 52-74.
- ICHCAP [International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region]. 2013-2014. *Intangible Cultural Heritage Safeguarding Efforts in the Asia-Pacific*. Jeonju: ICHCAP.
- ICHCAP [International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region]. 2016 [a]. "Korea Enforces New

Law for Safeguarding and Promoting Intangible Cultural Heritage”. *ICH Courier of Asia and the Pacific Online*. <http://ichcourier.ichcap.org/> (1 October 2017)

ICHCAP [International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region]. 2016 [b]. “Major ICHCAP Projects for 2017” <http://www.ichcap.org/> (1 October 2017)

ICOM [International Council of Museums]. n.d. “21st General Assembly of ICOM, Seoul, Korea, Friday 8 October 2004”. <http://icom.museum/the-governance/general-assembly/> (23 August 2017)

KIM, Chang Gyoo; CHOE, Jong Ho; JEONG, Yu Gyeong; JEONG, Gi-young [adv.]. 2012. *A Safeguarding System for Cultural Heritage in Korea: Focused on the Activities of Restoration, Transmission and Protection of Designated Cultural Properties*. Daejon – Buyeo: CHA – NUCH.

NIHC [National Intangible Heritage Center]. 2015. *National Intangible Heritage Center*. Jeonju: NIHC.

NIHC [National Intangible Heritage Center]. n.d. “Inheritance Center”. <https://www.nihc.go.kr> (1 October 2017)

ROK [Republic of Korea]. 1962. *Act for Cultural Property Preservation*. Act № 962, 10 January.

ROK [Republic of Korea]. 1987. *Constitution of the Republic of Korea*. Wholly Amended by Constitution № 10, 29 October.

ROK [Republic of Korea]. 2009. *Cultural Heritage Preservation Fund Act*. Act № 9756, 9 June 2009; Amended by Act № 12692, 28 May 2014; Act № 13963, 3 February 2016; Act № 14435, 20 December 2016.

ROK [Republic of Korea]. 2010. *Cultural Heritage Protection Act*. Wholly Amended by Act № 10000, 4 February 2010; Amended by Act № 10829, 14 July 2011; Act № 11037, 4 August 2011; Act № 11053, 16 September 2011; Act № 11228, 26 January 2012; Act № 12352, 28 January 2014; Act № 12692, 28 May 2014; Act № 13249, 27 March 2015.

ROK [Republic of Korea]. 2015. *Act on the Safeguarding and Promotion of Intangible Cultural Heritage*. Act № 13248, 27 March.

ROK [Republic of Korea]. 2016. *Enforcement Decree of the Act on the Safeguarding and Promotion of Intangible Cultural Heritage*. 2016. Presidential Decree № 27056, 25 March.

SCOTT, Geoffrey R. 2003. “The Cultural Property Laws of Japan: Social, Political, and Legal Influences”. *Pacific Rim Law & Policy Journal* 12 (2): 315-402.

- UNESCO [United Nations Educational, Scientific and Cultural Organization]. 1972. *Convention Concerning the Protection of the World Cultural and Natural Heritage*. Paris: UNESCO, 16. November.
- UNESCO [United Nations Educational, Scientific and Cultural Organization]. 2002. *Guidelines for the Establishment of National 'Living Human Treasures' Systems*. Paris: UNESCO.
- UNESCO [United Nations Educational, Scientific and Cultural Organization]. 2003. *Convention for the safeguarding of the Intangible Cultural Heritage*. Paris: UNESCO, 17. October.
- UNESCO [United Nations Educational, Scientific and Cultural Organization]. n.d. [a]. "Lists of Intangible Cultural Heritage and the Register of good safeguarding practices". <https://ich.unesco.org/en/lists/> (1 October 2017)
- UNESCO [United Nations Educational, Scientific and Cultural Organization]. n.d. [b]. "Category 2 centres under the auspices of UNESCO". <http://en.unesco.org/category2/> (1 October 2017)
- YANG, Jongsung. 2003. *Cultural Protection Policy in Korea: Intangible Cultural Properties and Living National Treasures*. Seoul – Edison: Jimoondang – Jimoondang International.
- YANG, Jongsung. 2004. "Korean Cultural Property Protection Law with Regard to Korean Intangible Heritage". *Museum International* 56 (1-2): 180-188.
- YIM, Dawnhee. 2004. "Living Human Treasures and the Protection of Intangible Culture Heritage: Experiences and Challenges". *ICOM News* 4/2004: 10-12.
- YIM, Dawnhee. 2005. "Inventory Making Methodology for the List of Intangible Cultural Heritage in Need of Urgent Safeguarding: Korea's Experiences and Challenges". *Sub-Regional Experts Meeting in Asia on Intangible Cultural Heritage: Safeguarding and Inventory-Making Methodologies*, 13-16 December, Bangkok, Thailand.
- ZORIĆ, Snježana; KIM, Sang Hun. 2014. "The Intercultural Potentials of Intangible Cultural Heritage in Korea: Existentializing Experience and Creative Economy". *Narodna umjetnost* 51/1: 155-181.