

Excellence and authenticity: 'Living National (Human) Treasures' in Japan and Korea

Noriko Aikawa-Faure



Excellence and authenticity: 'Living National (Human) Treasures' in Japan and Koreaⁱⁱ

● Noriko Aikawa-Faure

Former Director of the UNESCO Intangible Heritage Unit,
Advisor for Intangible Cultural Heritage, Agency for Cultural
Affairs, Government of Japan

ABSTRACT

This article first reviews the Japanese system for the protection of the intangible cultural heritage (ICH), notably how the system of 'Living National Treasures' and the protection of 'Folk Cultural Properties' have been implemented in the country. It then goes on to describe the Korean system which seems similar but in fact is different in its objectives and approaches. The paper then refers to UNESCO's efforts to promote a 'Living Human Treasures' system worldwide. Finally, it questions whether the official recognition of selected expressions of the intangible cultural heritage is a universally suitable measure to ensure the global safeguarding of ICH and notably of folk cultural expressions.

Keywords

Japan, Living National Treasures, Korea, Living Human Treasures, intangible cultural property, authenticity, holder or bearer of folk culture, folk cultural property

Introduction

In Japan, as elsewhere in the world, the legal protection of the tangible cultural heritage, such as monuments and sites, was introduced before other forms of heritage protection, such as for the intangible cultural heritage. However, the legal protection of the intangible cultural heritage (ICH) was established earlier in Japan than in any other country, within the framework of the Japanese Law for the Protection of Cultural Properties which was passed in 1950. It should be noted that the term 'cultural property' was used in this law instead of 'cultural heritage.' The protection system that

the law established was based on the principle of the protection of cultural heritage by the state through a process of selection, protection and enhancement. In 1954, the original law was amended to extend the system of protection of ICH. Through this amendment, the state, in addition to designating selected elements of ICH as 'Important Intangible Cultural Properties,' also designated individuals or groups of individuals having notable skills and/or knowledge of techniques, as the 'Holders of Important Intangible Cultural Properties,' or what were commonly called 'Living National Treasures.' However, the area of the ICH considered was limited to

elite traditional stage arts, such as the *Nôgaku* (classical Japanese musical drama) and *Kabuki* (classical Japanese dance drama), and certain refined arts and craft techniques.

In contrast, for a long time folk cultural expressions were not considered to be cultural properties under the law, but were seen instead as only requiring documentation. This changed in 1975 as a result of further amendments to the Law for the Protection of Cultural Property, when folk cultural expressions were legally recognised as elements within a new system that classified selected folklore expressions as 'Important Intangible Folk Cultural Properties.' However, the system set up in 1975 did not give any special recognition to the key bearers of the important skills or techniques relating to this heritage. In consequence, no holders of folk cultural expressions were considered as Living National Treasures under the law.

The question arises as to why such different treatments were given to the various expressions of ICH. Evidently folk culture was not given sufficient consideration as cultural property under the law. However, this was also because of the resistance of some Japanese folklorists who considered that extending the concept of Living National Treasures to folk cultural expressions could adversely affect their transmission (Oshima; 2007). Such folklorists were of the opinion that the designation of some elements of folklore as 'Important Intangible Folk Cultural Properties' could prevent their natural development and even lead to their 'fossilisation' or 'standardisation' and consequently to a loss of diversity (Hoshino; 2009). Yet at the same time, folk cultural expressions were, and have been since, in a precarious state in Japan, due, among other factors, to rural exodus, the administrative restructuring of villages and towns, and the lack of interest of young people in the local folklore. In this context it was thought that selecting and giving state recognition to selected folk cultural expressions could endanger the survival of whatever expressions of folklore were not so selected (Hoshino; 2009).

Regarding the system for the protection of ICH in the Republic of Korea, Act No. 961 of 1962 relating to the protection of cultural property quickly became the cornerstone for the protection of the ICH in that country.

Although the methods of implementation of this Act superficially resemble those in the original 1954 Japanese law, the Korean legislation was drafted in a different context and aimed to encourage the affirmation of Korean cultural identity. For this reason, the concept of 'Important Intangible Cultural Property' in the Korean law covers not only the classical arts, as it does in Japan, but also folk performing arts, folk arts and crafts and traditional techniques that are specific to the peoples of different regions of the country (Park, W.; 2008). However, in both countries significant problems have arisen over the issue of 'authenticity,' which derives from concepts relating to the protection of cultural monuments and sites.

Having set out this background, this article discusses three issues: (i) the historical development of ICH protection in Japan, notably the system for honouring Living National Treasures and the protection mechanisms used for folk cultural properties; (ii) the Korean approach to the safeguarding of the ICH, contrasting it with the Japanese approach; and (iii) the development of the UNESCO programme for the promotion of Living Human Treasures' systems. Finally, the article reflects on two related issues. First, does the official recognition of selected elements of the ICH, including folk cultural expressions which form the major part of the ICH worldwide, ensure the overall protection of ICH? And second, should this protection system be adopted, what would be the most appropriate methods to minimise any negative impacts? While the term 'folklore'ⁱⁱⁱ can have a pejorative connotation in some countries, in this article's consideration of the Japanese system of heritage protection, the term 'folk cultural property' is used as this is the term still current in Japan. For convenience's sake, the term 'folklore' is also occasionally used.

Protection of the ICH in Japan^{iv}

In order to understand the current Japanese system for the protection of the ICH, it is necessary first to review how the system for the protection of the tangible cultural heritage was established in Japan and how it has developed since.

