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**Lost Heritage Diplomacy:**  
**China and South Korea in the UNESCO Nominations**  
**of *Nongak* and *Nongyuewu***

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## **List of Abbreviations**

<b>AHD</b>	Authorized Heritage Discourse
<b>APCEIU</b>	International Centre for Education on Global Citizenship
<b>BRI</b>	Belt and Road Initiative
<b>BRIC</b>	Brazil, Russia, India, China
<b>BRICS+</b>	Brazil, Russia, India, China, South Africa, Egypt, United Arab Emirates, Ethiopia, Iran, and Indonesia
<b>CFIT</b>	China Funds-in-Trust
<b>CFS</b>	China Folklore Society
<b>CHA</b>	Cultural Heritage Administration (Republic of Korea)
<b>CHF</b>	Korea Cultural Heritage Foundation
<b>CICS</b>	Center for Intangible Culture Studies
<b>CPF</b>	Cultural Protection Fund
<b>CRIHAP</b>	International Training Centre for Intangible Cultural Heritage in the Asia-Pacific Region
<b>DPRK/North Korea</b>	Democratic People’s Republic of Korea
<b>DSDGs</b>	Sustainable Development Goals
<b>EABRN</b>	East Asian Biosphere Reserve Network
<b>ECOSOC</b>	United Nations Economic and social Council
<b>EIIHCAP</b>	Establishment Initiative for the Intangible Heritage Centre for Asia and the Pacific
<b>FAO</b>	Food and Agriculture Organizations of the United Nations
<b>FiT</b>	Funds-in-Trust
<b>GCED</b>	Global Citizenship Education
<b>ICCROM</b>	International Centre for the Study of the Preservation and Restoration of Cultural Properties
<b>ICH</b>	Intangible cultural heritage

<b>ICHCAP</b>	International Information and Networking Centre for Intangible Cultural Heritage
<b>ICM</b>	International Centre of Martial Arts for Youth Development and Engagement
<b>ICOM</b>	International Council of Museums
<b>ICOMOS</b>	International Council on Monuments and Sites
<b>IMACO</b>	International Mask Arts & Culture Organization
<b>IMF</b>	International Monetary Fund
<b>IPRs</b>	Intellectual Property Rights
<b>KORFEC</b>	Korean Fundamental Education Centre
<b>MOFA</b>	Ministry of Foreign Affairs (Republic of Korea)
<b>NGOs</b>	Non-governmental organizations
<b>NIHC</b>	National Intangible Heritage Center (Republic of Korea)
<b>OKF</b>	Overseas Koreans Foundation
<b>PRC/China</b>	People's Republic of China
<b>ROSTSCA</b>	Regional Office of Science and Technology for South and Central Asia
<b>ROSTSEA</b>	Regional Office for Science and Technology in South East Asia
<b>South Korea</b>	Republic of Korea
<b>Taiwan</b>	Republic of China
<b>UN</b>	United Nations
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNKRA</b>	United Nations Korean Reconstruction Agency
<b>US</b>	United States of America
<b>USD</b>	United States Dollar
<b>WFCMS</b>	World Federation of Chinese Medicine Societies

**WIPO** World Intellectual Property Organization  
**WoMAU** World Martial Arts Union

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## Note on Style and Romanisation

This thesis follows the Chicago Manual of Style, 17<sup>th</sup> edition, for both footnotes and bibliographic references. All quotations, citations, and reference entries are formatted accordingly. For sources in Chinese and Korean languages, the bibliographic style and citation model are based on the guidelines provided by Yale University's East Asia Library (<https://guides.library.yale.edu/c.php?g=296262&p=1974227>).

Romanisation systems are employed consistently throughout. Korean words and names are rendered according to the McCune–Reischauer system, while Chinese terms follow the Hanyu Pinyin system without tone marks. Japanese words are Romanised following the Hepburn style. In accordance with East Asian convention, Chinese, Korean and Japanese personal names are presented with the family name preceding the given name. Moreover, Chinese, Korean and Japanese words, titles, and sentences were provided with romanisation at their first occurrence.

For the UNESCO nominations, the titles of the nominations are left unaltered from the one available in the official UNESCO website, thus not complying with the romanisation standards outlined above.

Foreign words that have been assimilated into English usage appear in their common English forms (e.g., hallyu), without diacritical marks. Italics are applied following the conventions of the Chicago Manual of Style, 17<sup>th</sup> edition. Non-English terms appear in italics only at their first occurrence, in the text, except for *nongak* and *nongyuewu*, which remain italicised throughout to emphasise their analytical and comparative significance within the thesis.

All translations from Chinese, Korean, or Japanese into English are the author's own, unless otherwise indicated. Chinese, Korean, and Japanese titles are transliterated in the main text, with original characters provided in footnotes when deemed necessary for clarity.

## Introduction

Since the adoption of the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in October 2003, East Asian countries, namely the Republic of Korea (hereafter “South Korea”), People’s Republic of China (hereafter “China”), and Japan have demonstrated significant national commitment to preserving their intangible cultural heritage (hereafter “ICH”), especially through the application to the UNESCO 2003 *Convention for the Safeguarding of Intangible Cultural Heritage* lists: the Representative list and the list for ICH in Need of Urgent Safeguarding.

Their involvement in UNESCO’s efforts, particularly in safeguarding ICH, is well-documented. For instance, the Japanese delegation, including experts such as Noriko Aikawa Faure and the UNESCO Director General, being the Japanese diplomat Kōichirō Matsuura during the years just before the approval of the 2003 Convention, played a crucial role in shaping its final text and in financing the first meeting of governmental experts tasked with the drafting of the Convention through a Funds-in-Trust.<sup>1</sup> On the other hand, South Korea, often considered a pioneer in raising international awareness about intangible cultural heritage, sent a letter in 1993 to the Director-General of UNESCO, advocating for the protection of Intangible Cultural Heritage, specifically to initiate the Living Human Treasures Project to protect and help the bearers of ICH practices.<sup>2</sup> Beside it, the South Korean Government has made substantial economic contributions to promote wider knowledge and understanding among member states, an example is represented by

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<sup>1</sup>UNESCO, “Japanese Funds-in-Trust – B2ST06.3/22 - Japanese Funds-in-Trust for the Preservation and Promotion of Intangible Cultural Heritage: Project Proposal “Preliminary-Draft Convention on Intangible Cultural Heritage.” 2002, UNESCO.

<sup>2</sup> Korean National Commission for UNESCO, “Guidelines for the Establishment of Living Human Treasures Systems” (UNESCO, 2002), UNESCO, 8, <https://unesdoc.unesco.org/ark:/48223/pf0000129520.locale=fr>.

the establishment of the “Arirang Prize” during the 2001 General Conference in Paris.<sup>3</sup>

China has also been proactive in the promotion of ICH, in fact, it organized the first festival of intangible cultural heritage in April 2007 and launched the project to protect Folk and Ethnic Culture in China, which has been ongoing since 2003.<sup>4</sup> As a matter of fact China, South Korea, and Japan all have been active promoters of ICH, both nationally and internationally. When compared to Western countries, the involvement of East Asian countries in safeguarding, transmitting, and raising awareness about intangible cultural heritage appears significantly more substantial, together with the initial financial engagement, especially by the Japanese government which also financed the preliminary meetings to the drafting.<sup>5</sup>

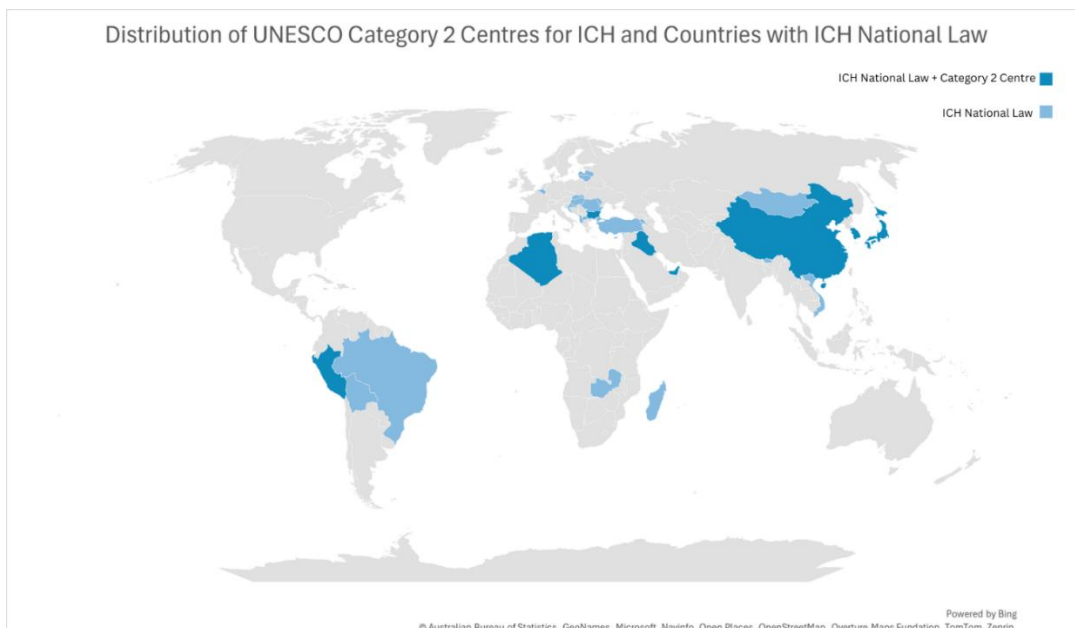
The implementation of the Convention also consists of the creation of national legislations specifically targeting the safeguarding of national ICH. Most of the States Parties, including Italy, integrated the safeguarding of ICH inside the already existing national laws for the safeguarding of material culture. However, few members to the Convention adopted national legislations specifically designed for ICH protection and transmission. Map 1 shows the distribution of these exemplary countries combined with the establishment of UNESCO Category 2 Centres for ICH. From the map, it clearly appears the higher concentration of both implementations in the East Asian region, with the active presence of the countries under exam.

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<sup>3</sup> UNESCO, “Observations des états membres concernant le patrimoine immatériel – République de Corée,” 2001, UNESCO.

<sup>4</sup> China Ministry of Culture. “Festival du patrimoine immatériel de la Chine, 16-20 avril 2007,” 2007. UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000150747.locale=fr>.

<sup>5</sup> Permanent Delegation of Japan to UNESCO, “The Japanese Funds-in-Trust for the Preservation and Promotion of the Intangible Cultural Heritage,” n.d., <https://www.unesco.emb-japan.go.jp/hm/jporalheritage.htm#:~:text=Japan%2C%20where%20this%20concept%20had%20been%20recognized%20legally,%28Read%20more%20about%20the%20projects%20financed%20by%20Japan%29>.



Map 1 Countries part of the 2003 UNESCO Convention with active *Category 2 centres for ICH* and *ad hoc national legislations for ICH* (Data retrieved by UNESCO Website and re-elaborated by the author)

Under the UNESCO World Heritage Convention, the list of material or tangible cultural heritage is strongly dominated by Western countries, with a significant representation of European countries. At the top of the list of States Parties with the majority of registered World Heritage sites appears Italy with 56, only recently surpassed by the 59 nominations of China, and an approaching India (46). Particularly, China has in the last decades increased its efforts in the enlisting of national monuments and landscapes, by also maintaining a steady and constant number of nominations' submission (Table 1).

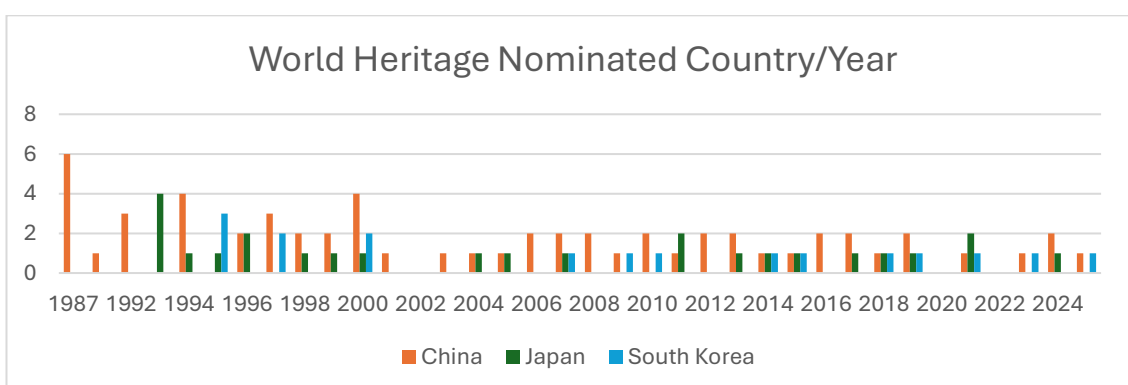


Table 1 UNESCO World Heritage Nominations by year and country (China, Japan, South Korea) - Data retrieved by UNESCO Website and re-elaborated by the Author

In stark contrast, the 2003 Convention on the Safeguarding of Intangible Cultural Heritage showcases a different pattern. China leads with 44 elements inscribed, followed by South Korea and Japan, each with 23 elements.<sup>6</sup> The ICH lists represent the UNESCO framework most favoured by East Asian states, a preference evident not merely in the quantity of their inscriptions but also in their sustained financial and institutional engagement (Table 2).

<b>Regions</b>	<b>World Heritage nominations</b>	<b>% over total</b>	<b>Intangible Cultural Heritage Nominations</b>	<b>% over the total</b>
<b>Europe and North America</b>	580	46.47%	297	33%
<b>Asia and the Pacific</b>	306	24.52%	281	32%
<b>Latin America and the Caribbean</b>	153	12.26%	106	12%

*Table 2* Percentage points of World Heritage nominations, and ICH nominations divide per Region (Data retrieved from UNESCO Website and re-elaborated by the Author)

Some nominations inserted inside the Representative list of ICH have showed some redundancy for their cultural representativeness being used by more than one State Party through an individual nomination system, preferring it to a multination filing process. One notable case is the practice of *Kimjang making*, inscribed both by North and South Korea at different times and through dis-joint nomination files. Other inscriptions are, instead, less noticeable to the general public, like the nomination of the Gangneung *Danoje* by South Korea, and the following Chinese nomination of the Dragon Boat Festival. In other instances, instead, a specific set of nominations became representative of the ability of UNESCO to enhance

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<sup>6</sup> As of the time of writing, the dataset remains provisional, excluding potential nominations to be inscribed by December 2025.

cooperation and collaboration between countries with difficult diplomatic relations. In fact, the 2018 nominations of *Ssirum* and *Ssireum* by North and South Korea have been a driver for inter-Korean dialogue, ending in a multinational nomination, despite their separate filing.

Among the shared cultural heritage nominations between East Asian countries, a notable example is represented by the Korean *nongak* (농악), a term referring to Korean farmers bands' music and dances. This ancient performative ritual, also known as *p'ungmul* (풍물), was first added to the UNESCO 2003 list by China in 2009. In fact, the northeastern area of China (Jilin Province, Heilongjiang Province, Yanbian Korean Autonomous Prefecture, Liaoning Province) has one of the largest Korean ethnic diaspora populations in the world.<sup>7</sup> This circumstance allowed the Chinese government to secure the inscription of an ICH element associated with one of its ethnic minority groups before the originating country did.<sup>8</sup> South Korea subsequently followed in 2014 with the nomination of *Nongak: community band music, dance and rituals*.<sup>9</sup>

The distinct national membership within the UN agency system, including UNESCO, often justify separate heritage nominations due to internationally recognized national borders, and sovereignty-based system characterising the UN system. However, UNESCO and in particular the UNESCO 2003 Convention allows, cherishes, and encourages multi-national inscriptions<sup>10</sup> of shared heritage, especially in the field of intangible cultural heritage. As a matter of fact, multi-national applications are becoming the more common and widespread among its

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<sup>7</sup> Sang-hyop Lee and Hyun-kyung Kim, "A Study on Korean Diaspora and Population: 1910-2019 and into the Future," *Journal of the Korean Official Statistics* 29, no. 1 (April 2024): 1–26, <https://doi.org/10.22886/JKOS.2024.29.1.1>.

<sup>8</sup> UNESCO. "Farmers' Dance of China's Korean Ethnic Group." Accessed March 15, 2024. <https://ich.unesco.org/en/RL/farmers-dance-of-china-s-korean-ethnic-group-00213>.

<sup>9</sup> UNESCO. "Nongak, community band music, dance and rituals of the Republic of Korea." Accessed October 20, 2025. <https://ich.unesco.org/en/RL/nongak-community-band-music-dance-and-rituals-in-the-republic-of-korea-00717>.

<sup>10</sup> UNESCO. "Sharing Information to Encourage Multinational Files." Accessed March 18, 2024. <https://ich.unesco.org/en/mechanism-to-encourage-multinational-files-00560>.

member states. Moreover, this approach aligns with the Convention's principles of cooperation and mutual assistance at the heart of the 2003 Convention and funding principle of UNESCO itself, as well as UNESCO's constitutional purposes of "promoting collaboration among the nations through education, science and culture."<sup>11</sup>

Despite these guidelines, East Asian countries mostly submit applications individually, even in the case of shared heritage between more than one member state and across national borders. As a matter of fact, out of the total number of elements nominated as multinational intangible cultural heritage inside the 2003 list, for a total of 85, only five of these involve China or South Korea,<sup>12</sup> and none of these five is shared between the two nations. This is surprising and unexpected considering the deep cultural connections between these two civilizations. The case of Korean farmers' music and dances, known as *nongak*, in South Korea, and *nongyuewu* in China, illustrates this phenomenon. Although these elements are culturally linked and span communities in South Korea and northeastern China, they do not reflect the collaborative spirit encouraged by the UNESCO Convention. This international condition is paralleled by ongoing regional discussions on the appropriation of heritage. Notable examples include the disputes over *kimchi* between China and Korea, also referred to as the 'Kimchi wars' by the media and academic publications,<sup>13</sup> the nomination of the *Arirang* song inside the Chinese list of ICH, Chinese calligraphy nomination's discussion and counter-act by Japan and

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<sup>11</sup> Constitution of the United Nations Educational, Scientific and Cultural Organization, 1945, <https://www.unesco.org/en/legal-affairs/constitution?hub=171411>.

<sup>12</sup> The reference is to the following multinational nominations: (China) Urtiin Duu, traditional folk long song (2008); (Republic of Korea) Tugging rituals and games (2015); (Republic of Korea) *Ssirum/Ssireum* Traditional Korean wrestling (2018); (China) Ong Chun/Wangchuan/Wangkang ceremony, rituals and related practices for maintaining the sustainable connection between man and the ocean (2020); (Republic of Korea) Falconry, a living human heritage (2021).

<sup>13</sup> Han, Kyung-Koo. "The 'Kimchi Wars' in Globalizing East Asia." In *Consuming Korean Tradition in Early and Late Modernity*, edited by Laurel Kendall, 150–66. University of Hawai'i Press, 2010. <https://doi.org/10.21313/hawaii/9780824833930.003.0008>.

consequent negative perception by the Korean calligraphy community,<sup>14</sup> and the recognition of the *Dano* Festival by Korea, which has faced criticisms from Chinese media.<sup>15</sup> At the national level, these discussions are even more contentious and significantly influence public opinion on the foreign policies of the respective governments.

In this context, folk culture and, in a broader sense, intangible cultural heritage have often been used instrumentally to build stronger national identities and shape a country's image outside of its national borders. As investigated in *Chapter 2*, both the Chinese and South Korean governments have recently showed a strong interest in using cultural heritage as a tool of public diplomacy, leveraging soft power theories.<sup>16</sup> This is also evident in official documents from the South Korean Ministry of Foreign Affairs that emphasizes in its reports the importance of cultural diplomacy.<sup>17</sup> Consequently, the concept of heritage diplomacy is becoming more

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<sup>14</sup>Chŏng-nam Kim. "Chungguksŏbŏp (chungguksŏbŏp) t' yunesŭk'o illyumuhyŏngyusan tŭngjae kwanjŏmesŏ parabol han-jung-il 3 kuk sŏyeyusan (sŏyeyusan) wich'i koch'al" [A study on the location of the calligraphy heritage of Korea, China, and Japan from the perspective of listing 'Chinese Calligraphy' as a UNESCO Intangible Heritage of Humanity]. *Tongyangyesul* 54 (2022): 247.

<sup>15</sup> For more on these topics see: *The Economist*. "The Kimchi Wars-South Korea and China Duel over Pickled Cabbage." 2005. <https://www.economist.com/asia/2005/11/17/the-kimchi-wars>; *The Economist*. "South Korea's Cultural Spats with China Are Growing More Intense." 2021. <https://www.economist.com/asia/2021/06/03/south-koreas-cultural-spats-with-china-are-growing-more-intense>; Meng, Yaping. "The Dragon Boat." *CGTN*, 2017. [https://news.cgtn.com/news/3d55544f3141444e/share\\_p.html](https://news.cgtn.com/news/3d55544f3141444e/share_p.html); Ke, Xiaojun. "South Korea's Intangible Cultural Heritage Claims and China's Ontological Security." *International Journal of Cultural Policy* 28, no. 4 (June 7, 2022): 476–98. <https://doi.org/10.1080/10286632.2021.1981887>; Kim, Sang. "Hanbok Controversy Stokes Anti-Chinese Sentiment." *Korea Economic Institute of America* (blog), February 11, 2022. <https://keia.org/the-peninsula/hanbok-controversy-stokes-anti-chinese-sentiment/>; South China Morning Post. "It's Hanbok, Not Hanfu': South Korea and China Clash over Olympics Dress," February 9, 2022. <https://www.scmp.com/news/china/diplomacy/article/3166389/hanbok-years-kimchi-china-denies-cultural-appropriation-over>; Jung-Youn, Lee. "Civic Group Slams China for Claiming Arirang as Their Culture." *The Korea Herald*, July 17, 2022. <https://www.koreaherald.com/view.php?ud=20220717000171>.

<sup>16</sup> Joseph S. Jr. Nye, *Soft Power: The Means to Success in World Politics* (New York: PublicAffairs Books, 2005).

<sup>17</sup> Nak-kyun Sin, *21segi oegyo p'aerŏdaim: munhwaoegyo han'gugŭi munhwaoegyo hwalsŏnghwarŭl wihan chŏngch'aek chein*. [*Diplomatic Paradigm of the 21st Century: Cultural Diplomacy - Policy Proposals for Revitalising Korea's Cultural Diplomacy*] (Sŏul, 2009).

prominent in the foreign policies of China and South Korea, highlighting the contested heritage and cross-border communities shared between the two nations.

The current international condition surrounding heritage management presents an opportunity to delve into the emergence of heritage diplomacy in the East Asian context. This analysis focuses on the heritage diplomacy employed by China and South Korea concerning cross-border, contested heritage, and more specifically examining the case of *nongak* or *nongyuewu*. Thanks to this specific case study, the reasons and consequences behind its dis-joint nomination at the UNESCO level, this study was able to trace and delineate the phenomenon of “lost heritage diplomacy” or, as it will be later introduced in *Chapter 2*, heritage *off* diplomacy.

The Korean community in the northeastern region of China, primarily in the Jilin Autonomous prefecture, is recognized as one of the 55 ethnic minorities (少数民族, shaoshu minzu) of the People’s Republic of China. In China they are officially called *chaoxianzu* (朝鲜族), while in Korea, they are referred to as *chosŏnjok* (조선족), following the Chinese title. This community represents one of the largest ethnic minorities in China accounting around two million people.<sup>18</sup> The research analyses the shared heritage between this community and the Korean farming communities dispersed across the South Korean peninsula. Instead of concentrating on the anthropological and ethnological aspects of the performances under study, this research evaluates questions related to the international promotion systems in China and South Korea, and specifically inside UNESCO. The approach is comprised inside the international relations field of study, and more precisely inside the cultural diplomacy, or heritage diplomacy scholarship, following Tim Winter differentiation,<sup>19</sup> as outlined in *Chapter 2*.

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<sup>18</sup> National Ethnic Affairs Commission of the People’s Republic of China, “Chaoxianzu - gaikuang 朝鲜族 - 概况.” [Overview - Korean Ethnic Group] Accessed June 18, 2024. <https://www.neac.gov.cn/seac/ztzl/cxz/gk.shtml>.

<sup>19</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 997–1015, <https://doi.org/10.1080/13527258.2015.1041412>.

Heritage diplomacy is a relatively recent field of study in the diplomacy and international relations. It distinguishes itself from soft power and public diplomacy and, according to some authors like Tim Winter, is considered different from cultural diplomacy.<sup>20</sup> This study aims to draw on heritage diplomacy theories and techniques, applying them to the specific case of intangible cultural heritage in East Asia, particularly the nominations of *nongak* and *nongyuewu* in South Korea and China. Thanks to the analysis of this case study and the comparison with other contested or shared intangible cultural heritage items inside the 2003 UNESCO Convention lists, this research tries to explain the dynamic transformation of ICH using the heritage diplomacy theories and definitions currently in use to explain how ICH is shaped in the international UNESCO framework, and how it can possibly affect local communities perceptions, along with influencing the international public opinions.

Heritage often serves as a foundation for diplomatic relations between countries, particularly by invoking common cultural roots and facilitating future business and economic development projects. An emblematic example is China's One Belt One Road initiative, which draws on the legacy of the ancient Silk Roads and aims to expand Chinese economic and financial influence from Asia to Europe, stretching to Africa and by leveraging past cultural heritage exchanges and shared historical connections.<sup>21</sup>

The main problem arising from the use of cultural heritage for scopes traditionally considered outside of its nature, and in this case for diplomatic purposes, are the decontextualization and objectification of cultural traditions, performances, and rituals. Moreover, tensions are usually created or sometimes enhanced between the communities performing and transmitting these intangible expressions to seek official validation from the ruling government. Beside the anthropological aspects influenced by the public use of traditional costumes through heritage diplomacy

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<sup>20</sup> *Idem*, 1007.

<sup>21</sup> Tim Winter, *The Silk Road: Connecting Histories and Futures*, Oxford Studies in Culture and Politics (New York: Oxford University Press, 2022).

and other soft power practices, the aspects closely related with national policies as well as the different approaches in international relations are also strongly influenced. Nevertheless, the literature focusing on the use of ICH in the diplomatic sphere are only starting emerging, as consequence of the marginal role traditional culture covers in the Western world. The frictions between governments and member states to international organizations, such as UNESCO, including the international organizations' role in solving or mitigating these issues are elements of interest to this research and complex in their analysis.

The role of heritage diplomacy over contested intangible cultural heritage represents the key point of this research. Unfolding this macro category means to explore its derivative questions regarding the international involvement of national governments in the UNESCO agenda, the intangible heritage application and acceptance processes together with the inter member-states communication and collaboration in the international setting, as well as their regional relations.

Regional relations are especially important when considering the geographical area under study, namely East Asia. As a matter of fact, the long standing and historical Chinese domination in the region, followed by the Japanese projects of expanding its domains for the creation of the *Dai Nippon Teikoku* (大日本帝国), the Great Japanese Empire, have always been strongly supported by cultural policies aimed at the cultural assimilation, with strong influence on the Korean peninsula; a condition that earned it the name of the “shrimp among whales,”<sup>22</sup> a figurative image that can be applied also to the cultural area, beyond the geo-political and economic spheres.

The understanding of intangible cultural heritage contestations is often very limited at the academic level, and investigations over the are not common to be found, especially in the case of East Asia. In this specific case, Korean farmers' music and dances performed by the Korean communities settled in Northeast Asian countries

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<sup>22</sup> Sungtae Jacky Park, “Korea: A Shrimp among Whales” (Atlantic Council, November 1, 2015), <https://www.jstor.org/stable/resrep03637.5>.

were never addressed as a possible heritage diplomacy case. When considering these scattered communities of the Korean diaspora, the problem takes a symbolic dimension with the consequent creation of different narratives that engage national, thus, political powers, trespassing the local communities' willpower, and entangling them in a strategic match with no clear rules and inconsistent outcomes over time.

Given the strong national ties between intangible heritage and national identity, it is essential to investigate the meaning behind intangible heritage and nationalism in heritage claims, and how cultural and nationalistic ideologies shape the interpretation and presentation of traditional culture, particularly in contested heritage between the countries under observation. National narratives tend to shape historical memory in unique ways, which can lead to the creation of strong regional identities and cultural heritage disputes. These tensions are sometimes further influenced by global power dynamics and geopolitical strategies.

Considering these elements, it is of utmost importance to deepen research on this cross-border community within the sphere of heritage diplomacy. This includes understanding why China's UNESCO application for the 2003 list was not coordinated with the South Korean government and UNESCO related offices. What factors influenced the Chinese individual application to the UNESCO Intangible Cultural Heritage List? Moreover, what were the aftereffects of the Chinese application in South Korea? Did it have any political or diplomatic consequences? These are some of the questions that this research seeks to investigate and clarify.

### *Literature*

The research centres on two primary literature resources: heritage diplomacy, forming the theoretical framework for the study, and anthropological, including ethnographic and ethnomusicological investigations into the Northeastern Korean Chinese community and *nongak* performing communities in South Korea. These two macro-areas constitute the core literature reviewed.

The field of heritage diplomacy encompasses a broad spectrum of research within international relations. Studies on soft power strategies, cultural globalisation,

UNESCO's international role, as well as global governance were all considered. For heritage diplomacy specifically, the literature was narrowed to theoretical explanations within the field, such as Tim Winter's work, which elucidates the fundamental concepts of heritage diplomacy, its meaning, and its purpose as an "arena of governance."<sup>23</sup> He underlines its dual nature as an arena of cooperation or contestation, fitting perfectly with the current research focus, and further investigated and explained in *Chapter 2*.

Despite the Eurocentric view of the UNESCO's global governance advocated by Winter, however, there has been a recent shift toward a broader worldview, particularly since the introduction of intangible heritage under the UNESCO World heritage lists. The following pages will thus introduce the East Asia region as one of the most active areas in the promotion of Intangible Cultural Heritage at the national and international levels. Winter's work remains the best introductory article on heritage diplomacy, describing the history and conceptualization of heritage diplomacy, as well as presenting the distinction between heritage *in* and *as* diplomacy. However, as the author notes, examples primarily concern the "world of material culture", leaving intangible cultural heritage underexplored, a gap also highlighted by Lähdesmäki, Tuuli, and Viktorija L. A. Čeginskas in "Conceptualisation of Heritage Diplomacy in Scholarship."<sup>24</sup> These authors emphasize that diplomatic exchanges involving intangible cultural heritage are often overlooked. Overall, Lähdesmäki and Čeginskas contribute to the interdisciplinary field of heritage diplomacy by clarifying its conceptual foundations and highlighting areas for further research, particularly regarding intangible cultural heritage and power relations.

Finding studies on heritage diplomacy applied to intangible cultural heritage is challenging, and specific cases in East Asia are limited. Academic research on this

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<sup>23</sup> Tim Winter, "Heritage Diplomacy," *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 997, <https://doi.org/10.1080/13527258.2015.1041412>.

<sup>24</sup> Tuuli Lähdesmäki and Viktorija L. A. Čeginskas, "Conceptualisation of Heritage Diplomacy in Scholarship," *International Journal of Heritage Studies* 28, no. 5 (May 4, 2022): 635–50, <https://doi.org/10.1080/13527258.2022.2054846>.

topic is scarce, despite common media coverage of intangible cultural heritage contestations in international and regional newspapers. Christina Maags's publications are among the few addressing Chinese intangible cultural heritage policies, practices, and community assessments, especially connected with ICH politics.

In the collective edited book on *Chinese heritage in the making: Experiences, negotiations and Contestations*, Maags bridges the academic gap by examining the effects of Chinese national policies on traditional intangible heritage bearers in Jiangsu communities. The management policies and top-down “authorized heritage discourse”<sup>25</sup> create internal tensions and conflicts within the communities and between official heritage holders, resulting in competitive hierarchy inside the same community. Her conclusions show that Chinese government policies for the safeguarding and promotion of ICH are detrimental to the community of holders. However, she doesn't present any comparison with other East Asian systems and policies for the protection of intangible cultural heritage and sustainment for living human treasures transmitters. Comparative studies on the sustainment of ICH transmitters in East Asia are limited, even if the legal systems for the protection of holders and holding communities are quite well developed, especially if compared to the European countries.

If Maags looks at the Chinese national effects of ICH policies and national hierarchies on local culture, Giulia Sciorati's study on the Chang'an-Tianshan Corridor's nomination to UNESCO delves into Chinese heritage diplomacy and Chinese politics in neighbouring countries. The research investigates Chinese diplomatic relations building with Central Asian countries, such as Kazakhstan and Kyrgyzstan, through heritage discursive construction and Sinocentric historicization. The role of heritage as an engagement tool is strongly emphasised, borrowing the constructivist canon of Tim Winter, who established concepts and historical framework in his seminal works on heritage diplomacy scholarship.

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<sup>25</sup> Haiming Yan, “World Heritage as Discourse: Knowledge, Discipline and Dissonance in Fujian Tulou Sites,” *International Journal of Heritage Studies* 21, no. 1 (January 2, 2015): 65–80, <https://doi.org/10.1080/13527258.2014.894930>.

Sciorati's investigation represents one of the core texts for this dissertation, despite its differing focus from the conflictual heritage diplomacy involving *nongak* and *nongyuewu* between China and South Korea and the following creation of a double narrative on shared intangible heritage. The Chang'an-Tianshan Corridor represents the perfect example of the use of heritage *as* diplomacy, as employed by the Chinese government, to put aside national conflicts and competition in order to enter into connection with Central Asia countries.

The literature presented transitions from heritage diplomacy conceptualization to a broader view of heritage politics. Laurajane Smith's *The uses of heritage* confirms the strong influence of international bodies such as UNESCO in shaping the world view on what can be or not be considered heritage, what she defines AHD (authorized heritage discourse). This influence is evident in East Asian countries, where UNESCO designation trademark is used to promote local festivals and activities nationally and internationally, particularly for tourism purposes, creating a clear distinction between authorized and unauthorized heritage. This has given rise to a peculiar adaptability of local cultural traditions in China and South Korea, particularly devoted to tourism. In this sense, the ability to turn something local to global with strong local elements is a characteristic of South Korean society, for Park et al.<sup>26</sup> Even if Park's study is applied to more economic and financial topics, however, the framework can be retained as well as the developing background of the change of Korean society from a strongly local dominated society into a globalized society, and now into a hybrid one where global institutions are well received and internalized in the country governance, reaching a "normative isomorphic stage."<sup>27</sup> South Korea's active participation in international governance is exemplified by its UNESCO membership, with the election in 1987 as a board

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<sup>26</sup> Gil-Sung Park, Yong Suk Jang, and Hang Young Lee, "The Interplay between Globalness and Localness: Korea's Globalization Revisited," *International Journal of Comparative Sociology* 48, no. 4 (August 2007): 337–53, <https://doi.org/10.1177/0020715207079534>.

<sup>27</sup> Gil-Sung Park, Yong Suk Jang, and Hang Young Lee, "The Interplay between Globalness and Localness: Korea's Globalization Revisited," *International Journal of Comparative Sociology* 48, no. 4 (August 2007): 350, <https://doi.org/10.1177/0020715207079534>.

member. Moreover, since then, South Korea has donated considerable funds for sustaining UNESCO projects and trust-funds strengthening its image abroad.

The case study on the shared heritage between South Korea and China embodied in the *nongak* and *nongyuewu* performances constitute another major area of study on which this research builds on. The anthropological and ethnomusicological research studies conducted in the performing communities in China and South Korea are fundamental for the analysis of the consequences driven by the international nomination inside the UNESCO 2003 Convention list.

The literature on the Korean Chinese community in the Northeastern provinces of China primarily focuses on the analysis of their artistic production (e.g., Qian Shoushan, 2003, 2008),<sup>28</sup> and on the ethnographic studies of Chinese minorities folk culture, (e.g., *Korean Folk Culture and its Chinese Characteristics*, 2007). In addition, other works mainly talk about the history of this community in this area, like the historical work and monograph by Huang Youfu (黄有福) *Research on the History of Korean in China* (2009),<sup>29</sup> or on the Music history of this community by the China Korean Music Research Association.<sup>30</sup> One of the pioneering works that comprehensively addresses the intangible cultural heritage of the Korean Chinese is the recently published study by Piao Jinghua (朴京花) titled *Research on the protection and Inheritance of Intangible Cultural Heritage of the Korean minority in China*.<sup>31</sup> In this work, Piao not only introduces the ethnomusicological characteristic of Korean Chinese intangible cultural heritage but also analyses the

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<sup>28</sup> Qian Shoushan 千寿山 et al., *Zhongguo Chaoxianzu fengsu 中国朝鲜族风俗 [Costumes of the Ethnic Korean minority of China]* (Shenyang: Liaoning minzu chubanshe, 1996); and Shoushan Qian 千寿山, *Zhongguo Chaoxianzu fengsu bainian 中国朝鲜族风俗百年 [A Hundred Years of Chinese Korean Customs]* (Shenyang: Liaoning Minzu chubanshe, 2008).

<sup>29</sup> Huang Youfu 黄有福, *Zhongguo Chaoxianzu shi yanjiu 中国朝鲜族史研究 [Research on the history of the Korean Chinese ethnic minority]* (Beijing: Minzu chubanshe, 2013).

<sup>30</sup> Qian Shoushan 千寿山 et al., *Zhongguo Chaoxianzu yin yue yan jiu hui 中国朝鲜族风俗 [History of Korean Music Culture in China]* (Beijing: Minzu chubanshe, 2010).

<sup>31</sup> Piao Jinghua 朴京花, *Chaoxianzu feiwuzhi wenhuayichan baohu yu chuancheng yanjiu 朝鲜族非物质文化遗产保护与传承研究 [Research on the Protection and Inheritance of the Intangible Cultural Heritage of the Korean Ethnic Minority]* (Seoul: Yöngnak, 2023).

historical context and developmental stages this community's cultural heritage has undergone to reach its current state, considering the social and educational conditions within Chinese system.

However, the research lacks a throughout comparison between Korean Chinese and Korean intangible cultural heritage, examining their similarities and differences. Additionally, it does not provide a comparative analysis of the Chinese and Korean systems for safeguarding intangible cultural heritage. Although the study describes the original settlements of the first Korean people in current Chinese territories, it fails to explore the potential for recognizing a shared cultural heritage between contemporary South Korean and Korean Chinese communities.

The necessity of exploring the connections between the two communities is also emphasized by Kim Ik-tu (김익두) in his work *The local and Global Characteristics of Korean Nongak, with a Focus on Chǒngŭp Nongak*.<sup>32</sup> He underscores the need for comparative research on Korean *nongak* and Korean Chinese *nongyuewu*, not only highlighting the importance of conducting comparative studies and analyses of Korean *nongak* in both China and South Korea but also addresses future uncertainties regarding the transmission of *nongak* in China. Additionally, he discusses the difficulties and concerns related to the appropriation of South Korean *nongak*, particularly in light of the Cultural Northeast Project<sup>33</sup> initiated in 2002 by the Chinese government. Kim also explores the evolving identity of the Korean Chinese community and its cultural connections to contemporary K-culture of South Korea.

Both the Chinese and South Korean academia recognizes the lack of comparative analysis of *nongak* and *nongyuewu*. Despite the extensive anthropological and ethnomusicological research studies on both sides, only a few elements of

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<sup>32</sup> Original title: 한국농악의 지역성과 세계성, 정읍농악을 중심으로, Han'guk nongak ūi chi'yōksōng kwa segyesōng, Chǒngŭp nongak ūl chungsimŭro.

<sup>33</sup> Chu-paek Sin, "Tongbukkongjōng [Northeast China project]," in *Encyclopedia of Korean Culture* (Academy of Korean Studies), accessed June 30, 2024, <https://encykorea.aks.ac.kr/Article/E0066377>.

intangible cultural heritage have been thoroughly compared. This dissertation aims to bridge this gap, connecting the diasporic Korean Chinese community with South Korean performers, even if not delving into anthropological research. Moreover, the heritage diplomacy practices employed by the South Korean and Chinese governments will be explained, trying to fill the gap currently existing in the academia, and especially focusing on the use of intangible cultural heritage as a mean of diplomacy in the international relations.

To summarise, this research is thus composed of broad literature research in English, Chinese and Korean languages taking into consideration diplomatic analysis, especially the one focusing on soft power, cultural politics, and global governance of the regional area under research. Besides, inspections of the anthropological and ethnomusicological literature on *nongak* and *nongyuewu* are a constituent part of this dissertation's main framework. Additionally, official documents from public institutions and organizations from China and Korea are also included in the analysis to better understand the public policies and actions. Another important source to include is the newspapers published in East Asia and released both in Chinese and Korean languages. These constitutes part of both the public policy direction given by the governments as well as the public reactions and opinions to specific topics regarding cultural heritage and national identity.

### *Conceptual and Theoretical Frameworks*

The research will employ terminology specific to heritage diplomacy and global governance studies, as well as relevant terms from anthropological studies connected with UNESCO ICH Convention. Given that this study lies at the intersection of these fields, it is paramount to clarify some key concepts and terms used throughout the text and to articulate the theoretical framework comprehensively. At the beginning of each chapter, the conceptual and theoretical frameworks will be reiterated and further elucidated for clarity.

This research is situated within the field of heritage diplomacy studies. *Chapter 2* will analyse and elucidate this emerging branch of international relations, providing

an in-depth examination of fundamental terminology and the theoretical framework. The term heritage diplomacy, as used in this research, is based on Tim Winter's definition and scholarship, particularly concerning the dichotomy of heritage *in* diplomacy and heritage *as* diplomacy. The research will primarily focus on analysing official, state-led initiatives where the use of national cultural heritage is "intrinsically connected with a country's foreign policy."<sup>34</sup> This concept aligns with the critical approach that views heritage as a tool or instrument, sometimes as an active, living entity capable of "doing" things, rather than as an inanimate object, as explained in the studies conducted by Harrison.<sup>35</sup>

To be more precise, the heritage under observation in this study will primarily be intangible cultural heritage. Most studies in heritage diplomacy focus on tangible, material heritage, adhering to the conservationist approach established by Western countries, which emphasises authenticity and material continuity over time. In contrast, this research will adopt the East Asian approach established during the Nara meeting and using it as the theoretical background.

The 2004 Nara Document on Authenticity, released after the Nara meeting in Japan, marked a significant shift in the heritage discipline. It states:

All judgements about values attributed to cultural properties as well as the credibility of related information sources may differ from culture to culture, and even within the same culture. It is thus not possible to base judgements of values and authenticity within fixed criteria. On the contrary, the respect due to all cultures requires that heritage properties must be considered and judged within the cultural contexts to which they belong.<sup>36</sup>

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<sup>34</sup> Rodney Harrison, *Heritage* (London: Routledge, 2012), <https://doi.org/10.4324/9780203108857>.

<sup>35</sup> *Ibid.*

<sup>36</sup> UNESCO, "Nara Document on Authenticity," 2004, UNESCO, <https://whc.unesco.org/archive/nara94.htm>.

This principle although not always respected even in the regional area under study, serves as a foundational landmark for defining the theoretical framework of the current research.

The concept of authenticity, restated by the Nara meeting, becomes even more complex when applied to intangible cultural heritage, which is inherently dynamic and continuously evolving within its community. Following the principles outlined in the Nara Document, it is essential to consider the cultural context to which this heritage belongs. Consequently, this research takes into account the definitions of intangible cultural heritage provided by both China and South Korea, in addition to the international definition established by UNESCO 2003 Convention. These definitions and their corresponding legal frameworks are detailed in *Chapter 4*.

It is important to note that national definitions are typically broader than the international one applied by UNESCO and often include religious rituals. For the case study in this research, the Chinese legal framework categorises *nongyuewu* under the category of “folk costumes” (民俗, minsu),<sup>37</sup> while in South Korea, *nongak* is classified as part of “Traditional Performing Arts” (전통적 공연 · 예술, chŏnt'ongjŏk kongyŏn yesul), according to the Act on the Preservation and Promotion of Intangible Cultural Heritage (무형유산의 보전 및 진흥에 관한 법률, muhyŏngyusanŭi pojŏn mit chinhŭnge kwanhan pŏmnyul).<sup>38</sup>

The research focuses on the international use of *nongak* through the nomination inside the 2003 UNESCO Convention list to advance national agendas both regionally and internationally. Throughout the text, the terms *nongak* and

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<sup>37</sup> Standing Committee of the National People’s Congress 全国人民代表大会常务委员会, “Zhonghua renmingongheguo feiwuzhi wenhuayichan fa (Zhonghuarenmin gongheguo zhuxi ling disi shier hao) 中华人民共和国非物质文化遗产法 (中华人民共和国主席令第四十二号) [Intangible Cultural Heritage Law of the People’s Republic of China (Presidential Order No. 42),” 2011, [https://www.ihchina.cn/zhengce\\_details/11569](https://www.ihchina.cn/zhengce_details/11569).

<sup>38</sup> National Heritage Administration (Intangible Heritage Policy Division), “Muhyŏngyusanŭi pojŏn min chinhŭnge kwanhan pŏmnyul [Act on Preservation and Promotion of Intangible Cultural Heritage - Law No. 20309, 2024.2.13], Law No. 20309, 2024.2.13,” February 13, 2024, <https://law.go.kr/LSW/lsSc.do?section=&menuId=1&subMenuId=15&tabMenuId=81&eventGubun=060101&query=%EB%AC%B4%ED%98%95%EC%9C%A0%EC%82%B0#undefined>.

*nongyuewu* will be used to refer to the South Korean and Chinese farmers' music and dances, respectively.

*Nongak* specifically refers to the Korean farmers' music and dances performed in South Korea. In contrast, *nongyuewu* denotes the music and dances transmitted within the Korean Chinese communities. This differentiation reflects the international distinction made in the separate UNESCO applications, not the author's perspective. In South Korea, *Nongak* is often referred to as *p'ungmulgut* (풍물굿).<sup>39</sup> However, two primary reasons justify the use of the term *nongak* in this study:

1. International context: This study is based on the international application and nomination of South Korean farmers' band music, dance and rituals. The Korean UNESCO Office within the Ministry of Culture chose the term *nongak* for the application, instead of *p'ungmul/p'ungmulgut*, and this terminology is respected throughout the text. Given that this research is situated within the field of heritage diplomacy, not anthropology nor ethnomusicology, the more appropriate term is the one used in the international documents and recognised by the international community.
2. Community preference: After conducting several interviews within *nongak* communities across South Korea, it became evident that most of the performers are accustomed to the term *nongak* and prefer it over *p'ungmul/p'ungmulgut*. This indicates that *nongak* has become a well-established term within the communities of practice, and it can be considered as the official term also within the communities of practice, thereby affirming the choice of this terminology.

Thus, the term *nongak* will be consistently used in this research, reflecting both international standards and interviewed communities' preferences.

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<sup>39</sup> Sun-on Yun and Ko-an-ho I, *Encyclopedia of Nongak: Community Band Music, Dance and Rituals in Korea*, Encyclopedia of Korean Folklore and Traditional Culture 5 (Seoul: National Folk Museum of Korea, 2018), 24.

For the Chinese counterpart, the term *nongyuewu* will be used, corresponding to the three Chinese characters: 农乐舞. This terminology is used in the file uploaded by the Chinese UNESCO Office for the consent of communities for the nomination of this intangible cultural heritage inside the UNESCO 2003 Convention list of Representative ICH.<sup>40</sup> The English translation provided in the same file is “The Farmer’s Music-Dance of Korean Nationality in China,” stressing the national belonging of the community to the Korean peninsula, an important element from this research standpoint. The translation adopted by the UNESCO website, “Farmers’ dance of China’s Korean ethnic group,” is partially incorrect because it excludes the musical aspect of the performance, which is explicitly included in the community statements and the Chinese term itself, where *yue* (乐) stands for music, and *wu* (舞) stands for dance. Moreover, other scholars from China, such as Huang Youfu<sup>41</sup> and Piao Jinhua, also refer to it as *nongyuewu* in their studies.

Beside the different terms used to address the performance under study, the names of the countries involved in this research need to be addressed too. Throughout the text, the names South Korea and China will be used, adhering to the international standard terminology. The People’s Republic of China will be referred to as China, and the Republic of Korea as South Korea or Korea. When discussing these countries, the research refers to their current concept of nation-state and internationally accepted borders. No political stance is taken on the issue of “one China” or “one Korea,” as these are beyond the scope of this study.

The ethnic Korean community in China will be referred to as Korean Chinese, denoting the ethnic Korean people living in the Northeastern region of China, in alignment with the unified multi-ethnic state theory approach adopted by the Chinese government. The terms *chosŏnjok* (조선족) or *chaoxianzu* will be both

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<sup>40</sup> UNESCO, “Farmers’ Dance of China’s Korean Ethnic Group,” accessed March 14, 2024, <https://ich.unesco.org/en/RL/farmers-dance-of-china-s-korean-ethnic-group-00213>.

<sup>41</sup> Huang Youfu 黄有福, *Chaoxianzu 朝鲜族*, vol.1 朝鲜族 [Chaoxianzu], 走近中国少数民族丛书 [Collection on Approaching Chinese Ethnic Minorities] (Shenyang: Liaoning Minzu Publishing, 2012).

used when citing or referring to texts and authors that employ this term, with the same meaning of Korean Chinese ethnic group.

Another key term often employed in this research is diaspora, most often in reference to the Korean diaspora. The notion of the Korean diaspora, referring to the ethnic Korean communities dispersed across various regions and states of contemporary world as a result of diverse external factors, draws upon the definition provided by Koo Sun-hee in *Sound of the Border*. In the opening pages of her study, Koo describes the *chaoxianzu* community as fitting within several theoretical definitions of diasporic communities, particularly those proposed by Tölölyan and Van Hear. At the same time, she challenges the more static conception advanced by Clifford, highlighting instead the fluid and dynamic nature of diaspora groups, which may transform into immigrant communities and vice versa. This conceptual fluidity equally applies to the case of the *chaoxianzu*,<sup>42</sup> and is further explored in *Chapter 5*.

### *Methodology*

The research relies on established heritage diplomacy theories and analytical frameworks, such as those employed by Christina Maags and Tim Winter. It also draws on global governance studies literature, combining theories of major power and middle power countries to balance the comparative approach between the two countries under analysis. A significant portion of the research also incorporates anthropological, ethnomusicological and historical literature on the Korean Chinese community in Northeastern China and on *nongak/nongyuewu* music and dances in both China and Korea. Although the research does not provide an anthropological analysis of the specific intangible heritage element discussed, however it explores cultural aspects of the performance that relate to shared intangible heritage between

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<sup>42</sup> Sunhee Koo, *Sound of the Border: Music and Identity of Korean Minority Nationality in China*, *Music and Performing Arts of Asia and the Pacific* (Honolulu: University of Hawai'i Press, 2022), 11-10.

China and South Korea. Therefore, some anthropological insights are included to support or challenge the theory of cross-border heritage community.

### *Data Collection and Methodology*

The research began with the collection of the anthropological and cultural studies on *nongak* and *nongyuewu*. Relevant books and research were primarily collected from South Korean public libraries and digital archives. While most books focus on individual *nongak* communities, some collective studies are available, including by the Korea Folk Museum in 2018,<sup>43</sup> which provides general information and a brief chapter on *nongak* costumes. For the Chinese *nongyuewu* community, I accessed various materials and studies published in Korean as well as in Chinese languages.

In addition to anthropological and ethnomusicological studies, I consulted documents from the South Korean and Chinese governments, which were available online. These documents form the backbone of the international relations and diplomatic analysis in this research, particularly for the chapters on heritage diplomacy (*Chapter 2*) and heritage contestations (*Chapter 5.3*), as well as for the management and safeguarding of intangible cultural heritage. Another important group of documents that were fundamental in reconstructing the historical approach to cultural global governance by Korea and China are the correspondences of the Chinese and Korean National Commissions and Delegations at UNESCO. Documents were divided into two categories: those related to the preservation, transmission and safeguarding of intangible cultural heritage, and those connected to foreign policies and public diplomacy involving national and diplomatic institutions in both countries.

For South Korea, I analysed documents from the Ministry of Culture, Sports and Tourism; the Ministry of Foreign Affairs; the UNESCO National Commission; presidential national strategies, speeches and interviews. All documents were publicly accessible through online platforms managed by the Korean government

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<sup>43</sup> Sun-yon Yun and Ko-an-ho I, *Encyclopedia of Nongak: Community Band Music, Dance and Rituals in Korea*, Encyclopedia of Korean Folklore and Traditional Culture 5 (Seoul: National Folk Museum of Korea, 2018).

or at the UNESCO Archive. A similar approach was applied to Chinese institutions, including the Ministry of Culture and Tourism, the Ministry of Foreign Affairs, the Ministry of Education, the National Ethnic Affairs Commission, and the Ministry of Agriculture and Rural Affairs to provide a comprehensive analysis of the Korean Chinese community and the regulations of their working environment. Moreover, internal UNESCO documents between the UNESCO offices, the Chinese Commission, and the Chinese delegation at UNESCO were consulted at the UNESCO Archive.

### *Field Research and Interviews*

In addition to bibliographic research, I conducted semi-structured interviews with various *nongak* communities in South Korea. While heritage diplomacy scholars often focus solely on state-led initiatives, excluding NGOs and local communities, I decide to include these perspectives. I conducted interviews with most of the communities included in the South Korean UNESCO nomination to understand the current value and meaning of this shared heritage from the of performers' perspective and to investigate any ongoing cooperation or projects with Korean Chinese communities. This approach aligns with the inclusive methods used by Clarke and others.<sup>44</sup>

A total of the ten communities, all included in the UNESCO 2014 nomination file by South Korea, were interviewed. These groups sometimes comprised over a hundred people from neighbouring villages and cultural centres. Due to time constrains and limited access to performers' contacts and availability, I primarily interacted with the directors of the safeguarding societies responsible for each *nongak* group. In some cases, I participated in locally organized festivals, which allowed me to assist and help in the performances, engage in informal conversations,

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<sup>44</sup> Amy Clarke, "Heritage Diplomacy," in *Handbook of Cultural Security*, ed. Yasushi Watanabe (Edward Elgar Publishing, 2018), <https://doi.org/10.4337/9781786437747.00029>, and Tuuli Lähdesmäki and Viktorija L. A. Čeginskas, "Conceptualisation of Heritage Diplomacy in Scholarship," *International Journal of Heritage Studies* 28, no. 5 (May 4, 2022): 635–50, <https://doi.org/10.1080/13527258.2022.2054846>.

learn about the history, and discuss my research topic to gather their perspective. Interviews with the communities of practice were particularly insightful, providing a clearer understanding of the South Korean perspective on the acknowledgement of the Korean Chinese community of performers from a bottom-up approach.

I also conducted semi-structured interviews with policymakers, professors in the field of cultural heritage, officers in charge of UNESCO activities in South Korea and China as well as Minister of Culture and Tourism officials overseeing the *nongak* Korean application to UNESCO. These interviews, conducted between 2024-2025, aimed to clarify the events surrounding the 2009 and 2014 separate applications of *nongak* and *nongyuewu* to the UNESCO intangible cultural heritage list. They also sought to understand the contemporary perception of this heritage from both countries and determine whether it can be considered contested heritage by the international community.

In conclusion, main aim of this study is to analyse the heritage diplomacy of Korea and China through the use of intangible culture. Firstly, the national strategy for heritage diplomacy of both countries will be outlined, this will include institutions that act both at the national and international levels and trying to “disentangle the complex structure and networks (...), which, together, have given form to heritage”, to use Tim Winter’s words.<sup>45</sup>

After doing that, the research carries on analysing from an outer perspective the use of these national policies and strategies in the UNESCO nomination of *nongak* and *nongyuewu*, investigates the dynamics behind the individual and separate nominations so to understand the missing cooperation between the Chinese and Korean delegations. Intangible cultural heritage is heritage of local communities, or communities of practice which are inserted in a wider scenario, such as the provincial, regional, and national ones. These scenarios are social constructs which were not part of the traditional community when these traditions arose in the society.

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<sup>45</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 998, <https://doi.org/10.1080/13527258.2015.1041412>.

Aside from the anthropological perspective, it is important to see the actors involved in the nomination, at different levels, in order to gain a deeper understanding of the structure behind heritage diplomacy practices of China and South Korea and their narrative of intangible heritage.

Until now, most of the heritage diplomacy studies have been focusing on the use of heritage for redeeming the one's country image from its past actions, thus mainly focusing on Western countries' conservation and reconstruction helps to former colonies. This research represents a paradigm shift, in which the pivotal point shall be moved East. With a new geographic centre, the philosophy and conceptualization of heritage also change, and in this case more importance is given to intangible cultural heritage rather than to the material, physical and tangible cultural assets. The paradigm shift is bidimensional, we do not only need to move in space from the Western based cultural heritage preservation and safeguarding practices to the Eastern concept of safeguarding and transmission to future generations, but we also need to understand that what we usually call heritage in this case isn't considered as an object of study. The intangible aspect of culture is central to East Asian countries, which by nature have a very fragile material heritage that often didn't make it to our times, whereas the arts, crafts, rituals, and performances of East Asian civilizations can be most often seen in big and small cities, at varying intensities and degrees. What remains imperturbable is "the role of heritage in monocultural nation-building projects,"<sup>46</sup> but in this case with Eastern cultural values.

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<sup>46</sup> Tuuli Lähdesmäki and Viktorija L. A. Čeginskas, "Conceptualisation of Heritage Diplomacy in Scholarship," *International Journal of Heritage Studies* 28, no. 5 (May 4, 2022): 635–50, <https://doi.org/10.1080/13527258.2022.2054846>.

## **Chapter 2**

# **Heritage Diplomacy and Intangible Cultural Heritage**

## 2.1 Heritage Diplomacy: Definition, Background and Context

This sub-chapter concerns the scholarly definition of heritage diplomacy. When talking about heritage diplomacy, many researchers tried in the difficult task to define this term and branch of study alternatively including or excluding parts of it, to better stress the specific notions useful for their own case. This chapter tries to overpass these boundaries by clearly introducing all the aspects that could be considered inside the heritage diplomacy as a mode of international relations. Moreover, the following pages will first give a classification and interpretation of the differences between heritage diplomacy, cultural diplomacy, public diplomacy, and soft power. Bringing clarity over these concepts also entails the need to differentiate heritage diplomacy from similar diplomatic actions and activities that might confuse, giving this chapter a more expository shape. Another important aspect that needs to be clarified before delving into the specific case under examination is the various categorisation inside the heritage diplomacy field based on the relation intercurrent between heritage and diplomacy. A variety of adverbial or prepositional definitions help scholars locate the relationship that heritage entails in the foreign politics and diplomatic actions. Thanks to these scholarly notions, this research can better determine the role of heritage in relation with diplomatic actions and global governance choices taken by the actors under examination.

Most of the literature here under exam is based on the concept of heritage diplomacy that was first defined by Tim Winter in 2015, in his article *Heritage Diplomacy*.<sup>47</sup> The author, relying on established concepts of heritage as a form of governance, as

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<sup>47</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 997–1015, <https://doi.org/10.1080/13527258.2015.1041412>.

theorized by Gamble,<sup>48</sup> as well as on the concept of diplomacy provided by Jazbec<sup>49</sup> and Murray,<sup>50</sup> set the foundations of this field of study. However, what does it mean heritage as a form of governance in the first place? And of what type of heritage are we talking about?

This research considers both tangible and intangible cultural heritage, with a primary emphasis on the latter in the case study discussed in the subsequent chapters. The definitions of tangible and intangible cultural heritage employed in this study are based on UNESCO conventions and guidelines. These international frameworks, which have been adopted or adapted into national legislations, provide country-specific definitions of these terms. In this context, heritage can be understood as a construct shaped by legal and regulatory frameworks that determine what is recognized as valuable culture within the spectrum of human civilizations, as well as what is excluded from such recognition.

The growing significance of UNESCO over the past two decades partially explains the strengthening of global governance in the cultural domain and the adjustments made by national governments to enhance their influence on global institutions. Viewing UNESCO as the primary actor in global cultural governance helps clarify the use of the term global governance of heritage. While Gamble does not explicitly define "global heritage governance," his chapter in the monograph *Global Governance and Japan* provides a broad understanding of global governance. He examines its economic and social dimensions while establishing key principles that are also relevant to heritage studies: "(...) the notion of governance has two key aspects; it comprises first a set of fundamental laws, rules, and standards, the

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<sup>48</sup> Andrew Gamble, "Conclusion: The Meaning of Global Governance," in *Global Governance and Japan: The Institutional Architecture*, ed. Glenn D. Hook and Hugo Dobson, Sheffield Centre for Japanese Studies/Routledge Series (Routledge, 2007).

<sup>49</sup> "Means by which states articulate, co-ordinate and secure particular or wider interests" from Tim Winter, "Heritage Diplomacy," *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 1006, <https://doi.org/10.1080/13527258.2015.1041412>.

<sup>50</sup> "The institutions and processes by which states, and increasingly others, represent themselves and their interests to one another in international and world societies" from *ibid*.

ordering principles which provide the constitutional framework for governing; and second, a set of techniques, tools, and practices which define how governing is carried out.”<sup>51</sup>

Against this backdrop, global heritage governance has evolved, shaped by the international standards established in UNESCO conventions. These conventions have been integrated into national frameworks, providing constitutional structures for the management of cultural heritage. Furthermore, UNESCO's governing bodies, certified non-governmental organisations (hereafter “NGOs”), and official centres continually update and refine international guidelines to align with best practices, offering nations effective tools and strategies for the preservation and protection of their cultural heritage.

The definitions of heritage and global governance presented here help to explain the emergence of diplomatic actions closely tied to heritage and culture. The gradual growth of international organizations focused on the protection and promotion of culture, education, and heritage has necessitated the development of more sophisticated mechanisms for collaboration between nations. Over decades, State-to-State relationships mediated through heritage discourses have given rise to nuanced and often underappreciated diplomatic actions, where heritage has increasingly become a key instrument in fostering dialogue.

While this phenomenon is not entirely new, the study of these mechanisms, their specific actions, and their defining characteristics is still in its early stages. Understanding these dynamics is crucial to distinguishing heritage diplomacy from its counterparts, namely, soft power, public diplomacy, and cultural diplomacy. Further analysis is needed to uncover what sets heritage diplomacy apart and to define its role within the broader landscape of diplomacy.

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<sup>51</sup> Glenn D. Hook and Hugo Dobson, eds., *Global Governance and Japan: The Institutional Architecture*, Sheffield Centre for Japanese Studies/Routledge Series (London; New York: Routledge, 2007), 233.

## *Heritage Diplomacy, Soft Power, Public Diplomacy and Cultural Diplomacy*

The field of heritage diplomacy has emerged as an extension of earlier studies connected to the concept of *Soft Power*. However, this has occasionally led to confusion, as heritage diplomacy is often conflated with cultural diplomacy or public diplomacy. To further complicate matters, the term cultural diplomacy is sometimes used interchangeably with heritage diplomacy. This overlap highlights the need for greater clarity in distinguishing between these concepts and understanding how they fit within the broader framework of soft power studies.

The term most central to this discussion is soft power. One key reason for its prominence is its historical significance. Introduced by Joseph Nye in 1990 in academic literature, soft power refers to a nation's ability to influence others without relying on military force or coercion, elements typically associated with hard power. Instead, soft power is rooted in cultural appeal, political values, and foreign policy. Since its introduction, the concept has been widely adopted across various disciplines and remains highly relevant today, particularly in discussions of diplomatic strategies that leverage culture as a means of influence.

Culture and heritage are both instruments of soft power strategies and plans. Thus, it is important to clarify the distinctions between heritage diplomacy and cultural diplomacy, so that their respective roles within soft power studies can emerge and their unique contributions to international relations studies can be further analysed.

As Joseph Nye explains, “Soft Power is the ability to get what you want through attraction rather than coercion or payments. It arises from the attractiveness of a country’s culture, political ideals, and policies.” When Nye highlights the attractiveness of a country’s culture, he refers to it as one element within the broader framework of Soft Power, rather than as an independent spectrum of diplomacy with its own distinct characteristics. However, in this research, culture takes centre stage as the primary actor on the diplomatic stage (Table 3).

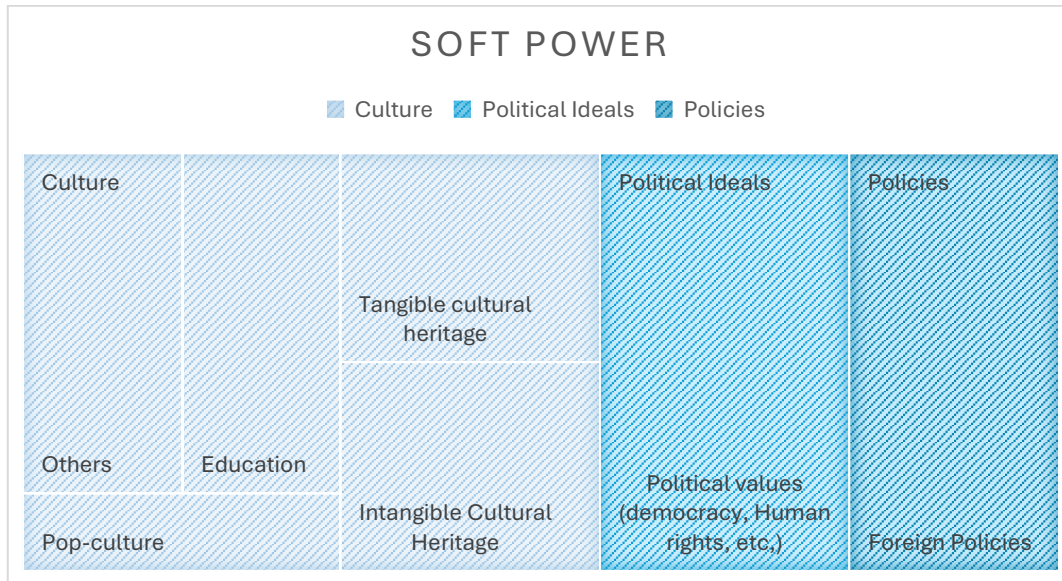


Table 3 Soft Power attractiveness factors by Joseph Nye represented in a tree-map to show the categories that can possibly be included inside the cultural attraction spectrum.

This focus aligns closely with the concept of cultural diplomacy, understood as a form of public diplomacy. As theorized by Chaubet and Martin, cultural diplomacy is rooted in “pouvoirs publics” (public powers) and encompasses a wide range of cultural expressions that reflect a nation’s identity.<sup>52</sup> These expressions span from ancient and traditional elements, such as artifacts of ancient civilizations, to contemporary cultural phenomena represented by pop culture figures, including singers, contemporary artists, chefs, dancers, and even students.

To narrow this broad concept, heritage is identified as a distinct subcategory within the larger realm of culture. When discussing heritage, we refer to a more specific subset of culturally significant objects, practices, or expressions that are recognized as valuable and important to humanity. This is where UNESCO’s definitions, alongside national interpretations, provide clarity in delineating this group.

In this research, the terms *heritage*, *intangible cultural heritage*, and *tangible cultural heritage* are employed based on internationally recognized definitions and guidelines established by UNESCO. These definitions are further adapted within

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<sup>52</sup> François Chaubet and Laurent Martin, *Histoire des relations culturelles dans le monde contemporain*, Collection U Histoire (Paris: Armand Colin, 2011).

national systems and legal frameworks. This study, therefore, departs from the acceptance of heritage as a construct shaped by legal and regulatory systems. UNESCO's certifications at the international level, combined with national laws and regulations, determine what is considered valuable and deemed of protection for preserving human civilisations' narratives and cultural symbols and, on the other hand, what is consequently excluded from this category. Thus, heritage diplomacy not only appears to be contained inside the Soft Power field of study, but itself framed as sub-group of cultural diplomacy. Notwithstanding Tim Winter's separation of heritage diplomacy from cultural diplomacy for its more expansive nature,<sup>53</sup> this research will follow a different approach, by including heritage diplomacy in the frame of cultural diplomacy (Table 4). At the same time, the primary role of States will be assessed beside recognising the ongoing importance of the global governance also in the cultural sector, and especially for what concerns cultural heritage.

In this regard, the UNESCO designation has acquired significant importance in today's globalized cultural landscape. It serves as a form of recognition, arguably the highest in the contemporary cultural sphere, granted exclusively to exceptional forms of cultural expression deemed to be called heritage of humanity. By contrast, culture in its broader sense is often more subjective, deeply rooted in local contexts, and inherently fragile within the global system.

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<sup>53</sup> Tim Winter, "Heritage Diplomacy," *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 1007, <https://doi.org/10.1080/13527258.2015.1041412>.

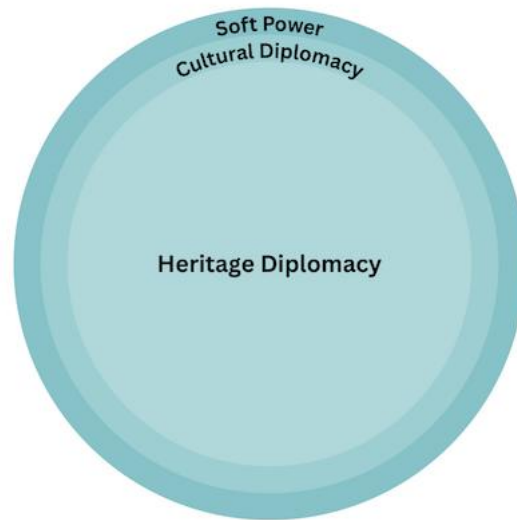


Table 4 Packed circles chart representing the groups and subgroups of soft power to show the connection between hierarchical order between Soft Power; Cultural Diplomacy and Heritage Diplomacy

Building on Nye's concept of soft power, heritage diplomacy can be understood as a subset of soft power, distinguished by its focus on specific cultural, political, and policy-oriented values. Heritage diplomacy represents the interplay of these three categories and often emerges at their intersection. However, additional categorizations of heritage diplomacy provide further nuance. For instance, Tim Winter differentiates between heritage *as* diplomacy and heritage *in* diplomacy and other scholars have further introduced additional classifications. Hwang and Lee propose the concept of heritage *off* diplomacy,<sup>54</sup> which refers to situations where heritage-focused diplomatic efforts are suppressed or sidelined due to other pressing diplomatic challenges, effectively negating the role of heritage in such contexts. These frameworks provide a more nuanced understanding of how heritage operates within the broader scope of diplomacy and international relations. To better understand the variety of forms in which heritage can act in the international

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<sup>54</sup> Shu-Mei Huang and Hyun-Kyung Lee, "Difficult Heritage Diplomacy? Re-Articulating Places of Pain and Shame as World Heritage in Northeast Asia," *International Journal of Heritage Studies* 25, no. 2 (2019): 143–59, <https://doi.org/10.1080/13527258.2018.1475410>.

dynamics, I will introduce in the following paragraph a list of typologies identified in the academic literature.

### *Heritage in and as diplomacy, other solutions?*

When reading the fundamental material related to the definition of heritage diplomacy, a basic knowledge continuously presents itself inside many analyses, articles, and papers: the distinction between heritage *in* and heritage *as* diplomacy. This duality has been created by Tim Winter to distinguish the nature of the role of heritage in the diplomatic actions and activities.

Following his description, heritage *in* diplomacy describes all the conditions in which heritage has been part of a diplomatic action but not as the main actor or goal of it. Rather it represents an instrument in the hand of diplomats and related professionals like a piece of a bigger puzzle that is not shared between the parties but rather representative of only one side. In contrast, heritage *as* diplomacy strongly stresses the primary role of heritage used as a reason for diplomatic action and cooperation. This last one creates stronger ties between the actors, and imply a shared, common heritage together with a shared objective between the actors, mostly nation-states.<sup>55</sup>

Beside these two definitions, some other scholars tried to define the role of heritage in diplomatic actions by using prepositional and adverbial definitions. The article *Conceptualisation of heritage diplomacy in scholarship* by Tuuli Lähdesmäki and Viktorija L. A. Čeginskas<sup>56</sup> gives a wide range of scholarly explanations and categorisations of how heritage can relate to diplomacy, which was necessary due to the lack of “conceptual clarity” in this field.

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<sup>55</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 1008–1011, <https://doi.org/10.1080/13527258.2015.1041412>.

<sup>56</sup> Tuuli Lähdesmäki and Viktorija L. A. Čeginskas, “Conceptualisation of Heritage Diplomacy in Scholarship,” *International Journal of Heritage Studies* 28, no. 5 (May 4, 2022): 635–50, <https://doi.org/10.1080/13527258.2022.2054846>.

Two concepts that directly draw on Tim Winter's Heritage in and as diplomacy are: heritage within international relations, and heritage-driven international relations from the ILUCIDARE project, led by Aziliz Vandesande.<sup>57</sup> The first notion, heritage within international relations, largely corresponds to Winter's notion of heritage in diplomacy. It refers to state-led foreign policy initiatives in which the preservation and promotion of heritage are deployed as political tools to reinforce influence abroad, and in some cases to support conflict resolution and post-conflict recovery. A prominent example cited in the ILUCIDARE report is the post-Cold War diplomatic toolkit of the United States, in which archaeological initiatives became an integral component of foreign policy.

The second category, heritage-driven international relations, positions heritage not merely as a supporting instrument but as a central driver of political and economic relations between states. In this sense, heritage governance becomes embedded within broader strategies of dialogue, networking, and cooperation, aligning closely with notions of "new diplomacy." Heritage is thus understood as possessing intrinsic value for the creation of international relations. The reconstruction of the *Stari Most* bridge in Bosnia is frequently cited as a paradigmatic example, illustrating how the physical rebuilding of a nationally significant heritage site contributed to the symbolic reconstruction of social cohesion and uneasy post-conflict harmony.

The third ILUCIDARE category, shared heritage, reflects a more explicit shift away from state-centred governance towards an understanding of mutually shared and transnational pasts. Here, the symbolic power of heritage and material culture is foregrounded in international relations, with shared heritage becoming not merely incorporated into diplomatic relations but functioning as a mechanism of diplomacy in its own right. The Wall-to-Wall collaboration between China and the United Kingdom, linking research and educational initiatives related to the Great Wall and

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<sup>57</sup> ILUCIDARE, *A Humble Display on Heritage-Led International Relations*, with Aziliz Vandesande et al. (University of Leuven, n.d.), 203, <https://research.kuleuven.be/EU/p/horizon2020/sc/sc5/ilucidare>.

Hadrian's Wall, illustrates how shared heritage frameworks can underpin sustained transnational cooperation.

While much of the literature highlights the positive diplomatic potential of heritage, other scholars draw attention to its disruptive capacity. Huang Shumei and Hyun-kyung Lee introduce the concept of heritage off diplomacy, referring to situations in which cultural heritage, particularly difficult or contested heritage, undermines rather than facilitates diplomatic engagement. In regions characterised by complex geopolitics and unresolved historical grievances, divergent interpretations of the past can suppress cooperation and destabilise multilateral relations. The authors illustrate this dynamic through the contested heritage of Lushun Prison in China and Södaemun Prison in South Korea, where unresolved historical memories complicate diplomatic dialogue. This category here applied to tangible heritage and associated with traumatic histories is particularly relevant for this research and would be introduced later in the analysis applied to *nongak/nongyuewu*.

Less relevant for this study is the differentiation offered by Jasper Chalcraft, who proposes a distinction between charismatic and careful heritage diplomacy. Charismatic heritage diplomacy focuses on endangered, internationally recognised, and highly symbolic heritage sites that provide international donors with diplomatic visibility and opportunities for image-building as defenders of universal heritage values. Chalcraft notes that such forms of heritage diplomacy often rely on compelling narratives of international assistance and moral consensus. Examples include the European Parliament's response in April 2015 to the destruction of heritage sites by Daesh/ISIS, as well as UNESCO's *Revive the Spirit of Mosul* initiative. This approach encompasses both tangible and intangible heritage.

In contrast, careful heritage diplomacy is less spectacular and prioritises high-risk, community-oriented projects, often involving intangible cultural heritage. Rather than promoting clear or celebratory narratives, this approach seeks to open up difficult pasts and support communities traumatised by conflict. Chalcraft highlights initiatives such as the Cultural Protection Fund (CPF), launched by the British Council in 2015, as illustrative of this more cautious and ethically grounded

form of heritage diplomacy, which primarily engages with tangible heritage but places strong emphasis on social processes.

Finally, Amy Clarke introduces the notion of digital heritage diplomacy, which focuses on the role of heritage within digital diplomacy strategies. This approach explores how digital technologies, particularly the digitalisation of historical buildings and sites, can extend the diplomatic reach of heritage beyond physical boundaries. The Scottish Government’s *Scottish Ten* programme (2009–2015) exemplifies this model, demonstrating how digital documentation and dissemination of iconic sites can function as tools of international engagement.

To conclude the explanation above the comparison and examples of terminology can be seen in Table 5.

<b>Author</b>	<b>Definition</b>	<b>Meaning</b>
<b>Tim Winter</b>	Heritage <i>in</i> diplomacy	Heritage related initiatives and projects that are coordinated as part of diplomatic actions that do not depend on the notion of mutual or shared heritage as a mediator of relations.
	Heritage <i>as</i> diplomacy	Fostering shared heritage and building connectivity by identifying shared pasts.
<b>ILUCIDARE</b>	Heritage <i>within</i> international relations	State-led diplomacy involving preservation and promotion of heritage for reinforcing influence in foreign countries and conflict resolution.
	Heritage- <i>driven</i> international relations	Closer to the new diplomacy approach with heritage as driver of networking and creation of international relations.
	<i>Shared</i> heritage	Based on the concept of transnational heritage. Heritage becomes mechanisms for international relations through shared past.
<b>Huang Shumei and Lee Hyun-kyung</b>	Heritage <i>off</i> diplomacy	Suppression of diplomatic relations caused by heritage, often caused by differing interpretations or geopolitical tensions.
<b>Jasper Chalcraft</b>	<i>Charismatic</i> heritage diplomacy	Focuses on endangered, internationally recognised and

		highly symbolic heritage sites that offer international donors' diplomatic visibility and opportunities for image-building as concerned actors and supporters of universal values of heritage.
	Careful <i>heritage diplomacy</i>	It focuses on high-risk projects, often dealing with communities and their ICH to open up the past and make it work for communities traumatised by conflict.
Amy Clarke	Digital heritage diplomacy	Diplomacy focusing on the potential of heritage within digital diplomacy strategies

Table 5 List of terms connected with heritage diplomacy and currently in use.

### *Heritage off diplomacy: its meaning and examples*

For the purposes of this research, the term heritage *off* diplomacy, coined by Huang and Lee,<sup>58</sup> proves particularly apt and precise. In this context, *off* conveys both its adverbial meaning, as defined by the *Oxford Dictionary*, of “used to say that something has been removed or become separated,”<sup>59</sup> and its prepositional sense of signifying removal. This interpretation underscores heritage’s potential to undermine diplomacy by eliminating opportunities for cooperation when it becomes a source of contention or division. In such cases, rather than facilitating diplomatic engagement, heritage may act as an obstacle. Huang and Lee illustrate

<sup>58</sup> Shu-Mei Huang and Hyun-Kyung Lee, “Difficult Heritage Diplomacy? Re-Articulating Places of Pain and Shame as World Heritage in Northeast Asia,” *International Journal of Heritage Studies* 25, no. 2 (2019): 143–59, <https://doi.org/10.1080/13527258.2018.1475410>.

<sup>59</sup> Oxford Advanced Learner’s Dictionary, “Off Adverb - Definition, Pictures, Pronunciation and Usage Notes,” [oxfordlearnersdictionaries.com](https://www.oxfordlearnersdictionaries.com/definition/english/off_1), accessed October 17, 2025, [https://www.oxfordlearnersdictionaries.com/definition/english/off\\_1](https://www.oxfordlearnersdictionaries.com/definition/english/off_1).

this phenomenon with the example of Lushun and Sōdaemun Prisons,<sup>60</sup> a case in which South Korea-China collaboration over tangible cultural heritage stalled due to shared historical traumas and unresolved tensions.

The phenomenon of heritage *off* diplomacy can also manifest in the form of contested heritage, which can be categorized internally within both tangible and intangible cultural heritage. One of the most prevalent sources of contestation in East Asia arises from divergent historical perspectives on the nomination of significant heritage sites. In recent years, numerous disputes have emerged, such as the controversy surrounding Gunkanjima ( Battleship Island), part of the *Sites of Japan's Meiji Industrial Revolution*, inscribed on the UNESCO World Heritage List in 2015.<sup>61</sup> This nomination sparked strong opposition from South Korea, which accused Japan of historical inaccuracies, particularly regarding the forced labour of Koreans during the colonial period. The tensions surrounding this site exemplify how historical narratives can be distorted or selectively presented, reflecting the complexities of a shared yet painful past between Korea and Japan, where heritage becomes a separating factor, excluding the possibility of further diplomatic talks between the parties.

Given the geographical and historical proximity of East Asian civilizations, and the relatively recent construction of modern national borders, it is not uncommon to find shared heritage across multiple states, but still disjoint on the international listing, adding further pressure to the recognition and interpretation of cultural heritage. A notable example is the nomination of the *Koguryō Tombs* (37 BC–668

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<sup>60</sup> Shu-Mei Huang and Hyun-Kyung Lee, “Difficult Heritage Diplomacy? Re-Articulating Places of Pain and Shame as World Heritage in Northeast Asia,” *International Journal of Heritage Studies* 25, no. 2 (2019): 143–59, <https://doi.org/10.1080/13527258.2018.1475410>.

<sup>61</sup> UNESCO World Heritage Centre, “Sites of Japan’s Meiji Industrial Revolution; Iron and Steel, Shipbuilding and Coal Mining. Aerial View of the Hashima Coal Mine,” accessed January 30, 2025, <https://whc.unesco.org/en/documents/137680/>.

AD) by the Chinese<sup>62</sup> and North Korean<sup>63</sup> delegations in July 2004. These tombs, spread across present-day South Korea, North Korea, and China, represent a shared historical legacy involving three different UNESCO delegations. However, their classification remains a matter of dispute, and their nominations in 2004 still remain disjointed, despite the Committee suggestion for transboundary nomination.<sup>64</sup> While both North and South Korea regard the Koguryŏ kingdom as an integral part of early Korean civilization, nowadays partially consisting in *offshore* heritage, China has sought to frame this legacy within its own historical narrative. This perspective is exemplified by the Northeast Asia Project, in which Chinese scholars argued that Koguryŏ was “a regional kingdom of an ethnic group of ancient China.”<sup>65</sup>

This case illustrates how contested heritage can emerge from both historical commonalities and current geopolitical considerations, often giving rise to competing national identities and nationalist rhetoric. The way contested heritage is framed depends on the narratives constructed by each nation involved in the dispute. It can serve as a means of confronting difficult historical legacies arising from shared pasts, while also representing culturally significant civilizations that extended beyond today’s national borders, which entails the presence of *offshore* heritage.

Regarding intangible cultural heritage, East Asian nations have exhibited limited diplomatic initiatives to engage with the shared cultural dimensions of their respective national identities. A pertinent example is South Korea’s nomination of *Taekkyeon*, which highlights the complexities of such efforts. The study *Heritage*

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<sup>62</sup> UNESCO, “Capital Cities and Tombs of the Ancient Koguryo Kingdom,” unesco, accessed October 17, 2025, <https://whc.unesco.org/en/list/1135>.

<sup>63</sup> UNESCO, “Complex of Koguryo Tombs,” unesco, accessed October 17, 2025, <https://whc.unesco.org/en/list/1091>.

<sup>64</sup> UNESCO, “Decision 28 COM 14B.25 Nominations of Cultural Properties to the World Heritage List (Capital Cities and Tombs of the Ancient Koguryo Kingdom),” 2004, <https://whc.unesco.org/en/decisions/108>.

<sup>65</sup> Ministry of Foreign Affairs Korea Republic of, “Goguryeo | Ministry of Foreign Affairs, Republic of Korea,” accessed January 29, 2025, [https://www.mofa.go.kr/eng/wpge/m\\_5436/contents.do](https://www.mofa.go.kr/eng/wpge/m_5436/contents.do).

*for Identity and as Diplomacy: The Case of Korean Martial Arts* (2023) by Rozenfeld Lachina Eugenia and Guy Podeler provides an insightful overview of Korean martial arts nominations within the UNESCO ICH framework.

