

V. Legislation Concerning ICH

The Republic of Korea has protected ICH under the Cultural Properties Act which entered into force on 10 January 1962. The Cultural Heritage Administration (CHA) is in charge of cultural property administration. Within the CHA, the Regulatory and Legal Affairs Team is responsible for legal affairs, and the Intangible Cultural Heritage Division for administering ICH. Provisions related to safeguarding ICH are as follows:

Article 1: Purposes

Article 2: Definitions

Article 3: Basic Principles of Protection of Cultural Heritage

Article 6: Establishment for Master Plans for Cultural Heritage

Article 8: Establishment of Cultural Heritage Committee

Article 17-2: Establishment of the Information and Networking Centre of Intangible Cultural Heritage in Asia-Pacific Region under the Auspices of UNESCO

Article 19: Registration and Protection of World Heritage, etc.

Article 24: Designation of Important Intangible Cultural Heritage

Articles 28-31: Designation and Recognition

Article 41: Protection and Development of Important Intangible Cultural Heritage

Article 43: Preparation and Preservation of Records

Article 44: Regular Investigations

Article 50: Skills or Artistic Talent by Holders of Important Intangible Cultural Heritage

Article 51: Subsidies

Article 70: Designation of City/Do-Designated Heritage

Details of the act are set by a presidential decree and the enforcement regulations on the protection of cultural heritage.

The Cultural Properties Act was enacted to institutionally support the preservation and transmission of ICH designated by cities and provinces as well as the state. The act is not considered to a legal basis for non-designated ICH elements. Thus, to safeguard non-designated ICH, it is necessary to extend the

scope of designated ICH elements so that non-designated ones can be institutionally supported.

For this, it is required to expand the boundary of ICH and to take institutional measures for implementing ICH promotional policy and protecting intellectual property. The CHA is currently drafting a new law titled the ICH Preservation and Promotion Act to concretise the institutional reforms.