

# I . Safeguarding System & Policy

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## **1. Safeguarding System**

The Cultural Heritage Protection Act was enacted in 1962 in Korea. The purpose of this Act is to promote the cultural edification of Korean nationals and to contribute to the development of human culture by transferring national culture and enabling it to be utilized through the preservation of cultural heritage.

### **1) Definition of intangible cultural heritage**

According to the Cultural Heritage Protection Act, Article 2, Intangible Cultural Heritage is intangible cultural works of outstanding historic, artistic, or academic value, such as a drama, music, dance, game, ritual, craft skills, etc.

### **2) Title of law**

- Cultural Heritage Protection Act
- Enforcement Decree of the Cultural Heritage Protection Act
- Enforcement Rule of the Cultural Heritage Protection Act

### **3) Section/Division in charge**

Intangible Cultural Heritage Division,  
Heritage Policy Bureau,  
Cultural Heritage Administration of Korea

### **4) Year of establishment**

1962

### **5) Amendments**

Recent Amendment in 2012

## **6) Particular article(s) related to ICH**

Please refer to Annex.

## **7) Responsible organization/department**

Intangible Cultural Heritage Division,  
Heritage Policy Bureau,  
Cultural Heritage Administration of Korea

## **8) Contact details**

Tel. +82-42-481-4961~70

## **9) Information source**

<http://english.cha.go.kr/english/new/index.action>

## **2. Cultural Policy**

Cultural policies for safeguarding cultural heritage are taken by Cultural Heritage Administration (CHA).

Main cultural policies for safeguarding ICH are;

- Establishment of Master Plans for Cultural Heritage
- Establishment of Cultural Heritage Committee
- Management of Korea Cultural Heritage Foundation
- Designation and Management of Important Intangible Cultural Heritage
- Documentation and Informatization of Intangible Cultural Heritage
- Inscription to UNESCO ICH Lists, and International Cooperation
- Etc.

Articles related to cultural policies for ICH are as follows.

## **CHAPTER I GENERAL PROVISIONS**

### Article 1 (Purposes)

The purpose of this Act is to promote the cultural edification of Korean nationals and to contribute to the development of human culture by transferring national culture and enabling it to be utilized through the preservation of cultural heritage.

#### Article 2 (Definitions)

(1) The term "cultural heritage" in this Act means artificially or naturally formed national, racial, or world heritage of outstanding historic, artistic, academic, or scenic value, which is classified into the following categories:

2. Intangible cultural heritage: Intangible cultural works of outstanding historic, artistic, or academic value, such as a drama, music, dance, game, ritual, craft skills, etc.;

(2) The term "designated cultural heritage" in this Act means the following:

1. State-designated cultural heritage: Cultural heritage designated by the Administrator of the Cultural Heritage Administration pursuant to Articles 23 through 26;

2. City/Do-designated cultural heritage: Cultural heritage designated by a Special Metropolitan City Mayor, Metropolitan City Mayor, *Do* Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/*Do* Governor") pursuant to Article 70 (1);

#### Article 3 (Basic Principle of Protection of Cultural Heritage)

The basic principle for the preservation, management, and utilization of cultural heritage is to preserve them in their original state.

## **CHAPTER II ESTABLISHMENT AND IMPLEMENTATION OF PROTECTION POLICIES FOR CULTURAL HERITAGE**

#### Article 6 (Establishment of Master Plans for Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration shall establish a comprehensive master plan addressing the following matters (hereinafter referred to as "master plan for cultural heritage") every five years, following consultation with the competent Mayor/*Do* Governor for the preservation, management and utilization of cultural heritage:

Article 7 (Establishment of Implementation Plans for Preservation of Cultural Heritage)

The Administrator of the Cultural Heritage Administration and a Mayor/Do Governor shall establish and implement an annual implementation plan concerning the master plan for cultural heritage.

Article 8 (Establishment of Cultural Heritage Committee)

(1) The Cultural Heritage Committee shall be established under the Cultural Heritage Administration to investigate and deliberate on the following matters concerning the preservation, management, and utilization of cultural heritage:

4. Matters concerning the recognition of holders, honorary holders, or holding organizations of any important intangible cultural heritage and the revocation of such recognition;

Article 9 (Establishment of Korea Cultural Heritage Foundation)

(1) The Korea Cultural Heritage Foundation (hereinafter referred to as the "Cultural Heritage Foundation") shall be established as an affiliate of the Cultural Heritage Administration to protect, preserve, popularize and enhance cultural heritage and develop traditional lifestyle and culture.