South Korea's successful nomination of *Taekkyeon* in 2011<sup>66</sup> subsequently prompted North Korea to apply under UNESCO's Memory of the World program, seeking recognition for the *Muye Dobo Tongji*, a historical martial arts text compiled between 1776 and 1800 during the reign of King Chǒngjo.<sup>67</sup> This nomination sparked debate among South Korean scholars and experts, raising concerns regarding the authenticity, preservation quality, and completeness of the archived documents, and often suggesting a cooperative effort between the two administrations for the safeguarding of this document both in its material and immaterial aspects.<sup>68</sup>

Beyond these disputes, this case underscores a broader challenge at the international level, namely, the difficulty in establishing a framework for joint nominations of shared intangible cultural practices across national borders. The absence of cooperative mechanisms reflects the prevailing limitations in cultural diplomacy among East Asian nations, highlighting the need for more inclusive and collaborative heritage recognition strategies.

The case of South and North Korea is particularly compelling and emblematic in the context of *offshore* intangible heritage diplomacy. Analysing the ICH lists of both Koreas on UNESCO's website reveals that many of their nominations could plausibly be recognized as shared cultural heritage, given the deep historical and cultural ties between the two nations. However, exceptions exist for traditions that

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<sup>66</sup> UNESCO, "Taekkyeon, a Traditional Korean Martial Art," Unesco, 2011, <https://ich.unesco.org/en/RL/taekkyeon-a-traditional-korean-martial-art-00452>.

<sup>67</sup> UNESCO, "Mu Ye Do Bo Tong Ji (Comprehensive Illustrated Manual of Martial Arts) - Memory of the World," Unesco, 2017, accessed October 17, 2025, <https://www.unesco.org/en/memory-world/mu-ye-do-bo-tong-ji-comprehensive-illustrated-manual-martial-arts>.

<sup>68</sup> Nak-hyun Kwak, "Muyedobot'ongji yunesük'o segyegirokyusan tŭngjae pangan [Plan for UNESCO Memory of the World Registration of Muyedobotongji]," *Tongyanggojŏnyŏn'gu* 64 (2016): 251–79, [https://www.kci.go.kr/kciportal/landing/article.kci?arti\\_id=ART002150256](https://www.kci.go.kr/kciportal/landing/article.kci?arti_id=ART002150256).

are intrinsically linked to specific local environments and ecological knowledge. For instance, the Jeju *Haenyeo* women divers represent a cultural practice deeply rooted in the unique maritime conditions of Jeju Island, making it difficult to extend beyond this localized context. Similarly, the *Jeju Chilmeoridang Yeongdeunggut*, a ritual dedicated to the sea deity, remains firmly tied to Jeju's distinct cultural and ecological landscape. These cases illustrate how certain intangible heritage elements, despite their broader cultural significance, remain geographically and environmentally bound, automatically excluding the possibility for shared recognition.

Despite this brief exploration of geographically bound heritage, a gap remains in scholarly discourse regarding the role of intangible cultural heritage in either facilitating or hindering diplomatic efforts at regional and international levels. Given the increasing prominence of intangible heritage in shaping tourism, economic development, and socio-political dynamics, both in the past decade and in the years to come, it is imperative to expand research in this area. A deeper understanding of heritage diplomacy is crucial for elucidating the mechanisms at play, the strategic advantages it offers, and the broader global cultural dynamics that will continue to influence and shape the foreign policies of East Asian nations.

## 2.2 South Korea and China ‘globalisation of heritage politics’

### *What’s “Cultural Globalisation”*

Globalisation is often associated with economic interdependence, trade, and production, but it has also profoundly shaped cultural and political landscapes. The globalisation of heritage politics refers to the ways in which cultural heritage, particularly ICH, is influenced by global interactions, international institutions, and transnational policies. This phenomenon has led to the increased visibility and recognition of local traditions but has also raised concerns about cultural homogenization, authenticity, and the role of global governance in defining and preserving heritage. This section explores the complex interplay between globalisation and heritage politics, focusing on the role of UNESCO and the challenges and opportunities posed by the global recognition of cultural expressions.

When discussing globalisation, the first association that comes to mind is the increasing interdependence of the world economy, trade, and production. However, global communication and fast messaging have also profoundly shaped social and political landscapes, influencing political choices, social interactions, and cultural transformations. Cultural globalisation, as a branch of the broader globalisation process, refers to the "standardization of cultural expressions around the world."<sup>69</sup> It encompasses various aspects of human civilization, including clothing, food, religion, lifestyle, and even local traditions of small communities.

In this context, ICH becomes part of the global transformation of how culture is experienced and appreciated from a global perspective. The contemporary trend of seeking local and traditional expressions while traveling reflects this shift. Tourists increasingly rely on digital platforms, Instagram reels, YouTube videos, hashtags, and Facebook events, to discover authentic cultural experiences in new locations.

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<sup>69</sup> James Watson, “Cultural Globalization,” in *Britannica*, February 15, 2025, <https://www.britannica.com/science/cultural-globalization>.

While this trend fosters a more informed and conscious traveller, it also presents challenges for local communities and governments. A critical question arises: how can communities maintain their unique cultural identities in the face of transcultural and global influences?

The UNESCO intangible cultural heritage lists (representative and in need of urgent safeguarding), as well as the Register of good safeguarding practices represent one of the first global efforts to address the disappearance of local traditions and support small communities whose practices are economically unsustainable. Often referred to as the "UNESCO brand,"<sup>70</sup> this recognition has enabled various communities to receive increased national attention and global recognition. Many remote communities have gained access to better services, increased tourism, and digital platforms for promoting and selling locally produced goods.

However, the inclusion of cultural expressions in the UNESCO ICH lists brings both advantages and challenges. On one hand, global visibility fosters cultural appreciation and preservation. On the other hand, the exposure to a global audience can lead to commercialization and the loss of cultural singularity. The more a tradition is showcased globally, the greater the risk of it being commodified, altered, or diluted. This dynamic is not new, it has existed since ancient times, as seen in the cultural exchanges of Greek and Roman civilizations, as seen in studies over the globalisation in the *longue durée*.<sup>71</sup> Nevertheless, the scale and speed of modern globalisation amplify these challenges, raising concerns about the sustainability of local traditions in a globally interconnected world.

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<sup>70</sup> The academic literature on this term is quite varied, here few readings spanning from ICH to World heritage list, as well as UNESCO Cities network are suggested: Chiara Rinaldi et al., "Unpacking a Global Spatial Brand: Brand Management Practices in the UNESCO City of Gastronomy Network," *Journal of Place Management and Development* 18, no. 1 (January 14, 2025): 1–19, <https://doi.org/10.1108/JPM-D-07-2023-0072>. Beatriz Santamarina, "The Global Competition of the Intangible. UNESCO as a Producer of Heritage Brands," *Heritage & Society* 16, no. 3 (September 2, 2023): 251–70, <https://doi.org/10.1080/2159032X.2023.2226572>. Bailey Ashton Adie, "Franchising Our Heritage: The UNESCO World Heritage Brand," *Tourism Management Perspectives* 24 (2017): 48–53, <https://doi.org/10.1016/j.tmp.2017.07.002>.

<sup>71</sup> Martin Pitts and Miguel John Versluys, *Globalisation and the Roman World: World History, Connectivity and Material Culture* (New York: Cambridge University Press, 2015), 236.

Even before economic globalisation, cultural exchanges facilitated the spread and adaptation of traditions across different societies. This explains why similar cultural elements can be found across distant civilizations. Human history is marked by migration, knowledge exchange, and the blending of cultural practices.

Despite the richness of global cultural expressions, the UNESCO ICH list represents only a fraction of this diversity and is shaped by bureaucratic and political processes. The selection of nominations is limited, and not all countries have the capacity or willingness to submit certain practices for recognition. The nomination process itself is complex and often requires specialized legal and administrative knowledge, which is not always accessible to the communities whose traditions are under consideration. This has led, in some cases, to the rise of specialized NGOs' training programs aimed at guiding communities through the nomination process.

Furthermore, the ICH application process is inherently political, as it falls under national administrative and governance systems. UNESCO, as an international organization, operates within a structured system of rules, agreements, and legal frameworks, both hard and soft law, that regulate global governance, which are often out of the reach of local communities that need a mediator to fully understand and comply by them. This aligns with Anne-Marie Slaughter's definition of global governance as: "The formal and informal bundle of rules, roles, and relationships that define and regulate the social practices of states and non-state actors in international affairs."<sup>72</sup>

From this perspective, cultural globalisation is embedded within a broader system of global governance, shaped by institutions like UNESCO. As a specialized UN agency focusing on culture, science, and education, UNESCO plays a pivotal role in setting international norms and policies. However, it remains one of the most

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<sup>72</sup> Anne-Marie Slaughter, Andrew S. Tulumello, and Stepan Wood, "International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship," *American Journal of International Law* 92, no. 3 (1998): 367–97, <https://doi.org/10.2307/2997914>.

complex UN agencies to navigate, particularly in relation to intangible cultural heritage.

One of the fundamental challenges of UNESCO's role in heritage politics is the balance between standardization and cultural specificity. How can an international institution manage and protect the heritage of 194 States Parties, each with countless cultural expressions, without compromising the distinctiveness of these traditions? Given the fluid and evolving nature of culture, maintaining flexibility while ensuring effective governance is a delicate task.

Anthropologists and scholars have often expressed concerns about the risk of cultural homogenization or cultural secularization. Some have even argued that the very concept of "heritage," as defined by UNESCO and its lists, is a construct that does not exist in a fixed or objective sense. Instead, it is shaped by political, economic, and institutional priorities.<sup>73</sup>

The globalisation of heritage politics reflects the broader tensions of cultural globalisation: the desire to preserve uniqueness while engaging with a global audience. UNESCO's efforts to safeguard intangible cultural heritage have brought many traditions to global attention, but they have also raised questions about authenticity, commodification, and political representation. As the world continues to evolve, the challenge remains to ensure that global heritage policies support sustainable cultural diversity without undermining the very traditions they aim to protect. The future of cultural heritage governance will depend on a delicate balance between global connectivity and local identity, requiring continuous dialogue between international institutions, national governments, and local communities.

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<sup>73</sup> Lourdes Arizpe and Cristina Amescua, eds., *Anthropological Perspectives on Intangible Cultural Heritage*, vol. 6, SpringerBriefs in Environment, Security, Development and Peace (Heidelberg: Springer International Publishing, 2013), <https://doi.org/10.1007/978-3-319-00855-4>.

### *The globalisation of heritage politics and policies*

Given the rising global concerns over culture, here specifically over cultural heritage, matched together with the growing importance of international legal frameworks in this field, this sector is facing a globalising trend also reflecting in politics and political choices. Politics and policies are terms often used interchangeably due to their close relationship, yet they possess distinct meanings. Their connection is evident: politics forms the foundation upon which policies are articulated and implemented. If politics represents the ideological framework, policies serve as the mechanisms of execution, translating political visions into tangible actions. A precise definition of policy is “a regularized set of actions based on overarching principles,”<sup>74</sup> where the principles are set by the national governing bodies.

Within the context of the growing global awareness of heritage as a collective human responsibility, politics and policies have played a crucial role in the safeguarding, management, and protection of heritage and other cultural expressions worldwide. This is exemplified by the foundational objectives of UNESCO, an organization established to preserve cultural heritage, initially focusing on material and architectural heritage, particularly in post-war Europe, where nations sought to protect their monumental past.

However, from UNESCO’s founding in 1945 to the establishment of the International Day for Monuments and Sites (April 18, 1983), the landscape of heritage policies has undergone significant transformation. Despite progress, pressing challenges remain, most notably, the trafficking of cultural artifacts and the recognition of intangible cultural heritage within migrant and diasporic communities. These evolving concerns necessitate a critical reassessment of cultural policies, first within the international legal framework and then within

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<sup>74</sup> Victoria Durrer, Toby Miller, and Dave O’Brien, eds., *The Routledge Handbook of Global Cultural Policy*, The Routledge International Handbook Series (London New York: Routledge, Taylor & Francis Group, 2018), 3.

national legislative systems, to better understand the contemporary dynamics of heritage governance in a globalised world.

Culture has long been imbued with social and political significance, extending beyond museums, galleries, and performance arts. Throughout history, cultural dominance has been a tool of power; colonial expeditions were often accompanied by cultural interventions, including the imposition of foreign languages on indigenous populations and the appropriation of artifacts as symbols of conquest. Heritage, much like culture, has shifted from being an elite and static concept to a widely accessible and actively engaged domain, driven by national and international efforts to democratise its value and relevance. Democratise also means to make something accessible and open to everyone, this requires the construction of common foundations valid for all nations and people part of this process, to make it global and more effective to a larger public.

International frameworks set by international institutions like UNESCO, International Centre for the Study of the Preservation and Restoration of Cultural Properties (hereafter “ICCROM”), International Council of Museums (hereafter “ICOM”), and more, have developed, with time, universal standards for the safeguarding of heritage. Most notably the 1972 World Heritage Convention, and the 2003 Convention for the Safeguarding of Intangible Cultural Heritage. Consequently, heritage is no longer seen solely as a national concern, but rather a global responsibility. Realising this final point help understand the development and come into being of the globalisation of heritage politics, which is the transnational management based on common grounds, of heritage through the harmonisation of national policies with the international guidelines.

This movement is not without controversies and contestations. There are especially three areas which represent important challenges in today’s world: the first is the decolonisation and repatriation of former colonies artefacts, sparking international contestations and debates over the ownership of heritage;<sup>75</sup> secondly, the deliberate

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<sup>75</sup> Laurajane Smith in *Uses of Heritage* (London: Routledge, 2010) addresses this topic.

destruction of heritage and heritage sites, which arises questions over the legitimate intervention by international organizations and international actors; lastly, the category of migration and intangible cultural heritage, which shed light on cross-border communities, holders of diasporic and migrant cultural expressions related to their former original communities.<sup>76</sup> This topic challenges the foundations of both international and national frameworks, threatening the nation-based heritage definition, together with the very concept of States as well as Nations, defined by borders and territorial integrity.

This research questions these assumptions especially applying to the case of Northeast Asia's relationships, within transboundary civilisations crossing recognised national borders between China and South Korea. Especially in the case of the UNESCO 2003 Convention, multinational shared nominations are cherished, this creates a new scenario in the international relations of national governments, which face the necessity of a diplomatic approach in the field of heritage, entailing the respect of other nation-state's regulations and law, together with the harmonisation of international frameworks and internal political and legal accountability.

The connectiveness of these different actors originates a movement that has a bi-directional effect. If we consider nation-state governance as an internal zone of action surrounded by an external zone, consisting of international heritage governance institutions (UNESCO, ICCROM, ICOMOS, etc.), the influence streams will move from internal to external, to then come back again from the external into the internal zone of action. These streams of influence can be substantiated in many ways, like the national approval of a new legislation, release of special funds for the safeguarding of heritage, or initiation of talks with other nations to create collaborative projects on specific heritage expressions. Taking the case of the 2003 Convention, certain UNESCO States Parties took a stance to push

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<sup>76</sup> Some authors on this topic: Lourdes Arizpe and Cristina Amescua, eds., *Anthropological Perspectives on Intangible Cultural Heritage*, vol. 6, SpringerBriefs in Environment, Security, Development and Peace (Heidelberg: Springer International Publishing, 2013), <https://doi.org/10.1007/978-3-319-00855-4>.

for a new concept of heritage liberated from its materiality, to influence the international organisation, eventually culminating in the drafting of the new Convention, and its entry into force in 2006. As a return, the Convention influenced other members of the UN Agency which, eventually, became part of the 2003 Convention itself, and approved and improved national legislations on the safeguarding and transmission of intangible cultural heritage.

These streams are thus not one-directional, rather bi-directional and continuous in time, in an osmotic system which grounds in a global inter-dependent framework. Moreover, if we consider each UNESCO States Parties as a single osmotic system, we also need to recognize the mutual influence between these single systems, one towards the others. The South Korean governments through the establishment of the Centre nr. 2 for the Safeguarding of Intangible Cultural Heritage: International Information and Networking Centre for Intangible Cultural Heritage (hereafter “ICHCAP”), under the 2003 Convention, strongly influences other Asian and, especially, South-East Asian countries thanks to the many programs active in this field, especially targeting education. At the same time, guests and visitors to the ICHCAP also bring their own experience and ideas, which are retained by the organisation and reshaped for the local context, beside their local connections and new networking possibilities.

This multi-directional osmotic system takes shape grounded on common concepts, established by international organizations and their legal frameworks. As much as this global approach to heritage has been slowly taking over internationally, reinforcing cooperation and collaboration between countries, however, it also strengthened the acknowledgement and consciousness over diversity and uniqueness, leading, in certain circumstances, to the construction of rigid cultural identities and nation-building processes. In certain regions, these increased the problematic relationships between states and globalisation, reassessing, within a

post-structuralist context, the tensions and ambivalences “between cultural homogenization and cultural heterogenization,” as described by Appadurai.<sup>77</sup>

The predominance of national identities has also long influenced international perspectives over heritage, as demonstrated by the well-established critique of the current nation-state UNESCO framework. Major studies denounce the long shared Western centric approach to heritage,<sup>78</sup> which populated UNESCO, as well as other international organisations, setting a standard characterised by Western scopes and approaches in the context of cultural heritage. However, things have started to slowly change, especially under the pressure of East Asian countries (China, Japan and South Korea), which strongly addressed the urge of increasing attention to the intangible cultural heritage. This has worked particularly well, thanks to the financial and political attention addressed by these countries.

One very useful instrument, playing a vital role, is the opening of UNESCO regional centres, usually settled in non-European countries, to further enhance the influence of the hosting country respecting the aims and goals of the institution. Despite some authors’ views on the predominance of non-Western countries in the 2003 Convention list as a sign of counter-Westernization,<sup>79</sup> the acknowledgement of intangible cultural heritage by Western governments and institutions has also changed. This is demonstrated by the active participation of Western states to the 2003 Convention through the implementation of their national legislations, regional frameworks (Faro Convention), together with the involvement of civil society (European Heritage Day), and the activation of European research projects (ILUCIDARE), and events.

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<sup>77</sup> Arjun Appadurai, “Disjuncture and Difference in the Global Cultural Economy,” *Theory, Culture & Society* 7, no. 2–3 (June 1990): 295–310, <https://doi.org/10.1177/026327690007002017>.

<sup>78</sup> Sophia Labadi, *UNESCO, Cultural Heritage, and Outstanding Universal Value: Value-Based Analyses of the World Heritage and Intangible Cultural Heritage Conventions*, Archaeology in Society Series (Lanham, Md: AltaMira Press, 2013).

<sup>79</sup> Laurajane Smith, *Uses of Heritage*, Repr, Heritage Studies (London: Routledge, 2010).

Despite the increasing interest of Western countries on ICH, East Asia predominance in the list is visible: China leading with 44 elements nominated, followed by South Korea (23 elements) and Japan (23 elements). Nevertheless, their predominance is not only reflected by the number of nominations, in fact, they have also demonstrated national attention to ICH through the approval of *ad hoc* legislation, implementation in their national cultural agenda, together with the involvement in regional networking through the opening of UNESCO centres and special activities carried out home and abroad. In the last few years more research projects have been conducted to study and understand the political and social processes behind the increasing interest of East Asian governments towards ICH, with a small part of these concerned with political science and international diplomacy. For this reason, the next paragraphs will be focusing on the process of globalisation undergone in South Korea and China in the field of heritage politics, together with the clear consequences in the national implemented policies. The focus will be on intangible cultural heritage especially, as it pertains this research.

### ***South Korea and its global heritage strategy***

South Korea has played a pivotal role in the international recognition and preservation of ICH, employing a strategic and proactive approach over the decades. The nation's engagement with UNESCO and other international organizations has been instrumental in shaping global policies and fostering awareness of the importance of ICH. However, a major role also played the national setting, where fundamental policies were implemented since the end of the Korean war, and where cultural agenda has been able to develop and transform over the decades.

If engaging with the globalisation of heritage means fundamentally the entrance of a nation inside the international organisations established in the global and regional context, nevertheless, the internal environment also sets important foundations for the mutual engagement and cooperation in multi-states systems. Since the First Republic (1948), South Korean politics on cultural heritage were receptive of the national and international contexts: in 1950 the Cultural Properties Protection Act (문화재보호법, munhwajae bohobŏp) pushed for the safeguarding and promotion of cultural heritage nation-wide, whereas few years later, in 1956, the Korean Cultural Promotion Program highlighted Korean culture in the international context

to foster it through diplomatic engagements. It was during these years (1954) that the first South Korean National Commission for UNESCO was announced. As a matter of fact, during the November-December 1956 New Delhi UNESCO General Conference and Festival of Folk Arts, 30 Korean musicians and dancers performed in front of the international public, financed by the America-Korean Foundation, to showcase the beauty of Korean traditional culture and make a distinctive statement in front of the international public.<sup>80</sup>

One of the main objectives implemented by the Rhee's government was the reinstatement of national identity and nationalism. The Japanese colonisation had devastating effects on Korean traditional culture, and what was washed away by the Japanese needed to be reconstructed, also through the repeal of Japanese cultural influences. To face the global environment with a new stronger identity, the 1953 the Cultural Purification Campaign tried to eradicate Japanese cultural influences (Japanese terminology, public institutions, Japanese-style names and cultural practices) from the new independent Korea. An interesting event, related to the Japanese strong influence on Korean national culture, is represented by the controversy over the publication of *Chōsen-shi no Shirube* (Korean History Handbook) by the Japanese government through UNESCO funds. The book, first published in 1937 under colonial rule, was reintroduced on the international market in 1967 (Figure 1) under UNESCO's Mutual Appreciation of Eastern and Western Cultural Values project and raised significant concerns, as it reflected remnants of Japan's colonial narrative.<sup>81</sup> This controversy underscored South Korea's struggle for historical representation on the international stage and the necessity of independent efforts to promote its cultural heritage.

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<sup>80</sup> UNESCO, "X07.21(519-13) Relations with South Korea," December 1956, UNESCO.

<sup>81</sup> Ro-tae Park, "KNC/PU 670560," May 4, 1967, UNESCO.

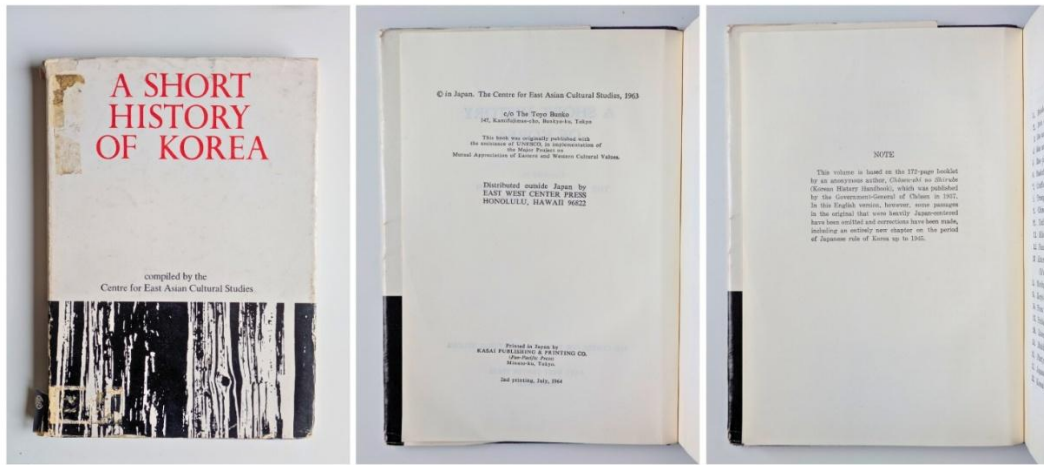


Figure 1 Photos of one of the published copies of *A Short History of Korea*, English version published in 1963 (Photo by the Author)

At the same time, due to the concurrent national war with North Korea, the Southern government needed to strongly differentiate itself from the communist brother. These two elements influenced for decades the cultural narrative of South Korea to the world, as an anti-communist, nationalistic country. However, despite the animosities between North and South, in 1974 a letter from South Korean Ambassador in France clearly states himself, together with his government, acceptant and open to the membership of North Korea inside UNESCO, in line with President Park Chung-hee's declaration on foreign policy dated 23<sup>rd</sup> June 1973, in the name of "progress in dialogue."<sup>82</sup>

During President Park Chung-hee's rule that cultural heritage and intangible cultural heritage started to have an even more prominent role in the national agenda. In 1962 the Cultural Properties Protection Law introduced the concept of living treasures, and folk arts inside the national protection of heritage. This resulted in an increasing engagement in the following years inside UNESCO, which will bring to

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<sup>82</sup> UNESCO Archive, *Letter to UNESCO from the Acting Director of the Office for liaison with the United Nations in New York*, 25.06.74, OR/ROK; UNESCO Archive, *Statement by the Permanent Delegate of the Republic of Korea*, RMO/9/412/267, 27.06.74.

the 1993 proposal made by Ambassador Park Sang-seek to UNESCO Executive Board advocating for the establishment of an international Living National Treasures System.<sup>83</sup> This initiative aimed to strengthen the objectives of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore by addressing the lack of international awareness and the passive role of nations in the protection of intangible heritage. The proposal, supported by several member states, including China, was subsequently adopted during the 142<sup>nd</sup> Executive Board Session. The successful adoption of this initiative significantly influenced global approaches to ICH preservation, leading to the eventual formation of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in 2003.

In October 1996, the Korea National Commission for UNESCO convened a policy meeting in Sŏul to develop methodologies for preserving intangible heritage. This was followed by a series of international workshops on the Living Human Treasures System between 1998 and 2001, with four of the eight sessions hosted in South Korea (Sŏul, Namwŏn, and Kangnŏng). These efforts positioned South Korea as a thought leader in ICH preservation, fostering cross-border exchanges and methodological advancements.

From the Fifties to arrive at the Nineties, South Korea has shown the gradual engagement in the international context. The first steps were the solidification of national identity and national policies for cultural heritage, followed by the organisation and participation to international events which positioned South Korea between the global community. As a matter of fact, the Asian Games (1986) and the 1988 Sŏul Olympics helped Korea to position itself as a global player and gain confidence. Beside participating in the 2003 UNESCO Convention, South Korean government also established one of the ICH centres in Chŏnju, North Jeolla province. ICHCAP, acronym for Intangible Cultural Heritage in the Asia-Pacific Region, works as a networking centre for ICH practices improvement, information sharing and training. South Korea's commitment to ICH was reaffirmed in 2023

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<sup>83</sup> UNESCO, "International Consultation on New Perspectives for UNESCO's Programme: The Intangible Cultural Heritage, 1993," 1993, UNESCO, 5, <https://unesdoc.unesco.org/ark:/48223/pf0000143226.locale=fr>.

with a commemorative event in Sŏul marking the 20th anniversary of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.<sup>84</sup> This event underscored the country's continued dedication to ICH protection and its leadership role in shaping global heritage policies. South Korea's strategic and long-term engagement with UNESCO and the international community has played a critical role in the recognition and safeguarding of intangible cultural heritage. From challenging colonial narratives to advocating for global policy frameworks, South Korea has demonstrated a sustained commitment to cultural diplomacy and heritage preservation.

Building on these achievements, South Korea has continued to refine its strategy for cultural heritage globalization. The recognition of its cultural assets by UNESCO, the promotion of traditional arts through global festivals, and the expansion of the Hallyu (Korean Wave) have further solidified its cultural presence worldwide. By integrating heritage with modern media and diplomacy, South Korea has positioned itself as a cultural powerhouse, demonstrating how traditional identity can be dynamically adapted for international engagement.

### *China and its global heritage strategy*

Since the establishment of the People's Republic of China in 1949, cultural politics have played a crucial role in shaping the country's global image and diplomatic efforts. The strategic use of ICH and folk arts has evolved over decades, reflecting shifting national priorities, economic transformations, and diplomatic engagements.

The mid-20<sup>th</sup> century was a formative period for China's cultural diplomacy. Despite the internal cultural turmoil brought by the establishment of the new Communist State and the subsequent erasure and suffocating campaign towards traditional cultures, the first years since the establishment of the People's Republic of China also established the first documentation of Chinese ethnic minorities, as well as the recognition of the role of culture in international relations, with an

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<sup>84</sup> UNESCO, "Celebration of 20th Anniversary of the 2003 Convention in Seoul," 2023, <https://ich.unesco.org/en/events/celebration-of-20th-anniversary-of-the-2003-convention-in-seoul-00974>.

emphasis on showcasing selected traditional Chinese arts and heritage as symbols of national identity.

Between the year running from 1950s and 1960s, the Chinese government tried to promote folk arts in international exchanges, with a focus on socialist countries and newly independent nations in Asia, Africa, and Central America, positioning itself as a leader in the Global South. The trend during the first decades since the establishment of the new State was the ideological use of traditional folk arts to serve state-controlled propaganda. During the Cultural Revolution (1966-1969), despite the suppression of many cultural practices, some cultural heritage expressions were selected to serve political needs. With October 25, 1971, recognition and admission of the People's Republic of China inside the UN system, as the only legitimate representative of China, UNESCO Director General was called to respect the decision. The entrance of the PRC into UNESCO starts a follow-up on collaboration and diplomatic exchanges. On May 22, 1981, a Programme of Cooperation Between the Chinese Ministry of Education and UNESCO investigates the legislation governing the education of cultural minorities on Chinese territory.

With Deng Xiaoping's reforms, China began reintegrating with the global community, leading to increased international collaboration in the field of cultural heritage. Since the first meeting between UNESCO and Chinese authorities, several collaborations were proposed in the field of ICH and cultural heritage:

- Cooperation between China and the International Council for Music to edit a disc on Chinese music
- Research project on Chinese music
- Implementing mass participation of the citizens to culture
- Request for international funding on the study of folklore in the Tibet area
- Special program for the formation of regional experts in the conservation of cultural heritage
- Project on the natural reserve of Mount Changbai/Baekdu

In the 1990s, the Chinese government placed greater emphasis on the preservation of intangible cultural heritage. Between the 1980s and 1990s, the First Nationwide Cultural Heritage Census was conducted as a large-scale survey to document and classify traditional practices and material heritage, laying the foundation for formal heritage policies.

In June 1993, the Shanghai Expo of Folk Arts, the first major event promoting folk arts on an international scale, took place, integrating state efforts with private cultural organizations. The following year, in June 1994, a UNESCO and Japan-funded project was launched to preserve and document folk tales, poetry, and other forms of intangible cultural expression. This initiative marked China's increasing engagement with neighbouring countries in the heritage sector.<sup>85</sup>

Previously, several workshops had been held in collaboration with the Democratic People's Republic of Korea (hereafter "DPRK") and Mongolia, focusing on the preservation and conservation of material heritage.<sup>86</sup> These projects highlight China's growing integration into the global heritage landscape, not only as a leading actor but also as a beneficiary of international cooperation.

In the 21st century, China's approach to the globalization of cultural politics became more systematic, integrating ICH into broader economic and diplomatic frameworks. A significant milestone was the enactment of the Intangible Cultural Heritage Law in 2011, which formalized the protection and promotion of ICH at both national and international levels. This legislation fostered increased collaboration between the government and private sectors, ensuring more structured efforts in safeguarding traditional cultural expressions.

Further strengthening its cultural diplomacy, China incorporated ICH into the Belt and Road Initiative (2013–present), using folk arts and traditional practices to build cultural connections with participating countries. Through festivals, art exhibitions,

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<sup>85</sup> UNESCO Beijing Office, "Report of Activities 1996-1997," 1997, UNESCO, 23, <https://unesdoc.unesco.org/ark:/48223/pf0000260552.locale=fr>.

<sup>86</sup> UNESCO Beijing Office, "Report of Activities 1996-1997," 1997, UNESCO, 7-18, <https://unesdoc.unesco.org/ark:/48223/pf0000260552.locale=fr>.

and academic exchanges, China positioned its heritage as a bridge for international cooperation. Parallel to these efforts, China actively pursued UNESCO recognition for its intangible cultural traditions, securing over 40 listings by 2023, the highest number globally. This extensive engagement with UNESCO reinforced China's role as a key player in heritage preservation and cultural policy on the world stage. Additionally, China hosts since 2015 and every two years a major international event related to ICH: the International Festival of Intangible Cultural Heritage.<sup>87</sup> This Festival brings together scholars, policymakers, and cultural practitioners from various countries. These events further underscored China's leadership in the global discourse on heritage conservation, showcasing its commitment to both preserving its own traditions and fostering cross-cultural exchanges.

China's approach to cultural globalization has transitioned from ideological cultural diplomacy to a sophisticated blend of heritage protection, economic strategy, and soft power projection. The integration of ICH and folk arts into international cultural politics has strengthened China's global presence, demonstrating the strategic value of intangible heritage in fostering diplomatic relations and national branding. China is the first Asian countries for number of both tangible (59 elements) and intangible (44 elements) cultural properties nominated inside UNESCO lists. Moving forward, China continues to position itself as a leader in global cultural governance through ongoing UNESCO partnerships, regional cultural agreements, and digital heritage initiatives.

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<sup>87</sup> UNESCO, "China - Activities with the Patronage," accessed October 20, 2025, <https://ich.unesco.org/en/state/china-CN?info=activities-with-the-patronage>.

## 2.3 Intangible Cultural Heritage in China and South Korea: meaning, role, and claims

With the growing international interest on intangible cultural heritage, governments of UNESCO member states have increasingly posed attention to the safeguarding and management of this special heritage. However, some nations have historically given more attention than others to ICH, even before the 2003 Convention imposed international attention. South Korea, China and Japan are among those nations, demonstrated by their long-lasting legislation, their implementation in their national registries and the increasing number of festivals on these topics. This sub-chapter tries to explain why ICH is important to China and South Korea, investigating the meaning it has inside these nations, together with the role it covered from the historical perspective, as well as the consequences of this prominent position, which caused contestations and problems between neighbouring civilizations and Nations.

### *Meaning of Intangible Cultural Heritage in China and South Korea*

Defining a concept often requires consulting dictionaries, encyclopaedias, or, as in this case, national legislation that provides an official legal definition. Both China and South Korea have enacted specific laws that clarify the meaning of intangible cultural heritage (ICH) within their respective legal frameworks.

In South Korea, the recently enacted Framework Act on National Heritage (국가유산기본법, Kukkayusan gibbonböp, Law n. 20309, 2024.02.13)<sup>88</sup> defines ICH within the broader category of National Heritage (국가유산, Kukka yusan). According to Article 3, Paragraph 2:

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<sup>88</sup> National Heritage Administration (Policy Division), “Kukkayusan’gibbonböp [Framework Act on National Heritage (Law n. 20309)],” February 13, 2024, <https://law.go.kr/%EB%B2%95%EB%A0%B9/%EA%B5%AD%EA%B0%80%EC%9C%A0%EC%82%B0%EA%B8%B0%EB%B3%B8%EB%B2%95>.

“National Heritage” refers to cultural heritage, natural heritage and intangible cultural heritage that are man-made or naturally formed national, ethnic, or world heritage of great historical, artistic, academic or scenic value.<sup>89</sup>

More specifically, the Act on Preservation and Promotion of Intangible Cultural Heritage (무형유산의 보전 및 진흥에 관한 법률, Law No. 20309, 2024.2.13) categorises ICH (무형유산, Muhyŏng yusan) into six domains:

- A. Traditional Performing Arts
- B. Traditional skills related to crafts, fine arts, etc.
- C. Traditional knowledge of Korean medicine, agriculture, and fishing, etc.
- D. Oral Traditions and Expressions
- E. Traditional Lifestyle Practices
- F. Social Consciousness such as Folk Beliefs
- G. Traditional Play Festivals and Performing Arts<sup>90</sup>

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<sup>89</sup> Original text: 제 3 조(정의) 이 법에서 사용하는 용어의 뜻은 다음과 같다.

1. “국가유산”이란 인위적이거나 자연적으로 형성된 국가적·민족적 또는 세계적 유산으로서 역사적·예술적·학술적 또는 경관적 가치가 큰 문화유산·자연유산·무형유산을 말한다.

2. “문화유산”이란 우리 역사와 전통의 산물로서 문화의 고유성, 거래의 정체성 및 국민생활의 변화를 나타내는 유형의 문화적 유산을 말한다.

3. “자연유산”이란 동물·식물·지형·지질 등의 자연물 또는 자연환경과의 상호작용으로 조성된 문화적 유산을 말한다.

4. “무형유산”이란 여러 세대에 걸쳐 전승되어, 공동체·집단과 역사·환경의 상호작용으로 끊임없이 재창조된 무형의 문화적 유산을 말한다. (Translation by the Author).

<sup>90</sup> Original text available at: National Heritage Administration (Intangible Heritage Policy Division), “Muhyŏngyusanŭi pojŏn min chinhŭnge wanhwan pŏmnyul [Act on Preservation and Promotion of Intangible Cultural Heritage - Law No. 20309, 2024.2.13],” February 13, 2024, <https://law.go.kr/LSW/lsSc.do?section=&menuId=1&subMenuId=15&tabMenuId=81&eventGubun=060101&query=%EB%AC%B4%ED%98%95%EC%9C%A0%EC%82%B0#undefined>.

Similarly, in China, intangible cultural heritage is referred to as fei wuzhi wenhua yichan (非物质文化遗产). According to the Chinese Law on the Protection of Intangible Cultural Heritage (中华人民共和国非物质文化遗产法, Zhonghua renmin gongheguo feiwuzhiwenhua yichan fa), ICH includes various traditional cultural expressions passed down through generations by different ethnic groups. It encompasses:

- A. Traditional oral literature and the language that is its carrier
- B. Traditional fine arts, calligraphy, music, dance, drama, folk art and acrobatics
- C. Traditional skills, medicine and calendar
- D. Traditional etiquette, festivals and other folk customs
- E. Traditional sports and entertainment
- F. Other intangible cultural heritage<sup>91</sup>

Additionally, the law states that physical objects and places associated with intangible heritage must comply with the Cultural Relics Protection Law of the People's Republic of China if they qualify as cultural relics. Bridging the gap between tangible and intangible cultural heritages.

While both China and South Korea follow UNESCO's international framework for defining ICH, its significance extends beyond legal definitions. Cultural heritage is deeply intertwined with the identity and historical consciousness of the communities that uphold and preserve it. More than politicians and officials, it is the people themselves who sustain cultural practices in their daily lives. However, when these cultural knowledges enter the political and national sphere, they are

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<sup>91</sup> Original text in available at: National Heritage Administration, "Zhonghua Renmin Gangheguo Fei Wuzhi Wenhua Yichan Fa 中华人民共和国非物质文化遗产法 [Intangible Cultural Heritage Law of the People's Republic of China]," February 13, 2024, <https://law.go.kr/LSW/lSc.do?section=&menuId=1&subMenuId=15&tabMenuId=81&eventGubun=060101&query=%EB%AC%B4%ED%98%95%EC%9C%A0%EC%82%B0#undefined>.

inevitably altered, not necessarily in their representation, but in their underlying purposes.

In both the Chinese and South Korean contexts, ICH has been employed by various stakeholders as a means of connecting the past with the present. For the Chinese government, at different historical junctures, ICH has served as an ideal representation of "unity in diversity." The concept of the so-called "Chinese civilization" (中华文明, *Zhonghua wenming*) is a politically constructed narrative designed to justify a highly centralized administrative and governance system within a state characterized by deep cultural diversity. This narrative presents a national culture that ostensibly embraces ethnic diversity while simultaneously reinforcing unity.

The notion of unity serves as a key to understanding the meaning ascribed to ICH by both the Chinese and South Korean governments. In South Korea's case, given the historical traumas of Japanese colonial rule, the fratricidal war, and the post-division period, ICH has become a means of reaffirming the nation's right to exist as a unified and sovereign state. For a three-generation South Korean family reunited under one roof, ICH can symbolize intergenerational rapprochement. On a national scale, this translates into reconciling the country's rapid modernization over the past decades with its traditional cultural heritage, much of which was partially eroded by conflict, industrialization, and the digital revolution.

What is certain is that the meaning of ICH is fluid, shaped by the perspectives of the stakeholders involved. By amplifying the voices of both official public institutions and the practitioners and cultural bearers themselves, this research seeks to bridge a critical gap, not at the practical level, which is beyond the scope of a researcher's role, but in the realm of knowledge production. By considering a plurality of voices that actively shape and sustain contemporary ICH, this study aims to provide a more comprehensive and nuanced understanding of its significance today.

## *Role of Intangible Cultural Heritage in China and South Korea*

Throughout the 20<sup>th</sup> century, as Western influences spread across East Asia, both China and South Korea experienced an increasing urgency to protect, reinterpret, and redefine traditional culture within modern national agendas at different times. However, the role of ICH evolved differently in each country due to their distinct political landscapes.

In the second half of the 20th century, cultural heritage in South Korea played an ambivalent role, functioning both as a state instrument for legitimizing political power and as a symbol of resistance against oppression. In the aftermath of the Korean War, successive authoritarian regimes actively promoted traditional culture as a means of reinforcing national identity, distancing South Korea from North Korea, and strengthening claims of cultural legitimacy,<sup>92</sup> as also represented by the case of the *Hwarangdo* (화랑도) at the Hwarang educational institute (화랑교육원, hwarang gyoyugwŏn).<sup>93</sup>

During the Park Chung-hee administration, the government's aggressive push for modernization was accompanied by the suppression of certain traditional beliefs. However, this period also saw the enactment of the first cultural heritage protection law following Japanese colonial rule. The *Cultural Property Protection Law* (문화재보호법, Munhwajae bohobŏp), introduced in 1962 as Law No. 961, marked a turning point in the institutionalization of heritage preservation. In its initial draft, the law categorized folklore and folk costumes as key elements of Korea's cultural legacy, which would later be integrated into the broader concept of ICH. Additional legislative efforts to promote Korean cultural dissemination included the *Culture and Arts Promotion Act* (1972) and the *Five-Year Plan for the*

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<sup>92</sup> Kenneth M. Wells, *South Korea's Minjung Movement: The Culture and Politics of Dissidence*, Studies from the Center for Korean Studies (Honolulu, Hawaii): University of Hawai'i Press, 1995.

<sup>93</sup> Kwang-sŭng Ch'oe, "Yushinch'ejegi PakChŏnghŭi chŏnggwŏnŭi aegukchŏk kungmin saengsan p'urojekt'ŭ: hwarangdowa hwaranggyoyugwŏnŭl chungshimŭro [Project for Making Patriotic People during Yushin Period of Park Chung Hee Regime – Based on the Case of Hwarangdo and Hwarang Educational Institute]," *Han'guk'akyŏn'gu* 33 (May 2014): 237–75, [https://www.kci.go.kr/kciportal/landing/article.kci?arti\\_id=ART001880213](https://www.kci.go.kr/kciportal/landing/article.kci?arti_id=ART001880213).

*Revival of Culture and Arts* (1974–1979, 문예진흥 5 개년 계획, Munyejinhŭng 5 kaenyŏn Kyehoek). Government rhetoric at the time frequently employed slogans such as “Re-creation of Traditional Culture” (전통 문화 재현, Chŏnt'ong munhwa chaehyŏn) and “Re-discovery of National Culture” (민족 문화 재발견, Minjok munhwa chaebalgŏn), reflecting a deliberate effort to instrumentalize culture for nationalistic purposes.<sup>94</sup> It is estimated that approximately 70% of total public expenditure in the cultural sector during this period was allocated to folk arts and traditional culture. This era, often described as a period of “state-controlled, fossilized culture” (박제화된 관제문화, Pakchehwadoen kwanjemunhwa), saw the official promotion of cultural expressions that were increasingly disconnected from the lived experiences and traditions of the people. Intangible cultural heritage, in particular, became a tool for political propaganda, reflecting a process of cultural objectification that also reveals the lingering neo-colonial influences on Korean heritage policies. To support this trend, the government recruited folklorists in the 1960s to conduct research on traditional cultural expressions deemed essential to Korean civilization. Among them was Yi Du-hyun, an expert in Korean traditional puppetry and mask dance, who was employed by the Park administration to lead state-sponsored research projects.<sup>95</sup>

Until the democratization of South Korea and the end of authoritarian rule, ICH primarily served an official role in justifying government authority and fostering a sense of national unity among the populace. The state's strategic use of cultural heritage highlights the broader intersection of politics, heritage management, and identity construction in modern South Korea.

Simultaneously, cultural performances, particularly traditional music and dance, became powerful instruments of protest, employed by students and dissidents to

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<sup>94</sup> Hak-soon Yim, “Cultural Identity and Cultural Policy in South Korea,” *International Journal of Cultural Policy* 8, no. 1 (2002): 40, <https://doi.org/10.1080/10286630290032422>.

<sup>95</sup> Roger L. Janelli, “The Origins of Korean Folklore Scholarship,” *The Journal of American Folklore* 99, no. 391 (1986): 24, <https://doi.org/10.2307/540852>.

challenge the ruling party,<sup>96</sup> which was influenced by the populist ideology, as explained by the *Minjung* theorists.<sup>97</sup> Between 1963 and 1964, numerous protests arose against the Park Chung-hee's dictatorship, during which students performed shamanic rituals to revitalize the "depleted spirit of the nation" and awaken a collective sense of unity among the masses.<sup>98</sup> In 1964, students gathered outside of Seoul National University to stage the "legendary ritual to invoke native land consciousness" and the "funeral of national democracy."<sup>99</sup> These rituals, rooted in ancestral traditions, were repurposed as a means for young activists to express their opposition to authoritarian rule and assert their political concerns.

During this period, various cultural associations also emerged, including the *Malttugi* Association (1967), which drew inspiration from the principles of Korean traditional Mask Dance Drama and adopted the name of one of its central characters, as well as the Minjung Culture Movement.<sup>100</sup> These organizations definitely played a role in shaping the evolving relationship between cultural heritage and civic activism.

From protest to participation, the role of ICH began to shift by the late 1980s. While the relationship between citizens and the government had previously been marked by tensions over the use of ICH, a significant transformation took place between 1988 and 1993, during the presidency of Roh Tae-woo (1988-1993). His administration introduced the Ten-Year Masterplan for Cultural Development

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<sup>96</sup> See: Jong-Sung Yang, *Cultural Protection Policy in Korean Intangible Cultural Properties*, and Chung-Moo Choi *South Korea's Minjung Movement – The Culture and Politics of Dissence*.

<sup>97</sup> Kenneth M. Wells, *South Korea's Minjung Movement: The Culture and Politics of Dissidence*, Studies from the Center for Korean Studies (Honolulu (Hawaii): University of Hawai'i Press, 1995).

<sup>98</sup> Hyun-key Kim Hogarth, *Korean Shamanism and Cultural Nationalism*, Korean Studies Series 14 (Seoul: Jipmoondang Publ. Co, 1999).

<sup>99</sup> Kenneth M. Wells, *South Korea's Minjung Movement: The Culture and Politics of Dissidence*, Studies from the Center for Korean Studies (Honolulu (Hawaii): University of Hawai'i Press, 1995).

<sup>100</sup> Kenneth M. Wells, *South Korea's Minjung Movement: The Culture and Politics of Dissidence*, Studies from the Center for Korean Studies (Honolulu (Hawaii): University of Hawai'i Press, 1995), 110.

(1990, 문화발전 10 개년 계획, Munhwabalchön 10 kaenyön kyehoek,) <sup>101</sup> emphasizing the principle of “culture for all the people”<sup>102</sup> and actively promoting local cultural initiatives. Roh’s presidency was also marked by the opening of the National Folk Museum of Korea (1993), a symbol of national legitimacy and promoting a unified cultural narrative.<sup>103</sup> This museum was intended to serve a role similar to that of the National Museum of Ethnology (established in 1949), which had been instrumental in constructing a cohesive national identity and educating the public on Korea’s history and traditional culture.<sup>104</sup> These efforts were further supported by the recently established Korea Broadcasting Culture Promotion Association (1988), born with the purpose of promoting cultural awareness, and the Korea National University of Arts (한국예술종합학교, Han'gug yesul chonghap'akkyo),<sup>105</sup> a higher education institution dedicated to fostering young creative talents. Together, these initiatives reflected a broader shift in cultural policy, moving away from state-controlled heritage narratives towards a more inclusive and participatory approach to ICH.

Kim Yeong-sam’s government initiated the contemporary global expansion of Korean culture through the program “Cultural Vision 2020” (문화비전 2020,

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<sup>101</sup> Korea Ministry of Culture, “Munhwabalchön 10 kaenyön kyehoeng pogo [Report on the 10-year plan for cultural development],” 1990, Presidential Archive, <https://www.archives.go.kr/theme/next/chronology/archiveDetail.do?isPop=Y&flag=1&evntId=0050754024>.

<sup>102</sup> Hak-soon Yim, “Cultural Identity and Cultural Policy in South Korea,” *International Journal of Cultural Policy* 8, no. 1 (2002): 37–48, <https://doi.org/10.1080/10286630290032422>.

<sup>103</sup> Tae-woo Roh, “Kungnimminsokpangmulgwan gaegwan [National Folk Museum Opening]” (Press, Events, Business Materials, 1993), Taet’ongnyönggirokkwan p’ot’öl [Presidential Archives Portal], <https://www.pa.go.kr/research/contents/policy/index05.jsp?poMode=view&policySeq=642>.

<sup>104</sup> Syng-man Rhee, “Kungnimminjokpangmulgwanjikche [National Ethnographic Museum Organization]” (Korea Ministry of Government Legislation, 1949), Taet’ongnyönggirokkwan p’ot’öl [Presidential Archives Portal], <https://www.pa.go.kr/research/contents/policy/index05.jsp?poMode=view&policySeq=501>.

<sup>105</sup> Tae-woo Roh, “Han’gug yesulchonghap’akkyo sölch’iryöng (che 13528 ho) [Korea National University of Arts Establishment Ordinance (No. 13528)]” (Korea Ministry of Government Legislation, 1991), Taet’ongnyönggirokkwan p’ot’öl [Presidential Archives Portal], <https://www.pa.go.kr/research/contents/policy/index05.jsp?poMode=view&policySeq=638>.

Munhwabijön 2020). This initiative simultaneously aimed to promote local culture while advancing its globalization, a strategy that would later find a parallel in Xi Jinping’s cultural policies in China. From the 1990s into the early 21st century, South Korean policies on cultural heritage increasingly focused on strengthening international cultural agreements and enhancing cultural cooperation with other nations, alongside efforts to boost the tourism industry. The central government also encouraged local administrations to establish designated cultural districts within city centres, where tourists could engage with cultural venues, artisan shops, and traditional crafts markets, some of them still existing nowadays.<sup>106</sup>

Since the late 1980s, there has been a clear shift in the role of ICH, moving from an instrument of state propaganda to a mechanism for social cohesion and civic participation. This transformation was further driven by economic imperatives, particularly after the 1997 Asian financial crisis, when the government sought to enhance South Korea’s global image as a cultural and tourist destination, while improving local economies. Another significant development since the 1990s, in the role of ICH inside Korean national context, has been the increasing use of culture as a tool for Korea’s global outreach, aligning with the government’s growing engagement with UNESCO and international heritage organizations. In this context, ICH has become a key driver of South Korea’s pursuit of international recognition, reflecting its broader efforts to position itself as a leading cultural force on the global stage.

In contrast, during the early years of Communist rule in China under Mao Zedong, traditional culture was initially suppressed to make way for a revolutionary, modernized society. The Cultural Revolution (1966–1976) sought to eradicate old customs, arts, and beliefs. However, in the post-Mao era, China gradually reclaimed its intangible heritage, reframing it as a source of national pride and soft power. Even if partially true, this is an oversimplification of the first decades since the

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<sup>106</sup> Ministry of Government Legislation, “Munhwayesul chinhüngböp chunggaejöngbömnyul (che 6132 ho) [Act on the Partial Amendment of the Act on the Promotion of Culture and Arts (No. 6132)],” December 1, 2000, Presidential Archives Portal, <https://www.pa.go.kr/research/contents/policy/index05.jsp?poMode=view&policySeq=713>.

establishment of the People's Republic. In fact, even during the Maoist era, folk cultures played a role in shaping the new Communist State.

In 1953, the first official nationwide recognition of cultural groups began with the Chinese ethnic identification (中国民族识别, Zhongguo minzu shibie). The most significant outcome of this project, which remains relevant today, was the identification of 55 officially recognised ethnic minorities (少数民族, Shaoshu minzu) across China's national territory.<sup>107</sup> This initiative also led to the first cultural census, documenting cultural practices among Chinese ethnic communities, resulting in the creation of a list of cultural practices. The objective of the census was dual fold: first, it enabled the government to map the territory with the connected localisation of the different ethnic communities inhabiting the communist State, allowing the central government to carry out more effectively social management and control in case of disruptions to societal harmony; second, by acknowledging and defining these ethnic groups and their cultural traits, the State sought to integrate them within a stable, unified polity.<sup>108</sup> The census practice, with some interruptions, continued until the dissolution of the USSR.

During the Nineties and the early years of the 21<sup>st</sup> century, efforts to safeguard and conserve the multi-ethnic traditional cultural expressions in China expanded significantly. Starting from the 1990's, the concept of Ethnical Cultural Ecological Reserves emerged as a governmental-led initiative aimed not only at preserving traditional ethnic cultures but also at actively engaging them in contemporary society. This later evolved into the National Cultural and Ecological Reserves (国家级文化生态保护区, Guojia ji wenhua shengtai baohu qu). A common feature of these initiatives was the formalisation of traditional cultural expressions within designated environments (such as ecological reserves and cultural districts),

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<sup>107</sup> Caroline Bodoiec, "The Chinese Paper-Cut: From Local Inventories to the UNESCO Representative List of the Intangible Cultural Heritage of Humanity," in *Heritage Regimes and the State*, ed. Regina F. Bendix, Aditya Eggert, and Arnika Peselmann (Göttingen University Press, 2013), 249–64, <https://doi.org/10.4000/books.gup.392>.

<sup>108</sup> Wang Linzhu, "The Identification of Minorities in China", *Asian-Pacific Law & Policy Journal*, Vol. 16:2, 2015.

ensuring accessibility for tourism and increasing the marketability of both ICH and local natural resources. Much like South Korea, China witnessed a transformation in the role of ICH, shifting from an instrument of state-controlled propaganda to an economic asset.

By December 2022, the role of ICH in China had expanded further, with President Xi Jinping emphasizing its importance in a declaration to national media (Renmin Wang 人民网, people.cn):

We must do a solid job in the systematic protection of intangible cultural heritage, better meet the people's growing spiritual and cultural needs, and promote cultural self-confidence and self-reliance.<sup>109</sup>

The following stances also put the role of ICH as a driver for globalisation and cultural exchanges between civilization, at the same time, as a source of unity for the country. It seems like under Xi Jinping, ICH has two extensions: the international and the national ones. An interest also reflected inside the Five-Year Plan, released in 2021,<sup>110</sup> which addresses intangible cultural heritage in Chapter 10, Article XXXIV, Section 3, titled *Passing Down and Promoting Outstanding Traditional Chinese Culture*. The stated objectives include the transmission, development, and enhanced protection of cultural heritage. The final three lines of this section are specifically dedicated to intangible cultural heritage and state:

We will improve the protection and inheritance systems of intangible cultural heritage and strengthen the protection

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<sup>109</sup> Original text from: Xinhua News, “Xi Jinping dui fei wuzhi wenhua yichan baohu gongzuo zuo chu zhongyao zhishi 习近平对非物质文化遗产保护工作作出重要指示 [Xi Jinping issued important instructions on the protection of intangible cultural heritage],” December 12, 2022, <http://politics.people.com.cn/n1/2022/1213/c1024-32586056.html>: “要扎实做好非物质文化遗产的系统性保护，更好满足人民日益增长的精神文化需求，推进文化自信自强。” Original text translated by the author.

<sup>110</sup> National People’s Congress, “CSET Original Translation: China’s 14th Five-Year Plan,” *Center for Security and Emerging Technology* (blog), 2021, <https://cset.georgetown.edu/publication/china-14th-five-year-plan/>.

and inheritance of the excellent traditional handicrafts of all ethnic groups.<sup>111</sup>

Furthermore, the text later mentions, in Section 3 of Article XXXVI, the planned construction of 20 national-level museums dedicated to intangible cultural heritage.<sup>112</sup>

By the late 20th and early 21st centuries, both countries had strategically reinvented their ICH policies. In South Korea, ICH has been used as an instrument of propaganda, protest, and political negotiation, influencing inter-Korean relations by highlighting shared traditions or emphasizing ideological divisions. In China, the government has harnessed ICH to strengthen national unity and promote cultural tourism while maintaining tight control over its narrative and interpretation.

Ultimately, the dual role of ICH, as both a means of preserving tradition and a tool for political power, remains a key aspect of cultural policy in both China and South Korea.

### *Chinese and South Korean claims over ICH*

With the growing national and international attention toward ICH, approaches to its recognition and preservation have evolved, increasingly encompassing traditions that were once regarded merely as popular cultural expressions. However, this heightened focus has also revealed a more contentious aspect of heritage, one that does not stem from its intrinsic nature but rather from the ways in which governments and communities employ it to define or redefine social and cultural boundaries, often driven by nationalist agendas.

An analysis of various presidential speeches delivered by South Korean heads of state in the late 1990s and early 21st century reveals a recurring pattern of

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<sup>111</sup> *Ibid*, 84.

<sup>112</sup> *Ibid*, 88.

comparison between Korean ICH and that of China and Japan.<sup>113</sup> These narratives frequently acknowledge the significant influence of Chinese culture on the Korean Peninsula, only to emphasize, almost immediately, the ingenuity and creativity of ancient Koreans in reshaping and adapting Chinese traditions in a uniquely Korean manner. Similarly, Japanese ICH is often introduced in these discourses as a point of contrast, highlighting Japan's historical appropriation of cultural elements, including those transmitted from Korea, and its present-day utilization of ICH for economic gain and global positioning.

At the national level, such rhetoric serves to foster a sense of cultural awareness among South Koreans, reinforcing the value of ICH and encouraging a reassessment of its significance. From a governmental perspective, this approach functions on two levels: it legitimizes policies aimed at the preservation and promotion of ICH domestically while simultaneously advocating for greater international recognition of Korean cultural heritage as distinct from that of China and Japan. Over the decades, this stance has contributed to escalating tensions between Chinese and South Korean cultural institutions, leading to reduced collaboration in the field of ICH and an enduring silence regarding shared heritage within the framework of UNESCO's 2003 Convention.

In some instances, specific cultural expressions have become the focal points of disputes between China and South Korea, fuelling nationalistic and political claims over heritage. These conflicts, while rooted in historical and political narratives, can have detrimental consequences for local communities, disrupting cultural transmission and complicating efforts to preserve shared traditions. The international public, most of the time not aware of these differences and this cultural and historical context, can be designated as the external victim of these disputes, which cause a distortion of the narrative and risk to create a distorted view of these claimed cultural expressions.

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<sup>113</sup> This affirmation is supported by the investigation carried out by the author on a sample of texts archived by the South Korean Archive of Presidential Records and selected using keywords related to intangible cultural heritage.

Since the establishment of the UNESCO 2003 list for the safeguarding of intangible cultural heritage, the examples in the category of claims of ownership over certain ICH expressions are frequent and not only confined to the case of East Asian countries, nor to the UNESCO lists. One of the most prominent examples is the dispute between Bolivia and Peru for what concerns the cultural ownership over the song of *El Condor pasa*,<sup>114</sup> or the 2009 nomination inside the Representative list of the Indonesian *batik*, and followed by Malaysian public concerns.<sup>115</sup> These and more cases, further examined in Chapter 5, highlight that geographical area where, due to the historical cross-border sharing of cultural practices, the communities share various cultural practices, nowadays divided by geopolitical borders across different nation-states.<sup>116</sup>

In the context of China and South Korea, various elements of ICH have been officially or unofficially contested and re-claimed over the years. One of the most comprehensive and widely debated examples is the case of *kimchi*, or kimchi-making, which has also involved Japan and North Korea.<sup>117</sup> Unlike many other disputes, this controversy did not originate from UNESCO's ICH list but rather from the inclusion of kimchi in the Food and Agriculture Organization's (hereafter "FAO") Codex Alimentarius in 2001. South Korea's reliance on Chinese-produced kimchi led to a decade-long debate within the FAO Codex, culminating in the Korean government's successful push to rename the ingredient "Chinese cabbage"

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<sup>114</sup> Valdimar Tr. Hafstein, *Making Intangible Heritage: El Condor Pasa and Other Stories from UNESCO* (Indiana University Press, 2018), 34-35, <https://doi.org/10.2307/j.ctv4v3086>.

<sup>115</sup> Jinn Winn Chong, "'Mine, Yours or Ours?': The Indonesia-Malaysia Disputes over Shared Cultural Heritage," *Sojourn: Journal of Social Issues in Southeast Asia* 27, no. 1 (2012): 1-53, <https://muse.jhu.edu/pub/70/article/470693>.

<sup>116</sup> Shella Hajura, "Shared Heritage Diplomacy of Indonesia and Malaysia as Soft Power in The Southeast Asia Region," *Jurnal Hubungan Internasional* 10, no. 2 (January 10, 2022): 84-95, <https://doi.org/10.18196/jhi.v10i2.12194>.

<sup>117</sup> Kyung-koo Han, "The 'Kimchi Wars' in Globalizing East Asia," in *Consuming Korean Tradition in Early and Late Modernity*, ed. Laurel Kendall (University of Hawai'i Press, 2010), 150-66, <https://doi.org/10.21313/hawaii/9780824833930.003.0008>.

as “kimchi cabbage”<sup>118</sup> in 2024. This development followed the inscription of the *Kimjang* practice, the traditional process of making and sharing kimchi, on UNESCO’s ICH list in 2013, two years before a similar nomination by the Democratic People’s Republic of Korea was also enlisted.

On a smaller scale, the inscription of the Gangneung *Dano* Festival on UNESCO’s ICH list in 2008 also generated tensions between the South Korean and Chinese delegations. The Chinese government viewed the Korean festival as a localized adaptation of the Chinese Dragon Boat Festival, arguing that its origins were rooted in Chinese cultural traditions. As a result, they contended that the Korean nomination was incomplete and historically inaccurate.<sup>119</sup> This dispute ultimately led to the inscription of China’s *Dragon Boat Festival* (端午节, Duanwu jie) on the UNESCO ICH list in 2009, just one year after the recognition of the Korean festival.

A similar case of cultural contestation emerged with the debate over the origins and recognition of the traditional Korean attire known as *hanbok* (한복). While *hanbok* is widely regarded as a distinct element of Korean cultural identity, China’s inclusion of Korean-style clothing within the broader classification of *hanfu* (汉服), a term referring to traditional Chinese attire, has sparked controversy. The dispute intensified in 2020 when China claimed that certain styles of *hanbok*, particularly those worn by the ethnic Korean minority in China (朝鲜族, Chaoxianzu), were part of its own cultural heritage rather than exclusively Korean. This assertion was met with strong opposition in South Korea, where many perceived it as an attempt to appropriate a key symbol of Korean identity. The issue gained further prominence when South Korea sought to strengthen its cultural diplomacy efforts by promoting *hanbok* internationally, including its official designation of Hanbok

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<sup>118</sup> Food and Agriculture Organization of the United Nations, “Request for Comments on the Proposal for the Amendment of the Common Names of the Predominant Ingredient in the Standard for Kimchi (CXS 223-2001),” October 6, 2025, [https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FCircular%252520Letters%252FCL%2525202025-63%252Fcl25\\_63e.pdf](https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FCircular%252520Letters%252FCL%2525202025-63%252Fcl25_63e.pdf).

<sup>119</sup> Yaping Meng, “The Dragon Boat,” *CGTN*, 2017, [https://news.cgtn.com/news/3d55544f3141444e/share\\_p.html](https://news.cgtn.com/news/3d55544f3141444e/share_p.html).

Day and lobbying for greater recognition on global platforms. These tensions reflect broader heritage disputes between the two nations, illustrating how intangible cultural heritage can become a site of diplomatic friction and national identity assertion.

Claims over ICH in East Asia illustrate the complex interplay between cultural identity, national pride, and international diplomacy. These disputes extend beyond the realm of heritage management, involving a wide range of stakeholders, from practitioners and scholars to government agencies, UNESCO delegations, and global institutions. While UNESCO remains a central actor in heritage recognition and protection, the cases analysed demonstrate that ICH claims are not confined to its framework. Instead, they frequently intersect with other domains, including agriculture, trade, and tourism, revealing the broader socio-economic implications of heritage disputes.

Furthermore, ICH claims are rarely isolated from national identity politics. In many instances, governments strategically deploy cultural heritage to assert historical narratives, strengthen domestic cohesion, or enhance international soft power. As seen in the cases of kimchi, hanbok, and the Gangneung Dano Festival, these heritage disputes often lead to tensions between neighbouring countries, reflecting deeper historical grievances and contemporary geopolitical rivalries. At the same time, such contestations highlight the dynamic and evolving nature of ICH, emphasizing that heritage is not merely a static remnant of the past but a living and contested space shaped by political, economic, and social forces.

In this context, a more collaborative and inclusive approach to ICH governance is needed, one that recognizes shared heritage, promotes cross-cultural dialogue, and mitigates the nationalistic impulses that often underlie heritage disputes. While international mechanisms such as UNESCO's 2003 Convention provide a platform for cultural diplomacy, fostering regional cooperation remains a critical challenge. Ultimately, the way East Asian nations navigate ICH claims will not only influence their cultural policies but also shape broader regional and international relations in the years to come.

## **Chapter 3**

# **The Role of UNESCO in Fostering Intangible Cultural Heritage in the International Setting**

### 3.1 UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage

#### *Historical Background and Development of the 2003 Convention*

The 2003 UNESCO Convention for the Safeguarding of ICH emerged from a decades-long international effort to protect and promote traditional culture and folklore. The need for an international instrument to safeguard intangible cultural heritage was first formally articulated during the 24th session of the UNESCO General Conference in 1987, through Resolution 15.3.<sup>120</sup> This resolution underscored the urgency of protecting popular traditions and cultural expressions through legal frameworks, particularly within the realm of intellectual property. The final text of the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore* was adopted on November 15, 1989, at the 32nd plenary meeting, marking a significant milestone in the international recognition of folklore as a vital component of cultural heritage.

The genesis of the 1989 Recommendation can be traced back to a series of international meetings and documents that addressed the legal protection of folklore. These efforts began as early as 1952 with the adoption of the *Universal Copyright Convention*, which, however, did not explicitly include folklore or intangible cultural expressions. Subsequent developments included the 1967 revision of the *Berne Convention* at the Stockholm Conference, which introduced provisions for the protection of folklore under copyright law, albeit in a limited and indirect manner. In 1973, Bolivia's request for the inclusion of folklore in the 1952 Copyright Convention prompted UNESCO to initiate a broader analysis of intellectual property rights in relation to folklore.<sup>121</sup> This led to a series of

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<sup>120</sup> UNESCO, "Records of the General Conference, 24th Session, Paris, 20 October to 20 November 1987" (UNESCO, 1987), UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000077023.locale=fr>.

<sup>121</sup> UNESCO, "Model Provisions for National Laws on the Protection of Expressions of Folklore against Illicit Exploitation and Other Prejudicial Actions, with a Commentary" (UNESCO, 1983), UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000077023.locale=fr>.

collaborative efforts between UNESCO and the World Intellectual Property Organization (hereafter “WIPO”), including the preparation of the *Tunis Model Copyright Law for Developing Countries* in 1976 and the establishment of joint working groups on the intellectual property aspects of folklore protection between 1980 and 1982. These efforts culminated in the 1985 *Model Provisions for National Laws on the Protection of Expressions of Folklore against Illicit Exploitation and Other Prejudicial Actions*, which laid the groundwork for the 1989 Recommendation.

The drafting process of the 1989 Recommendation spanned fifteen years, reflecting the complexity of reconciling diverse cultural, legal, and intellectual property perspectives. The Recommendation marked a shift from a narrow focus on intellectual property rights to a more holistic approach that emphasized the identification, preservation, and revitalization of intangible cultural heritage. It introduced a framework for safeguarding folklore through seven key chapters: Definition of Folklore, Identification of Folklore, Conservation of Folklore, Preservation of Folklore, Dissemination of Folklore, Protection of Folklore, and International Cooperation. Despite its non-binding nature, the Recommendation represented a significant step forward in recognizing folklore as part of the "universal heritage of humanity."

However, the 1989 Recommendation faced several limitations, including its emphasis on researchers and government authorities rather than the communities and practitioners who are the primary bearers of intangible cultural heritage.<sup>122</sup> Additionally, its narrow focus on folklore in tangible forms and its exclusion of contemporary and urban cultural expressions were criticised. These shortcomings highlighted the need for a more comprehensive and inclusive international instrument, which eventually led to the development of the 2003 Convention.

The 2003 Convention built on the foundations laid by the 1989 Recommendation and subsequent initiatives, such as the *Proclamation of the Masterpieces of the Oral*

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<sup>122</sup> UNESCO, “First Draft of a Recommendation on the Safeguarding of Folklore” (UNESCO, 1989), UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000084568.locale=fr>.

*and Intangible Heritage of Humanity* (2001). The Proclamation, which recognized 90 cultural expressions and spaces as masterpieces, demonstrated the growing global interest in safeguarding intangible heritage and provided a practical model for the Convention's implementation. The 2003 Convention ultimately expanded the scope of protection to include a wider range of intangible cultural expressions, emphasizing community involvement, transmission, and revitalization as key elements of safeguarding efforts.

The period between the adoption of the 2001 Proclamation and the finalization of the 2003 Convention was marked by a series of critical expert meetings convened by UNESCO. These meetings, held in Turin (2001), Elche (2001), and Rio de Janeiro (2002), were instrumental in addressing terminological, administrative, and normative challenges, while also advancing the conceptual and practical frameworks necessary for the new convention. These gatherings not only clarified the scope and objectives of the future convention but also reinforced the link between intangible cultural heritage and broader cultural diversity, as articulated in the 2001 *Universal Declaration on Cultural Diversity*. Together, the Masterpieces Program, the 2003 Convention, and the Declaration on Cultural Diversity are often regarded as an interconnected set of instruments that collectively redefined UNESCO's approach to safeguarding intangible heritage.

The Turin Roundtable, hosted by the Italian government in March 2001, was a landmark event that brought together experts from diverse fields to discuss the feasibility and scope of a new international convention for safeguarding intangible cultural heritage. The meeting was convened in response to a request from the governments of Bolivia, Lithuania, and the Czech Republic, which had called for the development of a binding international instrument.<sup>123</sup> This request was subsequently endorsed by the UNESCO General Conference, which authorized the preparation of a new convention. The discussions at the Turin Roundtable focused on four key areas: terminology and definitions, the scope and domains of intangible

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<sup>123</sup> UNESCO, "Amendment to the Draft Programme and Budget for 2000-2001 (30 C/5), Submitted by Czech Republic" (UNESCO, 1999), UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000117605.locale=fr>.

cultural heritage, indicators for safeguarding, and evaluation methods. Lourdes Arizpe emphasized the economic and cultural value of intangible heritage, proposing a broad classification of cultural expressions into seven domains connected with existing institutions.<sup>124</sup> Manuela Carneiro da Cunha expanded on the living nature of intangible heritage, stressing the importance of transmission and intergenerational continuity.<sup>125</sup> Peter Seitel focused on the operational definitions of intangible heritage and the need for consistency between UNESCO and WIPO, proposing the term "traditional cultures" to better reflect the pluralistic and evolving nature of these practices.<sup>126</sup> Janet Blake's preliminary study provided a comprehensive analysis of the challenges and opportunities associated with developing a new convention, identifying key objectives such as protecting cultural identity, enhancing international cooperation, and ensuring the active participation of communities in safeguarding efforts.<sup>127</sup> Francesco Francioni addressed the legal dimensions of safeguarding intangible heritage, highlighting the challenges of applying intellectual property rights (hereafter "IPRs") to collective and evolving cultural practices.<sup>128</sup> The Turin Roundtable concluded with a set of recommendations that would inform the drafting of the 2003 Convention, including the adoption of a broad and inclusive definition of intangible heritage, the

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<sup>124</sup> UNESCO, "Final Report - International Round Table on 'Intangible Cultural Heritage – Working Definitions' 14 – 17 March, Turin, Italy" (Paris: UNESCO, 2001), UNESCO, <https://ich.unesco.org/doc/src/00077-EN.pdf>.

<sup>125</sup> *Ibid.*

<sup>126</sup> Peter Seitel, "Proposed Terminology for Intangible Cultural Heritage: Toward Anthropological and Folkloristic Common Sense in a Global Era," 2001, UNESCO, <https://ich.unesco.org/doc/src/05297-EN.pdf>.

<sup>127</sup> Janet Blake, "Preliminary Study into the Advisability of Developing a Standard-Setting Instrument for the Safeguarding of Intangible Cultural Heritage ('Traditional Culture and Folklore')," 2001, UNESCO, <https://ich.unesco.org/doc/src/05361-EN.pdf>.

<sup>128</sup> Francesco Francioni, "Intangible Cultural Heritage: Working Definitions," 2001, UNESCO, <https://ich.unesco.org/doc/src/05359-EN.pdf>.

establishment of clear domains for safeguarding, and the prioritization of community involvement in preservation efforts.<sup>129</sup>

The Elche Jury Meeting, held in September 2001, was convened to refine the conceptual framework of the Masterpieces Program and align it with the future convention. The meeting focused on the selection criteria for masterpieces, the definition of intangible heritage, and the procedural aspects of the proclamation process.<sup>130</sup> Drawing on the outcomes of the Turin Roundtable, the Elche meeting endorsed the definition of intangible heritage proposed in Turin and emphasized the importance of avoiding hierarchical distinctions among cultural expressions. One of the key outcomes was the decision to exclude language as a standalone category of intangible heritage, focusing instead on oral traditions as a defining feature of cultural expressions. The meeting also reaffirmed the importance of consistency with UNESCO's ideals, particularly the principles of cultural diversity and community participation. The Elche meeting marked a significant shift from a top-down, expert-driven approach to a more inclusive, bottom-up model that prioritized the perspectives of tradition-bearers and communities, inspired by practices in Asian countries where intangible heritage had long been recognized as a vital component of national identity.

The Rio de Janeiro meeting, held in January 2002 and entitled *Intangible Cultural Heritage: Priority Domains for an International Convention*, was a pivotal moment in the lead-up to the 2003 Convention. Convened by the UNESCO Director-General, the meeting brought together twenty experts from diverse fields, including members of the UNESCO Executive Board. The primary goal was to address the concerns of Member States that had been sceptical about the need for an international convention and to build consensus around the proposed instrument.

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<sup>129</sup> All the references related to the Turin 2001 meeting can be browsed and downloaded at the following link: <https://ich.unesco.org/en/events/international-round-table-intangible-cultural-heritage-working-definitions-00057>.

<sup>130</sup> Ralph Regenvanu, "Priority Domains Selected for the Proclamation in the Field of Intangible Heritage and Suggestions for a Future International Convention (A Report on the Elche Meeting of the Proclamation Jury)." (Rio de Janeiro: UNESCO, 2002), UNESCO, <https://ich.unesco.org/doc/src/04592-EN.pdf>.

The Rio meeting solidified the political link between intangible cultural heritage and cultural diversity, a connection that had been articulated in the 2001 *Universal Declaration on Cultural Diversity*. This linkage helped to garner support from previously hesitant Member States, who recognized the importance of safeguarding intangible heritage as a means of promoting cultural diversity and social cohesion. The meeting also highlighted the successes of the Masterpieces Program, with several Member States sharing their national experiences and the positive impact of the program on their cultural policies. The Smithsonian Institute's director emphasized the importance of building on the Masterpieces Program to create a more comprehensive and binding international instrument. The Rio meeting concluded with a strong endorsement of the work done in Turin and Elche, reaffirming the need for a new convention that would address the gaps left by earlier instruments.

The Turin, Elche, and Rio meetings were critical milestones in the development of the 2003 Convention. These gatherings not only addressed the technical and conceptual challenges of safeguarding intangible heritage but also fostered a broader understanding of its significance for cultural diversity and social cohesion. By emphasizing community involvement, transmission, and the living nature of cultural practices, these meetings laid the groundwork for a more inclusive and dynamic approach to heritage preservation. The 2003 Convention, which emerged from these discussions, represents a transformative shift in international cultural policy, moving beyond the preservation of physical monuments to embrace the rich and diverse expressions of human creativity and tradition. These meetings also played a pivotal role in addressing the concerns of Member States that had been hesitant or opposed to the establishment of an international convention, building consensus and demonstrating the necessity of a binding international instrument for the protection of intangible cultural heritage. The outcomes of these meetings not only shaped the content and structure of the 2003 Convention but also reflected a growing awareness of the need to move beyond the limitations of earlier instruments, such as the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore*.

In summary, the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage emerged from decades of international dialogue and collaboration. It represents a transformative shift in the global approach to cultural heritage, moving beyond the preservation of physical monuments to embrace the dynamic and living expressions of human creativity and tradition. By emphasizing community participation, transmission, and the safeguarding of diverse cultural practices, the 2003 Convention established a new paradigm for the protection of intangible heritage, ensuring its vitality for future generations.

### *Participatory countries*

As of today, a total of 184 States Parties has joined the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. These States Parties include countries that have ratified, accepted, or approved the Convention. While these terms reflect different procedural steps, UNESCO clarifies that they hold the same legal effect under international law.<sup>131</sup> This means that all participating Member States are equally bound by the Convention's principles and obligations, regardless of the specific method of adherence.

The Convention saw its first wave of ratifications in 2004, with notable early adopters including Japan and China. South Korea followed suit in 2005. A closer look at the countries that ratified the Convention in its initial years (2004–2005) reveals a significant trend: the majority of these early States Parties were from regions historically underrepresented in global cultural discourse, such as Eastern Europe, the Middle East, Africa, Asia, and Central and South America. The only exception during this period was Iceland, which stood out as the sole representative from Western Europe.<sup>132</sup>

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<sup>131</sup> UNESCO, “UNESCO - How to Ratify the 2003 Convention?,” unesco.org, accessed March 12, 2025, <https://ich.unesco.org/en/how-to-ratify-00023>.

<sup>132</sup> UNESCO, “Convention for the Safeguarding of the Intangible Cultural Heritage - Legal Affairs,” <https://www.unesco.org/>, accessed March 11, 2025, <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage>.

This pattern aligns with the historical context of the 2003 Convention. From its inception, the Convention has been viewed as a vital tool for empowering underrepresented cultural regions, providing them with a platform to safeguard and promote their intangible cultural heritage within the UNESCO framework. By prioritizing the protection of living traditions, oral expressions, rituals, and other forms of intangible heritage, the Convention has enabled these regions to assert their cultural identities on a global stage.

Over the years, the growing number of States Parties has underscored the Convention's universal appeal and its role in fostering international cooperation. Each Member State contributes to the global effort of preserving intangible cultural heritage, ensuring its transmission to future generations while promoting cultural diversity and mutual understanding.

From the legal perspective, the ratification, acceptance, and approval of the Convention need to be followed by the deposition of the text by the State to then enter into force within three months, complying to Article 32 of the Convention. Whilst the flexible nature of its text, the Convention is clearly an instrument of Hard Law, requiring States parties to take appropriate measures “at the national and international level to encourage and foster all forms of international cooperation aimed at safeguarding intangible cultural heritage.”<sup>133</sup>

Despite the typical binding nature of the instrument, several studies show the more permissive nature of the Convention, without imposing negative restrictions and duties upon States Parties.<sup>134</sup> In particular, the absence of self-executing norms

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<sup>133</sup> UNESCO, “Convention for the Safeguarding of the Intangible Cultural Heritage - Legal Affairs,” <https://www.unesco.org/>, accessed March 11, 2025, <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage>.

<sup>134</sup> Lauso Zagato, “La salvaguardia del patrimonio culturale intangibile: la Convenzione UNESCO 2003 ed i problemi di applicazione,” in *Los bienes culturales y su aportacion al desarrollo sostenible* (Alicante: Publicaciones de Universidad de Alicante, 2012), 69, <https://iris.unive.it/handle/10278/36474?mode=complete>.

might be falsely considered an escape in the face of the judicial and administrative responsibilities and duties taken by its ratification.<sup>135</sup>

Member States to the UNESCO 2003 Convention on the Safeguarding of the ICH have several key obligations to ensure the protection and promotion of ICH. Upon ratification, the Convention enters into force for each State Party three months after the deposit of its instrument of ratification (Art. 34). States Parties must submit periodic reports detailing legislative, administrative, and other measures adopted for national implementation (Art. 29(1)) and provide information on national ICH inventories, as well as establish documentation institutions for accessibility (Art. 12.2, Art. 13(d)(iii)). They must endeavour to integrate the safeguarding of ICH into national policies and planning programs (Art. 13(a)) and designate competent bodies for its protection (Art. 13(b)). Additionally, States Parties are encouraged to foster scientific, technical, and artistic studies, particularly concerning endangered ICH (Art. 13(c)), and ensure the broad participation of communities that transmit ICH (Art. 15) into the nomination process, as well as at the national level in the safeguarding and promotion of cultural expressions. Recognizing the safeguarding of ICH as a matter of general interest to humanity, they commit to cooperation at bilateral, regional, and international levels (Art. 19). Financially, they are required to contribute to the Fund at least every two years as determined by the General Assembly (Art. 26.1) and support international fundraising campaigns organized under UNESCO's auspices (Art. 28).

For what concerns the rights of Member States part of the Convention, little can be said about, beside the possibility of receiving financial and technical help for the safeguarding of ICH, as mentioned in Art. 23.1, and explained in the Operational Directives, this can also include preparatory assistance for the submission of nomination files (Operational Directives I.7 (20.1)). Moreover, denunciation (Art.

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<sup>135</sup> Lauso Zagato, "La Convenzione sulla protezione del patrimonio culturale intangibile," In *Le identità culturali nei recenti strumenti UNESCO. Un approccio nuovo alla costruzione della pace?* edited by Lauso Zagato, 48. Padova: CEDAM, 2008.

36) and amendments (Art. 38) to the Convention can be addressed by each State Party through written communication addressed to UNESCO Director General.

Each State Party can submit nomination files through the official system and the prescribed forms (ICH-01/02/03) depending on the type of submission they intend to make. All submission shall be made by taking into account the communities and groups holding the cultural expression concerned, and by involving them as much as possible in the preparation of their files.<sup>136</sup> This is a fundamental step required to successfully enlist the item inside the UNESCO 2003 Convention lists, and for national governments to increase their visibility inside the UNESCO system.

### *Types of Heritage involved*

Intangible Cultural Heritage is a term that emerged from UNESCO's intergovernmental meetings and marked its 20<sup>th</sup> anniversary in 2023. As the term suggests, intangible refers to the non-material, distinguishing it from the tangible heritage, thus moving away from the concept of material heritage of the World Heritage Convention. ICH focuses on all cultural traditions whose essence is based on immateriality, such as shared practices, oral traditions, and other forms of communal expression. The nomination of Intangible Cultural Heritage stands out for its variety of items and its flexible domains from which States Parties may select when submitting a nomination file. However, in recent years, a growing number of international scholars and academics school of thought have criticised the inclusion of certain forms of ICH. These critiques often point to concerns that some nominations serve national branding strategies, put into action by national Ministries and Governments, rather than the genuine safeguarding and promotion of local cultural practices.<sup>137</sup>

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<sup>136</sup> UNESCO, Operational Directives: I.7 Submission of files (24).

<sup>137</sup> See: Elisabetta Moro, "La dieta mediterranea tra i presocratici e l'UNESCO. Retoriche di ancestralizzazione e politiche di patrimonializzazione.," *Voci Annuale di Scienze Umane* 10 (2013): 111–23, [https://www.t-erre.org/files/file/voci\\_2013.comp.pdf#page=112](https://www.t-erre.org/files/file/voci_2013.comp.pdf#page=112).; Clémentine Gutron and Ahmed Skounti, "Dossier Patrimonialiser Au Maghreb : Introduction," *L'Année Du Maghreb* 19

Despite the criticisms it has received, the 2003 Convention seeks to accommodate a wide range of cultural expressions. Rather than adopting an exhaustive list of individual elements, as was initially considered during the intergovernmental negotiations, the Convention opts for a more flexible framework by introducing five broad domains, as Janet Blake has observed.<sup>138</sup> This shift reflects an effort to provide a more inclusive and adaptable structure for safeguarding ICH. The domains are stated at the beginning of the convention, in Article 2, and here reported in the same order:

- Oral traditions and expressions
- Performing arts
- Social practices, rituals and festive events
- Knowledge and practices concerning nature and the universe
- Traditional craftsmanship

Some elements inscribed under the Convention may fall into multiple domains. For instance, the *nongak* dances and music from the Korean communities examined in this dissertation, encompasses both the domain of performing arts and that of social practices, rituals, and festive events.