In line with the Meiji policy, put in place in 1868, of favouring westernisation in Japan to the detriment of Japanese traditions that were regarded as impediments

to the country's modernisation, and the privileging of Shintoism to the detriment of Buddhism in order to enhance Japanese nationalism, many elements of Japanese cultural heritage were destroyed or sold abroad. The Meiji government then realised that there was an urgent need to protect Japanese cultural properties by statutory means, and in 1871 a decree was issued entitled the *Preservation of Antique and Ancient Objects*, which was the first Japanese legal measure to protect cultural property. According to this decree, 'Antique and Ancient Objects' included not only objects that had aesthetic value, but also other objects relating to folklore, such as agricultural tools and children's toys. Antique and ancient objects preserved under this decree were considered as documentation that showed the development of the historical living conditions of the Japanese people (Kawamura and Wada; 2002).

In 1897, another law was passed in order *to preserve shrines (Shinto) and ancient temples (Buddhist)*. Under this law, the Japanese government of the time set out not only to provide subsidies for shrines and temples, allowing them to restore damaged buildings and historical objects, but also granted distinctive titles, such as their being 'historical evidence' or 'aesthetic models', to some of them and assigned them a privileged status. From this developed a system for the protection of cultural properties on the basis of their selection and designation by the government under the criteria of their aesthetic or historical significance. This system for the protection of the cultural heritage subsequently underpinned national policy for the protection of cultural property in Japan (Kawamura; 2002). Over the following century it developed into the Law on the Protection of National Treasures which was promulgated in 1929 and provided for properties regarded as historical evidence or as aesthetic exemplars to be designated as national treasures.

In the turmoil following the Second World War, many cultural objects designated as national treasures were illicitly sold on the black market and exported from Japan. Numerous illegal excavations and the looting of archaeological sites led to further important losses. In order to meet such challenges, the government of the day, under pressure from the allied occupying forces, sought emergency solutions to such problems (Wada; 2002). The 1949 fire that destroyed the late 7th century murals in Horyuji Temple also convinced Japanese public

opinion of the urgent need to pass a new law for the protection of cultural property, leading to the passage of the 1950 law. The most innovative aspects of this were the creation of the new category of 'intangible cultural property' within the framework of cultural property generally and the establishment of a Commission for the Protection of Cultural Property, composed of five experts who would assist the government in selecting cultural properties for classification and grant various forms of assistance for their protection.

The principles of heritage protection that existed in the 1929 law were also incorporated into the new law, notably the system of the state's selection of cultural properties using the criterion of their 'excellence' and then granting such selected properties privileged treatment (Wada; 2002). Under the 1950 law, three categories of cultural properties were protected: (i) tangible cultural properties, including not only monuments, sites and other artistic and archaeological objects, but also documentation on tangible folk cultural properties endowed with historical or artistic value for the country; (ii) intangible cultural properties, including theatre arts, music, craft techniques and other forms of intangible cultural property endowed with historical or artistic value for the country; and (iii) historical sites, places of scenic beauty and natural monuments. Tangible cultural property having a high degree of historical or artistic value was designated as 'Important Cultural Property,' and certain important cultural properties endowed with particularly distinguished historical or artistic importance were designated as 'National Treasures.' A similar system was applied to historic sites, places of scenic beauty and natural monuments.

In the initial version of the 1950 law, the term 'intangible cultural property' was used to cover a wide range of areas, including important folk cultural practices and expressions such as popular songs, the performing arts, popular events, objects of daily use (lacquer-work, metalwork, woodwork, bamboo-work, weaving, dyeing and pottery, etc.) and vernacular architecture (wooden constructions). The term also included crafts that were no longer in use, such as armour-making (Agency for Cultural Affairs [henceforth called ACA]; 2001). The law established protection measures focusing on intangible cultural properties that, in the absence of support from the state, were in danger of disappearing. Such protective measures included monetary grants and the provision of

materials and assistance, for example for documenting and recording or for presenting them to the public (ACA; 2001). However, unlike tangible cultural properties, intangible cultural properties neither benefited from the prestigious title of 'Important Cultural Property' nor of 'National Treasures', being simply selected by the Commission to receive public subsidies (Wada; 2002).

Between 1952 and 1954, 155 intangible cultural properties were selected, of which 113 concerned the performing arts and 42 concerned craft techniques. It should be noted that all of the inscribed performing arts (113) were in the area of folklore, with the exception of the *Nigyo Joruri Bunraku* (puppet theatre) which is a classical performing art. It was then realised that the most famous forms of the classical performing arts, such as the *Gagaku* (court music and dance) and *Nôgaku* and *Kabuki*, were not included in the cultural properties selected. Many people saw this situation as absurd, and the 1950 law was criticised as a result for introducing confusion into the classification of the intangible cultural heritage, resulting from abstract or ambiguous selection criteria (Sato; 2009). In November 1953, the Cultural Property Commission was called upon to sort out such 'confusion and ambiguity' by setting up the two different categories of 'Intangible Cultural Property' and 'Folk Data requiring documentation.' The Commission was also asked to review the protection mechanisms in force in order to establish a selection and ranking scheme for intangible cultural properties using the criterion of their 'excellence value' and following the example of tangible cultural properties (ACA; 2001).

The 1950 law for the protection of the cultural heritage was then revised in 1954 in order to streamline and reinforce mechanisms for the protection of intangible cultural properties. The selection criterion of 'risk of extinction' was removed, and the 'artistic or historical value' criterion was emphasised. A new classification mechanism to protect intangible cultural properties was therefore established under the 1954 law that paralleled that used for tangible cultural properties. Intangible cultural properties having great artistic or historical value were selected for designation as 'Important Intangible Cultural Property' under the law, and the Commission redefined the term 'intangible cultural property' in order to restrict its use to the performing arts such as *Nôgaku*, *Nigyo Joruri Bunraku* and *Kabuki*, and crafts techniques such as Echigo *Chijimi* (ramie

fabric weaving from the Echigo region), limiting it to the following three specific criteria: (i) having great artistic value; (ii) occupying an important place in the history of the performing arts or of the arts and crafts; and (iii) having characteristics specific to the region or school concerned.