**CHAPTER III CREATING FOUNDATION FOR PROTECTION OF CULTURAL HERITAGE**

Article 10 (Basic Investigation of Cultural Heritage)

(1) The State and local governments may investigate the current state, management condition, etc, of existing cultural heritage, and prepare records thereon to prevent the loss of cultural heritage.

Article 11 (Facilitating Informatization of Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration shall establish and operate an information system on cultural heritage to efficiently utilize investigated data under Article 10 and other necessary data for the preservation and management of cultural heritage, and to enable Korean nationals to readily access and use cultural heritage information.

Article 15 (Support, etc. for Cultural Heritage Protection Activities)

The Administrator of the Cultural Heritage Administration may support or foster related organizations where deemed necessary for the protection, preservation, distribution or enhancement of cultural heritage.

Article 16 (Training of Cultural Heritage Experts)

(1) The Administrator of the Cultural Heritage Administration may train experts to be specialized in the protection, management, maintenance, etc. of cultural heritage.

Article 17 (Facilitating, etc. Cooperation for International Exchanges of Cultural Heritage)

(1) The State shall actively promote information and technical exchanges, human resources exchanges, joint investigations and research, and other activities concerning cultural heritage through cooperation with international organizations related to cultural heritage and other countries.

Article 17-2 (Establishment of UNESCO International Information and Networking Center for Intangible Cultural Heritage in Asia-Pacific Region)

(1) An International Information and Networking Center for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "UNESCO") [hereinafter referred to as the "International Information and Networking Center for Intangible Cultural Heritage in the Asia-Pacific Region"] shall be established under the control of the Cultural Heritage Administration to promote the implementation of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and support activities, etc. to safeguard intangible cultural heritage in the Asia-Pacific Region.

Article 18 (Cooperation for Exchanges of Cultural Heritage between North and South Korea)

(1) The State shall endeavor to increase mutual exchanges and cooperation in the field of cultural heritage between North and South Korea.

Article 19 (Registration and Protection of World Heritage Site, etc.)

(1) The Administrator of the Cultural Heritage Administration may file an application with UNESCO for the registration of Korea's important cultural heritage being as a World Heritage Site, Intangible Cultural Heritage of Humanity, or Memory of the World in accordance with the Convention Concerning the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding of the Intangible Cultural Heritage or UNESCO's programs. In such cases, the Administrator of the Cultural Heritage Administration shall determine procedures, etc. for selecting those to be applied for, in consideration of UNESCO's regulations.

Article 20 (Protection of Foreign Cultural Heritage)

(1) Cultural heritage designated and protected by Acts and subordinate statutes of a foreign country (hereinafter referred to as "foreign cultural heritage") that is a party to the International Convention Concerning the Protection of the World Cultural and Natural Heritage (hereinafter referred to as the "Convention"), in which the Republic of Korea also participates as a party to preserve cultural heritage and promote friendship with other countries shall be protected in accordance with the Convention and this Act.

Article 21 (Protection of Cultural Heritage in Emergencies)

(1) Where deemed necessary for the protection of cultural heritage at time of war, upheaval, or any emergency equivalent thereto breaks out, the Administrator of the Cultural Heritage Administration may relocate or bury State-owned cultural heritage, designated cultural heritage which is not State-owned cultural heritage, and provisionally designated cultural heritage under Article 32 to or at a safe area, or take other necessary measures or order the owner, holder, possessor, custodian, or management organization of the relevant cultural heritage to relocate or bury it to or at a safe area, or take other necessary measures.

Article 22 (Requests for Support)

The Administrator of the Cultural Heritage Administration or a public official in receipt of his/her order may request necessary support from the heads of related agencies, where necessary for taking measures stipulated under Article 21 (1).

## **CHAPTER IV STATE-DESIGNATED CULTURAL HERITAGE**

### Article 24 (Designation of Important Intangible Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration may designate more valuable intangible cultural heritages as important intangible cultural heritage, following deliberation by the Cultural Heritage Committee.