Intangible cultural expressions may be inscribed under different categories and lists established by the 2003 Convention. Specifically, the Convention outlines three main lists: The Representative List of ICH (form ICH-02), which include single-state (national) and multi-state (international) nominations; the List of ICH in Need of Urgent Safeguarding (form ICH-01); and the Register of Good Safeguarding Practices (form ICH-03), which highlights projects, programmes and activities that exemplifies the principles and objectives of the Convention.

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(2018): 11–18, <https://doi.org/10.4000/anneemaghreb.3877>; Chiara Bortolotto and Benedetta Ubertazzi, “Editorial: Foodways as Intangible Cultural Heritage,” *International Journal of Cultural Property* 25, no. 4 (2018): 409–18, <https://doi.org/10.1017/S0940739119000055>.

<sup>138</sup> Janet Blake, *International Cultural Heritage Law* (Oxford University Press, 2015), 153, <https://doi.org/10.1093/acprof:oso/9780198723516.001.0001>.

This research concentrates on multinational nominations, a type of nomination that UNESCO actively prioritizes<sup>139</sup> in its broader vision to encourage international cooperation and cultural dialogue among States Parties.

### *Multinational Files*

Multinational files represent a relatively recent development in comparison to the more established World Heritage List. Unlike the Intangible Cultural Heritage Convention, the World Heritage framework does not feature “multinational” nominations *per se*. Instead, it accommodates *transboundary properties*, currently totalling 49, which refers to a single nomination for a shared heritage property, or a series of properties spanning multiple countries. These may be categorised under various terminologies, including transboundary properties, transnational serial properties, and cultural routes.<sup>140</sup> The submission of transboundary properties was clarified with the inclusion of Article III.134-136 in the Implementation Guidelines following Decision 7 EXT.COM 4A,<sup>141</sup> which provide definitions and detailed explanations regarding the application procedures.

The ICH 2003 Convention doesn't mention directly the establishment and possibility of multinational submission by States Parties, to find this keyword inside the official 2003 Convention documents the Operational Guidelines need to be checked, where “multinational nominations” appear in Submission of files - Section I.2, 21 (b). However, this type of nominations is becoming the more popular option due to different factors. Firstly, the prioritising of multinational submissions over single-nation's one during the examination process, in accordance with the 2003

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<sup>139</sup> UNESCO, “Operational Directives, I.10 Examinations of the files by the Committee (34)”.

<sup>140</sup> Bernard Debarbieux et al., “Sharing Heritage? Politics and Territoriality in UNESCO's Heritage Lists,” *Territory, Politics, Governance* 11, no. 3 (April 3, 2023): 608–24, <https://doi.org/10.1080/21622671.2020.1854112>.

<sup>141</sup> Akçaboğan Taşkiran, Aylin. “UNESCO World Heritage List and Transboundary Serial Heritage Concept: The Potential of Turkey.” *MEGARON / Yıldız Technical University, Faculty of Architecture E-Journal*, 2020. <https://doi.org/10.14744/megaron.2020.39297>.

Convention and its Operational Directives I.10, Examinations of the files by the Committee (34). The same priority is also given in the case of an extension request for elements already inscribed on the lists, wherein both Parties together with the associated communities of practice agree on the extension.<sup>142</sup> Additionally, through multinational nominations, States Parties may inscribe more than one element per committee session on the ICH lists, thereby accelerating the expansion of their national inventories.

As of 2024, multinational nominations comprise 97 elements across five regions and 112 countries.<sup>143</sup> These account for approximately 12% of the total inscriptions on the Representative List, the List of ICH in Need of Urgent Safeguarding, and the Register of Good Safeguarding Practices (Table 6). Although numerically modest, this proportion holds significant importance, particularly in light of the growing trend in multinational nominations. The year 2024 marked a peak, with 16 new multinational elements inscribed, representing 16.5% of all such nominations to date.<sup>144</sup> In recognition of the complexities involved, during the seventeenth session of the Intergovernmental Committee (December 2022), States Parties called for the release of a guidance note to better clarify and support the mechanisms for submitting multinational nominations.<sup>145</sup>

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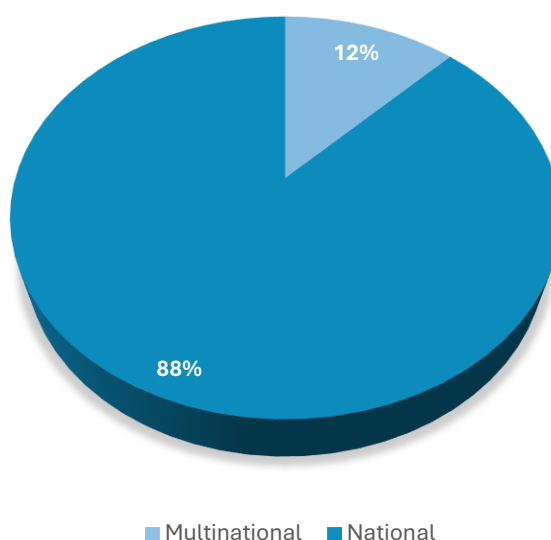
<sup>142</sup> UNESCO, “Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage” (UNESCO, 2024), accessed April 8, 2025.

<sup>143</sup> Data retrieved from UNESCO website: <https://ich.unesco.org/en/lists?text=&multinational=2#tabs>.

<sup>144</sup> Data retrieved from UNESCO website, statistics: [https://ich.unesco.org/en/lists?multinational=2&display2=candidature\\_typeID&display1=inscriptionID&display=stats#tabs](https://ich.unesco.org/en/lists?multinational=2&display2=candidature_typeID&display1=inscriptionID&display=stats#tabs).

<sup>145</sup> UNESCO, “Guidance on Multinational Nominations,” accessed April 6, 2025, <https://ich.unesco.org/en/guidance-on-multinational-nominations-01362>.

## ICH Elements



*Table 6* Pie chart showing the percentage of Individual and Multinational ICH nominations in the 2003 UNESCO Convention lists (Data retrieved from UNESCO website and elaborated by the Author)

During the seventeenth session of the Intergovernmental Committee (December 2022), Decision 17.COM 7 prompted the development of a guidance note by the Secretariat to assist States Parties in the preparation of multinational nominations.<sup>146</sup> Earlier, Decision 5.COM 6<sup>147</sup> had introduced mechanisms at facilitating the cooperation and the exchange of information among States Parties submitting nominations. This initiative eventually culminated in Decision 7.COM14 and the establishment of a dedicated page on the UNESCO website in 2014,<sup>148</sup> designed specifically to support the sharing of information and the promotion of multinational files.<sup>149</sup> As part of the follow-up to this implementation,

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<sup>146</sup> UNESCO, “Decision of the Intergovernmental Committee: 17.COM 7,” 2022, UNESCO, <https://ich.unesco.org/en/decisions>.

<sup>147</sup> UNESCO, “ITH/12/7.COM/14 - Mechanism for Sharing Information to Encourage Multinational Nominations,” December 2012, <https://unesdoc.unesco.org/ark:/48223/pf0000246041.locale=fr>.

<sup>148</sup> UNESCO, “Report of the Secretariat on Its Activities” (UNESCO, 2015), [https://ich.unesco.org/doc/src/ITH-15-10.COM-7.b\\_EN.docx](https://ich.unesco.org/doc/src/ITH-15-10.COM-7.b_EN.docx).

<sup>149</sup> UNESCO, “Sharing Information to Encourage Multinational Files,” accessed April 7, 2025, <https://ich.unesco.org/en/mechanism-to-encourage-multinational-files-00560>.

a report issued by the Secretariat, during the 10<sup>th</sup> session of the Intergovernmental Committee in Namibia,<sup>150</sup> documented the uploading of three formal expressions of intent by States Parties to nominate elements through the newly created platform. The objective of this project is articulated in the Sixth Session of the Intergovernmental Committee, held in Bali, during which the Committee's recommendation was summarised as follows:

In its previous debates, the Committee had suggested that such parallel or multiple inscriptions could be avoided, and multinational inscriptions encouraged, if there were a convenient means by which States Parties could inform other States Parties and communities concerned of their possible plans to nominate a given element.<sup>151</sup>

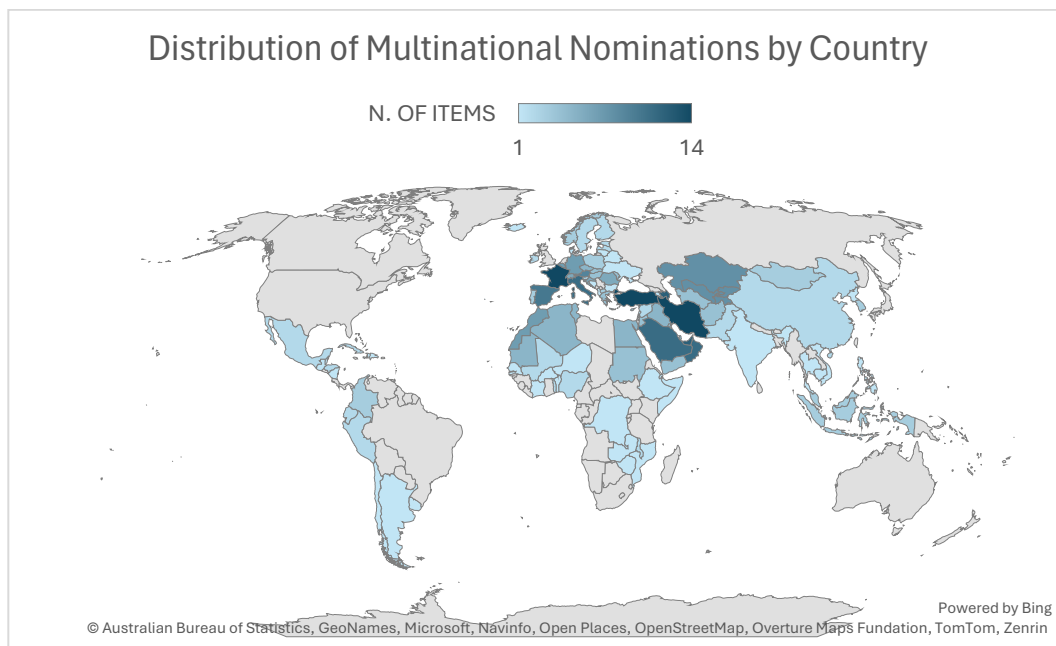
In response, the platform was thus created to facilitate the convenient and effective exchange of information among States Parties regarding the ICH Tentative List, as well as to express interest in potential multinational nominations.

Despite the efforts and recommendations put forward by UNESCO, the Secretariat and the Committee, multinational nominations continue to be employed predominantly by a limited group of countries, concentrated within specific geographical regions. As illustrated in Map 2, the distribution of multinational files, indicated by darker blue shades on the map, highlights the prominence of European and Muslim-majority countries from the Middle East to Central Asia in the submission of such nominations.

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<sup>150</sup> UNESCO, "Report of the Secretariat on Its Activities" (UNESCO, 2015), [https://ich.unesco.org/doc/src/ITH-15-10.COM-7.b\\_EN.docx](https://ich.unesco.org/doc/src/ITH-15-10.COM-7.b_EN.docx).

<sup>151</sup> UNESCO, "Mechanism for Sharing Information to Encourage Multinational Nominations" (UNESCO, 2011), UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000242854>.



*Map 2* Distribution of UNESCO multinational nominations for ICH (Database: UNESCO, elaborated by the Author)

By contrast, regions such as Central and South America, Southeast Asia, and East Asia demonstrate limited engagement in this form of nomination, despite their rich histories of transnational and intercultural interconnectedness.

As noted by Debarbieux, Bortolotto et. Al., there might be various reasons hindering States in engaging in multinational submissions. Some noticeable are:

- Different interpretations of the Convention
- Nationalist claims and diplomatic tensions
- Geopolitical issues

For the writers, multi-state submissions are mainly fuelled by rather nationalism, or diplomacy highlighting two different purposes: in the first case, the willingness in addressing internal issues, or, as in the second case, a partnership approach in which cultural continuity and regional partnerships are endorsed.<sup>152</sup> Another important issue stressed by the writers is the inclusion of the communities, groups or

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<sup>152</sup> Bernard Debarbieux et al., “Sharing Heritage? Politics and Territoriality in UNESCO’s Heritage Lists,” *Territory, Politics, Governance* 11, no. 3 (April 3, 2023): 608–24, <https://doi.org/10.1080/21622671.2020.1854112>.

individuals during the drafting process. Each States Parties, as well as each nomination can be proceeded by a different approach of the local heritage administration towards the people practicing the heritage under consideration, sometimes communities can be instrumentalised by central government organs (like in the case of Flamenco), on the contrary, in other cases, practitioners and, at large, the communities connected to a specific cultural expression hold full autonomy (like in the case of Alpinism).

In the case of East Asian countries, namely South Korea, North Korea, China, and Japan, nominations are predominantly submitted through the single-nation procedure, with limited consideration of neighbouring practices and communities. The following chapters will seek to explain this trend by focusing on the case of *nongak* in South Korea and the Korean Chinese community residing in China's north-eastern provinces, who perform *nongyuewu* dances and music. While this specific case may not fully resolve all questions concerning the widespread individualism observed among East Asian countries in the nomination process under the 2003 Convention, it may nonetheless contribute to the literature on multinational nominations. Furthermore, it provides an opportunity to explore how UNESCO nominations intersect with the broader national agendas of South Korea and China.

## 3.2 South Korea's UNESCO Participation and Narrative

The analysis of this research wants to concentrate on the years spanning between 2008 and 2014 because of the relatedness with the nominations taken into analysis. However, in order to fully understand the general framework and the possible implications connected with the global strategy applied to UNESCO nominations by the countries taken into examination, a brief overview of the historical participation of both South Korea and China are provided. This would allow to draw a clearer context and track the political changes occurred during the years under investigation compared to other periods.

In order to find information related to the Korean participation into UNESCO, archival research at the Paris based UNESCO archive was deemed necessary. This is also due to the lack of independent information regarding South Korea's participation inside this organisation, together with an academic shortage in monographic specialised research on this specific aspect of the country's institutional history. Therefore, the following chapters come to be thanks to the investigation conducted at the organisation's archive matching them with the existing literature and official news released by governmental sources, like the Ministry of Foreign Affairs, or MOFA, in Korea.

### *Beginnings – South Korea “The Good Student”*

On September 18, 1945, just nine days after the Japanese forces surrendered to the United States troops, the USA President Harry S. Truman issued a statement, declaring:

The surrender of the Japanese forces in Seoul heralds the liberation of a freedom-loving and heroic people. Despite their long and cruel subjection, under the war lords of Japan,

the Koreans have kept alive their devotion to national liberty and to their proud cultural heritage.<sup>153</sup>

Truman's words emphasised Korean people's attachment to their *cultural* heritage and cultural identity, together with stressing their resilience against the coloniser. This affirmation found somehow a tangible expression in the resolute and swift action taken a few years later by the newly established representatives of the Republic of Korea, who requested their country acceptance as a member of UNESCO.<sup>154</sup> Their initiative reflected not only a commitment to preserving and revitalizing Korean culture after decades of colonial oppression, but also a strategic move to secure international recognition and support at a crucial moment in the nation's reconstruction.

Joining UNESCO held a profound significance for the Korean government in the fragile years before the outbreak of the Korean War. Membership offered access to an international diplomatic forum and opened the door to cooperation with influential global actors. Most of all, it provided the opportunities to engage in educational and cultural projects and to receive financial assistance, essential for addressing the deep scars left by Japanese rule. Moreover, in a region still fraught with geopolitical uncertainty, UNESCO could serve as a platform to raise awareness of foreign aggression or violations of sovereignty, should conflict erupt again.

A letter dated July 14, 1949, from Chough Pyung-ok, then Personal Representative of the President of the Republic of Korea and permanent observer to the United Nations with the rank of Ambassador, addressed with a sense of urgency the application of Korea to the UN Agency. The Korean Representative wrote to the UNESCO Director-General Jaime Torres Bodet to urge Korean membership by listing the names of the "friendly nations" that "have accorded their full recognition

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<sup>153</sup> Gerhard Peters and John T. Woolley, "Statement by the President on the Liberation of Korea," The American Presidency Project, accessed April 28, 2025, <https://www.presidency.ucsb.edu/documents/statement-the-president-the-liberation-korea>.

<sup>154</sup> On the 5<sup>th</sup> July 1949 the Republic of Korea submitted a request through its representatives to become part of UNESCO. UNESCO, "Records of the General Conference of UNESCO, Fifth Session, Florence, 1950: Resolutions," 1950, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000114589.locale=fr>.

to the Republic of Korea”, namely: United States, United Kingdom, China, the Philippines, France, Brazil, Chile, New Zealand, the Netherlands, Dominican Republic, and Cuba.<sup>155</sup> Canada would soon follow, with its own endorsement via the UN delegation.

The formal application for UNESCO membership was submitted by the Republic of Korea on July 5, 1949. However, some political tensions might have hindered this request, as noted by Solomon V. Arnaldo, the Head of the New York Office for UNESCO, in a cable to the Bureau of External Relations inside UNESCO: “I realize how difficult the situation is right now for such an application.”<sup>156</sup> Korea’s membership to UNESCO was rejected on the 8<sup>th</sup> of April 1949, as it was on 16<sup>th</sup> of February 1949 the one of the Government of the Korean People’s Democratic Republic. Without full UN membership, Korea’s application to UNESCO could not proceed through the usual channels and instead needed to be submitted via the UN’s Economic and social Council (hereafter “ECOSOC”).

Despite the initial setback, the obstacle proved to be only temporary, once the procedural requirements were solved, the Republic of Korea was officially admitted as a Member State of UNESCO on June 14, 1950, just days before the outbreak of the Korean War. The timing of this recognition underscored both the precarity of Korea’s international position and the government’s determination to stake a claim within the global cultural and diplomatic order.

Unfortunately, the storm caused by the Korean War put on a halt the newly established lines of communication between UNESCO and the Republic of Korea. With the country plunged into conflict, direct exchanges were replaced by indirect communication through the United Nations Korean Reconstruction Agency (UNKRA), which operated under strict procedural obligations. With the end of the war UNKRA implemented important projects connected with education, and

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<sup>155</sup> Pyung-ok Chough, “Republic of Korea: Application for Membership,” Correspondence, July 14, 1949, Paris, UNESCO.

<sup>156</sup> Solomon V. Arnaldo, “Republic of Korea: Application for Membership,” internal correspondence, July 6, 1949, Paris, UNESCO.

luckily enough, the working relationship between UNESCO and UNKRA proved to be constructive. The first major educational initiative in Korea, launched in 1952, received significant backing from UNKRA, enabling the initial phases of reconstruction in the educational sector.<sup>157</sup>

In the aftermath of the war's devastation, UNKRA and UNESCO's focus in South Korea centred primarily on education. Efforts were concentrated on rebuilding schools, establishing training facilities, and developing curricula to reintroduce regular learning to a population disrupted by years of occupation and conflict. Special attention was also given to English language programs, designed to prepare a new generation of Koreans for roles in international organizations and diplomatic service.

However, early communication between UNESCO and the South Korean government was not as seamless as intended. A key issue arose from the fact that UNESCO correspondence regarding educational initiatives was consistently routed through the Ministry of Foreign Affairs rather than the Ministry of Education. This misalignment caused the delays and frequent misunderstandings between the parties involved. During a visit in 1952 by the UNESCO official Dr. Benner to the Korean Ministry of Education, two critical points came to light. First, the Minister of Education expressed a strong desire for direct communication with UNESCO. However, such direct engagement was not permissible due to governmental directives mandating that all foreign relations be channelled through the Ministry of Foreign Affairs.<sup>158</sup> An information that doesn't shock and aligns with the government administration style of the First Republic. Second, the necessity of establishing the National Commission for UNESCO, a body that will soon replace the Central Education Committee and a necessary step after the membership of a country but often delayed because of other urgent matters.

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<sup>157</sup> David Chung, "X07.214(519) - Report to the Director-General of UNESCO by David Chung Secretary-General, Korean National Commission" (Paris: Korean National Commission, November 26, 1954), UNESCO.

<sup>158</sup> C.M. Berkeley, "National Commission - Korea," January 25, 1952, UNESCO.

The formal establishment of the Korean National Commission for UNESCO came through Presidential Ordinance n. 801, enacted on July 6, 1953.<sup>159</sup> Its inaugural convention took place at the Auditorium of Sŏul National University, marking a significant milestone in South Korea's postwar educational and cultural reconstruction. Presiding over the event was the Chairman of the Commission, Minister of Education Kim Bup-rin, accompanied by Vice-Chairman and the newly appointed Secretary General, David Chung.<sup>160</sup>

The first National Commission was composed of sixty members, reflecting a wide range of expertise and representation: thirty-five were accredited delegates from “educational, scientific and cultural groups and organisations designated by the Minister of Education;”<sup>161</sup> ten government officials from the Ministry of Education and Foreign Affairs; and fifteen were appointed specialists from relevant fields aligned with UNESCO's mission. This foundational step not only institutionalised South Korea's partnership with UNESCO but also signalled the country's commitment to rebuild its educational and cultural infrastructure within a global framework.

Beginning on January 1, 1957, with the gradual dissolution of UNKRA, the relationship between UNESCO and the Republic of Korea entered a new phase of direct communication and cooperation. As a part of this transition, UNESCO assumed responsibility for several UNKRA-sponsored initiatives, including the Fundamental Education Centre, the Language Training Centre, and the Gift Coupon Programme. A programme document dated March 21, 1957, outlines the full scope of collaborative activities to be pursued between the Korean National Commission for UNESCO and the organization itself.<sup>162</sup> Among the most significant initiatives

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<sup>159</sup> Bup-rin Kim, “Report of the Inauguration Convention of the Korean National Commission for UNESCO” (Republic of Korea: Minister of Education, February 2, 1954), UNESCO.

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> Korean National Commission for UNESCO, “KNC/96 Annex II - Programme of Activity For,” March 21, 1957, UNESCO.

was the “Propagation of Korean Culture” programme. This encompassed the production of Korean cultural films, the inclusion of representative Korean works and anthologies in UNESCO’s official collections, and the promotion of international artistic exchange. These efforts were aimed not only at cultural preservation but also at raising global awareness of Korea’s rich heritage. Beside these, South Korea’s participation in the Eastern and Western Cultural Values project aligned with these goals, with particular emphasis on introducing Korean culture to international audiences.

However, the implementation of these projects was not without challenges and discontents. In 1959, Mr W. G. Eagleton, a UNESCO official, addressed a confidential letter to the Director-General, recounting the details of his mission to South Korea from August 19 to September 9 of that year. His report revealed mounting tensions between Korean officials and Mr. Hernandez-Cabrera, the then-Director of the Korean Fundamental Education Centre (KORFEC). As Mr. Hernandez-Cabrera’s term came to an end, control of the centre was set to pass to the Korean local government under UNESCO’s supervision. However, his leadership had generated significant dissatisfaction, both among local personnel and within the national administration.<sup>163</sup> This climate of discontent led to a broader reluctance on the part of the Korean government to continue the project under UNESCO’s guidance, evidenced most clearly in their refusal to allow the newly appointed director, Mr. Choi Kyu-nam, to participate in a three-month UNESCO fellowship abroad. This was probably one of the reasons, and the time specific political tension of those years should also be taken into this perspective.

In his assessment, Eagleton expressed disappointment over the trajectory of the KORFEC project, characterizing it as the “Cinderella” of UNESCO’s programmes, neglected and under-supported.<sup>164</sup> He urged UNESCO to increase its involvement in Korea and advocated for stronger regional cooperation, especially linking the

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<sup>163</sup> W. G. Eagleton, “Report on Mission to Korea,” (Paris: UNESCO, September 15, 1959), Paris, UNESCO.

<sup>164</sup> *Ibid.*

efforts in Korea, Cambodia, and Thailand. His call reflected a broader concern about the uneven impact of UNESCO's initiatives in Asia and the missed potential for deeper inter-Asia collaborations.

A marked shift in approach became evident in the early 1960s, coinciding with the political transformations in South Korea. According to a report by G.G. Flores following his mission to Korea in April-May 1961, the establishment of the Second and Third Republics, and the rise to power of President Park Chung-hee brought about a substantial improvement in both the administration and the coordination between Korean officials and UNESCO. Flores highlighted a specific turning point that seemed to signal more than the formal reorganization of the National Commission and Delegation: it implied a tacit endorsement of the Park's regime by UNESCO officials and, conversely, a clearer commitment by the Korean government to engage with the organization, if not only a slight negative remark to the previous Government.

His report also noted a striking development in the cultural diplomacy, the growing willingness of South Korean authorities to accept Japanese experts invited by UNESCO, a notable shift given the lingering tensions from the colonial period. Further, the mission documented Korea's official concern regarding the preservation of the Koguryō tombs in North Korea, particularly those adorned with mural paintings. South Korea used the occasion to draw UNESCO's attention to the potential threats these cultural sites faced, underscoring its commitment to heritage protection even beyond its political borders, and anticipating one of the main cooperation activities that will be carried out later in time under the UNESCO's flag.

The work of the Korean National Commission was also supported by a private body, the Korean UNESCO Association,<sup>165</sup> led by George Paik (Baek Nak-jun), then-President of the Upper House, or House of Councillors, of the National Assembly. Composed of several influential figures, the association played a crucial role in

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<sup>165</sup> This association was established in 1958.

bolstering the Commission's efforts. Flores remarked that prior to the April 1960 Revolution, relations between UNESCO headquarters and the former South Korean government had been largely ineffective. In contrast, since the new administration came to power, cooperation had notably strengthened, reflecting a renewed spirit of partnership and shared purpose.



Figure 2 Picture from the UNESCO Archive showing the delivery of UNESCO Gift Coupons from Japan to Mt. K.S. Yoon (second from left) by M.H. Cho (second from right). Photo retrieved by the Author from UNESCO's Archive

From the early 1960s onward, the Korean National Commission for UNESCO also began to implement significant changes and undertake new initiatives aimed at promoting UNESCO's programmes both domestically and internationally. In 1961, the first issue of the *Korea Journal*, a monthly magazine published by the Commission, was released, marking an important step in disseminating UNESCO's mission and fostering cultural dialogue, thanks to the demolition of the language barriers and the release of academic articles related to Korean cultural heritage.

The institutional framework of the Commission was further strengthened in 1963, when a new law regulating UNESCO-related activities, Law n. 1335, was enacted

on April 27. This legislation superseded the earlier Presidential Ordinance n. 801 and granted the Korean National Commission greater legal and administrative autonomy. It also clearly reassessed and articulated the goals and objectives guiding Korea's collaboration with UNESCO.

In 1964, to celebrate the 10<sup>th</sup> anniversary of the National Commission's establishment, the "Korean UNESCO's Song" (유네스코의 노래, yunesük'ouï norae) was publicly performed for the first time by baritone Lee In-young,<sup>166</sup> symbolising Korea's commitment to UNESCO's ideals through cultural expression. The following year, in November 1965, the construction of the new UNESCO building for the Korean National Commission was finally completed. This gave the Commission a permanent home for its activities, and the building quickly became a recognisable landmark in Seoul still standing today.

Throughout this period, however, the international tensions of the Cold War inevitably influenced UNESCO's activities, including participation in international conferences. A notable example is the 2<sup>nd</sup> International Oceanographic Congress, held in Moscow from May 30 to June 9, 1966. Despite the contracts signed by representatives of UNESCO and Soviet authorities lifting restrictions to the entry into Soviet territory to all accredited participants, two South Korean expert scientists, Dr. Sang Choe and Dr. Soon Woo Hong were denied visas and "barred from the said congress because of the Soviet government's deliberate evasion from its obligations." Conversely, South Korea also imposed its own restrictions during this period, by indirectly refusing appointments of certain United Nations officials seen as politically sensitive. A telling case was that of the Egyptian administrator Skenazi, hired for a one-year post as a P-3 level administrator, who was viewed with suspicion due to its nationality and perceived communist political leanings.

UNESCO membership offered South Korea not only a platform for educational and cultural development but also an opportunity to reclaim its historical narrative following decades of Japanese colonial influence. During the East and West Culture

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<sup>166</sup> The Korean National Commission for UNESCO, "Ch'arip 10 chunnyŏn kin'yŏmsik [10<sup>th</sup> anniversary ceremony]," UNESCO Archive, 1964.

Appreciation Project, the publication of a *Short History of Korea* came under harsh criticism from both Korean and foreign scholars for its evident colonial bias. Nevertheless, the Korean Ministry of Foreign Affairs successfully secured a \$6,000 grant from UNESCO to fund the compilation of an officially Korean-authored history, ensuring a more authentic presentation of Korea's past for international audiences.<sup>167</sup>

All of these activities carried out during the Park Chung-hee era also witnessed both an expansion of Korea's involvement with UNESCO and several controversial and mysterious events. One such unresolved incident was the supposed suicide of Lee Soo-young, South Korea's permanent delegate to UNESCO. The period also saw unusual appointments, including that of General Paik Sun-yup, a distinguished figure in Korean War history and a close associate of Park Chung-hee, as South Korea's permanent delegate to UNESCO, raising questions about the intersection of military and cultural diplomacy during this time.

In 1972, reflecting broader shifts in South Korean diplomacy and with the gradual change of world politics, an official request for the creation of favourable conditions to accelerate the independent and peaceful reunification of Korea addressed the request of suspension of the United Nations Commission for the Unification and Rehabilitation of Korea's activities (UNCURK), and the subsequent withhold of the UN flag from South Korean institutions, together with the withdrawal of foreign troops from the peninsula.<sup>168</sup> This request was officially passed at the Twenty-Seventh UN General Assembly meeting in September 15. This decision also set the

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<sup>167</sup> Pow-key Sohn, Chol-choon Kim, and Yi-sup Hong, *The History of Korea* (Seoul: Korean National Commission for UNESCO, 1970), <https://unesdoc.unesco.org/ark:/48223/pf0000383475.locale=fr>.

<sup>168</sup> "Request for the Inclusion of an Item in the Provisional Agenda of the Twenty-Seventh Session - Creation of Favourable Conditions to Accelerate the Independent and Peaceful Reunification of Korea," September 15, 1972, Paris, UNESCO.

official starting process of the DPRK's UNESCO membership, under some South Korean suspicion and diplomatic games on the side of the cultural organisation.<sup>169</sup>

Despite the complex political backdrop, Korea actively engaged in various UNESCO programmes during the Park Chung-hee's government. Between 1973 and 1974, South Korea received financial assistance for a series of initiatives, including a seminar on national science and technology, the publication of a national seminar report on contemporary Korea culture, a seminar on book development, training courses for youth organisation leaders, the translation and publication of cultural development reports, and the publication of a Korean edition of *The Arts and Man*. Additionally, a six-month fellowship was awarded for the study of decorative arts and crafts, supporting the broader aim of fostering cultural exchange and professional development.

Since its inception as a member of UNESCO, the South Korean government has tried to balance its power by considering its fragile position as a war devastated country, together with national political instability of the early governments. UNESCO funded projects in the name of peace, education-for-all, and cultural rapprochement between the East and West, allowed the peninsula to reconstruct its education system while slowly transitioning its economy and building its diplomatic bodies. The years to come signal a change in approach towards the Northern neighbour, a change which saw South Korea building a stronger identity and position at the international level.

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<sup>169</sup> An internal, private note preserved inside the UNESCO's Archive and written by the Assistant Director-General for Education, Mr. Takashi Moriyama, recounts the visit of a Secretary (Mr. Lee) from the South Korean Embassy in France to his office to ask the confirmation of some voices regarding the starting of the DPRK's accreditation to UNESCO. Mr. Moriyama doesn't confirm any of the information provided by the South Korean official, clearly keeping the early intentions of the DPRK's membership private. The letter dates September 27, 1972, a handwritten note clears out the topic by saying: "Merci. Mais ne dits rien (si jamais nous en recevrons la requête) avant de me consulter)."

## *Two Koreas inside UNESCO*

In 1974, the Republic of Korea, through an official letter submitted to UNESCO by its Ambassador to France, Mr. Won, formally accepted the DPRK request to join UNESCO. This acceptance marked the beginning of North Korea's formal presence within the organisation, setting a new precedent for Korean interactions on the international cultural stage. The DPRK was officially entering the membership to UNESCO on the 94<sup>th</sup> meeting of the Executive Board of UNESCO in Paris, June 22, 1974.<sup>170</sup> Its membership arrived after two years of internal meetings and diplomatic efforts with the support of Chile and the UNESCO Regional Office for Education in Latin America and Caribbean.<sup>171</sup>

The presence of North Korea as a member of UNESCO didn't disrupt the relationships between South Korea and UNESCO, and it's framed in a historical period of negotiations and talks between the two governments. For instance, in August 1971, the first Inter-Korean talks in Panmunjom served as a temporary loosening of the tensions. However, instability and fluctuations in negotiations and agreements are characterising this period, especially since the start of the Third Republic (1967-1972). The entrance of North Korea as a member of UNESCO didn't have any negative impact on the South Korean delegation: from a superficial point of view, it realigned the international presence of the two countries in global organisations and especially in the promotion of Korean cultural heritage; however, some more recent declassified documents from the Socialist Republic of Romania regards the DPRK's push for membership inside international organisations as a strategy "to undermine and gradually weaken the positions of the authorities in Seoul."<sup>172</sup>

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<sup>170</sup> UNESCO Executive Board, "Application for Admission to UNESCO Submitted by the Democratic People's Republic of Korea: Draft Resolution," 1974, UNESCO, [https://unesdoc.unesco.org/ark:/48223/pf0000367056\\_eng.locale=en](https://unesdoc.unesco.org/ark:/48223/pf0000367056_eng.locale=en).

<sup>171</sup> Carmen Lorenzo, "Visita a la Oficina de Delegación de Corea," May 18, 1972, Paris, UNESCO.

<sup>172</sup> Dimitru Popa, "Telegram from Pyongyang to Bucharest, SECRET, Regular, No. 061.224," Telegram, June 7, 1973, Digital, Wilson Center Digital Archive,

What appears to be clear from some UNESCO's archival documents is that the presence of both the Northern and Southern governments also meant a more tense atmosphere inside the organisation headquarters. In 1982, the South Korean Delegation organised a photographic exhibition titled *Les tombes royales de Hwangnam*, focusing on the royal tombs in Gyöngju. However, the exhibition became a source of diplomatic friction. The North Korean delegation formally lodged a complaint with Mr. Keller, Secretary of the 4<sup>th</sup> Extraordinary Session of the General Conference of UNESCO, expressing their deep regret at the exhibition's portrayal of the Korean peninsula, regarding it as an outrageous and provocative act.<sup>173</sup> In response, they demanded immediate action from the Secretariat and the prompt dismantling of the exhibition. This incident illustrated the delicate and often fraught nature of cultural representation between the two Koreas within international forums.

The 1988 Söul Olympics offered the chance for the reconciliation of both Koreas on the international stage, however, despite the many meetings and talks, the proposal made by the DPRK on a joint Olympics between the two countries didn't have any effect and the "Games of the XXIV Olympiad in Pyong-Yang-Seoul" never came into being.<sup>174</sup>

Despite persistent political tensions, cooperation between the two Koreas within UNESCO frameworks occasionally yielded significant results. Between 2000 and 2013, the Republic of Korea provided a total of USD 1.6 million in support of the

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<https://digitalarchive.wilsoncenter.org/document/telegram-pyongyang-bucharest-secret-regular-no-061224>.

<sup>173</sup> Collection of official documents consulted at the UNESCO Archive by the author, including the following documents: DIR/COL/Mémo/82/270 (1982/08/26); DIR/COL/82/224 (1982/06/28); DIR/COL/82/427 (1982/06/22); CPX/AFE/82/2630 (1982/11/08); SPU-82/032 (1982/11/05); DIR/COL/82/367 (1982/10/20); SP.82/037 (1982/12/14); CPX/AFE/83/005 (1983/02/08); CPX/AFE/83/0407 (1983/02/16).

<sup>174</sup> International Olympic Committee, "Informal Meeting with the Delegation of the DPR Korea," Meeting (Lusanne: International Olympic Committee, March 7, 1986), International Olympic Committee Archives, <https://digitalarchive.wilsoncenter.org/document/international-olympic-committee-meeting-dprk-delegation-regarding-details-holding-1988>.

*Goguryeo Tombs Murals Preservation Project* in North Korea.<sup>175</sup> This substantial financial assistance underscored a shared cultural concern that transcended political divisions, at least temporarily. This was not the only project during those years, in fact from 2000 additional funds were allocated through UNESCO Committee for the printing paper of North Korean textbooks, followed by a second donation in the 2005-2006 biennium.<sup>176</sup>

Nevertheless, relations between the two Koreas within UNESCO have remained irregular, frequently influenced by shifting political climates and internal agendas. A notable period of rapprochement occurred during the presidency of Moon Jae-in. In 2018-2019, several joint cultural initiatives were pursued, including the successful multinational inscription of *Ssirum/Ssireum* (traditional Korean wrestling) on UNESCO's Intangible Cultural Heritage list. Furthermore, in 2019, South Korean government also proposed the inscription of the Demilitarised Zone (DMZ) as a transboundary World Heritage between the two Koreas. However, despite its symbolic significance, the DMZ proposal was subsequently sidelined and remains inactive till nowadays.<sup>177</sup>

Thus, the history of North Korea's presence within UNESCO, alongside South Korea's active engagement, reveals a complex and evolving interplay between culture, diplomacy, and national identity on the Korean peninsula. Despite tensions, cooperation activities under the name of UNESCO have remained active so far, through South Korean Funds-in-Trust, and indirect financial contributions.

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<sup>175</sup> Ministry of Foreign Affairs, "Che 5ch'a han-yunesük'o shint'akkigümsaöm kömt'ohoeüi pangk'ong kaech'oe sangsebogi [Details of the 5th Korea-UNESCO Trust Fund Project Review Meeting held in Bangkok]," mofa, accessed April 23, 2025, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=349343](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=349343).

<sup>176</sup> Gabriel Jonsson, *South Korea in the United Nations: Global Governance, Inter-Korean Relations, and Peace Building* (New Jersey: World Scientific, 2017).

<sup>177</sup> Ministry of Foreign Affairs, "Tetp'yöngghwarül hyanghan yunesük'o p'orömt'el kaech'oe sangsebogi [Details of the UNESCO Forum for Peace]," mofa.go.kr, accessed April 24, 2025, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=369823](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=369823).

## From Receiver to Donor

The Republic of Korea has been a primer receiver in the first phase of its membership inside UNESCO. Since the end of the Korean War, UNESCO engaged in collaboration with UNKRA in the promotion of Education. As of January 1, 1957, the Paris organisation completely took over the UNKRA projects: Korean Fundamental Education Centre, Foreign Language Institute, and the UNESCO Gift Coupon; and it started to be the main financial and technical supporter.

During the 1975-1976 Programme of Participation of Member States, South Korea outlined various initiatives, including the production of films depicting traditional Korean music and dance, designated as “intangible national cultural treasures,”<sup>178</sup> even before the international awareness of what anticipated the Intangible Cultural Heritage Convention in 2003. These initiatives reflected South Korea’s continued efforts to promote its cultural heritage through UNESCO channels, together with its position as a forerunning ambassador of intangible cultural heritage on the world stage.

In November 1979, these cultural diplomacy endeavours culminated in the inauguration of an exhibition titled *Instruments de musique traditionnel de Corée*, held in the Salle des Actes in Paris from the 5<sup>th</sup> until the 14<sup>th</sup>. The exhibition showcased a variety of traditional Korean musical instruments, offering European audiences a glimpse into the rich musical traditions of Korea, and at the same time, allowed Korean culture to cross national borders.

South Korea’s commitment to cultural diplomacy continued with the donation of artworks to UNESCO. In 1980, the first donation was made: a painting by Kim Ki-chang representing *nongak*. This was followed in 1982 by a second donation, a painting depicting a Buddha figure by the same author. These contributions symbolised South Korea’s commitment to enriching UNESCO’s cultural collections and further consolidating its cultural presence on the world stage.

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<sup>178</sup> UNESCO, “Programme of Participation in the Activities of Member States for 1975-1976,” UNESCO Archive.

Concurrently, anticipating the hosting of major international events, the 1986 Asian Games and the 1988 Söul Olympics, the Republic of Korea sought to deepen its cooperation with UNESCO. Strengthening cultural ties during this period was seen as crucial to enhancing the country's international standing and ensuring the successful promotion of these events.

South Korea's growing engagement with UNESCO extended beyond cultural promotion to include initiatives in education. Since 1990, the Republic of Korea has sponsored the King Sejong Literacy Prize, underlining its commitment to global literacy initiatives. By 2016, South Korea's assessed contribution to UNESCO's regular budget amounted to USD 6.3 million, supplemented by an additional USD 50,000 donated for a fellowship programme in collaboration with UNESCO.

In April 2000, South Korea further demonstrated its active engagement by joining the Intergovernmental Committee for Promoting the Return of Cultural Property (ICPRCP).<sup>179</sup> Korea had earlier been represented in this committee by Professor Lee Keun-kwan of Söul National University, who was elected Chairman in 2012. Furthermore, Korea hosted the 30<sup>th</sup> anniversary commemorative event of the ICPRCP in 2008,<sup>180</sup> reflecting its sustained leadership role in international cultural restitution efforts.

From 2000 onwards, beside the Fund-in-Trust project for the preservation of Koguryö tombs in DPRK, South Korea also engaged in the assignment of an international prize for Intangible Cultural Heritage, the Arirang Prize.<sup>181</sup> This was followed in 2004 by the creation of the UNESCO Jikji Memory of the World Prize,

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<sup>179</sup> Gabriel Jonsson, *South Korea in the United Nations: Global Governance, Inter-Korean Relations, and Peace Building* (New Jersey: World Scientific, 2017).

<sup>180</sup> Ministry of Foreign Affairs, "Urinara, yunesük'o munhwajachwansuch'okchin chöngbuganwiwönhoe üijang suim sangsebogi [South Korea Appointed Chair of UNESCO's Intergovernmental Committee for the Promotion of the Repatriation of Cultural Property]," mofa.go.kr, accessed April 28, 2025, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=342680](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=342680).

<sup>181</sup> Ministry of Foreign Affairs, "Che1hoe arirangsang(yunesük'o illyugujön min muhyöngyusan kö1chaksang) shisang sangsebogi [Details of the 1st Arirang Award (UNESCO Masterpieces of the Oral and Intangible Heritage of Humanity)]," Governmental, mofa.go.kr, accessed April 23, 2025, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=289989](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=289989).

with the inaugural award assigned in 2005. These prizes reinforced Korea's standing as a key player in UNESCO's efforts to preserve both tangible and intangible heritage.

Financially, South Korea's contributions to UNESCO have been a significant part of the institution's regular budget. During the 2006-2007 period, Korea provided USD 11,010,500 (accounting for 1.805% of UNESCO's regular budget). In addition, various UNESCO Funds-in-Trust projects were supported by Korea, including:

- *Education for All*, supported by the Ministry of Education & Human Resources Development, including projects in digital literacy and ICTs for quality education conducted in DPRK and Mongolia during the biennium 2008-2009<sup>182</sup>
- *East Asian Biosphere Reserve Network*, funded by the Ministry of Environment
- *Coastal and Island Biosphere Reserve in Asia Pacific*, sponsored by the Jeju Special Self-Governing Province
- *Intangible Cultural Heritage initiatives*, backed by Gangneung City
- *Preservation of the Cultural Heritage of Koguryŏ Kingdom in North Korea*, funded by the Cultural Heritage Administration

Reflecting on seventy years of Korea's participation in UNESCO, the Korean National Commission aptly described the country as UNESCO's "best model student" (유네스코 최고의 "모범생" 한국, yunesük'o ch'oegoŏi "mobŏmsaeng" Han'guk),<sup>183</sup> a fitting description considering the development demonstrated on a national and international level by the country.

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<sup>182</sup> UNESCO Office Beijing, "Biennium Report UNESCO Office Beijing 2008-2009" (Beijing: UNESCO Office Beijing, 2009), UNESCO Archive.

<sup>183</sup> Korean National Commission for UNESCO and Ministry of Foreign Affairs, *Yunesük'o kaim 70 chunyŏn kinyŏm t'ŭkpyŏlchŏn [Special exhibition commemorating the 70th anniversary of UNESCO membership]*, 2020.

In 2007, Korea established the *UNESCO strategic forum* (유네스코 전략 포럼, Yunesŭk'o chŏllyak p'orŏm), later reorganised in 2017, further institutionalising strategic dialogue on cultural, educational, and scientific collaboration. The Republic of Korea also re-established its independent permanent mission to UNESCO in 2010, following approximately two decades of closure. Moreover, the multilateral tourism and culture cooperation division within the Ministry of Foreign Affairs was reorganized into the UNESCO division in March 2018, signalling an even deeper institutional commitment.<sup>184</sup>

Looking towards the future, the vision of Korea's relationship with UNESCO proposes a shift from the role of the model student to that of a proactive leader. Korea is now encouraged not only to excel within the frameworks established by UNESCO but also to take greater initiative in proposing and implementing innovative ideas to shape the organisation's global agenda.

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<sup>184</sup> *Ibid.*

### 3.3 China's UNESCO Participation and Narrative

Constructing a narrative of China's representation within UNESCO appears to be comparatively less challenging compared to the South Korean's one. This is largely due to the extensive academic literature available on the subject, particularly in relation to the China and global governance. One book, in particular, proved to be a valuable resource for this sub-chapter: *China and UNESCO in global governance: Education and Beyond* (全球治理中的中国与联合国教科文组织, *Quanqiu zhili zhong de Zhongguo yu Lianheguo Jiaokewen Zuzhi*) written by Xie Zheping (谢喆平), published in 2021. In addition to this work, other bibliographic sources were consulted, along with primary documents from the UNESCO Archives in Paris. These declassified historical records provided an essential foundation for the development of this chapter, yet not enough to cover the abundance and variety of activities carried out on this topic until the 21<sup>st</sup> century.

Similar to the research conducted by Harold J. Jackson and Michael Oksenberg on China's engagement with the World Bank,<sup>185</sup> the country's relationship with UNESCO can be understood as evolving through four different phases: engagement, initial participation, mutual adjustment, and mature partnership. The following sections aim to trace this developmental trajectory, situating it within the broader context of China's national cultural agenda.

#### *A Rough Start*

On the Korean peninsula, the division into North and South resulted in the separate representation of both governments within UNESCO, with each maintaining independent delegations and developing distinct diplomatic ties. By contrast, in the case of China, the inclusion of the People's Republic of China in the United Nations

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<sup>185</sup> Harold Karan Jacobson and Michel Oksenberg, *China's Participation in the IMF, the World Bank, and GATT: Toward a Global Economic Order* (Ann Arbor, Mich: The University of Michigan Press, 1991).

led to the exclusion of the Taiwan-based Nationalist government (Republic of China), effectively removing it from future activities organised by UNESCO.

On October 25, 1971, the Chinese Communist Party, governing mainland China, replaced the Chinese Nationalist government of Taiwan in the United Nations.<sup>186</sup> This development marked a turning point in international diplomacy, facilitated in part by the gradual rapprochement between China and the United States beginning with the 1971 “Ping-Pong Diplomacy.” As a consequence, the nationalist government lost its membership in UNESCO, and the Beijing delegation assumed its seat.

The end of the 1970s saw China engagement in economic reform and its “opening-up” (改革开放, gaige kaifang). However, the importance of cultural diplomacy and the role of traditional culture in both everyday life and in foreign relations have not occupied top positions on the priority lists of the government of the People’s Republic of China, yielding their place to modernization.<sup>187</sup>

Following this political shift, UNESCO issued an internal memorandum authored by Manuel Jiménez, Director of the Office for the Relations with Member States, addressed to the Vice-Director-General. The memo confirmed that following the Executive Council’s decision (88 EX/Dec.9) at its 88<sup>th</sup> session, all correspondence with the Republic of China (hereafter “Taiwan”) was to be discontinued.<sup>188</sup> This marked the end of formal communication between the UN agency and the Taiwanese government.

UNESCO was the first UN Agency to formally implement this change of representativeness and substitute the membership. However, the initial integration

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<sup>186</sup> United Nations Information Centre, “Assembly Decides on Chinese Representation,” November 1, 1971, Paris, UNESCO.

<sup>187</sup> Marta Tomczak, *Is China a Model Member State of UNESCO in Implementing the 2003 Convention? Reasons, Benefits, and Criticisms*. Available from: [https://www.researchgate.net/publication/341323234\\_Is\\_China\\_a\\_Model\\_Member\\_State\\_of\\_UNESCO\\_in\\_Implementing\\_the\\_2003\\_Convention\\_Reasons\\_Benefits\\_and\\_Criticisms](https://www.researchgate.net/publication/341323234_Is_China_a_Model_Member_State_of_UNESCO_in_Implementing_the_2003_Convention_Reasons_Benefits_and_Criticisms) [accessed May 22 2025].

<sup>188</sup> Manuel Jimenez, “Correspondance officielle,” UNESCO Memo, November 5, 1971, UNESCO.

of the PRC into UNESCO, and the broader UN-system, was not without conflict and resentment. After years of active participation by the Nationalist Chinese government, the transition took more time to be implemented. The simultaneous presence of both delegations at UNESCO's conferences and meetings was considered deeply offensive and in violation of the UN Executive Board's decision by the Communist side. Conversely, several NGOs affiliated with UNESCO strongly opposed the obligation to sever ties with the Nationalist government, deeming it unacceptable.

Taiwan was not the only issue related to the China's sovereignty and representation within UNESCO. Tibet and Hong Kong also became contentious subjects in UNESCO documentation during the early years of the PRC's participation. In 1976, the Chinese delegation demanded the removal of ten films produced by a Tibetan refugee from UNESCO's catalogue of films on Arab and Asian countries.<sup>189</sup> This directive was promptly implemented, illustrating the PRC's efforts to assert control over its narrative and territorial claims.

The early actions of the PRC delegation were focused on eradicating the institutional presence of the Taiwanese government, demarcating China's national boundaries, and reaffirming the state's position on Tibet and Hong Kong. Initially, the direct involvement of Chinese personnel and experts in UNESCO activities remained limited. This was largely due to the PRC's reluctance to send delegates into what was perceived as a highly politicised environment, particularly given the continued presence of Western powers such as the United States. As a result, China prioritised engagement in scientific and technological fields, which were considered politically neutral and safer from political content.<sup>190</sup>

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<sup>189</sup> M.K. Chang, "Protest of Permanent Delegation of China against the 10 Films by Tibetan Refugees in the 'Catalogue de Films Sur Les Arts Du Spectacle Dans Les Pays Arabes et En Asie' (Les Presses de l'Unesco, 1975)," Personal & Confidential, May 7, 1976, Paris, UNESCO.

<sup>190</sup> Xie Zheping 谢喆平, *Quanqiu zhili zhong de Zhongguo yu Lianheguo Jiaokewen Zuzhi 全球治理中的中国与联合国教科文组织 [China and UNESCO in global governance: education and beyond]*, (Beijing: Shangwu, 2021), 85, <https://unesdoc.unesco.org/ark:/48223/pf0000385218.locale=en>.

This cautious and politicised stance persisted until 1978. During this period, China refrained from participating in major UNESCO events and avoided any significant collaborations. Furthermore, the Chinese government was unwilling to dispatch personnel to work at UNESCO headquarters. As Professor Xie notes in her study, “the staff sent were local overseas Chinese,” indicating that many were individuals of Chinese descent who had remained in Europe since the Kuomintang era, or that were previously in charge of the same position under the nationalist government.<sup>191</sup>

### *Eighties and Nineties Chinese Expansion*

The period that runs between 1980s and 1990s marked a crucial phase in the consolidation of the People’s Republic of China’s position within UNESCO. This was due to different factors, both internal and external to the Chinese political change. In 1978 Deng Xiaoping took power, and from this time on, huge reforms and a change in diplomatic approach started. Building on its formal entry into the organisation in the early Seventies, China gradually transformed its role from a cautious participant into a key actor and diplomatic interlocutor. As explained by Xie:

Since the 1978 reforms and the associated learning processes and changes in worldviews that followed, China has put considerable store on its membership in other international organizations such as the International Monetary Fund (IMF), the World Bank, and, more recently, and despite the difficult and prolonged negotiating path, the WTO.<sup>192</sup>

The same happened towards UNESCO membership.

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<sup>191</sup> *Ibid*, 88.

<sup>192</sup> Pauline Kerr, Stuart Harris, and Yaqing Qin, eds., *China’s “New” Diplomacy* (New York: Palgrave Macmillan US, 2008), 25, <https://doi.org/10.1007/978-0-230-61692-9>.

At the UNESCO level, the change of Directorship also affected the new setting and brought to more openness and attention towards Chinese membership, in fact, under the tenure of Director-General Amadou-Mahtar M'Bow (1974-1978), China's engagement with UNESCO deepened significantly. M'Bow's historical visit to China in 1975 served as a diplomatic milestone,<sup>193</sup> followed by the second in 1978. It was during this last meeting, between Director-General M'Bow (UNESCO) and Deng Xiaoping, the latter acknowledged that:

When you came in 1975, I was also in charge, but at that time there was interference from the "Gang of Four". There were many issues that could not be raised. Sending a large number of people, international exchanges, and large-scale exchanges were not possible. It was impossible to send more students abroad. There were no conditions for extensive cooperation with organizations like yours.<sup>194</sup>

The statement is significant as it represents one of the first steps towards a closer approach between UNESCO and the Chinese delegation, as well as the beginning of an increasingly proactive stance in regional and international initiatives by the "New China." Thanks to the adoption of the "no enemy" assumption in its relations with major powers in the international system,<sup>195</sup> China's was able to redirect its national goals in harmony with its foreign policy.

Thanks to this environment, the number of Chinese staff sent to UNESCO increased significantly from 1978 until 1980.<sup>196</sup> Together with this, Chinese knowledge of the

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<sup>193</sup> Xie Zheping 谢喆平, *Quanqiu zhili zhong de Zhongguo yu Lianheguo Jiaokewen Zuzhi 全球治理中的中国与联合国教科文组织 [China and UNESCO in global governance: education and beyond]*, (Beijing: Shangwu, 2021), 84, <https://unesdoc.unesco.org/ark:/48223/pf0000385218.locale=en>.

<sup>194</sup> *Ibid.*, 91.

<sup>195</sup> Pauline Kerr, Stuart Harris, and Yaqing Qin, eds., *China's "New" Diplomacy* (New York: Palgrave Macmillan US, 2008), 43, <https://doi.org/10.1007/978-0-230-61692-9>.

<sup>196</sup> Xie Zheping 谢喆平, *Quanqiu zhili zhong de Zhongguo yu Lianheguo Jiaokewen Zuzhi 全球治理中的中国与联合国教科文组织 [China and UNESCO in global governance: education and beyond]*

UNESCO system, dynamics and opportunities also increased, and in 1979 the Chinese National Commission was also established, marking an important achievement. The increasing engagement and involvement of the Chinese institutions, together with its specialised staff led to a considerable amount of financial support destined to various projects and financed through UNESCO by various Member States. The financial aids during this period were mostly destined to educational support, as the top priority of Deng's presidency. In fact, during the early Eighties, the Chinese government aimed at the reinforcement and promotion of national education, also through active collaboration with UNESCO.

Another notable change is also represented by the Chinese assumption of an intermediary role in the North-East area, especially with the DPRK. In 1983, the Chinese Ministry of Education addressed a formal letter to Director-General M'Bow, suggesting that he route his visit to North Korea through China. This proposal was aimed at facilitating bilateral consultations on matters of mutual interest, demonstrating China's desire to influence regional diplomatic and cultural affairs. One tangible outcome of this diplomatic triangulation was a proposed joint project for the preservation of the natural biosphere of Mount Changbai (also known as Mount Paektu on the Korean side), structure as an inter-regional initiative with UNESCO budget allocation of approximately USD 25,000.<sup>197</sup>

The PRC's commitment to regional cooperation was also evident in its support for cultural exchange programmes such as the *Symposium on Traditional Music and Dance of Asia and the Pacific*, which exemplified inter-regional collaboration under UNESCO's auspices. In 1984, the establishment of the UNESCO Office in Beijing, initially dedicated to science and technology under the name of *UNESCO Office for Science and Technology*, reflected both China's growing strategic importance and the increasing decentralisation of UNESCO's operation in East Asia. This office

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beyond], (Beijing: Shangwu, 2021), 105,  
<https://unesdoc.unesco.org/ark:/48223/pf0000385218.locale=en>.

<sup>197</sup> UNESCO-General Director, *Votre entretien avec Monsieur Yang Haibo, Vice-Président de la Commission d'Etat pour l'éducation, Chef de la délégation chinoise à la 24<sup>e</sup> session de la Conférence générale*, REX/ADG/406/262, 27 October 1987, UNESCO Archive.

later evolved into a cluster office in 2002, covering China, Japan, Mongolia, the Republic of Korea, and the DPRK, thus formalising China's position as a regional anchor. The regional cooperation will be further enhanced in 1985 with an official visit by the Chinese National Commission in two UNESCO regional science offices, ROSTSEA (South-East Asia) and ROSTSCA (South and Central Asia), as well as in 1995 with the establishment of the East Asian Biosphere Reserve Network (EABRN), kindly supported by the constant financial contribution of South Korea.

In 1984, the geopolitical landscape of UNESCO shifted significantly when the United States withdrew from the organisation, citing political and ideological disagreements. This development places UNESCO in a precarious financial situation. China, seizing the opportunity, emerged as a more prominent financial contributor and partner, a role it would reprise following the second US withdrawal in 2017. The vacuum left by the United States allowed China to increase its institutional visibility and influence over agenda-setting within the organisation.

Chinese position within UNESCO was further reinforced in 1985, when the PRC ratified the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage*. Subsequent years saw a rapid increase in the number of Chinese sites nominated to the World Heritage List, and relations between the Chinese National Commission and UNESCO grew notably smoother and more harmonious.

Another significant development came in 1988 with the launch of the *Integral Study of the Silk Roads, Roads of Dialogue*, a flagship UNESCO initiative aimed at fostering intercultural exchange and historical understanding. China played a central role in this project, using it as a platform to promote its historical legacy and reinforce its status as a cultural and geopolitical bridge between Asia and the rest of the world. During the same period, China also participated in UNESCO's *Slave Route* project, further demonstrating its commitment to multilateral heritage diplomacy.

By the 1990s, China had become firmly embedded within UNESCO's institutional frameworks. The *UNESCO Beijing Office Biennial Report* for 1996-1997 highlighted the National Commission's ability to build strategic alliances with neighbouring countries, including Mongolia and DPRK. It also emphasised China's

leadership in initiating sub-regional educational activities, further underscoring its growing influence across various sectors.

This period also coincided with a broader phase of rapid urbanisation and economic transformation within China. Scholars such as Blumenfield and Silverman have drawn attention to the tensions this created for heritage preservation, noting that “urban demolition [became] a regular sight nationwide and dam construction and other water projects routinely submerge[d] spaces of historical significance.”<sup>198</sup> UNESCO’s involvement in Chinese urban and infrastructural planning during this era was therefore entangled in a complex interplay of development, heritage conservation, and political legitimacy.

By the end of the decade, Chinese representation within UNESCO reached new heights. In 1999, a Chinese scholar was elected Chairperson of UNESCO’s Intergovernmental Oceanographic Commission, serving until 2001. This marked a symbolic and institutional consolidation of China’s leadership role within the UN system. China’s engagement in UNESCO activities also intersected with large-scale developmental initiatives. For example, the Guangzhou High-Tech Belt, at the end of the 1990s, exemplified the merging of economic modernisation with international scientific cooperation, supported in part by UNESCO frameworks. This alignment of heritage diplomacy with technological and economic policy signalled the PRC’s increasingly strategic use of multilateral platforms to advance both soft power and national development goals.

Overall, the period spanning between 1980s and 1990s represents a formative period for China’s diplomatic and operational presence within UNESCO. Through a combination of strategic alignment, regional cooperation and active participation in flagship heritage and science initiatives, China transitioned from a cautious participant, or as Professor Xie defines “bystander within the system” (体系内的

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<sup>198</sup> Tami Blumenfield and Helaine Silverman, eds., *Cultural Heritage Politics in China* (New York: Springer, 2013), 3.

旁观者, tixi nei de pangguanzhe),<sup>199</sup> into a learner and active player in the organization, shaping its regional dynamics and global priorities in the fields of education, science and culture. The following decades will see an increasing interest of the Chinese authorities in Soft Power and Smart Power,<sup>200</sup> this will also reflect in the engagement and involvement in UNESCO activities and representation.

### *The 'Harmonious Society'*

With the advent of the new millennium and the beginning of Hu Jintao's presidency in 2005, China's approach to international relations, including its engagement with UN agencies such as UNESCO, began to evolve rapidly. A significant shift in the Chinese government's attitude towards both domestic society and international partners was substantiated by the *Outline of the Eleventh Five-Year Plan for National Economic and Social Development (2006-2010)*. This plan introduced a new governmental objective centred on the principles of social harmony and peace, aiming to influence the international context.<sup>201</sup>

This shift was particularly evident in the domains of culture and cultural heritage. As articulated in President Hu Jintao's address during the 17<sup>th</sup> National Congress of the Chinese Communist Party in 2007, cultural elements were framed as "a more and more important source of national cohesion and creativity and a factor of

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<sup>199</sup> Xie Zheping 谢喆平, *Quanqiu zhili zhong de Zhongguo yu Lianheguo Jiaokewen Zuzhi 全球治理中的中国与联合国教科文组织 [China and UNESCO in global governance: education and beyond]*, (Beijing: Shangwu, 2021), 64, <https://unesdoc.unesco.org/ark:/48223/pf0000385218.locale=en>.

<sup>200</sup> David M. Lampton, *The Three Faces of Chinese Power: Might, Money, and Minds*, (University of California Press, 2008), 10-11.

<sup>201</sup> Seung-eun Lee, "China's Cultural Diplomacy in the Hu Jintao Era: The Geocultural Role of the Confucius Institute" (International Forum for Contemporary Chinese Studies Inaugural Conference on Post Olympic China: Globalisation and Sustainable Development after Three Decades of Reform, University of Nottingham, England, 2009), 51, [https://www.researchgate.net/publication/270895378\\_China's\\_Cultural\\_Diplomacy\\_in\\_the\\_Hu\\_Jintao\\_Era\\_The\\_Geocultural\\_Role\\_of\\_the\\_Confucius\\_Institute](https://www.researchgate.net/publication/270895378_China's_Cultural_Diplomacy_in_the_Hu_Jintao_Era_The_Geocultural_Role_of_the_Confucius_Institute).

growing significance in the competition in overall national strength.”<sup>202</sup> Themes such as harmony, unity, national strength, and international influence became recurrent in Chinese official discourse. These ideas were clearly reflected in the renewed drive for World Heritage nominations and, from 2004, in the nomination of Intangible Cultural Heritage items.

One external, international output of this new agenda was the acceleration of Chinese inscriptions on the World Heritage list. As Meskell observed, “China was the most successful country in terms of increasing the number of World Heritage sites.”<sup>203</sup> In fact, during the period running from 2002 until 2013, China successfully nominated 16 items inside the list, with a 95% success rate. This trend, in Meskell’s opinion, was supported by the strategic “corridor diplomacy”<sup>204</sup> as a lobbying mechanism.<sup>205</sup> Beyond UNESCO programmes, China also began establishing Confucius Institutes globally, starting with the first one in Söul in 2004,<sup>206</sup> institutions aimed at promoting Chinese language and culture, serving as tools of soft power to shape the global perception of China.

To further enhance China-UNESCO relations, numerous events were hosted in Chinese cities throughout the early 2000s. For instance, in 2002, Xi’an hosted the UNESCO Silk Roads International Symposium, which concluded with the adoption

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<sup>202</sup> Xinhuanet, “Hu Jintao Calls for Enhancing ‘Soft Power’ of Chinese Culture,” 2007, <http://www.chinatoday.com.cn/17ct/17e/1017/17e1720.htm>.

<sup>203</sup> Rouran Zhang, “World Heritage Listing and Changes of Political Values: A Case Study in West Lake Cultural Landscape in Hangzhou, China,” *International Journal of Heritage Studies* 23, no. 3 (March 16, 2017): 215–33, <https://doi.org/10.1080/13527258.2016.1255989>.

<sup>204</sup> Richard Hoggart, *An Idea and Its Servants: UNESCO from Within* (New Brunswick: Transaction Publishers, 2011).

<sup>205</sup> Lynn Meskell et al., “Multilateralism and UNESCO World Heritage: Decision-Making, States Parties and Political Processes,” *International Journal of Heritage Studies* 21, no. 5 (May 28, 2015): 423–40, <https://doi.org/10.1080/13527258.2014.945614>.

<sup>206</sup> Seung-eun Lee, “China’s Cultural Diplomacy in the Hu Jintao Era: The Geocultural Role of the Confucius Institute” (International Forum for Contemporary Chinese Studies Inaugural Conference on Post Olympic China: Globalisation and Sustainable Development after Three Decades of Reform, university of Nottingham, England, 2009), [https://www.researchgate.net/publication/270895378\\_China's\\_Cultural\\_Diplomacy\\_in\\_the\\_Hu\\_Jintao\\_Era\\_The\\_Geocultural\\_Role\\_of\\_the\\_Confucius\\_Institute](https://www.researchgate.net/publication/270895378_China's_Cultural_Diplomacy_in_the_Hu_Jintao_Era_The_Geocultural_Role_of_the_Confucius_Institute), 49.

of the *Xi'an Declaration*. In 2004, from 28 June to 7 July, Suzhou hosted both the Geoparks meeting and the 28<sup>th</sup> session of the World Heritage Committee. Table 7 outlines the major international meetings and conferences held in China during the 2000s, up to 2011. Notably, UNESCO-related projects also had domestic impact, such as the establishment in 2004 of the Chinese Intangible Cultural Heritage Institute at Sun Yat-sen University in Guangzhou. The year 2005, which saw an especially high number of UNESCO's meeting and related activities in China, also marked the growing influence of China within the organisation, culminating in the election of a Chinese national as Chairperson of UNESCO's Executive Board.

At the 2011 Shenzhen meeting in Guangdong, UNESCO Director-General Irina Bokova acknowledged China's active role in promoting universal education and praised its strong cooperation with UNESCO, particularly in supporting the development of Global-South countries. Her remarks responded to President Hu Jintao's affirmations of China's commitment to UNESCO-led activities, including universal education and the protection of cultural and natural heritage.<sup>207</sup>

<b>Date</b>	<b>Place</b>	<b>Meeting</b>
<b>2001(21-25 May)</b>	Beijing	International Expert Meeting on General Secondary Education in the Twenty-first Century: Trends, Challenges and Priorities <sup>208</sup>
<b>2003 (20-23 January)</b>	Baoding, Hebei	International Symposium on Rural Education <sup>209</sup>

<sup>207</sup> Consulate General of the People's Republic of China in Auckland, "President Hu Jintao Meets with UNESCO Director-General Bokova," government, auckland.china-consulate.gov.cn, August 11, 2011, [https://auckland.china-consulate.gov.cn/eng/chinanews/201108/t20110815\\_162968.htm](https://auckland.china-consulate.gov.cn/eng/chinanews/201108/t20110815_162968.htm).

<sup>208</sup> UNESCO, "International Expert Meeting on General Secondary Education in the Twenty-First Century: Trends, Challenges and Priorities, Beijing, People's Republic of China, 21-25 May 2001; Final Report" (UNESCO, 2001), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000124393.locale=fr>.

<sup>209</sup> UNESCO Office Beijing, "Report of the International Symposium on Rural Education, Baoding, Hebei, China, 20-23 January 2003" (UNESCO Office Beijing, 2003), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000134786.locale=fr>.

<b>2003 (17-20 February)</b>	Kunming and Xishuangbanna Biosphere Reserve	International Workshop on the Importance of Sacred Natural Sites for Biodiversity Conservation <sup>210</sup>
<b>2005</b>	Xi'an	The International Scientific Committee on Cultural Landscapes, also repeated in 2012 in Hangzhou
<b>2005 (13-16 June)</b>	Lijiang	7 <sup>th</sup> meeting of the International Advisory Committee of the Memory of the World Programme <sup>211</sup>
<b>2005 (30<sup>th</sup> November)</b>	Beijing	Meeting for the Opening of the Fast Track Initiative (FTI) Partnership <sup>212</sup>
<b>2005</b>	Shanghai	ICAE meeting in China <sup>213</sup>
<b>2007</b>	Jinan	2 <sup>nd</sup> UNESCO Training Course on Sustainable Groundwater Management for North China <sup>214</sup>
<b>2007 (7-12 November)</b>	Maolan Biosphere Reserve, Libo County, Guizhou Province	Joint Regional Seminar of the Ecotone-SeaBRnet 2007 and the 9th Conference of the China Biosphere Reserves Network (CBRN): Cultural diversity: a foundation

<sup>210</sup> Cathy Lee and Samantha Wauchope, “International Workshop on the Importance of Sacred Natural Sites for Biodiversity Conservation, Kunming and Xishuangbanna Biosphere Reserve, People’s Republic of China, 17-20 February 2003; Proceedings” (UNESCO, 2003), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000133358.locale=fr>.

<sup>211</sup> UNESCO, “7th Meeting of the International Advisory Committee of the Memory of the World Programme, Lijiang, People’s Republic of China, 13-16 June 2005: Final Report” (Lijiang: UNESCO, 2005), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000142730.locale=fr>.

<sup>212</sup> Director General of UNESCO, “Address by Mr Koïchiro Matsuura, Director-General of UNESCO, on the Occasion of the Opening of the Fast Track Initiative (FTI) Partnership Meeting; Beijing, China, 30 November 2005” (UNESCO, 2005), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000142455.locale=fr>.

<sup>213</sup> Roger Boshier and Huang Yan, “The Shanghai Seven after 21 Years: Reflections on the Breakthrough ICAE Meeting in China,” *Convergence* 38, no. 2 (2005): 5–27, <https://unesdoc.unesco.org/ark:/48223/pf0000210249.locale=fr>.

<sup>214</sup> UNESCO Beijing Office, “2nd UNESCO Training Course on Sustainable Groundwater Management for North China” (UNESCO Beijing Office, 2007), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000153650.locale=fr>.

			for biodiversity conservation and sustainable development <sup>215</sup>
<b>2008</b>	<b>(8-10 October)</b>	Beijing	Sustainable Use and Water Management: International Conference <sup>216</sup>
<b>2009</b>	<b>(4-7 May)</b>	Beijing	International Conference on Sustainable Land Use and Ecosystem Conservation <sup>217</sup>
<b>2011</b>		Sanya	Regional Working Group on Tsunami Warning and Mitigation System for the South China Sea Region <sup>218</sup>

*Table 7* UNESCO-related events and meetings taking place in China during 2001-2011

Alongside these exogenous initiatives aimed at fostering international recognition of Chinese cultural heritage and role in the UNESCO community, it is also crucial to consider domestic developments. Since the early 2000s, Chinese gross domestic income increased and together with it the economic capacity of a high number of Chinese citizens to travel inside the country raised considerably, stimulating the growth of heritage tourism and strengthening China's commitment to UNESCO

<sup>215</sup> Bureau de l'UNESCO à Jakarta and Comité national du MAB, "Proceedings of the Joint Regional Seminar of the Ecotone-SeaBRnet 2007 and the 9th Conference of the China Biosphere Reserves Network (CBRN): Cultural Diversity: A Foundation for Biodiversity Conservation and Sustainable Development, Maolan Biosphere Reserve, Libo County, Guizhou Province, P.R. China, 7-12 November 2007" (UNESCO, 2007), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000182996.locale=fr>.

<sup>216</sup> UNESCO Beijing Office, "Sustainable Land Use and Water Management: International Conference; Beijing, P.R. China, October 8-10, 2008" (UNESCO Beijing Office, 2009), Paris, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000182206.locale=fr>.

<sup>217</sup> UNESCO Beijing Office, "Sustainable Land Use and Ecosystem Conservation: International Conference; Beijing, P.R. China, May 4-7, 2009" (UNESCO Beijing Office, 2009), UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000185730.locale=fr>.

<sup>218</sup> Intergovernmental Oceanographic Commission, "Regional Working Group on Tsunami Warning and Mitigation System for the South China Sea Region (SCS-WG), First Meeting, Sanya, China, 12-14 December 2011" (unesco, 2012), UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000216395.locale=fr>.

nominations.<sup>219</sup> Internal economic development and the expansion of higher education further reinforced the heritage system, laying a solid foundation for domestic cultural tourism.

Two key initiatives supporting this trajectory were: first, the establishment of “Cultural Heritage Day,” celebrated every second Saturday of June, which marked a major ideological shift, or in Blumenfield and Silverman’s words “Instead of exhorting urban youth to burn books and damage relics, the new ideology officially encourages preservation of historically valuable sites and objects.”<sup>220</sup> This was followed in 2008 by the institutionalization of cultural festivals and their designation as public holidays by the State Council.<sup>221</sup> This represented a significant cultural and social shift for the industrious Chinese middle class, serving to reinforce national identity and promote a sense of unity across diverse ethnic and historical backgrounds. As Ai’s suggests, these holidays functioned as “a strong bond for ethnic harmony and national unity.”<sup>222</sup> These events coincided with the 2008 Olympic Games in Beijing, which not only offered the Chinese people a window to the world but also provided an opportunity to present Chinese civilization as both enduring and harmoniously integrated into a socialist cultural framework.

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<sup>219</sup> Robert Shepherd, “Cultural Heritage, UNESCO, and the Chinese State: Whose Heritage and for Whom?,” *Heritage Management* 2, no. 1 (2009): 55–79, <https://doi.org/10.1179/hma.2009.2.1.55>, 70.

<sup>220</sup> Tami Blumenfield and Helaine Silverman, eds., *Cultural Heritage Politics in China* (New York: Springer, 2013), 3.

<sup>221</sup> Wu Yanping 吴艳平, “Wenhuabu jiu feiwuzhi wenhua yichan baohu gongzuo juxing xinwen fabu hui 文化部就非物质文化遗产保护工作举行新闻发布会 [The Ministry of Culture holds a press conference on the protection of intangible cultural heritage],” The State Council of Information Office of the People’s Republic of China, January 31, 2008, [http://www.scio.gov.cn/xwfb/gwyxwbgsxwfbh/wqfbh\\_2284/2010n\\_12631/2010n08y19r/xgxwfbh\\_12818/202207/t20220715\\_164370.html](http://www.scio.gov.cn/xwfb/gwyxwbgsxwfbh/wqfbh_2284/2010n_12631/2010n08y19r/xgxwfbh_12818/202207/t20220715_164370.html).

<sup>222</sup> Jiawen Ai, “‘Selecting the Refined and Discarding the Dross’ The Post-1990 Chinese Leadership’s Attitude Towards Cultural Tradition,” in *Routledge Handbook of Heritage in Asia*, ed. Patrick T. Daly and Tim Winter (London: Routledge, 2010), 129–38, <https://www.taylorfrancis.com/chapters/edit/10.4324/9780203156001-10/selecting-refined-discarding-dross-jiawen-ai>.

In 2011, to further consolidate and elevate China's cultural heritage strategy, the 17<sup>th</sup> Central Committee of the Communist Party adopted new cultural guidelines aimed at strengthening national soft power in alignment with UNESCO standards. That same year, after years of deliberation, China also promulgated its Intangible Cultural Heritage Law, a few years after becoming the official UNESCO hosting partner for the Cultural Heritage Festival, hold every two years in Chengdu, Sichuan, since 2007. These policy shifts accelerated reform within the cultural industry, boosting national identity, creativity and confidence in Chinese culture.

The combination of internal structural reform and an international repositioning of alliances and image enhanced China's standing within the UN system and its agencies, particularly as the Chinese government increased its funding for UNESCO-led projects worldwide. In 2009, China's growing international legitimacy was further cemented through its prominent role in the formation of BRIC (now BRICS+), where China emerged as one of the coalition leading proponents. As noted by Claudi and Meskell, the BRICS coalition wields considerable influence, and the member states share a unified mission, one that is also evident within the workings of the World Heritage Committee.<sup>223</sup>

This trend will be further reinforced in the following decades, thanks to the change of presidency and the repositioning of the USA outside of UNESCO, which changed again the power landscape of the UN agency.

### *UNESCO under Xi Jinping*

The visit by the newly elected President of the People's Republic of China, Xi Jinping, on the 27<sup>th</sup> of March 2014, marked a historical moment in the development of UNESCO-China relations, characterised by an intensification of diplomatic engagement, increased financial contributions, and the integration of cultural diplomacy into China's broader foreign policy agenda. It was the first time a

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<sup>223</sup> Lynn Meskell et al., "Multilateralism and UNESCO World Heritage: Decision-Making, States Parties and Political Processes," *International Journal of Heritage Studies* 21, no. 5 (May 28, 2015): 431–432, <https://doi.org/10.1080/13527258.2014.945614>.

Chinese head of state addressed the organisation, and it was widely perceived as a symbolic affirmation of China's commitment to multilateralism and cultural exchange within the framework of the United Nations system. Some scholars have commented this visit, both Marta Tomczak and Xie Zheping<sup>224</sup> have argued how this visit "indicated the State's attention to this international platform of influence."<sup>225</sup> As they suggest, the presence of the Chinese President at UNESCO's headquarters reflects a strategic shift in how China perceived the organisation's role in the international relations. An interview conducted by the People's Daily reported the positive views lead by Xi's speech in the eyes of international journalists and experts.<sup>226</sup>

In his address, Xi Jinping didn't only recognise the important position UNESCO holds in the international community, but he also presented a vision of intercultural dialogue. The speech made clear reference to the "Exchange and mutual learning among civilizations" (文明交流互鉴, wenming jiaoliu hujian), a conceptual framework that will soon become more prominent and which gave the opportunity to introduce a much bigger project in the Chinese government Agenda in front of an international audience. In fact, the notion of civilisational exchange seems to bring the embedded ideological architecture of the *One Belt One Road* project, connecting cultural heritage and global understanding with economic interests. Xi's discourse at UNESCO thus served not only to bolster China's international image

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<sup>224</sup> "In 2014, President Xi Jinping chose to visit the UNESCO headquarters and delivered a historic speech on dialogue among civilizations, which shows that China has greatly improved its awareness of the importance of international organizations." Xie Zheping 谢喆平, *Quanqiu zhili zhong de Zhongguo yu Lianheguo Jiaokewen Zuzhi 全球治理中的中国与联合国教科文组织 [China and UNESCO in global governance: education and beyond]*, (Beijing: Shangwu, 2021), 64, <https://unesdoc.unesco.org/ark:/48223/pf0000385218.locale=en>.

<sup>225</sup> Marta Tomczak, "Is China a Model Member State of UNESCO in Implementing the 2003 Convention? Reasons, Benefits, and Criticisms," *Santander Art and Culture Law Review* 2, no. 3 (2017): 300, 10.4467/2450050XSNR.17.017.8434.

<sup>226</sup> Central People's Government of the People's Republic of China Portal 中华人民共和国中央人民政府门户网站, "Guoji shehui pigjia Xi Jinpig zai Lianheguo Jiaokewen Zuzhi zongbu yanjiang 国际社会评价习近平在联合国教科文组织总部演讲 [International Community Comments on Xi Jinping's Speech at UNESCO Headquarters]," March 29, 2014, [https://www.gov.cn/xinwen/2014-03/29/content\\_2649244.htm](https://www.gov.cn/xinwen/2014-03/29/content_2649244.htm).

but also to introduce a cultural legitimisation of the Belt and Road Initiative (hereafter “BRI”), with references to both land-based and maritime Silk Roads connections that linked China with Europe, the Middle East, Southeast Asia, and Africa.<sup>227</sup>

In the months following the visit, China and UNESCO deepened their collaboration through cultural initiatives aligned with this narrative. A notable example was the opening of the special exhibition entitled *Silk Roads and Creative Cities*,<sup>228</sup> jointly organised by the Chinese government and UNESCO. Attended by Vice Premier Liu Yandong, the event reaffirmed China’s advocacy of the Silk Roads Programme and demonstrated its commitment to sustaining and expanding multilateral cultural cooperation, together with the Chinese government’s willingness in increasing its presence, and maintaining its ongoing support to various UNESCO’s projects and funds.<sup>229</sup> This exhibition illustrated how cultural heritage could be instrumentalised within the framework of the BRI, serving both domestic cultural policy goals and international strategic interests.

At the institutional level, China also began to play a more assertive role within UNESCO’s governing and advisory bodies. In 2014, the China Folklore Society (中国民俗学会, Zhongguo minsu xuehui) was appointed to UNESCO’s Evaluation Body for the Convention for the Safeguarding of the Intangible Cultural Heritage.<sup>230</sup> This appointment significantly increased China’s influence over key

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<sup>227</sup> Tim Winter, *The Silk Road: Connecting Histories and Futures* (Oxford University Press New York, 2022), <https://doi.org/10.1093/oso/9780197605059.001.0001>.

<sup>228</sup> Yang Lei 杨磊, “Liu Yandong Huijian Lianheguo Jiaokewen Zuzhi Zong Ganshi Bing Chuxi ‘Sichou Zhi Lu Yu Chuangyi Chengshi’ Zhanlan Kaimushi 刘延东会见联合国教科文组织总干事并出席‘丝绸之路与创意城市’展览开幕式 [Liu Yandong Meets with the Director-General of UNESCO and Attends the Opening Ceremony of the ‘Silk Road and Creative Cities’ Exhibition],” gov.cn, September 20, 2014, [https://www.gov.cn/xinwen/2014-09/20/content\\_2753562.htm](https://www.gov.cn/xinwen/2014-09/20/content_2753562.htm).

<sup>229</sup> Liu Xiaoxuan 刘啸萱, “Liu Yandong Huijian Lianheguo Jiaokewen Zuzhi Zong ganshi\_Guowuyuan Fu Zongli Liu Yandong 刘延东会见联合国教科文组织总干事\_国务院副总理刘延东 [Liu Yandong Meets with the Director-General of UNESCO\_Vice Premier Liu Yandong],” gov.cn, September 20, 2014, [https://www.gov.cn/guowuyuan/2014-09/20/content\\_2753580.htm](https://www.gov.cn/guowuyuan/2014-09/20/content_2753580.htm).

<sup>230</sup> CRIHAP, “China Folklore Society Appointed as Member of the Evaluation Body by the Intergovernmental Committee,” chinesefolklore, January 30, 2015,

heritage decisions and reflected a growing technical and bureaucratic engagement with the organisation. In 2017, China advanced Tang Qian (唐虔), a senior education official and former UNESCO assistant director-general, as a candidate for the position of Director-General. Although the campaign ultimately proved unsuccessful, due in part to a lack of robust political support from the central government, compared to other candidates. Tang himself later noted that the selection process is highly politicised and requires explicit state-level endorsement,<sup>231</sup> an observation that underlines the complex geopolitics of international cultural governance.

Most significant has been China's ascension to the position of UNESCO's largest financial contributor. Following the United States' withdrawal from the organisation in 2018, China became the first member state per assessed contribution, and voluntary contribution kept a steady increase, even if not positioning the country at the top for this type of financial contribution. For the 2022-2023 biennium reached USD 105 million in compulsory contributions, and USD 44 million in voluntary contributions.<sup>232</sup> These figures established China as the foremost donor to the organisation. Although assessed contributions do not afford a member state direct control over funding allocations, they do enhance diplomatic visibility and grant what some scholars describe as "preferential access" to UNESCO's leadership, including appointments with the Director-General.<sup>233</sup> In practical terms, China's increased funding has translated into greater participation in decision-making processes and the ability to shape the agenda in areas of shared interest, particularly in education, heritage protection, and intercultural dialogue.

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<https://www.chinesefolklore.org.cn/web/index.php?NewsID=14665#:~:text=During%20the%20ninth%20session%20of%20UNESCO%20Intergovernmental%20Committee,a%20term%20of%203%20years%20%28Decision%209.COM%2011%29.>

<sup>231</sup> Wenting Meng, "Is Power Shifting? China's Evolving Engagement with UNESCO," *Global Policy* 15, no. S2 (2024): 97–109, 101, <https://doi.org/10.1111/1758-5899.13373>.

<sup>232</sup> Data retrieved by the author on UNESCO Portal, for more information consult the following link: <https://core.unesco.org/en/country/CHN/contribution?biennium=41&quarter=2023Q4>.

