

KOREAN EXPERIENCE ON PRESERVATION OF HISTORICAL CULTURAL CITIES BY LEGAL FRAMEWORK

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Abstract

The ancient capital cities of Korea from the Three Kingdoms Periods including Gyeongju, Iksan, Buyeo and Gongju have been protected under the Special Law of the Protection of Ancient Cities. The basic idea behind this law is regulating land use within the districts throughout controlling building height and appearance to preserve the original condition. However, local community has so much trouble due to rigid guideline for development, provoking antagonism toward the law and government policy. From this perspective, some consideration should be taken in the followings; (1) Instead of rebuilding original historic landscape, main purpose of special law should put emphasis upon making more livable cities to enhance place identity and living conditions as well as to preserve historic landscape. (2) Public interest to regulate land use should not conflict against private interests of property value. Thus, local community involvement for place identity and place marketing needs to be implemented in order to make efficient control urban historic landscape, (3) Different time layers for preserving urban historic landscape should be concerned.

Key words: *Historical and cultural city, legal system for preservation, cultural heritage*

1. Introduction

Korea has had over five thousands history since BC 2333 with multiple historical layers of ancient cities ever found in the national territory. However, rapid economic development and industrialization since the 1960s as well as other historical events including Japanese colonial times and Korean War have recklessly damaged and demolished the traditional urban landscapes, converting those traditional landscape into modern industrialized urban landscapes which are full of apartments and international building styles for most of Korean cities regardless of their original history and backgrounds. However, it is very recently in 2004 when national interests go to urban heritage survived through harsh history, focusing on the ancient capital cities from the Three Kingdoms periods such as Gyeongju for Silla, Iksan, Buyeo and Gongju for Baekje, which were subsequently inscribed on the World Heritage List both in 2000 and in 2015.

The background idea is not only to ensure protecting and utilizing historical and cultural cities within the national territory, but also to place the cultural and historic value into regional development strategies for historic cities. Conflict between preservation and development is continuously existing in the regional development policies although sustainable development seems to be a product of such antagonism. There are strong argument that culture can be regarded as more valuable asset enough to drive regional development in the era of culture. Moreover, it is pointed that historical and cultural cities with their cultural heritage value can provoke the national

pride and regional identity. Therefore, preservation and protection of historical cultural cities could be one of main issues in combination to sustainable development. In this regard, this paper aims to examine the policy shifts about the protection of historic urban landscape and to provide some suggestions out of the Korean experiences since the 1960s.

2. Legal framework for ancient historical cities in Korea

First of all, the typical legal framework to protect historical and cultural cities is institutionalized by Cultural Properties Protection Act enacted in 1962 which intends to protect cultural heritage. But this Act revealed certain limitation to preserve historical and cultural cities because it is not designed to protect cultural heritage as an area base but as a point-base, so that it is unable to protect surrounding environment and settings. In fact, the Cultural Properties Protection Act is mainly designed to protect individual cultural property and traditional buildings with 100m wide distance from the target property. The Act did not take urban spatial planning framework for adjacent area into consideration. Because it seems uncontroversial to preserve historical and cultural cities since most cultural properties are owned by the state government and public, private property right can be easily threatened without financial compensation for improving local residents' living condition from the government policy. Public policy for the preservation would not be achieved without residents' consensus and collaboration.