(2) Where the Administrator of the Cultural Heritage Administration designates any intangible cultural heritages as important intangible cultural heritage pursuant to paragraph (1), he/she shall recognize a holder (including a holding organization; hereinafter the same shall apply) of the important intangible culture heritage.

(3) The Administrator of the Cultural Heritage Administration may additionally recognize another holder of the relevant important intangible cultural heritage, in addition to the holder recognized pursuant to paragraph (2).

(4) Where a holder of important intangible cultural heritage recognized pursuant to paragraph (2) or (3) has a difficulty in properly initiating into his/her skills or artistic talents under Article 41-2, the Administrator of the Cultural Heritage Administration may recognize him/her as an honorary holder, following deliberation by the Cultural Heritage Committee. In such cases, where a holder of important intangible cultural heritage is recognized as an honorary holder, the recognition as the holder of such important intangible cultural heritage shall be deemed revoked at that time.

(5) Necessary matters concerning standards, procedures, etc. for the designation of important intangible cultural heritage under paragraph (1), and matters concerning standards, procedures, etc. for the recognition of holders of important intangible cultural heritage and honorary holders shall be prescribed by Presidential Decree.

### Article 28 (Public Announcement and Notice of Designation or Recognition)

(1) Where the Administrator of the Cultural Heritage Administration designates any property as State-designated cultural heritage (including its protective facilities and protection zones), or recognizes any person as a holder or honorary holder of any important intangible cultural heritage pursuant to Articles 23 through 27, he/she shall publicly announce the purport thereof in the Official Gazette, and shall promptly notify the owner, holder, or honorary holder of the relevant cultural heritage of such designation or recognition.

Article 29 (Issuance of Letters of Designation or Recognition)

(2) Where the Administrator of the Cultural Heritage Administration recognizes any person as a holder or an honorary holder of important intangible cultural heritage pursuant to Article 24 (2) through (4), he/she shall issue to the person a letter of recognition as a holder or honorary holder of important intangible cultural heritage.

Article 30 (Time Designation or Recognition Becomes Effective)

The designation or recognition under Articles 23 through 27 shall become effective on the date the owner, holder, honorary holder, possessor, or custodian of cultural heritage is notified of the designation or recognition, while it shall become effective to any person, other than persons notified thereof, on the date public notice thereon is given in the Official Gazette.

Article 31 (Revocation of Designation or Recognition)

(1) Where cultural heritage designated under Article 23, 25 or 26 loses its value as State-designated cultural heritage, or such designation needs to be revoked based on its valuation, the Administrator of the Cultural Heritage Administration may revoke the designation, following deliberation by the Cultural Heritage Committee.

(3) Where an individual holder or honorary individual holder of important intangible cultural heritage is deceased, his/her recognition as a holder or an honorary holder of the cultural heritage is revoked, while if all individual holders of important intangible cultural heritage are deceased, the designation of the important intangible cultural heritage may be revoked, following deliberation by the Cultural Heritage Committee.



(5) Articles 28 and 30 shall apply *mutatis mutandis* to the public announcement and notice concerning the revocation of the designation and recognition of cultural heritage under paragraphs (1) through (4), and the time such revocation becomes effective.

(7) Where the holder of important intangible cultural heritage is notified of the revocation under paragraph (5) and Article 28, he/she shall return the letter of recognition to the Administrator of the Cultural Heritage Administration within 30 days from the date on which such notice is given: *Provided*, That this shall not apply where an individual holder of important intangible cultural heritage is deceased.

#### Article 41 (Protection and Development of Important Intangible Cultural Heritage)

(1) The State shall protect and develop important intangible cultural heritage for succession to and development of the traditional culture.

(2) The Administrator of the Cultural Heritage Administration shall require holders of important intangible cultural heritage to conduct education for transferal of skills or artistic talent they have (hereinafter referred to as "skills or artistic talent") in order to transfer and preserve important intangible cultural heritage: *Provided*, That this shall not apply in any extenuating circumstance prescribed by Presidential Decree.

(3) The State or a local government may reimburse expenses incurred in initiation into skills or artistic talents under paragraph (2) within budgetary limits, and may permit the gratuitous use of State or public property established or acquired for initiation into skills or artistic talents.