In order to ensure the transmission of traditional artistry to future generations, the Commission also decided to recognise individual or collective bearers who possessed the highest levels of skill and technique, designating such individual/individuals as the 'Holder/holders of Important Intangible Cultural Property,' or 'Living National Treasures'. In 1955, the first 30 such holders were designated. Since 1964, such individuals have received an annual grant of two million yen each from the government in order to help them to train successors, further develop their skills, and make records of their techniques.

With regard to folklore, the 'Folklore Data' (limited to the tangible elements of folklore) was also considered as part of the tangible cultural heritage under the 1950 law. As discussed above, the intangible part of folk culture was originally included in the category of intangible cultural properties, but as a result of the 1954 amended law, both tangible and intangible elements of folk culture were now classified in a new category entitled 'Folklore Data.' This new category assembled

...elements necessary to understand the evolution of the daily lives of the Japanese, such as manners and customs concerning food, clothing, housing, crafts, religious faith, annual events, tools, and other objects necessary to practise and enact these popular cultural practices.

Items included in this category were divided into two groups, on the one hand there being the 'Tangible Folklore Data,' and on the other the 'Intangible Folklore Data.' Particularly important elements of tangible folk cultural property were, under the revised law, designated as 'Important Tangible Folklore Data,' subject to receive national protection as was the case for tangible or intangible cultural properties, while 'Folklore Data' had hitherto not been considered worthy of national protection given that it was mere 'data'. Such a distinction was not used for elements belonging to 'Intangible Folklore Data' such as manners and customs.

It is interesting to examine the reasons behind the differential treatment given to intangible cultural properties and folk cultural properties (then called 'Intangible Folklore Data') on the one hand, and tangible folk cultural properties (then called 'Tangible Folklore Data') on the other. The then government officials were of the opinion that unlike 'Intangible Cultural Properties' that are mastered and transmitted by exceptional people and represent refined techniques, 'Intangible Folk Cultural Data only represent patterns from people's daily lives and are transmitted by people living out their regular everyday lives. Given that such properties have no individually attributed artistic value and their role is only *essential to understanding the evolution of the life of the Japanese people*, they could not have the same value as 'Important Intangible Cultural Properties'. Furthermore, the notion of authenticity, which is the basic principle for the safeguarding of cultural property in general in Japan and was expressed in the law as *safeguarding it [a property] in its original form and state of conservation at the moment it received national recognition*, applied to intangible cultural properties but did not apply to folk culture. This was because it was thought that the notion of authenticity, referring to the retention over time of certain original characteristics, could not apply to folk culture which changes over time. For this reason, such cultural expressions would be documented and collected but not given the distinction of being inscribed on a national list (ANJC; 2001).

Two important principles can be seen here regarding the way in which Japan has developed the protection of her ICH. Firstly, there is a distinct hierarchy between different categories of the ICH: 'Intangible Cultural Properties' are at a higher level in this hierarchy than 'Intangible Folk Cultural Properties' (then called 'Intangible Folklore Data') and within the latter category 'Tangible Folk Cultural Properties' (then called 'Tangible Folk Cultural Properties') are positioned higher than 'Intangible Folk Cultural Properties' (then called 'Intangible Folklore Data'). Secondly, like tangible cultural properties, intangible cultural properties should be conserved in their authentic and original forms. Given that this principle cannot be applied to intangible folk cultural properties as a result of their changing nature, they were not inscribed on a national list until 1975.

During the period of rapid economic expansion that took place in Japan in the 1970s triggering great social

changes, it seemed that the country's folklore was likely to be radically transformed or could disappear altogether. As a result, there was an urgent need to take measures for its protection, and the 1975 revision of the Law for the Protection of Cultural Properties at last reinforced the protection of folklore. Under the 1975 amendment to the law, the category of 'Folklore Data' was upgraded to that of 'Folk Cultural Properties,' finally giving folklore a status almost equal to that of 'Intangible Cultural Properties'. This measure enabled all manifestations of folklore to be considered for designation as 'Important Folk Cultural Properties' and therefore able to benefit from official state support. However, the categories of the 'Folk Performing Arts' and of 'Manners and Customs,' which belonged to the newly created category of 'Folk Cultural Properties,' were not treated in an equal manner, and elements belonging to the former category were more often classified than the latter. The reason was that the performing arts are easier to preserve in their original forms than manners and customs, which are part of people's daily lives and are more likely to evolve, and therefore their original forms cannot be preserved intact (ANJC; 2001).

Elevating the status of folk cultural properties to that of intangible cultural properties thus did not mean that they would be treated equally. Practitioners or bearers of folklore did not benefit from official recognition, unlike those related to the category of 'Important Intangible Cultural Heritage'. This was not only because it can be difficult to identify individuals or specific groups that are bearers of folk culture, but also because folk culture is closely linked to the daily lives of the people and its practitioners are also ordinary people (ACA; 2001).

The introduction of a system of official recognition into intangible folk cultural properties sparked lively discussion amongst folklorists in Japan. Certainly, the designation of 'Important Intangible Folk Cultural Properties' had the merit of valuing folk culture and raising awareness of its significance among the relevant stakeholders and the general public. However, such official recognition, by introducing the concept of a hierarchy of cultural expressions, also changed the manner in which folk culture was understood or appreciated (Hoshino; 2007). Moreover, because the principal criterion initially used for the documentation was that of a cultural expression being *indispensable to understanding the evolution of the daily life of the*

Japanese people, it was also necessary to use the expression's *original form and state* as a reference point in evaluating elements for selection and in allowing their 'evolution' to be measured. This reference point could be understood as a form of 'authenticity,' and since the concept of authenticity cannot theoretically apply to constantly evolving folk culture, those folk cultural expressions that were selected or designated suffered undesirable consequences (Hyouki; 2003; Hoshino; 2007; Oshima; 2007). By emphasising the concept of the *preservation in the original form*, the natural evolution of folk cultural expressions was jeopardised, and merely the form or style of the expression, and not its soul or the spirit of the folk cultural traditions that it embodied, tended to be emphasised, sometimes in the context of economic or touristic exploitation. The cases of *Taue Odori* (a dance performed on the rice plantations of Iwate) and *Nenbutsu Kenbu* (Iwate sword dance) are good examples of this (Shubuya; 2006). The question arose as to whether this undesirable situation was better than one in which folk cultural expressions were simply allowed to disappear. Moreover, since some folk cultural expressions received official recognition and others did not, the attention of the government, media and public focused on those alone, and other non-classified folk cultural expressions tended increasingly to disappear (Hoshino; 2007 and 2009).