<sup>233</sup> *Ibid.*

This financial and institutional engagement complements China's broader strategy of enhancing its cultural soft power. The Chinese government has framed its increased support for UNESCO as part of its responsibility as a global power and a contributor to global governance, demonstrating more political stability in these last decades if compared to the US. It has also enabled Beijing to project a positive image of Chinese civilisation, counterbalancing narratives of assertiveness or unilateralism that often characterise international perception of China's geopolitical rise. Within UNESCO, China has strategically aligned itself with other Global South countries, promoting inclusive development, safeguarding cultural diversity, and supporting the preservation of heritage sites in underrepresented regions, especially Africa and Southeast Asia. These efforts further consolidate China's leadership credentials in multilateral cultural diplomacy.

### *Conclusive remarks*

China's engagement with UNESCO has undergone a significant transformation since its active membership in 1971, and especially in the last decades,<sup>234</sup> evolving from a developing nation receiving donations to a prominent contributor and strategic partner within the organization. As UNESCO Director-General Audrey Azoulay noted during her visit to China in 2023, the Chinese government has always attached great importance to and actively supported UNESCO's work.<sup>235</sup> This shift is particularly evident in the domains of education and cultural heritage, where China has not only increased its financial contributions but also actively shaped programs aligning with its broader diplomatic and developmental objectives to fit in the CCP's agenda.

In the field of education, China has demonstrated a commitment to enhancing global education standards, particularly in Africa. The China Funds-in-Trust

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<sup>234</sup> *Ibid.*

<sup>235</sup> Ministry of Foreign Affairs of the People's Republic of China, "Xi Jinping Meets with UNESCO Director-General Audrey Azoulay," government, [mfa.gov.cn](https://www.mfa.gov.cn/mfa_eng/xw/zyxw/202405/t20240530_11332297.html), September 28, 2023, [https://www.mfa.gov.cn/mfa\\_eng/xw/zyxw/202405/t20240530\\_11332297.html](https://www.mfa.gov.cn/mfa_eng/xw/zyxw/202405/t20240530_11332297.html).

(hereafter “CFIT”) initiative,<sup>236</sup> launched in partnership with UNESCO, exemplifies this commitment. The third phase of CFIT, initiated in 2021, focuses on strengthening higher technical education in six African countries by fostering collaboration between higher education institutions and industries, thereby aligning educational outcomes with labour market needs.<sup>237</sup> This initiative reflects China’s strategic use of targeted funding to bolster its influence and support sustainable development in partner countries.

Culturally, China has positioned itself as a leader in the preservation and promotion of intangible cultural heritage, together with the neighbouring East Asian countries. With the highest number of ICH elements inscribed on UNESCO’s lists, China has actively engaged in safeguarding diverse cultural expressions. Notably, in 2016, China contributed USD 5.6 million to relaunch UNESCO’s *Courier* magazine, securing the right to appoint a staff member to oversee the publication.<sup>238</sup> While such contributions enhance China’s soft power, they have also attracted scrutiny regarding the authenticity and inclusivity of the cultural narrative promoted.<sup>239</sup>

Another aspect that often triggers critics and suspiciousness is the financial leadership that China has afforded, especially after the United States of America’s withdrawal in 2018. UNESCO’s financial dependence on Chinese contribution has afforded the country greater diplomatic leverage, however, despite these advancements efforts to promote its cultural narratives have occasionally met resistance from other member states and within UNESCO’s Secretariat,<sup>240</sup>

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<sup>236</sup> UNESCO, “China Funds-in-Trust Phase III (CFIT III) in Higher Education,” unesco.org, n.d., [https://www.unesco.org/en/articles/china-funds-trust-phase-iii-cfit-iii-higher-education?utm\\_source=chatgpt.com](https://www.unesco.org/en/articles/china-funds-trust-phase-iii-cfit-iii-higher-education?utm_source=chatgpt.com).

<sup>237</sup> Wenting Meng, “Is Power Shifting? China’s Evolving Engagement with UNESCO,” *Global Policy* 15, no. S2 (2024): 97–109, <https://doi.org/10.1111/1758-5899.13373>.

<sup>238</sup> *Ibid.*

<sup>239</sup> Julian Lucas, “UNESCO’s Quest to Save the World’s Intangible Heritage,” *The New Yorker*, March 2, 2024, <https://www.newyorker.com/culture/the-weekend-essay/unescos-quest-to-save-the-worlds-intangible-heritage>.

<sup>240</sup> Wenting Meng, “Is Power Shifting? China’s Evolving Engagement with UNESCO,” *Global Policy* 15, no. S2 (2024): 97–109, <https://doi.org/10.1111/1758-5899.13373>.

highlighting the complexities of balancing national interests with the organisation's multilateral ethos. Nonetheless, China's trajectory within UNESCO illustrates a deliberate strategy to transition from a recipient of development assistance to a proactive shaper of global educational and cultural initiatives.<sup>241</sup>

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<sup>241</sup> *Ibid.*

### **3.4 An analysis of the South Korean and Chinese role in 2003 Convention**

This section is based on the core elements and key articles of the 2003 UNESCO Convention for the Safeguarding of ICH. The Convention guidelines outline the recommended practices and regulatory frameworks that signatory states are expected to follow. Accordingly, this chapter adopts the thematic areas and corresponding core indicators, as identified in the Convention, as a framework for analysing the roles of South Korea and China within the Convention's implementation.

Before proceeding with this analysis, the first section of the chapter provides a contextual overview of the initial steps taken in both countries during the drafting process of the Convention, to see the level of engagement prior to the formalisation of its definition.

It is important to note that this chapter does not address the national legal, administrative, or policy frameworks adopted by China and South Korea for the safeguarding and transmission of ICH. These aspects will be discussed in detail in the following chapter.

#### *First engagement of South Korea and China in ICHC*

As outlined in [Chapter 3.1](#), the path leading to the adoption of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage was protracted, spanning over two decades of deliberation, negotiation, and advocacy. When the Convention was finally adopted, both the People's Republic of China and the Republic of Korea were already established Member States of UNESCO and had actively contributed to the formation of its final text. During the drafting stages, both national commissions provided UNESCO with substantive recommendations aimed at refining the objectives and scope of the Convention. Yet, while both countries participated actively, South Korea demonstrated a particularly distinct and

proactive role, both before and during the Convention's gestation period, one that significantly predates even the preliminary drafting sessions.

As early as 1993, South Korea had initiated discussions within UNESCO that foreshadowed core elements of the 2003 Convention. Ambassador Park Sang-Seek's formal appeal to the UNESCO Executive Board <sup>242</sup> proposed the establishment of a system of the *Living National Treasures*, built upon the framework of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore. This initiative underscored Korea's commitment to recognising and institutionalising the protection of living heritage bearers.<sup>243</sup> The Korean government's broader dedication to both tangible and intangible heritage preservation was further documented in the records of the 140<sup>th</sup> session of the Executive Board (October 1992), which emphasised Korea's active funding and support for related programmes.<sup>244</sup> Ambassador Park again reiterated Korea's leadership in this area during the 144<sup>th</sup> session, highlighting its long-term contributions to the safeguarding agenda.<sup>245</sup>

This early advocacy bore fruit in 1997 with the formal adoption of the *Living Human Treasures* programme, reflecting the growing traction of Korean proposals within UNESCO. This programme is now widely recognised as a direct precursor to the 2003 Convention. Alongside this initiative, Korea supported and participated in a series of milestones that gradually expanded the international visibility of intangible heritage: the *Book of Endangered Languages of the World* (1993), the *Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity* (2001), and the *Universal Declaration on Cultural Diversity* (2001). Korea also

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<sup>242</sup> UNESCO, "International Consultation on New Perspectives for UNESCO's Programme: The Intangible Cultural Heritage, 1993," 1993, UNESCO, 5, <https://unesdoc.unesco.org/ark:/48223/pf0000143226.locale=fr>.

<sup>243</sup> The following proposal was co-authored by various countries, namely: South Korea, Pakistan, China, Turkey, Thailand, Argentina, and the Philippines.

<sup>244</sup> UNESCO, "Summary Records (of the 140th Session of the Executive Board, 12-30 October 1992)," 1993, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000094596.locale=fr>.

<sup>245</sup> UNESCO, "Summary Records (of the 144th Session of the Executive Board, 25 April-5 May 1994)," 1994, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000097722.locale=fr>.

backed the UNESCO *Collection of Traditional Music of the World*, further consolidating its engagement.

The cultural significance of intangible cultural heritage was also recognised in Korea's nomination of the Jongmyo Shrine to the World Heritage List in 1995, which included intangible elements in its value assessment.<sup>246</sup> In the same year, during the 146<sup>th</sup> Executive Board session, Korean representative Mr. Kim Hyun-gon, representative of the Korean National Commission, remarked on the imbalanced funding allocation between tangible and intangible heritage, explicitly calling for increased support for those who preserve and embody traditional skills and knowledge.<sup>247</sup>

Beyond advocacy, Korea also offered material support for international research and publishing. A noteworthy example is the project executed by the UNESCO Jakarta Office, supported by extra-budgetary contributions from the Korean Ministry of Education, which resulted in the 1996 publication of the *International Collation of Traditional and Folk Medicines in Northeast Asia*. Volumes II and III of the series were subsequently arranged,<sup>248</sup> reinforcing Korea's financial and intellectual investment in heritage preservation.

From the late 1990s through 2005, Korea hosted a series of training workshops and international policy meetings in Sŏul, organised by the Korean National Commission for UNESCO in collaboration with the Cultural Heritage Administration (CHA). Of particular note was the International Policy Meeting on

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<sup>246</sup> UNESCO, "Report of the Rapporteur," 1995, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000102979.locale=fr>.

<sup>247</sup> "Concerning the subprogramme on the intangible heritage, his government was especially appreciative of UNESCO's efforts to secure official recognition of those possessing outstanding skills, connected with the heritage and craft traditions of Member States, and believed that the subprogramme was currently under-funded, in comparison with the budget provisions for tangible cultural properties." Extract from UNESCO, "Summary Records (of the 146th Session of the Executive Board, 16 May-4 June 1995)," 1995, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000100811.locale=fr>.

<sup>248</sup> UNESCO, "Report of the Director-General on the Execution of the Programme Adopted by the General Conference," 1996, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000104313.locale=fr>.

Intangible Heritage in October 1996, which, for the first time, formally recommended that UNESCO consider developing a new international convention specifically targeting intangible heritage. This landmark event marked a turning point, both in policy discourse and in the strategic direction of UNESCO's cultural agenda. It laid the intellectual and political groundwork for the future 2003 Convention.<sup>249</sup>

South Korea's efforts also extended to developing international guidelines. In 2002, it sponsored a major research project to update the criteria and guidance for the *Living Human Treasures* system.<sup>250</sup> Korea further promoted awareness through initiatives such as the Arirang Prize, established in 2000 and expanded in 2003, which recognised individuals and organisations for their contributions to intangible heritage preservation.

Once the 2003 Convention came into force, both China and Korea continued to distinguish themselves through sustained participation in its institutional mechanisms, particularly in the Intergovernmental Committee, the executive body tasked with reviewing nominations, allocating resources, and guiding policy implementation. This committee is elected biennially, based on equitable geographical rotation among six electoral groups. China and Korea, both members of Group IV (Asia-Pacific), share this category with 44 other countries, of which 40 at different stages became States Parties to the Convention. Group IV is allocated five seats on the Committee at any given time.

An examination of Committee membership since the inaugural session in 2006 reveals the consistent and pronounced presence of both China and South Korea. Each country has been elected to serve twelve times, the highest number of elections among all Group IV members. South Korea has served three full terms, while China has completed four. Moreover, China participated in both of the Extraordinary

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<sup>249</sup> Seong-yong Park, *On Intangible Heritage Safeguarding Governance: An Asia-Pacific Context*, 1st ed (Newcastle-upon-Tyne: Cambridge Scholars Publishing, 2013), 112.

<sup>250</sup> *Ibid.*

Committee Sessions in 2008 and 2022, underscoring its persistent engagement and influence in the Convention's governance.

While committee membership does not directly correlate with nomination success or inscription outcomes, repeated elections signal a high degree of credibility and sustained institutional commitment on the part of these countries. Frequent membership also increases the likelihood of a State Party influencing the deliberations, agenda-setting, and policy direction of the Committee. As demonstrated in comparative studies of the World Heritage Committee, most notably by Bertacchini et al.,<sup>251</sup> political dynamics and strategic positioning can significantly affect the outcomes of listing processes. A similar caution may apply to the 2003 Convention framework, where decisions could be subject to the same pressures of politicisation, prestige-seeking, and regional lobbying.

### *Financial contributions*

UNESCO, like other United Nations agencies, is highly dependent on contributions from States Parties and voluntary donations. The programmes and projects related to ICH are no exception. As with other initiatives financed, whether fully or partially, by the organisation, assistance provided by Member States under the 2003 Convention is often funded through UNESCO's budget.

The question of where these funds originate is relatively straightforward: UNESCO requires all Member States to contribute through the framework of regular assessed contributions to the survival of the machine. In the case of the ICH Fund, this includes an allocation equivalent to 1% of each State's contribution to the regular budget, which sustains the broader functioning of the organisation.

Financial contributions to UNESCO not only maintain a state's membership within the organisation but also play a crucial role in building and fostering diplomatic relationships. As noted by Haug et al., "funding relates to greater multilateral

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<sup>251</sup> Enrico Bertacchini et al., "The Politicization of UNESCO World Heritage Decision Making," *Public Choice* 167, no. 1–2 (2016): 95–129, <https://doi.org/10.1007/s11127-016-0332-9>.

autonomy and selective improvements of institutional capacities.”<sup>252</sup> In practice, larger contributions often translate into greater influence within the organisation, including the deployment of personnel in strategic positions, particularly by the largest contributors, such as the United States and China. China and South Korea, while differing in their strategies and volume of contributions, have both used funding as a tool of cultural diplomacy within the UNESCO framework.

Funding under the Regular Program does not come from any single Member State. Instead, it is derived collectively from all assessed contributions, forming a common pool of resources from which necessary expenditures are drawn. This model reduces the dependence of projects on any single donor and helps to limit the direct influence of individual Member States over project implementation and organisational priorities. This stands in sharp contrast to other type of funding mechanisms, like tightly earmarked voluntary contributions and Funds-in-Trust, in which Member States or private donors impose rigid conditions on the use of their financial support.

The UNESCO 2003 Convention establishes various forms of financial assistance available to States Parties for ICH-related programmes and projects. Article 25 of the Convention provides for the creation of Funds-in-Trust, which can be established in accordance with UNESCO’s Financial Regulations. These may be supported by States Parties, as well as by organisations and public or private entities.

In addition to funds-in-trust, the Convention also presents two other official mechanisms through which states can support ICH initiatives:

- Contributions to the ICH Fund, which includes both obligatory assessed contributions and voluntary supplementary contributions
- The secondment of personnel to UNESCO (this mechanism is now actively used by only a handful of member states, namely: Azerbaijan, China, Italy, and Singapore)

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<sup>252</sup> Sebastian Haug, Nilima Gulrajani, and Silke Weinlich, “International Organizations and Differentiated Universality: Reinvigorating Assessed Contributions in United Nations Funding,” *Global Perspectives* 3, no. 1 (December 13, 2022): 39780, <https://doi.org/10.1525/gp.2022.39780>.

### *UNESCO and Korea today*

Since 2011, the Republic of Korea has increasingly utilised UNESCO headquarters spaces to organise cultural events and receptions, showcasing Korean culture and culinary traditions. Through these initiatives, UNESCO has served as an important platform for Korea to present and promote its cultural heritage to the world. According to Sohn Hyuk-sang, Korea constantly increased its contributions to UNESCO during the period 2010 to 2016, with the exception of a slight decline in 2013.<sup>253</sup> This growth was marked by a steady rise in voluntary contributions, reflecting the country's heightened engagement with the organisation (Table 8). However, Sohn's analysis also highlights a structural weakness: the lack of coordination among Korean ministries, which has led to overlapping funding streams and an absence of a unified strategic direction, particularly when compared to examples of better-organised international donors such as Sweden.<sup>254</sup> For this reason, Sohn argues that "Korea's strategy towards UNESCO should (...) be aligned with international norms and should indicate clearly how the strategy contributes to improvement of UNESCO's capacity. To this end, when developing its strategy, Korea should consider the founding spirit and main activities of UNESCO (...),"<sup>255</sup> restating the necessity of realigning Korea's strategy towards international norms.

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<sup>253</sup> Kyung-koo Han and et al., *2018 UNESCO Strategy Research Project - The Republic of Korea's Vision in Relation to UNESCO in a Changing World Order* (Söul: Korean National Commission for UNESCO, 2019), 188.

<sup>254</sup> *Ibid*, 202-206.

<sup>255</sup> *Ibid*, 206.

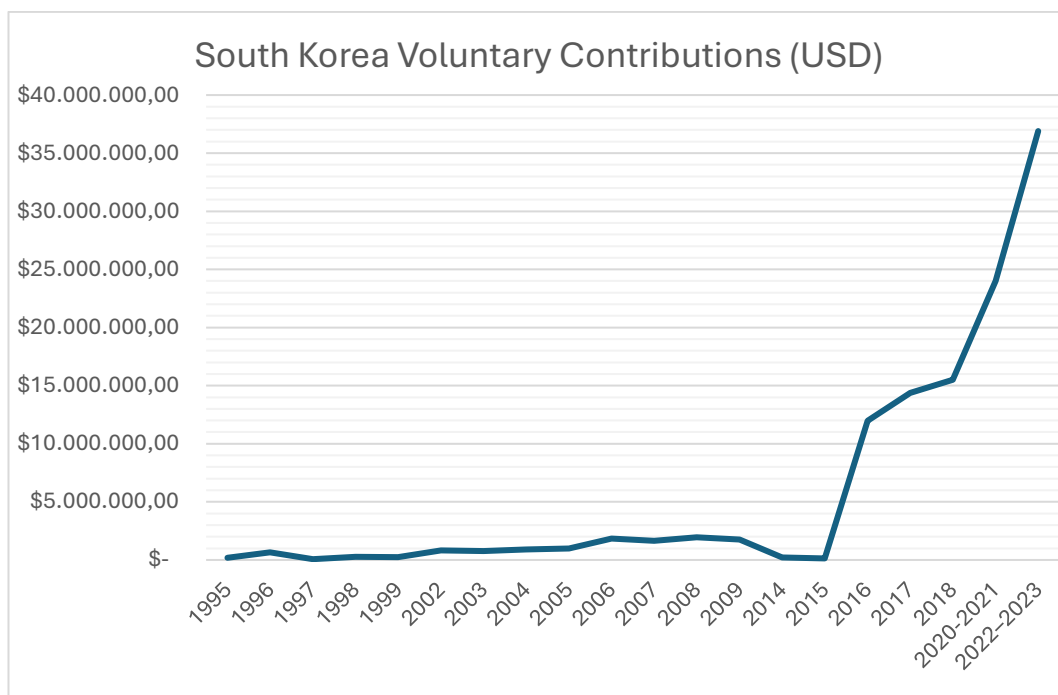


Table 8 Amount of the South Korean contributions to the UNESCO Voluntary Fund (dataset retrieved from UNESCO’s website, graphic representation by the Author)

Korea also uses UNESCO as an arena for addressing historical controversies, notably with Japan. A salient example was the diplomatic dispute surrounding Japan’s nomination of the Meiji Industrial Revolution sites to the World Heritage List, a matter raised by South Korea’s Minister of Foreign Affairs, Yun Byung-se, during a formal meeting with UNESCO’s Director-General, Irina Bokova, held on the sidelines of the 2015 World Education Forum. Another contentious case was the proposed registration of documents related to the Comfort Women’s issue within UNESCO’s Memory of the World Programme.<sup>256</sup> This proposal attracted criticism on behalf of the Japanese delegation, triggering a reaction inside the submitting countries (South Korea, China, Philippines, and more). Despite

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<sup>256</sup> Ministry of Foreign Affairs, “Yunbyöngse changgwan, 2015 segyegyoyukp’öröm kyegi yunesük’o samuch’ongjanggwa han-yunesük’o hyömnöng pangan nonüi sangsebogi [Minister Yun Byung-se discussed Korea-UNESCO cooperation with UNESCO Director-General during the 2015 World Education Forum],” mofa.go.kr, accessed April 23, 2025, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=355035](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=355035).

continued diplomatic efforts, including meetings and negotiations led by UNESCO from 2016 onwards, the matter remains unresolved.<sup>257</sup>

In December 2017, following the UNESCO Strategy Forum held in South Korea, the Ministry of Foreign Affairs (hereafter “MOFA”) issued an official statement underlining Korea’s ambition to reassess its role within the organisation, declaring: “MOFA plans to continue discussions to review Korea’s role and reset its direction as a key UNESCO donor country and a leading country in discussions in the fields of education, science, and culture by regularly hosting this strategic forum in the future.” MOFA emphasised that Korea would continue to host strategic forums and highlighted upcoming discussions with UNESCO Director-General Audrey Azoulay to strengthen Korea’s positioning, particularly as a Chair of UNESCO’s Executive Board for the 2017-2019 term.<sup>258</sup> This leadership period coincided with a critical juncture for UNESCO, following the withdrawal of the United States from membership, a decision which resulted in the loss of approximately 22% of UNESCO’s regular budget. Korea, as a member of the UNESCO Geneva Group, played an important role in supporting the organisation through this transitional phase.<sup>259</sup>

This proactive diplomatic stance was reaffirmed during the subsequent strategic meeting held in 2018.<sup>260</sup> A declaration issued by the Permanent Delegation of Korea

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<sup>257</sup> Ministry of Foreign Affairs, “Kanggyŏnghwa oegyobujanggwan, irina pok’oba yunesük’o samuch’ongjang myŏndam sangsebogi [Foreign Minister Kang Gyŏng-hwa Meets with UNESCO Director-General Irina Bokova],” September 25, 2017, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=366804](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=366804).

<sup>258</sup> Ministry of Foreign Affairs, “2017 yunesük’o chŏllyakp’orŏm kaech’oe (12.21) sangsebogi [2017 UNESCO Strategic Forum Held (December 21) Details],” mofa.go.kr, accessed April 24, 2025, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=367888](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=367888).

<sup>259</sup> Public Foreign Policy Division, “2015 yunesük’o kaehwang [2015 UNESCO Overview],” May 18, 2015, [https://gab.mofa.go.kr/www/brd/m\\_4099/view.do?seq=358051&srchTo=&srchWord=&srchTp=&multi\\_itm\\_seq=0&itm\\_seq\\_1=0&itm\\_seq\\_2=0&company\\_cd=&company\\_nm=](https://gab.mofa.go.kr/www/brd/m_4099/view.do?seq=358051&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=).

<sup>260</sup> Ministry of Foreign Affairs, “2018 yunesük’o chŏllyakp’orŏm kaech’oe sangsebogi [2018 UNESCO Strategic Forum Details],” mofa.go.kr, accessed April 24, 2025, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=368745](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=368745).

to UNESCO in the same year articulated the main objectives of Korea’s “UNESCO Diplomacy,” stating:

The Foreign Ministry has actively participated in the activities of UNESCO, engaging in various Intergovernmental Committees and the General Conference of UNESCO to reflect our position by conducting cultural and diplomatic activities. Furthermore, we have been making efforts to promote Korean culture to the world by registering out cultural and/or natural heritage of outstanding universal value as World Heritage, worthy of preservation and transmission.<sup>261</sup>

The Republic of Korea has consistently maintained its position as one of UNESCO's principal partners. During the 2022-2023 biennium, Korea ranked 4<sup>th</sup> among government partners for voluntary contributions; for the 2024 founding cycle, it ranked 8<sup>th</sup>.<sup>262</sup> Looking ahead, for the 2024-2025 biennium, Korea has pledged a total contribution of USD 31,138,000<sup>263</sup> to support an array of 54 projects, further cementing its significant and expanding role within UNESCO’s global activities.

### ***Funds-in-Trust: Targeted Bilateral Engagement***

Before the entry into force of the 2003 Convention, UNESCO's ICH-related initiatives were largely supported through Funds-in-Trust (hereafter “FiT”), which allow for earmarked contributions toward activities jointly defined by the donor and UNESCO. These funds provide flexibility in addressing regional or thematic priorities, and have historically supported operational projects, extra-budgetary

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<sup>261</sup> Kyung-koo Han and et al., *2018 UNESCO Strategy Research Project - The Republic of Korea's Vision in Relation to UNESCO in a Changing World Order* (Seoul: Korean National Commission for UNESCO, 2019), 163.

<sup>262</sup> UNESCO, “UNESCO-Republic of Korea Partnership,” unesco.org, accessed April 23, 2025, <https://www.unesco.org/en/partnerships/rok>.

<sup>263</sup> UNESCO, “Contributor Republic of Korea | Core Data Portal,” unesco.org, accessed April 23, 2025, <https://core.unesco.org/en/country/KOR/contribution>.

staffing, research, and capacity-building.<sup>264</sup> The earliest and most influential of these was the Japanese Fund-in-Trust for the Safeguarding of Intangible Cultural Heritage, initiated in 1992,<sup>265</sup> which financed a wide array of activities during the Convention's formative years. Following the entry into force of the Convention, this type of financing mechanism was also integrated inside the text of the Convention, Article 25.

Since then, several Funds-in-Trust have been established with a focus on the Asia-Pacific region. Notably, between January and December 2016, two Chinese cultural entities, the Chengdu Culture and Tourism Development Group and the Yong Xin Hua Yun Cultural Industry Investment Co. Ltd., each committed USD 1 million to UNESCO through Funds-in-Trust.<sup>266</sup> These funds supported capacity-building, awareness-raising, and regional cooperation projects related to ICH. This form of corporate-cultural sponsorship is part of China's broader strategy to promote cultural soft power and project its heritage agenda within multilateral institutions.

The Republic of Korea has also employed the Funds-in-Trust mechanism, most prominently in support of its Category 2 Centre for Intangible Cultural Heritage in the Asia-Pacific (ICHCAP), established in 2006. Korean financial support through FiT has expanded significantly since the early 2000s, coinciding with a strategic shift from a previous emphasis on education and science to a growing investment in cultural heritage, particularly ICH. In addition to supporting projects across the Global South, Korean FiT contributions have also targeted inter-Korean cooperation projects in the past, fluctuating in alignment with the peninsula's geopolitical climate.

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<sup>264</sup> UNESCO, "Donors - UNESCO Intangible Cultural Heritage," UN, [unesco.org](https://ich.unesco.org/en/donors), accessed June 8, 2025, <https://ich.unesco.org/en/donors>.

<sup>265</sup> UNESCO, "Summary Records (of the 140th Session of the Executive Board, 12-30 October 1992)," 1992, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000094596.locale=fr>.

<sup>266</sup> UNESCO, "Voluntary Contributions Received in Cash for Extra-Budgetary Activities and Institutes for the Period 1 January to 31 December 2016," 2017, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000248346.locale=fr>.

From 2010 onwards, Korean Funds-in-Trust have increasingly been directed toward global ICH capacity-building efforts.<sup>267</sup> A 2013 report by the Intergovernmental Committee notes that Korea financed a sub-fund to support the temporary hiring of personnel within the ICH Secretariat, a move mirrored by China, which also seconded administrative staff to UNESCO.<sup>268</sup> These actions represent a convergence of financial and human capital investment aimed at expanding institutional presence and influence within the ICH framework.

### *The ICH Fund: Structure and Strategic Use*

Established alongside the 2003 Convention, the ICH Fund is the Convention's core financial mechanism, established along with the 2003 Convention. The Fund "provides assistance to States Parties in their efforts for safeguarding,"<sup>269</sup> it is therefore designed to support safeguarding measures and international cooperation projects, especially in developing countries. In practice, the Fund comprises two major components: (1) obligatory assessed contributions amounting to 1% of each State Party's regular UNESCO budget; and (2) voluntary supplementary contributions, which may be unrestricted, assigned to a sub-fund, or earmarked for specific uses.

Between January 2016 and December 2017, voluntary extra-budgetary contributions totalling USD 597,483 were received from China, South Korea, and the Netherlands.<sup>270</sup> These funds were earmarked for three distinct projects. South Korea's contribution supported the improvement of the Convention's periodic reporting mechanism, a key tool for evaluating States' compliance and progress, while China's contribution funded the convening of an open-ended

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<sup>267</sup> UNESCO, "Report of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage on Its Activities (June 2010- June 2012)," 2013, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000222708.locale=fr>.

<sup>268</sup> *Ibid.*

<sup>269</sup> UNESCO, "The Intangible Cultural Heritage Fund," unesco.org, accessed June 8, 2025, <https://ich.unesco.org/en/ichfund-00816>.

<sup>270</sup> UNESCO, "Report of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage on Its Activities (January 2016-December 2017)," 2019, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000369113.locale=fr>.

intergovernmental working group tasked with developing a results framework for the Convention's global implementation.<sup>271</sup>

Both countries have also explored partnerships with the private sector as means to support UNESCO's cultural initiatives. A notable instance is South Korea's collaboration with Samsung Electronics, which contributed USD 200,000 toward ICH-related projects. In exchange, UNESCO's name and logo were featured in a series of BBC-produced cultural heritage programmes sponsored by Samsung.<sup>272</sup> This model of public-private cooperation highlights the potential for mobilising corporate resources in support of multilateral cultural agendas.

In addition to project-specific financing, contributions from these countries have supported expert meetings and policy development initiatives. For example, China provided USD 150,000 in funding for two high-level meetings in 2016 and 2017, focused on refining strategic approaches to the safeguarding of ICH.<sup>273</sup> Such targeted interventions illustrate how financial contributions can be aligned with normative and governance objectives. A similar effort was put in place by the Korean government too, that between 1998 throughout 2005 sponsored working meetings on ICH.

The financial engagement of China and South Korea within the framework of the 2003 Convention exemplifies two distinct yet complementary models of cultural diplomacy. China has pursued a strategy of institutional visibility through corporate-backed Funds-in-Trust and targeted policy contributions. South Korea, meanwhile, has demonstrated sustained public investment, both through its national government and partnerships with private actors, underpinned by a long-standing

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<sup>271</sup> UNESCO, "Financial Statement for the Period 1 January 2016 – 31 December 2017," 2018, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000374980.locale=fr>.

<sup>272</sup> UNESCO, "Country Donor Profiles in Their Cooperation with UNESCO Extrabudgetary Programmes and Projects: Policy and Practice," 2005, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000140838.locale=fr>.

<sup>273</sup> UNESCO, "Report of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage on Its Activities (January 2016-December 2017)," 2019, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000369113.locale=fr>.

commitment to the normative development of the Convention. Both countries, by leveraging financial instruments ranging from core budget allocations to earmarked projects and secondments, have cemented their status not only as contributors but as agenda-setters within UNESCO's evolving architecture for safeguarding intangible cultural heritage.

### *UNESCO centres for ICH on Chinese and South Korean territories*

UNESCO Category 2 Centres and accredited non-governmental organizations (NGOs) play a fundamental role in supporting and promoting the objectives of the 2003 Convention for the Safeguarding of the ICH. These entities are integral to the implementation and dissemination of the Convention's goals, operating both as partners and facilitators in its global network.

According to Article 9 of the Convention, "The Committee shall propose to the General Assembly the accreditation of non-governmental organizations with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee."<sup>274</sup> NGOs thus serve a consultative role, offering expertise and localized knowledge that contributes to the broader strategic development of ICH safeguarding.

In contrast, UNESCO Category 2 Centres function primarily as capacity-building instruments aligned with the Convention's aims. These centres serve as regional hubs for information exchange, the development of programmes, and the provision of specialized training. While they are formally associated with UNESCO, they are not legally part of the organization, allowing them a degree of operational autonomy. This autonomy is maintained through external financing, which limits direct dependence on UNESCO's central administration. Although these centres do not

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<sup>274</sup> UNESCO, "Convention for the Safeguarding of the Intangible Cultural Heritage" (UNESCO, 2003), <https://ich.unesco.org/en/convention>.

typically receive financial or administrative support from UNESCO, exceptions may be made depending on specific programme priorities.<sup>275</sup>

Beyond their technical and educational roles, these centres also reflect what Barnett and Duvall (2005) define as “institutional power,” understood as “actors’ control over socially distant others.”<sup>276</sup> Through their influence on regional policy and education, these institutions can shape international discourse and indirectly extend the soft power of their host countries. A notable example is the contribution of South Korea’s International Centre for Education on Global Citizenship (APCEIU) in integrating Global Citizenship Education (GCED) into the United Nations’ 2015 Sustainable Development Goals (hereafter “SDGs”).<sup>277</sup>

Given their dual function as platforms of expertise and instruments of influence, Category 2 Centres should be considered significant mechanisms through which member states engage with and shape UNESCO’s cultural agenda. In the East Asian region, there is a marked concentration of such centres dedicated to ICH, with China, South Korea, and Japan each hosting one that specializes in a particular aspect of ICH safeguarding. As noted by Varpahovskis, UNESCO tried to accommodate all three East Asian countries by carrying out a trilateral agreement and appointing each one of them with a hyper specialised centre on a specific aspect of the 2003 Convention.<sup>278</sup>

## **South Korea**

South Korea hosts a total of five UNESCO Category 2 centres, two of which are directly dedicated to ICH:

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<sup>275</sup> Seong-yong Park, *On Intangible Heritage Safeguarding Governance: An Asia-Pacific Context*, 1st ed (Newcastle-upon-Tyne: Cambridge Scholars Publishing, 2013), 176.

<sup>276</sup> Michael Barnett and Raymond Duvall, “Power in International Politics,” *International Organization* 59, no. 01 (2005), <https://doi.org/10.1017/S0020818305050010>, 60.

<sup>277</sup> Wenting Meng, “Is Power Shifting? China’s Evolving Engagement with UNESCO,” *Global Policy* 15, no. S2 (2024): 97–109, <https://doi.org/10.1111/1758-5899.13373>, 100.

<sup>278</sup> Eriks Varpahovskis, “Intangible Cultural Heritage: Is It a Platform for Cooperation or Competition between Cultural Diplomacies? The Case of South Korea–Japan–China Relations within UNESCO’s ICH Framework,” *SNU Journal of International Affairs* 3, no. 1 (2018): 119–44.

- **International Information and Networking Centre for Intangible Cultural Heritage (ICHCAP)** – established in 2006, focused on information-sharing, documentation, and networking related to ICH in the region.<sup>279</sup>
- **International Centre of Martial Arts for Youth Development and Engagement (ICM)**<sup>280</sup> – promoting traditional martial arts as a form of intangible cultural heritage and youth engagement.

Accredited NGOs in South Korea include:<sup>281</sup>

- International Mask Arts & Culture Organization (IMACO)
- The Center for Intangible Culture Studies (CICS - 무형문화연구소)
- World Martial Arts Union (WoMAU - 세계무술연맹)
- Korea Cultural Heritage Foundation (CHF - 한국문화재단)

## China

China hosts one UNESCO Category 2 Centre dedicated to ICH:

- **International Training Centre for Intangible Cultural Heritage in the Asia-Pacific Region (CRIHAP)**<sup>282</sup> – established in 2012, it focuses on training, capacity-building, and international cooperation in ICH safeguarding across the Asia-pacific region.

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<sup>279</sup> UNESCO, “Proposal for the Establishment of an Intangible Cultural Heritage Centre in the Republic of Korea for Asia and the Pacific Region (Category 2) under the Auspices of UNESCO,” 2008, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000158327.locale=fr>.

<sup>280</sup> UNESCO ICM, “UNESCO ICM,” UNESCO ICM, accessed June 8, 2025, <http://unescoicm.org/eng>.

<sup>281</sup> UNESCO, “Republic of Korea - Accredited NGOs Located in This Country,” unesco.org, accessed June 8, 2025, <https://ich.unesco.org/>.

<sup>282</sup> UNESCO, “Proposal for the Establishment of an Intangible Cultural Heritage Centre in the Republic of Korea for Asia and the Pacific Region (Category 2) under the Auspices of UNESCO,” 2008, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000158327.locale=fr>.

Accredited NGOs in China include:<sup>283</sup>

- World Federation of Chinese Medicine Societies (WFCMS – 世界中药学会联合会)
- China Folklore Society (CFS - 中国民俗学会)

***International Information and Networking Centre for Intangible Cultural Heritage (ICHCAP)***

The International Information and Networking Centre for Intangible Cultural Heritage (ICHCAP) is located in Jönju, in the North Chölla province of South Korea. The centre is housed within a large governmental complex that also accommodates the Korean National Intangible Cultural Heritage Centre, the Intangible Cultural Heritage Museum, a library dedicated to ICH, a performance hall used for theatrical presentations performances, and official gatherings, workshop spaces for ICH transmitters, and a dormitory for visiting practitioners and guests. This compound functions as South Korea’s central hub for ICH, bringing together the principal institutions concerned with safeguarding ICH in one interconnected space, thereby facilitating collaboration, performance, and knowledge exchange.

ICHCAP succeeded the earlier Establishment Initiative for the Intangible Heritage Centre for Asia and the Pacific (EIIHCAP), an initiative led by the Korea Cultural Heritage Foundation with the support of the Cultural Heritage Administration of South Korea. In October 2005, during the 33<sup>rd</sup> session of the UNESCO General Conference, the Korean government, represented by the Deputy Prime Minister and Minister of Education, formally proposed the establishment of a UNESCO Category 2 Centre dedicated to ICH networking and promotion in the Asia-Pacific Region.

The establishment of the centre aligns closely UNESCO medium-term strategies and objectives for the safeguarding and promotion of ICH. Category 2 centres such as ICHCAP allow UNESCO to decentralise its activities, thereby reducing financial burden while expanding its operational reach through the networks and institutional

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<sup>283</sup> UNESCO, “China - Accredited NGOs Located in This Country,” unesco.org, accessed June 8, 2025, <https://ich.unesco.org/>.

infrastructure of host Member States. This model enables more diverse forms of collaboration across public and private sectors as well as with non-governmental organisations.

ICHCAP officially began operations in 2011. The main projects carried out by the centre are the dissemination of information using digital platforms for publishing inventories and reports, thereby making ICH materials accessible to a broader public. One of its primary aims is to promote and safeguard ICH through the use of information and communications technology (ICTs), a field in which South Korea has particular strength and capacity. In addition, the Centre organises awareness-raising activities, conferences, and meetings, all of which have contributed to enhanced regional and international cooperation among stakeholders in the field.

The Centre also collaborates with the Beijing-based International Training Centre for ICH in the Asia-Pacific Region (hereafter “CRIHAP”), as well as with other Category 2 centres related to ICH, including the Tehran ICH Centre. Notably, during the 2023-2024 biennium, ICHCAP and CRIHAP engaged cooperated on a joint capacity-building initiative aimed at improving periodic reporting in the Asia and the Pacific.<sup>284</sup> Such collaborations underscore the significance of Category 2 centres as instruments of international communication and cooperation in the field of ICH, especially for the region under consideration.

### ***International Training Centre for Intangible Cultural Heritage in the Asia-Pacific Region (CRIHAP)***

On the 7<sup>th</sup> March 2008, South Korea wasn’t the only one formally submitting a request for the establishment of a Category 2 centre, in fact, the government of China also submitted a formal proposal for the establishment of what will become the International Training Centre for Intangible Cultural Heritage in the Asia-

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<sup>284</sup> UNESCO, “Twelfth Annual Coordination Meeting Of Category 2 Centres Active In The Field Of Intangible Cultural Heritage,” 2024, UNESCO, <https://ich.unesco.org/en/events/twelfth-annual-coordination-meeting-of-category-2-centres-active-in-the-field-of-intangible-cultural-heritage-00999>.

Pacific Region (CRIHAP).<sup>285</sup> This proposal was made in consultation and mutual agreement with the Government of South Korea, reflecting a so-called coordinated regional strategy.

The Centre, CRIHAP, officially commenced operations in Beijing on 22 February 2012. It is financially supported by the Chinese government, which commits an annual budget of USD 500,000. Although established as a non-profit and independent institution, CRIHAP's governance structure is closely linked to state authorities. Its Governing Board includes representatives from the Ministry of Culture of China, the Chinese National Commission for UNESCO, as well as academics and officials from Chinese universities, research institutes, and local authorities. Consequently, the Chinese government exercises control over the approval of the Centre's constitution, the appointment of its Executive Committee, and the formulation of its long- and medium-term programmes.

CRIHAP specialises in the training of ICH experts and differs from ICHCAP in its focus on capacity building for practitioners, professionals, and government officials involved in ICH safeguarding and transmission. At its founding, the Centre was designed to work in close cooperation with institutions such as the China Academy of Art and the China Intangible Cultural Heritage Safeguarding Centre. Chinese universities and research institutes continue to support CRIHAP by providing technical expertise and contributing to training programmes. In this way, a mutually beneficial institutional ecosystem has emerged, enabling the Centre to deliver high-quality training supported by a network of specialised, locally based academic and professional bodies.

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<sup>285</sup> UNESCO, "Proposal for the Establishment of an Asia-Pacific Regional Centre for the Research and Safeguarding of the Intangible Cultural Heritage, in China, as a Category 2 Centre under the Auspices of UNESCO," 2008, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000158406.locale=fr>.

**Chapter 4**  
**National Legal Frameworks for Intangible Cultural  
Heritage – China and South Korea**

## 4.1 Chinese legal and administrative system for the safeguarding of Intangible Cultural Heritage

China was among the first UNESCO Member States to ratify the Convention for the Safeguarding of Intangible Cultural Heritage in 2004, shortly after its adoption in 2003. This ratification represented a pivotal moment in China's approach to ICH at the national level, supported by international collaborations and the establishment of one of the East Asian Category 2 Centres under the auspices of UNESCO. Following the Convention entry into force, the Chinese government began to demonstrate significant engagement in the promotion and protection of ICH.

As Blumenfield and Silverman observe in their volume *Cultural Heritage Politics in China*,<sup>286</sup> since 2005, state media outlets such as *China Daily* began to emphasise the government's financial commitment to ICH and the "increasing attention from China's senior leadership."<sup>287</sup> A key indicator of this commitment was the allocation of 46 million Chinese yuan (approximately USD 5.6 million) to a special project dedicated to ICH safeguarding,<sup>288</sup> in addition to a further 50 million yuan (approximately USD 6.1 million) between 2005 and 2010 earmarked specifically for the preservation of *Kunqu* opera.<sup>289</sup>

This institutional approach significantly influenced domestic policy, leading to the integration of ICH into the national legislative framework, the establishment of the Cultural Heritage Day can serve as an example of how the Chinese government also integrated traditional culture inside its national cultural agenda.<sup>290</sup> The Intangible

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<sup>286</sup> Tami Blumenfield and Helaine Silverman, eds., *Cultural Heritage Politics in China* (New York: Springer, 2013), p. 3.

<sup>287</sup> Zhenghua Wang, "Future Brightens for Cultural Heritage," *China Daily*, June 13, 2005, [https://www.chinadaily.com.cn/english/doc/2005-06/13/content\\_450823.htm](https://www.chinadaily.com.cn/english/doc/2005-06/13/content_450823.htm).

<sup>288</sup> *Ibid.*

<sup>289</sup> Tami Blumenfield and Helaine Silverman, eds., *Cultural Heritage Politics in China* (New York: Springer, 2013), 3.

<sup>290</sup> *Ibid.*, 7.

Cultural Heritage Law of the People’s Republic of China was enacted in 2011, following earlier provincial initiatives<sup>291</sup> and nearly a decade after China’s ratification of the Convention. This law unified previously fragmented legislations and reaffirmed the State’s commitment to the safeguarding and transmission in intangible heritage. However, it has also drawn criticisms, particularly regarding the processes of national certification of ICH elements and the commodification and touristification of certain cultural expressions and communities.

<b>Year</b>	<b>Name</b>	<b>Type</b>
<b>1982</b>	Cultural Relics Protection Law of the People's Republic of China - 中华人民共和国文物保护法	Law
<b>1998</b>	Draft Law of the People's Republic of China on the Protection of Ethnic Folk Traditional Culture - 民族民间传统文化保护法（草案）	Draft
<b>2003</b>	China's National Folk Culture Protection Project - 中国民族民间文化保护工程	Project
<b>2004</b>	Law of the People's Republic of China on the Protection of Intangible Cultural Heritage - 中华人民共和国非物质文化遗产保护法	Law
<b>2005</b>	Opinions on Strengthening the Protection of my Country's Intangible Cultural Heritage - 关于加强我国非物质文化遗产保护工作的意见	Notice
<b>2006</b>	Interim Measures for the Protection and Management of National Intangible Cultural Heritage - 国家级非物质文化遗产保护与管理暂行办法	Measures

<sup>291</sup> Yawen Xu, Yu Tao, and Benjamin Smith, “China’s Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage,” *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 566–80, <https://doi.org/10.1080/10286632.2021.1993838>.

<b>2007</b>	Notice on the first batch of representative inheritors of national intangible cultural heritage projects - 第一批国家级非物质文化遗产项目代表性传承人的通知 <sup>292</sup>	List
<b>2008</b>	Notice on the second batch of representative inheritors of national intangible cultural heritage projects - 第二批国家级非物质文化遗产项目代表性传承人的通知	List
<b>2009</b>	Notice on the third batch of representative inheritors of national intangible cultural heritage projects - 第三批国家级非物质文化遗产项目代表性传承人的通知	List
<b>2011</b>	Intangible Cultural Heritage Law of the People's Republic of China - 中华人民共和国非物质文化遗产法	Law
<b>2012</b>	Notice on the fourth batch of representative inheritors of national intangible cultural heritage projects - 第四批国家级非物质文化遗产项目代表性传承人的通知	List
<b>2018</b>	Notice on the fifth batch of representative inheritors of national intangible cultural heritage projects - 第五批国家级非物质文化遗产项目代表性传承人的通知	List

*Table 9* Chronological list of Measures, Laws and other documents promoting and protecting Chinese cultural heritage at the national level collected by the Author

In addition to outlining the legal and policy frameworks shaped by the 2003 UNESCO Convention, this subchapter also examines the inclusion and management of ethnic minorities within China's national ICH safeguarding strategies, offering a critical foundation for the specific case study explored in this research.

<sup>292</sup> Ministry of Culture and Tourism of the People's Republic of China 中华人民共和国文化和旅游部, "Wenhuabu guanyu gongbu di yi pi guojia ji feiwuzhi wenhua yichan xiangmu daibiao xing chuanchengren de tongzhi 文化部关于公布第一批国家级非物质文化遗产项目代表性传承人的通知 [Notice from the Ministry of Culture on the announcement of the first batch of representative inheritors of national intangible cultural heritage projects]," June 8, 2007, [https://zwgk.mct.gov.cn/zfxxgkml/fwzwhyc/202012/t20201206\\_918619.html](https://zwgk.mct.gov.cn/zfxxgkml/fwzwhyc/202012/t20201206_918619.html).

### *Definition of ICH from the Chinese perspective*

According to Article 2 of the Law of the People's Republic of China on ICH, the term intangible cultural heritage (非物质文化遗产, feiwuzhi wenhua yichan) is legally defined. This expression follows the French formulation *patrimoine culturel immatériel*, which replaced the earlier English-based term *intangible cultural heritage* (无形文化遗产, wuxing wenhua yichan) during the Turin Roundtable in 2001,<sup>293</sup> a term that is still retained in the Japanese national legislation (無形文化遺産, mukei bunka isan). The Law also enumerates specific categories of ICH expressions to be included within its scope, and better clarify the terminology:

- Traditional oral literature and the languages that convey it (传统口头文学以及作为其载体的语言, chuantong koutou wenxue yiji zuowei qi zaitai de yuyan)
- Traditional arts, calligraphy, music, dance, drama, opera, and acrobatics (传统美术、书法、音乐、舞蹈、戏剧、曲艺和杂技, chuantong meishu, shufa, yinyue, wutiao, xiju, quyì he zaji)
- Traditional skills, medicine, and calendrical knowledge (传统技艺、医药和历法, chuantong jiyi, yinyao he lifa)
- Traditional customs, festivals, and other folk practices (传统礼仪、节庆等民俗, chuantong liyi, jieqing deng minsu)
- Traditional sports and recreational activities (传统体育和游艺, chuantong tiyu he youyi)
- Other forms of intangible cultural heritage (其他非物质文化遗产, qita feiwuzhi wenhua yichan)

This final category intentionally leaves room for future recognitions of other forms of ICH deemed worthy of safeguarding. This open-ended clause is particularly

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<sup>293</sup> Li Wang, *La Convention Pour La Sauvegarde Du Patrimoine Culturel Immatériel: Son Application En Droits Français et Chinois (Droit Du Patrimoine Culturel et Naturel)* (Paris: L'Harmattan, 2013), 102.

significant, as it avoids rigid categorisation and reflects the spirit of the debates surrounding the drafting of the 2003 UNESCO Convention.

The Chinese Law also recognises a material component to ICH. When tangible objects are closely linked to a given ICH expression, they too are subject to protection, falling under the purview of the Law on the Protection of Cultural Relics.<sup>294</sup> This legal framework thus acknowledges both the intangible and material dimensions of cultural heritage, reinforcing the hybrid nature of ICH in both its conceptualisation and practice.

The Chinese legislation ICH domains, like other ICH related national legislations, do not exactly align with those presented in the UNESCO Convention. Rather, China's national law seeks to adapt the Convention's classifications to reflect local cultural traditions, and the particular forms of expression present within its territory.<sup>295</sup> In this sense, the categorisation of ICH also conveys a distinct *Chineseness*, as it reflects national understandings of what constitutes ICH in the Chinese context.

From the administrative perspective, the legal terminology and definitions of ICH are relatively uniform across China's provinces and are "consistent between the central and the local legislation."<sup>296</sup> The national definition is also applicable in Jilin Province, which is the focus area of this study.

An instructive explanation can be found in the Yanbian Korean Autonomous Prefecture, located within Jilin Province. In this region, most of the population comprises ethnic Koreans holding Chinese citizenship. As a result, the Prefecture has enacted its own legislation, which includes a culturally specific definition of ICH. In fact, the *Regulations on the Protection of the Intangible Cultural Heritage of the Korean Nationality in Yanbian Korean Autonomous Prefecture* (延边朝鲜族

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<sup>294</sup> In Chinese 《中华人民共和国文物保护法》.

<sup>295</sup> Yawen Xu, Yu Tao, and Benjamin Smith, "China's Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage," *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 570, <https://doi.org/10.1080/10286632.2021.1993838>.

<sup>296</sup> *Ibid*, 569.

自治州朝鲜族非物质文化遗产保护条例, Yanbian chaoxianzuzizhizhou chaoxianzu fei wuzhi wenhua yichan baohu tiaoli), adopted in 2015, define ICH at Article 3 as follows:

The “term "intangible cultural heritage of the Korean ethnic group" as used in these Regulations refers to the tangible or intangible cultural expressions of the Korean ethnic group that have been passed down from generation to generation and are closely related to life and have historical, cultural, artistic and scientific value. Include:

- (1) The traditional oral literature of the Korean ethnic group and its language and writing
- (2) Korean traditional performing arts, calligraphy and painting arts
- (3) Korean folk arts and crafts and special food and its production skills, tools and representative works
- (4) Folk activities such as traditional Korean sacrifices, New Year's festivals, and life etiquette
- (5) Korean traditional sports, athletics and recreational activities
- (6) Knowledge and skills of traditional Korean medicine and health care
- (7) Other intangible cultural heritage of the Korean ethnic group<sup>297</sup>

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<sup>297</sup> The original text is available at the following link: Baidubaike 百度百科, “Yanbian Chaoxianzu Zizhizhou Chaoxianzu Feiwuzhi Wenhua Yichan Baohu Tiaoli 延边朝鲜族自治州朝鲜族非物质文化遗产保护条例 [Regulations on the Protection of Korean Intangible Cultural Heritage of Yanbian Korean Autonomous Prefecture],” accessed October 21, 2025, <https://baike.baidu.hk/item/%E5%BB%B6%E8%BE%B9%E6%9C%9D%E9%B2%9C%E6%97%8F%E8%87%AA%E6%B2%BB%E5%B7%9E%E6%9C%9D%E9%B2%9C%E6%97%8F%E9>

These regulations provide substantial room for the protection and transmission of locally specific cultural expressions, with particular attention to the heritage of ethnic Korean majority in the region.

### *Chinese Law for the Safeguarding of ICH*

Prior to the enactment of national legislation for the safeguarding of intangible cultural heritage, elements of China's ICH had already received partial protection during the imperial time; in particular, traditional craftsmanship, which was historically valued as significant knowledge during the Qin, Ming, and Qing dynasties.<sup>298</sup> The *Intangible Cultural Heritage Law of the People's Republic of China* (中华人民共和国非物质文化遗产法, zhongguo renmin gongheguo feiwuzhi wenhua yichan fa) currently constitutes the principal legal framework for the protection and promotion of ICH at the national level.

The Law was adopted at the 19<sup>th</sup> meeting of the Standing Committee of the 11<sup>th</sup> National People's Congress on February 25, 2011, and came into effect on the 1<sup>st</sup> June 2011, during the presidency of Hu Jintao. The drafting process spanned several years. Although a preliminary version of the Law was approved by the Propaganda Department of the Chinese Communist Party as early as in 2006,<sup>299</sup> further progress stalled until 2011.

The impetus for the Law was in part catalysed by China's ratification of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in 2004. This was followed in 2005 by the publication of the *Opinions of the General*

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<https://doi.org/10.1080/10286632.2021.1993838>

<sup>298</sup> Yawen Xu, Yu Tao, and Benjamin Smith, "China's Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage," *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 566, <https://doi.org/10.1080/10286632.2021.1993838>.

<sup>299</sup> Caroline Bodolec and Frédéric Obringer, "L'impact de la Convention sur le patrimoine culturel immatériel en Chine," in *Le patrimoine culturel immatériel au seuil des sciences sociales*, ed. Julia Csergo, Christian Hottin, and Pierre Schmit (Éditions de la Maison des sciences de l'homme, 2020), <https://doi.org/10.4000/books.editionsmsh.16028>.

*Office of the State Council on Strengthening the Protection of China's Intangible Cultural Heritage (Guo Ban Fa [2005] No. 18)*,<sup>300</sup> which included Annexes 1 and 2 outlining early administrative guidelines and regulations, where they also encouraged the establishment of national-level legislation. Annex 2, in particular, referenced the creation of an inter-ministerial joint conference system proposed at the 16<sup>th</sup> National Congress of the Communist Party of China, aimed at “supporting the protection of important cultural heritage and excellent folk art.” This conference provided a foundation for coordinated administrative actions in ICH safeguarding at the Chinese national level.<sup>301</sup>

Owing to the lengthy legislative process for the approval of the 2011 Law, various local governments pre-emptively implemented their own regulations or laws, which were subsequently superseded by the national legislation.<sup>302</sup> Additionally, several auxiliary legal instruments relating to specific aspects of traditional culture or individual cultural expressions were already in effect at the time of the Law’s promulgation.<sup>303</sup> The eventual Law thus incorporated and adapted many clauses

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<sup>300</sup> In Chinese: 国务院办公厅关于加强我国非物质文化遗产保护工作的意见（国办发〔2005〕18号）。

<sup>301</sup> State Council 国务院, “Guowuyuan Bangongting guanyu jiaqiang woguo feiwuzhi wenhua yichan baohu gongzuo de yijian (Guobanfa [2005] 18 hao) 国务院办公厅关于加强我国非物质文化遗产保护工作的意见（国办发〔2005〕18号） [Opinions of the General Office of the State Council on Strengthening the Protection of my country’s Intangible Cultural Heritage (Guobanfa [2005] No. 18)],” 2005, [https://www.ihchina.cn/zhengce\\_details/11571](https://www.ihchina.cn/zhengce_details/11571).

<sup>302</sup> In 2000 the Yunnan Regulations. For more information see : Yawen Xu, Yu Tao, and Benjamin Smith, “China’s Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage,” *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 567, <https://doi.org/10.1080/10286632.2021.1993838>; and Kang Baocheng 康保成, “《Zhonghua renmin gongheguo feiwuzhi wenhua yichanfa》xingcheng de falu faguijichu 《中华人民共和国非物质文化遗产法》形成的法律法规基础 [Legislative foundation of the Law of the People’s Republic of China on Intangible Cultural Heritage],” *Ethnic Arts Quarterly*, no. 1 (2012): 47–75, <https://www.chinesefolklore.org.cn/upload/news/Attach-20130607103411.pdf>.

<sup>303</sup> In 1990 the *Copyright Law of the People’s Republic of China* (中华人民共和国著作权法) already protected literature, oral traditions and expressions, and performing arts ; in 1993 the *Law of the Regulations on the Protection of Traditional Chinese Medicine Varieties* (中医药品种保护条例) gave some form of protection to traditional Chinese medicine.

from these earlier national and local regulations, underscoring both the urgency of ICH protection and the central government's delayed response.<sup>304</sup>

From a legal perspective, the PRC's ICH Law is classified as an administrative law.<sup>305</sup> Its objective is to regulate the relationship between the State and intangible heritage, defining the responsibilities and obligations of cultural heritage authorities across all levels of government. The Law is structured into six Chapters: General Provisions; Survey of Intangible Cultural Heritage; List of Representative Items of Intangible Cultural Heritage; Inheritance and Dissemination of Intangible Cultural Heritage; Legal Responsibility; and Supplementary Provisions.<sup>306</sup>

The **first chapter** defines the scope and aims of the Law, outlining the mechanisms through which the State is to safeguard ICH. Article 4 points out, regarding ICH considered for national protection, that ICH eligible for inclusion must exhibit the characteristics of *being authentic* (真实性, zhenshi xing) and *integrity* (整体性, zhengti xing). These criteria, reminiscent of the standards traditionally applied to tangible heritage in the West, appear to persist in the Chinese context despite international shifts following the 1994 Nara Document on Authenticity. The chapter further details the obligations of people's governments and civil society actors in ICH protection, as well as the allocation of responsibilities among different levels of government in promoting its economic and social value.

**Chapter 2** outlines the methodologies for conducting ICH surveys and responsibilities of local people's governments to document, preserve, and securely store the findings. Surveys must be conducted with express authorisation from national and local authorities, especially in cases involving foreign individuals or

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<sup>304</sup> Yawen Xu, Yu Tao, and Benjamin Smith, "China's Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage," *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 570, <https://doi.org/10.1080/10286632.2021.1993838>.

<sup>305</sup> Li Wang, *La Convention Pour La Sauvegarde Du Patrimoine Culturel Immatériel: Son Application En Droits Français et Chinois (Droit Du Patrimoine Culturel et Naturel)* (Paris: L'Harmattan, 2013), p.295.

<sup>306</sup> In Chinese: 第一章 总则; 第二章 非物质文化遗产的调查; 第三章 非物质文化遗产代表性项目名录; 第四章 非物质文化遗产的传承与传播; 第五章 法律责任; 第六章 附则.

organisations, as expressed in Article 15. Article 16 recognises the role of ICH bearers in the documentation process, particularly with respect to their right to give or withhold consent in the interest of protecting their legitimate interests.

**Chapter 3** sets forth the procedures for nominating ICH items for inclusion on representative lists (national and local levels). The insertion process also requires a preliminary evaluation which is open to the public and accepts comments made from the public. A further important aspect that must accompany each nomination and being included in the filing process is the appropriate formulation of plans concerning the protection of ICH items appropriate to the listing level.

**Chapter 4** focuses on the selection and recognition of ICH bearers and inheritors, whose eligibility is contingent on demonstrable transmission activities. These individuals or groups, once designated under the Central Government supervision, may receive state support and benefits but are also expected to fulfil requirements and specific duties. In the case of the appointment of this title, individuals and groups can receive certain benefits and support, together with a certain number of duties which determine the confirmation of their title over time. Bearers who cannot and are unable to pass down their knowledge through workshops or projects may be replaced. The chapter also lists the transmission and research encouragements that should be put in place by the State, such as:

- Use of science and technologies;
- Promotion in the schools through education;
- Establishment of public spaces, like libraries, museums and cultural spaces for the promotion of ICH and related research;
- Development of cultural products and services for market potential with the benefit of a tax leverage or incentive.

**Chapter 5** delineates legal responsibilities and penalties for violations by officials, domestic institutions, foreign organisations, and individuals. In particular, non-compliance by foreign actors may result in the confiscation of collected materials and the imposition of fines.

**Chapter 6** addresses the Law's relationship with other national laws and administrative regulations, including those concerning intellectual property rights

and provisions for specific heritage sectors such as traditional Chinese medicine, and craftsmanship.

While the Law aligns with the principles of the UNESCO 2003 Convention and translate the spirit of this into the Chinese internal legal text,<sup>307</sup> it is also rooted in pre-existing national and sub-national regulations, many of which shaped its final form. Nonetheless, certain provisions have attracted criticisms. Notably, the emphasis on the concept of *exceptionality* (中华民族优秀传统文化, Zhonghuo Minzu youxiu chuantong wenhua), meaning extraordinary value, by Article 18 of the Law. If the concept of *authenticity* is thoroughly discussed, when disengaging the Chinese law, as showed by Su's analysis,<sup>308</sup> the same cannot be said for the concept of *exceptionality*. The concept itself is a reminiscence of the *outstanding value* often referred to in the *Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity*.<sup>309</sup> This program worked as a pilot project between 2001 until 2005, where 90 forms of immaterial cultural heritage were proclaimed only during three sessions (2001, 2003, 2005). In the selection criteria the *outstanding value* from a “historical, artistic, ethnological, sociological, anthropological, linguistic or literary point of view”<sup>310</sup> is considered one of the fundamental elements to access the list, and as noted by Federico Lenzerini, this was a subjective characteristic which was to be determined by the communities of

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<sup>307</sup> Li Wang, *La Convention Pour La Sauvegarde Du Patrimoine Culturel Immatériel: Son Application En Droits Français et Chinois (Droit Du Patrimoine Culturel et Naturel)* (Paris: L'Harmattan, 2013), 297.

<sup>308</sup> Junjie Su, “Conceptualising the Subjective Authenticity of Intangible Cultural Heritage,” *International Journal of Heritage Studies* 24, no. 9 (October 21, 2018): 922, <https://doi.org/10.1080/13527258.2018.1428662>.

<sup>309</sup> UNESCO, “Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity (2001-2005),” accessed October 27, 2025, <https://ich.unesco.org/en/proclamation-of-masterpieces-00103>.

<sup>310</sup> UNESCO, “Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity - Implementation Guide,” n.d., UNESCO, [https://ich.unesco.org/doc/src/Proclamation\\_guide-2000\\_version-EN.pdf](https://ich.unesco.org/doc/src/Proclamation_guide-2000_version-EN.pdf).

origin.<sup>311</sup> Unfortunately, as it concerns the 2011 Chinese Law, it is implied that this extraordinary, exceptional characteristic of ICH has to be established by the State Council, implying an indirect exclusion of the communities in the selection process.<sup>312</sup> This raises concerns about the exclusion of practices deemed politically sensitive or inconsistent with official narratives.<sup>313</sup>

Furthermore, it needs to be noted that the Chinese Law imposes a very tight and rigid control over national ICH. As pointed out by Wang Li,<sup>314</sup> the resultant institutional framework gives form to a sort of “heritage police,” reflecting the extensive oversight exercised by central authorities. The Law also imposes strict regulations on foreign research and fieldwork, further underscoring China’s tightly managed approach to ICH governance. This provision is particularly important for this research, as *nongak* and *nongyuewu* are both represented in and outside of the Chinese territory. In the case of this research conducted on the Chinese settled Korean community, Korean organisations and individuals would first need to receive the approval from Chinese statal organs, further complicating the research environment. Internally, the situation doesn’t seem different, in fact, both the Ministry of Culture and the Ministry of Education, which are responsible for programme implementation and expert assessments, need to comply with the State Council decisions, as described by Article 18. The Chinese State Council is one of the strongest and most important administrative organs inside the Chinese State, the solely to hold the duty and right to establish an ICH representative list.

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<sup>311</sup> F. Lenzerini, “Intangible Cultural Heritage: The Living Culture of Peoples,” *European Journal of International Law* 22, no. 1 (February 1, 2011): 101–20, <https://doi.org/10.1093/ejil/chr006>.

<sup>312</sup> Luo Li, “Extraordinary Landmark in the Protection of Intangible Cultural Heritage of China,” *Queen Mary Journal of Intellectual Property* 1, no. 3 (September 1, 2011): 285, <https://doi.org/10.4337/qmjip.2011.03.06>.

<sup>313</sup> Caroline Bodolec and Frédéric Obringer, “L’impact de la Convention sur le patrimoine culturel immatériel en Chine,” in *Le patrimoine culturel immatériel au seuil des sciences sociales*, ed. Julia Csergo, Christian Hottin, and Pierre Schmit (Éditions de la Maison des sciences de l’homme, 2020), 4, <https://doi.org/10.4000/books.editionsmsh.16028>.

<sup>314</sup> Li Wang, *La Convention Pour La Sauvegarde Du Patrimoine Culturel Immatériel: Son Application En Droits Français et Chinois (Droit Du Patrimoine Culturel et Naturel)* (Paris: L’Harmattan, 2013), 297.

Finally, one of the most significant shortcomings of the Law is its limited provision for community participation in safeguarding and documenting cultural practices, a principle explicitly enshrined in Article 15 of the UNESCO Convention. This issue will be further explored in the following section, as it is considered one of the strongholds of the UNESCO ICH nominations in the analysis of the submitted files by the Committee.

### *Engagement of the Communities of Practice*

A striking feature for those familiar with the UNESCO 2003 Convention is the limited reference, within the Chinese ICH Law, to the role of communities of practice and ICH practitioners. Heritage bearers are addressed in Chapter 4 of the Law, which outlines their duties and responsibilities, as well as the circumstances under which they should step aside to allow other practitioners to engage more actively in the promotion of ICH expressions. However, their involvement in the process of documentation and nomination is only minimally addressed.

Article 16 affirms the importance of respecting the legitimate rights and interests of communities and inheritors, yet it does not include any provision for their participation in the nomination process. This omission contrasts with the UNESCO 2003 Convention, whose Operational Directives explicitly highlight the central role of communities in the preparation and submission of nomination files. In practice, this last process has particularly put importance to the final result of the nomination, which might be delayed if the committee cannot find a consistent engagement of the practitioners in the national safeguarding practices.

The absence of communities and other non-state actors in the nomination process can also lead to various imbalances both within and beyond the communities concerned. As You notes,<sup>315</sup> conflicts often arise among communities of practice

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<sup>315</sup> Ziyang You, “Shifting Actors and Power Relations: Contentious Local Responses to the Safeguarding of Intangible Cultural Heritage in Contemporary China,” *Journal of Folklore Research* 52, no. 2–3 (2015): 253–68, <https://doi.org/10.2979/jfolkrese.52.2-3.253>.

that safeguard similar ICH elements when those elements are selected for national or local inventories through a top-down process that excludes grassroots engagement.

Furthermore, the ICH Inheritors Programme, launched in 2005 as China's adaptation of UNESCO's Living Human Treasures system, is also primarily administered by government authorities with exclusive decision-making power.<sup>316</sup> This top-down structure may generate disputes regarding representativeness, and reinforce power asymmetries. Chen observes that the institutions tasked with overseeing the nomination process, whether at the local, provincial, or national level, wield considerable influence over ICH practices, given their central role in both the selection and application procedures.<sup>317</sup>

### *Ethnic Minorities and ICH Safeguarding*

Since the establishment of the People's Republic of China, ethnic minorities (少数民族) have been incorporated into the national administrative system, with significant efforts devoted to their identification and integration within the Maoist socio-political framework. Particularly from the 1950s onwards, a major campaign was launched to recognise and categorise China's ethnic minorities and document their diverse folk cultures.<sup>318</sup> However, the early approaches to this ethnographic

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<sup>316</sup> Christina Maags, "Cultural Contestation in China: Ethnicity, Identity, and the State," in *Cultural Contestation*, ed. Jeroen Rodenberg and Pieter Wagenaar (Cham: Springer International Publishing, 2018), 13–36, [https://doi.org/10.1007/978-3-319-91914-0\\_2](https://doi.org/10.1007/978-3-319-91914-0_2).

<sup>317</sup> Chen Zhiqin 陈志勤, "Fei wuzhi wenhua yichan de chuangzao yu minzu guojia rentong - yi 'Da Yu jidian' wei li" 非物质文化遗产的创造与民族国家认同—以 '大禹祭典' 为例 [The Creation of Intangible Cultural Heritage and National Identity: A Case Study of the 'Yu the Great Ceremony']," *Wenhua yichan* 2 (2010): 26–36, <https://doi.org/CNKI:SUN:WHYA.0.2010-02-007>; reference in Christina Maags, "Cultural Contestation in China: Ethnicity, Identity, and the State," in *Cultural Contestation*, ed. Jeroen Rodenberg and Pieter Wagenaar (Cham: Springer International Publishing, 2018), 13–36, [https://doi.org/10.1007/978-3-319-91914-0\\_2](https://doi.org/10.1007/978-3-319-91914-0_2).

<sup>318</sup> Caroline Bodolec and Frédéric Obringer, "L'impact de la Convention sur le patrimoine culturel immatériel en Chine," in *Le patrimoine culturel immatériel au seuil des sciences sociales*, ed. Julia Csergo, Christian Hottin, and Pierre Schmit (Éditions de la Maison des sciences de l'homme, 2020), <https://doi.org/10.4000/books.editionsmslh.16028>.

research were not primarily intended to celebrate cultural diversity. Rather, they often served to reinforce the perceived cultural superiority of the Han majority and the supposed backwardness of minority communities.

As China's political landscape evolved, especially during its period of economic reform and opening-up, policies towards ethnic minorities and their cultural specificities gradually shifted. These changes were reflected in the state's broader ideological campaign for a "harmonious society," which promoted a multi-ethnic national identity. Scholars have noted that the inclusion of ICH and tangible cultural assets of ethnic minorities into national inventories and government campaigns is part of a wider state-driven effort to assert control over peripheral territories and reinforce national unity.<sup>319</sup> Beyond this political rationale, the economic potential of ethnic minorities' cultural practices, especially within the tourism sector, has become an increasingly significant consideration, a theme that will be explored later in this chapter. As Harrell observed, Chinese policy toward ethnic minorities varies across provinces and localities but is generally characterised as a domestic "civilising project," wherein ethnic minorities are viewed by the state as populations in need of modernisation and education, with their tradition considered outdated and in need of advancement.<sup>320</sup>

Turning to the legal and administrative framework, the first key document is the Constitution of the People's Republic of China. Article 4, paragraph 4, affirms that "all ethnic groups have the freedom to use and develop their own languages and scripts, and have the freedom to maintain or reform their own costumes and habits,"<sup>321</sup> including the right to religious belief. Moreover, at Article 119 of the same document the text further stipulates that "the autonomous organs of ethnic autonomous areas shall independently manage the education, science, culture,

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<sup>319</sup> Robert Shepherd, "Cultural Heritage, UNESCO, and the Chinese State: Whose Heritage and for Whom?," *Heritage Management* 2, no. 1 (2009): 55–79, <https://doi.org/10.1179/hma.2009.2.1.55>.

<sup>320</sup> Tami Blumenfield and Helaine Silverman, eds., *Cultural Heritage Politics in China* (New York: Springer, 2013), 7.

<sup>321</sup> Original text: "各民族都有使用和发展自己的语言 文字的自由, 都有保持或改革自己的风俗习惯的自由。"

health, and sports undertakings in their respective areas, protect and organize the cultural heritage of the ethnic groups, and develop and prosper the ethnic culture.”<sup>322</sup> These provisions directly affect the preservation of ICH, particularly in the case study examined here: the Korean ethnic community residing predominantly in the Yanbian Korean Autonomous Prefecture, located in Jilin Province, north-east China. This administrative status allows for the development and enforcement of *ad hoc* legislation and local regulations specifically tailored to the needs of this community, as discussed in the following section.

In addition to the Constitution, the Law of the People’s Republic of China on Regional National Autonomy, first promulgated in 1984 and amended in 2001, further reinforces local autonomy in cultural matters, including protecting and enhancing local cultures and practices. Article 6 of Chapter I (General Provisions) mandates that local authorities in national autonomous areas should preserve and promote local cultural heritage. Article 38 encourages the inclusion of such heritage in school curricula and media,<sup>323</sup> while Article 42 calls for increased cultural cooperation and exchanges with foreign countries.<sup>324</sup> This latter provision is

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<sup>322</sup> Original text: 民族自治地方的自治机关自主地管理本地方的教育、科学、文化、卫生、体育事业，保护和整理民族的文化遗产，发展和繁荣民族文化。

<sup>323</sup> Kang Baocheng 康保成, “《Zhonghua renmin gongheguo feiwuzhi wenhua yichanfa》xingcheng de falu faguijichu 《中华人民共和国非物质文化遗产法》形成的法律法规基础 [Legislative foundation of the Law of the People’s Republic of China on Intangible Cultural Heritage],” *Ethnic Arts Quarterly*, no. 1 (2012): 47–75, <https://www.chinesefolklore.org.cn/upload/news/Attach-20130607103411.pdf>. Text of the Law mentioned in the text: “Article 6: The organs of self-government of national autonomous areas shall inherit and carry forward the fine traditions of national cultures, build a socialist society with an advanced culture and ideology and with national characteristics, and steadily raise the socialist consciousness and scientific and cultural levels of the people of the various nationalities; Article 38: The organs of self-government of national autonomous areas shall make arrangements for the units or departments concerned and support them in their efforts to collect, sort out, translate and publish historical and cultural books of minority nationalities and protect the scenic spots and historical sites in their areas, their precious cultural relics and their other important historical and cultural legacies, so as to inherit and develop their outstanding traditional culture.” People’s Republic of China, “Law of the People’s Republic of China on Regional National Autonomy,” 2016, [https://english.court.gov.cn/2016-04/14/c\\_761445.htm](https://english.court.gov.cn/2016-04/14/c_761445.htm).

<sup>324</sup> The Article states: “In accordance with relevant State provisions, the organs of self-government of national autonomous regions and autonomous prefectures may conduct exchanges with foreign countries in education, science and technology, culture and art, public health, sports, etc.” People’s

particularly relevant to the present case, as it facilitates cross-border cultural collaborations, such as exchanges between Korean Chinese and South Korean *nongak* performance groups, through legally sanctioned educational and cultural activities.

The national law further elaborates on the administrative responsibilities regarding ethnic minorities. The Chinese Law on Regional Ethnic Autonomy<sup>325</sup> gives more space and clarifications regarding ethnic minorities *per se* inside the administrative competences. Article 6 mandates to the ethnic autonomous areas the promotion of the “fine traditions of ethnic cultures” within a socialist framework, while Articles 10, 40, and 41 emphasise the preservation and development of ethnic languages, customs, traditional medicine, and traditional sports. Moreover, Article 53 calls upon local cadres to acknowledge and respect linguistic and cultural diversity within a unified multi-ethnic state. Article 63 highlights the economic dimensions of cultural heritage connected with local ethnic communities, assigning higher-level cadres the responsibility to support traditional handicraft production, an initiative tied closely to the broader agenda of tourism development and economic revitalisation, particularly in impoverished or marginalised regions. This shift into a consumption-driven economy, especially in the current phase of the Chinese push into the vitality and potential of China’s tourism sector,<sup>326</sup> has strong effects over traditional practices and ethnic communities’ micromanagement, a topic that deserves further investigations.

A pivotal document in this policy landscape is the 2000 joint release by the Ministry of Culture and the State Ethnic Affairs Commission: *Opinions on Further*

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Republic of China, “Law of the People’s Republic of China on Regional National Autonomy,” 2016, [https://english.court.gov.cn/2016-04/14/c\\_761445.htm](https://english.court.gov.cn/2016-04/14/c_761445.htm).

<sup>325</sup> The National People’s Congress of the People’s Republic of China, “Law of the People’s Republic of China on Regional Ethnic Autonomy,” accessed September 2, 2025, [http://en.npc.gov.cn.cdurl.cn/2024-01/10/c\\_954912.htm](http://en.npc.gov.cn.cdurl.cn/2024-01/10/c_954912.htm).

<sup>326</sup> State Council of the People’s Republic of China, “Tourism Consumption attests to vitality of China’s Economy,” accessed September 2, 2025, [https://english.www.gov.cn/news/202506/05/content\\_WS6840d0a1c6d0868f4e8f3137.html#:~:text=As%20part%20of%20its%20high-quality%20development%20strategy%2C%20China,industries%20and%20creating%20new%20demand%20and%20business%20models](https://english.www.gov.cn/news/202506/05/content_WS6840d0a1c6d0868f4e8f3137.html#:~:text=As%20part%20of%20its%20high-quality%20development%20strategy%2C%20China,industries%20and%20creating%20new%20demand%20and%20business%20models).

*Strengthening the Cultural Work of the Minority Ethnic Groups* (关于进一步加强少数民族文化工作的意见, Guanyu jinyibu jiaqiang shaoshu minzu wenhua gongzuo de yijian). This document outlines several strategies aimed at improving the safeguarding of minority cultures and enhancing living standards. Notably, it opens with a reference to “Western hostile forces”<sup>327</sup> allegedly influencing marginalised minority groups and threatening national stability, an assertion that underscores, as Shepherd argues, the Chinese government’s securitised approach to cultural policy in minority regions “through its official heritage and tourism policies.”<sup>328</sup> The *Opinions* document promotes the construction of cultural facilities for local ethnic communities, increased external investments in cultural development, and support for special projects in ethnic minority areas.

This document also heavily influenced the subsequent ICH Law, particularly Article 6.2, which stipulates that the state shall “provide support for safeguarding and preserving ICH in regions inhabited by minority ethnic groups, remote and border areas, and poverty-stricken areas.”<sup>329</sup> Another significant proposal found in the *Opinions* is the establishment of Cultural Ecological Protection Areas For Ethnic Minorities (少数民族文化生态保护区, shaoshu minzu wenhua shentai baohuqu),<sup>330</sup> under Section 6.1, a concept rooted in earlier initiatives such as the

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<sup>327</sup> An extract of the text in the original language: 特别是西方敌对势力利用文化加紧对我国民族地区进行渗透, 妄图“西化”、“分化”我国, 其不良影响不可忽视。From: Ministry of Culture - State and Ethnic Affairs Commission 文化部 国家民委, “Wenhuabu, Guojia Minwei guanyu yinfa ‘Guanyu jinyibu jiaqiang shaoshu minzu wenhua gongzuo de yijian’ de tongzhi 文化部、国家民委关于印发《关于进一步加强少数民族文化工作的意见》的通知 [Notice of the Ministry of Culture and the State Ethnic Affairs Commission on Issuing the ‘Opinions on Further Strengthening Work Concerning the Culture of Ethnic Minorities’],” 2005.

<sup>328</sup> Tami Blumenfield and Helaine Silverman, eds., *Cultural Heritage Politics in China* (New York: Springer, 2013), p. 6.

<sup>329</sup> Yawen Xu, Yu Tao, and Benjamin Smith, “China’s Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage,” *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 566–80, <https://doi.org/10.1080/10286632.2021.1993838>, p. 570.

<sup>330</sup> Kang Baocheng 康保成, “《Zhonghua renmin gongheguo feiwuzhi wenhua yichanfa》xingcheng de falu faguijichu 《中华人民共和国非物质文化遗产法》形成的法律法规基础 [Legislative foundation of the Law of the People’s Republic of China on Intangible Cultural

1987 China National Folk Culture Protection Project (中国民族民间文化保护工程会议). This initiative culminated in the 2007 establishment of the first National Cultural and Ecological Protection Experimental Zone (国家级文化生态保护实验区),<sup>331</sup> the Minnan Cultural Ecological Protection Experimental Zone in Fujian Province. As of today, 25 such zones have been created, although none have yet been designated in the region analysed in this case study. From the practical point of view, these zones aim to create protected spaces where local governments establish craft workshops, cultural learning centres, and tourist facilities for the local ethnic communities. The underlying goal is to alleviate poverty through the expansion of ICH practices to fit market-oriented mechanisms, this implies the automatic commodification of ICH as a tourist attraction. This reflects a broader governmental logic whereby economic development is seen as essential for achieving social stability and national unity in ethnically diverse border regions. As Ai observes, cultural heritage “has become a strong bond for ethnic harmony and national unity,”<sup>332</sup> with state support focused on heritage elements that align with the strategic priorities of the Chinese Communist Party.<sup>333</sup>

These objectives are further reflected in the Spring Rain Project (春雨工程, *chun yu gong cheng*), initiated by the Chinese government in 2012 and still ongoing. The name of the project draws on traditional Chinese metaphors describing culture as akin to spring rain, “quietly nourishing everything from human souls to society to

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Heritage],” *Ethnic Arts Quarterly*, no. 1 (2012): 47–75, <https://www.chinesefolklore.org.cn/upload/news/Attach-20130607103411.pdf>

<sup>331</sup> Ministry of Culture and Tourism, “Wenhua he luyou bu bangongting guanyu kaizhan 2021 niandu guojiaji wenhua shengtai baohu shiyan qu jianshe chengguo yanshou gongzuo de tongzhi (ban fei yi fa [2021] 69 hao) 文化和旅游部办公厅关于开展 2021 年度国家级文化生态保护实验区建设成果验收工作的通知 (办非遗发〔2021〕69 号) [Notice of the General Office of the Ministry of Culture and Tourism on the Acceptance of the Construction Achievements of the National Cultural Ecological Protection Experimental Zones in 2021 (No. 69 of the General Office of the Ministry of Culture and Tourism [2021])],” 2021, [https://www.ihchina.cn/file\\_defail/22742.html](https://www.ihchina.cn/file_defail/22742.html).

<sup>332</sup> Jiawen Ai, “‘Selecting the Refined and Discarding the Dross’ The Post-1990 Chinese Leadership’s Attitude Towards Cultural Tradition,” in *Routledge Handbook of Heritage in Asia*, ed. Patrick Daly and Tim Winter, (Routledge, 2012), 129–38, <https://doi.org/10.4324/9780203156001>.

<sup>333</sup> *Ibid.*

the whole world,” as articulated by then-Minister of Culture Cai Wu (2008-2014).<sup>334</sup> This programme targets border areas of the Chinese State, excluding more economically advanced areas such as the Yanbian Prefecture. Its goals include deploying volunteers “to areas that are traditionally inhabited by minority ethnic groups so as to cultivate local cultural talents and to digitalise local cultural knowledge.”<sup>335</sup> The major role of these volunteers is the overall improvement of locally driven business through the introduction of technologies and reporting on the promotion and support of local outstanding ethnic cultures.<sup>336</sup> While its well intentions, several criticisms arouse, much like the 2011 Law, this project too lacks of benefit-sharing mechanisms and insufficient community involvement. Project documentation focuses primarily on the duties of volunteers and implementing authorities, leaving limited room for community agency or feedback.

In summary, since the founding of the People’s Republic, the Chinese state has invested considerable effort in integrating ethnic minorities into the socialist nation-building project. However, an analysis of the various laws, policies, and programmes reveals a predominantly top-down approach to managing and preserving ethnic minorities’ ICH. Community participation in the safeguarding, conservation, and documentation processes remains limited, with primary responsibility falling on local authorities. Moreover, initiative such as the Cultural and Natural Ecological Protection Areas and the Spring Rain Project illustrate how heritage policy is increasingly aligned with market-driven development, using culture as a tool for poverty alleviation and regional stability. This often comes at

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<sup>334</sup> Meng Meng, “Chinese Soft Power: The Role of Culture and Confucianism,” *Renée Crown University Honors Thesis Projects - All*, May 1, 2012, [https://surface.syr.edu/honors\\_capstone/182](https://surface.syr.edu/honors_capstone/182).

<sup>335</sup> Yawen Xu, Yu Tao, and Benjamin Smith, “China’s Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage,” *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 574, <https://doi.org/10.1080/10286632.2021.1993838>.

