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Intangible Cultural Heritage
and Comparative Law



Legal Framework for the Protection of ICH in Japan

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- Intangible Cultural Heritage (ICH) did not fall within the scope of the pre-WWII laws in the field of the preservation of cultural property.
- However, due to drastic changes in the social structure and lifestyles after WWII, the Committee for Education and Culture of the Upper House of the Japanese Diet felt that living traditions would be lost, if protective measures were not taken.



The Law for the Protection of Cultural Properties (1950)

Intangible cultural property (performing arts)

<https://www.youtube.com/watch?v=29ltyTsmN6c>



<https://www.youtube.com/watch?v=Th5QdJP4bV8>



- 1) Items as performing art such as music, dance, theater, and others, which have:
 - especially high artistic value,
 - especially important status in the history of performing arts, or
 - high artistic value or important status in the history of performing art and distinctive character of a region or of a school, or

- 2) Especially excellent skills as important components in the existence or composition of the above three.

Intangible cultural property (crafts)



- Items as craft such as ceramic and porcelain, textile and dyeing, lacquer ware, metal work and others, which have
 - especially high artistic value,
 - especially important status in the history of craft, or
 - high artistic value or important status in the history of craft and distinctive character of a region.

Designation of Important
intangible cultural property:

e.g. Kabuki as an art form

Certification of holders of
important intangible cultural
property

e.g. top performers (so-called living
national treasure)

Max.116 persons

Subsidies 2m Yen

Criteria of certification as holders:

- In the domain of performing arts, Individuals who, on a high level, embody and represent a performing art or techniques of performing art designated as important intangible cultural property,
- Individuals who accurately realize a performing art or techniques of performing art designated as important intangible cultural property and are acquaint with them, or
- Members of a group where two or more persons as an unit, on a high level, embody and represent a performing art or techniques of performing art designated as important intangible cultural property, should be certified.

- Individuals who, on a high level, realize skills and techniques of craft designated as important intangible cultural property,
- Individuals who correctly realize skills and techniques of craft designated as important intangible cultural property and are acquainted with them, or
- Members of a group where two or more persons as a unit, on a high level, realize skills and techniques of craft designated as important intangible cultural property, should be certified.
A group should be certified in the domain of crafts where the individual character is not appropriate given the nature of the skills and techniques of the craft designated as important intangible cultural property, and where dozens of persons with such skills and techniques are core members of the group.

The Amendments in 1975:

1. Intangible folk-cultural property

<https://www.youtube.com/watch?v=PEMBJDdGgIY>



<https://www.youtube.com/watch?v=2WN2uvmlkEI>



E.g. “Social Manners and Customs”

- items that typically show characteristics of the basic life culture of Japanese nationals from its origin, contents, *et al*, or
- items that show the basis of performing arts carried out in annual events, rituals, religious ceremonies *et al*.

The Amendments in 1975:

2. Traditional Preservation techniques

Traditional conservation techniques for wood



<https://www.youtube.com/watch?v=l8NqRRQqOAU>

Traditional repair techniques



The Agency for Cultural Affairs

The amendment in 2018: Registration for ICH

- Registration of intangible cultural property



- Registration of intangible folk-cultural property



The Agency for Cultural Affairs

The amendment in 2018: Deregulation and Decentralization

- General Plan for Preservation and Utilization (Prefecture level)
- Regional Plan for Preservation and Utilization (Municipality level)
- Plan for Preservation and Utilization (for each important intangible cultural property or important intangible folk-cultural property)