With the 1975 revision to the law, a third category was added to the field of intangible heritage, in addition to intangible cultural properties and intangible folk cultural properties. This third category was 'Conservation Techniques for Cultural Properties,' these being essential to their conservation. Techniques for making tools, or producing materials or ingredients, were now recognised under the title of 'Selected Conservation Techniques.' Bearers of these techniques were also recognised as 'Individual Holders' or 'Preservation Groups.' However, it was not until 2004 that folk techniques, for example traditional boat construction, also received the official status of Intangible Folk Cultural Property.

In the 2000s, the safeguarding of folk cultural properties took a decentralised turn in addition to the national recognition system. During the 1980s, the movement to revitalise the provinces attracted the attention of the local authorities in Japan, which wished to use folk cultural expressions for the promotion of tourism and the sale of handicrafts, even though this

could have a negative impact on these expressions. Since 2001, a new plan for the ... *revitalisation of local cultures and the promotion of the transmission of the regional traditional cultures...* has been implemented in the country. This promotes the preservation of folk cultural expressions at the regional level by granting funds to local initiatives that protect a given ritual or form of craftsmanship and allow the more democratic safeguarding of the folk cultural properties of a given region, instead of protecting such elements in a centralised or top-down manner (Hoshino; 2007).

Living National Treasures of Japan

For all categories of cultural property, four steps are taken in the process of granting national recognition, including investigation, the selection of candidates, the examination by the investigative commission and deliberation by the Council for Cultural Affairs, and finally the decision and announcement of recognised items and bearers. The procedure for the designation of Living National Treasures is more laborious, and in preparing a list of candidates a thorough investigation is undertaken of each. This investigation examines, besides the artistic and technical abilities of the candidates, (i) their state of health, (ii) any previous awards, (iii) the number of their successors, (iv) their position or status in the community or circle concerned, and (v) their personality and ability. Such investigations are carried out under conditions of strict secrecy in order to avoid any possible political interference (Miyata; 2008). As a result of such investigations a list of candidates is established, though the total number of Living National Treasures is limited to 116 because each receives an annual grant of two million yen and the total budget for the programme is limited to 232 million yen. For this reason, no new designation can take place until an existing Living National Treasure passes away or resigns, and therefore the number of new Living National Treasures honoured each year varies. Given that the number of annual appointments in practice depends on the number of deaths, it is difficult to maintain a geographical and disciplinary balance among recognised Living National Treasures (Miyata; 2008). The total number of Living National Treasures honoured today stands at 114 individuals and 26 groups, along with 78 individual elements and 26 group elements designated as Important Intangible Cultural Property in 2013.

In return for the grant received, each group or individual recognised as a Living National Treasure must: (i) train successors capable of perpetuating the relevant know-how or techniques; (ii) develop artistic skills, knowledge or competence; (iii) communicate skills to the public in the form of public performances or exhibitions; and (iv) document the relevant know-how or techniques either in audio-visual or written form (though the state sometimes directly undertakes such documentation work). The state also purchases craft or other work that could serve as a model for the continuing transmission of the tradition. The ACA regularly monitors the work of the Living National Treasures in order to ensure that they are able to transmit their know-how or techniques.

While the Living National Treasures system has contributed considerably to the safeguarding of part of the intangible heritage in Japan, some problems have been identified within it. Firstly, this recognition is only awarded to a limited number of individuals or groups that excel in artistry or techniques relating to limited areas of the intangible heritage, such as the classical performing arts or sophisticated crafts designated as important intangible cultural properties. Secondly, as these forms of art, which are strictly formatted, stylised and documented and leave little room for change, are selected under criteria requiring the maintenance of authenticity at the time of inscription, artists and practitioners are not allowed to express their creativity, and some have argued that creative renewal should also be allowed to the holders of the title (Oshima; 2007). This obligation to maintain authenticity can be particularly problematic in the field of craft techniques, since some traditional materials are no longer available in Japan, as is the case with lacquer (Sasaki; 2007). Thirdly, given the predetermined and fixed budgetary limits of the system, new designations are rare, except in the case of the death of an existing Living National Treasure. Although theoretically possible, once the title is given it is never withdrawn. Moreover, in some cases the two million yen paid annually to older Living National Treasures who may be largely or wholly inactive appears to be a modest pension from the state that at the same time blocks more active and perhaps younger candidates.

Another inconvenience of the present system has been identified. The selection of 'Important Intangible Cultural Properties' depends almost entirely on the results of the investigation into the holders. If a particular

performing art or craft technique cannot be shown to be performed at a very high technical level by its holders, such an art or technique cannot receive national recognition, even if it is of the greatest historical or artistic value (Oshima; 2007).