<sup>336</sup> Ministry of Culture, “Wenhua bu zhongyang wenming ban guanyu kaizhan 2012 nian ‘chunyu gongcheng’— quanguo wenhua zhiyuanzhe bianjiang xing gongzuo de tongzhi 文化部中央文明办关于开展 2012 年 ‘春雨工程’ — 全国文化志愿者边疆行工作的通知 [Notice from the Ministry of Culture and the Central Civilization Office on the launch of the 2012 ‘Spring Rain Project’ - National Cultural Volunteers’ Frontier Tour],” February 14, 2012, [https://zwgk.mct.gov.cn/zfxxgkml/ggfw/202012/t20201206\\_918789.html](https://zwgk.mct.gov.cn/zfxxgkml/ggfw/202012/t20201206_918789.html).

the expense of preserving less marketable, but deeply rooted, cultural traditions. As Qin Zhipeng (覃志鹏) has argued, several issues hinder the effective protection of ethnic minorities' ICH, including an underdeveloped legal framework, lack of coordination among agencies, and growing commercial pressure that threaten to undermine cultural authenticity from within.<sup>337</sup>

### *Yanbian Korean Autonomous Prefecture Regulations for Safeguarding ICH*

Since the establishment of the Yanbian Korean Autonomous Prefecture in 1985, a number of regulations have been introduced to safeguard and promote local Korean culture, as outlined in Table 10 List of Laws and Regulations related to Korean Heritage in the Chinese Yanbian Prefecture collected by the Author. However, a regulation specifically dedicated to the protection of intangible cultural heritage was not enacted until 2015, four years after the adoption of the national Law on ICH. In June 2015, the Yanbian Korean Autonomous Prefecture promulgated the *Regulations on the Protection of the Intangible Cultural Heritage of the Korean Nationality* (延边州朝鲜族非物质文化遗产保护条例, Yanbian zhou chaoxianzu fei wuzhi wenhua yichan baohu tiaoli), followed in August of the same year by the *Dunhua City Intangible Cultural Heritage Protection Measures* (敦化市非物质文化遗产保护办法, Dunhuashi feiwuzhi wenhua yichan baohu banfa).<sup>338</sup>

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<sup>337</sup> Piao Jinghua 朴京花, *Chaoxianzu feiwuzhi wenhuayichan baohu yu chuancheng yanjiu* 朝鲜族非物质文化遗产保护与传承研究 [Research on the Protection and Inheritance of the Intangible Cultural Heritage of the Korean Ethnic Minority] (Söul: Yöngnak, 2023), 29.

<sup>338</sup> Text in the original language: 延边朝鲜族自治州于 2015 年 6 月制定出台了《延边州朝鲜族非物质文化遗产保护条例》，延边朝鲜族自治州敦化市于 2015 年 8 月制定出台了《敦化市非物质文化遗产保护办法》。Jilin Province Department of Culture and Tourism, “Jilin Sheng ‘Feiwuzhi Wenhua Yichan Fa’ Guanche Luoshi Qingkuang Zicha Baogao 吉林省《非物质文化遗产法》贯彻落实情况自查报告 [Self-inspection report on the implementation of the ‘Intangible Cultural Heritage Law’ in Jilin Province],” accessed October 21, 2025, [https://whhlyt.jl.gov.cn/zwgk/xxgs/201608/t20160816\\_3110631.html](https://whhlyt.jl.gov.cn/zwgk/xxgs/201608/t20160816_3110631.html).

<b>Year</b>	<b>Regulation Title</b>
1988	Regulations on Korean Language and Writing Works of Yanbian Korean Autonomous Prefecture - 延边朝鲜族自治州朝鲜语言文字工作条例
1989	Regulations on Cultural Work of Yanbian Korean Autonomous Prefecture - 延边朝鲜族自治州文化工作条例
1993	Regulations on the Protection and Development of Daily Necessities Production of Yanbian Korean Autonomous Prefecture - 延边朝鲜族自治州日用品生产保护及发展条例
1994	Regulations on Korean Education of Yanbian Korean Autonomous Prefecture - 延边 朝鲜族自治州朝鲜族教育条例
2009	Regulations on the Development of Korean Medicine of Yanbian Korean Autonomous Prefecture - 延边朝鲜族自治州朝医药发展 条例
2011	Regulations on the Protection and Development of Traditional Korean Sports of Yanbian Korean Autonomous Prefecture - 延边朝鲜族自治州朝鲜族传统体育的保护和发展条例
2012	Regulations on Population Development of Yanbian Korean Autonomous Prefecture - 延边朝鲜族自治州人口发展条例

*Table 10* List of Laws and Regulations related to Korean Heritage in the Chinese Yanbian Prefecture collected by the Author

According to the official statement by the Jilin Provincial Department of Culture and Tourism:

The promulgation and implementation of the "Regulations" provides a legal basis and guarantee for the protection of intangible cultural heritage in Yanbian Prefecture and provides strong support for further promoting the standardization and legalization of the protection of intangible cultural heritage in the whole state,

improving the scientific level of protection work, and promoting excellent traditional culture.<sup>339</sup>

Beside these regulations, it is important to remember the constitution of a research group on local ICH established in 2005, under the name of Yanbian Korean Autonomous Prefecture Intangible Cultural Heritage Protection Leading Group (延边朝鲜族自治州非物质文化遗产保护领导小组, Yanbian chaoxianzu zizhizhou feiwuzhi wenhua yichan baohu lingdao xiaozu). This group, composed by experts in the field, was the first official response to the national *Notice on Strengthening the Protection of Cultural Heritage* (关于加强文化遗产保护的通知, guanyu jiaqiang wenhua yichan baohu de tongzhi) released in 2005 by the State Council, and anticipating the national legislation.

Despite these developments, scholars such as Professor Ping argue that these legislative measures fail to fully reflect the inherent nature of ICH, its vitality, diversity, and irreplaceability.<sup>340</sup> Furthermore, the low binding and largely symbolic nature of such policies often neglects the genuine needs of the communities that safeguard ICH practices. As a result, the expressions and cultural traditions of the

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<sup>339</sup> Text in the original language: 6月10日, 延边州人大常委会召开新闻发布会, 正式颁布实施《延边朝鲜族自治州朝鲜族非物质文化遗产保护条例》。(…)《条例》共三十六条, 分别对非物质文化遗产的认定、规划、监督、管理、开发与利用进行了规范, 明确了政府及有关部门的责任, 对非遗项目保护单位和传承人的权利和义务以及社会保障措施等内容给予了设定, 同时设定了相应的法律责任。

《条例》的颁布实施, 为延边州非遗保护工作提供了法律依据和保障, 对进一步推动全州非物质文化遗产保护工作的规范化、法制化进程, 提升保护工作的科学化水平, 弘扬优秀传统文化提供了强有力的支撑。

Jilin Department of Culture and Tourism, “‘Yanbian Chaoxianzu Zizhizhou Chaoxianzu Fei Wuzhi Wenhua Yichan Baohu Tiaoli’ zhengshi banbu shishi 《延边朝鲜族自治州朝鲜族非物质文化遗产保护条例》正式颁布实施 [The ‘Regulations on the Protection of Korean Intangible Cultural Heritage in Yanbian Korean Autonomous Prefecture’ were officially promulgated and implemented],” June 12, 2015, [https://whhlyt.jl.gov.cn/stdt/201506/t20150612\\_3109103.html](https://whhlyt.jl.gov.cn/stdt/201506/t20150612_3109103.html).

<sup>340</sup> Piao Jinghua 朴京花, *Chaoxianzu feiwuzhi wenhuayichan baohu yu chuancheng yanjiu 朝鲜族非物质文化遗产保护与传承研究 [Research on the Protection and Inheritance of the Intangible Cultural Heritage of the Korean Ethnic Minority]* (Söul: Yöngnak, 2023), 132.

Korean ethnic minority' have experienced a gradual and intensifying decline in the last decades.

The legislative framework adopted in Yanbian Prefecture closely mirrors the structure of the 2011 National ICH Law. It comprises 37 articles, beginning with the standard definition of purpose and scope of ICH and of the regulations, as already discussed in the previous section on ICH definitions in Chinese legislation. The framework appears to combine elements from both the 2011 Chinese Law and the UNESCO 2003 Convention. The Safeguarding methods and processes, together with the distribution of duties and rights of the authorities involved are specified in Article 5 and 6, as well as in Article 28 where the regulations try to extend ICH protection the production practices, and Article 29 that stresses the means for protecting ICH inheritors.

Notably, the Regulations provide a more inclusive approach to communities of practice, inheritors, and the public. Article 16 stipulates that individuals, legal persons, and organisations are all eligible to submit applications for ICH inscriptions, an option absent from the national law, yet consistent with UNESCO's international standards. Moreover, Articles 21 to 25 specify procedures for designating inheritors, evaluating their contributions, and outlining the support measures to be provided by local authorities, as well as the obligations inheritors are expected to fulfil.

In this regard, the Yanbian regulations address several gaps left by the National legislation. However, they still fall short in empowering local communities to engage actively in the documentation process. The conservation of ICH-related artefacts is envisioned through voluntary donations of privately owned objects deemed valuable for safeguarding efforts (article 11). Nonetheless, this approach reflects a passive form of community involvement in the conservation effort. Moreover, decisions regarding the designation of inheritors remain entirely in the hands of cultural authorities (Article 22), excluding communities from key decision-making processes.

Despite these shortcomings, the Yanbian regulations represent a significant step forward when compared to the national framework. They demonstrate a greater

willingness to accept external collaborations, including from overseas partners, organisations, and individuals (Article 12), which suggests a more open and potentially dynamic approach to ICH safeguarding.

### *ICH and the Market Economy*

Over time, China has developed a range of programmes targeting ICH and its practitioners, with the stated aim of generating positive outcomes not only for heritage preservation but also for poverty alleviation in underdeveloped regions. These initiatives often emphasise the marketability of ICH, including the transformation of heritage landscapes into tourist oriented ‘folk villages,’ also referred to as ecological cultural zones. However, the commodification of ICH brings with it a series of risks and tensions. One significant issue is the potential homogenisation or over-standardisation of cultural expressions. ICH, by definition, is a living heritage, it evolves over-time in response to changing social, cultural, and environmental contexts. Yet this dynamic aspect is frequently overlooked in favour of preserving an ‘authentic’ form of the cultural expression, perceived as an archetype to be transmitted unchanged to future generations. This notion of authenticity has not only informed Chinese legislation but has also become embedded in national cultural policymaking.<sup>341</sup> However, this concept is most often applied only to the external and superficial aspect of local cultural traditions and, on the other side, the deep cultural connections with the local community, its social structure and rituality are instead left behind. In this sense, the administration preserves only partially its authenticity and repurpose ICH to fit the contemporary Chinese urban society.

The application of market logic to ICH often leads to the denaturalisation of practices that historically emerged from specific cultural sensitivities, rather than in

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<sup>341</sup> Hu Yufu 胡玉福, “Fei Yi Bao Hu Biao Zhun Yu Wen Hua Duo Yang Xing de Mao Dun Yu Tiao Xie 非遗保护标准与文化多样性的矛盾与调谐 [Conflicts and Mediation between the Standard and Diversity in ICH Protection],” *Wenhua Yichan [Cultural Heritage]* 6 (2018): 10–18, <https://www.ihchina.cn/Article/Index/detail?id=21390>.

response to economic demand. For this reason, academic research and anthropological scholarship has repeatedly drawn attention to the risks posed by state-led initiatives. Among the most common manifestations of ICH marketisation are the institutionalisation of performances, the creation of public shows for tourist consumption, the mass production of once-local goods for commercial sale, the creation of designated areas to serve as local and indigenous parks for tourism, and the organisation of festivals designed to attract both domestic and international visitors.

One of the key dangers identified by scholars within the Chinese context is the transformation of ICH practices into mere touristic spectacles, leading to a gradual detachment of the community from the tradition itself. A frequently cited example is that of Kunqu opera. Based on Isabel Wong's research and interviews with members of the community of practice, it was found that the once intimate and community-oriented staging of Kunqu had been transformed "into a 'Cacophony,' under the request of the local government to performers to hold a weekly open performance in the public park resulting in a mass singing targeting tourists."<sup>342</sup>

Another point of contention concerns the selective representation of ICH by local authorities. In some cases, particular communities or individuals are chosen to officially represent a cultural practice, while others, equally linked to that heritage, are excluded. Christina Maags's research on the multi-level governance of heritage in Lancang County community, Yunnan Province, illustrates how such decisions can generate both internal disputes within communities and tensions between communities and the state or local governments.<sup>343</sup> As Maags observes, these contestations often take subtle forms, with communities expressing dissent

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<sup>342</sup> Isabel K. F. Wong, "The Heritage of Kunqu: Preserving Music and Theater Traditions in China," in *Intangible Heritage Embodied* (New York: Springer, 2009), 33, <http://link.springer.com/10.1007/978-1-4419-0072-2>.

<sup>343</sup> Christina Maags, "Cultural Contestation in China: Ethnicity, Identity, and the State," in *Cultural Contestation*, ed. Jeroen Rodenberg and Pieter Wagenaar (Cham: Springer International Publishing, 2018), 13–36, [https://doi.org/10.1007/978-3-319-91914-0\\_2](https://doi.org/10.1007/978-3-319-91914-0_2).

indirectly through symbolic or silent resistance, and more than often within the ICH practice itself.

Chen Ziqin similarly notes how the inscription of two major rituals, Reverence for Yu the Great and the Emperor Shun Temple Festival, onto the national ICH list has led to their objectification.<sup>344</sup> First, local administration have supplanted the community as the recognised representative of these religious traditions. Second, financial resources are now allocated in accordance with this new administrative hierarchy. In minority areas, such transformations are compounded by what Wang describes as “the phenomenon of arbitrary use and excessive development” of heritage sites for the pursuit of economic gain.<sup>345</sup> These dynamics not only reshape socio-cultural relationships but also alter the geographical and symbolic landscapes of minority communities, often pushing them to the margins of their own cultural environments.

In the case of the Korean Chinese community, particularly those involved in the performance of *nongyuewu*, the relationship with the market economy has long been entrenched. According to Piao, this transformation can be traced back to the 1930s, when an artist named Han Sǒng-chun (한성준) adapted traditional farm music for stage performances. Following Japan’s surrender, 24 farmers from Badao Village in Yangji County (present-day Longjing City) established a cultural troupe to perform “farm music and dances.”<sup>346</sup> This early-shift from community-based ritual to stage art indicates that, in the case of *nongyuewu*, the transition occurred organically and was driven from within the community, rather than imposed by

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<sup>344</sup> Zhiqin Chen, “For Whom to Conserve Intangible Cultural Heritage: The Dislocated Agency of Folk Belief Practitioners and the Reproduction of Local Culture,” *Asian Ethnology* 74, no. 2 (November 30, 2015), <https://doi.org/10.18874/ae.74.2.04>.

<sup>345</sup> Wenjun Yan, “Ethical Principles for Safeguarding Intangible Cultural Heritage: How to Protect Intangible Cultural Heritage of Minority Ethnic Groups in China,” *Advances in Historical Studies* 12, no. 01 (2023): 32–45, <https://doi.org/10.4236/ahs.2023.121003>.

<sup>346</sup> Piao Jinghua 朴京华, *朝鲜族非物质文化遗产保护与传承研究 [Research on the Protection and Inheritance of the Intangible Cultural Heritage of the Korean Ethnic Minority]* (Sŏul: Yŏngnak, 2023), 71.

external administrative forces. In fact, farmers constituted groups, and art troupes without the push of the local or national governments.

Nevertheless, the role of the state in shaping the contemporary form of *nongyuewu* cannot be ignored. During the early Maoist period, a local propaganda team was reorganised as an official art troupe, under this same name, incorporating performances by ethnic Korean farmers. As a result, what is now presented as *nongyuewu* is already a historically revised version, shaped by socio-political changes over the decades. Unlike the other ethnic communities whose cultural expressions were recently commodified, the Korean Chinese community in Yanbian underwent this process as early as the late 1940s and 1950s.

Today, the Korean Chinese community part of the national and provincial ICH lists is also part of the national principle named: Productive Protection Theory of Intangible Cultural Heritage (非物质文化遗产生产性保护理论, *feiwuzhi wenhua yichan xingbaohu lilun*), a theory which promotes the economic utilisation of cultural heritage to ensure its sustainability. As Piao explains, this approach aims to counter the “lack of internal motivation” in ICH protection and inheritance.<sup>347</sup> Consequently, visitors to the Yanbian Prefecture are now regularly exposed to staged performances of *nongyuewu* as part of a broader cultural tourism experience. According to a 2024 census conducted by Piao, 24 villages with distinct Chinese Korean cultural characteristics are currently operating as tourist destinations in the Yanbian area. These villages offer the local community opportunities to benefit economically from their own cultural practices through tourism. *Nongyuewu* has also been integrated into various cultural projects and festivals. For instance, it featured prominently in the 2016 “Rice Planting Festival,”<sup>348</sup> and has been a core component of themed tours in Jilin Province and the Yanbian Prefecture, offering

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<sup>347</sup> *Ibid*, 95.

<sup>348</sup> Jilin Province Department of Culture and Tourism 吉林省文化和旅游厅, “Liuhe Xian juxing daomi chayang jie feiyi chuantong jiyi chuancheng huodong 柳河县举行稻米插秧节非遗传统技艺传承活动 [Liuhe County held an Intangible Cultural Heritage traditional skills transmission event for the Rice Transplanting Festival],” May 31, 2016.

curated experiences aimed at both youth and adults who want to experience local culture and traditions.

These activities are intrinsically linked to Korean culture and to transborder ties with North Korea. Many of the events and tourism routes are concentrated along the Yalu River and the China-North Korea border, often including guided visits to areas such as national natural parks,<sup>349</sup> and tours on the Changbai Mountain (长白山, Changbai shan), known as Mount Paekdu (백두산, Paekdu san) in Korean.<sup>350</sup> This geographic and cultural proximity further reinforces the importance of *nongyuewu* not only as a symbol of Korean Chinese identity but also as a cultural bridge between China and the broader Korean Peninsula.

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<sup>349</sup> Jilin Province Department of Culture and Tourism, “集安市旅游线路（0937—0969）[Ji'an City Tourist Routes (09:37-09:69)],” accessed September 2, 2025,

[http://whhlyt.jl.gov.cn/ztl/jlslyxlhxj/gdxl/th/jas/202507/t20250709\\_9276640.html](http://whhlyt.jl.gov.cn/ztl/jlslyxlhxj/gdxl/th/jas/202507/t20250709_9276640.html).

<sup>350</sup> Jilin Province Department of Culture and Tourism, “Jixiang shujia yanxue qinzi you (0166 – 0175) 吉祥暑假 研学亲子游（0166—0175）[Auspicious Summer Vacation Study and Family Tour (0166-0175)],” accessed September 2, 2025, [http://whhlyt.jl.gov.cn/ztl/jlslyxlhxj/jxsjyxqzy/202505/t20250523\\_9238830.html](http://whhlyt.jl.gov.cn/ztl/jlslyxlhxj/jxsjyxqzy/202505/t20250523_9238830.html).

## 4.2 South Korean legal and administrative system for the safeguarding of Intangible Cultural Heritage

### *Definition of ICH from the Korean Perspective*

The definition of Intangible Cultural Heritage under current South Korean legislation is set out in Article 2 of the *Act for the Safeguarding and Promotion of Intangible Cultural Heritage* (문화유산의 보존 및 활용에 관한 법률, munhwayusanŭi pojon mit hwaryonge kwanhan pŏmnyul). This article provides definitions for several key terms, including *intangible cultural heritage* (무형유산, muhyŏngyusan), which encompasses the following categories:

- Traditional performing arts  
(전통적 공연 · 예술, chŏnt'ongjŏk kongyŏnt'wiyesul)
- Traditional techniques related to crafts and the arts  
(공예, 미술 등에 관한 전통기술, kongye, misul tŭnge kwanhan chŏnt'onggisul)
- Traditional knowledge concerning Korean medicine, agriculture, and fishing  
(한의학, 농경 · 어로 등에 관한 전통지식, hanŭiyak, nonggyŏngt'wiŏro tŭnge kwanhan chŏnt'ongjishik)
- Oral traditions and expressions  
(구전 전통 및 표현, kujŏn chŏnt'ong mit p'yohyŏn)
- Traditional living customs, including food and drink  
(의식주 등 전통적 생활관습, ŭishikchu tŭng chŏnt'ongjŏk saenghwalgwansŭp)
- Social rituals, including folk beliefs  
(민간신앙 등 사회적 의식(儀式), min'ganshinang tŭng sahoejŏk ŭishik)

- Traditional games, festivals, and martial arts  
(전통적 놀이 · 축제 및 기예 · 무예, chōnt'ongjök  
norit'wich'ukche mit kiyet'wimuye)

These categories broadly reflect, almost *ad litteram*, those of the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. Nonetheless, distinctly Korean elements, such as the oriental medicine and martial arts, have also been specifically incorporated.

The current Act replaces the previous *Cultural Properties Protection Act* (문화재보호법, munhwajaebohobŏp), which had recognised ICH only in more restrictive artistic categories, namely theatre, music, dance, craftsmanship, and other forms of cultural property primarily valued for their “function” and artistic qualities.<sup>351</sup> As Kim Soon-ho observes, the concept of ICH has progressively evolved through successive revisions of the legislation: from the 1962 Act, to the 1999 Amendment (Act No. 5719), the 2010 Amendment (Act No. 10000), culminating in the 2015 Act dedicated exclusively to ICH.<sup>352</sup> This gradual expansion has enabled the inclusion of languages, oral traditions and expressions, and a diverse array of living practices, such as the production of food, beverages, and games, that were previously overlooked, thus bringing Korean legislation into closer conformity with the international framework.

Article 2 can be further unpacked to clarify the scope of the listed categories. “Traditional performing arts,” for example, encompass music, dance, drama, composite arts, and other forms of traditional performance. “Traditional techniques related to crafts” can include and extend to craftsmanship, architecture, fine arts, and other practices rooted in tradition. The category of “traditional knowledge” aligns broadly with the UNESCO Convention’s category (d): “knowledge and

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<sup>351</sup> Soon-ho Kim, “Kukkamuhyōngmunhwajae Chongmogūi Myōngch’ing Kaesōne Kwanhan Yōn’gu [A Study on the Improvement of National Intangible Cultural Heritage (NICH) Names in Korea],” *The Journal of Cultural Policy* 34, no. 2 (2020): 71–104, <https://doi.org/10.16937/jcp.2019.34.2.71>.

<sup>352</sup> *Ibid.*

practices concerning nature and the universe,” including folk medical knowledge, production techniques, cosmological understandings, and related forms of expertise. Finally, the category of “traditional lifestyle customs” may be further subdivided into seasonal customs, clothing, foodways, housing, and other everyday practices associated with traditional ways of life.

### *Korean Law for the Safeguarding of ICH*

The Korean peninsula has historically had more experience, from a legislative perspective, in the protection and promotion of ICH than China. During the Japanese colonial period, for instance, the *Temple Ordinance* (寺刹令, sach’allyōng, or *Jisatsurei* in Japanese based on Nathan’s study)<sup>353</sup> was already in effect, and a colonial law aimed at protecting specific forms of cultural heritage marked one of the earliest steps towards the institutionalisation of cultural policy, even though it brought to the rapid suffocation of Korean culture through assimilation. In 1945, the *Old Palace Property Disposal Law and Old Royal Family’s Property Law*<sup>354</sup> (황실재산정리법 (皇室財産整理法), *Hwangsil chaesan chōngni-pōp*), originally enacted in 1907 when Korea was a Japanese protectorate, were soon replaced, after independence, by the *Cultural Property Protection Act* (No. 621) of 1962 under the Park Chung-hee’s administration.

Notably, even prior to the Japanese annexation of the Korean peninsula, regulations during the Chosŏn period prescribed specific rules and guidelines for the production of certain household goods, furniture, clothing, and ritual items, as mandated by

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<sup>353</sup> Mark A. Nathan, “The Encounter of Buddhism and Law in Early Twentieth-Century Korea,” *Journal of Law and Religion* 25, no. 1 (2010–2009): 4, <https://www.jstor.org/stable/25654351>. Following the current romanization style, the correct form would be: Sach’al-ryōng (Korean), and Jisatsuryō (Japanese).

<sup>354</sup> Seong-yong Park, *On Intangible Heritage Safeguarding Governance: An Asia-Pacific Context* (Newcastle-upon-Tyne: Cambridge Scholars Publishing, 2013), 96.

royal ordinance.<sup>355</sup> While such ordinances cannot be considered equivalent to contemporary laws for the safeguarding of ICH, they nevertheless reveal early elements of traditional conservatism. In particular, these documents display concerns with the documentation and regulated production of crafts, principles that remain characteristic of current ICH safeguarding practice.

Year	Law	Type (Law/Amendment)
1933	Chosŏn Treasures, Historic Sites, Scenic Sites, and Natural Monuments Preservation Act - 조선보물고적명승천연기념물보존령	Law
1962	Cultural Properties Protection Law, Act n. 961 - 문화재보호법	Law
2015	Act on the Safeguarding and Promotion of Intangible Cultural Properties (n. 13248) - 무형문화재 보전 및 진흥에 관한 법률 [법률 제 13248 호, 2015. 3. 27., 제정]	Law
2018	Law for the Safeguarding of Cultural Properties - 문화재보호법	Law
2023	Act on Preservation and Promotion of Intangible Cultural Heritage - 무형유산의 보전 및 진흥에 관한 법률 [법률 제 19588 호, 2023. 8. 8., 일부개정]	Amendment
2023	Act on the Preservation and Utilization of Cultural Heritage - 문화유산의 보존 및 활용에 관한 법률 [법률 제 19248 호, 2023. 3. 21., 일부개정]	Amendment
	Act on the Partial Amendment of the Act on the Promotion of Culture and Arts (No. 6132) - 문화예술진흥법중개정법률(제 6132 호)	Law

<sup>355</sup> The *Kyŏnyang* (견양) were drawings of furniture and objects used to maintain high standards and quality for the royal court. These drawings were published in the Royal Protocols (*Ŭigwe*, 의궤).

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Table 11 Chronological list of laws, regulations and measures for the protection and promotion of Korean National heritage collected by the Author

However, the current *Act on the Preservation and Promotion of Intangible Cultural Heritage* (무형유산의 보전 및 진흥에 관한 법률, muhyöngyusanüi pojön mit chinhünge kwanhan pömnnyul) is not an amendment of the 1962 law, but rather an entirely new statute enacted in 2015 under the title *Act on the Safeguarding and Promotion of Intangible Cultural Properties* (Law No. 13248 - 무형문화재 보전 및 진흥에 관한 법률). The version now in force is the one amended in 2023, which replaced the term *intangible cultural properties* (무형문화재) with the internationally recognised definition of *intangible cultural heritage* (무형문화유산, muhyöngmunhwayusan), thereby aligning with the terminology of the 2023 UNESCO Convention. This change also brought the Korean legal definition closer to the one used in China (遗产) and reduced its dependence on the Japanese legal legacy, where the term *properties* is still employed in the *Law for the Protection of Cultural Properties* (文化財保護法, bunkazai hogohō).<sup>356</sup>

The current legislation for the safeguarding and promotion of Korean ICH entered into force in 2016, almost thirteen years after the UNESCO Convention and eleven years after Korea's ratification in 2005.<sup>357</sup> Despite this relatively late adoption of an *ad hoc* national framework for ICH, it should be noted that the *Cultural Properties Protection Law* (문화재보호법, Munhwajaeboböb), now renamed *Act on the Preservation and Utilization of Cultural Heritage* (문화유산의 보존 및 활용에 관한 법률), had already encompassed provisions for the protection of ICH. Article

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<sup>356</sup> Agency for Cultural Affairs Government of Japan, “Bunkazai kanren” 文化財関連 [Cultural Properties Related], accessed September 2, 2025, [https://www.bunka.go.jp/seisaku/bunka\\_gyosei/shokan\\_horei/bunkazai/index.html](https://www.bunka.go.jp/seisaku/bunka_gyosei/shokan_horei/bunkazai/index.html).

<sup>357</sup> UNESCO, “Convention for the Safeguarding of the Intangible Cultural Heritage – Legal Affairs,” accessed September 2, 2025, <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage#item-2>.

2 of that Act included both the protection of *Intangible Cultural Properties* (무형문화재), and *Folk Cultural Properties* (민속문화재, minsok munhwajae). Nonetheless, the current legislation represents a significant enhancement: it is broader, more comprehensive, and more sophisticated than its predecessor, addressing criticisms regarding the previous narrow scope of legal protection and concerns over lagging behind neighbouring China in heritage protection standards.<sup>358</sup>

At the time of writing, the *Act on the Preservation and Promotion of Intangible Cultural Heritage*, hereafter referred to as the *Intangible Cultural Heritage Act*, has been amended eleven times. The current version, Law No. 20835, coming into effect on September 26, 2025. It consists of 58 articles organised into 10 sections: (1) General Provisions (총칙); (2) Establishment and Promotion of Intangible Cultural Heritage Policies (무형유산 정책의 수립 및 추진, Muhyöng yusan chöngch'aek ũi surip mit ch'ujin); (3) Designation of National Intangible Heritage (국가무형유산의 지정 등, Kukka muhyöng yusan ũi chijöng tŭng); (4) Recognition of Holders and Holding Organisations (보유자 및 보유단체 등의 인정, Poyuja mit poyudanch'e tŭng ũi injöng); (5) Transfer Education and Disclosure (전수교육 및 공개, Chönsu kyoyuk mit konggae); (6) Do's Intangible Cultural Heritage (도무형유산, To-muhyöng-yusan); (7) Promotion of Intangible Cultural Heritage (무형유산의 진흥, Muhyöng yusan ũi chinhŭng); (8) Implementation of the UNESCO Convention (유네스코 협약 이행, Yunesŭk'o hyöbyak iheng); (9) Supplementary Provisions (보칙, Poch'ik); (10) Penalties (벌칙, Pölch'ik).

## First Chapter (Articles 1-6) – General Provisions

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<sup>358</sup> Yöng-hwa Ch'oe and Kyöng-sön Min, “Muhyöngmunhwajae böp ũi Chaengjömgwa Muhyöngmunhwajae Pojön Chinhŭng Pangan Yön-gu [A Study on the Issues of the Intangible Cultural Heritage Act and Measures for Preserving and Promoting Intangible Cultural Heritage] *National Assembly Research Center* 9, no. 2 (2017): 29–54, [https://www.nars.go.kr/fileDownload2.do?doc\\_id=1LuZ-LgjmL8&fileName=02%20%20%EC%B5%9C%EC%98%81%ED%99%94.%EB%AF%BC%EA%B2%BD%EC%84%A0\(029-054\).pdf](https://www.nars.go.kr/fileDownload2.do?doc_id=1LuZ-LgjmL8&fileName=02%20%20%EC%B5%9C%EC%98%81%ED%99%94.%EB%AF%BC%EA%B2%BD%EC%84%A0(029-054).pdf).

The overarching objective of the legislation is set out in Article 1: to promote the creative transmission of traditional culture and the preservation and promotion of ICH, thereby contributing to the development of human culture. This is followed by the description of the categories of ICH eligible for protection, together with a section defining key terms used throughout the text. These include: the term *typical* (전형 - 典型, chŏnhyŏng), *holder* (보유자, poyuja), *holding organisation* (보유단체, poyudanch'e), *transmission educator* (전승교육사, chŏnsŭng kyoyuksa), *graduate* (이수자, isuja), *transmission holder* (전승자, chŏnsŭngja), *honorary holder* (명예보유자, myŏngyepoyuja), *transmission education* (전수교육, chŏnsu kyoyuk), *traditional craft* (전승공예품, chŏnsŭng kongyep'um), and *traditional community* (전승공동체, chŏnsŭng kongdongche).

Similar to the Chinese law, the Korean legislation also stipulates the intention to maintain a specific *model* or *typical form* (전형/典型) of the ICH to be preserved and promoted. This objective is accompanied by the aims of fostering national identity (민족정체성 함양, minjok chŏngch'esŏng hamyang), inheriting and developing traditional culture (전통문화의 계승 및 발전, chŏnt'ong munhwa ũi yesŭng mit paljŏn), and realising and enhancing the value of ICH (무형유산의 가치 구현과 향상, muhyŏng yusan ũi kachi kugŏn kwa hyangsang). Furthermore, the Act specifies legal responsibilities for implementing ICH policies at both local and national levels, including the provision for necessary budgetary allocations (Art. 4).

## **Chapter 2 (Articles 7-11) – Establishment and Promotion of Intangible Cultural Heritage Policies**

The Act requires the establishment of a five-year plan outlining strategic measures for the conservation and promotion of ICH. This plan must include provisions relating to financial resources, education, transmission, training, and the internationalisation of ICH. In formulating the plan, due consideration must be given to the views of inheritors, ICH organisations, and experts in the field, who are to be consulted in the process (Art. 7).

In addition to the five-year plan, the legislation mandates the preparation of an annual implementation plan, which must account for the financial resources required to achieve its objectives (Art. 8).

The *Intangible Heritage Committee* is to be established under the authority of the National Heritage Administration, comprising no more than 30 members drawn from among recognised experts in the field (Art. 9). This provision also sets out details regarding the division of responsibilities, term of office, qualifications, and related procedural matters, which are further elaborated in the subsequent article.

Among the Committee's key functions are the recognition, appointment, and deregistration of holders and holding groups and organisations, as well as deliberations on matters related to UNESCO listing.

### **Chapter 3 (Articles 12-16) – Designation of Intangible Cultural Heritage**

This chapter outlines the procedure for the designation of ICH items inside the national ICH list. The authority to designate rests with the Director of the National Heritage Administration, acting on the basis of deliberations by the Intangible Heritage Committee.

Particular priority is given to the designation of ICH considered to be at specific stages of risk, with support measures to include documentation, technical and scientific research, and the appointment of successors (Art. 13).

The Director of the National Heritage Administration may also revoke the recognition of ICH items, including that classified as being in danger, in case of discontinuity in transmission, elimination of the risk of extinction, or loss of cultural value.

### **Chapter 4 (Articles 17-24) - Recognition of Holders and Holding Organisations**

A distinctive feature of the Korean national legislation on the protection of ICH is the formal recognition and appointment of holders and holding organisations or groups for those ICH expressions included in the national list. The official designation of practitioners and groups of practice is a provision found in only a few national legislations among the States Parties to the UNESCO 2003 Convention. In the Korean case, the system was inherited from the Japanese legal framework and subsequently expanded.

Article 17 stipulates the necessity of designating national holders, except in cases where such recognition is deemed impracticable. An innovative element, in comparison with the Japanese legislation, is the possibility of recognising groups as holding actors, an option absent from both the Japanese law and the previous Korean legislation but introduced under the 2015 Act.

The chapter sets out detailed provisions on the criteria for recognising holders and holding organisations, taking into account their educational and professional backgrounds. Article 18 also introduces the category of *honorary holder* (명예보유자), designated by the Director of the National Heritage Administration, who is further empowered to certify educators in traditional disciplines for the purpose of conducting training and education (Art. 19). This same chapter also outlines the circumstances under which such educators may be disqualified from their title and role (Art. 21) and defines their associated duties.

In order to monitor progress towards the objectives of the Act especially those comprised in the five-year plan, the Director conduct a regular five-year survey assessing the status of transmission, education, and other relevant activities (Art. 22). These surveys may also require the participation of ICH stakeholders, including successors, institutions, and organisations.

Finally, Article 24 underscores the Director's pivotal role in safeguarding ICH from disputes between holders, ensuring its effective transmission, and protecting it from damage.

#### **Chapter 5 (Articles 25-30) - Transfer Education and Disclosure**

Education and transmission of knowledge are fundamental components in the safeguarding of ICH, as also emphasised in the 2003 UNESCO Convention. The South Korean State provides financial support for ICH training conducted by designated holders and certified educators and offers public spaces for such activities free of charge (Art. 25).

The Act further supports students of ICH through scholarships, granted upon certification and in consultation with the Director of the National Heritage Administration and the relevant ICH holders (Art. 26). The State also assists holders

and holding organisations in publicising ICH-related activities, which may be organised either as free public events or as paid events (Art. 28-29).

In addition, The Act provides for the establishment of pre-training and training schools, with the Director responsible for awarding scholarships to pre-training students and overseeing the activities of these institutions (art. 30).

### **Chapter 6 (Articles 31-36) – *Do*'s Intangible Cultural Heritage**

The contemporary territory of South Korea is organised into several administrative levels, which can be defined as following the Chosŏn period *do*-oriented district system. A *do* may be also defined as a province. There are currently a total of eight *do*, along with one special autonomous *do* (Jeju Island). Beside the *do* system, South Korea comprises territories classified as: one special city (Seoul), and six metropolitan cities.<sup>359</sup>

The system for safeguarding and promoting ICH mirrors this administrative structure. For example, each *do* or city is required to establish its own Intangible Heritage Committee to deliberate on ICH-related matters (Art. 31). These committees address issues concerning the ICH of the relevant *do* or city.

Mayors and Provincial Governors also play a key role in safeguarding ICH at the local level. They are required to report to the Director of the National Heritage Administration whenever changes occur in the lists of ICH or in the designation of holders and holding organisations (Art. 33-34). In matters at the *do* level, they assume all responsibilities otherwise assigned to the Director under Chapter 4.

### **Chapter 7 (Articles 37-46) - Promotion of Intangible Cultural Heritage**

This chapter sets out the framework for the financial preservation and promotion of ICH, defining the budgetary responsibilities of both the State and local governments. In promoting ICH, consideration must be given to the construction of training facilities (Art. 37).

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<sup>359</sup> National Atlas of the Republic of Korea, "Administrative Regions," accessed September 2, 2025, [http://nationalatlas.ngii.go.kr/pages/page\\_1266.php](http://nationalatlas.ngii.go.kr/pages/page_1266.php).

To further encourage the transmission and dissemination of ICH, the national and local administrations are required to: incorporate ICH into school curricula; promote the participation of ICH holders in events and festivals; and integrate ICH into local tourism strategies through appropriate policy measures (Art. 38-39-40).

Article 41 establishes a nationally approved certification system for traditional crafts, to be issued by the Director of the National Heritage Administration upon review. This certificate serves as formal recognition for craftsmen, providing both validation and a degree of quality assurance and standardisation for the crafts produced. Further procedural details are provided in Article 42.

To further strengthen the promotion of traditional crafts, Article 43 authorises the establishment of a *Bank of traditional crafts* (전승공예품은행, Chönsüng kongyep’um ünhaeng), an online webpage with the function of a repository to be openly consulted.<sup>360</sup>

Regarding the internationalisation of Korean ICH, Articles 44 and 45 outline the means and procedures for promoting Korean ICH abroad. Finally, Article 46 provides for the establishment of the Korea ICH Promotion Centre within the National Heritage Promotion Agency, with the aim of enhancing the promotion of ICH both domestically and internationally.

### **Chapter 8 (Article 47) - Implementation of the UNESCO Convention**

This chapter is entirely dedicated to aligning national ICH policy with the objectives of the 2003 UNESCO Convention. It clarifies the scope and methods of national adjustments required to fulfil the Convention’s aims.

A key measure within this framework is the establishment of the UNESCO Asia-Pacific Centre for ICH (ICHCAP), located in Jönju within the same building area of the National Intangible Heritage Center (NIHC). The UNESCO Centre is tasked with activities including education, publications, and academic research on ICH in the Asia-Pacific region; support for initiatives facilitating the sharing of ICH;

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<sup>360</sup> Integrated Platform for Supporting the Transmission of Intangible Cultural Heritage: Muhyöng yusan chönsüng jiweon t’onghap püllatp’öm, “Taeyö Kongyep’um Kaellöri [Gallery of Loaned Crafts],” <https://support.nihc.go.kr/iptl/apldrt/apldrtL.do>.

fostering cooperation and exchange within the region; hosting events; and initiating domestic projects. The Centre is publicly funded but is also authorised to receive private donations.

This chapter of the Law also addresses the broader promotion of international exchange and cooperation in the field of ICH. In line with the objectives of the UNESCO Convention, the Korean State contributes to global efforts for the protection and promotion of ICH in the international community. This includes the possibility of allocating additional budgetary resources to programmes and projects specifically aimed at advancing these goals.

### **Chapter 9 (Articles 48-55) - Supplementary Provisions**

This chapter further elaborates on the responsibilities of the Director of the National Heritage Administration and local governors in documenting and maintaining records of ICH items within their respective jurisdictions.

Moreover, Article 49 establishes provisions for copyright protection, to be enforced by the Director through the publication of relevant data on specific ICH-related items. These provisions fall under the *Framework Act on Intellectual Property* (지식재산 기본법, chisik chaesan kibonbŏp). This measure is particularly significant given the prevalence of copyright-related challenges faced by the international community of traditional bearers, and aligns with the global debates on ICH protection, which initially centred on copyright issues before shifting towards broader cultural heritage recognition.

Additional provisions address the prohibition of using names and titles identical or similar to those officially appointed by the Director for recognised holders, as specified in the Act. The chapter also expands on the procedures for the cancellation of designated ICH items.

### **Chapter 10 (Articles 56-58) – Penalties**

The final chapter sets out financial and penal sanctions applicable in cases of non-compliance with the provisions of the Act:

Type of violation	Imprisonment/Fine	Article cited
<p><b>Person who violates orders under Art. 24</b></p>	<p>&lt;3 years prison/30 million won</p>	<p><b>Article 24</b> (Administrative Order) The Director of the National Heritage Administration may, if deemed necessary to realize and enhance the value of national intangible heritage, issue the following orders:</p> <ol style="list-style-type: none"> <li>1. If a national intangible heritage transmitter damages or impedes the integrity of the intangible heritage during transmission activities, certain actions related to such activities may be prohibited or restricted.</li>   <li>2. If a dispute between transmitters of national intangible heritage hinders the preservation and promotion of such intangible heritage, certain actions related to transmission education, public disclosure, etc. may be prohibited or restricted.</li>   <li>3. In other cases, deemed necessary to ensure a smooth transmission environment for national intangible heritage, urgent measures may be taken against transmitters necessary for the preservation of intangible heritage.</li> </ol>
<p><b>A person who refuses cooperation</b></p>	<p>&lt;2 years/20 million won</p>	
<p><b>A falsely recognised holder</b></p>		
<p><b>A person who made false report</b></p>		
<p><b>A person violating Art. 41</b></p>	<p>10 million won</p>	<p><b>Article 41</b> (Certification of Intangible Cultural Heritage Traditional Crafts)  ① The Director of the National</p>

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Heritage Administration may certify traditional crafts (hereinafter referred to as “certification”) after a certification review.

② The Director of the National Heritage Administration may request the relevant successor to submit relevant materials for certification, and, if necessary, may have a public official or relevant expert observe the production process of the traditional crafts.

③ The relevant successor who has received certification may mark the traditional crafts he or she has produced.

④ No one may mark a product that is identical or similar to the certification mark set by the Director of the National Heritage Administration on a product that has not received certification.

⑤ The validity period of certification shall be four years from the date of certification, but may be extended through a re-examination.

⑥ The Director of the National Heritage Administration shall determine and announce the necessary matters regarding the standards and examination procedures for certification, methods of display, etc.

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**A person violating Art. 51**

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**Article 51** (Prohibition of Use of Similar Names) Any person other than a holder, holding organization, honorary holder, traditional education instructor, or graduate under this Act may not use the names of holder, holding organization, honorary holder,

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traditional education instructor,  
graduate, or similar names.

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*Table 12* Types of penalties prescribed by Law with reference to the ICH Act section on “Types of Fines”

### **Provisions Regarding the Five Northern Provinces of North Korea**

Within the *Act on the Safeguarding of Intangible Cultural Heritage*, specific provisions address the five Northern Regions, or Provinces, located within the territory of North Korea. Article 36 stipulates that the Director of the National Heritage Administration or the governors of provinces shall designate any culturally significant ICH originating from North Korea and assign responsibility for its conservation and safeguarding to the governors of the provinces or cities in which the cultural expression is currently transmitted. Such ICH is to be designated as the heritage of the respective province or city.

The Act further provides that allowances and financial assistance shall be made available for this purpose. The designation procedures and related matters for this category of ICH are to be determined by the relevant provincial governor.

### *Reconnecting with the Korean Diasporas - Overseas Korean Communities in the ICH Framework*

The Korean community has historically extended beyond the borders of the Korean peninsula due to a variety of political, economic, and social factors. These factors contributed to successive and differentiated waves of migration, resulting in the formation of diasporic communities across numerous regions, new modern nation-states. Recognition of these overseas Koreans increasingly emerged as a salient part of South Korea’s political agenda, particularly from the 1990s onward.

From the late 1990s, and especially under President Kim Dae-jung’s administration, the South Korean government began to invest more systematically in relations with the diaspora, including communities in China and the former Soviet Union. Such investment was seen not only as a cultural responsibility but also as a strategic move tied to economic and soft power interests.

In 1997, the *Overseas Koreans Foundation* (재외동포재단, chaeoe tongp’o chaedan, hereafter “OKF”)<sup>361</sup> was established under Act No. 5313<sup>362</sup> as a non-profit entity tasked with maintaining cultural and national ties with Koreans living abroad. Since its inception, the Foundation has pursued numerous projects aimed at revitalizing Korean identity within these communities. Alongside business-related initiatives, the Foundation has also prioritised the protection of human rights and the promotion of “awareness of overseas Koreans.”<sup>363</sup> One of its key cultural concerns has been the preservation and promotion of the Korean language among diaspora populations.

Article 7 of the founding Act outlined the Foundation’s key mandates, including “2. Research and investigation projects related to the overseas Korean community” and “3. Education, culture, and public relations projects targeting overseas Koreans.”<sup>364</sup> This legal framework remained in place until March 2023, when it was formally abolished by Enforcement Law No. 19228.<sup>365</sup> It was promptly replaced by the *Overseas Koreans Organization* under Presidential Decree No. 33377, which regulates the operations of the *Overseas Koreans Agency*, officially established in June 2023.

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<sup>361</sup> Overseas Koreans Cooperation Center, “Homepage,” accessed September 2, 2025, <https://www.okocc.or.kr/homepage/index.do>.

<sup>362</sup> Republic of Korea, “Chaeoe Tongpo jaedanböp [Overseas Koreans Foundation Act],” 1997, [https://www.law.go.kr/%EB%B2%95%EB%A0%B9/%EC%9E%AC%EC%99%B8%EB%8F%99%ED%8F%AC%EC%9E%AC%EB%8B%A8%EB%B2%95/\(05313,19970327\)](https://www.law.go.kr/%EB%B2%95%EB%A0%B9/%EC%9E%AC%EC%99%B8%EB%8F%99%ED%8F%AC%EC%9E%AC%EB%8B%A8%EB%B2%95/(05313,19970327)).

<sup>363</sup> Ministry of Culture, Sports and Tourism – National Library of Korea, “Collection of Overseas Koreans Foundations,” accessed September 2, 2025, <https://www.nl.go.kr/EN/contents/EN3440100000.do#:~:text=The%20Overseas%20Koreans%20Foundation%20was%20established%20under%20the.live%20as%20exemplary%20members%20in%20countries%20of%20residence>.

<sup>364</sup> Text in the original language: 2. 재외동포사회에 관한 조사·연구사업; 3. 재외동포를 대상으로 하는 교육·문화 및 홍보사업. Republic of Korea, “Chaeoe Tongpo jaedanböp [Overseas Koreans Foundation Act],” 1997, [https://www.law.go.kr/%EB%B2%95%EB%A0%B9/%EC%9E%AC%EC%99%B8%EB%8F%99%ED%8F%AC%EC%9E%AC%EB%8B%A8%EB%B2%95/\(05313,19970327\)](https://www.law.go.kr/%EB%B2%95%EB%A0%B9/%EC%9E%AC%EC%99%B8%EB%8F%99%ED%8F%AC%EC%9E%AC%EB%8B%A8%EB%B2%95/(05313,19970327)).

<sup>365</sup> *Ibid.*

Year	Legislation (EN)	Legislation (KR)
1997	Overseas Koreans Foundation Act	재외동포재단법
2014	Regulations on the Honouring and Appointment of Overseas Korean Traditional Intangible Cultural Heritage Transmitters	해외 한국 전통 무형문화 전승자 명예부여 및 위촉 등에 관한 규정
2023	Overseas Koreans Organisation	재외동포청 직제
2024	Basic Law on Overseas Koreans	재외동포기본법

Table 13 Chronological list of Laws and Regulations connected with the OKF collected by the Author

In line with this broader trend of re-engagement with the diaspora, the 2014 the *Regulations on the Honouring and Appointment of Overseas Korean Traditional Intangible Cultural Heritage Transmitters* (해외 한국 전통 무형문화 전승자 명예부여 및 위촉 등에 관한 규정, haeoe Han'guk chönt'ong muhöng munhwa chönsüngja myöngyebuyö mit wich'ok tüng'e kwanhan gyujöng) marked a pivotal moment. These regulations enabled the official recognition of Korean ICH holders living outside of Korea through the conferral of the title of *Overseas Honorary ICH Transmitter* (해외 명예 전승자, haeoe myöngyö chönsüngja). Eligible individuals were required to meet one or more of the following criteria:

1. Holders of Important Intangible Cultural Properties under Article 24 of the Cultural Heritage Protection Act, assistants in training under Article 26 of the Enforcement Decree of the same Act, and those who have received a certificate of completion of training under Article 24 of the Enforcement Decree of the same Act.
2. Holders of City/Provincial Intangible Cultural Properties under Article 70 of the Cultural Heritage Protection Act, and those selected as assistants in training under City/Provincial Intangible Cultural Properties under city/provincial ordinances or who have received a certificate of completion of training.

3. Individuals recognized by the Minister of Culture, Sports and Tourism as having made significant contributions to the overseas dissemination and promotion of Korean traditional culture in the field of traditional intangible cultural properties.<sup>366</sup>

An analysis of publicly available resources from the Ministry of Culture, Sports, and Tourism suggests that these regulations have been particularly applied to members of the *Koryŏ-saram* community settled in the Russia and Central Asian territories formerly under Soviet rule. In 2014, amid the 150<sup>th</sup> anniversary of Korean migration to these regions, the Ministry specifically targeted this community through the honorary transmitter scheme, positioning it as a symbolic reconnection through shared cultural heritage.<sup>367</sup>

However, a search across official government websites and embassy bulletins reveals little to no evidence that this initiative was actively promoted among other major diasporic communities, most notably, ethnic Koreans in China. Furthermore, communications regarding the 2014 regulation were inconsistently disseminated, with only a few selected embassies (such as those in Sydney, Malaysia, and Saudi Arabia) publicly refereeing the policy and initiative. This fragmented approach raises critical questions regarding the scope and selectivity of South Korea's cultural diplomacy. Despite the Chinese Korean community being one of the largest overseas Korean populations, and one with considerable preservation of traditional practices, it appears to have been largely excluded from the benefits of the 2014 regulation.

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<sup>366</sup> Ministry of Culture, Sports and Tourism (International Cultural Policy Division), “Haeoe Han’guk chŏnt’ong muhŏng munhwa chŏnsŭngja myŏngyebuyŏ mit wich’ok tŭng’e kwanhan gyujŏng [Regulations on the Honoring and Appointment of Overseas Korean Traditional Intangible Cultural Heritage Transmitters],” 2014, <https://law.go.kr/LSW/admRulLsInfoP.do?chrClsCd=&admRulSeq=2000000100120>.

<sup>367</sup> Embassy of the Republic of Korea in the United States, “Haeoe muhŏng munhwa chŏnsŭngjadŭlŭl ‘haeoe myŏngye chŏnsŭngja’ro wich’ok [Appointing overseas intangible cultural heritage transmitters as ‘overseas honorary transmitters’],” February 6, 2014, <https://overseas.mofa.go.kr/us-ko/index.do>.

At the 2024 ICHCAP and Cultural Heritage Administration (국가유산청, Kukka yusan ch'ōng) panel on “*Migration Broadening the Horizon of Intangible Cultural Heritage*,” organized inside the 2024 Forum on ICH, Officer Kim Myung-hyun of the National Intangible Heritage Center (NIHC) addressed the issue of cultural reintegration among *Koryō-saram* who had resettled in South Korea. He stated:

An opportunity should be given to them to be re-educated about their identity as Koreans by studying and researching Korean national intangible cultural heritage.<sup>368</sup>

His statement reflects an institutionalised view that diaspora communities require a form of “re-education” to recover an assumed lost cultural authenticity, that in his opinion has lost the “true traditions” consequently making Korean ICH “value and meaning” fade away.<sup>369</sup> Such a stance reveals a normative, centralized, and arguably essentialist vision of ICH, one that risks undermining the fluid, community-drive, and locally adapted nature of intangible heritage as framed by the UNESCO 2003 Convention. While Kim’s remarks were directed at the *Koryō-saram*, the underlying logic could be easily extended to other groups, including the *chaoxianzu*, implying a top-down expectation for diaspora communities to conform to a state-defined model of *Koreanness*.

Taken together, these developments point to a dual strategy by the South Korean government: on the one hand, a genuine interest in reconnecting with overseas Korean populations; on the other, a strategic deployment of ICH recognition policies to assert a singular standardized national heritage narrative. The selective implementation of honorary ICH titles, and the absence of a clear outreach strategy toward the Korean-Chinese community, signals that ICH policy is not merely cultural but political, one that is shaped by considerations of international diplomacy, national branding, and historical memory.

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<sup>368</sup> World Forum for Intangible Cultural Heritage, “2024 World Forum for ICH,” <https://ichworldforum.org/menu.es?mid=a10507040000>.

<sup>369</sup> World Forum for Intangible Cultural Heritage, “2024 World Forum for ICH,” <https://ichworldforum.org/menu.es?mid=a10507040000>.

Further research is needed to determine why the *Chaioxianzu* community was not explicitly included in the 2014 policy actions and whether internal diplomatic constraints or geopolitical sensitivities with China may have influenced this omission. Such a case study would offer critical insight into the intersection of heritage politics, diaspora identity, and international cultural diplomacy in East Asia.

### *ICH and K-ness in the global stage*

In June 2024, the official visit of the K-pop group SEVENTEEN to the UNESCO Headquarters in Paris<sup>370</sup> marked the beginning of a new collaboration between the international agency and one of South Korea's most prominent cultural exports. This development was consistent with South Korea's broader cultural diplomacy strategy. In previous years, the globally acclaimed boy band BTS had already been enlisted for similar purposes: they addressed the 76th United Nations General Assembly in September 2021, participated in an official visit to the Metropolitan Museum of Art in New York together with the Korean First Lady Kim Jung-sook and the Minister of Culture, Sports and Tourism,<sup>371</sup> and later visited the White House in Washington, D.C.,<sup>372</sup> in 2022. These events demonstrate an effort by the South Korean government to use globally recognised K-pop idols as cultural ambassadors, thereby making Korean heritage more accessible to younger

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<sup>370</sup> UNESCO, "UNESCO and K-pop group SEVENTEEN announce \$1 million grant scheme for youth well-being and creativity," accessed September 2, 2025,

<https://www.unesco.org/en/articles/unesco-and-k-pop-group-seventeen-announce-1-million-grant-scheme-youth-well-being-and-creativity>.

<sup>371</sup> Rappler.com, "LOOK: BTS visits the MET in New York," accessed September 2, 2025, <https://www.rappler.com/entertainment/celebrities/photos-bts-visits-the-met-new-york-city/#:~:text=Following%20their%20speech%20at%20the%2076th%20United%20Nations,present%20a%20gift%20from%20the%20South%20Korean%20government>.

<sup>372</sup> CNN, "K-pop supergroup BTS visits the White House," accessed September 2, 2025,

<https://edition.cnn.com/2022/05/31/politics/bts-white-house-press-briefing>

generations while simultaneously projecting a positive cultural image on the international stage.

For many international fans, the consumption of K-pop revolves primarily around the lives and preferences of individual idols rather than an engagement with Korea's deeper cultural history. In this context, appearances at international organisations and heritage institutions create strategic opportunities to connect contemporary popular culture with traditional cultural expressions. Such initiatives constitute a form of soft power in which the Hallyu wave mediates between modern Korean popular culture and centuries-old traditions.

The Korean government's active integration of ICH into national branding strategies can be traced back to the 1990s, when the Korean globalisation movement started (세계화, *segyehwa*). Under the presidency of Kim Young-sam, the state sought to replace the negative image of the Korean peninsula, still shaped by memories of war, with positive cultural icons. In 1997, ten "representative cultural symbols" were designated, including *taekwondo*,<sup>373</sup> *jongmyo jerye*, *t'alchum*, and the traditional women's dress *hanbok*.<sup>374</sup> These symbols had already been showcased during the 1988 Söul Olympics, where *nongak* performances, *taekwondo* demonstrations, and a giant *gossaum nori* (rope-tugging contest) were presented as part of the opening ceremony.

This nation-branding project was further developed under the conservative president Lee Myung-bak, who explicitly framed the Hallyu wave as an instrument of soft power. His administration introduced a number of policies to support the export of Korean cultural products, ranging from pop music to food. During this

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<sup>373</sup> Taeyoung Kim, and Yong Jin Dal, "Cultural Policy in the Korean Wave: An Analysis of Cultural Diplomacy Embedded in Presidential Speeches," *International Journal of Communication* 10 (2016): 5515–34, <https://ijoc.org/index.php/ijoc/article/view/5128/1838>.

<sup>374</sup> Ministry of Culture and Tourism, "Han'gungmunhwasangjing hongbo min chöndalch'egye kaesönbangan [Improvement strategies of Korean cultural symbols and their circulation system]" (Söul: Ministry of Culture and Tourism, 2005), [https://mcst.go.kr/kor/s\\_policy/dept/deptView.jsp?pDataCD=0406000000&pSeq=137](https://mcst.go.kr/kor/s_policy/dept/deptView.jsp?pDataCD=0406000000&pSeq=137).

period, the “Korean food globalisation campaign”<sup>375</sup> was launched, led by the First Lady, which positioned Korean cuisine as a healthy and sophisticated East Asian option, and inaugurated the establishment of the Korean Food Foundation.<sup>376</sup> Cultural heritage, both traditional and contemporary, was thus firmly integrated into South Korea’s economic system with the support of government initiatives and large conglomerates.

The appeal of Korean culture has not been confined to national policies. In recent years, international markets, especially the global luxury industry, have demonstrated growing interest in Korea’s tangible and intangible heritage. For instance, Hermès financed the restoration of artefacts at Kyōngbok and Tōksu Palaces in 2015, and in 2024 it organised the “Hermès in the Making” exhibition in Sōul,<sup>377</sup> highlighting artisanal craftsmanship. Other luxury brands, including Gucci and Chanel, have pursued similar collaborations.<sup>378</sup> These partnerships reflect both the increasing spending power of Korean consumers in the global luxury market<sup>379</sup> and the state’s deliberate efforts to integrate private enterprise into heritage promotion.

Legislation has further institutionalised this trajectory. The 2015 *Act for the Safeguarding and Promotion of Intangible Cultural Heritage* introduced measures to support the internationalisation of ICH (Art. 45) and established the Korean

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<sup>375</sup> Taeyoung Kim, and Yong Jin Dal, “Cultural Policy in the Korean Wave: An Analysis of Cultural Diplomacy Embedded in Presidential Speeches,” *International Journal of Communication* 10 (2016): 5515–34, <https://ijoc.org/index.php/ijoc/article/view/5128/1838>.

<sup>376</sup> Ha-won Jung, “Food Foundation Kicks off Globalization Efforts,” *Korean JoongAng Daily*, March 17, 2010, <https://koreajoongangdaily.joins.com/2010/03/17/economy/Food-foundation-kicks-off-globalization-efforts/2917973.html>.

<sup>377</sup> The Korea Times, “A Behind the Curtain Look at Hermès Craftsmanship in Seoul,” accessed September 2, 2025, <https://www.koreatimes.co.kr/amp/lifestyle/arts-theater/20240523/a-behind-the-curtain-look-at-hermes-craftsmanship-in-seoul>.

<sup>378</sup> The Korea Times, “Why are Gucci, Chanel, Hermes so eager to support Korean cultural heritage?,” accessed September 2, 2025, <https://www.koreatimes.co.kr/lifestyle/20240606/why-are-gucci-chanel-hermes-so-eager-to-support-south-korean-cultural-heritage>.

<sup>379</sup> Dae-hyun Kim, Ji-won Park, and So-ra Lee, “A Study on the Phenomenon of Conspicuous Consumption in South Korea’s Luxury Market Under Economic Uncertainty,” *Law and Economy* 3, no. 9 (September 26, 2024): 22–30, <https://www.paradigmpress.org/le/article/view/1314>.

Intangible Cultural Heritage Promotion Centre (한국무형문화재진흥센터, Han'guk muhŏng munhwaje chinhŭng sent'ŏ) (Art. 46). The 2023 amendment to the Act, which reframed “cultural properties” (무형문화재) as “cultural heritage,” (무형문화유산)<sup>380</sup> introduced additional provisions to stimulate ICH consumption, such as preferential procurement of crafts produced by ICH artisans (Art. 43-2). These measures seek to close the gap between practitioners and the public by integrating traditional crafts into contemporary consumer markets.

Tourism constitutes another crucial arena for the survival and development of ICH. While it can provide valuable economic opportunities for artisans and performers, it also raises concerns about commodification and over-exploitation.<sup>381</sup> Balancing the economic potential of ICH with its cultural integrity remains a central challenge in South Korea's broader globalisation strategy. A research conducted in 2017 by Kim Soo-jung, as part of a PhD in tourism management, underlines the risks and challenges, together with the practitioners' desires and perspectives on the integration of intangible cultural heritage activities into tourism.<sup>382</sup> The study concludes that there is a general positive attitude towards touristic activities carried out by practitioners and sponsored by national or local governments, on the other hand, the practitioners are mostly concerned with the lack of interest in ICH from the young generation and ICH danger of disappearance due to non-transmission issues. At the same time, the concerns with the maintenance of ICH authenticity doesn't seem to be a relevant concern among the targeted stakeholders, if not among the practitioners, which might lead to possible tensions in the event of participating in commercial festivals.

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<sup>380</sup> This change in terminology aligns with the international definition of Intangible Cultural Heritage, instead of Property, as deemed by the UNESCO 2003 Convention.

<sup>381</sup> Hyung-yu Park, “Heritage Tourism: Emotional Journeys into Nationhood,” *Annals of Tourism Research* 37, no. 1 (2010): 116–35, <https://doi.org/10.1016/j.annals.2009.08.001>.

<sup>382</sup> Soo-jung Kim, “Intangible Cultural Heritage and Sustainable Tourism Resource Development.” Brisbane, Griffith University, 2018. <https://research-repository.griffith.edu.au/items/77e99e18-151a-413d-92a6-8c363fe8eaf0/full>.

Taken together, these developments illustrate how South Korea deploys what has come to be termed “K-ness,” a stylised blend of traditional and contemporary cultural elements, as a tool of globalisation. By strategically mobilising K-pop idols, luxury partnerships, legislative reforms, and tourism initiatives, the state positions ICH not only as a marker of national identity but also as an adaptable resource for global markets. This process raises important questions about the boundaries of authenticity, the commodification of heritage, and the sustainability of cultural expressions within the logic of global cultural consumption.

### 4.3 Comparison between Chinese and South Korean ICH legislations

Both China and South Korea stand at the forefront of safeguarding and promoting ICH. As already discussed, their numbers of nominations are the highest within the 2003 UNESCO Convention, and they belong to the important group of States Parties that have enacted *ad hoc* legislation for the safeguarding of ICH. Moreover, China and South Korea have become the most influential and attractive competitors to Japan in the field of heritage diplomacy. Since the early 2000s, the growing interest and involvement of both states in the cultural heritage sector has gradually flanked Japan's position on the global stage.<sup>383</sup> Both culture and tourism are important sectors for all three countries, given the proximity and the presence of inter-regional travellers; in this sense the exchange of information and collaborative planning are fundamental, goals clearly represented by the 2019 trilateral summit on tourism in the region, the first of its kind.<sup>384</sup>

These conditions provide an opportunity to conduct a comparative study of their national implementation of ICH safeguarding practices, their legislative frameworks, and the governance philosophy behind it. This section is therefore devoted to a short comparison of their similarities and differences from the legal and administrative perspectives, together with the different approaches taken on topics closely related to the aims of this study. Their ICH protection systems are relatively similar in that both states enacted dedicated legislation for the safeguarding and promotion of ICH relatively recently, under the pressure of international developments and in alignment with UNESCO guidelines.<sup>385</sup> This

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<sup>383</sup> Hüi-ju Kim, "Wae munhwayusani munjein'ga?: munhwayusanül t'onghan hant'wiilt'wich'ung 3 kugüi punjaenggwa waegok [Why Cultural Heritage Matters: Conflicts and Distortions Among Korea, Japan, and China Through Cultural Heritage]," *Han'gukchönt'ongmunhwayö'n'gu* 21: 100.

<sup>384</sup> The Yomiuri Shimbun, "Japan, China, ROK Hold First Trilateral Tourism Summit Since 2019; They Jointly Agree to Boost International Travelers to 40 Million by 2030," *The Japan News*, September 12, 2024, <https://japannews.yomiuri.co.jp/society/general-news/20240912-210808/>.

<sup>385</sup> Han-hee Hahm, and Yong-goo Kim, "An Examination of the Developmental Process and Characteristics of the Korean Intangible Cultural Heritage Protection System," in *Handbook on*

impetus was further strengthened by their responsiveness to the 2003 Convention, in this regard, their geographical proximity has stimulated discussion and exerted pressure on legislative processes.<sup>386</sup>

Despite these recent developments, any analysis must also take into account the significant historical foundations of ICH safeguarding in South Korea, which introduced the ICH category already five decades ago in its Cultural Properties Protection Act and, in doing so, recognised the need for institutional reform,<sup>387</sup> if compared to the more recent Chinese legislation.

The overarching purpose of ICH-related legislation in both countries is explicitly stated in the opening articles of their respective laws (Art. 1). These introductory provisions serve as guiding principles for interpreting the different perspectives at play:

South Korea	China
<p>이 법은 무형유산의 보전과 진흥을 통하여 전통문화를 창조적으로 계승하고, 이를 활용할 수 있도록 함으로써 국민의 문화적 향상을 도모하고 인류문화의 발전에 이바지하는 것을 목적으로 한다.</p>	<p>为了继承和弘扬中华民族优秀传统文化，促进社会主义精神文明建设，加强非物质文化遗产保护、保存工作，制定本法。</p>
<p>The purpose of this Act is to promote the creative inheritance of traditional culture and its utilization through the</p>	<p>This Law is formulated in order to inherit and carry forward the fine traditional culture of the Chinese</p>

*Intangible Cultural Practices as Global Strategies for the Future* (Cham: Springer, 2025), 285–308, [https://doi.org/10.1007/978-3-031-72123-6\\_17](https://doi.org/10.1007/978-3-031-72123-6_17).

<sup>386</sup> Yöng-hwa Ch’oe and Kyöng-sön Min, “Muhyöngmunhwajae böp Ŭi Chaengjömgwa Muhyöngmunhwajae Pojön Chinhüŋ Pangan Yön-gu [A Study on the Issues of the Intangible Cultural Heritage Act and Measures for Preserving and Promoting Intangible Cultural Heritage],” *National Assembly Research Center* 9, no. 2 (2017): 29–54, [https://www.nars.go.kr/fileDownload2.do?doc\\_id=1LuZ-LgjmL8&fileName=02%20%20%EC%B5%9C%EC%98%81%ED%99%94.%EB%AF%BC%EA%B2%BD%EC%84%A0\(029-054\).pdf](https://www.nars.go.kr/fileDownload2.do?doc_id=1LuZ-LgjmL8&fileName=02%20%20%EC%B5%9C%EC%98%81%ED%99%94.%EB%AF%BC%EA%B2%BD%EC%84%A0(029-054).pdf).

<sup>387</sup> Jung-eun Park, “The Legal Protection of the Intangible Cultural Heritage in the Republic of Korea,” in Luigi Petrillo *The Legal Protection of Intangible Cultural Heritage – A Comparative Perspective*, Springer: Cham, 2019, 69-86.

<p>preservation and promotion of intangible cultural heritage, thereby promoting cultural advancement of the people and contributing to the development of human culture.</p>	<p>nation, promote the construction of socialist spiritual civilization, and strengthen the protection and preservation of the intangible cultural heritage.</p>
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*Table 14* Article 1 from the South Korean and Chinese national laws for the protection of ICH

A comparison must also consider the differing power and ideological positions of China and South Korea. China remains an autocratic country, whereas South Korea is a democracy, with the highest political participation between East Asian countries, as reported by a Chatham House report.<sup>388</sup> Art 1 of the Chinese law clearly draws on the socialist legal system with Chinese characteristics, by stressing the “socialist spiritual civilization” embodied in the ICH protection and transmission system. This term represents the neo-socialist governmentality that is characterising Chinese politics, and which started integrating philanthropic concepts into the Chinese socialist State.<sup>389</sup> Whereas, the South Korean version explicitly recalls the international instrument by declaring the contribution of the Korean Law to the “development of human culture,” an objective clearly advocated by UNESCO.

From the power perspective, while China and Japan are regarded as major powers,<sup>390</sup> South Korea is usually categorised as a middle power.<sup>391</sup> This position carries distinct consequences: on the one hand, it limits Korea’s hard power capacity, but on the other hand, it enables the country to enter the global diplomatic arena using heritage as a soft power instrument in a more flexible and less constrained

<sup>388</sup> David Warren, “Governance, Leadership and Legitimacy in East Asia,” Research Paper, July 2019, 4, [https://www.chathamhouse.org/2019/07/governance-leadership-and-legitimacy-east-asia-0/political-comparisons?utm\\_source=chatgpt.com](https://www.chathamhouse.org/2019/07/governance-leadership-and-legitimacy-east-asia-0/political-comparisons?utm_source=chatgpt.com).

<sup>389</sup> Guosheng Deng and Elaine Jeffreys, “Changing Government in China through Philanthropy: On Socialist Spiritual Civilization, Civilized Cities and Good Communists,” *Economy and Society* 50, no. 4 (October 2, 2021): 517–41, <https://doi.org/10.1080/03085147.2021.1932087>.

<sup>390</sup> Arthur Doak Barnett, *China and the Major Powers in East Asia* (Washington: Brookings institution, 1977).

<sup>391</sup> Jongryn Mo, “South Korea’s Middle Power Diplomacy: A Case of Growing Compatibility between Regional and Global Roles,” *International Journal: Canada’s Journal of Global Policy Analysis* 71, no. 4 (2016): 587–607, <https://doi.org/10.1177/0020702016686380>.

manner. Korea's cultural diplomacy has also attracted less criticism than that of its larger neighbours. Indeed, some of the limitations of Korea's hard power diplomacy may potentially be compensated by a judicious use of soft power,<sup>392</sup> whereas Chinese cultural collaborations are often seen under a suspicious judgement over its economic and political expansion.

### *Similarities*

China and South Korea share notable similarities in the safeguarding of ICH. While detailed comparative studies in their systems remain limited in academic literature,<sup>393</sup> the present research, situated within the broader international recognition of the need for legal instruments to safeguard and promote ICH, considers such a comparison essential. Examining the two countries' commonalities provides insight into how their respective systems approach ICH and offers a useful basis for anticipating future developments in the field. This section therefore considers selected aspects of their administrative structures, key concepts, and specific measures that strongly characterize both systems.

The analysis does not aim to cover all possible similarities between China and South Korea. Instead, it focuses on those elements most relevant to the purposes of this study, highlighting issues that may serve as leverage points for the concluding discussion.

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<sup>392</sup> Hui-ju Kim, "Wae munhwayusani munjein'ga?: munhwayusanul t'onghan hant'wiilt'wich'ung 3 kugui punjaenggwa waegok [Why Cultural Heritage Matters: Conflicts and Distortions Among Korea, Japan, and China Through Cultural Heritage]," *Han'gukchont'ongmunhwayon'gu* 21 (n.d.): 89–124.

<sup>393</sup> A study conducted in 2008 by Meina Zhang, "A Comparative Study on Protection Policies for Intangible Cultural Heritages between Korea and China," *The Korean Journal of Dance Studies* 23, no. 23 (April 2008): 119–46, <https://doi.org/10.16877/KJDS.23.23.200804.119>; and a general historical study on the Chinese, South Korean and Japanese ICH legislations conducted by Federico Magni and Stefania Lo Sicco, "Cultural Heritage Law in Asia. The Case of Japan, China and South Korea" (Ca' Foscari University of Venice, 2020), [https://www.academia.edu/44983801/Cultural\\_Heritage\\_Law\\_in\\_Asia\\_The\\_case\\_of\\_Japan\\_China\\_and\\_South\\_Korea](https://www.academia.edu/44983801/Cultural_Heritage_Law_in_Asia_The_case_of_Japan_China_and_South_Korea).

### *Centralised State Involvement*

The ICH safeguarding laws of both countries are embedded within their broader administrative and legal systems. It is therefore important to examine how these laws interact with the state structure, and the extent of involvement of central and peripheral institutions.

Both China and South Korea exhibit a high degree of state centralisation in ICH management with different characteristics. In South Korea, for example, the hierarchical distinction between “Important ICH” (national) and “Regional ICH” has long attracted criticism. Originally established in the 1960s, this system has been viewed as reminiscent of hierarchical structures from the Chosŏn period. During the 1970s and 1980s, it contributed to imbalances in ICH nominations and recognition.<sup>394</sup> Although reforms have been undertaken, traces of this hierarchical approach remain visible in current legislation.

From the administrative point of view, the Director of the Cultural Heritage Administration plays a decisive role (See Annex 4), with all significant decisions requiring confirmation and approval at this level. The appointment of official ICH practitioners and trainers also falls under the Director’s authority. Moreover, the activities of recognised practitioners are closely monitored to prevent practices that might damage the reputation of ICH items or provoke disputes over authenticity. Training structures are likewise tightly state-controlled: the qualifications are issued exclusively by the Cultural Heritage Administration through government certification.

The centralisation was reinforced in response to historical problems, particularly the illegal issuance of certificates.<sup>395</sup> Such abuses prompted the state to transfer

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<sup>394</sup> Han-hee Hahm and Yong-goo Kim, “An Examination of the Developmental Process and Characteristics of the Korean Intangible Cultural Heritage Protection System,” in *Handbook on Intangible Cultural Practices as Global Strategies for the Future* (Cham: Springer, 2025), 285–308, [https://doi.org/10.1007/978-3-031-72123-6\\_17](https://doi.org/10.1007/978-3-031-72123-6_17).

<sup>395</sup> Ji-hon Kim, “A Comparative Analysis of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and Act on the Safeguarding and Promotion of Intangible Cultural Heritage of the Republic of Korea,” *The Journal of Cultural Policy* 35, no. 2 (2021): 31–57, <https://doi.org/10.16937/jcp.2021.35.2.31>.

responsibility for certification away from practitioners and holding organisations and into the hands of the central authority. The education and certification systems embedded in the ICH Act thus reflect not only the state's determination to safeguard authenticity but also a legacy of administrative centralisation.

Similarly, the Chinese management is also characterised by a centralised bureaucratic system, which controls and certifies the nominated ICH items, and which is strongly embedded in the autocratic centrally oriented spirit of socialist state. However, given the territorial dimension and diversity of the Chinese state, the management is subdivided in administrative levels, based on the territorial division. Despite this multi-level approach to ICH, the insertion inside the lists is still strictly supervised by the Ministry of Culture and Tourism both at the national and at the local level. This system also ensures the state's "infrastructural power"<sup>396</sup> and its execution.

Chinese centralised control over ICH is also further demonstrated by the rules and duties imposed on foreign researchers and organisations. In fact, in the case of a foreign-led study on Chinese heritage within the Chinese territory, people in charge need to first confirm with the Ministry, which shall report to the State Council. Therefore, divergences might arise between decisions taken by the local and national authorities that could compromise the final authorisation.

As it concerns the nomination of ICH, despite the relatively independent process by the smaller administrative areas to establish local lists, the final goal of these is to enter the national list for increasing visibility and financial support. In this case, like for the South Korean system, a hierarchical structure within the ICH listing creates tensions and imbalances among the vast areas of the country, which present great distribution imbalances also influenced by other factors.<sup>397</sup>

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<sup>396</sup> Christina Maags, "State Institutions as Building Blocks of China's Infrastructures of Memory – The Case of Intangible Heritage," *Journal of Current Chinese Affairs* 52, no. 2 (2023): 163–84, <https://doi.org/10.1177/18681026221145950>.

<sup>397</sup> Zhongwu Zhang et al., "Spatial Distribution of Intangible Cultural Heritage Resources in China and Its Influencing Factors," *Scientific Reports* 14, no. 1 (February 29, 2024): 4960, <https://doi.org/10.1038/s41598-024-55454-2>.

In conclusion, although the centralised involvement of the state in the management and promotion of ICH is articulated through two distinct bureaucratic systems, both South Korea and China present notable similarities. For instance, in both countries the authority to approve and manage national ICH recognition and promotion is vested in a single key institution: in South Korea, this role is held by the Director of the Cultural Heritage Administration, while in China it rests with the State Council. Furthermore, both countries operate highly centralised and hierarchical listing systems. In South Korea, particular prominence is accorded to the Important ICH List, whereas in China accession to the National ICH List is mandatory as a prerequisite for greater funding opportunities and for eligibility to submit nominations to UNESCO.

Another significant dimension of centralisation lies in the strict regulation of education and research. In South Korea official certification training may only be provided under the auspices of the Cultural Heritage Administration, in order to avoid falsification and deregulation. By contrast, Chinese legislation prohibits foreign researchers from conducting fieldwork without prior authorisation from the State Council. In this sense, South Korea demonstrated a higher degree of centralisation in internal ICH education administration, whereas China outlines a stricter system for the exploration of national ICH and its investigation.

### *Emphasis on authenticity*

Authenticity remains a central theme in debates on ICH. For some anthropologists, the attribution of authenticity risks leading to the *musealisation* and fossilisation of ICH practices. By contrast, other scholars, officials, and practitioners view authenticity as a crucial element in the institutionalisation of ICH, as well as its national protection, as it provides a scientific guideline to ICH selection. The concept itself can be articulated in multiple ways, and each community and States Parties determine if using this word and concept in their own ICH standards and requirements. Nevertheless, UNESCO in its 2003 Convention guidelines established an *Ethical Principles* section which also deliberates on the dynamic and living nature of ICH, defining authenticity and exclusivity as obstacles in the

safeguarding.<sup>398</sup> It is thus not recommended, by the international organisation, to use this principle when working on living, constantly changing heritage practices.

As it concerns the countries under investigation, different words and concepts are employed for delivering a statement on the standardisation of ICH included in the national-based lists. For instance, the Chinese law explicitly refers to *authenticity* (真实性), and *integrity* (整体性) in Article 2 of the relevant legislation, while in folklore studies the common term is *benzhenxing* (本真性).<sup>399</sup> Meanwhile, the Korean Act employs the term *model* (전형 - 典型), defined as “the essential characteristics that constitute the value of the intangible cultural heritage, as determined by Presidential Decree.” Article 3 further establishes that “*the preservation and promotion of intangible cultural heritage should be based on the fundamental principle of maintaining its original form,*” and links this to broader aims such as:

- The cultivation of national identity
- The transmission and development of traditional culture
- The realisation and enhancement of the value of intangible cultural heritage

Both legislative frameworks therefore revolve, albeit differently, around the notion of authenticity. The Chinese law states explicitly that ICH items must possess the quality of authenticity, whereas the Korean legislation uses the notion of “model,” derived from the Chinese characters 典型, meaning typical or representative. In practice, this requires an ICH element to serve as a representative example for the nation. The implications of this are significant. From a legal perspective, non-compliance with the “model” principle entails financial and penal sanctions, as stipulated in Articles 56-58. From the transmission perspective, the notion of *model* empowers the Korean Cultural Heritage Administration to designate as official

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<sup>398</sup> UNESCO, *Ethical Principles for Safeguarding Intangible Cultural Heritage*, 2024.

<sup>399</sup> Junjie Su, “A Difficult Integration of Authenticity and Intangible Cultural Heritage? The Case of Yunnan, China,” *China Perspectives*, no. 2021/3 (September 1, 2021): 29–39, <https://doi.org/10.4000/chinaperspectives.12223>.

holders those practitioners deemed to embody an ICH element in its original form, a concept very similar to the one applied to monumental heritage (Table 15).

Act	Cultural Heritage Protection Act (2024)	Act on the Preservation and Safeguarding of Intangible Cultural Properties (2015)
	문화유산의 보존 및 활용에 관한 법률	무형유산의 보전 및 진흥에 관한 법률
Form to be preserved	원형 > 原形 Original Form	전형 > 典型 Model

Table 15 Comparison between Tangible and Intangible Heritage definitions on Authenticity in the South Korean Acts on Cultural Heritage and ICH

The emphasis on preserving the “model” or authentic form in Korea can also be interpreted as a legacy of colonial rule and cultural oppression. The impact of Japanese colonisation on Korean intangible cultural heritage cannot be overlooked, as many practices disappeared not only due to industrialisation and modernisation, but also as a result of targeted policies. Buddhist rituals in specific areas, for example, were replaced with Shinto shrines and rituals;<sup>400</sup> the use of the Korean language was prohibited; and certain indigenous fighting games or martial arts were supplanted by Japanese forms.<sup>401</sup> Yet, contemporary Korean narratives on authenticity are also shaped by nationalist ideology and the construction of a cohesive identity, which played a crucial role during the country’s social, cultural, and economic reconstruction in the post-colonial era.

<sup>400</sup> Claus Harmer, “Seoul’s Namsan under Japanese Influence - Japanese Ritual Life and Assimilation Policy in Korea, 1890-1945,” Deutsches Institut für Japanstudien, April 4, 2017, <https://www.dijtokyo.org/2017/04/04/seouls-namsan-under-japanese-influence-japanese-ritual-life-and-assimilation-policy-in-korea-1890-1945/>.

<sup>401</sup> Udo Moenig and Min-ho Kim, “The Japanese and Korean Martial Arts: In Search of a Philosophical Framework Compatible to History,” *The International Journal of the History of Sport* 35, no. 15–16 (November 2, 2018): 1531–54, <https://doi.org/10.1080/09523367.2019.1618277>.

As for the Chinese case, the requirement over authenticity is explicit and less articulated. Being deemed authentic is prescribed by law and judged by a group of scholars nominated inside a committee. The interpretation over this term, in the Chinese context, can be described as “maintaining it [ICH] as it was in the past, as well as respecting its historical original,” and considering ICH “variations and distortions to the historical original” as detrimental.<sup>402</sup> The historical original is determined by the scholarly committee, and the authentic copy certified by the national ICH labelling. It is, thus, an authoritative quality which is not determined by the heritage community itself, but it is institutionalised and dictated by an external ruling organ. This attribute, which is borrowed from the Western monumental heritage discourse, has been absorbed inside the Chinese ICH administrative system and often used for the commercialisation of Chinese culture.

In the end, selecting an authentic ICH represents in both countries the creation of non-authentic ICH practices, a category of groups and people left outside of the authentication system. This is a way to frame authorised heritage discourse, and at the same time decide “the way ‘heritage’ is thought, talked, and written about.”<sup>403</sup>

### ***The Role of Practitioners***

Practitioners and bearers, as well as organisations holding ICH items are at the heart of the 2003 UNESCO Convention. Article 15 of the Convention states that the engagement of communities shall be pursued in an active way, especially for what concerns its management. Moreover, Chapter 1 of the Operational Directives reminds States Parties the importance to communities’ participation during the nomination process, and the ethical principles to the safeguarding of ICH clearly states the primary role of communities, groups and individuals in ICH safeguarding and transmission. Despite these guidelines, and the pressure put on communities’

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<sup>402</sup> Junjie Su, “A Difficult Integration of Authenticity and Intangible Cultural Heritage? The Case of Yunnan, China,” *China Perspectives*, no. 2021/3 (September 1, 2021): 29–39, <https://doi.org/10.4000/chinaperspectives.12223>.

<sup>403</sup> Christina Maags, “State Institutions as Building Blocks of China’s Infrastructures of Memory – The Case of Intangible Heritage,” *Journal of Current Chinese Affairs* 52, no. 2 (2023): 163–84, <https://doi.org/10.1177/18681026221145950>.

participation in the filing of UNESCO nominations, it is still difficult to assess and to concretely comment on the actual practitioners' participation in this process.

Korea and China present an opposed attitude towards the inclusion of practitioners and their duties and rights in order to maintain the tradition and enhancing its transmission. South Korea has implemented a multi-level system where holders and holding organisations get official recognition certified by the Director of the National Cultural Heritage Administration. At the same time, they need to perform certain standards and work for the public for the protection and transmission of ICH practices. The Korean Act clarifies matters related to responsibilities, recognition and support for ICH inheritors and holders (See Table 7). However, some scholars underlined how:

(...) since there is no content anywhere in the legal text that guarantees the role of the community and participation in the process of designation, protection, transmission, and utilization of various heritages, it is difficult to have the view that the Intangible Cultural Heritage Act recognizes the inheritors of heritage as important subjects in the protection of intangible cultural heritage.<sup>404</sup>

In fact, ICH in South Korea is designated by the Director of the National Heritage Administration after consulting with the Committee. The Committee itself may include experts in ICH, people with relevant working experience related to ICH, craftsmanship, performative arts and more. The Act doesn't specify the possible election among the 30 members of the Committee of ICH transmitters, however, given the flexibility of the provisions, it might be possible for practitioners to be part of the committee itself. Nevertheless, the members are appointed by the Director of the NHA itself, making this system very much centred under the CHA control. There are no other provisions stipulating the engagement of ICH

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<sup>404</sup> Ji-hon Kim, "A Comparative Analysis of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and Act on the Safeguarding and Promotion of Intangible Cultural Heritage of the Republic of Korea," *The Journal of Cultural Policy* 35, no. 2 (2021): 31–57, <https://doi.org/10.16937/jcp.2021.35.2.31>.

practitioners and organisations in the nomination of ICH, and this is definitely constituting a gap in the Korean ICH Act compared to the international requirements.