(4) The Administrator of the Cultural Heritage Administration may award a scholarship to persons who receive initiation into skills or artistic talents.

(5) The Administrator of the Cultural Heritage Administration may grant special subsidies to honorary holders of important intangible cultural heritage.

(6) Necessary matters concerning initiation into skills or artistic talents, and the payment of scholarships and special subsidies under paragraphs (2), (4), and (5) shall be prescribed by Presidential Decree.

#### Article 42 (Administrative Orders)

here the Administrator of the Cultural Heritage Administration or the head of a local government deems it necessary to manage and protect State-designated cultural heritage (including its protective facilities and protection zone; hereafter the same shall apply in this Article), he/she may order to take any of the following measures:

#### Article 43 (Preparation and Preservation of Records)

(1) The Administrator of the Cultural Heritage Administration, and the Governor of the competent Special Self-Governing Province, the head of the competent *Si/Gun/Gu*, and the head of each management organization shall prepare and preserve records concerning the preservation, management, and details of changes to State-designated cultural heritage.

#### Article 44 (Regular Investigations)

(1) The Administrator of the Cultural Heritage Administration shall investigate the current state, management, repair and actual circumstances of initiation into State-designated cultural heritage, and other conditions of environmental preservation on a regular basis.

#### Article 50 (Public Disclosure of Skills or Artistic Talent by Holders of Important Intangible Cultural Heritage)

(1) Unless otherwise provided for in Presidential Decree, a holder of important intangible cultural heritage shall disclose skills or artistic talent of such important intangible cultural heritage to the public at least once a year.

#### Article 51 (Subsidies)

(1) The State may fully or partially subsidize the following expenses:

4. Expenses incurred in protecting and developing important intangible cultural heritage.

### **CHAPTER IX CITY/DO-DESIGNATED CULTURAL HERITAGE**

#### Article 70 (Designation of City/Do-Designated Cultural Heritage)

(1) A Mayor/*Do* Governor may designate, as City/*Do*-designated cultural heritage, cultural heritage deemed worthy of preservation, among those under his/her jurisdiction which are not designated as State-designated cultural heritage: *Provided*, That the Mayor/*Do* Governor may designate important intangible cultural heritage as City/*Do*-designated cultural heritage, following prior consultation with the Administrator of the Cultural Heritage Administration, and persons recognized as holders of such intangible cultural heritage shall be chosen from among those who are not holders of important intangible cultural heritage.

(6) Where cultural heritage is deemed worthy of preservation among intangible cultural heritage transferred from North Korean regions, the Administrator of the Cultural Heritage Administration, the *Do* Governor appointed pursuant to Article 5 of the Act on Special Measures for Five North Korean *Dos*, or the chairperson of the Committee on Five North Korean *Dos* established pursuant to Article 7 of the aforesaid Act may recommend the Mayor/*Do* Governor having jurisdiction over the area in which such cultural heritage is currently transferred, to designate them as the City/*Do*-designated cultural heritage.

#### Article 71 (Establishment of City/Do Cultural Heritage Committees)

(1) A Cultural Heritage Committee (hereinafter referred to as "City/*Do* Cultural Heritage Committee") shall be established under respective Cities/*Dos* to investigate and deliberate on matters concerning the preservation, management, and utilization of cultural heritage under the jurisdiction of the relevant Mayor/*Do* Governor.

#### Article 72 (Reimbursement of Expenses)

Where City/*Do*-designated cultural heritage or cultural heritage resources designated pursuant to Article 70 (1) and (2) are State-owned or public property, expenses incurred in the preservation thereof shall be reimbursed by the State or the competent local government.

#### Article 73 (Reporting, etc.)

(2) The State or a local government may fully or partially subsidize expenses incurred in the preservation, management, repair, utilization of, and the preparation of records on City/*Do*-designated cultural heritage or cultural heritage resources which are not State-owned or public property, and the protection and development of intangible cultural heritage.

Article 73 (Reporting, etc.)

(1) Where any of the following cases occurs, the Mayor/*Do* Governor shall report thereon to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree:

**Reference**

<http://www.law.go.kr/main.html>