The system of Living Human Treasures in the Republic of Korea

The first legal steps for the protection of cultural properties in the Republic of Korea came in the form of the Temple Act of 1911 at the beginning of the Japanese colonial period (Howard; 2002). However, it is Act No. 961, promulgated in 1962, which founded today's system for the protection of Korean cultural properties. Researchers and journalists such as Ye Yonghae had strongly advocated the adoption of such an act (Howard; 2002), which was enacted at a time when Koreans were developing a desire to rediscover their national identity after half a century shaken by colonisation, the Korean War and its aftermath, the influence of the large United Nations force remaining in the country and the effects of creeping westernisation across much of Korean society (Yim; 2004 and 2008; Howard; 2002).

While the 1962 Act has since undergone dozens of amendments, its essentials remain the same, and the early 1960s context is clearly reflected in the Act's first article, which states that:

...the purpose and function of this Act shall be to preserve cultural properties and make the most of them in pursuance of the promotion of nationwide cultural aspiration, concurrently with the contribution to the cultural progress of mankind.

The current version of this article, following its amendment in 1999, is even more explicit about the legislation's relationship to national culture and identity, stating that:

...the purpose of this Act is to strive for the cultural improvement of the people and to contribute to the development of human culture, by inheriting the native culture through the preservation of cultural properties so as to ensure their utilisation.

Regarding the protection of intangible cultural heritage properties, while the operational aspects set out under the Act, such as the mechanism, selection process and methods, are similar to those used in Japan, their conceptual underpinning is different. The 1962 Korean Act and its subsequent revisions establish a framework for the management of important intangible cultural properties through the establishment of a Cultural Properties Committee, the designation of bearers of important intangible cultural properties and measures for their protection and promotion, such as scholarships, the organisation of performances, emergency measures, etc..

The term 'cultural properties' as used in the Act is defined in Article 2 as the:

...national, racial and global legacies which have been artificially or naturally formed, carry great historic, artistic, academic and scenic values, and fit in four categories: tangible cultural properties, intangible cultural properties, folk cultural properties (folklore materials) and monuments.

Intangible cultural properties are defined as *...music, dance, drama, games, ceremonies, martial arts, crafts and cuisine bearing great historical, artistic or academic value*^v (Yim, 2004), and it can be seen that the area covered by the category is broader than that used in Japan, where it is reserved for classical arts appreciated by the elites. Unlike Japan, in the Republic of Korea, intangible cultural property includes folk cultural traditions, such as folk performing arts and folk crafts and techniques. The reason appears to be that in order to achieve one of the objectives of the Act, which is *to strive for the cultural improvement of the people*, meaning the assertion of their national identity, it was found necessary to highlight elements of popular culture that contained symbols and aspects of the Korean people's 'indigenous identity.' Among the first items listed under the new law between 1964 and 1966, seven items out of eight were related to folk culture (Howard; 2002). Additionally, there is another category entitled 'Folk Cultural Properties,' which are defined as:

...manners and customs relating to food, clothing and shelter, occupation, religion or annual events, etc., and the clothes, utensils or houses, etc., used therein, which are indispensable for understanding the development of people's living conditions ... (sections 2-4).

In order to select Living Human Treasures for recognition, after deliberation and recommendation by the Cultural Properties Committee set up by the Act, the Korean authorities, in the person of the Administrator of the Cultural Properties (Heritage) Administration, designates certain intangible cultural properties as having particular historical, artistic or academic value and therefore being 'Important Intangible Cultural Properties.' Individual or collective bearers, termed 'Living Human Treasures,' are also recognised (Article 6). In 1964 there were 31 such important intangible cultural properties in the Republic of Korea, and this number has now more than quadrupled, standing at 128 elements including 180 active holders in 2013. With regard to folk cultural properties, elements considered as important are designated after the deliberation and recommendation of the Cultural Properties Committee, as 'Important Folk Cultural Properties' (Article 8), but the corresponding bearers do not receive any official recognition.

On the recommendation of the Intangible Cultural Property Sub-Committee, which is composed of six experts, the Cultural Properties Committee classifies (or cancels the registration of) intangible cultural properties as well as their corresponding bearers, and advises the Korean Ministry of Culture and Tourism on the management of the designated properties. The selection process used includes the following phases: (i) submission of applications to the ministry by local organisations; (ii) investigation and reports written by experts from the Cultural Property Committee; (iii) screening of important intangible cultural properties as well as of corresponding bearers by the Committee; (iv) notice of designation; (v) decision by the Committee, after deliberation, to designate or not to designate the selected property; and (vi) announcement of the designation.

Once designated as 'important intangible cultural property holders,' the bearers benefit from a monthly allowance, health insurance and assistance covering the cost of hospital care where necessary, as well as grants for training and professional development programmes. In return, the holders are required to ensure the transmission of the heritage concerned to future generations and to promote traditional culture by giving public performances. The ministry monitors such activities in order to ensure that the bearers are indeed carrying out their responsibilities.

In order to ensure the transmission of the intangible cultural heritage, the Republic of Korea has also introduced a four-level hierarchy of bearers, consisting of 'the patent holder,' 'the apprentice,' 'the graduate' and 'the scholarship holder.' Once an individual or group is recognised as a holder, they are asked to find people to train and to provide them with that training. Trained people whose talents are considered remarkable enough may then be recommended by their instructor(s) to receive a scholarship. After completing at least five years of training and becoming fully competent, such people are admitted as 'graduates.' The most notable of these are then designated as 'apprentices' on the recommendation of the bearers and according to assessments made by experts. The selected apprentices are then required to assist the holders in order to acquire their expertise and know-how. When the holder of an important intangible cultural property is deemed unfit due to physical disability or for other reasons, the Cultural Properties Administration may cancel the granted recognition or grant the holder the title of 'honorary holder' (Article 12). Designation is automatically cancelled when a holder passes away. If no successor is appointed in his or her place the important intangible cultural property also loses its title.

As in Japan, the concept of authenticity is employed as:

...the basic principle for the conservation, management and use of all categories of cultural heritage that should be preserved in their original form and kept without change... (Article 3 of the 1962 Act).