Despite these flows, the Korean Act still remains actively engaged in cooperating and supporting inheritors, and organisations, whose role is fundamental for the transmission of ICH. On the other hand, the Chinese legislation lacks in integrating at various levels the practitioners and bearers of ICH. Practitioners are excluded from the selection of ICH items to be inserted in the national, local and international lists. Their role in the process of documentation is very limited, the practitioners can, in fact, only withhold their consent (Art. 16), and the civil population is called to contribute only in the form of material objects related to the ICH items considered valuable. Nevertheless, since 2020 China too has implemented a system for the recognition and protection of ICH through the *Measures for the Identification and Management of Representative Inheritors of National Intangible Cultural Heritage* (国家级非物质文化遗产代表性传承人认定与管理办法, Guojiaji feiwuzhi wenhua yichan daibiao xing chuanchengren rending yu guanli banfa).<sup>405</sup> However, these measures only identify the rules and measures to be applied for the selection of ICH practitioners and the obligations to be respected by these in the case of nomination. It also stipulates ideological rules to be followed, which also includes Xi Jinping’s thought, as well as the respect of the historical narration given by the central office.

Type	Korea	China
<b>Responsibilities</b>	Art. 5: (Responsibilities of Intangible Cultural Heritage Transmitters) Transmitters of intangible cultural heritage	Art. 31: Representative inheritors of representative items of intangible cultural

<sup>405</sup> Pingchuan District People’s Government 平川区人民政府, “Guojiaji feiwuzhi wenhua yichan daibiao xing chuanchengren rending yu guanli banfa 国家级非物质文化遗产代表性传承人认定与管理办法 [Measures for the Identification and Management of Representative Inheritors of National Intangible Cultural Heritage],” March 14, 2024.

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must faithfully carry out transmission activities and strive to preserve and develop intangible cultural heritage.

heritage shall fulfil the following obligations:

- (1) Carry out inheritance activities and cultivate successors;
- (2) Properly preserve relevant physical objects and materials;
- (3) Cooperate with cultural authorities and other relevant departments in conducting intangible cultural heritage surveys;
- (4) Participate in public welfare promotion of intangible cultural heritage.

If a representative inheritor of a representative item of intangible cultural heritage fails to fulfil the obligations prescribed in the preceding paragraph without justifiable reasons, the cultural authorities may revoke their representative inheritor status and re-identify a representative inheritor of the item. If they lose their ability to inherit the Item, the cultural authorities may re-identify a representative inheritor of the item.

Art. 37: The state encourages and supports leveraging the unique advantages of intangible cultural heritage resources and, on the basis of effective protection, the rational use of representative intangible cultural heritage items to develop cultural products and services with local and ethnic

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characteristics and market potential.

Developing and utilizing representative intangible cultural heritage items shall support representative inheritors in their activities and protect the physical objects and sites that are part of the items.

Local people's governments at or above the county level shall support units that rationally utilize representative intangible cultural heritage items. Units that rationally utilize representative intangible cultural heritage items shall enjoy tax incentives as prescribed by the state.

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**Recognition**

Art. 17: 1. When designating national intangible cultural heritage, the Director of the National Heritage Administration shall recognize the holders or organizations of the relevant national intangible cultural heritage. However, this shall not apply if, due to the nature of the relevant national intangible cultural heritage, it is difficult to recognize the holders or organizations, as prescribed by Presidential Decree.

Art. 18: 1. If a holder of national intangible heritage falls under any of the following subparagraphs, the Director of the National Heritage Administration may, after deliberation by the

Art. 29: The competent cultural departments of the State Council and the competent cultural departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may designate representative inheritors of representative items of intangible cultural heritage approved and announced by the people's governments at the corresponding levels.

Representative inheritors of representative items of intangible cultural heritage shall meet the following conditions:

(1) They are proficient in the intangible cultural heritage they are inheriting;

	<p>Committee, recognize the holder as an honorary holder, taking into account their achievements in transmission education and activities. In such cases, once a holder of national intangible heritage is recognized as an honorary holder, their recognition shall be deemed revoked:</p> <p>(1) If it is difficult for a holder to normally conduct transmission education or activities related to intangible heritage.</p> <p>(2) If the holder applies.</p>	<p>(2) They are representative in a specific field and have a significant influence within a certain region;</p> <p>(3) They actively engage in inheritance activities.</p>
<p><b>Support</b></p>	<p>Art. 37: 1. The state or local governments may, within budgetary limits, provide the following support for the preservation and promotion of intangible cultural heritage:</p> <p>(1) Support for the purchase of raw materials for traditional crafts by practitioners.</p> <p>(2) Support for facilities and equipment necessary for practitioners' performances or exhibitions.</p> <p>(3) Support for practitioners' primary and secondary education and lifelong learning activities.</p> <p>2. The state or local governments shall endeavour to establish training facilities to encourage the transmission, education, and performance of intangible cultural heritage.</p>	<p>Art. 9: The state encourages and supports citizens, legal persons and other organizations to participate in the protection of intangible cultural heritage.</p> <p>Art. 30: The competent cultural departments of people's governments at or above the county level shall, as necessary, adopt the following measures to support representative inheritors of representative items of intangible cultural heritage in carrying out their inheritance and dissemination activities:</p> <p>(1) Providing necessary venues for inheritance;</p> <p>(2) Providing necessary funds to support their activities such as apprenticeship, art transmission, and exchanges;</p>

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- (3) Supporting their participation in social welfare activities;
  - (4) Other measures to support their inheritance and dissemination activities.
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*Table 16* Comparison between Korean and Chinese Acts on the Safeguarding of ICH on the topic related to ICH Holders' Recognition

Both countries are thus limiting the role of civil society and inheritors in the selection and documentation of ICH, and they are closely controlling the activities of their selected ICH practitioners and holding organisations. Similarly, the two systems also contribute with a small salary to the living of selected ICH practitioners, despite the small sum of money, it still entails the respect of the guidelines dictate by the respective governments and, at the same time, gives a sign of respect to the holders of ICH skills. It can be described as a double-edge sword in the hands of the two administrations of cultural heritage.

## Differences

### *Approach to the Other*

Both China and South Korea are characterised by complex relationships with “otherness” in the safeguarding of ICH. In China, diversity primarily derives from the presence of numerous ethnic minority communities within its territory, while in South Korea the most significant socio-cultural fracture lies in the political division between North and South. In addition, both countries maintain large diasporic communities abroad, which adds a further dimension to their cultural heritage policies. These features make China and South Korea particularly compelling case studies for examining how states regulate, conserve, and promote ICH.

To address these challenges, both countries have developed specific legal and administrative mechanisms. In China, the protection of ICH belonging to ethnic minorities is embedded in law and reinforced by provincial-level regulations. South Korea, by contrast, has implemented provisions for recognising ICH linked to the

five northern provinces (Article 36 of the ICH Act) and, more recently, has adopted measures to acknowledge ICH practitioners residing abroad, with particular attention to the Korean diaspora.

China's ICH system is vast, with over 3,600 nationally listed items, of which approximately 617 from ethnic minority groups (Table 17). At the international level, minority heritage is prominently represented: over 38% of China's UNESCO-inscribed ICH items are attributed to ethnic minorities (Table 18). This illustrates how the state integrates minority cultures into its broader heritage strategy, framing them within the official discourse of "harmony in diversity." However, Chinese policy stops at the nation's borders: no legal mechanisms currently exist for the recognition of ICH practices performed by Chinese diasporic communities abroad.

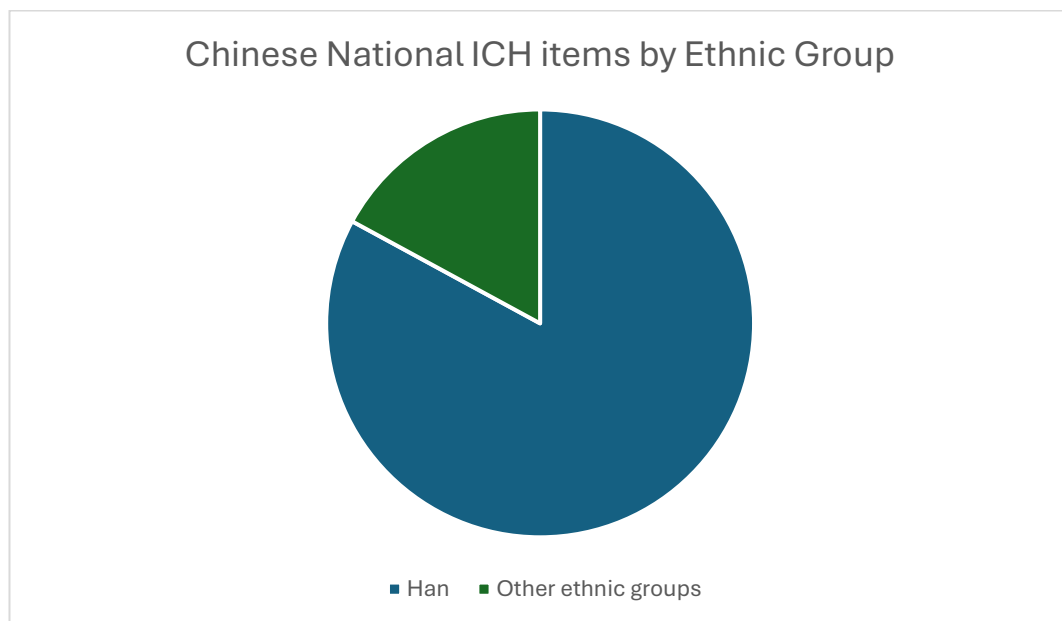
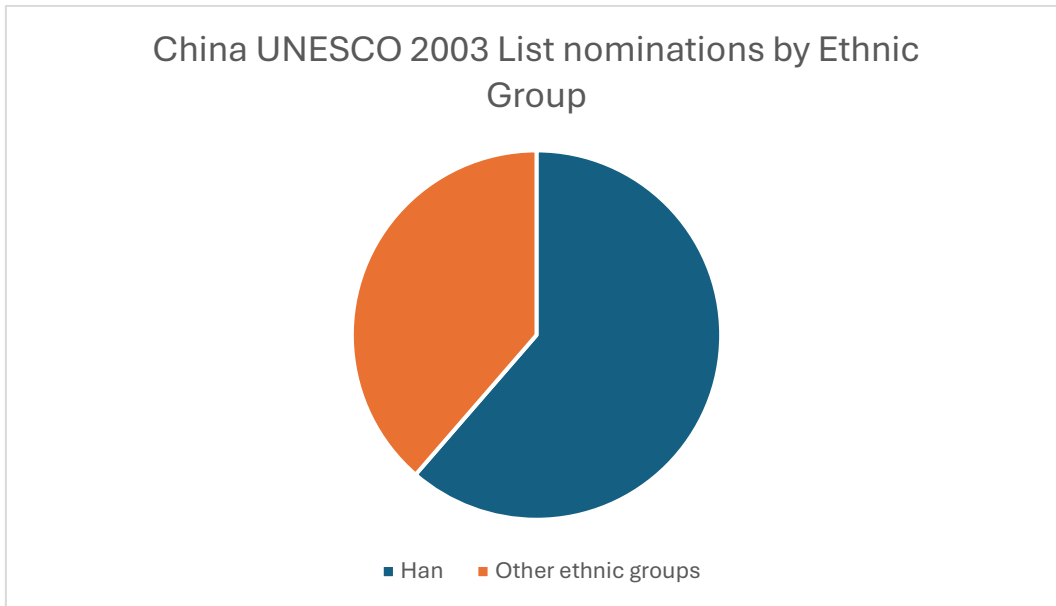


Table 17 Visual representation of China's national Intangible Cultural Heritage (ICH) items categorised by Han ethnic group and ethnic minority groups (visual data re-elaborated by the Author)



*Table 18* Visual representation of Chinese nominations to the UNESCO 2003 List by ethnic groups (visual data re-elaborated by the Author)

By contrast, South Korea’s system is more outward-looking. Alongside internal recognition mechanisms, the South Korean government has sought to engage across borders. This includes attempts to pursue multinational nominations with North Korea, despite political tensions, as well as sustained efforts to involve the diaspora. Since 1997, the Overseas Koreans Foundation has promoted engagement with Korean communities abroad, a trajectory reinforced by the 2024 Basic Law on Overseas Koreans, which explicitly extends heritage safeguarding efforts beyond the national territory.

In short, China’s approach to ICH “otherness” is largely inward facing: it highlights the cultural contributions of ethnic minorities within national boundaries while excluding diasporic communities abroad. South Korea, conversely, frames otherness in both domestic and transnational terms, addressing the fractured relationship with North Korea while simultaneously recognising diasporic practitioners as integral to the safeguarding of ICH. The comparison thus reveals two divergent logics: China’s centralised and territorialised heritage management, and South Korea’s more transnational, diasporic-oriented model.

### *Bureaucratic Approach*

South Korea and China have adopted markedly different approaches to the safeguarding and promotion of ICH. While both systems operate under the umbrella of the UNESCO 2003 Convention, their institutional scale, philosophies of governance, and modes of implementation diverge significantly, reflecting broader state structures and political cultures.

South Korea has developed a relatively compact and centralised model, primarily overseen by the Cultural Heritage Administration (hereafter “CHA”). Although regional authorities participate in implementation, the designation of heritage is highly selective and concentrated at the national level. The system privileges the nomination of ICH expressions connected with “holders,” often recognised as “living national treasures,” and emphasises transmission through master-apprentice structures and government-supported training centres. This approach underscores depth over breadth, aiming to maintain high standards of transmission while linking heritage safeguarding to cultural diplomacy and the projection of “K-ness” on the global stage.

China, by contrast, has constructed a vast, multi-level bureaucratic framework. The Ministry of Culture and Tourism directs policy, but the system is decentralised across national, provincial, municipal, and county levels.<sup>406</sup> This has produced an enormous expansion of designated ICH, with items numbering in the tens of thousands.<sup>407</sup> Such breadth reflects the dual function of ICH in China: as an instrument of cultural policy and as a mechanism of socio-political governance, particularly in relation to ethnic minority management, regional development, and tourism. However, critics argue that the scale of recognition risks bureaucratic

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<sup>406</sup> Yawen Xu, Yu Tao, and Benjamin Smith, “China’s Emerging Legislative and Policy Framework for Safeguarding Intangible Cultural Heritage,” *International Journal of Cultural Policy* 28, no. 5 (July 29, 2022): 566–80, <https://doi.org/10.1080/10286632.2021.1993838>.

<sup>407</sup> Christina Maags, “State Institutions as Building Blocks of China’s Infrastructures of Memory – The Case of Intangible Heritage,” *Journal of Current Chinese Affairs* 52, no. 2 (2023): 163–84, <https://doi.org/10.1177/18681026221145950>.

inflation and the dilution of safeguarding, as local governments often compete for prestige and funding through heritage listing.

In comparative perspective, Korea’s model may be characterised as selective, and coherent, whereas China’s is expansive, bureaucratised, and inclusive. The Korean system’s strength lies in its clarity and effectiveness, though it may marginalise community-level practices due to its strong centralised system and the heritage-holder centres philosophy. The Chinese model offers inclusivity and visibility to a wide range of traditions but is weakened by over-politicisation<sup>408</sup> and the risk of transforming ICH into a performative display for the state rather than a practice rooted in communities. Moreover, its state-centric cultural governance aligns with the narratives of cultural sovereignty and state legitimacy which are elements foreign to ICH traditions and expressions, which risk compromising the very nature of ICH. This is strongly reminded by the main goals and purposes of both the Chinese Act for the Safeguarding of ICH, as well as the Measures for ICH practitioners whose main purpose is the development of socialist spirit civilisation following Xi Jinping’s thought on socialism with Chinese characteristics for the new era.

<b>Aspect</b>	<b>South Korea</b>	<b>China</b>
<b>Institutional scale</b>	Compact, centralised (CHA with committees)	Multi-level bureaucracy (national, provincial, municipal, county)
<b>Designation scope</b>	Selective, limited number of items	Tens of thousands of items recognised
<b>Safeguarding focus</b>	Holders, master-apprentice transmission	Community-wide recognition, heritage as social/political resource

<sup>408</sup> Yawen Xu and Yu Tao, “Religion-Related Intangible Cultural Heritage Safeguarding Practices and Initiatives of the Contemporary Chinese State,” *Religions* 13, no. 8 (July 27, 2022): 687, <https://doi.org/10.3390/rel13080687>.

<b>Governance philosophy</b>	Depth of safeguarding, nation-building, cultural diplomacy	Breadth of recognition, unity, minority control, soft power
<b>Strengths</b>	Coherence, efficiency, effective, transmission	Inclusivity, local visibility, ethnic and regional recognition
<b>Weaknesses</b>	Limited inclusivity, fossilization	Bureaucratic inflation, politicisation, “heritage as performance”

*Table 19* Summary of similarities and differences between the South Korean and Chinese ICH protection systems



## **Chapter 5**

# **Diplomatic Contestation in ICH Recognition – The Case of Korean Farmers' Dance and Music across Northeast Asia**

## 5.1 Nongak and Nongyuewu: performances and communities between China and South Korea

The earliest known reference to *nongak* appears in a record dated 1657, written by Yu-sin An (1589–1657) from Chŏlla Province.<sup>409</sup> However, some folklorists trace parallels between *nongak* and ritual performances in China during the third century CE, described by the historian Chen Shou (陳壽, 233–297) in the *Records of the Three Kingdoms* (三國志, Sanguozhi).<sup>410</sup> Although its precise origins remain uncertain, and are likely to continue evolving as new insights into the past emerge, what is most relevant for the purposes of this study, and for the framework of intangible cultural heritage, is the present condition of *nongak*. The UNESCO 2003 Convention places particular emphasis on “living heritage”: traditions that remain actively practised or performed within a specific context and community. It is therefore crucial to examine how *nongak* has been defined by the Chinese and South Korean governments in their respective nomination files for the UNESCO ICH lists. These definitions shape which communities and forms of heritage are deemed significant for inclusion at the international level. This issue constitutes a central focus of the present research and is explored in the following sections, together with an analysis of how different communities perceive their heritage and claims of ownership.

### *Nongak and Nongyuewu: a Definition*

*Nongak* and *nongyuewu* can broadly be described as folk performances that combine music, dance, and at times acrobatics, traditionally embedded in rural

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<sup>409</sup> Sun-yon Yun and Koan-ho I, *Encyclopedia of Nongak: Community Band Music, Dance and Rituals in Korea*, Encyclopaedia of Korean Folklore and Traditional Culture 5 (Sŏul: National Folk Museum of Korea, 2018), 23.

<sup>410</sup> Yong-sik Lee, “Nongak, [Nongak]” in *Han’guk Minjok Munhwa Taebaekkwajŏn* (Academy of Korean Studies), accessed September 4, 2025, <https://encykorea.aks.ac.kr/Article/E0013137>.

communities of Korean ethnicity. Providing a comprehensive definition, however, is difficult, as the performances display significant variation in musical composition and choreographic elements, depending both on the community involved and on the ritual, or *gut* (굿), being enacted. Nevertheless, both the Chinese and Korean traditions share distinctive features: the central use of percussion instruments, the wearing of colourful costumes, and the collective performance of music and dance in a lively, rhythmic, and joyful manner. Fundamentally, these performances function as communal events through which rural communities express respect for nature, spiritual beliefs, and the rhythms of agricultural life.

The term *nongak* (농악) itself derives from the Chinese characters *nong* (農), meaning agriculture or farming, and *ak* (樂), standing for *ŭmak* (음악, 音樂), meaning music. The etymology underscores the rural environment in which the performance developed. Performed by groups of farmers, the music and dances always convey a ritual significance that both reflects and gives meaning to life in the countryside. Several types of *nongak* can be distinguished: those associated with prayers and invocations for good fortune (*dangsangut*, *maegugut*); those performed in connection with agricultural labour, such as harvesting (*motbanggo*, *duregut*, *homissisi*, *durepungjang*); and those intended primarily for entertainment (*pojanggeollip*, *pangut*), among other forms not specified here. Each type employs distinct musical structures and choreographic patterns.

Beyond this formal variety, *nongak* is also differentiated by regional style. Depending on the community, variations in music, rhythm, dance, and ritual meaning reflect the particular traditions that have been transmitted across generations. This process of adaptation also occurred within the Korean-Chinese community that settled in north-eastern China, along the present-day border with North Korea. In her study, Kang Ch'un-hwa (강춘화) characterises *nongak* as originating from a single root which, over time, branched into multiple forms,

including *nongyuewu* as practised by the Korean-Chinese diaspora.<sup>411</sup> Despite their shared origins, the diasporic variations of *nongak* are rarely examined in comparative perspective. This neglect is due in part to the challenges researchers face in accessing certain areas, where political sensitivities and restrictions further complicate fieldwork.

From an anthropological and ethnomusicological standpoint, the study of such communities is often fraught with difficulty. The diplomatic dimension of UNESCO nominations adds further obstacles: the silence of certain National Commissions and Delegations, for instance, has left this research confronted with a conspicuous void in documentation. Yet, paradoxically, such absences can also stimulate more creative approaches to gathering and interpreting sources, allowing the research process itself to become more adaptive and resourceful.

#### *Nongak in Korea: communities and UNESCO recognition*

The 2014 UNESCO nomination of *nongak* to the Representative List of the Intangible Cultural Heritage of Humanity was coordinated by the Cultural Heritage Administration of Korea, in collaboration with 32 communities across the country. The aim was to document and safeguard these rural performances, ensuring their continuity and visibility. The nomination was confirmed at the November 2014 session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, held in Paris. The communities included in the nomination file do not represent the entirety of *nongak* practitioners in South Korea; rather, in accordance with the procedure established at the national level, only elements already recognised at the national or regional level are eligible for submission to the international list.

During my fieldwork in South Korea between 2024 and 2025, I visited ten communities, including one community that encompassed six autonomous sub-groups performing in different districts. In the course of interviews and

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<sup>411</sup> C'hun-hwa Kang, *Chungguk Chosŏnjongnongagi Pyŏnch'ŏn'gwa Ŭmakchŏk T'ŭkching [The evolution and musical characteristics of Chinese Chosŏnjok farmers' music]*, (Sŏul: Minsogwŏn, 2016), 8.

conversations with practitioners, I introduced my project and research objectives. The participants expressed particular interest in the UNESCO nomination, especially in relation to the Korean-Chinese community. Most were unaware of the nomination of *nongyuewu* by China in 2009, and their responses combined both surprise and curiosity regarding the motivations behind that file. Many communities appeared to have participated in the nomination process only passively. In most cases, they reported that the Cultural Heritage Administration had conducted an official visit to collect documentation and obtain the community's consent. In some instances, communities also contributed audiovisual materials, which constitute one of the requirements for both national and UNESCO nominations.

Geographically, South Korean *nongak* is divided into five distinct regional styles, each with specific musical, choreographic, and ritual characteristics: Uttari *nongak* (웃다리농악); Yöngdong *nongak* (영동농악); Yöngnam *nongak* (영남농악); Honam Udo *nongak* (호남우도농악); and Honam Chwado *nongak* (호남좌도농악).<sup>412</sup> Within these styles, numerous groups exist, each distinguished by unique clothing, variations in music, and choreographic or acrobatic patterns. As a result, participants often regard their own performance as distinctive and special, reinforcing notions of community ownership and engagement.

The protection of *nongak* in South Korea dates back to the 1960s, following the incorporation of intangible cultural heritage into the Cultural Properties Protection Law. The first *nongak* community to be inscribed on the National List of Intangible Cultural Heritage was Chinju *Samch'önp'o nongak* (진주삼천포농악)<sup>413</sup> in 1966. Thereafter, numerous groups were recognised, both nationally and regionally, through provincial (*do*) and municipal lists. A comprehensive list of groups

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<sup>412</sup> National Intangible Heritage Center, *Nongak, the ecstatic excitement of humanity*, 2014.

<sup>413</sup> National Heritage Portal, “Jinju Samcheonpo Nongak,” accessed September 2, 2025, [https://www.heritage.go.kr/heri/cul/culSelectDetail.do?culPageNo=1&region=1&searchCondition=%EB%86%8D%EC%95%85&searchCondition2=&ccbaKdcd=17&ccbaAsno=0000110000100&ccbaCtcd=38&ccbaCpno=1273800110100&ccbaCndt=&ccbaLcto=&stCcbaAsdt=&endCcbaAsdt=&header=view&returnUrl=%2Fheri%2Fcul%2FculSelectViewList.do&pageNo=1\\_1\\_1\\_0&p=mulitiSch&sortType=CCBA\\_ASDT&sortOrd=ASC&snl=Y&s\\_kdcdArr=17&s\\_kdcdArr=18&s\\_kcdArr=22&s\\_kdcdArr=24&s\\_ctcdArr=00&ccbaPedlArr=99&ccbaGcodeArr=00](https://www.heritage.go.kr/heri/cul/culSelectDetail.do?culPageNo=1&region=1&searchCondition=%EB%86%8D%EC%95%85&searchCondition2=&ccbaKdcd=17&ccbaAsno=0000110000100&ccbaCtcd=38&ccbaCpno=1273800110100&ccbaCndt=&ccbaLcto=&stCcbaAsdt=&endCcbaAsdt=&header=view&returnUrl=%2Fheri%2Fcul%2FculSelectViewList.do&pageNo=1_1_1_0&p=mulitiSch&sortType=CCBA_ASDT&sortOrd=ASC&snl=Y&s_kdcdArr=17&s_kdcdArr=18&s_kcdArr=22&s_kdcdArr=24&s_ctcdArr=00&ccbaPedlArr=99&ccbaGcodeArr=00).

inscribed at various levels is provided in Table 20. It should be noted, however, that not all the groups recognised domestically were included in the 2014 UNESCO nomination: only a selection participated in the international file (highlighted in bold in Table 20).

<b>Nongak Group Name</b>	<b>Year of Recognition</b>	<b>Type of List</b>	<b>Regional Style</b>
<b>Chinju Samch'önp'o Nongak - 진주삼천포농악</b>	1966	National ICH List (국가무형유산)	Yeongnam
<b>Hwasun Hanch'ön Nongak - 화순한천농악</b>	1979	Provincial ICH list (전라남도 무형유산)	Honam Udo
<b>Busan Nongak - 부산농악</b>	1980	Provincial ICH list (부산광역시 무형유산)	Gyeongnam
<b>Ch'öngdo Ch'asan Nongak - 청도차산농악</b>	1980	Provincial ICH list (경상북도 무형유산)	Yeongnam
<b>Gosan Nongak -고산농악</b>	1984	City ICH list (대구광역시 무형유산)	Yeongnam
<b>P'yöngt'aek Nongak -평택농악</b>	1985	National ICH List (국가무형유산)	
<b>Iri Nongak -이리농악</b>	1985	National ICH List (국가무형유산)	Honam Udo
<b>Kangnŭng Nongak -강릉농악</b>	1985	National ICH List (국가무형유산)	Yeongdong
<b>Udo Nongak -우도농악</b>	1987	Provincial ICH list (전라남도 무형유산)	Honam Udo
<b>Buan Nongak - 부안농악</b>	1987	Provincial ICH list (전북특별자치도 무형유산)	Honam Udo
<b>Uksu Nongak -옥수농악</b>	1988	City ICH list (대구광역시 무형유산)	Yeongnam

<b>Imsil P'ilpbong Nongak</b> - 1988 임실필봉농악	National ICH List	Honam Jwado (국가무형유산)
<b>Uttari Nongak</b> - 옷다리농악 1989	City ICH list (대전광역시 무형유산)	Chungcheong and Gyeonggi
<b>Haman Hwach'ön Nongak</b> - 1991 함안 화천농악	Provincial ICH list (경상남도 무형유산)	Gyeongnam
<b>Gwangsan Nongak</b> - 광산농악 1992	City ICH list (광주광역시 무형유산)	Honam Udo
<b>Ch'öngju Nongak</b> - 청주 농악 1992	Provincial ICH list (충청북도 무형유산)	Utdari
<b>Gohüngwölp'o Nongak</b> - 1994 고흥월포농악	Provincial ICH list (전라남도 무형유산)	Special style
<b>Chöngüp Nongak</b> - 정읍농악 1996	Provincial ICH list (전북특별자치도 무형유산)	Honam Udo
<b>Gimje Nongak</b> - 김제농악 1996	Provincial ICH list (전북특별자치도 무형유산)	Honam Udo
<b>Gwangmyöng Nongak</b> - 1997 광명농악	Provincial ICH list (경기도 무형유산)	Utdari
<b>Goch'ang Nongak</b> - 고창농악 2000	Provincial ICH list (전북특별자치도 무형유산)	Honam Udo
<b>Goksöng Chukdong Nongak</b> - 2002 곡성죽동농악	Provincial ICH list (전라남도 무형유산)	Honam Jwado
<b>P'yöngch'ang Dunjönp'yöng Nongak</b> - 평창 둔전평농악 2003	Provincial ICH list (강원특별자치도 무형유산)	Yeongdong
<b>Wönju Maeji Nongak</b> - 2006 원주매지농악	Provincial ICH list (강원특별자치도 무형유산)	Yeongdong

<b>Yangju Nongak - 양주농악</b>	2006	Provincial ICH list (경기도 무형유산)	
<b>Chindo Sop'ŏ Gŏlgun Nongak - 진도소포결군농악</b>	2006	Provincial ICH list (전라남도 무형유산)	
<b>Kappigoch'a Nongak - 갑비고차농악</b>	2008	City ICH list (인천광역시 무형유산)	
<b>Kurye Jansu Nongak - 구례잔수농악</b>	2010	National ICH List (국가무형유산)	Honam Jwado
<b>Kŭmsan Nongak - 금산농악</b>	2016	Provincial ICH list (충청남도 무형유산)	Jwado
<b>Kumi Muŭll Nongak - 구미 무을농악</b>	2017	Provincial ICH list (경상북도 무형유산)	
<b>Kyŏngsan Poin Nongak - 경산 보인농악</b>	2017	Provincial ICH list (경상북도 무형유산)	
<b>Tonghae Mangsang Nongak - 동해 망상농악</b>	2017	Provincial ICH list (강원특별자치도 무형유산)	
<b>Iksan Sŏngdangp'ogu Nongak - 익산성당포구농악</b>	2019	Provincial ICH list (전북특별자치도 무형유산)	Honam Udo, Honam Jwado, Chungcheongdo
<b>Kimch'ŏn'gŭmnŭngbinnae Nongak - 김천금릉빛내농악</b>	2019	National ICH List (국가무형유산)	
<b>Namwŏn Nongak - 남원농악</b>	2019	National ICH List (국가무형유산)	Honam Jwado
<b>Chinan Chungp'yŏng Nongak - 진안 중평농악</b>	2020	Provincial ICH list (전북특별자치도 무형유산)	
<b>Honamyŏsŏng Nongak - P'ojanggŏllip - 호남여성농악-포장걸립</b>	2022	Provincial ICH list (전라남도 무형유산)	Honam

<b>Hapch'ōndaep'yōnggunmul</b> <b>Nongak - 합천대평군물농악</b>	2023	Provincial ICH list (경상남도 무형유산)
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Table 20 Chronological list of national or provincial nongak groups recognised by the Republic of Korea collected by the Author

The nomination file emphasises the sustained involvement of communities, referring to “persistent appeals from communities, groups and individuals involved with *nongak*.”<sup>414</sup> Yet, interviews with groups included in the nomination revealed a more complex reality. None described the process as originating from a voluntary proposal submitted directly to the Korean government. Rather, their participation was generally limited to providing information and granting formal consent. In a small number of cases, groups performed specifically for the nomination process, while others reported minimal or no engagement, highlighting a lack of communication from the authorities and a sense that local needs were not fully addressed. According to one officer at the Ministry of Culture, the nomination of *nongak* was expedited in response to the 2009 Chinese nomination, advancing ahead of other dossiers that had previously been considered more urgent.

Of particular relevance to this study is the recognition, within the nomination file itself, of Korean *nongak* traditions practised outside the Republic of Korea. Under Paragraph D, “Geographical location and range,” the file states:

Nongak has expanded out of the countryside to enrich Korea’s modern-day performing arts. Outside the Korean Peninsula, the Korean diasporas in China, the United States,

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<sup>414</sup> UNESCO, “Nomination File No. 00717 for Inscription on the Representative List of the Intangible Cultural Heritage of Humanity in 2014 - Nongak, Community Band Music, Dance and Rituals in the Republic of Korea,” 2014, 12, <https://ich.unesco.org/en/RL/nongak-community-band-music-dance-and-rituals-in-the-republic-of-korea-00717>.

Kazakhstan and Uzbekistan have developed the most distinctive styles.<sup>415</sup>

This reference situates the Korean-Chinese diaspora within the broader heritage landscape. The Intergovernmental Committee's evaluation report also underscored the importance of multinational cooperation, noting: "States Parties are encouraged to demonstrate their concern for and responsibility towards intangible cultural heritage and its safeguarding that goes beyond national borders."<sup>416</sup>

While respecting state sovereignty, the UNESCO Subsidiary Body emphasised the value of multinational nominations in fostering mutual understanding, collaboration, and respect for cultural diversity. In cases where an element is already inscribed, the Committee has recommended enlarging and revising the nomination on a multinational basis. In the case of *nongak*, such a recommendation for a joint application did not materialise. Nevertheless, in its decision to inscribe the element, the Committee highlighted dialogue between communities, both within South Korea and internationally, as a key rationale for its successful recognition.<sup>417</sup>

### *Nongyuewu in China: communities and UNESCO recognition*

Intangible cultural heritage of minority groups in China has been documented and safeguarded not only in recent times but also from the earliest years of the Chinese state, alongside material and monumental culture. Initially, such heritage was often regarded as something to be contained or even eradicated. Later, it became a means of state control, serving as an instrument for managing minority groups and aligning

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<sup>415</sup> UNESCO, "Nomination File No. 00717 for Inscription on the Representative List of the Intangible Cultural Heritage of Humanity in 2014 - Nongak, Community Band Music, Dance and Rituals in the Republic of Korea," 2014, 2, <https://ich.unesco.org/en/RL/nongak-community-band-music-dance-and-rituals-in-the-republic-of-korea-00717>.

<sup>416</sup> UNESCO, "Report of the Subsidiary Body on Its Work in 2014 and Examination of Nominations for Inscription on the Representative List of the Intangible Cultural Heritage (ITH/14/9.COM/10 + ADD.3)," 2014, <https://unesdoc.unesco.org/ark:/48223/pf0000230752.locale=fr>.

<sup>417</sup> UNESCO, "Report of the Subsidiary Body on Its Work in 2014 and Examination of Nominations for Inscription on the Representative List of the Intangible Cultural Heritage (ITH/14/9.COM/10 + ADD.3)," 2014, <https://unesdoc.unesco.org/ark:/48223/pf0000230752.locale=fr>.

them with a so-called national standard.<sup>418</sup> Today, ICH is tightly regulated by central and local governments, particularly in terms of financial resources and infrastructure development. Nevertheless, as Christina Maags has observed,<sup>419</sup> communities frequently find ways of circumventing-imposed boundaries. This tension between state control and community agency is central to understanding how minority ICH functions in contemporary China: while the state uses heritage to project cultural standardisation, communities mobilise the same practices to maintain autonomy and cultural distinctiveness.

The Korean Chinese community has held, since 2009, one of the ethnic minority ICH nominations from China inscribed on UNESCO's 2003 Convention list. The nomination file states that the farmers' dance of China's Korean ethnic group originated with migrants arriving at the end of the Nineteenth century<sup>420</sup> and has since developed into a unique style rooted in local culture. Huang Youfu's volume on *chaoxianzu* culture also describes these dances, known in Chinese as *nongyuewu* (农乐舞), as folk practices deriving from rural recreational games. They are performed to the accompaniment of gongs, with a group flag bearing the characters 农者天下之大本也 (Nong zhe tian xia zhi da ben ye, "agriculture is the foundation of the world").<sup>421</sup> Performers also wear a distinctive hat called "elephant hat" (象帽, *xiang mao*), corresponding to the Korean *chaesangmo* or *gisangmo*, which

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<sup>418</sup> Sunhee Koo, *Sound of the Border: Music and Identity of Korean Minority Nationality in China*, Music and Performing Arts of Asia and the Pacific (Honolulu: University of Hawai'i Press, 2022), 26-27.

<sup>419</sup> Christina Maags, "Cultural Contestation in China: Ethnicity, Identity, and the State," in *Cultural Contestation*, ed. Jeroen Rodenberg and Pieter Wagenaar (Cham: Springer International Publishing, 2018), 13-36, [https://doi.org/10.1007/978-3-319-91914-0\\_2](https://doi.org/10.1007/978-3-319-91914-0_2).

<sup>420</sup> UNESCO, Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage; 4<sup>th</sup> Evaluation of the nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity, 2009. <https://unesdoc.unesco.org/ark:/48223/pf0000183815.locale=fr>.

<sup>421</sup> High People's Court of Gansu, "Nong, tianxia zhi bene, 农, 天下之本 [Agriculture, the Foundation of the World]," August 11, 2025.

features a long paper streamer spun rhythmically with the dancer's head movements (Figure 3, Figure 4).



Figure 3 Performance in Yanbian by China's Korean ethnic group (Photo © Yanbian Culture & Art Research Center, 2008)



Figure 4 Attire used in the performance of Iri Nongak, Iksan, South Korea (Photo by the Author)

The 2009 UNESCO nomination identifies two associations for the Korean Chinese farmers' dance and names fifty-two inheritors. The communities are dispersed across Jilin, Liaoning and Heilongjiang provinces (Map 3) in northeastern China. At the national level, *nongyuewu* was first inscribed on China's National ICH List

in 2006,<sup>422</sup> and subsequently included in the Special Expansion List in 2008 (国家级非物质文化遗产扩展项目名录, Guojiaji feiwuzhi wenhua yichan kuozhan xiangmu minglu).<sup>423</sup> The recognised forms include:

- *Chaoxianzu nongyuewu* (乞粒舞, Qiliwu), from Benxi, Liaoning Province<sup>424</sup>
- *Chaoxianzu nongyuewu* (象帽舞, Xiangmao wu), from Wangqing County, Jilin Province<sup>425</sup>
- *Chaoxianzu nongyuewu* (extended project, 2008), from Tieling County, Liaoning Province<sup>426</sup>

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<sup>422</sup> China Intangible Cultural Heritage Network·China Intangible Cultural Heritage Digital Museum, “朝鲜族农乐舞（乞粒舞）[Korean Agricultural Dance (Praying for Grain Dance)],” accessed October 13, 2025, <https://www.ihchina.cn/art/detail/id/20094.html>.

<sup>423</sup> Chinese Government State Department, “国务院关于公布第二批国家级非物质文化遗产名录和第一批国家级非物质文化遗产扩展项目名录的通知（国发〔2008〕19号）[Notice of the State Council on the Publication of the Second Batch of the National Intangible Cultural Heritage List and the First Batch of the Extended List of National Intangible Cultural Heritage (Guofa [2008] No. 19)],” n.d., <https://www.ihchina.cn/art/detail/id/11664.html>.

<sup>424</sup> China Intangible Cultural Heritage Network·China Intangible Cultural Heritage Digital Museum, “朝鲜族农乐舞（乞粒舞）[Korean Agricultural Dance (Dance for the Grain Prayer)],” accessed October 13, 2025, <https://www.ihchina.cn/art/detail/id/20094.html>.

<sup>425</sup> China Intangible Cultural Heritage Network·China Intangible Cultural Heritage Digital Museum, “朝鲜族农乐舞（象帽舞）[Korean Farmer’s Dance (Elephant Hat Dance)],” n.d., [https://www.ihchina.cn/project\\_details/20093.html](https://www.ihchina.cn/project_details/20093.html).

<sup>426</sup> China Intangible Cultural Heritage Network·China Intangible Cultural Heritage Digital Museum, “朝鲜族农乐舞 [Korean agricultural music and dance],” n.d., [https://www.ihchina.cn/project\\_details/20092.html](https://www.ihchina.cn/project_details/20092.html).



Map 3 Settlements of Korean Chinese nongyuewu groups and detailed locations of the groups enlisted in the National lists (visual elaboration by the Author)

In the national nomination of the 2008 extended project from Tieling County, the tradition is presented as part of the long-standing heritage of the Korean community, even linked to cave murals excavated in Tieling and dating to the fifth century.<sup>427</sup> This account contrasts with the international nomination, which attributes the practice to nineteenth-century migration. These divergent narratives, coexisting at the same institutional level, reflect competing strategies of cultural legitimation. Internationally, *nongyuewu* is framed as a diasporic practice connected to modern migration, while nationally it is reinterpreted as an ancient tradition tied to the ancient people settling in that area, which would be comprised inside the Koguryŏ civilisation, thereby asserting both territorial depth and cultural continuity within the Chinese state.

The Liaoning form of *nongyuewu*, inscribed on the list, is marked by a distinctive dance known as *qiliwu* (乞粒舞), performed at major festivals. The Wangqing

<sup>427</sup> Original text: “在铁岭及周边出土的墓葬中发现的 5 世纪前后的壁画中，形象描绘了朝鲜族先民欢快舞蹈的场景。” Extract from Zhongguo fei wuzhi wenhua yichan shuzi bowuguan 中国非物质文化遗产数字博物馆, “Chaoxian zu nong yue wu 朝鲜族农乐舞 [Korean ethnic group farmers’ dance and music],” Zhongguo fei wuzhi wenhua yichan wang 中国非物质文化遗产网, accessed October 27, 2025, [https://www.ihchina.cn/project\\_details/20092.html](https://www.ihchina.cn/project_details/20092.html).

County variant is characterised by its unique “elephant hat dance” (象帽舞, xiangmaowu). The extended project from Tieling County involves performances lasting several hours, evoking the rural historical origins of the Korean Chinese community, with the twelve beats rhythm (十二拍, shier pai) of the drums and gongs. These regional variants highlight how a single form can be fragmented and reconstructed into multiple ‘authenticities’ depending on administrative framing. This illustrates how national heritage systems simultaneously recognise diversity while reabsorbing it into a centralised narrative of unity.

The UNESCO nomination also reveals differences in how community consent is obtained. In the Chinese case, consent is expressed through a list of fifty-four individual signatories, each providing a personal seal. By contrast, the South Korean nomination of *nongak* was structured through a network of associations, each representing a specific locality or group. This divergence underscores a broader distinction in heritage governance: South Korea emphasises collective stewardship through associations, reinforcing the idea of community as the core of ICH, whereas China privileges individual inheritors. This approach not only facilitates state oversight but also diminishes the possibility of collective autonomy. Finally, *nongyuewu* has undergone a transformation in performance context. As Piao Jinghua notes, the creation of formal cultural groups after the Japanese surrender marked the shift of *nongyuewu* from village settings to staged performances.<sup>428</sup> A notable example emerged in Longjing City (龙井市, Longjing shi), Badao Village (八道村, badao cun), where a *nongak* troupe began presenting the tradition on stage. This transition reflects a broader change in the function of heritage: what was once embedded in agricultural and communal rhythms is increasingly recontextualised for cultural display, tourism, and cultural diplomacy. Such shifts raise critical questions about authenticity, cultural ownership, and the

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<sup>428</sup> Piao Jinghua 朴京花, *Chaoxianzu feiwuzhi wenhuayichan baohu yu chuancheng yanjiu* 朝鲜族非物质文化遗产保护与传承研究 [Research on the Protection and Inheritance of the Intangible Cultural Heritage of the Korean Ethnic Minority] (Söul: Yöngnak, 2023), 71.

negotiation between tradition and performance in both national and transnational arenas.

### *Korean Ethnic Minority in China – Geocultural Scenario*

The migration of Koreans into the territory that is now the People's Republic of China cannot be understood simply as demographic movement; rather, it reflects a history of displacement shaped by imperial wars, natural disasters, economic necessities and colonial interventions. This process can be divided into four critical phases, based on the classification given by Huang Youfu:<sup>429</sup>

1. 17th century – From the Late Jin (1616–1636) to the Qing dynasty (1644–1911), the movement of Koreans was less voluntary migration than a consequence of shifting battle lines and military campaigns. Civilian populations were repeatedly caught in the wake of armed conflict.
2. Late 19th century – Migration intensified as Korean peasants fled famine and ecological crises in search of cultivable land. Yet, this was not a free settlement process: access to land in Northeast China was conditional on Qing state policies and framed within a frontier management strategy.
3. Early 20th century – Japanese colonial domination over Korea pushed many Koreans into exile. Their migration to China must be seen as a form of resistance to imperialism and survival under foreign occupation.
4. 1920–1945 – In this period, displacement often took the form of coercion. Many Koreans in Northeast China were forced into exile as punishment for political dissent or civil disobedience, highlighting the link between migration and repression, many others, especially farmers, were obliged to

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<sup>429</sup> Huang Youfu 黄有福, *Zhongguo Chaoxianzu shi yanjiu 中国朝鲜族史研究 [Research on the history of the Korean Chinese ethnic minority]* (Beijing: Minzu chubanshe, 2013), <http://find.nlc.cn/search/showDocDetails?docId=7544912512813145958&dataSource=ucs01&query=%E4%B8%AD%E5%9B%BD%E6%9C%9D%E9%B2%9C%E6%97%8F%E5%8F%B2%E7%A0%94%E7%A9%B6>.

displace in the Manchurian territories after the dispossession carried out by Japanese troops.<sup>430</sup>

The first large-scale wave into *Dongbei* (Northeast China, 东北) occurred between 1860 and 1870, following devastating natural disasters in northern Korea. Contemporary sources record around 28 Korean villages along the Yalu River, while by 1881 Yangbian counted 10,000 Koreans, and by 1883 other towns in the region, such as Jian, Lanjiang, and Xinping, hosted around 37,000. These numbers illustrate not only demographic change but also the rapid consolidation of Korean communities on China's northeastern frontier.

Qing policies further reveal how Korean migration was instrumentalised geopolitically. The Treaty of Aigun (1858, 《中俄瑷珲条约》, *Zhong e aihun tiaoyue*) and the Treaty of Beijing (1860, 《中俄北京条约》, *Zhong e Beijing tiaoyue*) formalised Qing territorial concessions to the Russian Empire. To counterbalance Russian advances, the Qing dynasty opened frontier lands to settlement. In 1881, an office was established in Hunchun (珲春) County (today part of the Yanbian Korean Autonomous Prefecture) to oversee land reclamation. The so-called *yuekenju* (越垦局) allowed Koreans to claim agricultural land along 700 kilometres north of the Tumen River. This was less an act of generosity than a strategic deployment of migrant labour to secure contested borderlands against Russian encroachment.

The politics of identity became even more contested under Japanese colonialism. During the puppet state of Manchukuo, Koreans were derogatorily labelled *chaozu* (鲜族), a racialised term that underscored their subjugation. This imposed categorisation left a long-lasting stigma: even today, the term *chaozu* (鲜族) is avoided in favour of *chaoxianzu* (朝鲜族), or Chosŏnjok. The very act of naming was a tool of domination, reducing Koreans in Manchuria to a subordinated category defined by colonial power.

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<sup>430</sup> "Independence of Korea - Serious Allegations against Japanese Government and Its Administration - Appeal to U.S. Minister in Peking," *The North China Herald*, February 22, 1919.

With the end of the Second World War and the separation of the world into blocks due to the political polarisation during the Cold War period and especially following the division of the Korean peninsula into North and South, the Korean groups, for the first time in history, experienced division.<sup>431</sup> Along with it, a further transformation occurred after the founding of the People's Republic of China. Between 1950 and 1954, the Communist Party launched large-scale ethnographic investigations aimed at systematising minority identities. These classifications were not neutral but served the political goal of consolidating state control over diversity. Populations once referred to ambiguously as *ren* 人 (people) were redefined as *zu* 族 (ethnic group), thereby institutionalising ethnicity as a state-administered category. For Koreans in China, this meant the elimination of diverse designations such as:

- 高丽人 (Koryŏ people)
- 韩族人 (Korean ethnic people)
- 韩国人 (Korean nationals)
- 韩人 (Korean people)

and their replacement with the single state-sanctioned term *chaoxianzu* (朝鲜族). This shift exemplifies how the Chinese state imposed an ethnic identity through bureaucratic classification, transforming a heterogeneous diaspora into a standardised minority nationality. However, some studies point to the hierarchical stigma over this differentiation within the Chinese system. Ye Tong-kŭn (예동근) underlines the struggle by Korean-Chinese ethnic group both in China as well as in South Korea, and the ideal creation of an ideal and practical “third identity,” beyond the nation-state control.<sup>432</sup>

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<sup>431</sup> Hyejin Kim, *International Ethnic Networks and Intra-Ethnic Conflict: Koreans in China*, 1st ed (New York: Palgrave Macmillan, 2010), 8-9.

<sup>432</sup> Tong-kŭn Ye, “Kongsaengŭl Mandŭnŭn Chuch’erosŏ Chosŏnjong : T’rche3ŭi Chŏngch’esŏngt’ Hyŏngsŏngge Taehan Nonŭi - Chaehanjosŏnjogŭi Hyŏnshil Kwa Chŏnmang [Koreans in China as a

Therefore, the case of the Chosŏnjok, or Korean-Chinese community, presents an especially complex example for the study of identity formation in a diasporic context. Situated at the intersection of Chinese state identity, Korean ethnonational identity, and a hybridized Korean-Chinese category, Chosŏnjok embody what diaspora scholars have often described as the “plural and contested nature of belonging.”<sup>433</sup> The difficulty of pinning down a singular Chosŏnjok identity lies precisely in the fact that identity is not simply a matter of self-ascription, but also of external categorisation, relational positioning, and historical context.

Stuart Hall’s well-known formulation that identities are always “in process” rather than fixed is highly relevant here.<sup>434</sup> For the Chosŏnjok, identity is not a stable essence that can be described once and for all, but a shifting terrain negotiated in relation to state policies, cultural heritage discourses, and the perceptions of others. Hall’s work resonates with Avtar Brah’s concept of the *diaspora space*,<sup>435</sup> which insists that diaspora identity is never constituted in isolation but always in dialogue with “natives,” host populations, and other diasporic groups. For Chosŏnjok, this means their identity emerges not only from their community’s history of migration and settlement in China, but also from their simultaneous positioning vis-à-vis the Han Chinese majority and the South and North Korean nation-state.

This multiplicity is further illuminated by Homi Bhabha’s notion of hybridity and the “third space.”<sup>436</sup> The Chosŏnjok cannot be neatly categorized as either fully Chinese or fully Korean, nor even as a straightforward combination of the two.

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Coexistence Creation Agent: A Discussion on the Formation of a ‘Third Identity’ - The Reality and Prospects of Koreans in China],” *Overseas Korean Studies* 19 (2009): 127–54.

<sup>433</sup> Susannah Eckersley and Claske Vos, *Diversity of Belonging in Europe: Public Spaces, Contested Places, Cultural Encounters*, 1st ed. (London: Routledge, 2022), <https://doi.org/10.4324/9781003191698>.

<sup>434</sup> Paul Gilroy and Ruth Wilson Gilmore, eds., “Cultural Identity and Diaspora [1990],” in *Selected Writings on Race and Difference*, by Stuart Hall (Duke University Press, 2021), 257–71, <https://doi.org/10.1215/9781478021223-016>.

<sup>435</sup> Avtar Brah, *Cartographies of Diaspora: Contesting Identities* (London: Routledge, 2005), <https://doi.org/10.4324/9780203974919>.

<sup>436</sup> Homi K. Bhabha, *The Location of Culture* (London: Routledge, 2012), <https://doi.org/10.4324/9780203820551>.

Rather, they inhabit a hybrid cultural space where new forms of identification are produced. Their lived experience resists essentialist understandings of nationality and ethnicity, creating instead a set of identities that are contextual and relational. Here, hybridity is not merely a mixture but a generative tension that continually reshapes the contours of belonging.

Fredrik Barth's classic theory of ethnic boundaries also provides a valuable lens. Barth argued that ethnic identity is not determined by cultural content per se, but by the maintenance of boundaries that separate groups.<sup>437</sup> In the case of Chosŏnjok, the way Han Chinese perceive them as "Korean" while Koreans view them as "Chinese" exemplifies how boundaries are drawn differently depending on the observer. Their identity shifts according to whether the boundary in question is being policed by the Chinese state, by South Korean national discourse, or by local communities. In this sense, the Chosŏnjok's multiple "readings" are not contradictions but expressions of how boundary-making works in practice.

Rogers Brubaker's critique of "groupism" also sharpens our understanding. Brubaker warns against treating ethnic or national groups as bounded entities with stable essences, urging scholars instead to analyse the processes of categorisation and the perspectives through which such identities are constructed.<sup>438</sup> This is precisely what we see with the Chosŏnjok: their identity proliferates into six possible categories depending on whether one adopts the Chinese or the Korean perspective. From a Han Chinese viewpoint, they can appear as "Chinese nationals," as "Koreans" (an ethnic other), or as "Korean-Chinese" (a recognized minority nationality). From a South Korean perspective, they may be categorized as "co-ethnics," as "foreigners," or again as "hybrids" whose legitimacy is constantly negotiated. What the triadic scheme (nationals, foreigners, hybrids) captures is the condensation of this complex web of categorizations into a heuristic that foregrounds the relationality of diasporic identity.

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<sup>437</sup> Fredrik Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (Boston: Little, Brown and Co., 1969), <http://archive.org/details/ethnicgroupsboun0000unse>.

<sup>438</sup> Rogers Brubaker, *Ethnicity without Groups* (Cambridge, Mass.: Harvard University Press, 2006).

In transnational sociology, such triadic frameworks align with discussions of “diasporic hybridity”<sup>439</sup> and “diasporic subjectivity.”<sup>440</sup> As *nationals*, Chosŏnjok hold Chinese citizenship and are often framed by the Chinese state as part of its multiethnic unity project. As foreigners, they are rendered marginal within South Korea, where their ethnic proximity to Koreans does not erase the legal and cultural distance imposed upon them. As *hybrids*, they inhabit an ambiguous space of partial belonging, simultaneously claimed and disclaimed by both sides. This hybridity, far from being a weakness, demonstrates the instability of national identity categories themselves.

It is precisely here that the politics of ICH comes into play. Heritage discourses, particularly under the auspices of the UNESCO 2003 Convention, are not neutral; they are powerful instruments for shaping identity and legitimacy. China has actively mobilized Chosŏnjok traditions, such as *nongak*, food rituals, or folk festivals, within its ICH framework to demonstrate the vitality of minority cultures under the Chinese nation-state. In this narrative, Chosŏnjok heritage becomes evidence of China’s successful multiethnic governance, emphasizing their status as *nationals* who enrich the broader Chinese cultural mosaic. At the same time, South Korea often claims diasporic communities like the Chosŏnjok as carriers of “authentic” Korean traditions, especially when those practices are perceived as having declined or transformed within the Korean Peninsula. Here, Chosŏnjok become both *foreigners* (legally outside the Korean polity) and *co-ethnics* (culturally tied to an imagined Korean nation).

The tension over who has the authority to represent Chosŏnjok heritage thus reflects the broader diasporic condition: communities are inserted into competing national projects that both embrace and marginalize them. From China’s perspective, the Chosŏnjok are celebrated as minority nationals whose practices belong to the

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<sup>439</sup> Pnina Werbner and Tariq Modood, *Debating Cultural Hybridity: Multi-Cultural Identities and the Politics of Anti-Racism* (London & New Jersey: Zed Books, 1997), <http://archive.org/details/debatingcultural0000unse>.

<sup>440</sup> Dibyesh Anand, “Diasporic Subjectivity as an Ethical Position,” *South Asian Diaspora* 1, no. 2 (2009): 103–11, <https://doi.org/10.1080/19438190903109412>.

Chinese ICH repertoire. From South Korea's perspective, they are both outsiders and living repositories of Korean authenticity. This dual appropriation illustrates not only the six-fold categorization of Chosŏnjok identity but also the stakes of heritage politics in East Asia.

Ultimately, the Chosŏnjok case contributes to broader theoretical debates in diaspora and heritage studies by showing how diasporic communities are instrumentalized in national identity-making projects. Their traditions are not simply "cultural practices" but are refracted through questions of belonging, sovereignty, and authenticity. Through the lens of diaspora theory, Hall's fluidity of identity, Brah's diaspora space, Bhabha's hybridity, Barth's boundary-making, and Brubaker's critique of groupism, we can understand Chosŏnjok heritage not as a static possession but as a contested field where national and diasporic identities are negotiated. This makes them an exemplary case of how UNESCO's global heritage framework intersects with local and national struggles over recognition, belonging, and cultural sovereignty.

## 5.2 ICH Diplomacy and the case of *nongak* and *nongyuewu*

The nominations of *nongak* and *nongyuewu* at UNESCO represent more than isolated safeguarding exercises; they crystallise the ways in which ICH operates as both a cultural practice and a diplomatic resource. Situated within the broader debates on heritage diplomacy, soft power, and geoculture, these cases reveal how the UNESCO system, though formally oriented towards community safeguarding, functions in practice as an arena where states negotiate legitimacy, identity, and sovereignty. The significance of this paired case lies not only in the bilateral tensions it exposes between China and South Korea, but also in the wider processes through which ICH becomes entangled in geopolitics, minority governance, and borderland histories.

By examining the *nongak* and *nongyuewu* nominations, this section foregrounds how intangible heritage undergoes a process of transformation: from localised community practice to nationalised heritage asset, from inscription to instrument of international positioning, and ultimately into a site of contestation. These dynamics illustrate how UNESCO inscriptions can be strategically mobilised to reinforce domestic narratives, assert regional authority, and challenge competing claims. The following analysis first situates the case within theoretical debates on heritage diplomacy and soft power, then contextualises it in the light of China's Northeast Project, before turning to the nominations themselves. In doing so, it develops a processual model of ICH diplomacy that highlights how intangible heritage, once inscribed, rarely remains neutral but instead becomes embedded in cycles of cultural and political negotiation.

### *Theoretical background and foreground*

The study of cultural heritage in international relations has increasingly shifted from an exclusive focus on preservation to an analysis of heritage as a political resource, a diplomatic instrument, and a tool of identity negotiation. In this regard, the case

of Sino–Korean heritage disputes and UNESCO nominations cannot be understood without situating it within the broader theoretical frameworks of heritage diplomacy, soft power, and geoculture.

### *Heritage as Politics and Diplomacy*

Heritage is not a neutral category, but a construct shaped by power relations, institutional frameworks, and identity claims.<sup>441</sup> The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage was intended to safeguard community practices and foster international cooperation. However, scholars such as Blake, Winter, and Huang and Lee<sup>442</sup> highlight that UNESCO mechanisms often operate as diplomatic stages where states advance their own cultural agendas. The Representative List, in particular, becomes a site where national identities are performed and contested, and where heritage diplomacy plays out through nominations, counter-nominations, and public reactions. A clear example is the tentative inscription by India of the *Sowa Rigpa* transmitted between communities situated on the bordering areas with Pakistan and China, areas which are still politically, and military contested.

In this sense, heritage diplomacy refers to the deployment of cultural heritage within interstate relations, where heritage serves both as a medium of soft power and as a symbolic battleground for competing claims.<sup>443</sup> Rather than being confined to technical safeguarding, heritage diplomacy is entangled with national branding,

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<sup>441</sup> Chiara Bortolotto, “Globalising Intangible Cultural Heritage? Between International Arenas and Local Appropriations,” in *Heritage and Globalisation*, ed. Sophia Labadi and Colin Long, Key Issues in Cultural Heritage (Abingdon, Oxon, England New York: Routledge, 2010), 97–114. Smith, Laurajane. *Uses of Heritage*. Repr. Heritage Studies. London: Routledge, 2006.

<sup>442</sup> Janet Blake, “UNESCO’s 2003 Convention on Intangible Cultural Heritage: The Implications of Community Involvement in ‘Safeguarding,’” in *Intangible Heritage*, ed. Laurajane Smith and Natsuko Akagawa (Routledge, 2008), <https://doi.org/10.4324/9780203884973>; Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (2015): 997–1015, <https://doi.org/10.1080/13527258.2015.1041412>; and Shu-Mei Huang and Hyun-Kyung Lee, “Difficult Heritage Diplomacy? Re-Articulating Places of Pain and Shame as World Heritage in Northeast Asia,” *International Journal of Heritage Studies* 25, no. 2 (2019): 143–59, <https://doi.org/10.1080/13527258.2018.1475410>.

<sup>443</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 997–1015, <https://doi.org/10.1080/13527258.2015.1041412>.

regional competition, and historical disputes. Beside the terminology coined by Tim Winter, another interesting definition particularly important for this research is the term theorised by Shu-Mei Huang and Hyung-Kyung Lee: Heritage OFF Diplomacy.<sup>444</sup>

### *Soft Power and Geoculture*

The centrality of heritage in statecraft can also be explained through Joseph Nye's concept of soft power, whereby states seek to influence others not through coercion but through attraction, legitimacy, and cultural authority.<sup>445</sup> By nominating cultural elements at UNESCO, States Parties aim to gain international recognition, reinforce their legitimacy at home, and project an image of civilisational continuity abroad. Both China and South Korea have actively engaged in this soft power competition, using heritage inscriptions to assert national distinctiveness and regional leadership. In particular, the ICH lists and Convention are a fruitful ground for both countries to re-assess their regional centrality, especially after the establishment of their ICH Category 2 Centres.

At the same time, the mobilization of heritage resonates with Immanuel Wallerstein's notion of geoculture (1991). Wallerstein argues that alongside geopolitics and geoeconomics, states also engage in geocultural struggles, using cultural narratives to legitimise their place in the world system. UNESCO nominations exemplify this geocultural dimension: they position cultural practices within a global hierarchy of recognition while simultaneously affirming territorial and identity claims in regional contexts. In the case of *nongak* and *nongyuewu* it is particularly significant the geocultural scenario of northeast Asia and see how contested historical narratives and World heritage nominations can still thrive inside a highly politicised and controlled environment.

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<sup>444</sup> Shumei Huang and Hyun-kyung Lee, "Difficult Heritage Diplomacy? Re-Articulating Places of Pain and Shame as World Heritage in Northeast Asia," *International Journal of Heritage Studies* 25, no. 2 (2019): 143–59, <https://doi.org/10.1080/13527258.2018.1475410>.

<sup>445</sup> Joseph S. Nye, *Soft Power: The Means to Success in World Politics*, 1st ed. (New York: PublicAffairs, 2004).

### *Borderlands, Identity, and Minority Politics*

The Sino–Korean disputes over Koguryŏ history and the *nongak/nongyuewu* nominations demonstrate how heritage intersects with borderland politics and minority governance. Scholars such as Kavalski (2016)<sup>446</sup> and Gladney (2004) show how China incorporates minority cultures into a narrative of “unity in diversity” (多元一体, *duo yuan yi ti*), presenting them as integral components of a unified multi-ethnic state. In contrast, South Korea mobilises heritage to reaffirm national identity and cultural sovereignty, often in opposition to perceived Chinese appropriation.

These dynamics highlight the dual role of heritage: as a domestic tool of identity management and as an international instrument of cultural diplomacy. Borderland traditions like Koguryŏ history or the Farmers’ Dance become particularly sensitive, as they straddle competing historiographies, nationalisms, and minority identities. The Northeast Project exemplifies how heritage scholarship can be weaponised to reinforce sovereignty claims and mitigate perceived threats to state unity.

Placing the *nongak* and *nongyuewu* nominations within this theoretical landscape allows us to see them not merely as safeguarding exercises but as strategic moves within a larger framework of heritage diplomacy and cultural geopolitics. The two inscriptions reveal:

1. How states use UNESCO to internationalise domestic identity narratives
2. How minority heritage can be framed either as a symbol of multicultural unity (China) or as a core element of national identity (South Korea)
3. How heritage nominations function as both responses and provocations within cycles of regional competition

Foregrounding these nominations in terms of heritage diplomacy, soft power, and geoculture underscores the broader argument of this thesis: that intangible cultural

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<sup>446</sup> Emilian Kavalski, ed., *China and the Global Politics of Regionalization* (Routledge, 2016), <https://doi.org/10.4324/9781315571638>.

heritage, once inscribed, is rarely apolitical. Instead, it becomes embedded in negotiations over sovereignty, legitimacy, and international recognition.

### *The Northeast Project and its Influence*

The establishment of formal diplomatic relations between the People's Republic of China and the Republic of Korea on 24 August 1992 marked a watershed in Northeast Asian geopolitics. The agreement ended decades of Cold War hostility in the region and included Seoul's confirmation of the "One China" principle, as well as Beijing's endorsement of a peaceful reunification of the Korean peninsula. From that moment, Sino-Korean relations entered a new phase, characterised by economic cooperation but also growing cultural and historical disputes. Among these, China's Northeast Project (2002–2007) became one of the most contested initiatives, with deep implications for the politics of history, identity, and cultural heritage in the region. An issue that hasn't been solved until now, and that also included the international recognition of UNESCO World Heritage sites and Intangible Cultural heritage items connected with the historical past of this area.

Although officially launched at a Beijing meeting between 28 February and 1 March 2002, the Northeast Project had earlier roots. Preparatory work began in the mid-1990s, with a major milestone being the compilation of academic papers on the history of the ancient kingdom of Koguryō in 2001, under the title: *Koguryō history in ancient China* (古代中国高句丽历史丛论, *Gudai Zhongguo Gaojuli Lishi Conglun*).<sup>447</sup> Spearheaded by the Chinese Academy of Social Sciences (CASS), the project involved close collaboration with research institutions and administrative offices in the provinces of Liaoning, Jilin, and Heilongjiang, the heart of China's northeast. Despite being a regional study, no foreign institutions were involved neither from North nor South Korea.

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<sup>447</sup> Hokyū Yeo, "China's Northeast Project and Trends in the Study of Koguryō History," *International Journal of Korean History* 10 (December 2006): 121–55, [https://ijkh.khistory.org/upload/pdf/10\\_06.pdf](https://ijkh.khistory.org/upload/pdf/10_06.pdf).

The project was officially conceived as a five-year national academic endeavour, with reported funding of approximately 20 billion yuan. It is amplified by other similar projects like the Northeast Revitalisation Strategy, the Qing History Project, and the Cultural Project.<sup>448</sup> This last particularly has among close ties with the Northeast Project and its goals to investigate the history and culture of China's northeastern borderlands, which resulted in the assertion lead by Chinese academic institutions that these territories, including the polities historically located there, such as Koguryō and Parhae, had always been integral parts of the Chinese state. Followed by heritage policies with the aim of improving the cultural safeguarding and promotion of this area.

The historical kingdom of Koguryō (37 BCE–668 CE) occupied much of what is today Manchuria (Northeast China) and northern Korea. In both North and South Korea, Koguryō is regarded as a foundational component of Korean national history and identity. China's claim, articulated through the Northeast Project, reframed Koguryō as a “local regime” established by one of China's ancient minority peoples, a formulation that sought to nationalise the kingdom within the framework of a multi-ethnic Chinese state.

Tensions escalated after 24 June 2003, when the official Party newspaper *Guangming Ribao* declared: “Koguryō was an ancient nation established by a Chinese minority tribe.”<sup>449</sup> In July 2004, the Chinese Ministry of Foreign Affairs reiterated this position on its website. At the same time, Beijing pursued the UNESCO World Heritage nomination of Koguryō tombs and remains in Jian, a move widely perceived in Sōul as part of a cultural appropriation strategy.<sup>450</sup>

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<sup>448</sup> Ch'ōn-sōk Yi, “Chunggung tongbukpyōn'gangjōngch'aekkwā munhwagongjōng [Biān jiāng policy of North-eastern China and Culture Project],” *Kukchejōngch'iyōn'gu* 15, no. 2 (2012): 48–69.

<sup>449</sup> The Chosun Daily, “What China's Northeast Project Is All About,” *The Chosun Daily*, September 30, 2009, <https://www.chosun.com/english/national-en/2008/05/30/NEGI5IWCD7LC66IVGCZL7V3ANI/>.

<sup>450</sup> Ch'ōn-sōk Yi, “Chunggung tongbukpyōn'gangjōngch'aekkwā munhwagongjōng [Biān jiāng policy of North-eastern China and Culture Project],” *Kukchejōngch'iyōn'gu* 15, no. 2 (2012): 48–69.

South Korean scholars, politicians, and the general public responded with strong criticism. The Northeast Project was seen not merely as an academic exercise but as a politically motivated attempt to undermine Korean historical claims and cultural sovereignty. The issue gained visibility at a time when Sino-Korean relations were otherwise deepening in trade and investment, thus injecting mistrust into a rapidly growing partnership.

Korean academics, such as Song Ki-ho (Söul National University), interpreted the project as a geopolitical manoeuvre: “China isn’t making the claims just for historical reasons but for political reasons to claim dominion over North Korea in case of a changing political situation in the region.”<sup>451</sup> This could also be further amplified by the discussions over the Gando Convention, a treaty signed by Korea under Japanese rule. Similarly, Yeo Ho-kyu has argued that the Northeast Project was Beijing’s response to the shifting strategic environment following the collapse of the Soviet Union, which had unsettled communities in Manchuria and heightened concerns about regional stability.<sup>452</sup> This could have potentially undermined the Chinese unified multi-ethnic state, whereas a revised historical interpretation would eventually alleviate instability.<sup>453</sup>

The Northeast Project illustrates how history and cultural heritage can be weaponised in international relations. By reinterpreting Koguryö as Chinese, Beijing not only advanced a historical claim but also reinforced its domestic narrative of “unity in diversity”, or of a “unified multi-ethnic state” emphasising the integration of ethnic minorities into the Chinese nation. At the same time, this

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<sup>451</sup> The Chosun Daily, “What China’s Northeast Project Is All About,” *The Chosun Daily*, February 21, 2024, <https://www.chosun.com/english/national-en/2008/05/30/NEGI5IWCD7LC66IVGCZL7V3ANI/>.

<sup>452</sup> Hokyü Yeo, “China’s Northeast Project and Trends in the Study of Koguryö History,” *International Journal of Korean History* 10 (December 2006): 121–55, [https://ijkh.khistory.org/upload/pdf/10\\_06.pdf](https://ijkh.khistory.org/upload/pdf/10_06.pdf).

<sup>453</sup> Ch’ön-sök Yi, “Chunggung tongbukpyön’gangjöngch’aekkwä munhwagongjöng [Biān jiāng policy of North-eastern China and Culture Project],” *Kukchejöngch’iyön’gu* 15, no. 2 (2012): 25.

approach directly challenged the Korean historiography that situates Koguryŏ at the heart of Korean cultural origins.

The project also intersected with UNESCO heritage politics. The Chinese nomination of Koguryŏ tombs as World Heritage (inscribed in 2004) coincided with disputes over other cultural practices, such as the Dragon Boat Festival,<sup>454</sup> which later sparked the dis-joint nominations of the Farmers' Dance and Music (*nongyuewu/nongak*), further entangling cultural heritage in the broader cycle of intangible heritage diplomacy, as it will be explained later on in the following paragraphs. Moreover, other claims were also made over Korean cultural symbols, like Mount Paekdu or Changbai, in Chinese language, which became theatre of an intense tourism advertising campaign to fit into the 12th Five-Year Plan for the Tourism Industry.<sup>455</sup>

The Northeast Project represents more than a historical or academic undertaking; it is a manifestation of China's geocultural strategy in Northeast Asia. It exemplifies how states deploy scholarship, heritage policies, and UNESCO mechanisms to assert sovereignty, manage minority populations, and prepare for future geopolitical scenarios. For South Korea, the project reinforced anxieties about cultural appropriation and the erasure of shared histories, contributing to recurring tensions in bilateral relations.

In the broader context of this thesis, the Northeast Project underscores how cultural heritage becomes a diplomatic resource and a site of contestation, shaping not only historical memory but also the dynamics of contemporary Sino-Korean relations. Moreover, it addresses once again the centrality of intangible cultural heritage and heritage politics in the national and international framework, as an instrument of power in establishing a certain historical narrative.

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<sup>454</sup> UNESCO, "Dragon Boat Festival," [ich.unesco.org](http://ich.unesco.org), 2009, <https://ich.unesco.org/en/RL/dragon-boat-festival-00225>.

<sup>455</sup> Ch'ŏn-sŏk Yi, "Chunggung tongbukpyŏn'gangjŏngch'aekkwā munhwagongjŏng [Biān jiāng policy of North-eastern China and Culture Project]," *Kukchejŏngch'iyŏn'gu* 15, no. 2 (2012): 60. The Plan can be consulted at the following link 国务院关于印发服务业发展“十二五”规划的通知\_旅游\_中国政府网 [https://www.gov.cn/zhengce/content/2012-12/12/content\\_3943.htm](https://www.gov.cn/zhengce/content/2012-12/12/content_3943.htm).

## *Application to the Case Study: nongak and nongyuewu nominations*

### *Chronology of Nominations*

The process of UNESCO nominations under the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage is often presented as an apolitical, technical mechanism of safeguarding. In practice, however, nominations are deeply entangled in questions of national representation, identity politics, and diplomatic positioning.<sup>456</sup> The cases of the Chinese nomination of the *Farmers' Dance of China's Korean Ethnic Group* (2009) and the South Korean nomination of *Nongak* (2014) offer an instructive example of how ICH listings can become a site of negotiation, competition, and cultural diplomacy in East Asia.<sup>457</sup>

In 2009, the People's Republic of China successfully inscribed the *Farmers' Dance of China's Korean Ethnic Group* (农乐舞, *nongyuewu*) on the Representative List of the Intangible Cultural Heritage of Humanity (UNESCO 2009). The practice is associated with the Korean minority in the Yanbian Korean Autonomous Prefecture, located in China's northeastern Jilin Province along the border with North Korea. The nomination was part of a broader Chinese strategy to foreground the diversity of its 56 officially recognised ethnic minorities, presenting them as contributors to the richness of Chinese national culture.<sup>458</sup> Within this framework, *nongyuewu* was framed as a vibrant expression of the Korean ethnic group that, while

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<sup>456</sup> Chiara Bortolotto, "Globalising Intangible Cultural Heritage? Between International Arenas and Local Appropriations," in *Heritage and Globalisation*, ed. Sophia Labadi and Colin Long, Key Issues in Cultural Heritage (Abingdon, Oxon, England New York: Routledge, 2010), 97–114. Janet Blake, "UNESCO's 2003 Convention on Intangible Cultural Heritage: The Implications of Community Involvement in 'Safeguarding,'" in *Intangible Heritage*, ed. Laurajane Smith and Natsuko Akagawa, 0 ed. (Routledge, 2008), <https://doi.org/10.4324/9780203884973>.

<sup>457</sup> Tim Winter, "Heritage Diplomacy," *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 997–1015, <https://doi.org/10.1080/13527258.2015.1041412>.

<sup>458</sup> Colin Mackerras, *Ethnic Minorities in Modern China*, Critical Concepts in Asian Studies (London: Routledge, 2011). Dru C. Gladney, *Dislocating China: Reflections on Muslims, Minorities, and Other Subaltern Subjects*, 1st ed. (London: Hurst, 2004), <https://archive.org/details/dislocatingchina0000glad/page/n7/mode/2up?view=theater>.

acknowledging its Korean roots, was nevertheless presented as an integral component of the Chinese state's multicultural identity, also in line with the Northeast Project and the 12<sup>th</sup> five years Tourism Plan presented in 2012.<sup>459</sup> The inscription thereby reinforced China's discourse of "unity in diversity" (多元一体), a policy line that highlights ethnic variety while ultimately subsuming it within the national framework of "Zhonghua minzu" (中华民族).<sup>460</sup>

South Korea responded to this development with the nomination and inscription of *Nongak* in 2014. *Nongak* is a traditional performance art rooted in rural communities, combining drumming, dance, and ritual elements, historically linked to agricultural work, village festivities, and communal solidarity.<sup>461</sup> By presenting *nongak* at UNESCO, South Korea aimed not only to safeguard the practice but also to reaffirm its place as a core element of Korean cultural identity. Importantly, the 2014 nomination occurred after growing domestic unease over China's earlier success in gaining recognition for a Korean-related tradition, in the World Heritage List,<sup>462</sup> beside the Korean recognition of the Gangneung *Danoje* (2005), a festival connected to the following Dragon Boat festival nomination made by China in 2009. For many South Koreans, the Chinese nomination was perceived as a challenge to Korea's cultural sovereignty, prompting the state to respond assertively within the same international heritage framework. At the same time, a similar perception can be found on the Chinese side, where certain nominations on the Korean territory are often perceived as part of the Chinese cultural influence.

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<sup>459</sup> State Council 国务院, "Guowuyuan guanyu yinfa fuwuye fazhan 'shierwu' guihua de tongzhi 国务院关于印发服务业发展 '十二五' 规划的通知 [Notice of the State Council on the Issuance of the 'Twelfth Five-Year Plan' for the Development of the Service Industry]," 2012, [https://www.gov.cn/zhengce/content/2012-12/12/content\\_3943.htm](https://www.gov.cn/zhengce/content/2012-12/12/content_3943.htm).

<sup>460</sup> Suisheng Zhao, "Chinese Nationalism and Its International Orientations," *Political Science Quarterly* 115, no. 1 (March 1, 2000): 1–33, <https://doi.org/10.2307/2658031>.

<sup>461</sup> Hye-kyung Lee, *Cultural Policy in South Korea: Making a New Patron State*, 1st ed. (London: Routledge, 2018), <https://doi.org/10.4324/9781315736617>.

<sup>462</sup> Dal-yong Jin, *New Korean Wave: Transnational Cultural Power in the Age of Social Media* (Urbana, Chicago: University of Illinois Press, 2016).

Chronologically, the two nominations demonstrate a pattern of heritage negotiation shaped by both domestic and international considerations. For China, the 2009 inscription aligned with its ethnic minority policies, the broader strategy of revitalising the northeastern borderland, and efforts to project soft power globally through UNESCO. For South Korea, the 2014 nomination was a strategic assertion of ownership over a practice central to national identity, while simultaneously countering China's earlier move. This is justified by the priority given to this nomination over others already planned ahead.<sup>463</sup> Thus, the timeline itself reveals the reactive and dialogical nature of heritage diplomacy, whereby states engage with UNESCO not only for safeguarding purposes but also to position themselves in cultural and geopolitical terms. At the same time, direct dialogue between the two countries on shared heritage has remained absent, leaving the diplomatic negotiation of borderland traditions to unfold indirectly through UNESCO mechanisms.

### *South Korean Reaction and Communities' Responses*

The Chinese nomination in 2009 triggered significant debate in South Korea.<sup>464</sup> Media coverage and public opinion expressed concern that Beijing was appropriating Korean cultural elements under the guise of minority heritage. This reaction cannot be separated from the broader context of the *Northeast Project* (2002–2007), in which Chinese scholarly institutions asserted historical claims over ancient kingdoms such as Koguryŏ and Parhae. These claims were interpreted in Seoul as a direct challenge to Korean historical identity.<sup>465</sup> Against this backdrop, the UNESCO inscription of *nongyuewu* was perceived as a continuation of the same

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<sup>463</sup> Ko-ŭn Yi, "Nongakmu, Chungguk-i mŏnjŏ Yun'esŭko munhwa yusan tŭngnok [China Registers Farmers' Dance as UNESCO Cultural Heritage First]," *Kyŏnghyang Sinmun*, November 9, 2009, //www.khan.co.kr/article/200911091737475.

<sup>464</sup> Various newspaper have published one or more articles related to the Chinese nomination of *nongyuewu*. A list of the free online available articles can be found at the following link: [https://docs.google.com/spreadsheets/d/1TCycToYNJ\\_sSE1E\\_loJIPsHg8-1pnJoelw3hjZBAuB4/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1TCycToYNJ_sSE1E_loJIPsHg8-1pnJoelw3hjZBAuB4/edit?usp=sharing)

<sup>465</sup> Ki-uk Sin, *Ethnic Nationalism in Korea: Genealogy, Politics, and Legacy*, Studies of the Walter H. Shorenstein Asia-Pacific Research Center (Stanford, Calif: Stanford University Press, 2006).

logic: subsuming shared or contested cultural practices into a Chinese national framework.

In response, South Korean heritage officials, academics, and cultural practitioners emphasised the need to “protect” Korean traditions within international organisations. The *nongak* nomination in 2014 was thus not simply a cultural initiative but a diplomatic one. By achieving recognition at UNESCO, South Korea sought to reclaim authority over *nongak* and prevent its cultural boundaries from being blurred in global perception. This illustrates the central dynamic of heritage diplomacy: intangible heritage becomes a tool of foreign policy, mobilised to assert national legitimacy and to resist perceived cultural encroachments by neighbouring states.

South Korea’s reaction was not limited to the state apparatus. Communities of practitioners within Korea engaged by providing documentation and their support to the central administration’s nomination initiative. However, responses also revealed tensions. Some practitioners welcomed the international recognition as a means of securing state funding, institutional support, and renewed public interest. Others are more critical, and during the interviews conducting during fieldworks between 10 communities, some of these expressed their disappointment over the gradual direct engagement of the cultural administration with the *nongak* practices and cultural environment. These debates point to the ambivalence inherent in UNESCO processes. Beside these findings, fieldwork research also highlighted the pride and joy of these *nongak* communities for the international recognition, a symbol of the importance of the collective rural spirit of South Korea that still inhabits small villages and towns.

The Korean-Chinese communities in Yanbian reacted differently. For them, the inscription of *nongyuewu* represented an opportunity for cultural affirmation within the Chinese minority framework, offering state recognition and resources for transmission. Yet, this affirmation was tied to a political condition: the practice was celebrated insofar as it contributed to the broader narrative of Chinese multicultural unity. Thus, the Yanbian case demonstrates how minority communities can become

both beneficiaries and instruments of state heritage diplomacy, positioned simultaneously as cultural custodians and as symbols of national legitimacy.<sup>466</sup>

At the diplomatic level, the interplay between the two nominations intensified cultural competition between China and South Korea, as also demonstrated by the narration given in several public articles published on Korean newspapers. Both states strategically used UNESCO as an international arena to promote national narratives, reinforce their soft power, and signal cultural authority to global audiences. What appears on the surface as two independent nominations of traditional dances is, in reality, a manifestation of a larger process of heritage off diplomacy, in which intangible heritage serves as a proxy for political disputes, historical disagreements, and competing visions of cultural sovereignty.

### *Heritage Diplomacy and the UNESCO Arena*

These twin nominations illuminate the extent to which heritage diplomacy operates through UNESCO mechanisms. The Representative List, ostensibly a neutral platform for safeguarding, becomes a space where states articulate competing claims, negotiate cultural boundaries, and seek international validation.<sup>467</sup> For China, inscribing *nongyuewu* communicated two important signals, firstly its capacity to manage a diverse nation and secondly, to represent its ethnic minorities within global cultural governance.<sup>468</sup> For South Korea, nominating *nongak* was a way to resist perceived cultural appropriation and to reaffirm a distinctive national identity in the eyes of the world. *Nongak* was in fact one of the first symbols to be donated in the early stages of the South Korean participation in UNESCO: a

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<sup>466</sup> Dru C. Gladney, *Dislocating China: Reflections on Muslims, Minorities, and Other Subaltern Subjects*, 1st ed. (London: Hurst, 2004), <https://archive.org/details/dislocatingchina0000glad/page/n7/mode/2up?view=theater>.

<sup>467</sup> Chiara Bortolotto, "Globalising Intangible Cultural Heritage? Between International Arenas and Local Appropriations," in *Heritage and Globalisation*, ed. Sophia Labadi and Colin Long, Key Issues in Cultural Heritage (Abingdon, Oxon, England New York: Routledge, 2010), 97–114.

<sup>468</sup> Suisheng Zhao, "Chinese Nationalism and Its International Orientations," *Political Science Quarterly* 115, no. 1 (March 1, 2000): 1–33, <https://doi.org/10.2307/2658031>.

drawing realized by the Korean artists Kim Ki-chang,<sup>469</sup> and gifted in 1980 by the Korean government.

Heritage diplomacy, as scholars such as Tim Winter (2015) and Svensson and Maags (2018) have argued, reflects the entanglement of heritage with broader geopolitical dynamics. In this sense, the *nongak* and *nongyuewu* nominations reveal how intangible cultural heritage is mobilised not only for domestic safeguarding but also for international positioning. The tension between the two inscriptions lies not in the authenticity of the practices, both of which are vibrant and legitimate community traditions, but in the symbolic weight attached to them in the diplomatic arena.

Ultimately, the South Korean and Chinese cases demonstrate that heritage diplomacy is not confined to government-to-government relations but extends into community participation, media discourse, and public sentiment. UNESCO's platform amplifies these dynamics, transforming heritage into a tool of negotiation and contestation on the global stage. The *Nongak* and *Farmers' Dance* inscriptions exemplify how cultural expressions can become entwined with questions of sovereignty, recognition, and international soft power, reflecting the increasingly strategic role of intangible heritage in the geopolitics of Northeast Asia.<sup>470</sup>

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<sup>469</sup> UNESCO, SPU/80-034, 21/11/1980, Document consulted at the UNESCO Archive by the author, and available at the following link: [UNESCO\\_SPU80034.jpg](#).

<sup>470</sup> Ch'ŏn-sŏk Yi, "Chunggung tongbukpyŏn'gangjŏngch'aekkwa munhwagongjŏng [Biān jiāng policy of North-eastern China and Culture Project]," *Kukchejŏngch'iyŏn'gu* 15, no. 2 (2012): 48–69.

## The ICH Diplomacy Processual Model

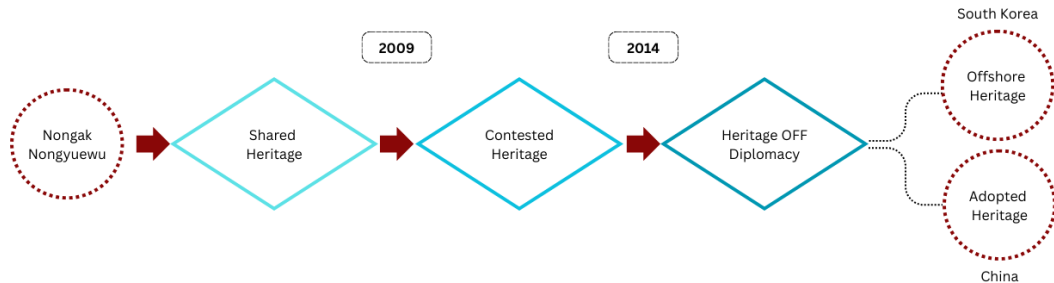


Figure 5 ICH Processual Model applied to the case of nongak and nongyuewu

Drawing upon the theoretical background of heritage diplomacy,<sup>471</sup> Joseph Nye’s concept of soft power,<sup>472</sup> and Wallerstein’s notion of geoculture,<sup>473</sup> this section develops the *Intangible Cultural Heritage Processual Model* (Figure 5). This model emerges from an analysis of the UNESCO nominations of *nongak* (South Korea) and *nongyuewu* (China) and illustrates how intangible heritage moves through successive stages: from community practice to national registration, to international inscription, and finally into the realm of diplomacy and contestation.

*Nongak* and *nongyuewu* are community-based heritage practices rooted in agrarian music and dance traditions. In South Korea, *nongak* is performed by numerous associations and ensembles officially recognised and supported by the Korean government. In China, *nongyuewu* is maintained among the *chaoxianzu*

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<sup>471</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 997–1015, <https://doi.org/10.1080/13527258.2015.1041412>. Christina Maags, “Cultural Contestation in China: Ethnicity, Identity, and the State,” in *Cultural Contestation*, ed. Jeroen Rodenberg and Pieter Wagenaar (Cham: Springer International Publishing, 2018), 13–36, [https://doi.org/10.1007/978-3-319-91914-0\\_2](https://doi.org/10.1007/978-3-319-91914-0_2).

<sup>472</sup> Joseph S. Nye, *Soft Power: The Means to Success in World Politics*, 1st ed. (New York: PublicAffairs, 2004).

<sup>473</sup> Immanuel Maurice Wallerstein, *World-Systems Analysis: An Introduction*, 5. print, A John Hope Franklin Center Book (Durham, NC: Duke Univ. Press, 2007).

communities, particularly in the Yanbian Korean Autonomous Prefecture in Jilin Province, near the North Korean border. While historical trajectories have separated these communities, ties have endured through trade, migration, and occasional cultural contacts.<sup>474</sup> The 2009 nomination file explicitly mentions sporadic exchanges, and my own fieldwork confirmed that some *chaoxianzu* visited South Korea to learn directly from *nongak* groups, and in one specific case also transboundary performers' collaborations were initiated.

Prior to their UNESCO inscriptions, these traditions were held and transmitted at the community level, sometimes safeguarded through national and local heritage registers. In this earlier phase, their transboundary character was more visible: performers and communities could recognise the cultural continuity across borders without the constraints of international labelling. However, once inscribed on the UNESCO Representative List of Intangible Cultural Heritage, the practices underwent a transformation. International recognition effectively “fixed” their identity, defining them as distinct, nationally owned cultural elements,<sup>475</sup> thanks to this categorisation transforming into a political tool.<sup>476</sup> As a consequence, this reification changed not only how outsiders perceived the traditions, but also how practitioners and state administrations themselves related to them.

In principle, *nongak* and *nongyuewu* might have served as examples of shared heritage in a diplomatic context, enabling cultural bridges between communities separated by borders.<sup>477</sup> Instead, the nominations became entangled in regional

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<sup>474</sup> Chong-mi Yi, “Chungguk Chosŏnjongnongangmu Yunesŭk’o Tŭngjae Ihu Ch’unch’ŏn Saam-ri Nongagŭi Pyŏnhwa Yangsang [Changes in Saam-ri Chuncheon Nongak after Korean-Chinese Nongak Dance UNESCO registration],” *Kangwŏnmunhwayŏn’gu* 47 (2023): 129–61.

<sup>475</sup> Kuutma Kristin, “Afterword - The Politics of Scale for Intangible Cultural Heritage - Identification, Ownership and Representation,” in *Politics of Scale: New Directions in Critical Heritage Studies*, ed. Tuuli Lähdesmäki, Suzie Thomas, and Yujie Zhu, Explorations in Heritage Studies, volume 1 (New York: Berghahn Books, 2019), 156–70.

<sup>476</sup> Herod, A. and M.W. Wright. 2002. ‘Introduction: Rhetorics of Scale’, in A. Herod and M.W. Wright (eds), *Geographies of Power: Placing Scale*, Malden, MA and Oxford: Wiley-Blackwell, 147–53.

<sup>477</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 1010, <https://doi.org/10.1080/13527258.2015.1041412>.

geopolitics. Border disputes and questions of sovereignty, for example, over Mount Paektu/Changbai, have long coloured relations between China, North Korea, and South Korea.<sup>478</sup> These disputes have also included cultural symbols on both sides, like Mount Paektu during the Asian Winter Games of Changchun, or the Koguryō tombs spread on both side of the borders, as well as other claims that have become crucial in creating international and regional cultural standards. For China, the central challenge has been to reinforce national unity and the legitimacy of a multiethnic state,<sup>479</sup> while for South Korea, the concern has been maintaining cultural links with diasporic Korean communities.

China's 2009 nomination of *nongyuewu* to the UNESCO Representative List sparked immediate controversy. South Korean officials expressed shock at the unilateral move, particularly since neither South Korea nor North Korea had been consulted.<sup>480</sup> The episode recalls the earlier Gangneung *Danoje* case inscribed by South Korea in 2005, which Beijing perceived as a partial appropriation. China's subsequent inscription of the Dragon Boat Festival in 2009 made the tension explicit: the nomination file itself highlighted the festival's practice across the Korean Peninsula, Japan, and Southeast Asia, and it also highlighted how this practice have influenced local communities and gave rise to festivities related to it.<sup>481</sup> The years between 2005 and 2014 were thus marked by heightened political and cultural frictions, also reinforced by collateral projects put in place by China.

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<sup>478</sup> Daniel Gomà Pinilla, "Border Disputes between China and North Korea," *China Perspectives* 2004, no. 2 (March 1, 2004), <https://doi.org/10.4000/chinaperspectives.806>.

<sup>479</sup> Christina Maags, "Creating a Race to the Top: Hierarchies and Competition within the Chinese ICH Transmitters System," in *Chinese Heritage in the Making*, ed. Christina Maags and Marina Svensson, Experiences, Negotiations and Contestations (Amsterdam University Press, 2018), 123, <https://doi.org/10.2307/j.ctt2204rz8.8>; and Christina Maags, "Cultural Contestation in China: Ethnicity, Identity, and the State," in *Cultural Contestation*, ed. Jeroen Rodenberg and Pieter Wagenaar (Cham: Springer International Publishing, 2018), p.19, [https://doi.org/10.1007/978-3-319-91914-0\\_2](https://doi.org/10.1007/978-3-319-91914-0_2).

<sup>480</sup> This information was retrieved by the author from some interviews conducted in South Korea during 2023-2024.

<sup>481</sup> UNESCO, Nomination for inscription on the Representative List in 2009 (Reference No. 00225), 2009.

In 2014, South Korea rushed through its own *nongak* nomination, according to informants involved in the process. Several other heritage files deemed “more important” were postponed in order to prioritise a response to China’s earlier inscription. From that moment, *nongyuewu* and *nongak* both became what I describe as ICH Off Diplomacy: internationally recognised yet politically detached. Rather than serving as levers for cultural rapprochement, they remained parallel, compartmentalised heritage elements, distinct both in performance and in diplomatic function.

This dynamic produced asymmetrical outcomes. For South Korea, *nongyuewu* came to be perceived as an offshore heritage: culturally Korean in origin but geographically and politically situated within another state. For China, *nongyuewu* functions as an adopted heritage: not part of Han cultural traditions but incorporated into the state narrative of “unity in diversity” through the multiethnic framework of the People’s Republic.<sup>482</sup> In both cases, the UNESCO Representative List reinforced the nationalisation of what had previously been a shared cultural practice.

The case of *nongak* and *nongyuewu* illustrates the dynamics of what I define as the “Processual Model of Intangible Cultural Heritage”: from community-based practice to national registration, to international inscription, and ultimately to contested heritage diplomacy. While both traditions originated as shared and transboundary cultural expressions across Korean communities,<sup>483</sup> their inscription on the UNESCO Representative List reframed them as nationally bounded heritage assets. This process curtailed their role as flexible, cross-border cultural bridges and instead positioned them as symbols within competing state narratives. The Chinese nomination of *nongyuewu* without consultation with Korean counterparts and the subsequent South Korean nomination of *nongak* exemplify how heritage becomes

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<sup>482</sup> Tzu-kai Liu, “Chapter 9 - Re-Constructing Cultural Heritage and Imagining Wa Primitiveness in the China/Myanmar Borderlands,” in *Cultural Heritage Politics in China*, ed. Tami Blumenfield and Helaine Silverman (New York, NY: Springer, 2013), 167.

<sup>483</sup> Chong-mi Yi, “Chungguk Chosŏnjongnongangmu Yunesŭk’o Tŭngjae Ihu Ch’unch’ŏn Saam-ri Nongagŭi Pyŏnhwa Yangsang [Changes in Saam-ri Chuncheon Nongak after Korean-Chinese Nongak Dance UNESCO registration],” *Kangwŏnmunhwayŏn ’gu* 47 (2023): 129–61.

entangled in strategies of cultural appropriation and soft power. Far from resolving disputes or fostering cooperation, the dual inscriptions exacerbated political sensitivities, reinforcing national claims while marginalising the shared and diasporic dimensions of these practices.

Another significant aspect that emerges from this case study is the dynamic nature of intangible cultural heritage, not only in terms of its intrinsic qualities, which are already recognised by UNESCO and the international community, but also in its responsiveness to diplomatic processes. Cultural expressions can be reshaped within shifting political and historical contexts, whether intentionally or inadvertently, as they absorb the diplomatic choices made by states that hold responsibilities and rights of sovereignty under the 2003 Convention and beyond.<sup>484</sup> This dynamic raises questions about the role of the communities of origin, who are the actual custodians of these cultural practices. Within the broader framework of international heritage diplomacy, such communities often appear as passive actors, positioned within a system largely driven by state interests. Despite their centrality to the safeguarding of ICH, they risk becoming caught in disputes that exceed both their will, and their knowledge yet nevertheless exert direct consequences on their cultural sustainability.

From a theoretical perspective, this trajectory confirms Tim Winter and Christina Maags's observations on the instrumentalization of heritage in diplomacy, while also reflecting Nye's notion of soft power, as states employ cultural forms to project legitimacy and influence at the international level, in this case through the institutional role of UNESCO. At the same time, the case resonates with Wallerstein's idea of geoculture, where heritage becomes a resource through which states negotiate their place in regional and global orders. In this sense, *nongak* and *nongyuewu* demonstrate that intangible cultural heritage, once codified by UNESCO, is not merely a matter of safeguarding community practice but also a

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<sup>484</sup> Benedetta Ubertazzi, "The Territorial Condition for the Inscription of Elements on the UNESCO Lists of Intangible Cultural Heritage," in *Between Imagined Communities of Practice*, ed. Nicolas Adell (Göttingen: Göttingen University Press, 2015), 111–22, <https://books.openedition.org/gup/216>.

site of political appropriation, geopolitical tension, and international negotiation, which in this case reconfigures in the regional disputes over northeast Asian borders in a broad spectrum.

### 5.3 Intangible Heritage Contestations in the UNESCO Diplomatic Setting

#### *Beyond Nongak and Nongyuewu: Comparative Cases of Intangible Heritage Disputes in UNESCO Practice*

After conducting archival research, I found that the UNESCO nominations for the Farmers' Dance of China's Korean ethnic group (*nongyuewu*) and South Korea's *nongak* constitute a distinctive case in the international governance of ICH and in contemporary heritage diplomacy. These nominations operate not simply as cultural registers but as instruments through which both China and South Korea assert claims of cultural sovereignty over specific practices and groups. The failure of a multinational nomination to materialise in this instance is intimately connected to broader geopolitical tensions in Northeast Asia, notably those linked to contested historical influences over certain regions, the Korean diaspora in China, and diverging state narratives about ethnicity and belonging.

Given these circumstances, China's choice to proceed with a unilateral nomination is not anomalous: it follows an observable pattern in which single states inscribe ICH they share with communities across borders rather than pursue joint (multinational) nominations. This pattern has been documented in other contentious cases and reveals how the Convention's state-centred architecture can be instrumentally mobilised in ways that reinforce territorial claims and diplomatic agendas. After taking into analysis all the examinations for nominations both in the Need of Urgent Safeguarding list and the Representative list of Intangible Cultural Heritage under the UNESCO 2003 Convention, several categories could be identified with a repetitive pattern for different geographical regions and shared between various ICH categories.

Some ICH nominations also emphasise the importance of cooperation between States Parties, building on virtuous examples that can be applied to the case study in the present research. Another important aspect, which can be deduced from few cases presented by States Parties to the Convention, is the importance of the diaspora in the internationalisation of certain practices, stressed in nomination files

of countries which have a representative community outside of their national borders. From this sample I have intentionally left out food categories as they tend to have major repercussions in the food industry, which often overshadow nationalist claims for pure economic gain. Concerns related to the Mediterranean diet, the art of Neapolitan *pizzaiuolo* and the flat bread nominated by various nations both through multinational, as well as individual nominations are already well documented, and show a prevalence of nationalistic claims for reasons which go beyond identitarian claims over a territory or community and often find further confirmation in the FAO standards registration.

Bigger categories have been identified which describe the type of relations which hindered one or more countries to look for multinational nomination instead of individual or exclusive multinational nomination.

### *Contested Borders*

UNESCO's lists of ICH often become mirrors of unresolved border politics. The 2003 Convention was designed to foreground communities rather than states, yet its operational guidelines require every nomination to be submitted by a recognised State Party,<sup>485</sup> as also required by the nature of the UN agency itself. This create a structural paradox: heritage is framed as the property of communities but is represented by governments that may compete for territorial, and political interests.

From the analysis of the examinations carried out by the intergovernmental committee for the 2003 Convention, some nominations emerged as cases of contested elements with the characteristic relationship between States Parties of having a contestation over geographical borders ongoing. All the nominations are, in fact, presented individually, disjointed and avoiding multinational cooperation. ICH items are often receiving a double inscription, characterised by a differing sovereignty under one and only State Party. Sometimes, only one State Party actually receives the inscription, undergoing examination by the intergovernmental

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<sup>485</sup> UNESCO, "Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Heritage" (UNESCO, 2024), §§ 1–2, <https://ich.unesco.org/en/directives>.

committee which refers the item and asks for specific or overall improvement of the documentation and nomination procedure.

A paradigmatic instance is the dispute surrounding *Lum* bathing, an element of the Sowa Rigpa traditional medical system. China's successful 2018 nomination<sup>486</sup> for "Lum bathing of Sowa Rigpa, Knowledge and practices concerning life and the universe"<sup>487</sup> was followed the next year by India's tentative file describing the practice of Sowa Rigpa within the Himalayan regions of Ladakh and Arunachal Pradesh. During the fourteenth session of the intergovernmental Committee in 2019, the Chinese delegation objected that India's file included communities in territories "along the China-India and India-Pakistan borders," asserting that the boundaries were "never officially demarcated" and that the file "politicised the nomination mechanisms."<sup>488</sup> Pakistan supported China's position, while India maintained that its nomination was entirely cultural. The Committee decided not to proceed with the Indian submission based on "concerns of other States Parties."<sup>489</sup> The debate illustrates how ICH files, ostensibly apolitical, can reproduce the vocabulary of sovereignty and security typical of territorial diplomacy.

Comparable dynamics, and at the same time with an opposite result than the India-China case, appear on the Korean Peninsula. Both North and South Korea nominated *Arirang*, a traditional lyrical song emblematic of Korean identity. The Republic of Korea's file was inscribed in 2012, while the Democratic People's Republic of Korea's version followed in 2014. Unlike the later joint inscription of

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<sup>486</sup> UNESCO, "Lum Medicinal Bathing of Sowa Rigpa, Knowledge and Practices Concerning Life, Health and Illness Prevention and Treatment among the Tibetan People in China," accessed October 13, 2025, <https://ich.unesco.org/en/RL/lum-medicinal-bathing-of-sowa-rigpa-knowledge-and-practices-concerning-life-health-and-illness-prevention-and-treatment-among-the-tibetan-people-in-china-01386>.

<sup>487</sup> *Ibid.*

<sup>488</sup> UNESCO, "LHE/20/15.COM/5 - Adoption of the Summary Records of the Fourteenth Session of the Committee," August 7, 2020, 114, <https://unesdoc.unesco.org/ark:/48223/pf0000378379.locale=fr>.

<sup>489</sup> UNESCO, "LHE/19/14.COM/Decisions - Comité Intergouvernemental de Sauvegarde Du Patrimoine Culturel Immatériel, 14th, Bogotá, 2019," January 29, 2020, <https://unesdoc.unesco.org/ark:/48223/pf0000378859.locale=fr>.

Ssirum/Ssireum (2018), Arirang remained a dual entry. Both countries nominated this item without engaging either in cooperation nor in confrontation, and at the same time the committee avoided explicit reference to the duplication, merely “encouraging dialogue with similar singing traditions around the world.” Given the present historical, political and geographical issues, this ICH items’ inscriptions also reflect the current geocultural worldview of the two countries and, on the other side, UNESCO sought to preserve neutrality by deflecting direct confrontation, yet its very neutrality reinforced the cultural division.

Arirang isn’t the only case where territorial disputes bring ICH in the foreground. A similar situation happened between Croatia and Montenegro with the *Saint Tryphon Festivity* in the Bay of Kotor,<sup>490</sup> a contested area between the two countries, and still awaiting a final settlement. Both States Parties nominated this festivity, which engage on both sides the community settled in the Kotor Bay area. The comment given by the judging intergovernmental committee sought to encourage the sharing of safeguarding experiences between States Parties with similar elements.<sup>491</sup> In this case, the reference to similar practices is more direct, yet free of obligations and respecting the legal sovereignty principle of States part to the Convention. While couched in cooperative language, this advice tacitly acknowledged a continuing competition for cultural ownership of Kotor’s maritime Catholic heritage.

Despite the similarities connecting the Croatia-Montenegro and South-North Korea nominations, the same suggestions for looking into shared safeguarding practices wasn’t given to the Arirang case too. Instead, in 2012 the intergovernmental committee in its comment over the examination of the South

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<sup>490</sup> UNESCO, “Decision of the Intergovernmental Committee: 15.COM 8.b.23,” December 2020, <https://ich.unesco.org/en/Decisions/15.COM/8.b.23>; UNESCO, “Decision of the Intergovernmental Committee: 17.COM 7.b.4,” November 2022, <https://ich.unesco.org/en/Decisions/17.COM/7.b.4>; and UNESCO, “Decision of the Intergovernmental Committee: 16.COM 8.b.25,” December 2021, <https://ich.unesco.org/en/Decisions/16.COM/8.b.25>.

<sup>491</sup> UNESCO, “Decision of the Intergovernmental Committee: 17.COM 7.b.4,” November 2022, <https://ich.unesco.org/en/Decisions/17.COM/7.b.4>; and UNESCO, “Decision of the Intergovernmental Committee: 16.COM 8.b.25,” December 2021, <https://ich.unesco.org/en/Decisions/16.COM/8.b.25>.

Korean nomination never allude to the presence of this similar ICH in other regions or States parties.<sup>492</sup> In 2014, when the North Korean Arirang passed the examination, the comments left by the intergovernmental committee also included a general encouragement over intercultural dialogue with similar singing traditions “around the world.”<sup>493</sup> A very generic comment given the fact that these two elements have the same inscription name inside the representative list of ICH of humanity with no possible confusion.

Across these cases, a pattern emerges, in which heritage acts as a surrogate frontier. Instead of explicit boundary maps, states use nomination dossiers to demarcate cultural space. In Benedict Anderson’s sense, the “imagined community”<sup>494</sup> is redrawn through intangible forms, rituals, songs, healing practices, that naturalise belonging. As Rodney Harrison notes, heritage can operate as a “technology of governmentality,”<sup>495</sup> shaping populations through cultural classifications. In UNESCO’s forum, such classifications become visible to the world community, transforming domestic narratives into instruments of international recognition.

These cases stress how important for States Parties is the identification and definition of certain ICH elements inside their national borders, despite the clear connection with neighbouring communities. Contested borders can become part of a subtle immaterial narrative which uses culture as a driver for territorial claims without mentioning geopolitical issues at all. Instead, it is the silent exposure through ICH nominations which allows the parties involved to set new imaginary boundaries through the means of community knowledge and practices. Creating a stronger sense of community through nationally driven ICH nomination is, however,

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<sup>492</sup> UNESCO, “Decision of the Intergovernmental Committee: 7.COM 11.27,” December 2012, <https://ich.unesco.org/en/decisions/7.COM/11.27>.

<sup>493</sup> UNESCO, “Decision of the Intergovernmental Committee: 9.COM 10.14,” November 2014, <https://ich.unesco.org/en/decisions/9.COM/10.14>.

<sup>494</sup> Benedict R. O’G Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London New York: Verso, 2006), <https://ia601200.us.archive.org/25/items/benedict-anderson-imagined-communities/Benedict-Anderson-Imagined%20Communities.pdf>.

<sup>495</sup> Rodney Harrison, *Heritage - Critical Approaches* (London: Routledge, 2012), pp. 69-70, <https://doi.org/10.4324/9780203108857>.

a technique that can work only in the case of complete exclusivity of a certain ICH practice by one country.

In this sense, the elements here presented all show their potential power, if not contrasted by an alternative ICH nomination by the concurrent state party on the other side of the border. If nationhood, and nationalistic sentiment is created and reinforced through communication, like in the case of the concept by Benedict Anderson of imagined communities, the UNESCO ICH lists can provide a useful communication tool to confirm and reinforce the national identity of individual nominations. The sense of community and belonging can be thus shaped willingly by cultural heritage administrators and national agendas.

This is also probably a theory that could be applied to the most recent Palestinian nomination of *Dabkeh* (2024).<sup>496</sup> A cultural dancing expression shared in the between other countries in the region (including Lebanon, Palestine, Jordan, and Syria), and even with the Israeli community, but that in this case can solve the role of clearly demarcating a cultural line, defining identity and nationality of a community struggling for sovereignty over its borders.<sup>497</sup> The Palestinian nomination came, however, with a clear suggestion by the intergovernmental committee, on the clear non-exclusive nature of *Dabkeh* and the encouragement for a multinational nomination of the same, in line with the principles of international cooperation and mutual understanding.<sup>498</sup> This nomination also stresses the need for a stronger identitarian culture, often menaced by border control actions, and in this sense this case can serve as a bridge between the first and second category of ICH contestations. The second categorisation identified among UNESCO ICH nominations are characterised by nationalist claims and shared traditions, which is described in the following paragraphs.

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<sup>496</sup> UNESCO, “Decision of the Intergovernmental Committee: 18.COM 8.b.3,” December 2023, <https://ich.unesco.org/en/Decisions/18.COM/8.b.3>.

<sup>497</sup> *Ibid.*

<sup>498</sup> *Ibid.*

### *Nationalist Claims and Shared Traditions*

A second typology of contestation involves practices that are broadly shared across regions but are claimed by states as uniquely national. Here, the issue is not a physical boundary but a symbolic struggle over origin and authenticity, two terms that are ideally banned from the ICH nominations, but that are still sticking to most of the nomination files submitted by States Parties.

The 2024 Palestinian nomination of Dabkeh extends these patterns into the realm of contested statehood. Recognised as a “communal dance of joy and steadfastness,” the file situates Dabkeh within narratives of resistance and identity formation.<sup>499</sup> The Committee noted that the dance “is widely practiced in the region” and encouraged a future multinational approach,<sup>500</sup> but the very act of inscription performs a diplomatic assertion of Palestine’s cultural, and by extension, political, presence on the international stage, reclaiming its nationhood.

For what concerns the China and Korean contestations, the *Dragon Boat Festival* offers perhaps the most cited example, especially in the press. China succeeded in listing the Dragon Boat Festival in 2009,<sup>501</sup> also known as *Duanwu* festival or *Duanwujie*. At that time, South Korea had already inscribed its *Gangneung Danoje Festival* in 2005,<sup>502</sup> a ritual complex that also included dragon-boat racing, even if now left out of the public celebrations. While both files describe overlapping ritual calendars, neither acknowledges the other. The duplication provoked intense online debate and press coverage in both countries, each claiming primacy of the

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<sup>499</sup> UNESCO, “Dabkeh, Traditional Dance in Palestine,” 2023, <https://ich.unesco.org/en/RL/dabkeh-traditional-dance-in-palestine-01998>.

<sup>500</sup> UNESCO, “Decision of the Intergovernmental Committee: 18.COM 8.b.3,” December 2023, <https://ich.unesco.org/en/Decisions/18.COM/8.b.3>.

<sup>501</sup> UNESCO, “Dragon Boat Festival,” 2009, <https://ich.unesco.org/en/RL/dragon-boat-festival-00225>.

<sup>502</sup> UNESCO, “Gangneung Danoje Festival,” 2008, <https://ich.unesco.org/en/RL/gangneung-danoje-festival-00114>.

tradition.<sup>503</sup> In diplomatic terms, the nominations functioned as soft-power signalling: through UNESCO recognition, each state reinforced its custodianship of an East Asian cultural sphere. Nowadays, both traditions are enlisted in the UNESCO ICH representative list, however cooperation during these festivals between China and South Korea is very limited.<sup>504</sup>

Similar symbolic rivalries surface in Southeast Asia with the martial-arts complex known as *Silat* or *Pencak Silat*. Indonesia's 2019 inscription defined *Silat* as “a tradition deeply rooted in Indonesian history,”<sup>505</sup> and a “symbol of Indonesian identity and unity,”<sup>506</sup> whereas Malaysia's nomination (2019) described it as “a common heritage of the Malay world.”<sup>507</sup> While the two files avoid open confrontation, their sequencing reveals competitive timing: each sought UNESCO's imprimatur before the other could claim universality thus leading to having both nominations during the same year. The Committee decided to keep neutrality and to do not mention neither the presence of similar practices in the region nor around the world.

Inter-American examples show comparable dynamics. Ecuador's nomination of the *Toquilla Hat* (2012) asserted that the hat “is a symbol of identity and self-recognition”<sup>508</sup> among the Azuay and Cañar communities, despite Panama's long-

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<sup>503</sup> Lucas Lixinski, “A Tale of Two Heritages: Claims of Ownership over Intangible Cultural Heritage and the Myth of ‘Authenticity,’” *Transnational Dispute Management*, March 1, 2014, [https://www.academia.edu/21706690/A\\_Tale\\_of\\_Two\\_Heritages\\_Claims\\_of\\_Ownership\\_over\\_Intangible\\_Cultural\\_Heritage\\_and\\_the\\_Myth\\_of\\_Authenticity](https://www.academia.edu/21706690/A_Tale_of_Two_Heritages_Claims_of_Ownership_over_Intangible_Cultural_Heritage_and_the_Myth_of_Authenticity).

<sup>504</sup> The *Gangneung Danoje* hosts foreign groups performing dances and other types of rituals every year, however Chinese groups were invited only once in 2019 in the last seven years since the author started her research on the topic: in 2019 a school group was invited to perform inside the theatre for the *World Passion Gala Event*. <https://blog.naver.com/lynnhun/221558551398>

<sup>505</sup> UNESCO, “Traditions of Pencak Silat - UNESCO Intangible Cultural Heritage,” 2019, <https://ich.unesco.org/en/RL/traditions-of-pencak-silat-01391>.

<sup>506</sup> UNESCO, “Decision of the Intergovernmental Committee: 14.COM 10.b.15,” December 2019, <https://ich.unesco.org/en/Decisions/14.COM/10.b.15>.

<sup>507</sup> UNESCO, “Silat,” 2019, <https://ich.unesco.org/en/RL/silat-01504>.

<sup>508</sup> UNESCO, “Traditional Weaving of the Ecuadorian Toquilla Straw Hat,” 2012, <https://ich.unesco.org/en/RL/traditional-weaving-of-the-ecuadorian-toquilla-straw-hat-00729>.

standing claim to the *Pinta'o Hat* as part of its national attire,<sup>509</sup> globally known as Panama hat. Media narratives reframed the dispute as a question of economic branding, the global Panama hat being also produced in Ecuador, but at the UNESCO level, the debate was couched in terms of craftsmanship and cultural transmission. Here, heritage diplomacy intersects with trade diplomacy, illustrating how the Convention's symbolic economy can spill into material markets. Yet, the first steps of the recognition of indigenous arts and practices also hold an important economic aspect, having upsurged from the need to protect traditional culture intellectual property rights, and in a tight collaboration between UNESCO and WIPO during the preliminary discussions hold during Seventies and the Eighties.<sup>510</sup>

Across these cases, nominations serve dual functions: they are mechanisms of safeguarding and assertions of symbolic sovereignty. As Christina Kreps observes, heritage management often produces rather than protects identity,<sup>511</sup> and in UNESCO's lists this production occurs under the global gaze. Tim Winter interprets such manoeuvres as exercises of geocultural power, where states use culture to stake claims in transnational arenas.<sup>512</sup> In this sense, the repetition of near-identical nominations, whether dragon-boat races or martial arts, does not indicate bureaucratic redundancy but constitutes an emerging grammar of heritage diplomacy in which states seek recognition through performative duplication.

### *Diasporic and Transborder Communities*

Among the most complex forms of ICH contestations are those that concern diasporic and transborder communities, where the same or closely related cultural practices exist across national boundaries. These cases challenge the Convention's

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<sup>509</sup> UNESCO, "Decision of the Intergovernmental Committee: 12.COM 11.b.24," December 2017, <https://ich.unesco.org/en/Decisions/12.COM/11.b.24>.

<sup>510</sup> Jessica Rossi, "The 'Living Human Treasures' System in the Republic of Korea" (Venice, Italy, Ca' Foscari University of Venice, 2018), 32–34, <https://unitesi.unive.it/handle/20.500.14247/8463>.

<sup>511</sup> Christina Kreps, "Indigenous Curation as Intangible Cultural Heritage: Thoughts on the Relevance of the 2003 UNESCO Convention," *Theorizing Cultural Heritage* 1, no. 2 (2005): 2–8, [https://folklife.si.edu/resources/center/cultural\\_policy/pdf/ChristinaKrepsfellow.pdf](https://folklife.si.edu/resources/center/cultural_policy/pdf/ChristinaKrepsfellow.pdf).

<sup>512</sup> Tim Winter, *Geocultural Power: China's Quest to Revive the Silk Roads for the Twenty-First Century*, Silk Roads (Chicago: The University of Chicago Press, 2019).

state-centred architecture by raising the question of who has the right to represent communities that straddle more than one national jurisdiction.<sup>513</sup> While the UNESCO 2003 Convention is premised on the idea that heritage belongs primarily to the “communities, groups and individuals” that recognise it as their own, in practice the nomination process remains anchored in the principle of state sovereignty.<sup>514</sup> Consequently, diasporic and transborder cases expose the tension between local ownership and national representation, as well as the broader problem of inclusion and recognition in the global heritage system.

The *nongak–nongyuewu* case remains a paradigmatic example of how this tension unfolds. *Nongak*, a form of Korean farmers’ music and dance, was inscribed by the Republic of Korea on the Representative List in 2014.<sup>515</sup> However, the related form known as *nongyuewu* was nominated by the People’s Republic of China in 2009 as the *Farmers’ Dance of the Korean Ethnic Group in China*.<sup>516</sup> Both elements share deep historical and performative similarities, with roots in communal agricultural rituals and collective labour celebrations, and both represent core expressions of Korean cultural identity.

Yet rather than collaborating on a joint or multinational nomination, China and South Korea pursued separate, unilateral submissions. The reasons for this are intertwined with broader geopolitical and ethnopolitical dynamics in Northeast Asia. China’s recognition of the Korean ethnic group (*chaoxianzu*) as one of its fifty-five national minorities has long been accompanied by efforts to document their cultural

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<sup>513</sup> Laurajane Smith, *Uses of Heritage* (London: Routledge, 2006), 41–45.

<sup>514</sup> UNESCO, *Convention for the Safeguarding of the Intangible Cultural Heritage* (Paris: UNESCO, 2003), Art. 2.

<sup>515</sup> UNESCO, “Decision of the Intergovernmental Committee: 9.COM 10.36,” November 2014, <https://ich.unesco.org/en/decisions/9.COM/10.36>.

<sup>516</sup> UNESCO, “ITH/09/4.COM/CONF.209/13, Farmers’ Dance of China’s Korean Ethnic Group,” *Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage*, Abu Dhabi, 2009. <https://ich.unesco.org/en/4com>.

traditions within a narrative of multi-ethnic unity under the Chinese state.<sup>517</sup> South Korea, on the other hand, perceives *nongak* as a foundational component of national identity, rooted in the cultural movements of the late Chosŏn period and the postcolonial nation-building process.<sup>518</sup>

The absence of a joint nomination, therefore, reflects competing claims over cultural sovereignty and historical legitimacy. These nominations could have stimulated and encouraged collaborative efforts from both States Parties, to look for a joint nomination as it happened in 2018 with the inscription of *ssirum/ssireum* (Korean wrestling) by both Koreas.<sup>519</sup> However, while *ssirum/ssireum* could be framed as a “peaceful” example of shared tradition, *nongak/nongyuewu* was more directly entangled with questions of minority representation and diaspora politics. China’s nomination referred to the practice as evidence of the cultural vitality of the Korean ethnic minority within China’s socialist framework and influenced by other Chinese ethnic groups,<sup>520</sup> whereas South Korea’s nomination emphasised the spontaneous “shared identity among community members.”<sup>521</sup>

This divergence demonstrates how heritage nominations can be used to perform identity politics on the international stage. China’s submission situates the Korean minority within its internal governance framework of “ethnic harmony,” reinforcing the legitimacy of its nationalities policy. South Korea’s nomination, conversely,

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<sup>517</sup> Linzhu Wang, “The Identification of Minorities in China,” *Asian-Pacific Law & Policy Journal* 16, no. 2 (2014): 2–21, [https://manoa.hawaii.edu/aplpj/wp-content/uploads/sites/120/2015/09/APLPJ\\_16\\_2\\_Wang.pdf](https://manoa.hawaii.edu/aplpj/wp-content/uploads/sites/120/2015/09/APLPJ_16_2_Wang.pdf).

<sup>518</sup> Keith Howard, “Perspectives on Korean Music. 1: Preserving Korean Music: Intangible Cultural Properties as Icons of Identity” (Aldershot: Ashgate, 2006).

<sup>519</sup> UNESCO, “Decision of the Intergovernmental Committee: 13.COM 10.b.41,” November 2018, <https://ich.unesco.org/en/Decisions/13.COM/10.b.41>.

<sup>520</sup> UNESCO, “Nomination for Inscription on the Representative List in 2009 (Reference No. 00213) - Farmers’ Dance of China’s Korean Ethnic Group,” 2009, <https://ich.unesco.org/en/RL/farmers-dance-of-china-s-korean-ethnic-group-00213>.

<sup>521</sup> UNESCO, “Nomination File No. 00717 for Inscription on the Representative List of the Intangible Cultural Heritage of Humanity in 2014 - Nongak, Community Band Music, Dance and Rituals in the Republic of Korea,” 2014, <https://ich.unesco.org/en/RL/nongak-community-band-music-dance-and-rituals-in-the-republic-of-korea-00717>.

projects a unitary vision of Korean culture that transcends current borders, implicitly invoking notions of ethnic and historical unity across the peninsula and its diaspora. In both cases, heritage diplomacy serves as a vehicle for defining the limits of cultural inclusion and exclusion.

Another interesting comparison with the Korean *nongak* is the Greek nomination of *Momoeira*, a ritual performance associated with the New Year's period in the region of Western Macedonia. Inscribed in 2016, the nomination explicitly acknowledged that the custom is also performed by Greek-speaking communities residing in neighbouring states,<sup>522</sup> particularly in areas where the Pontian-Greek community resettled escaping from Anatolia after their purge by the Ottomans in 1923.<sup>523</sup> Greece didn't look for a multinational nomination, as this practice is very well transmitted inside Greek national borders, however the documentation and identification of the current practices and its historical traditions consider the collection of data from other countries' momoeira's performing groups, giving the opportunity to the intergovernmental committee to express its concern over the respect of others' communities sovereign status. Thus, the committee called for the respect of these communities' permissions as well as their countries' authorities.<sup>524</sup>

Greece and Turkey have an ongoing debate over the historical events starting around the 1913 "genocide" of the Greek population settled along the Anatolian coast, followed by the mass movements of this population from nowadays Turkey to the current Greek territories, and the political settlement in 1923 with the Treaty of Lusanne. The nomination of momoeira gave the opportunity to the Greek State to assimilate this minoritarian group inside its nationalistic narration in the name of

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<sup>522</sup> UNESCO, "Decision of the Intergovernmental Committee: 11.COM 10.b.16," November 2016, <https://ich.unesco.org/en/Decisions/11.COM/10.b.16>.

<sup>523</sup> Isaure Vorstman, "From Trebizond to Kallithea: Pontian Greeks, Perceptions of Greekness, and the Birth of Modern States," *Eurasiatique*, March 2023, <https://eurasiatique.ca/2023/03/27/from-trebizond-to-kallithea-pontian-greeks-perceptions-of-greekness-and-the-birth-of-modern-states/>.

<sup>524</sup> UNESCO, "Decision of the Intergovernmental Committee: 11.COM 10.b.16," November 2016, <https://ich.unesco.org/en/Decisions/11.COM/10.b.16>.

a common Greekness or “panhellenism,” and to stress the historical pain caused by the Ottoman violence.

This case is revealing in two respects. First, it shows how the inclusion of minority communities within a nomination can function as a soft diplomatic tool, allowing a state to symbolically extend its cultural borders without overtly challenging historical narratives and events, and by making use of the political tensions between Greece and Turkey through ethnonationalist claims.<sup>525</sup> Second, it exposes the ambiguity in UNESCO’s evaluative criteria, which often celebrate inclusivity but stop short of questioning the political implications of such inclusions. As anthropologist Valdimar Hafstein observes, “heritage diplomacy thrives in ambiguity, it operates precisely in the interstices between cultural continuity and political sovereignty.”<sup>526</sup>

The *Pantun* nomination jointly submitted by Indonesia and Malaysia in 2020 represents a partial departure from these patterns.<sup>527</sup> Pantun, a form of rhymed verse central to Malay and Indonesian literary traditions, had previously been nominated in 2018, to be referred and proposed again in 2020. This multinational inscription could seem like an example of good cooperation practice, however, the pantun tradition is widespread among other southeast Asian countries, an example is the pantun from Singapore. Despite the positive collaboration between Malaysia and Indonesia, the late coming signatory State of Singapore of the 2003 Convention couldn’t join the 2018 nomination. However, in 2020 this nomination resubmission could have included Singapore too, as well as Thailand, Philippines, and Brunei Darussalam.<sup>528</sup> The published academic literature mentions that Indonesia proposed

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<sup>525</sup> Isaure Vorstman, “From Trebizond to Kallithea: Pontian Greeks, Perceptions of Greekness, and the Birth of Modern States,” *Eurasiatique*, March 2023, <https://eurasiatique.ca/2023/03/27/from-trebizond-to-kallithea-pontian-greeks-perceptions-of-greekness-and-the-birth-of-modern-states/>.

<sup>526</sup> Valdimar Hafstein, *Making Intangible Heritage: El Condor Pasa and Other Stories from UNESCO* (Bloomington: Indiana University Press, 2018), 209.

<sup>527</sup> UNESCO, “Decision of the Intergovernmental Committee: 15.COM 8.b.30,” December 2020, <https://ich.unesco.org/en/Decisions/15.COM/8.b.30>.

<sup>528</sup> Shella Hajura, “Shared Heritage Diplomacy of Indonesia and Malaysia as Soft Power in The Southeast Asia Region,” *Jurnal Hubungan Internasional* 10, no. 2 (January 10, 2022): 84–95,

the multinational nomination to all of these countries, excluding Philippines, but at the time of the proposal in 2017, only Malaysia was eager to take this chance, due to the short time limit for the 2018 nomination.<sup>529</sup> Given the referral by the intergovernmental committee, the 2020 nomination could have been actually enlarged to other states parties, however, it is not given to know why this proposal continued with the exclusive double cooperation between Indonesia-Malaysia only. Yet, even in this ostensibly collaborative case, subtle forms of competition persisted. The 2021 Malaysian *songket* nomination<sup>530</sup> sparked protests between Indonesian associations where *songket* is a traditional weaving practice, as well as the initial nomination of *kebaya* planned by Malaysia with the inclusion of neighbouring countries, firstly excluded Indonesia as a multinational partner.<sup>531</sup> *Kebaya* has been finally inscribed in 2024 as a shared multinational tradition of Malaysia, Indonesia, Singapore, Brunei Darussalam, and Thailand.<sup>532</sup> These cases, thus, illustrate the diplomatic choreography of shared nominations: cooperation coexists with rivalry, and heritage becomes a medium through which states perform both partnership and distinction. Alternatively, and rhythmically depending on each single nomination, cooperation can be put in place or rather ignored. Sometimes all partners are involved, whereas other times, stronger identity ties are considered as a hindrance to collaboration on a common file.

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<https://doi.org/10.18196/jhi.v10i2.12194>; and Imania, Nora Nahdia (2024) *Strategi Indonesia dalam Menjadikan Pantun sebagai Warisan Budaya Takbenda UNESCO pada Tahun 2017-2020*. Undergraduate thesis, UPN Veteran Jawa Timur. <https://repository.upnjatim.ac.id/23499/>.

<sup>529</sup> Permanent Delegation for the Republic of Indonesia at Unesco, “Langkah Panjang Mengajukan Warisan Budaya Dunia [The Long Process to Applying for World Cultural Heritage],” April 16, 2017, <https://kwriu.kemdikbud.go.id/berita/langkah-panjang-mengajukan-warisan-budaya-dunia/>.

<sup>530</sup> UNESCO, “Songket,” 2021, <https://ich.unesco.org/en/RL/songket-01505>.

<sup>531</sup> Fikri Harish and Yvette Tanamal, “Indonesia Not Involved in Joint Bid to Grant ‘Kebaya’ UNESCO Heritage Status,” *The Jakarta Post*, November 26, 2022, <https://www.thejakartapost.com/paper/2022/11/26/indonesia-left-out-of-joint-bid-to-grant-kebaya-unesco-heritage-status.html>.

<sup>532</sup> UNESCO, “Kebaya: Knowledge, Skills, Traditions and Practices,” 2024, <https://ich.unesco.org/en/RL/kebaya-knowledge-skills-traditions-and-practices-02090>.

The UNESCO nomination of *Chamamé* from Argentina in 2020 similarly reflects the complexities of heritage representation in transborder contexts. *Chamamé*, a musical genre rooted in the northeastern province of Corrientes, draws heavily from Guaraní and Paraguayan influences, performing communities are also to be found in the Rio Grande and Mato Grosso do Sul in Brasil, and Uruguay.<sup>533</sup> While Paraguay had long recognised *chamamé* as part of its intangible heritage, Argentina proceeded with a unilateral nomination that described the genre as a symbol of the Argentine Littoral's cultural identity.<sup>534</sup>

In this case, UNESCO's Committee avoided direct reference to the dispute, merely encouraging Argentina to "remain mindful of the broader cultural context of the element in the region when implementing safeguarding measures."<sup>535</sup> The silence of the Committee underscores the political delicacy of such matters: recognising the shared origins of *chamamé* could be perceived as questioning Argentina's sovereign right to nominate it. This case thus reinforces the argument that UNESCO's framework, though designed to promote international cooperation, often reproduces the asymmetries of state representation embedded in global heritage governance.<sup>536</sup>

Taken together, these cases reveal a structural contradiction at the heart of the 2003 Convention. While the Convention's language champions the role of "communities" as primary bearers of heritage, in practice it is states that mediate, select, and present these communities to the international stage.<sup>537</sup> The result is a paradox in which

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<sup>533</sup> UNESCO, "Decision 15.COM 10.9, *Chamamé*," *Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage*, Kingston, 2020.

<sup>534</sup> UNESCO, "Nomination File No. 01600 for Inscription in 2020 on the Representative List of the Intangible Cultural Heritage of Humanity - *Chamamé*," 2020, <https://ich.unesco.org/en/RL/chamame-01600>.

<sup>535</sup> UNESCO, "Decision of the Intergovernmental Committee: 15.COM 8.B.15," December 2020, <https://ich.unesco.org/en/decisions/15.COM/8.B.15>.

<sup>536</sup> Lynn Meskell, *A Future in Ruins: UNESCO, World Heritage, and the Dream of Peace* (New York: Oxford University Press, 2018).

<sup>537</sup> UNESCO, *Convention for the Safeguarding of the Intangible Cultural Heritage*, Art. 11.

transborder communities, those most emblematic of cultural continuity beyond national frontiers, are the least adequately represented. As historian Lynn Meskell has noted, UNESCO's institutional architecture continues to privilege the state as the unit of cultural diplomacy, thereby constraining the expression of genuinely transnational or diasporic heritage.<sup>538</sup>

In this light, the *nongak/nongyuewu*, *momoeira*, *pantun*, and *chamamé* cases collectively demonstrate how intangible heritage can be used to negotiate belonging in complex sociopolitical landscapes. Whether through inclusion, omission, or selective representation, states employ the nomination process to demarcate symbolic borders and to project narratives of cultural legitimacy. The performative nature of these actions, what Hafstein terms the “heritage performance of diplomacy,” underscores that nominations are never neutral acts of safeguarding but strategic expressions of identity and recognition.<sup>539</sup>

The categories here presented reveal how UNESCO's intangible cultural heritage system functions as a dynamic arena of negotiation, where states and communities articulate competing visions of belonging, history, and sovereignty. The movement from unilateral to multinational nominations, often prompted by institutional pressure, illustrates the gradual emergence of what might be called a “diplomacy of contestation,” in which intangible cultural heritage becomes both the language and the medium of international relations. By tracing these patterns, the analysis situates ICH governance within broader debates on soft power, postcolonial identity, and the performative dimensions of global cultural politics.

### *Heritage Diplomacy and the “Diplomacy of Contestation”*

The preceding typologies: contested borders, nationalist claims, and diasporic/transborder communities, illustrate a fundamental transformation in how

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<sup>538</sup> Meskell, *A Future in Ruins*, 180–82.

<sup>539</sup> Hafstein, *Making Intangible Heritage*, 211.

ICH operates within international relations. Far from being a neutral field of cultural preservation, ICH has emerged as a site of diplomatic performance, where states negotiate not only recognition but also legitimacy, sovereignty, and symbolic capital. This process is best understood through what can be termed the “diplomacy of contestation”: a mode of cultural diplomacy in which competition, rather than consensus, becomes the engine of engagement.

### *From Cultural Diplomacy to Heritage Diplomacy*

Traditional cultural diplomacy sought to promote mutual understanding and national prestige through the exchange of artistic or intellectual achievements. In contrast, heritage diplomacy, as conceptualised by Winter, Maags, and others, extends this logic into the domain of global cultural governance.<sup>540</sup> It involves the strategic deployment of heritage, material or intangible, to achieve international visibility, influence normative frameworks, and articulate national identities within multilateral institutions like UNESCO. Heritage diplomacy thus transforms cultural expressions into diplomatic assets, operating in a hybrid space between soft power and political negotiation. This is an aspect not only applicable to tangible heritage, as nominated through the UNESCO World Heritage list, but it is especially the intangible cultural assets of the representative and need of urgent safeguarding list of the 2003 Convention which are constituting extremely appealing cases for both researchers and administrators.

However, when viewed through the lens of contestation, heritage diplomacy reveals an additional layer: it becomes a performative field of rivalry. Rather than merely expressing identity, states use ICH nominations to advance implicit claims, territorial, ethnic, or historical, under the guise of cultural safeguarding. The UNESCO 2003 Convention, with its dual emphasis on state authority and community participation, becomes an arena where diplomacy is simultaneously enacted and contested, and where it is difficult to draw a clear line between the opinion given by communities and by state administrators.

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<sup>540</sup> Tim Winter, “Heritage Diplomacy,” *International Journal of Heritage Studies* 21, no. 10 (November 26, 2015): 997–1015, <https://doi.org/10.1080/13527258.2015.1041412>.

### *The Performative Nature of UNESCO Nominations*

Every UNESCO nomination is a performative act: it declares ownership, asserts legitimacy, and frames communities within state-defined narratives. The dossier functions both as a bureaucratic instrument and as a stage for international recognition. As Barbara Kirshenblatt-Gimblett notes, heritage is metacultural production, a self-reflexive act of presenting culture as culture.<sup>541</sup> In the context of UNESCO, this reflexivity acquires diplomatic significance: the act of nomination constructs the state as a custodian of living traditions, projecting governance, stewardship, and cultural maturity.

This performative dimension is particularly evident in joint nominations. The pantun case (Indonesia–Malaysia) exemplifies how cooperation is choreographed as a diplomatic spectacle. Similarly, the ssirum/ssireum inscriptions by both Koreas, later joined together, demonstrate that even in contexts of political hostility, heritage nominations can serve as symbolic dialogues, rearticulating identity through simultaneous yet distinct recognitions. The inscription ceremonies themselves, replete with speeches, national flags, and official delegations, transform cultural heritage into a ritual of diplomacy, where acknowledgment substitutes for agreement.

Yet, performance is not limited to collaboration. In cases like *sowa rigpa* or *nongak/nongyuewu*, the nomination process itself constitutes a subtle assertion of geopolitical authority. When China frames Tibetan or Korean minority traditions within its national heritage, it enacts a narrative of inclusion that simultaneously consolidates control over contested territories or identities.<sup>542</sup> The diplomatic script of UNESCO, celebrating diversity, safeguarding, and participation, thus masks deeper exercises of power and legitimacy.

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<sup>541</sup> Barbara Kirshenblatt-Gimblett, *Destination Culture: Tourism, Museums, and Heritage* (Berkeley: Univ. of California Press, 2007).

<sup>542</sup> Laurajane Smith, *Uses of Heritage* (London: Routledge, 2006).

### *Heritage as a Proxy for Territorial Legitimacy*

In several of the cases examined, intangible heritage serves as a proxy for territorial sovereignty. The logic of inscription is spatial: practices are anchored to specific localities, which are in turn situated within national borders. The sowa rigpa dispute between India and China illustrates how recognition of a cultural practice implies recognition of the state's custodianship over the territory from which it "has deep roots."<sup>543</sup> Similarly, in the Saint Tryphon festival, heritage cannot codify the post-Yugoslav redefinition of borders, and the ownership assignment is shared through dis-joint nominations. A similar condition often experienced by North and South Korea, where separate shared ICH nominations often run after one another, like in the case of kimjang, kimchi making, and arirang. The ownership of formerly shared rituals to distinct national spaces cannot abstract from territorial legitimacy and political debates, it can also rarely do so in the UNESCO's context.

UNESCO's framework, while designed to promote cooperation, has inadvertently reinforced in certain instances the nationalisation of culture. As Bendix, Eggert, and Peselmann argued, the 2003 Convention, by vesting states with the power to nominate and manage ICH, institutionalises a "heritage regime" where the act of safeguarding is inseparable from the assertion of state authority, which in turn creates multiple and unequal heritage regimes.<sup>544</sup> In this sense, the diplomacy of contestation is not a deviation from the Convention's intent but a structural consequence of its design.

Moreover, territorial legitimacy in the heritage arena operates not only externally but also internally. In multinational states like China, heritage inscriptions function as instruments of domestic legitimation. By inscribing minority traditions, the state projects an image of benevolent multiculturalism while consolidating control over ethnic regions. The *Farmers' Dance of the Korean Ethnic Group in China*

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<sup>543</sup> UNESCO, "LHE/20/15.COM/5 - Adoption of the summary records of the fourteenth session of the Committee," 2020, 113-114, <https://unesdoc.unesco.org/ark:/48223/pf0000378379.locale=fr>.

<sup>544</sup> Regina Bendix, Aditya Eggert, and Arnika Peselmann, eds., *Heritage Regimes and the State*, Göttinger Studien Zu Cultural Property, volume 6 (Göttingen: Göttingen University Press, 2013). <https://books.openedition.org/gup/366>.

exemplifies this logic: it affirms the recognition of the *Chaoxian* minority while situating their culture firmly within the narrative of the “*Zhonghua minzu*.” This aligns with Maags’s observation that heritage in China is shaped as an “infrastructure of memory,” that tries to “manage China’s diverse past through selective institutionalisation” and transform ethnic difference into state-managed harmony.<sup>545</sup>

In postcolonial and diasporic contexts, heritage diplomacy similarly serves to reaffirm sovereignty through cultural continuity. The Greek momoeria and the Korean *nongak* nominations both enact forms of symbolic repatriation, reclaiming displaced or contested traditions within the national frame. For momoeria the contestation is not on the level of cultural appropriation whereas more on the historical controversies characterising the early Twentieth century history between Greece and Turkey. The mass deportation of Pontian Greeks, together with the political and historical environment have been influencing the transmission of this practice, also undermined by globalisation and community dispersion. For *nongak* the claiming doesn’t derive from the abandonment of this tradition inside the border of South Korea, on the contrary farmers’ associations and performative events were more active than ever before the UNESCO nomination. The repatriation is symbolically represented by the international recognition inside the ICH Representative list, firstly claimed by the Chinese nomination of 2009 for the Korean minority. This reveals that even when heritage diplomacy appears inclusive or reconciliatory, it remains embedded in the logic of the nation-state, a logic that converts mobility and hybridity into domesticated heritage narratives.

### ***The Diplomacy of Contestation***

The notion of a “diplomacy of contestation” captures how heritage operates not only as a soft power resource but as a field of structured rivalry governed by shared rules and symbols. Contestation within UNESCO is not anarchic; it is ritualised, bureaucratised, and performed through the very mechanisms of cooperation. Dual

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<sup>545</sup> Christina Maags, “State Institutions as Building Blocks of China’s Infrastructures of Memory – The Case of Intangible Heritage,” *Journal of Current Chinese Affairs* 52, no. 2 (2023): 163–84, <https://doi.org/10.1177/18681026221145950>.

inscriptions, joint nominations, and parallel claims all participate in this diplomatic choreography.

This mode of diplomacy differs from traditional antagonism. States do not openly dispute each other within UNESCO committees; rather, they engage in competitive legitimation, using the same institutional language to assert alternative truths. The airang dual nominations, for instance, reframed national division as dual recognition, turning contestation into coexistence. Similarly, Indonesia and Malaysia's joint inscription of pantun converted a potential dispute into a demonstration of a partial ASEAN harmony, even as both sides subtly reinforced their cultural primacy.

The diplomacy of contestation, therefore, reveals that heritage conflict is not the breakdown of diplomacy but its contemporary form. In a world where direct territorial expansion is delegitimised, cultural recognition becomes a subtler arena for asserting influence. Heritage diplomacy has become a new grammar of international relations in which culture performs the work of politics.

### *Heritage, Sovereignty, and the Limits of Diplomacy*

The typologies examined, border, nationalist, and diasporic contestations, demonstrate that the politics of intangible cultural heritage cannot be understood apart from questions of sovereignty, legitimacy, and recognition. UNESCO's 2003 Convention, while premised on safeguarding diversity and promoting intercultural dialogue, has unintentionally created a stage for competitive diplomacy. Heritage, in this framework, becomes both a tool and a theatre of international negotiation.

The limits of heritage diplomacy lie in its dependence on the nation-state. Although the Convention nominally centres communities, its operational logic privileges state authority, turning ICH into an extension of cultural sovereignty. This structure tends to reproduce geopolitical inequalities: powerful states with advanced heritage bureaucracies dominate nominations, while transnational or minority groups remain dependent on state mediation. The potential, however, lies in the very visibility of these tensions. By transforming contestation into negotiation, UNESCO offers a rare space where cultural claims can be articulated without open conflict, with the exclusion of a small sample of cases.

Heritage diplomacy, and its more specific form, the diplomacy of contestation, thus represents a paradox. It reproduces national divisions while providing an institutional language for dialogue. It nationalises shared traditions while enabling forms of transnational recognition. It deploys culture as soft power yet often hardens symbolic boundaries. Recognising this ambivalence is essential for any critical understanding of global heritage governance.

In the end, the politics of intangible heritage reveal that culture, far from being an apolitical domain, is a currency of sovereignty. Through UNESCO, states perform belonging, assert legitimacy, and rehearse diplomacy. The cases discussed: Sowa Rigpa, Arirang, Saint Tryphon, Dragon Boat Festival, pantun, and *nongak/nongyuewu*, demonstrate that ICH is not merely a repository of memory but a medium of negotiation. It is through the language of safeguarding, authenticity, and community that nations articulate their place in a contested world order.

As heritage continues to mediate the relations between culture and politics, the diplomacy of contestation will remain a defining feature of the 21st-century international cultural system: a diplomacy where sometimes disagreement becomes dialogue, rivalry becomes recognition, and heritage itself becomes the stage on which nations negotiate who they are.

## Conclusion

This dissertation has sought to unpack the complex relationship between intangible cultural heritage, diplomacy, and identity politics in East Asia. Through the case of *nongak* and *nongyuewu*, two related yet separately inscribed heritage elements on UNESCO's 2003 Representative List, it has examined how China and South Korea mobilise ICH within their respective cultural and foreign policy frameworks. The research has interrogated the extent to which ICH functions as a diplomatic tool, a soft power resource, and a marker of national legitimacy within international cultural settings.

Drawing from archival analysis, institutional documents, interviews, and theoretical reflection, this thesis has introduced heritage diplomacy as both a conceptual and operational framework. It has situated ICH at the intersection of culture and international relations, showing how the safeguarding and global promotion of living traditions intersect with questions of sovereignty, nationalism, and global governance through the use of a multidisciplinary approach. This research has also developed a novel interpretative model, the ICH Diplomacy Processual Model introduced in *Chapter 5*, that delineates the evolving stages through which heritage diplomacy unfolds: from the national codification of cultural practices to their strategic internationalization and, eventually, their instrumentalization as vehicles of influence or contestation.

By focusing on *nongak/nongyuewu*, the thesis highlights how geopolitical regional tensions also affect cultural heritage discourse, and how these are projected in the diplomatic dimension generating two possible different results: collaboration, or competition. The separate Chinese (2009) and South Korean (2014) nominations, of what is essentially a transnational practice, exemplify the tensions between UNESCO's ideal of cooperation and the persistence of sovereignty-based heritage politics. Therefore, the case study allowed to investigate regional power balances and their relations with ICH as an instrument to project political narratives and shape national and international identities. The case stands as a paradigm of what

this research terms heritage *off* diplomacy, following Huang Shumei and Lee Hyun-kyung's description of heritage as a catalyst for disconnection and diplomatic inertia.

### *Key Findings and Theoretical Contributions*

One of the central findings of this research is the identification of heritage diplomacy as a distinct arena of global governance, neither fully subsumed under soft power nor equivalent to cultural diplomacy. Building on Tim Winter's conceptualisation, the thesis expands the notion of heritage diplomacy to intangible forms of culture, an area still relatively unexplored by existing scholarship. It demonstrates that ICH, rather than tangible monuments, has become a dominant diplomatic medium, especially in East Asia, where performance, transmission, and community participation align closely with regional philosophies of continuity and harmony. Beside this, East Asian monumental culture represented by buildings has been more difficult to maintain, due to the high perishability of the used materials, the recent history destruction, and the different approach to authenticity and restoration techniques, giving living heritage a broader stage to step forward as a more authentic heritage.

The analysis confirms that heritage diplomacy operates simultaneously on two planes. At the macro level, it functions through state institutions, intergovernmental organisations, and legal frameworks such as the UNESCO 2003 Convention. At the micro level, it manifests through local communities and practitioners whose embodied traditions are mobilised to serve external agendas. The interplay between these levels produces a multi-scalar diplomatic field in which cultural expressions travel between community, nation, and world, constantly reshaping meanings and power relations.

The most significant theoretical innovation of this dissertation lies in the formulation of the ICH Diplomacy Processual Model. This model conceptualises the diplomatic life cycle of ICH through five interlinked stages:

1. Identification and codification: communities or states define a cultural practice as heritage, often through domestic legislation or expert intervention.
2. Institutionalisation: the practice becomes embedded within national safeguarding systems, receiving official recognition and often funding.
3. Internationalisation: The heritage item is projected onto the global stage through UNESCO nomination or international exhibitions, transforming it from a local to a transnational symbol, and evolving into a shared or individual practice.
4. Instrumentalisation: States employ the heritage as part of soft power or public diplomacy strategies to consolidate identity, gain visibility, or assert territorial or cultural claims.
5. Recontextualisation: Feedback from international exposure alters local meanings, sometimes leading to internal contestations, commercialisation, or reappropriation by communities.

Applying this model to *nongak* and *nongyuewu* reveals how a single transborder practice can experience divergent trajectories depending on national politics, ethnic policies, and heritage bureaucracies. Both states showcased a centralised nomination trajectory, however characterised by divergent discourses: for China, the nomination framed within the discourse of ethnic unity and cultural diversity, a slogan often used to shape the idea of a multi-ethnic state; whereas the South Korean nomination helped building the Korean national identity abroad and reinforce internal cultural cohesion. When both practices entered UNESCO's ICH list separately, the process exposed structural asymmetries between official international representation and local community engagement, illustrating how ICH becomes a diplomatic resource embedded in the politics of representation.

The Processual Model developed for this case study provides a transferable analytical framework for future studies on ICH diplomacy, allowing for comparative application beyond East Asia. It also highlights how diplomatic practices are themselves dynamic and constantly reframed, with each phase capable of generating new forms of cooperation or conflict.

The *nongka/nongyuewu* case underscores how heritage can turn from a bridge into a barrier. The absence of a joint Sino-Korean nomination, despite UNESCO's encouragement of multinational files for other ICH nominations, reflects how historical sensitivities and nationalist narratives still dominate cultural diplomacy in the region. The phenomenon of *heritage off diplomacy*, encapsulates this dynamic: when heritage ceases to operate as a facilitator of dialogue and instead becomes a repository of unresolved tensions.

This finding adds a critical dimension to heritage diplomacy theory. While previous scholarship emphasized heritage's cooperative potential, this study reveals its disruptive capacity. It argues that heritage *off* diplomacy is not an exception but a recurring pattern in regions with entangled histories and overlapping cultural geographies. In such contexts, heritage diplomacy oscillates between two poles: collaboration and contestation. This produces outcomes that are contingent and processual rather than predictable.

The research also demonstrates that UNESCO, despite its rhetoric of inclusivity and cooperation, operates within a state-centric logic that privileges national sovereignty over shared cultural realities. The 2003 Convention framework encourages community participation but relies on governments for implementation and nomination. Consequently, heritage diplomacy within UNESCO often reproduces geopolitical hierarchies and nationalistic agendas. The dual *nongak/nongyuewu* inscriptions exemplify this paradox: while UNESCO provides the stage for global dialogue, it simultaneously reifies political borders that fragment transnational traditions.

This insight contributes to the growing critique of what Laurajane Smith terms the "authorized heritage discourse," extending it into the domain of intangible heritage. It calls for a more relational model of heritage governance that prioritises intercommunity collaboration and post-national dialogue.

## *Comparative Reflections and Regional Implications*

South Korea's approach to ICH diplomacy reflects its broader foreign policy identity as a middle power. Since the 1990s, the country has leveraged heritage and culture as instruments of visibility and influence, exemplified by the creation of ICHCAP, a UNESCO Category 2 Centre. *Nongak* epitomises how South Korea connects domestic cultural revitalisation with global diplomacy. The government's emphasis on community engagement, international festivals, and transnational training programmes demonstrates a deliberate attempt to transform culture into a platform of cooperation and moral authority, together with the clear economic gains brought by the increasing popularity of Korean culture, both traditional and pop.

The thesis situates South Korea's ICH diplomacy within the continuum of its developmental state trajectory and cultural globalisation. The transition from post-war cultural recovery to the K-culture phenomenon illustrates how heritage diplomacy can evolve into a sophisticated mechanism of global branding, with both diplomatic and economic implications. Nevertheless, the case study reveals that even South Korea's cooperative strategic encounter has limits when faced with the nationalist sensitivities of neighbouring powers.

China's ICH diplomacy operates within a different paradigm: that of a major power asserting civilizational authority. The Chinese state mobilises ICH to project a narrative of unity within diversity, celebrating its 56 recognised ethnic groups as embodiments of national harmony. The inclusion of *nongyuewu* in the Representative List of the UNESCO 2003 ICH Convention serves this narrative, positioning the Korean minority as an example of successful cultural integration within the People's Republic of China. Simultaneously, China's international activities, such as the Belt and Road Initiative, or the Maritime Silk Road in South-East Asia, where it is crossing its path with the Spice Road by the Indonesia government, extend this heritage diplomacy beyond its borders, transforming cultural exchange into an instrument of geopolitical influence.

However, the top-down structure of China's heritage system generates internal contradictions. The emphasis on national unity often obscures community agency, and the instrumental use of ethnic heritage for international recognition risks

producing symbolic appropriation. A clear example is represented by the use of historical narratives on the topic of Koguryō's history and archaeological remains. The Chinese government has tried to shape the history of the North-eastern regions through the sponsoring of the Northeast Project (2002-2007) raising concerns from neighbouring countries, as outlined in *Chapter 5*. Thus, not only the *nongyuewu* nomination, but also other cultural heritage of the area demonstrates how history and minority heritage can be re-coded to serve majoritarian narratives, raising questions about authenticity, representation, and the ethics of heritage diplomacy.

By juxtaposing these two models, the thesis reveals an emergent East Asian paradigm of heritage diplomacy, distinct from Western heritage practices, which have historically centred on conservation and materiality. This paradigm privileges living traditions, performative arts, and transmission as vectors of diplomacy. Yet it also exposes the enduring asymmetries in regional cooperation. Despite their shared Confucian heritage and intertwined histories, China and South Korea remain constrained by nationalist imaginaries. In this sense, *nongak/nongyuewu* case embodies both the promise and the fragility of heritage diplomacy in East Asia, a region where the past continues to shape the terms of present relationships.

### *Methodological Reflections and Institutional Assessment*

The methodology of this study, combining documentary analysis, interviews, and field observation, has enabled a multi-layered understanding of heritage diplomacy as both discourse and practice. Access to governmental archives and UNESCO records provided insight into the historical processes and formation of the Chinese and South Korean commissions and delegations, while exposing the author to the unexpected silence of both delegations. On the other side, the fieldwork among South Korean *nongak* communities illuminated the living dimensions of ICH, casting light on the national dynamics behind the nomination, as well as bringing to the surface the joys and sorrows of these communities facing social and cultural changes.

The inclusion of practitioners' perspective proved crucial in exposing the gap between top-down diplomatic uses of heritage and bottom-up cultural realities. While the designation brought visibility and funding, and it was welcomed with joy and participation from the communities interviewed, however, the process was mostly driven by the central cultural administration, which proceeded at a fast pace to inscribe the item inside the UNESCO Representative List. Moreover, the international visibility was mainly given to a restricted number of performing groups, while most of them participated in a passive way, by only handing their documents to the offices in charge.

The research also exposes structural limitations within UNESCO's archival and procedural systems. The nomination files often reflect political negotiation rather than genuine community participation. The bureaucratic uniformity of the forms contrasts sharply with the diversity of the traditions they represent, revealing how global governance frameworks risk flattening cultural complexity into administrative standardisation. On this instance, UNESCO could provide a better platform for communities by allowing a more open, direct, and transparent access, making use of its visibility to bypass state-controlled systems, and reconnecting communities with communities on a formal level. A possible solution could be the implementation of a community-only platform, where heritage groups can interact and enter into contact for sharing their intention to enter the ICH list. On the other hand, applying more restrictive rules to States Parties and rising to two years the waiting time for individual nominations could provide a consistent drive for choosing multinational nominations, enhancing collaboration, cooperation, and reconnecting communities.

### *Future Perspectives*

This dissertation opens several avenues for future research. The first concerns the need for systematic comparative studies across multiple cases of ICH diplomacy. While *nongak/nongyuewu* provides a rich and emblematic example, similar dynamics are observable in other shared heritage, such as arirang, taekkyeon, or the

dragon boat festival, when limited to East Asia. Comparative inquiry would allow scholars to test the applicability of the ICH Diplomacy Processual Model across diverse geopolitical and cultural contexts, refining its stages and identifying variables that influence cooperation or conflict.

A crucial gap acknowledged in this research is the absence of a comparative study involving North Korean *nongak*. Due to limited access to field data and restricted international cooperation, the Democratic People's Republic of Korea remains a difficult target for researchers, especially when handling topics strongly connected with identitarian issues, nationalist claims, and diplomatic outcomes. Yet, understanding *nongak* in its full peninsular continuity would provide invaluable insight into the historical and cultural depth of Korean performative traditions.

Exploring North Korean *nongak* could reveal whether its forms and meanings align more closely with the South Korean or the Korean Chinese versions, and how state ideology frames its preservation. Such a study would also illuminate the potential of heritage diplomacy to operate in contexts of political isolation. Joint or parallel heritage initiatives could eventually serve as channels of cultural rapprochement between the two Koreas, following the precedent of the 2018 *ssirum/ssireum* joint nomination. This remains an important frontier for future scholarship and diplomatic practice alike.

Beside the North Korean *nongak* community of performers, another interesting future development of this research would be the insertion of interviews conducted between Korean Chinese performers settled in the Northeastern provinces of China. Due to the lack of time, and contacts, this thesis couldn't include their point of views and perspectives over the UNESCO nomination, neither their expectations for perspective cooperations with the South Korean and North Korean's communities. Moreover, a more complete perspective on ICH UNESCO's nomination should be also provided by the respective UNESCO Delegations which, despite the author insistent contacts, never replied to emails calling for interviews.

At the policy level, the findings advocate for a reassessment of UNESCO's operational models. If the organisation is to fulfil its mission of promoting mutual understanding, it must move beyond the logic of national nomination towards

frameworks that facilitate intercommunity cooperation. The establishment of regional advisory networks, cross-border community councils, and shared heritage observatories could help mitigate the fragmentation of transnational traditions. Moreover, introducing evaluations mechanisms that privilege dialogue over competition would align the Convention more closely with its founding spirit, also making use of Category 2 Centres scattered all around East Asia and other parts of the UNESCO 2003 Convention's world.

National governments should also reconsider their domestic heritage strategies. Both China and South Korea could benefit from developing transparent channels for bilateral cultural dialogue, insulated from political fluctuations. Embedding community voices in diplomatic exchanges would help shift the focus from symbolic ownership to shared custodianship, thereby transforming heritage diplomacy from a zero-sum contest into a collaborative process.

From a disciplinary perspective, heritage diplomacy is still a relatively marginal but swiftly evolving area of scholarship. Future research should integrate interdisciplinary methods combining international relations theory, anthropology, digital humanities, and critical heritage studies. In particular, digital heritage diplomacy, emerging through online archives, virtual museums, and social media diplomacy, offers new opportunities for cross-border engagement that bypass governmental barriers. Further investigation into these digital modalities could reveal how intangible heritage adapts to a globalised, connected world while sustaining its local roots.

### *Final remarks*

This dissertation has argued that heritage diplomacy, and more specifically ICH diplomacy, constitutes a critical yet under-explored dimension of 21<sup>st</sup> century international relations. Through the lens of the case study on *nongak* and *nongyuewu*, it has unveiled how ICH nominations at the UNESCO level can both unite and divide, empower and instrumentalise, connect and isolate. The study

contributes to re-centring East Asia within global heritage debates, not as a peripheral case but as a generative space for new theoretical insights.

Conclusions can be drawn on three different aspects: firstly, ICH is no longer a marginal cultural concern but a central medium of diplomacy and identity politics. It embodies the tension between global governance and local agency, offering both opportunities for dialogue and risks of appropriation. Secondly, the ICH Diplomacy Processual Model provides a dynamic framework for understanding how cultural practices evolve through diplomatic interactions or non-interactions, like in the case study, and through the use of the established terminology in the field. Thanks to the analysis of *nongak/nongyuewu*, this research illustrates the recursive interplay between identification, internationalisation, and recontextualization of ICH practices. Lastly, the persistence of heritage *off* diplomacy in East Asia underscores the unfinished project of reconciliation in a region where shared traditions remain trapped within national boundaries, and historical traumas.

Yet heritage is, by its very nature, resistant to closure. It is performative, evolving, and dialogical, a living archive through which societies narrate themselves to others. Recognising this vitality invites a more hopeful vision of heritage diplomacy: one that treats culture not as a possession but as a conversation. In this perspective, the *nongak/nongyuewu* case, despite its divisions, becomes an invitation to re-imagine diplomacy itself as a process of mutual listening, where rhythms, gestures, and memories speak across borders more powerfully than treaties, and where single communities take the stage in creating new valuable cooperations and shared meanings.

Finally, the contribution of this thesis lies in demonstrating that the politics of heritage are inseparable from the politics of peace. By acknowledging the ambivalent power of ICH, as both a site of memory and a tool of negotiation, heritage diplomacy can move towards what might be called a dialogical paradigm, in which coexistence, rather than competition, defines the cultural relations of nations. In this evolving world order, ICH may well become one of the most enduring languages through which humanity learns to coexist and share because, as

Logan reminds us: ICH has a “highly political nature” and a strong “potential impact on human rights.”<sup>546</sup>

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<sup>546</sup> Laurajane Smith, “Intangible Heritage: A Challenge to the Authorised Heritage Discourse?,” *Revista d’Etnologia de Catalunya* 40 (June 2015): 134.