This underlines the principle of 'respect for the source' that is applied to intangible cultural property as well as to folklore. Keith Howard argues that this principle may come from Confucianism which encourages respect for elders (Howard; 2002). As noted in the Japanese system, this principle, while legitimate for the preservation of tangible property, nevertheless raises problems with regard to intangible property and folk cultural heritage properties. As the intangible cultural heritage *...is, by definition, constantly recreated by communities and groups in response to their environment, their interaction with nature and their history ...* (Article 2 of the UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage*), it contradicts its very nature to try to preserve it in its original form.

Since the system of Living Human Treasures is also applied to a part of the folk culture in the Republic of Korea, the undesirable consequences that folklorists feared in Japan have also appeared in that country. In wanting to preserve the 'authenticity' of intangible cultural expressions there is a risk of 'petrifying' them in 'frozen form' (Yim; 2004 and 2008; Yang Jongsung; 2004; Park Seong Yong; 2010). In addition, the bearers tend to create or recreate 'archetypes' of traditional culture and to preserve and transmit only the form of an expression to the detriment of its value, meanings and philosophy (Howard; 1989 and 2002; Yang Jongsung; 2004). Finally, the bearers are often tempted to 'refine' expressions of traditional culture in order to emphasise their artistic dimensions and to appeal to an urban public and to those reviewing the expressions for nomination (Howard; 1989; Yang Jongsung; 2004). As a result, traditional cultural expressions can become dissociated from their sites and original contexts (Howard; 1989; Park Seong Yong; 2010) and many important intangible cultural properties end up being uprooted and standardised, losing their roots in their communities of origin as well as their specific characteristics from the province concerned. *Namdo tul Norae* (rice agriculture songs from Chindo) is a good example (Howard; 1989). Consequently the diversity of the intangible heritage diminishes (Howard; 1989 and 2002; Yang Jongsung; 2004; Park Seong Yong; 2010).

While it cannot be denied that thanks to this system of protection many intangible cultural properties have been safeguarded in the Republic of Korea, as in the case of Japan such safeguarding efforts tend to be concentrated on officially recognised heritage, meaning that many other elements of the intangible cultural heritage and folklore that have not been classified have disappeared or are on the verge of disappearing (Yim; 2004; Yang Jongsung; 2004; Park Seong Yong; 2010). In addition, those that have received official recognition are subjected to commercial pressures, and the issue arises, as in Japan, of the legitimacy of marketing folk cultural properties (Yang Jongsung; 2004). Finally, it is worth noting that in addition to Japan and the Republic of Korea, the Philippines (1974) and Thailand (1985) have established similar systems.

The UNESCO Living Human Treasures programme

In 1993 UNESCO organised a meeting of experts to launch a new programme relating to the intangible cultural heritage. An ambitious project entitled the *List of the World's Living Human Treasures* had been proposed by Ambassador Park Sangseek of the Republic of Korea, and the project was endorsed by various experts who stressed the importance of transmission as a priority measure for the safeguarding of the intangible heritage. The Republic of Korea, supported by Pakistan, the Philippines, Argentina, China, Thailand and Turkey, submitted a proposal to the Executive Board of UNESCO at its 142nd Session in October 1993, under which each Member State would establish a list of its Living National Treasures and submit this to UNESCO. The organisation would then draw up a world list of such treasures on the model of the *World Heritage List*.

Korea also proposed that in order

...to establish this system UNESCO should perhaps consider the adoption of a Convention concerning Living Human Treasures or insert a relevant section or provision in this respect in the World Heritage Convention (UNESCO; 142 EX 18)

and also proposed the establishment of a new Committee on the same basis as the World Heritage Committee. During deliberations on the proposal within the UNESCO Executive Board, many Member States expressed their positive assessment of the proposal, though some 13 expressed reservations about the practicality of the proposed uniform system that would cover all Member States (UNESCO; 142 EX SR.12). The Executive Board finally decided *...to invite Member States to establish, if applicable, a system for Living Human Treasures and to later submit their list to UNESCO*. It expressed the *...hope that UNESCO could, if the system of the national list is a success, create a global list of 'Living Cultural Heritage' (i.e. Living Human Treasures) in the future (UNESCO; 142 EX/Decisions, Paragraph 5.5.5 subparagraph 6)*.

This proposal was the first attempt to apply the model of the *World Heritage Convention* to the intangible heritage at UNESCO. While the initial proposal by the Republic of Korea did not lead to immediate results, the concept of Living Human Treasures generated much

debate about the importance of the intangible heritage, including its transmission as a principal safeguarding measure. The concept was new to many countries and the Korean initiative interested many diplomats, politicians and experts, making the term Living Human Treasures well-known worldwide (Aikawa-Faure; 2004, 2007, 2008 and 2009b).

Following the above-mentioned decision, UNESCO prepared a guide entitled *Guidelines for the Establishment of National Living Human Treasures Systems* which was distributed to UNESCO Member States in order to encourage them to promote the concept of Living Human Treasures and invite them to establish national lists. Thanks to financial contributions from Japan and the Republic of Korea, UNESCO was able to organise several training courses which resulted in the establishment of similar systems in different countries. 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.

Conclusion

As has been noted, the governments of Japan and the Republic of Korea launched systems to protect the intangible cultural heritage over half a century ago through the mechanism of the official recognition of important intangible cultural properties and the simultaneous designation of their bearers as Living National/Human Treasures, as well as of important folk cultural properties.

While the protection systems applied in Japan and Korea are similar, a significant difference exists in the designation of the intangible heritage given the differences in initial motivation and historical circumstances. Korea has given more importance to folk cultural properties in accordance with a significant objective of the country's cultural heritage protection policy which is to enhance the Korean people's cultural identity as stipulated in the relevant act that refers to *... the cultural enrichment of the Korean people*. On the other hand, Japan has placed the emphasis on ensuring

the transmission of excellence in the skills and techniques associated with classical cultural expressions in order to perpetuate them. However, the two countries have both focused on the concept of 'authenticity' as the primary criterion in determining whether an element of ICH can receive official recognition. This is because both countries have built their systems of ICH protection on the model of protective measures put in place for tangible cultural properties.