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# Appendix

## Appendix 1

### 中华人民共和国主席令

第四十二号

《中华人民共和国非物质文化遗产法》已由中华人民共和国第十一届全国人民代表大会常务委员会第十九次会议于2011年2月25日通过，现予公布，自2011年6月1日起施行。

中华人民共和国主席 胡锦涛

2011年2月25日

新华社北京2月25日电

### 中华人民共和国非物质文化遗产法

(2011年2月25日)

第十一届全国人民代表大会常务委员会第十九次会议通过)

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#### 第一章 总 则

#### 第二章 非物质文化遗产的调查

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#### 第五章 法律责任

#### 第六章 附 则

#### 第一章 总 则

第一条 为了继承和弘扬中华民族优秀传统文化，促进社会主义精神文明建设，加强非物质文化遗产保护、保存工作，制定本法。

第二条 本法所称非物质文化遗产，是指各族人民世代相传并视为其文化遗产组成部分的各种传统文化表现形式，以及与传统文化表现形式相关的实物和场所。包括：

- (一) 传统口头文学以及作为其载体的语言；
- (二) 传统美术、书法、音乐、舞蹈、戏剧、曲艺和杂技；
- (三) 传统技艺、医药和历法；
- (四) 传统礼仪、节庆等民俗；
- (五) 传统体育和游艺；
- (六) 其他非物质文化遗产。

属于非物质文化遗产组成部分的实物和场所，凡属文物的，适用《中华人民共和国文物保护法》的有关规定。

第三条 国家对非物质文化遗产采取认定、记录、建档等措施予以保存，对体现中华民族优秀传统文化，具有历史、文学、艺术、科学价值的非物质文化遗产采取传承、传播等措施予以保护。

第四条 保护非物质文化遗产，应当注重其真实性、整体性和传承性，有利于增强中华民族的文化认同，有利于维护国家统一和民族团结，有利于促进社会和谐和可持续发展。

第五条 使用非物质文化遗产，应当尊重其形式和内涵。

禁止以歪曲、贬损等方式使用非物质文化遗产。

第六条 县级以上人民政府应当将非物质文化遗产保护、保存工作纳入本级国民经济和社会发展规划，并将保护、保存经费列入本级财政预算。

国家扶持民族地区、边远地区、贫困地区的非物质文化遗产保护、保存工作。

第七条 国务院文化主管部门负责全国非物质文化遗产的保护、保存工作；县级以上地方人民政府文化主管部门负责本行政区域内非物质文化遗产的保护、保存工作。

县级以上人民政府其他有关部门在各自职责范围内，负责有关非物质文化遗产的保护、保存工作。

第八条 县级以上人民政府应当加强对非物质文化遗产保护工作的宣传，提高全社会保护非物质文化遗产的意识。

第九条 国家鼓励和支持公民、法人和其他组织参与非物质文化遗产保护工作。

第十条 对在非物质文化遗产保护工作中做出显著贡献的组织和个人，按照国家有关规定予以表彰、奖励。

## **第二章 非物质文化遗产的调查**

第十一条 县级以上人民政府根据非物质文化遗产保护、保存工作需要，组织非物质文化遗产调查。非物质文化遗产调查由文化主管部门负责进行。

县级以上人民政府其他有关部门可以对其工作领域内的非物质文化遗产进行调查。

第十二条 文化主管部门和其他有关部门进行非物质文化遗产调查，应当对非物质文化遗产予以认定、记录、建档，建立健全调查信息共享机制。

文化主管部门和其他有关部门进行非物质文化遗产调查，应当收集属于非物质文化遗产组成部分的代表性实物，整理调查工作中取得的资料，并妥善保存，防止损毁、流失。其他有关部门取得的实物图片、资料复制件，应当汇交给同级文化主管部门。

第十三条 文化主管部门应当全面了解非物质文化遗产有关情况，建立非物质文化遗产档案及相关数据库。除依法应当保密的外，非物质文化遗产档案及相关数据信息应当公开，便于公众查阅。

第十四条 公民、法人和其他组织可以依法进行非物质文化遗产调查。

第十五条 境外组织或者个人在中华人民共和国境内进行非物质文化遗产调查，应当报经省、自治区、直辖市人民政府文化主管部门批准；调查在两个以上省、自治区、直辖市行政区域进行的，应当报经国务院文化主管部门批准；调查结束后，应当向批准调查的文化主管部门提交调查报告和调查中取得的实物图片、资料复制件。

境外组织在中华人民共和国境内进行非物质文化遗产调查，应当与境内非物质文化遗产学术研究机构合作进行。

第十六条 进行非物质文化遗产调查，应当征得调查对象的同意，尊重其风俗习惯，不得损害其合法权益。

第十七条 对通过调查或者其他途径发现的濒临消失的非物质文化遗产项目，县级人民政府文化主管部门应当立即予以记录并收集有关实物，或者采取其他抢救性保存措施；对需要传承的，应当采取有效措施支持传承。

### **第三章 非物质文化遗产代表性项目名录**

第十八条 国务院建立国家级非物质文化遗产代表性项目名录，将体现中华民族优秀传统文化，具有重大历史、文学、艺术、科学价值的非物质文化遗产项目列入名录予以保护。

省、自治区、直辖市人民政府建立地方非物质文化遗产代表性项目名录，将本行政区域内体现中华民族优秀传统文化，具有历史、文学、艺术、科学价值的非物质文化遗产项目列入名录予以保护。

第十九条 省、自治区、直辖市人民政府可以从本省、自治区、直辖市非物质文化遗产代表性项目名录中向国务院文化主管部门推荐列入国家级非物质文化遗产代表性项目名录的项目。推荐时应当提交下列材料：

（一）项目介绍，包括项目的名称、历史、现状和价值；

（二）传承情况介绍，包括传承范围、传承谱系、传承人的技艺水平、传承活动的社会影响；

（三）保护要求，包括保护应当达到的目标和应当采取的措施、步骤、管理制度；

（四）有助于说明项目的视听资料等材料。

第二十条 公民、法人和其他组织认为某项非物质文化遗产体现中华民族优秀传统文化，具有重大历史、文学、艺术、科学价值的，可以向省、自治区、直辖市人民政府或者国务院文化主管部门提出列入国家级非物质文化遗产代表性项目名录的建议。

第二十一条 相同的非物质文化遗产项目，其形式和内涵在两个以上地区均保持完整的，可以同时列入国家级非物质文化遗产代表性项目名录。

第二十二条 国务院文化主管部门应当组织专家评审小组和专家评审委员会，对推荐或者建议列入国家级非物质文化遗产代表性项目名录的非物质文化遗产项目进行初评和审议。

初评意见应当经专家评审小组成员过半数通过。专家评审委员会对初评意见进行审议，提出审议意见。

评审工作应当遵循公开、公平、公正的原则。

第二十三条 国务院文化主管部门应当将拟列入国家级非物质文化遗产代表性项目名录的项目予以公示，征求公众意见。公示时间不得少于二十日。

第二十四条 国务院文化主管部门根据专家评审委员会的审议意见和公示结果，拟订国家级非物质文化遗产代表性项目名录，报国务院批准、公布。

第二十五条 国务院文化主管部门应当组织制定保护规划，对国家级非物质文化遗产代表性项目予以保护。

省、自治区、直辖市人民政府文化主管部门应当组织制定保护规划，对本级人民政府批准公布的地方非物质文化遗产代表性项目予以保护。

制定非物质文化遗产代表性项目保护规划，应当对濒临消失的非物质文化遗产代表性项目予以重点保护。

第二十六条 对非物质文化遗产代表性项目集中、特色鲜明、形式和内涵保持完整的特定区域，当地文化主管部门可以制定专项保护规划，报经本级人民政府批准后，实行区域性整体保护。确定对非物质文化遗产实行区域性整体保护，应当尊重当地居民的意愿，并保护属于非物质文化遗产组成部分的实物和场所，避免遭受破坏。

实行区域性整体保护涉及非物质文化遗产集中地村镇或者街区空间规划的，应当由当地城乡规划主管部门依据相关法规制定专项保护规划。

第二十七条 国务院文化主管部门和省、自治区、直辖市人民政府文化主管部门应当对非物质文化遗产代表性项目保护规划的实施情况进行监督检查；发现保护规划未能有效实施的，应当及时纠正、处理。

#### **第四章 非物质文化遗产的传承与传播**

第二十八条 国家鼓励和支持开展非物质文化遗产代表性项目的传承、传播。

第二十九条 国务院文化主管部门和省、自治区、直辖市人民政府文化主管部门对本级人民政府批准公布的非物质文化遗产代表性项目，可以认定代表性传承人。

非物质文化遗产代表性项目的代表性传承人应当符合下列条件：

- (一) 熟练掌握其传承的非物质文化遗产；
- (二) 在特定领域内具有代表性，并在一定区域内具有较大影响；
- (三) 积极开展传承活动。

认定非物质文化遗产代表性项目的代表性传承人，应当参照执行本法有关非物质文化遗产代表性项目评审的规定，并将所认定的代表性传承人名单予以公布。

第三十条 县级以上人民政府文化主管部门根据需要，采取下列措施，支持非物质文化遗产代表性项目的代表性传承人开展传承、传播活动：

- (一) 提供必要的传承场所；
- (二) 提供必要的经费资助其开展授徒、传艺、交流等活动；
- (三) 支持其参与社会公益性活动；
- (四) 支持其开展传承、传播活动的其他措施。

第三十一条 非物质文化遗产代表性项目的代表性传承人应当履行下列义务：

- (一) 开展传承活动，培养后继人才；
- (二) 妥善保存相关的实物、资料；
- (三) 配合文化主管部门和其他有关部门进行非物质文化遗产调查；
- (四) 参与非物质文化遗产公益性宣传。

非物质文化遗产代表性项目的代表性传承人无正当理由不履行前款规定义务的，文化主管部门可以取消其代表性传承人资格，重新认定该项目的代表性传承人；丧失传承能力的，文化主管部门可以重新认定该项目的代表性传承人。

第三十二条 县级以上人民政府应当结合实际情况，采取有效措施，组织文化主管部门和其他有关部门宣传、展示非物质文化遗产代表性项目。

第三十三条 国家鼓励开展与非物质文化遗产有关的科学研究和非物质文化遗产保护、保存方法研究，鼓励开展非物质文化遗产的记录和非物质文化遗产代表性项目的整理、出版等活动。

第三十四条 学校应当按照国务院教育主管部门的规定，开展相关的非物质文化遗产教育。

新闻媒体应当开展非物质文化遗产代表性项目的宣传，普及非物质文化遗产知识。

第三十五条 图书馆、文化馆、博物馆、科技馆等公共文化机构和非物质文化遗产学术研究机构、保护机构以及利用财政性资金举办的文艺表演团体、

演出场所经营单位等，应当根据各自业务范围，开展非物质文化遗产的整理、研究、学术交流和非物质文化遗产代表性项目的宣传、展示。

第三十六条 国家鼓励和支持公民、法人和其他组织依法设立非物质文化遗产展示场所和传承场所，展示和传承非物质文化遗产代表性项目。

第三十七条 国家鼓励和支持发挥非物质文化遗产资源的特殊优势，在有效保护的基础上，合理利用非物质文化遗产代表性项目开发具有地方、民族特色和市场潜力的文化产品和文化服务。

开发利用非物质文化遗产代表性项目的，应当支持代表性传承人开展传承活动，保护属于该项目组成部分的实物和场所。

县级以上地方人民政府应当对合理利用非物质文化遗产代表性项目的单位予以扶持。单位合理利用非物质文化遗产代表性项目的，依法享受国家规定的税收优惠。

## 第五章 法律责任

第三十八条 文化主管部门和其他有关部门的工作人员在非物质文化遗产保护、保存工作中玩忽职守、滥用职权、徇私舞弊的，依法给予处分。

第三十九条 文化主管部门和其他有关部门的工作人员进行非物质文化遗产调查时侵犯调查对象风俗习惯，造成严重后果的，依法给予处分。

第四十条 违反本法规定，破坏属于非物质文化遗产组成部分的实物和场所的，依法承担民事责任；构成违反治安管理行为的，依法给予治安管理处罚。

第四十一条 境外组织违反本法第十五条规定的，由文化主管部门责令改正，给予警告，没收违法所得及调查中取得的实物、资料；情节严重的，并处十万元以上五十万元以下的罚款。

境外个人违反本法第十五条第一款规定的，由文化主管部门责令改正，给予警告，没收违法所得及调查中取得的实物、资料；情节严重的，并处一万元以上五万元以下的罚款。

第四十二条 违反本法规定，构成犯罪的，依法追究刑事责任。

## 第六章 附则

第四十三条 建立地方非物质文化遗产代表性项目名录的办法，由省、自治区、直辖市参照本法有关规定制定。

第四十四条 使用非物质文化遗产涉及知识产权的，适用有关法律、行政法规的规定。

对传统医药、传统工艺美术等的保护，其他法律、行政法规另有规定的，依照其规定。

第四十五条 本法自2011年6月1日起施行。

## Appendix 2

### 延边朝鲜族自治州朝鲜族非物质文化遗产保护条例

(2015年1月22日延边朝鲜族自治州第十四届人民代表大会第四次会议通过 2015年5月26日吉林省第十二届人民代表大会常务委员会第十七次会议批准 2015年6月10日公布施行)

第一条 为了保护朝鲜族非物质文化遗产，传承和弘扬中国朝鲜族传统文化，根据国家有关法律法规，结合自治州实际，制定本条例。

第二条 自治州行政区域内朝鲜族非物质文化遗产的保护、传承、利用和管理等活动，适用本条例。

第三条 本条例所称朝鲜族非物质文化遗产是指朝鲜族世代相承、与生活密切相关的具有历史文化艺术和科学价值的有形或者无形文化的表现形式。包括：

- (一) 朝鲜族传统口头文学及其语言、文字；
- (二) 朝鲜族传统表演艺术和书法、绘画艺术；
- (三) 朝鲜族民间工艺美术和特色饮食及其制作技艺、工具和代表作；
- (四) 朝鲜族传统祭祀、岁时节庆、人生礼仪等民俗活动；
- (五) 朝鲜族传统体育、竞技和游艺；
- (六) 朝鲜族传统医药和保健知识、技能；
- (七) 其他朝鲜族非物质文化遗产。

第四条 朝鲜族非物质文化遗产保护工作应当坚持政府主导、社会参与、抢救保护、合理利用、传承发展的原则。

第五条 自治州、县（市）人民政府应当将朝鲜族非物质文化遗产保护工作纳入本级国民经济和社会发展规划，并将保护工作经费列入本级人民政府财政预算。

第六条 自治州、县（市）人民政府文化主管部门负责本行政区域内朝鲜族非物质文化遗产的保护工作和本条例的组织实施，履行下列职责：

- (一) 宣传、贯彻非物质文化遗产保护的法律法规和方针政策；
- (二) 制定并组织实施非物质文化遗产保护规划；
- (三) 组织开展非物质文化遗产调查、认定、记录并建立档案；
- (四) 组织评审、推荐非物质文化遗产保护项目和认定代表性传承人；
- (五) 组织开展非物质文化遗产保护的宣传活动；
- (六) 管理非物质文化遗产保护专项经费，并监督使用；
- (七) 对违反本条例的行为进行查处；

(八) 开展与非物质文化遗产保护有关的其他工作。

自治州、县(市)人民政府发展改革、财政、民族宗教、旅游、住房城乡建设、环境保护、教育、卫生、体育、档案等有关主管部门以及新闻媒体应当在各自职责范围内,做好非物质文化遗产的保护和宣传工作。

乡(镇)人民政府、街道办事处(社区)应当协助做好非物质文化遗产的保护工作。

第七条 自治州、县(市)人民政府对朝鲜族非物质文化遗产保护工作中做出显著成绩的单位和个人,给予表彰和奖励。

第八条 自治州、县(市)人民政府根据朝鲜族非物质文化遗产保护、保存工作需要,定期组织非物质文化遗产的普查、调查。

第九条 自治州、县(市)人民政府应当建立本级朝鲜族非物质文化遗产代表性项目名录、濒危项目名录和记忆名录,将本行政区域内具有历史、文学、艺术、科学价值的朝鲜族非物质文化遗产项目列入名录予以保护,实行动态管理。

批准公布的朝鲜族非物质文化遗产代表性项目,应当组织制定保护规划,组织实施保护工作。

列入濒危项目名录具有重要价值的朝鲜族非物质文化遗产项目,应当及时核定公布其名录并逐级上报,同时制定抢救保护方案,及时进行科学、有效的抢救性保护。

丧失传承人、客观存续条件已经消失或者基本消失的朝鲜族非物质文化遗产项目,应当组织调查,收集相关资料和实物,建立数据和档案库。

第十条 自治州人民政府应当对朝鲜族文化资源丰富、代表性项目集中、特色鲜明、形式和内涵保持相对完整、自然生态环境较好的传统村镇(街区)等特定区域设置文化生态保护区。

文化生态保护区应当落实保护单位,制定保护措施,对区内的朝鲜族非物质文化遗产项目实施重点保护。

第十一条 自治州、县(市)人民政府鼓励公民、法人和其他组织捐赠或者委托管理属于朝鲜族非物质文化遗产的实物和相关资料。

政府设立的收藏、研究以及其它文化机构征集或者接受单位和个人捐赠的朝鲜族非物质文化遗产相关珍贵数据、实物,属于国家所有,应当妥善保管。

第十二条 境外组织或者个人在本行政区域内进行朝鲜族非物质文化遗产调查,应当与境内非物质文化遗产学术研究机构合作进行,须报经省文化主管部门批准,并向自治州文化主管部门备案。调查结束后,须向自治州文化主管部门提交调查报告和相关资料。

第十三条 自治州、县(市)人民政府鼓励和支持各类社会团体通过传统节日,组织民俗庆典、展演等活动,宣传、普及和弘扬朝鲜族非物质文化遗产。

支持各级文化场馆、艺术团体参与朝鲜族非物质文化遗产的挖掘、收集、整理、研究、宣传、展演和交流活动。

第十四条 自治州、县（市）人民政府加强朝鲜族非物质文化遗产人才队伍建设。

人事部门应当会同文化部门制定符合行业特点的用人标准和培训大纲，引进、培养社会专门人才。

鼓励自治州内高等院校、科研院所、职业技术学校等部门开展朝鲜族非物质文化遗产方面的研究、教育和传承活动，加强学科建设和各种实践活动，有计划培养专门人才。

第十五条 自治州、县（市）人民政府教育主管部门应当会同其他相关主管部门编写有特色的读本，并支持中小学校开发校本教材，将朝鲜族非物质文化遗产知识列为特色教育内容。

第十六条 公民、法人和其他组织可以将其拥有的朝鲜族非物质文化遗产项目向自治州、县（市）文化主管部门提出列入非物质文化遗产代表性项目名录的申请。

公民、法人和其他组织如果认为某项非物质文化遗产体现朝鲜族优秀传统文化，具有历史、文学、科学价值，可以向文化主管部门提出建议将其列入朝鲜族非物质文化遗产项目名录。

第十七条 列入自治州、县（市）级非物质文化遗产代表性项目名录的项目应当符合下列条件：

- （一）具有朝鲜族历史、文学、艺术、科学价值；
- （二）体现朝鲜族优秀传统文化，具有典型性、代表性；
- （三）具有在一定群体或者地域范围内世代传承传播的特点，至今仍以活态形式存在的；
- （四）具有地域和民族特色，在本区域内有较大影响。

第十八条 自治州、县（市）文化主管部门应当组建非物质文化遗产评审委员会，评定的非物质文化遗产代表性项目应当报本级人民政府批准并向社会公布。

县（市）非物质文化遗产代表性项目名录应当报州人民政府备案。

第十九条 州人民政府对列入州级非物质文化遗产代表性项目名录，具有重大历史、文学、艺术、科学价值的朝鲜族非物质文化遗产，应当依照有关规定申报省级、国家级和联合国教科文组织人类非物质文化遗产代表作名录。

县（市）人民政府推荐列入州级非物质文化遗产代表性项目的名录，可优先推荐本级朝鲜族非物质文化遗产项目。两个以上县（市）人民政府推荐同一项目列入州级名录的，可组织联合申报。

第二十条 列入非物质文化遗产代表性项目名录的朝鲜族非物质文化遗产项目，自治州、县（市）文化主管部门应当确定保护单位，并履行下列职责：

- （一）制定项目保护规划并组织实施；
- （二）全面收集该项目的实物、资料，并登记、整理、建档；
- （三）为该项目的传承及相关活动提供必要的条件；
- （四）保护该项目相关的文化场所；
- （五）推荐本项目代表性传承人，开展传承、展示、交流和利用活动；
- （六）向文化主管部门报告项目保护情况，并接受监督；
- （七）配合文化主管部门和其他部门对朝鲜族非物质文化遗产普查、调查；
- （八）与项目相关的其他业务。

项目保护单位不履行前款职责的，文化主管部门责令限期改正，逾期未改正的，可以撤销其项目保护单位资格，重新确定项目保护单位。

第二十一条 自治州、县（市）文化主管部门对本级人民政府批准公布的朝鲜族非物质文化遗产代表性项目，可以认定代表性传承人。

公民可以向自治州、县（市）文化主管部门申请担任非物质文化遗产代表性传承人。项目保护单位可以向自治州、县（市）文化主管部门推荐该项目代表性传承人，但应当征得被推荐人的同意。

第二十二条 自治州、县（市）文化主管部门认定朝鲜族非物质文化遗产代表性传承人，应当按照本条例有关非物质文化遗产代表性项目评审的规定进行认定，并将所认定的代表性传承人名单予以公布。

第二十三条 自治州、县（市）人民政府应当根据需要适当安排朝鲜族非物质文化遗产保护相关岗位，并适当放宽报考条件。

第二十四条 自治州、县（市）文化主管部门根据需要，应当采取下列措施，支持朝鲜族非物质文化遗产代表性传承人开展传承、传播活动：

- （一）提供必要的传承场所；
- （二）提供必要的经费，资助其开展授徒、传艺、交流等活动；
- （三）支持其参加社会公益性活动；
- （四）支持其开展传承、传播活动的其他学术活动；
- （五）其他措施。

第二十五条 朝鲜族非物质文化遗产代表性传承人应当履行下列义务：

- （一）开展传承活动，培养朝鲜族文化后继人才；
- （二）妥善保存有关实物和资料；

(三) 配合有关部门进行非物质文化遗产调查;

(四) 参加非物质文化遗产展演、展示、传播等公益性活动。

自治州、县(市)文化主管部门每年对代表性传承人履行义务情况进行评估。无正当理由不履行义务的,责令限期改正,逾期不改正的,由认定部门取消其非物质文化遗产代表性传承人资格。丧失传承能力的,可重新认定该项目的代表性传承人。

第二十六条 自治州、县(市)人民政府鼓励和支持朝鲜族非物质文化遗产代表性项目通过融资、合作、入股等市场机制,合理开发利用具有地方特点、民族特色和市场潜力的文化产品和文化服务。

第二十七条 自治州、县(市)人民政府应当对使用朝鲜族非物质文化遗产代表性项目的企业给予政策支持。包括:

(一) 组织开展保护性经营的,依法享受国家规定的税收优惠政策;

(二) 支持企业、事业单位对朝鲜族非物质文化遗产专业人才建立奖励体系;

(三) 对使用朝鲜族非物质文化遗产项目获得驰名、著名和知名商标以及名牌产品的企业给予奖励;

(四) 其他相关政策。

第二十八条 自治州、县(市)人民政府应当对朝鲜族传统民族饮食、乐器、医药、服饰及其他重点传统手工技艺实行生产性保护,认定重点企业,实行动态管理,保护其核心技艺在生产实践中得到传承。

第二十九条 自治州、县(市)人民政府及其有关部门保护朝鲜族非物质文化遗产代表性项目保护单位和代表性传承人,通过注册商标等形式保护其合法权益,并为其提供便利条件。

朝鲜族非物质文化遗产项目中的传统工艺、制作技艺和艺术表现方法以及其他技艺属于商业秘密的,应当按照国家有关法律法规的规定采取相应的保密措施。

第三十条 使用朝鲜族非物质文化遗产,利用朝鲜族非物质文化遗产代表性项目进行创作、改编、出版、表演、展示、产品开发、旅游等活动,应当尊重其形式和内涵,禁止以歪曲、贬损等方式使用。

第三十一条 违反本条例规定的,由自治州、县(市)人民政府文化主管部门和相关主管部门依据国家的法律法规对其进行处罚;构成犯罪的,依法追究其刑事责任。

第三十二条 文化主管部门和其他有关部门的工作人员在朝鲜族非物质文化遗产保护工作中玩忽职守、滥用职权、徇私舞弊的,依据有关规定对其给予行政处分;构成犯罪的,依法追究其刑事责任。

第三十三条 朝鲜族非物质文化遗产中属文物的，依照相关文物保护法律法规的规定实施保护。

第三十四条 自治州行政区域内的其他民族非物质文化遗产保护工作参照本条例执行。

第三十五条 自治州人民政府可根据本条例制定实施细则。

第三十六条 本条例由自治州人民代表大会常务委员会负责解释。

第三十七条 本条例自公布之日起施行。

## Appendix 3

무형유산의 보전 및 진흥에 관한 법률 (약칭: 무형유산법)

[시행 2025. 9. 26.][법률 제20835호, 2025. 3. 25., 일부개정]

국가유산청(무형유산정책과), 063-280-1611

### 제1장 총칙

**제1조(목적)** 이 법은 무형유산의 보전과 진흥을 통하여 전통문화를 창조적으로 계승하고, 이를 활용할 수 있도록 함으로써 국민의 문화적 향상을 도모하고 인류문화의 발전에 이바지하는 것을 목적으로 한다. <개정 2023. 8. 8.>

**제2조(정의)** 이 법에서 사용하는 용어의 뜻은 다음과 같다. <개정 2016. 12. 20., 2018. 12. 24., 2020. 6. 9., 2022. 1. 18., 2023. 8. 8.>

1. “무형유산”이란 「국가유산기본법」 제3조제4호에 해당하는 유산으로서 다음 각 목의 것을 말한다.

가. 전통적 공연·예술

나. 공예, 미술 등에 관한 전통기술

다. 한의약, 농경·어로 등에 관한 전통지식

라. 구전 전통 및 표현

마. 의식주 등 전통적 생활관습

바. 민간신앙 등 사회적 의식(儀式)

사. 전통적 놀이·축제 및 기예·무예

2. “전형(典型)”이란 해당 무형유산의 가치를 구성하는 본질적인 특징으로서 대통령령으로 정하는 것을 말한다.

3. “보유자”란 제17조제1항 또는 제32조제2항에 따라 인정되어 무형유산의 기능, 예능 등을 대통령령으로 정하는 바에 따라 전형대로 취득·실현할 수 있는 사람을 말한다.

4. “보유단체”란 제17조제1항 또는 제32조제2항에 따라 인정되어 무형유산의 기능, 예능 등을 대통령령으로 정하는 바에 따라 전형대로 취득·실현할 수 있는 단체를 말한다.

5. “전승교육사”란 제19조제1항에 따라 인정되어 전수교육을 실시하는 사람을 말한다.

6. “이수자”란 제26조제1항에 따라 전수교육 이수증을 받은 사람을 말한다.

7. “전승자”란 제3호부터 제6호까지의 어느 하나에 해당하는 사람 또는 단체를 말한다.

8. “명예보유자”란 국가무형유산의 보유자 중에서 제18조제1항에 따라 인정된 사람 및 전승교육사 중에서 제18조제2항에 따라 인정된 사람을 말한다.

9. “전승교육”이란 제25조 또는 제30조에 따라 보유자 및 보유단체, 전승교육사, 전승교육학교가 실시하는 교육을 말한다.

10. “전승공예품”이란 무형유산 중 전통기술 분야의 전승자가 해당 기능을 사용하여 제작한 것을 말한다.

11. 삭제 <2023. 8. 8.>

12. “전승공동체”란 제17조제1항 단서에 따라 보유자, 보유단체를 인정하기 어려운 경우로서 무형유산을 지역적 또는 역사적으로 공유하며 일정한 유대감 및 정체성을 가지고 자발적으로 무형유산을 실현·향유함으로써 전승하고 있는 공동체를 말한다.

**제3조(기본원칙)** 무형유산의 보전 및 진흥은 전형 유지를 기본원칙으로 하며, 다음 각 호의 사항이 포함되어야 한다. <개정 2023. 8. 8.>

1. 민족정체성 함양
2. 전통문화의 계승 및 발전
3. 무형유산의 가치 구현과 향상

**제4조(국가와 지방자치단체의 책무)** ① 국가는 무형유산의 보전 및 진흥을 위한 종합적인 시책을 수립하고 시행하여야 한다. <개정 2023. 8. 8.>

② 지방자치단체는 국가의 시책과 지역적 특색을 고려하여 무형유산의 보전 및 진흥을 위한 시책을 수립·추진하여야 한다. <개정 2023. 8. 8.>

③ 국가와 지방자치단체는 제1항 및 제2항에 따른 책무를 다하기 위하여 이에 수반하는 예산을 확보하여야 한다.

**제5조(무형유산 전승자의 책무)** 무형유산의 전승자는 전승활동을 충실히 수행함으로써 무형유산의 계승 및 발전을 위하여 노력하여야 한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제6조(다른 법률과의 관계)** 무형유산의 보전 및 진흥에 관하여 다른 법률에 특별한 규정이 있는 경우를 제외하고는 이 법에서 정하는 바에 따른다. <개정 2023. 8. 8.>

**제2장 무형유산 정책의 수립 및 추진** <개정 2023. 8. 8.>

**제7조(무형유산기본계획의 수립)** ① 국가유산청장은 특별시장·광역시장·특별자치시장·도지사 또는 특별자치도지사(이하 “시·도지사”라 한다)와의 협의를 거쳐 무형유산의 보전 및 진흥을 위하여 다음 각 호의 사항이 포함된 기본계획(이하 “기본계획”이라 한다)을 5년마다 수립하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 무형유산의 보전 및 진흥에 관한 기본방향
2. 무형유산의 보전 및 진흥을 위한 재원 확보 및 배분에 관한 사항
3. 무형유산의 교육, 전승 및 전문인력 육성에 관한 사항
4. 무형유산의 조사, 기록 및 정보화에 관한 사항
5. 무형유산의 국제화에 관한 사항
6. 그 밖에 무형유산의 보전 및 진흥에 필요한 사항

② 국가유산청장은 기본계획을 수립하는 경우 미리 전승자, 관련 단체 및 전문가 등의 의견을 들어야 한다. <개정 2024. 2. 13.>

③ 국가유산청장은 기본계획을 수립하면 이를 시·도지사에게 알리고, 관보(官報) 등에 고시하여야 한다. <개정 2024. 2. 13.>

④ 국가유산청장은 기본계획을 수립하기 위하여 필요하면 시·도지사에게 관할구역의 무형유산에 대한 자료를 제출하도록 요청할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

[제목개정 2023. 8. 8.]

**제8조(시행계획의 수립·시행)** ① 국가유산청장 및 시·도지사는 기본계획에 관한 연도별 시행계획(이하 “시행계획”이라 한다)을 수립·시행하여야 한다. <개정 2024. 2. 13., 2025. 3. 25.>

② 시·도지사는 해당 연도의 시행계획 및 전년도 추진실적을 대통령령으로 정하는 바에 따라 매년 국가유산청장에게 제출하여야 한다. <개정 2024. 2. 13., 2025. 3. 25.>

③ 국가유산청장 및 시·도지사는 시행계획을 수립하였을 때에는 이를 공표하여야 하고, 시행계획을 시행하는 데 필요한 재원을 우선적으로 확보하여야 한다. <개정 2024. 2. 13.>

④ 시행계획의 수립과 시행 등에 필요한 사항은 대통령령으로 정한다.

**제8조의2(국회 보고)** 국가유산청장은 기본계획, 해당 연도 시행계획 및 전년도 추진실적을 확정된 후 지체 없이 국회 소관 상임위원회에 제출하여야 한다.

[본조신설 2025. 3. 25.]

**제9조(무형유산위원회의 설치)** ① 무형유산의 보전 및 진흥에 관한 사항을 조사·심의하기 위하여 국가유산청에 무형유산위원회(이하 “위원회”라 한다)를 둔다. <개정 2023. 8. 8., 2024. 2. 13.>

② 위원회는 위원장 1명을 포함하여 30명 이내의 위원으로 구성한다.

③ 위원은 다음 각 호의 사람 중에서 국가유산청장이 위촉한다. 다만, 위원장은 위원 중에서 호선한다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 「고등교육법」 제2조에 따른 학교에서 무형유산과 관련된 학과의 부교수 이상의 지위로 재직하거나 재직하였던 사람
  2. 무형유산의 보전 및 진흥과 관련된 업무에 10년 이상 종사한 사람
  3. 인류학, 민속학, 법학, 경영학, 전통공연예술, 전통공예기술 등 무형유산 관련 분야 업무에 10년 이상 종사한 사람으로서 무형유산에 관한 지식과 경험이 있는 전문가
- ④ 위원회 위원의 임기는 2년으로 하되 연임할 수 있으며, 보궐위원의 임기는 전임자 임기의 남은 기간으로 한다.
- ⑤ 위원회에는 국가유산청장이나 위원회의 위원장 또는 제10조제2항에 따른 분과위원회 위원장의 명을 받아 위원회의 심의사항에 관한 자료수집·조사 및 연구 등의 업무를 수행하는 비상근 전문위원을 둘 수 있다. <개정 2024. 2. 13.>
- ⑥ 제5항에 따른 전문위원의 수와 임기, 자격 등에 필요한 사항은 대통령령으로 정한다.

[제목개정 2023. 8. 8.]

**제10조(위원회의 심의사항 등)** ① 위원회는 무형유산의 보전 및 진흥에 관한 다음 각 호의 사항을 심의한다. <개정 2020. 6. 9., 2023. 8. 8., 2024. 2. 13.>

1. 기본계획에 관한 사항
  2. 국가무형유산의 지정과 그 해제에 관한 사항
  3. 국가무형유산의 보유자, 보유단체, 명예보유자 또는 전승교육사의 인정과 그 해제에 관한 사항
  4. 국가긴급보호무형유산의 지정과 그 해제에 관한 사항
  5. 국제연합교육과학문화기구(이하 “유네스코”라 한다) 무형유산 선정에 관한 사항
  6. 그 밖에 무형유산의 보전 및 진흥 등에 관하여 국가유산청장이 심의에 부치는 사항
- ② 제1항 각 호의 사항에 관하여 무형유산 종류별로 업무를 나누어 조사·심의하기 위하여 위원회에 분과위원회를 둘 수 있다. <개정 2023. 8. 8.>
- ③ 제2항에 따른 분과위원회는 조사·심의 등을 위하여 필요한 경우 다른 분과위원회와 함께 위원회(이하 “합동분과위원회”라 한다)를 열 수 있다.
- ④ 분과위원회 또는 합동분과위원회에서 제1항제2호부터 제6호까지에 관하여 조사·심의한 사항은 위원회에서 조사·심의한 것으로 본다. <신설 2020. 12. 22.>
- ⑤ 위원회, 분과위원회 및 합동분과위원회의 조직, 분장사항 및 운영 등에 필요한 사항은 대통령령으로 정한다. <개정 2020. 12. 22.>

**제11조(회의록의 작성 및 공개)** ① 위원회, 분과위원회 및 합동분과위원회는 다음 각 호의 사항을 적은 회의록을 작성하여야 한다. 이 경우 필요하다고 인정되면 속기나 녹음 또는 녹화를 할 수 있다.

1. 회의일시 및 장소
2. 출석위원
3. 심의내용 및 의결사항

② 제1항에 따라 작성된 회의록은 공개하여야 한다. 다만, 특정인의 재산상 이익에 영향을 미치거나 사생활의 비밀을 침해하는 등 대통령령으로 정하는 경우에는 해당 위원회의 의결로 공개하지 아니할 수 있다.

### 제3장 국가무형유산의 지정 등 <개정 2023. 8. 8.>

**제12조(국가무형유산의 지정)** ① 국가유산청장은 위원회의 심의를 거쳐 무형유산 중 중요한 것을 국가무형유산으로 지정할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

② 국가무형유산의 지정 기준 및 절차 등에 필요한 사항은 대통령령으로 정한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제13조(국가긴급보호무형유산의 지정)** ① 국가유산청장은 위원회의 심의를 거쳐 무형유산 중에서 특히 소멸할 위험에 처한 무형유산을 긴급히 보전하기 위하여 국가긴급보호무형유산으로 지정할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

② 국가유산청장은 제1항에 따라 지정된 국가긴급보호무형유산에 대하여는 다음 각 호에 해당하는 지원을 할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 예술적, 기술적, 과학적 연구
2. 전승자 발굴
3. 전수교육 및 전승활동
4. 무형유산의 기록

③ 국가긴급보호무형유산의 지정 요건 및 절차 등에 필요한 사항은 대통령령으로 정한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제14조(국가무형유산 등의 지정 고시 및 효력 발생시기)** ① 국가유산청장이 국가무형유산 또는 국가긴급보호무형유산을 지정하였을 때에는 그 취지와 내용을 관보에 고시하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

② 국가무형유산 또는 국가긴급보호무형유산의 지정은 제1항에 따라 관보에 고시한 날부터 그 효력을 발생한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제15조(지정 또는 인정의 취소)** 국가유산청장은 제12조 및 제13조에 따른 지정 또는 제17조부터 제19조까지의 규정에 따른 인정의 과정에서 거짓 또는 부정한 방법이 있는 경우에는 이를 취소하여야 한다. <개정 2024. 2. 13.>

**제16조(국가무형유산 등의 지정 해제)** ① 국가유산청장은 국가무형유산 또는 국가긴급보호무형유산이 다음 각 호의 어느 하나에 해당하는 경우 위원회의 심의를 거쳐 그 지정을 해제할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 가치의 소멸
2. 전승의 단절·불가능
3. 소멸위험이 현저히 없어졌을 경우

② 제1항에 따른 지정의 해제에 관한 고시 및 효력 발생시기에 관하여는 제14조를 준용한다.

[제목개정 2023. 8. 8.]

#### 제4장 보유자 및 보유단체 등의 인정

**제17조(보유자 등의 인정)** ① 국가유산청장은 국가무형유산을 지정하는 경우 해당 국가무형유산의 보유자, 보유단체를 인정하여야 한다. 다만, 대통령령으로 정하는 바에 따라 해당 국가무형유산의 특성상 보유자, 보유단체를 인정하기 어려운 경우에는 그러하지 아니하다. <개정 2023. 8. 8., 2024. 2. 13.>

② 제1항에 따라 인정하는 보유단체는 「민법」 제32조에 따라 국가유산청장의 허가를 받아 설립된 비영리법인으로 한다. <개정 2024. 2. 13.>

③ 국가유산청장은 제1항에 따라 인정한 보유자, 보유단체 외에 해당 국가무형유산의 보유자, 보유단체를 추가로 인정할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

④ 보유자 등의 인정 기준 및 절차 등에 필요한 사항은 대통령령으로 정한다.

**제18조(명예보유자의 인정)** ① 국가유산청장은 국가무형유산의 보유자가 다음 각 호의 어느 하나에 해당하는 경우 전수교육과 전승활동 업적을 고려하여 위원회의 심의를 거쳐 명예보유자로 인정할 수 있다. 이 경우 국가무형유산 보유자가 명예보유자로 인정되면 그 때부터 보유자의 인정은 해제된 것으로 본다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 무형유산의 전수교육 또는 전승활동을 정상적으로 실시하기 어려운 경우
2. 보유자가 신청하는 경우

② 국가유산청장은 국가무형유산의 전승교육사가 다음 각 호의 어느 하나에 해당하는 경우 전형의 수준과 전승활동 업적을 고려하여 위원회의 심의를 거쳐 명예보유자로 인정할 수 있다. 이 경우 국가무형유산 전승교육사가

명예보유자로 인정되면 그 때부터 전승교육사의 인정은 해제된 것으로 본다. <신설 2018. 12. 24., 2020. 6. 9., 2023. 8. 8., 2024. 2. 13.>

1. 전승교육을 정상적으로 실시하기 어려운 경우

2. 전승교육사가 신청하는 경우

③ 국가유산청장은 명예보유자에게 특별지원금을 지원할 수 있다. <개정 2018. 12. 24., 2024. 2. 13.>

④ 명예보유자의 인정 기준과 절차 등에 필요한 사항은 대통령령으로 정한다. <개정 2018. 12. 24.>

**제19조(전승교육사의 인정)** ① 국가유산청장은 국가무형유산의 전승교육을 실시하기 위하여 전승교육사를 위원회의 심의를 거쳐 인정할 수 있다. <개정 2020. 6. 9., 2023. 8. 8., 2024. 2. 13., 2025. 3. 25.>

② 전승교육사의 인정 기준 및 절차 등에 필요한 사항은 대통령령으로 정한다. <개정 2020. 6. 9.>

[제목개정 2020. 6. 9.]

**제19조의2(전승자 등의 결격사유)** 다음 각 호의 어느 하나에 해당하는 사람은 국가무형유산의 보유자, 명예보유자 또는 전승교육사가 될 수 없다.

1. 「국가공무원법」 제33조 각 호(제1호 및 제2호는 제외한다)의 어느 하나에 해당하는 사람

2. 제15조에 따라 인정이 취소된 날 또는 제21조에 따른 인정 해제의 통지를 받은 날부터 5년이 지나지 아니한 사람

[본조신설 2023. 8. 8.]

**제20조(인정의 고시 및 통지 등)** ① 국가유산청장은 국가무형유산의 보유자, 보유단체, 명예보유자 또는 전승교육사를 인정하면 그 취지와 내용을 관보에 고시하고, 지체 없이 해당 국가무형유산의 보유자, 보유단체, 명예보유자 또는 전승교육사에게 알려야 한다. <개정 2020. 6. 9., 2023. 8. 8., 2024. 2. 13.>

② 국가유산청장은 국가무형유산의 보유자, 보유단체, 명예보유자 또는 전승교육사를 인정하면 그 보유자, 보유단체, 명예보유자 또는 전승교육사에게 해당 인정서를 내주어야 한다. <개정 2020. 6. 9., 2023. 8. 8., 2024. 2. 13.>

③ 국가무형유산의 보유자, 보유단체, 명예보유자 또는 전승교육사의 인정은 그 인정의 통지를 받은 날부터 효력을 발생한다. <개정 2020. 6. 9., 2023. 8. 8.>

④ 제1항 및 제2항에 따른 인정의 고시 및 통지, 인정서 교부 등에 필요한 사항은 대통령령으로 정한다. <개정 2020. 12. 22.>

**제21조(전승자 등의 인정 해제)** ① 국가유산청장은 국가무형유산의 보유자, 보유단체, 명예보유자 또는 전승교육사가 다음 각 호의 어느 하나에 해당하는 경우 위원회의 심의를 거쳐 인정을 해제할 수 있다. 다만,

제1호·제2호·제2호의2·제3호 및 제4호에 해당하는 경우 그 인정을 해제하여야 한다. <개정 2020. 6. 9., 2023. 8. 8., 2024. 2. 13.>

1. 보유자, 명예보유자 또는 전승교육사가 사망한 경우
2. 전통문화의 공연·전시·심사 등과 관련하여 벌금 이상의 형을 선고받거나 그 밖의 사유로 금고 이상의 형을 선고받고 그 형이 확정된 경우
- 2의2. 제19조의2제1호에 따른 결격사유에 해당하게 된 경우
3. 국외로 이민을 가거나 외국 국적을 취득한 경우
4. 제16조에 따라 국가무형유산의 지정이 해제된 경우
5. 신체상 또는 정신상의 장애 등으로 인하여 해당 국가무형유산의 보유자로 적당하지 아니한 경우
6. 제22조에 따른 정기조사 또는 재조사 결과 보유자, 보유단체 및 전승교육사의 기량이 현저하게 떨어져 해당 국가무형유산을 전형대로 실현·강습하지 못하는 것이 확인된 경우
7. 제25조제2항에 따른 전승교육을 특별한 사유 없이 1년 동안 실시하지 아니한 경우
8. 제28조제1항에 따른 공개를 특별한 사유 없이 매년 1회 이상 하지 아니하는 경우
9. 그 밖에 대통령령으로 정하는 사유가 있는 경우

② 제1항에 따른 인정의 해제에 관한 고시 및 통지와 그 효력 발생시기에 관하여는 제20조를 준용한다.

**제21조의2(결격사유 및 인정 해제 사유 확인을 위한 범죄경력조회 등)** ① 국가유산청장은 제19조의2에 따른 전승자 등의 결격사유 및 제21조에 따른 인정 해제 사유를 확인하기 위하여 경찰청장에게 「형의 실효 등에 관한 법률」 제6조에 따른 범죄경력조회를 요청할 수 있다. <개정 2024. 2. 13.>

② 국가유산청장은 제1항에 따른 업무를 수행하기 위하여 보유단체 및 관계기관의 장에게 필요한 자료의 제공을 요청할 수 있다. <개정 2024. 2. 13.>

③ 제1항 또는 제2항의 요청을 받은 관계기관의 장 등은 정당한 사유 없이 이를 거부하여서는 아니 된다.

④ 제1항부터 제3항까지에 따른 범죄경력조회 및 자료제공의 절차·범위 등에 필요한 사항은 대통령령으로 정한다.

[본조신설 2023. 8. 8.]

**제22조(정기조사 등)** ① 국가유산청장은 국가무형유산의 보전 및 진흥을 위한 정책 수립에 활용하기 위하여 국가무형유산의 전승교육 및 전승활동 등 전승의 실태와 그 밖의 사항 등에 관하여 5년마다 정기적으로 조사하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

② 국가유산청장은 제1항에 따른 정기조사 후 추가적인 조사가 필요한 경우 소속 공무원에게 해당 국가무형유산에 대하여 재조사하게 할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

③ 제1항과 제2항에 따라 조사를 하는 공무원은 전승자, 관계 공공기관 또는 단체 등에 필요한 자료의 제출, 전승활동 공간 출입 등 조사에 필요한 범위에서 협조를 요청할 수 있다. 이 경우 협조를 요청받은 전승자, 관계 공공기관 또는 단체 등은 특별한 사유가 없으면 이에 협조하여야 한다. <개정 2023. 8. 8.>

④ 제1항과 제2항에 따라 조사하는 경우에는 미리 해당 국가무형유산의 전승자, 관계 공공기관 또는 단체 등에 그 뜻을 알려야 한다. 다만, 긴급한 경우에는 사후에 그 취지를 알릴 수 있다. <개정 2023. 8. 8.>

⑤ 제1항과 제2항에 따라 조사를 하는 공무원은 그 권한을 표시하는 증표를 지니고 이를 관계인에게 보여주어야 한다.

⑥ 국가유산청장은 제1항과 제2항에 따른 정기조사와 재조사의 전부 또는 일부를 대통령령으로 정하는 바에 따라 소속 기관에 위임하거나 전문기관 또는 단체에 위탁할 수 있다. <개정 2024. 2. 13.>

⑦ 국가유산청장은 제1항과 제2항에 따른 정기조사·재조사의 결과를 다음 각 호의 업무에 반영하여야 한다. <개정 2020. 6. 9., 2023. 8. 8., 2024. 2. 13.>

1. 국가무형유산 및 국가긴급보호무형유산의 지정과 그 해제
2. 국가무형유산의 보유자, 보유단체, 명예보유자 및 전승교육사의 인정과 그 해제
3. 그 밖에 국가무형유산 및 국가긴급보호무형유산의 보전 및 진흥에 필요한 사항

⑧ 제1항과 제2항의 정기조사와 재조사의 대상 및 방법 등에 필요한 사항은 대통령령으로 정한다.

**제23조(신고 사항)** 국가무형유산의 전승자 및 명예보유자는 성명 또는 주소가 변경된 경우 15일 이내에 그 사실을 국가유산청장에게 신고하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

**제24조(행정명령)** 국가유산청장은 국가무형유산의 가치 구현과 향상을 위하여 필요하다고 인정되면 다음 각 호의 사항을 명할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 국가무형유산 전승자가 전승활동 과정에서 그 무형유산의 전형을 훼손하거나 저해하는 경우 그 활동에 대한 일정한 행위의 금지나 제한
2. 국가무형유산 전승자 간의 분쟁으로 그 무형유산의 보전 및 진흥에 장애를 초래하는 경우 그 전승자의 전수교육, 공개 등에 대한 일정한 행위의 금지나 제한
3. 그 밖에 국가무형유산의 원활한 전승환경을 위하여 필요하다고 인정되는 경우 전승자에 대한 무형유산 보전에 필요한 긴급한 조치

## 제5장 전수교육 및 공개

**제25조(국가무형유산의 보호·육성)** ① 국가는 전통문화의 계승과 발굴을 위하여 국가무형유산을 보호·육성하여야 한다. <개정 2023. 8. 8.>

② 국가무형유산의 보전 및 진흥을 위하여 제17조제1항에 따라 인정된 보유자, 보유단체 및 제19조제1항에 따라 인정된 전승교육사는 해당 국가무형유산의 전수교육을 실시하여야 한다. 다만, 대통령령으로 정하는 사유가 있는 경우에는 그러하지 아니하다. <개정 2020. 6. 9., 2023. 8. 8.>

③ 국가는 예산의 범위에서 보유자, 보유단체 또는 전승교육사가 실시하는 전수교육에 필요한 경비 및 수당을 지원할 수 있다. <개정 2020. 6. 9.>

④ 국가는 국가무형유산의 이수자 중에서 국가무형유산 보유자, 보유단체, 전승교육사 또는 제30조에 따른 전수교육학교의 추천을 받아 우수 이수자를 선정하여 필요한 지원을 할 수 있다. 이 경우 우수 이수자의 선정 방법 및 절차, 지원 등에 필요한 사항은 대통령령으로 정한다. <신설 2017. 12. 12., 2023. 8. 8., 2025. 3. 25.>

⑤ 국가 또는 지방자치단체는 전수교육을 목적으로 설립 또는 취득한 국·공유재산을 무상으로 사용하게 할 수 있다. <개정 2017. 12. 12.>

⑥ 국가는 전승공동체에 대하여 예산의 범위에서 필요한 지원을 할 수 있다. <신설 2022. 1. 18.>

⑦ 제3항에 따른 전수교육에 필요한 경비 및 수당의 지원 내용 및 방법, 제6항에 따른 전승공동체에 대한 지원 등에 필요한 사항은 대통령령으로 정한다. <개정 2017. 12. 12., 2022. 1. 18.>

[제목개정 2023. 8. 8.]

**제26조(전수교육 이수증)** ① 국가유산청장은 전수교육(제30조에 따른 대학등에서의 전수교육을 포함한다. 이하 이 조에서 같다) 과정을 수료한 사람 중에서 대통령령으로 정하는 바에 따라 그 기량을 심사하여 전수교육 이수증을 발급한다. <개정 2024. 2. 13.>

② 제1항에 따른 이수증 발급 및 심사 등에 필요한 사항은 대통령령으로 정한다.

**제27조(전수장학생)** ① 국가유산청장은 국가무형유산의 전수교육(제30조에 따른 대학등에서의 전수교육은 제외한다. 이하 이 조에서 같다)을 받은 사람 중에서 국가무형유산 보유자 또는 보유단체의 추천을 받아 전수장학생을 선정하여 장학금을 지급할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

② 전수장학생의 선정 방법 및 절차, 장학금의 지급 기간 등에 필요한 사항은 대통령령으로 정한다.

**제28조(국가무형유산의 공개의무 등)** ① 국가무형유산의 보유자 또는 보유단체는 대통령령으로 정하는 특별한 사유가 있는 경우를 제외하고는 매년 1회 이상 해당 국가무형유산을 공개하여야 한다. <개정 2023. 8. 8.>

② 국가는 예산의 범위에서 제1항에 따른 공개에 필요한 비용의 전부 또는 일부를 지원할 수 있다.

③ 제1항에 따른 국가무형유산의 공개 절차·방법 및 점검 등에 필요한 사항은 대통령령으로 정한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제29조(관람료의 징수)** ① 국가무형유산의 보유자 또는 보유단체는 그 무형유산을 공개하는 경우 관람자로부터 관람료를 징수할 수 있다. <개정 2023. 8. 8.>

② 제1항에 따른 관람료는 해당 국가무형유산의 보유자 또는 보유단체가 정한다. <개정 2023. 8. 8.>

**제30조(전수교육학교의 선정 등)** ① 국가유산청장은 국가무형유산의 전수교육을 실시하려는 다음 각 호의 학교(이하 이 조에서 “대학등”이라 한다) 중에서 전수교육학교를 선정할 수 있다. <개정 2016. 12. 20., 2018. 12. 24., 2023. 8. 8., 2024. 2. 13.>

1. 「초·중등교육법」 제62조에 따라 설립된 국립국악고등학교 및 국립전통예술고등학교

2. 「고등교육법」 제2조에 따른 학교

3. 「한국전통문화대학교 설치법」에 따른 한국전통문화대학교

② 국가무형유산의 전수교육을 실시하려는 대학등은 교육과정, 교육시설 등 대통령령으로 정하는 바에 따라 전수교육 계획을 수립하여 국가유산청장에게 신청하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

③ 국가는 제1항에 따라 선정된 전수교육학교에 대하여 필요한 지원을 할 수 있다. <개정 2016. 12. 20.>

④ 국가유산청장은 전수교육학교에서 전수교육을 받는 학생 중 학업성적이 우수한 학생에게 예산의 범위에서 전수장학금을 지급할 수 있다. <개정 2016. 12. 20., 2024. 2. 13.>

⑤ 국가유산청장은 전수교육학교의 전수교육 실태를 점검하고 그 성과를 평가할 수 있으며 그 결과에 따라 차등하여 재정적 지원을 할 수 있다. <개정 2016. 12. 20., 2024. 2. 13.>

⑥ 전수교육학교의 선정·심사, 지원, 성과평가 등에 필요한 사항은 대통령령으로 정한다. <개정 2016. 12. 20.>

[제목개정 2016. 12. 20.]

**제6장 시·도무형유산** <개정 2023. 8. 8.>

**제31조(시·도무형유산위원회의 설치)** ① 시·도지사의 관할구역에 있는 무형유산의 보전 및 진흥에 관한 사항을 심의하기 위하여 시·도에 무형유산위원회(이하 “시·도무형유산위원회”라 한다)를 둔다. <개정 2023. 8. 8.>

② 시·도무형유산위원회의 조직과 운영 등에 필요한 사항은 조례로 정하되, 다음 각 호의 사항을 포함하여야 한다. <개정 2023. 8. 8.>

1. 무형유산의 보전 및 진흥과 관련된 조사·심의에 관한 사항
2. 위원의 위촉과 해촉에 관한 사항
3. 분과위원회의 설치와 운영에 관한 사항
4. 전문위원의 위촉과 활용에 관한 사항

③ 시·도지사가 그 관할구역에 있는 시·도무형유산의 국가무형유산으로의 지정을 국가유산청장에게 신청하려면 시·도무형유산위원회의 사전 심의를 거쳐야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

[제목개정 2023. 8. 8.]

**제32조(시·도무형유산 등의 지정 등)** ① 시·도지사는 그 관할구역 안에 있는 무형유산으로서 국가무형유산으로 지정되지 아니한 무형유산 중 보전가치가 있다고 인정되는 것을 시·도무형유산위원회의 심의를 거쳐 시·도무형유산으로 지정할 수 있다. 다만, 시·도무형유산으로 지정하려는 무형유산이 국가무형유산으로 지정되어 있는 경우에는 국가유산청장과의 사전 협의를 거쳐야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

② 시·도지사는 시·도무형유산을 지정하는 경우 국가무형유산의 보유자, 보유단체가 아닌 사람 또는 단체 중에서 보유자, 보유단체를 인정할 수 있다. <개정 2023. 8. 8.>

③ 시·도무형유산의 보유자, 보유단체, 전승교육사가 국가무형유산의 보유자, 보유단체, 전승교육사로 인정되는 경우 해당 시·도무형유산의 보유자, 보유단체, 전승교육사의 인정은 해제된 것으로 본다. <개정 2020. 6. 9., 2023. 8. 8.>

④ 국가유산청장은 위원회의 심의를 거쳐 필요하다고 인정되는 무형유산에 대하여 시·도지사에게 시·도무형유산으로 지정할 것을 권고할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

⑤ 시·도지사는 시·도무형유산위원회의 심의를 거쳐 그 관할구역 안의 시·도무형유산 중 특히 소멸할 위험에 처하였으나 국가긴급보호무형유산으로 지정되지 아니한 무형유산을 시·도긴급보호무형유산으로 지정할 수 있다. <개정 2023. 8. 8.>

⑥ 제1항 또는 제5항에 따라 시·도무형유산 또는 시·도긴급보호무형유산을 지정할 때에는 해당 시·도의 명칭을 표시하여야 한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제33조(보고 사항)** 시·도지사는 다음 각 호의 어느 하나에 해당하는 사유가 있으면 그 사유가 발생한 날부터 15일 이내에 국가유산청장에게 보고하여야 한다. <개정 2020. 6. 9., 2023. 8. 8., 2024. 2. 13.>

1. 시·도무형유산의 지정 및 해제
2. 시·도긴급보호무형유산의 지정 및 해제
3. 시·도무형유산의 보유자, 보유단체, 명예보유자 또는 전승교육사의 인정 및 해제
4. 시·도무형유산에 대한 행정명령 및 그 위반 등의 죄

**제34조(전문인력의 배치)** 시·도지사는 무형유산에 관한 전문인력을 해당 지방자치단체에 배치하도록 노력하여야 한다. <개정 2023. 8. 8.>

**제35조(준용규정)** 시·도무형유산 및 시·도긴급보호무형유산의 지정 및 지정 취소·해제, 지정의 고시 및 효력 발생시기, 시·도무형유산의 보유자·보유단체·명예보유자 또는 전승교육사의 인정 및 인정 취소·해제, 인정의 고시 및 통지와 효력 발생시기, 정기조사, 시·도무형유산의 전승자 및 명예보유자의 신고사항, 행정명령, 전수교육, 전수교육 이수증, 전수장학생, 시·도무형유산의 공개 및 관람료의 징수, 시·도무형유산의 전수교육학교의 선정 등에 관하여는 제12조부터 제19조까지, 제19조의2, 제20조, 제21조, 제21조의2 및 제22조부터 제30조까지를 준용한다. 이 경우 “국가유산청장”은 “시·도지사”로, “대통령령”은 “조례”로, “국가”는 “지방자치단체”로, “위원회”는 “시·도무형유산위원회”로, “국가무형유산”은 “시·도무형유산”으로, “국가긴급보호무형유산”은 “시·도긴급보호무형유산”으로 본다. <개정 2024. 2. 13.>

[전문개정 2023. 8. 8.]

**제36조(이북5도 무형유산)** ① 국가유산청장 및 「이북5도에 관한 특별조치법」 제5조에 따라 임명된 도지사(이하 이 조에서 “도지사”라 한다)는 북한지역에서 전승되던 무형유산으로서 보전가치가 있다고 인정되는 무형유산이 있는 경우에는 현재 그 무형유산이 전승되고 있는 지역을 관할하고 있는 시·도지사에게 시·도무형유산으로 지정할 것을 권고할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

② 제1항에도 불구하고 도지사는 이북5도에서 전승되던 무형유산으로서 국가무형유산 또는 시·도무형유산으로 지정되지 아니한 무형유산 중 보전가치가 있다고 인정되는 것을 이북5도 무형유산으로 지정할 수 있다. <개정 2023. 8. 8.>

③ 국가는 제2항에 따라 지정된 무형유산의 기능, 예능, 지식 및 관련 기술 등을 전형대로 취득·실현하거나 전수교육을 실시하는 사람 또는 단체에 대하여 필요한 경비 및 수당을 예산의 범위에서 지원할 수 있다. <신설 2023. 10. 31.>

④ 제2항 및 제3항에 따른 이북5도 무형유산의 지정 절차, 경비 및 수당의 대상과 지급 기준 등에 필요한 사항은 도지사가 정한다. <개정 2023. 8. 8., 2023. 10. 31.>

[제목개정 2023. 8. 8.]

### 제7장 무형유산의 진흥 <개정 2023. 8. 8.>

**제37조(전승지원 등)** ① 국가 또는 지방자치단체는 무형유산의 보전 및 진흥을 위하여 예산의 범위에서 다음 각 호의 지원을 할 수 있다. <개정 2023. 8. 8.>

1. 전승자의 전승공예품 원재료 구입 지원
2. 전승자의 공연 또는 전시 등에 필요한 시설 및 장비 지원
3. 전승자의 초·중등학교 교육 및 평생교육 활동 지원

② 국가 또는 지방자치단체는 무형유산의 전승, 교육, 공연 등의 활성화를 장려하기 위한 전수교육시설을 마련하도록 노력하여야 한다. <개정 2023. 8. 8.>

③ 국가 또는 지방자치단체는 제1항 및 제2항의 경우 외에 무형유산 보전 및 진흥에 필요한 경비를 예산의 범위에서 전부 또는 일부를 보조할 수 있다. <개정 2023. 8. 8.>

**제38조(무형유산의 교육 지원 등)** 국가 또는 지방자치단체는 「문화예술교육 지원법」 제15조에 따른 학교문화예술교육 및 같은 법 제21조에 따른 사회문화예술교육을 지원하거나 「문화예술진흥법」 제12조에 따라 문화강좌를 설치하는 경우에 무형유산에 관한 교육이나 강좌가 포함되도록 노력하여야 한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제39조(행사 등에서의 지원)** ① 국가, 지방자치단체 및 「공공기관의 운영에 관한 법률」에 따른 공공기관은 각종 행사 및 축제에 무형유산의 전승자가 참여할 수 있도록 노력하여야 한다. <개정 2023. 8. 8.>

② 국가와 지방자치단체는 국가무형유산 또는 시·도무형유산이 관광 활성화에 기여하도록 필요한 시책을 마련하여야 한다. <개정 2023. 8. 8.>

**제40조(전통기술 개발의 지원)** ① 국가유산청장은 무형유산 중 공예, 미술 등에 관한 전통기술의 진흥을 위하여 원재료, 제작공정 등의 기술개발 및 디자인·상품화 등에 필요한 지원을 할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

② 제1항에 따른 지원 기준 및 절차 등은 대통령령으로 정한다.

**제41조(무형유산 전승공예품 인증)** ① 국가유산청장은 인증심사를 거쳐 전승공예품에 대하여 인증(이하 “인증”이라 한다)을 할 수 있다. <개정 2024. 2. 13.>

- ② 국가유산청장은 인증을 위하여 해당 전승자에게 관련 자료의 제출을 요청할 수 있으며, 필요한 경우 소속 공무원 또는 관련 전문가에게 전승공예품 제작공정을 참관하게 할 수 있다. <개정 2024. 2. 13.>
- ③ 인증을 받은 해당 전승자는 자신이 제작한 전승공예품에 인증의 표시를 할 수 있다.
- ④ 누구든지 인증을 받지 아니한 상품에 국가유산청장이 정한 인증표시와 동일하거나 유사한 표시를 하여서는 아니 된다. <개정 2024. 2. 13.>
- ⑤ 인증의 유효기간은 인증을 받은 날부터 4년으로 하되, 재심사를 거쳐 그 기간을 연장할 수 있다. <개정 2023. 10. 31.>
- ⑥ 인증의 기준 및 심사 절차, 표시의 방법 등에 필요한 사항은 국가유산청장이 정하여 고시한다. <개정 2024. 2. 13.>

[제목개정 2023. 8. 8.]

**제42조(인증의 취소)** ① 국가유산청장은 인증과 관련하여 다음 각 호의 어느 하나에 해당하는 경우 그 인증을 취소할 수 있다. 다만, 제1호에 해당하는 때에는 인증을 취소하여야 한다. <개정 2024. 2. 13.>

1. 거짓이나 그 밖의 부정한 방법으로 인증을 받은 경우
2. 인증기준에 맞지 아니하게 제작된 전승공예품에 인증표시를 한 경우
3. 해당 전승자가 인증표시의 사용 기준을 위반한 경우

② 인증 취소에 관한 구체적 절차와 내용은 대통령령으로 정한다.

**제43조(전승공예품은행)** ① 국가유산청장은 전통기술의 전승활성화 및 전통공예의 우수성 홍보 등을 위하여 전승공예품의 구입·대여 및 전시 등의 업무를 수행하는 은행(이하 “전승공예품은행”이라 한다)을 운영할 수 있다. <개정 2024. 2. 13.>

② 전승공예품은행의 운영에 필요한 사항은 국가유산청장이 정하여 고시한다. <개정 2024. 2. 13.>

**제43조의2(전승공예품의 우선구매 등)** ① 국가유산청장 및 시·도지사는 전통기술의 전승활성화 및 전통공예의 수요 창출을 위하여 다음 각 호의 어느 하나의 기관 또는 단체에 제2조제10호에 따른 전승공예품을 우선 구매하도록 요청할 수 있다. <개정 2024. 2. 13.>

1. 국가 및 지방자치단체
2. 「공공기관의 운영에 관한 법률」 제4조에 따른 공공기관
3. 「지방공기업법」에 따른 지방공기업
4. 무형유산 관련 단체

② 국가유산청장 및 시·도지사는 제1항에 따라 우선구매를 하는 기관 또는 단체 등에 예산의 범위에서 재정지원을 하는 등 필요한 지원을 할 수 있다. <개정 2024. 2. 13.>

[본조신설 2023. 10. 31.]

**제44조(창업·제작·유통 등 지원)** ① 국가와 지방자치단체는 무형유산 전승자의 창업·제작·유통 및 해외시장의 진출 등을 촉진하기 위하여 필요한 지원을 할 수 있다. <개정 2023. 8. 8.>

② 제1항에 따른 지원 기준 및 방법 등에 필요한 사항은 대통령령으로 정한다.

**제45조(무형유산의 국제교류 지원)** ① 국가는 국제기구 및 다른 국가와의 협력을 통하여 전통공연·예술 분야 무형유산의 해외공연, 전승공예품의 해외 전시·판매 등 무형유산의 국제교류를 적극 추진하여야 한다. <개정 2023. 8. 8.>

② 국가유산청장은 예산의 범위에서 제1항에 따른 무형유산의 국제교류 및 협력에 필요한 비용의 전부 또는 일부를 지원할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

[제목개정 2023. 8. 8.]

**제46조(한국무형유산진흥센터)** 국가유산청장은 무형유산의 진흥에 관한 사업과 활동을 효율적으로 지원하기 위하여 「국가유산기본법」 제32조에 따른 국가유산진흥원에 한국무형유산진흥센터를 둔다. <개정 2023. 8. 8., 2024. 2. 13.>

[제목개정 2023. 8. 8.]

## 제8장 유네스코 협약 이행

**제47조(유네스코 아시아·태평양 무형문화유산 국제정보네트워킹센터의 설치)** ① 유네스코의 「무형문화유산의 보호를 위한 협약」(이하 “유네스코 협약”이라 한다) 이행을 장려하고, 아시아·태평양 지역 등의 무형유산 보호활동 등을 지원하기 위하여 국가유산청 산하에 유네스코 아시아·태평양 무형문화유산 국제정보네트워킹센터(이하 “유네스코 아·태무형유산센터”라 한다)를 둔다. <개정 2020. 12. 8., 2022. 1. 18., 2023. 8. 8., 2024. 2. 13.>

② 유네스코 아·태무형유산센터는 법인으로 한다. <개정 2020. 12. 8.>

③ 유네스코 아·태무형유산센터는 정관으로 정하는 바에 따라 임원과 필요한 직원을 둔다. <개정 2020. 12. 8.>

④ 유네스코 아·태무형유산센터에 관하여 이 법에서 규정한 것 외에는 「민법」 중 재단법인에 관한 규정을 준용한다. <개정 2020. 12. 8.>

⑤ 유네스코 아·태무형유산센터의 운영에 필요한 경비는 국고에서 지원할 수 있다. <개정 2020. 12. 8.>

⑥ 국가 또는 지방자치단체는 유네스코 아·태무형유산센터의 업무 수행을 위하여 필요한 경우 국유재산이나 공유재산을 무상으로 사용·수익하게 할 수 있다. <개정 2020. 12. 8.>

⑦ 유네스코 아·태무형유산센터는 다음 각 호의 사업을 한다. <신설 2020. 12. 8., 2023. 8. 8.>

1. 무형유산 정보공유의 체계 구축 및 활용을 위한 활동 지원
2. 무형유산 보호 관련 교육, 출판, 학술조사·연구, 전시 및 콘텐츠 개발과 활용
3. 무형유산 관련 개인, 비정부기구·시민사회단체 등 단체 및 교육기관·학술기관 등 기관 간의 교류·협력체계의 구축과 이를 위한 행사의 개최
4. 공유된 무형유산 정보의 국내 활용을 위한 사업
5. 국가·지방자치단체 또는 공공기관 등으로부터 위탁받은 사업
6. 유네스코 아·태무형유산센터의 설립목적을 달성하기 위하여 정관으로 정하는 사업

⑧ 유네스코 아·태무형유산센터는 제7항 각 호의 사업을 위하여 필요하다고 인정하면 「기부금품의 모집 및 사용에 관한 법률」에도 불구하고 자발적으로 기탁되는 기부금품을 사업목적에 부합하는 범위에서 접수할 수 있다. <신설 2020. 12. 8.>

⑨ 제8항에 따른 기부금품의 접수 절차 등에 관하여 필요한 사항은 대통령령으로 정한다. <신설 2020. 12. 8.>

⑩ 유네스코 아·태무형유산센터는 제8항에 따라 접수한 기부금품을 별도 계정으로 관리하여야 한다. <신설 2020. 12. 8.>

**제47조의2(무형유산 보호를 위한 국제적 협력)** ① 국가는 유네스코 협약에 따라 인류의 무형유산을 보호하기 위하여 관련 국제기구, 국제 전문가단체 및 다른 국가와의 협력관계를 증진하도록 노력하여야 한다. <개정 2023. 8. 8.>

② 국가는 개발도상국가가 유네스코 협약에 따라 무형유산을 체계적으로 보전 및 진흥할 수 있도록 재정 지원을 하는 등 무형유산 보호를 위한 국제사회의 노력에 이바지하여야 한다. <개정 2023. 8. 8.>

③ 국가유산청장은 제1항에 따른 무형유산 보호를 위한 관련 국제기구, 국제 전문가단체 및 다른 국가와의 협력을 증진하기 위하여 다음 각 호의 사업을 추진할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 유네스코 인류무형문화유산에 등재된 국내외 무형유산의 보전 및 진흥 지원
2. 무형유산 보호를 위한 관련 국제기구, 국제 전문가단체 및 다른 국가와의 정보교류 및 공동 조사·연구
3. 무형유산 보호 분야 국제 연수 및 전문인력 교류
4. 무형유산의 보호를 목표로 수행되는 국내외 프로그램 및 활동의 지원

5. 그 밖에 무형유산 보호를 위한 국제 교류·협력을 촉진하기 위하여 필요하다고 인정하는 사항

[본조신설 2022. 1. 18.]  
[제목개정 2023. 8. 8.]

## 제9장 보칙

**제48조(조사 및 기록화)** ① 국가유산청장 및 시·도지사는 무형유산의 분포현황, 전승실태 및 내용 등에 대하여 조사하고 이를 녹음·사진촬영·영상녹화·속기 등의 방법으로 관련 기록을 수집·작성하고 유지·보존하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

② 국가유산청장 및 시·도지사는 무형유산의 보전 및 전승을 위하여 필요하다고 인정하면 무형유산에 관한 전문적 지식이 있는 사람이나 관련된 연구기관 또는 단체에 제1항에 따른 무형유산의 조사, 관련 기록의 수집 및 작성을 위탁할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

③ 국가유산청장 및 시·도지사는 제1항 및 제2항에 따라 수집·작성된 기록을 디지털 자료로 구축하여 누구나 이용이 가능하도록 하여야 한다. <개정 2024. 2. 13.>

**제49조(무형유산의 지식재산 보호)** ① 국가유산청장은 국내의 특허 취득을 방지하기 위하여 무형유산에 관한 전승 내역과 구성요소 등을 디지털 자료로 구축하여 국제특허협약에 따른 효력을 가진 홈페이지에 게재하는 등 국내외 특허로부터 무형유산을 보호하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

② 국가유산청장은 무형유산의 전승활성화를 위하여 무형유산의 진보된 지식 또는 기술이 창출될 수 있도록 노력하여야 하며, 「지식재산기본법」에 따라 전승자의 지식재산을 보호하기 위하여 필요한 조치를 하여야 한다. <개정 2023. 8. 8., 2024. 2. 13.>

[제목개정 2023. 8. 8.]

**제50조(보유자 등에 대한 예우)** 국가와 지방자치단체, 「공공기관의 운영에 관한 법률」에 따른 공공기관, 「지방공기업법」에 따른 지방공사 또는 지방공단은 보유자 및 명예보유자의 전승활동을 촉진하기 위하여 세제상의 조치, 공공시설 이용료 감면 및 그 밖에 필요한 정책을 강구하여야 한다. <개정 2023. 8. 8.>

[제목개정 2023. 8. 8.]

**제51조(유사명칭 사용의 금지)** 이 법에 따른 보유자, 보유단체, 명예보유자, 전승교육사 및 이수자가 아닌 자는 보유자, 보유단체, 명예보유자, 전승교육사, 이수자 또는 이와 유사한 명칭을 사용하지 못한다. <개정 2020. 6. 9.>

**제52조(청문)** 국가유산청장은 다음 각 호의 어느 하나에 해당하는 처분을 하려면 「행정절차법」에 따른 청문을 하여야 한다. <개정 2024. 2. 13.>

1. 제15조에 따른 지정 또는 인정의 취소

2. 제16조에 따른 지정의 해제
3. 제21조에 따른 인정의 해제
4. 제42조에 따른 인증의 취소

**제53조(관계 전문가 등의 조사)** ① 제12조의 국가무형유산의 지정 및 제13조의 국가긴급보호무형유산의 지정과 제17조의 보유자, 보유단체의 인정 및 제18조의 명예보유자의 인정, 제19조의 전승교육사의 인정을 하는 경우 위원회의 해당 분야의 위원이나 전문위원 또는 해당 무형유산에 관한 학식과 경험이 풍부한 전문가 3명 이상에게 필요한 조사를 하게 하여야 한다. <개정 2020. 6. 9., 2023. 8. 8.>

② 관계 전문가 등의 조사 방법 및 절차 등에 필요한 사항은 대통령령으로 정한다.

**제54조(권한의 위임 및 위탁)** 이 법에 따른 국가유산청장의 권한은 대통령령으로 정하는 바에 따라 그 일부를 시·도지사 또는 소속 기관의 장에게 위임하거나, 무형유산의 보전 및 진흥을 목적으로 설립된 기관이나 법인 또는 단체 등에 위탁할 수 있다. <개정 2023. 8. 8., 2024. 2. 13.>

**제55조(벌칙 적용에서 공무원 의제)** 다음 각 호의 어느 하나에 해당하는 사람은 「형법」 제129조부터 제132조까지를 적용할 때에는 공무원으로 본다. <개정 2023. 8. 8., 2024. 2. 13.>

1. 제9조제1항에 따라 무형유산의 보전 및 진흥에 관한 사항을 조사·심의하는 위원회의 위원(제31조제1항에 따른 시·도무형유산위원회의 위원을 포함한다)
2. 제22조제6항에 따른 정기조사 또는 재조사를 국가유산청장으로부터 위탁받아 수행하는 사람
3. 제53조에 따라 조사를 수행하는 관계 전문가 등
4. 제54조에 따라 국가유산청장의 권한을 위탁받은 사무에 종사하는 사람

## 제10장 벌칙

**제56조(행정명령 위반 등의 죄)** 정당한 사유 없이 제24조(제35조에 따라 준용되는 경우를 포함한다)에 따른 명령을 위반한 사람은 3년 이하의 징역이나 3천만원 이하의 벌금에 처한다.

**제57조(관리행위 방해 등의 죄)** 다음 각 호의 어느 하나에 해당하는 사람은 2년 이하의 징역이나 2천만원 이하의 벌금에 처한다. <개정 2020. 6. 9.>

1. 제22조제3항 전단(제35조에 따라 준용되는 경우를 포함한다)에 따른 협조를 특별한 사유 없이 거부한 사람
2. 거짓 또는 부정한 방법으로 보유자, 보유단체, 명예보유자 또는 전승교육사로 인정된 사람
3. 거짓의 신고 또는 보고를 한 사람

**제58조(과태료)** ① 다음 각 호의 어느 하나에 해당하는 자에게는 1천만원 이하의 과태료를 부과한다.

1. 제41조제4항을 위반한 자
2. 제51조를 위반한 자

② 제1항에 따른 과태료는 대통령령 또는 조례로 정하는 바에 따라 국가유산청장 또는 시·도지사가 부과·징수한다. <개정 2024. 2. 13.>

**제1조(시행일)** 이 법은 공포 후 1년이 경과한 날부터 시행한다.

**제2조(무형문화재의 지정에 관한 경과조치)** 이 법 시행 당시 종전의 「문화재보호법」에 따라 지정된 중요무형문화재는 제12조에 따른 국가무형문화재로, 시·도무형문화재는 제32조에 따른 시·도무형문화재로 지정된 것으로 본다.

**제3조(무형문화재 보유자 등에 대한 경과조치)** 이 법 시행 당시 종전의 「문화재보호법」에 따라 인정된 중요무형문화재의 보유자, 보유단체, 명예보유자, 전수교육조교, 이수증을 발급받은 사람 및 전수장학생은 제17조, 제18조, 제19조, 제26조 및 제27조에 따른 국가무형문화재의 보유자, 보유단체, 명예보유자, 전수교육조교, 이수자 및 전수장학생으로 본다. 다만, 문화재청 소관 비영리법인이 아닌 보유단체는 이 법 시행 후 1년 이내에 관련 법령에 따라 문화재청장에게 법인의 설립 허가를 받아야 한다.

**제4조(행정기관의 행위 등에 관한 경과조치)** 이 법 시행 당시 중요무형문화재의 보존·관리 및 활용에 관하여 종전의 「문화재보호법」에 따른 행정기관의 행위 또는 행정기관에 대한 행위는 그에 해당하는 이 법에 따른 행정기관의 행위 또는 행정기관에 대한 행위로 본다.

**제5조(벌칙 등에 관한 경과조치)** 이 법 시행 전의 행위에 대한 벌칙 및 과태료를 적용할 때에는 종전의 「문화재보호법」에 따른다.

**제6조(다른 법률의 개정)** ① 문화재수리 등에 관한 법률 일부를 다음과 같이 개정한다.

제5조제4항 중 “중요무형문화재 보유자”를 “국가무형문화재 보유자”로 한다.

② 의료급여법 일부를 다음과 같이 개정한다.

제3조제1항제6호 중 “「문화재보호법」에 따라 지정된 중요무형문화재의 보유자(명예보유자를 포함한다)”를 “「무형문화재 보전 및 진흥에 관한 법률」에 따라 지정된 국가무형문화재의 보유자(명예보유자를 포함한다)”로 한다.

③ 전통무예진흥법 일부를 다음과 같이 개정한다.

제2조제1호 중 “「문화재보호법」에 따라 중요무형문화재”를 “「무형문화재 보전 및 진흥에 관한 법률」에 따라 국가무형문화재”로 한다.

④ 전통주 등의 산업진흥에 관한 법률 일부를 다음과 같이 개정한다.

제2조제2호가목 중 “「문화재보호법」에 따라 지정된 주류부문의 중요무형문화재와 시·도지정문화재 보유자”를 “「무형문화재 보전 및 진흥에 관한 법률」에 따라 지정된 주류부문의 국가무형문화재와 시·도무형문화재의 보유자”로 한다.

⑤ 주세법 일부를 다음과 같이 개정한다.

제3조제1호의2가목 중 “「문화재보호법」 제24조에 따라 지정된 주류부문의 중요무형문화재 보유자 및 같은 법 제70조에 따라 지정된 주류부문의 시·도지정문화재 보유자”를 “「무형문화재 보전 및 진흥에 관한 법률」 제17조에 따라 인정된 주류부문의 국가무형문화재 보유자 및 같은 법 제32조에 따라 인정된 주류부문의 시·도무형문화재 보유자”로 한다.

제31조제1항제7호 중 “「문화재보호법」에 따른 무형문화재로 지정받은 기능보유자가 제조한 주류로서 「문화재보호법」에 따라 무형문화재”를 “「무형문화재 보전 및 진흥에 관한 법률」에 따른 무형문화재로 지정받은 기능보유자가 제조한 주류로서 「무형문화재 보전 및 진흥에 관한 법률」에 따라 무형문화재”로 한다.

⑥ 지방세특례제한법 일부를 다음과 같이 개정한다.

제55조제2항제1호 전단 중 “중요무형문화재”를 “국가무형문화재”로 한다.

⑦ 평생교육법 일부를 다음과 같이 개정한다.

제41조제2항제4호를 다음과 같이 한다.

4. 「무형문화재 보전 및 진흥에 관한 법률」에 따라 인정된 국가무형문화재의 보유자와 그 전수교육을 받은 사람

⑧ 학점인정 등에 관한 법률 일부를 다음과 같이 개정한다.

제7조제2항제6호를 다음과 같이 한다.

6. 「무형문화재 보전 및 진흥에 관한 법률」 제17조에 따라 국가무형문화재의 보유자로 인정된 사람과 그 전수교육을 받은 사람으로서 대통령령으로 정하는 사람

**제7조(다른 법령과의 관계)** 이 법 시행 당시 다른 법령에서 종전의 「문화재보호법」 또는 그 규정을 인용한 경우에 이 법 중 그에 해당하는 규정이 있으면 종전의 「문화재보호법」 또는 그 규정을 갈음하여 이 법 또는 이 법의 해당 조항을 인용한 것으로 본다.

이 법은 공포 후 6개월이 경과한 날부터 시행한다.

이 법은 공포 후 6개월이 경과한 날부터 시행한다.

이 법은 공포 후 6개월이 경과한 날부터 시행한다.

**제1조(시행일)** 이 법은 공포 후 6개월이 경과한 날부터 시행한다.

**제2조(전수교육조교의 명칭 변경에 관한 경과조치)** 이 법 시행 당시 종전의 규정에 따라 인정받은 전수교육조교는 이 법에 따른 전승교육사로 본다.

**제3조(다른 법령과의 관계)** 이 법 시행 당시 다른 법령(이 법 시행 전에 공포되었으나 시행일이 도래하지 아니한 법령을 포함한다)에서 ‘전수교육조교’를 인용한 경우에는 이 법에 따른 ‘전승교육사’를 인용한 것으로 본다.

이 법은 공포 후 6개월이 경과한 날부터 시행한다.

이 법은 공포 후 6개월이 경과한 날부터 시행한다.

이 법은 공포 후 6개월이 경과한 날부터 시행한다.

**제1조(시행일)** 이 법은 2024년 5월 17일부터 시행한다.

**제2조(무형유산의 지정에 관한 경과조치)** 이 법 시행 당시 종전의 규정에 따라 지정된 국가무형문화재, 시·도무형문화재 및 국가긴급보호무형문화재는 각각 이 법에 따른 국가무형유산, 시·도무형유산 및 국가긴급보호무형유산으로 본다.

**제3조(무형유산 보유자 등에 대한 경과조치)** 이 법 시행 당시 종전의 규정에 따라 인정된 국가무형문화재의 보유자, 보유단체, 명예보유자, 전승교육사, 이수자 및 전수장학생은 각각 이 법에 따른 국가무형유산의 보유자, 보유단체, 명예보유자, 전승교육사, 이수자 및 전수장학생으로 본다.

**제4조(전승자 등의 결격사유 및 인정 해제에 관한 경과조치)** 이 법 시행 전에 발생한 사유로 인하여 제19조의2의 개정규정에 따른 결격사유 또는 제21조제1항제2호의2의 개정규정에 따른 인정 해제 사유에 해당하게 된 경우에는 같은 개정규정에도 불구하고 종전의 규정에 따른다.

**제5조(위원회의 설치에 관한 경과조치)** 이 법 시행 당시 종전의 규정에 따라 설치된 무형문화재위원회, 시·도무형문화재위원회는 각각 이 법에 따른 무형유산위원회, 시·도무형유산위원회로 본다.

**제6조(센터 설치에 관한 경과조치)** 이 법 시행 당시 종전의 규정에 따라 설치된 한국무형문화재진흥센터는 이 법에 따른 한국무형유산진흥센터로 본다.

**제7조(다른 법률의 개정)** ① 국유재산특례제한법 일부를 다음과 같이 개정한다.

별표의 국유재산특례 근거 법률란 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로 한다.

② 의료급여법 일부를 다음과 같이 개정한다.

제3조제1항제6호 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로, “국가무형문화재”를 “국가무형유산”으로 한다.

③ 전통무예진흥법 일부를 다음과 같이 개정한다.

제2조제1호 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로, “국가무형문화재”를 “국가무형유산”으로 한다.

④ 전통주 등의 산업진흥에 관한 법률 일부를 다음과 같이 개정한다.

제2조제2호가목 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로, “국가무형문화재와 시·도무형문화재”를 “국가무형유산 또는 시·도무형유산”으로 한다.

⑤ 주세법 일부를 다음과 같이 개정한다.

제2조제8호가목 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로, “국가무형문화재”를 “국가무형유산”으로, “시·도무형문화재”를 “시·도무형유산”으로 한다.

제20조제1항제7호 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로, “무형문화재로”를 “무형유산으로”로, “무형문화재 공개”를 “무형유산 공개”로 한다.

⑥ 평생교육법 일부를 다음과 같이 개정한다.

제41조제2항제4호 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로, “국가무형문화재”를 “국가무형유산”으로 한다.

⑦ 학점인정 등에 관한 법률 일부를 다음과 같이 개정한다.

제7조제2항제6호 중 “「무형문화재 보전 및 진흥에 관한 법률」”을 “「무형유산의 보전 및 진흥에 관한 법률」”로, “국가무형문화재”를 “국가무형유산”으로 한다.

**제8조(다른 법령과의 관계)** 이 법 시행 당시 다른 법령(이 법 시행 전에 공포되었으나 시행일이 도래하지 아니한 법령을 포함한다)에서 종전의 「무형문화재 보전 및 진흥에 관한 법률」 또는 그 규정을 인용한 경우 이 법 중 그에 해당하는 규정이 있을 때에는 종전의 「무형문화재 보전 및 진흥에 관한 법률」 또는 그 규정을 갈음하여 이 법 또는 이 법의 해당규정을 인용한 것으로 본다.

이 법은 2024년 5월 17일부터 시행한다.

**제1조(시행일)** 이 법은 2024년 5월 17일부터 시행한다. 다만, 부칙 제4조에 따라 개정되는 법률 중 이 법 시행 전에 공포되었으나 시행일이 도래하지 아니한 법률을 개정한 부분은 각각 해당 법률의 시행일부터 시행한다.

**제2조 및 제3조 생략**

**제4조(다른 법률의 개정)** ①부터 ⑪까지 생략

⑫ 무형유산의 보전 및 진흥에 관한 법률 일부를 다음과 같이 개정한다.

제7조제1항 각 호 외의 부분, 같은 조 제2항부터 제4항까지, 제8조제1항부터 제3항까지, 제9조제3항 각 호 외의 부분 본문, 같은 조 제5항, 제10조제1항제6호, 제12조제1항, 제13조제1항, 같은 조 제2항 각 호 외의 부분, 제14조제1항, 제15조, 제16조제1항 각 호 외의 부분, 제17조제1항 본문, 같은 조 제2항·제3항, 제18조제1항 각 호 외의 부분 전단, 같은 조 제2항 각 호 외의 부분 전단, 같은 조 제3항, 제19조제1항, 제20조제1항·제2항, 제21조제1항 각 호 외의 부분 본문, 제22조제1항·제2항·제6항, 같은 조 제7항 각 호 외의 부분, 제23조, 제24조 각 호 외의 부분, 제26조제1항, 제27조제1항, 제30조제1항 각 호 외의 부분, 같은 조 제2항·제4항·제5항, 제31조제3항, 제32조제1항 단서, 같은 조 제4항, 제33조 각 호 외의 부분, 제36조제1항, 제40조제1항, 제41조제1항·제2항·제4항·제6항, 제42조제1항 각 호 외의 부분 본문, 제43조제1항·제2항, 제45조제2항, 제46조, 제47조의2제3항 각 호 외의 부분, 제48조제1항부터 제3항까지, 제49조제1항·제2항, 제52조 각 호 외의 부분, 제54조, 제55조제2호·제4호 및 제58조제2항 중 “문화재청장”을 각각 “국가유산청장”으로 한다.

제9조제1항 및 제47조제1항 중 “문화재청”을 각각 “국가유산청”으로 한다.

법률 제19588호 무형문화재 보전 및 진흥에 관한 법률 일부개정법률 제21조의2제1항·제2항 및 제35조 후단 중 “문화재청장”을 각각 “국가유산청장”으로 한다.

법률 제19795호 무형문화재 보전 및 진흥에 관한 법률 일부개정법률 제43조의2제1항 각 호 외의 부분 및 같은 조 제2항 중 “문화재청장”을 각각 “국가유산청장”으로 한다.

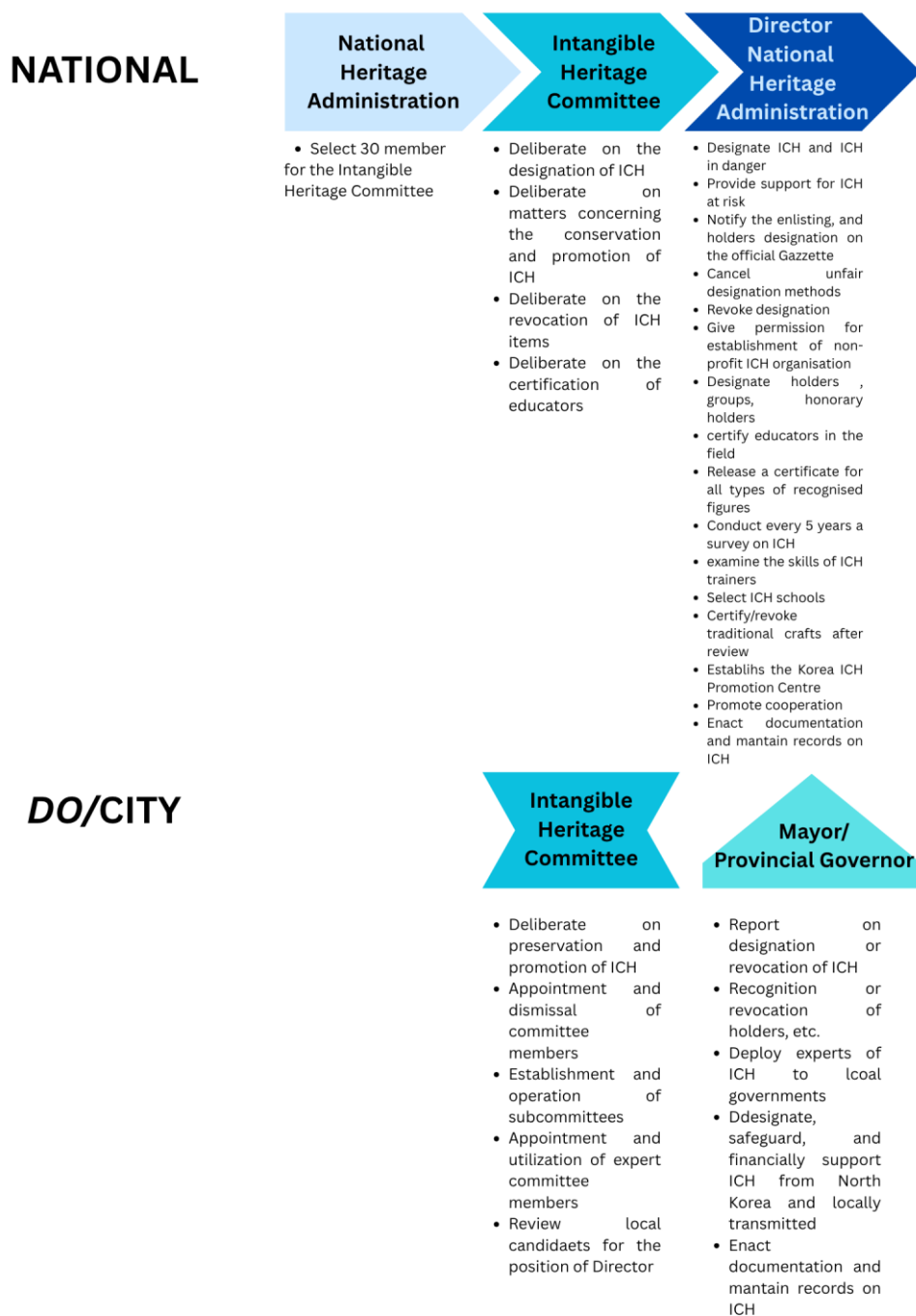
㉓부터 ㉔까지 생략

**제5조** 생략

이 법은 공포 후 6개월이 경과한 날부터 시행한다.

## Appendix 4

Table showing the structural administrative roles and responsibilities at the national and *do* levels as outlined in the Act on the Preservation and Promotion of Intangible Cultural Heritage in the Republic of Korea.





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