Japan limits the scope of intangible cultural properties to classical and elitist art forms without including folk cultural properties in a way that is specific to the country and reflects the hierarchical traditions of Japanese society. In addition, Japanese folklorists have not always been in favour of applying a selection system to folk cultural properties, predicting that were such a system to be applied to folk culture the latter's natural development could be compromised and a hierarchy created among different folkloric expressions. Such folklorists have therefore considered that it would be preferable to strengthen the documentation of cultural traditions as the best approach to protecting them (Oshima; 2007). However, notwithstanding such resistance, a selection system was introduced in 1975 for folk cultural properties, and the problems anticipated by the folklorists have indeed occurred. The intangible cultural properties category existing in the Republic of Korea, which includes some folk cultural expressions, appears to have encountered similar problems after the designation of important intangible cultural properties and Living Human Treasures, notably in the area of folk cultural expressions.

In Japan today, the system of Living National Treasures within the framework of intangible cultural properties has become immobilised or fossilised, and much of the safeguarding activity for folk cultural properties has been decentralised while remaining part of the national recognition mechanism.

Following an initiative by the Republic of Korea, UNESCO has promoted the idea of Living Human Treasures worldwide, though bearing in mind the unwanted consequences resulting from such a system in both Korea and Japan, one might have reservations about recommending it for the safeguarding of folk cultural expressions which constitute a major part of the world's intangible cultural heritage. When such a system

is applied, 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. This may also remind one of the discussions that took place on the concept of 'ICH Lists' when the text of the UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage* was being drafted. While folk cultural expressions are essential elements of the ICH of a majority of UNESCO Member States, many countries remain opposed to the creation of ICH lists whose components are inevitably the result of selection (Aikawa-Faure; 2007, 2008, 2009a and 2009b; Hafstein; 2009)

It is most important that a democratic and decentralised approach be introduced into the safeguarding of ICH. Safeguarding activities should be undertaken upon the initiative and with the participation of practitioner communities, with this democratic approach being combined with strong governmental support. For this reason, the UNESCO *Intangible Cultural Heritage Convention* offers more suitable approaches for the safeguarding of the ICH worldwide. 🇯🇵

ENDNOTES

- i 'Living National Heritage' is the unofficial term for the 'Holder of the Important Intangible Cultural Property' in Japan, while 'Living Human Treasure' is the term frequently used by the government of ROK as the English translation of the Korean term meaning 'human cultural asset'.
- ii English translation of a lecture first given in French at SIEM 2010, Ecole du Louvre, Paris, 7 September 2010 with revisions and updates.
- iii The term 'folklore' was used by UNESCO until June 1999 when the International Conference *A Global Assessment of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore : Local Empowerment and International Cooperation*, (held in Washington, D.C., on 27-30 June 1999 in collaboration with the Smithsonian Institution) considered that the term was inappropriate (Action plan, preamble 2). This term is no longer used in UNESCO within the context of the Intangible Cultural Heritage Programme and the *Convention for the Safeguarding of the Intangible Cultural Heritage*.
- iv Most of the references in this section are from former Japanese civil servants responsible in one way or another for the safeguarding of the ICH.
- v The definition currently in use is *...intangible cultural products, such as drama, music, dance, or craft techniques, carrying great historic, artistic or academic values.*

REFERENCES

· UNESCO documents

- UNESCO 1993a. 142 EX/18
- 1993b 142 EX SR.12
- 1993c. 142 EX/Decisions
- 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, 17 October 2003
<http://www.unesco.org/culture/ich/index.php?lg=FR&pg=00022>

WEBSITES

- Agency for Cultural Affairs (Japan) *Preservation and Use of Cultural Property*
http://www.Bunka.go.jp/English/PDF/h21_chapter_06.PDF
- Cultural Heritage Administration (Republic of Korea), *Heritage Classification*
<http://English.Cha.go.kr/>
- UNESCO, *Facilitating the Transmission of ICH: Living Human Treasures*
<http://www.UNESCO.org/culture/ICH/index.php?LG=FR&PG=00061>
- UNESCO, *Guidelines for the Establishment of National Systems of Living Human Treasures*
<http://www.UNESCO.org/culture/ICH/doc/src/00031-FR.PDF>

OTHER

- Aikawa-Faure, Noriko, 2004. 'A Historical Overview of the Preparation of the UNESCO International Convention for the Safeguarding of the Intangible Cultural Heritage' in *Views and Visions of the Intangible*, UNESCO, Museum International, [56] 1-2, pp. 137-149.
- _____ 2007. 'The Conceptual Development of UNESCO's Programme on Intangible Cultural Heritage' in Blake, J. (ed.), *Safeguarding Intangible Cultural Heritage - Challenges and Approaches*, Built Wells, Institute of Art and Law: pp. 43-72.
- _____ 2008. 'The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage – from its Adoption to the First Meeting of the Intergovernmental Committee' (keynote speech) in

Proceedings of the 30th International Symposium on the Conservation and Restoration of Cultural Property, Tokyo, National Research Institute for Cultural Properties: pp. 13-31 <http://www.tobunken.go.jp/~geino/e/kokusai/06ICHsafeguard.html>.

- _____ 2009a. 'The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and its Implementation' in Khaznadar, Chérif (ed.), *Revue Internationale de l'imaginaire n° 24, Le patrimoine culturel immatériel à la lumière de l'Extrême-Orient*, Actes Sud, Paris: pp. 13-46.
- _____ 2009b. 'From the Proclamation of Masterpieces to the Convention for the Safeguarding of Intangible Cultural Heritage' in Smith, L. and Akagawa, N. (eds.), *Intangible Heritage*, Routledge, London & New York: pp. 13-44.
- ANJC (Japanese National Agency for Culture) 2001. *Fifty Years in the History of the Law for the Protection of Cultural Properties*, Tokyo.
- *Encyclopedia Asahi*, 2006. *Weekly Series on Living National Treasures, Vol. 1*, Asahi Shinbun, Tokyo.
- Hafstein, V.T., 2009. 'Intangible Heritage as a List – from Masterpieces to Representation' in Smith, L. and Akagawa, N. (eds.), *Intangible Heritage*, Routledge, London and New York: pp. 93-111.
- Hoshino, Hiroshi, 2007. *Sekai Isan Jidai no Mura no Odori: Mukei no Bunkazai wo Tsutae Nokosu* 世界遺産時代の村の踊り: 無形の文化財を伝え遺す (Village Dances in the Area of the World Heritage: For Safeguarding of Intangible Cultural Heritage), Yūzankaku, Tokyo.
- _____ 2009. *Murano Dentou Geinou ga Abunai* 村の伝統芸能が危ない (Endangered Traditional Village [performing] arts), Iwata Shoin, Tokyo.
- Howard, Keith, 1989. 'Namdo Tul Norae: Ritual and the Korean Intangible Cultural Asset System' in *Journal of Ritual Studies: Korean Ritual Thematic Issue*, University of Pittsburgh, 3/2 (summer 1989) pp. 203-216.
- _____ 2002. "Living Human Treasures' from a Lost Age: Current Issues in Cultural Heritage Management' in *Korean Research Journal of Dance Documentation*, Vol. 3, Korean Society for Dance Documentation, Seoul: pp. 51-74.
- Hyoki, S., 2003. 'Bunkazai to shite no Minzoku Geinou' 文化財としての民俗芸能 (Popular Performing Arts as Cultural Property) in *Geinoushi Kenkyuu*, Tokyo, N° 160: pp. 48-73.
- Kawamura, K., 2002. '21seiki Shakai to Bunkazai no Hogo' 21世紀社会と文化財の保護 (21st Century Society and the Protection of Cultural Property) in Kawamura, K. (ed.), *Essays on Policies for the Protection of Cultural Properties*, Tōkaidai-gaku Shuppankai, Tokyo.
- Miyata, S., 2008. *Inventory-Making of the ICH and the System of Living National Treasures in Japan*, lecture given at the 2nd Training Course for the Safeguarding of the ICH, ACCU, Tokyo.
- Oshima, Akatsuki, 2007. *Mukei Minzoku Bunkazai no Hogo* 無形民俗文化財の保護 (Towards the Intangible Cultural Heritage Protection Convention - protection of intangible cultural properties), Iwata Shoin, Tokyo.
- Park Seong-Yong, 2010. *Towards New Approaches in ICH-Related Policies in Korea under the 2003 UNESCO Convention*, paper read at the International Seminar on Safeguarding the ICH: the Current Situation and Challenges for the Asia and Pacific Region, Tokyo <http://www.tobunken.go.jp/~geino/e/ISSICH/IS2010.html>.
- Park Weonmo, 2008. *The Preservation and Transmission of the Habitat and of Popular Tools in Korea*, paper presented at a round table on Folk Cultural Heritage in Japan, China and Korea: Safeguarding of Endangered Folk Culture, Institute for the Study of Japanese Folk Culture, Kanagawa University, Japan, 18 March 2008.
- Sasaki, M., 2007. 'Nihon ni okeru Mukei Bunkazai no Hogo no Genjo to Kadai' 日本における無形文化財の保護の現状と課題 (The Safeguarding of Intangible Cultural Assets in Japan: the Current Situation and Issues) in *Proceedings of the 30th International Symposium on the Conservation and Restoration of Cultural Properties*, Tokyo, National Research Institute for Cultural Properties: pp. 59-66. <http://www.tobunken.go.jp/~geino/e/kokusai/06ICHsafeguard.html>.
- Sato, N., 'The Notion of 'Craft Techniques' as Intangible Cultural Heritage' in Khaznadar, C. (ed.), *Revue Internationale de l'Imaginaire n°24, Le patrimoine culturel immatériel à la lumière de l'Extrême-Orient*, Actes Sud, Paris: pp. 91-97.

- Shibuya, M. 2006. *Minzoku Geinou no Denshou Katsudou to Chiiki Seikatsu* 民俗芸能の伝承活動と地域生活 (the transmission of folk performing arts and the lives of local people), Nosangyoson Bunka Kyokai, Tokyo.
- Wada, K., 2002. 'Bunkazai Seisaku no Hensen' 文化財政策の変遷 [Evolution of Policies on the Protection of Cultural Properties] in Kawamura, K. (ed.), *Policy on the Protection of the Many Cultural Treaties*, Tôkaidagaku shuppankai, Tokyo.
- Yim Dawnhee, 2004. *Living Human Treasures and the Protection of Intangible Culture Heritage: Experiences and Challenges*, keynote speech at the ICOM 21st General Assembly, Seoul.
- _____ 2008. 'Safeguarding Intangible Cultural Heritage and Living Human Treasures in Korea: Experiences and Challenges' in *Proceedings of the 30th International Symposium on the Conservation and Restoration of Cultural Properties*, Tokyo, National Research Institute for Cultural Properties: pp. 53-58 <http://www.tobunken.go.jp/~geino/e/kokusai/06ICHsafeguard.html>.
- Yang Jongsung, 2004. 'Korean Cultural Property Protection Law with Regard to Korean Intangible Heritage' in *Views and Visions of the Intangible*, UNESCO, Museum International, (56) 1-2, pp. 180-187.