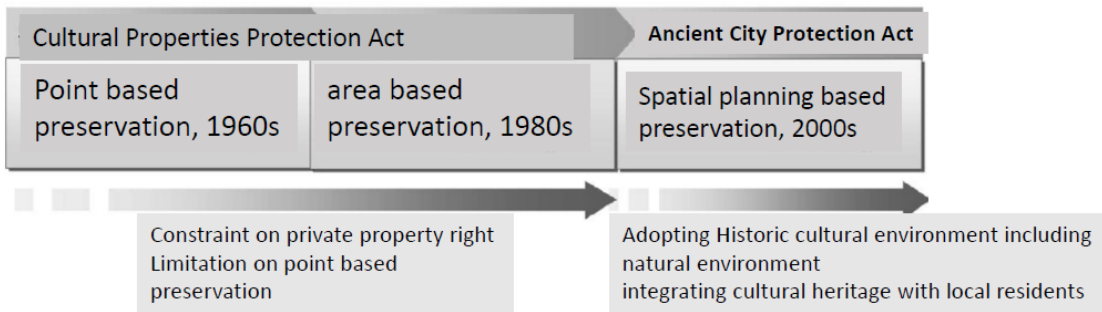
After realizing these constraints, Korean central government has initiated another policies for capacity building of preservation throughout such policy of 'Culture-Specific Area Development Program (CSADP) since the mid-1990s. This was effort to institutionalize cultural heritage protection as well as to promote local culture oriented development programs. For example, Korean government made eight 'Culture-Specific Area Development Program'. However, this program also revealed several shortcomings thereafter; (1) rather than enhancement of cultural capacity in target area, more tourism oriented activities and resource development were falsely focused; (2) there was lack of coordination between urban regional planning, historic cultural heritage plans, landscape management, and land use regulations; (3) both central government and local government have not collaborated enough each other. Thus, some suggestions were drawn out that (1) enhancement of cultural capacity should be focused, (2) relevant spatial planning should be combined with physical planning, landscape management and land use control in relation to cultural heritage; (3) efficient coordination and governance system among different legal entities should be made.

Newly devised legal system to protect historic and cultural cities was Special Law of the Protection of Ancient Cities enacted in 2004 and revised in 2012, focusing upon ancient capital cities including Gyeongju, Gongju, Buyeo and Iksan from Three Kingdoms periods (BC 1C to AD 10 C) as well as to overcome previous limitations of Cultural Properties Protection Act. Those ancient historical cities used to be managed under Cultural Properties Protection Act which tended to concentrate on individual cultural artifacts without addressing broad settings, which caused inconveniences to the civilian property rights or everyday life of the residents. The ancient cities in Korea are designated into capital cities that used to be political and cultural centers. Gyeongju was a capital city of Silla kingdom during BC 57 ~ AD 992 and Gongju, Buyeo and Iksan was capital city of Baekje kingdom in different time periods during AD 5 century to 7th century. Those ancient cities contain royal palace sites, street layout, walls, temples, tombs, and intangible heritages within the city boundaries.

Special Law of the Protection of Ancient Cities was developed as a new administrative policy in order to efficiently preserve the historical and cultural environment of historical cities as well as

to protect basic property right of residents. This law so called Ancient City Protection Act enacted in 2004 devised to protect ancient capital cities including Gyeongju, Buyeo, Iksan and Gongju. The basic idea behind this law is regulating land use within the districts throughout controlling building height and appearance to preserve the original condition, not from point-base management strategy but from area-based management. Obviously, there has been a paradigm shift from point based protection strategy toward area based protection strategy by integrating cultural heritage with spatial planning since the 2000s (Figure 1).

Figure 1. Preservation Policy Shift in Korea



The main questions behind the law would be how to achieve local and regional economic vitality as well as to enhance place identity without losing or damaging unique historical and cultural environment. It is very important to regard local economic vitality not from development oriented thinking based on industrial oriented approaches but from sustainability oriented approaches based on more balanced thinking between preservation and development. Also, instead of fulfilling all empty space, it is more important to leave open space for next generation and making more rooms for future preservation in the historical and cultural cities. We have to avoid such false reconstruction and reassembled structure by a few specialists and experts who have limited knowledge on the original landscape.

The key concepts under Special Law of the Protection of Ancient Cities are including (1) **Ancient Cities**, which are legally defined by historic cities like Gyeongju Buyeo Gongju, Iksan and other regions by Presidential Regulation. Generally, and which are defined as historic cities with well-preserved traditional urban landscapes, long historical background and rich tangible cultural heritage of peoples’ living. (2) **Historic Cultural Environment**, that is defined as integrity of buildings, sites and natural landscape including physical environment; (3) **Ancient Cities Preservation Projects**, which are implemented by the government to protect historic cultural environment according to preservation plans; (4) **Special Preservation Districts**, which are core property areas for landscape protection and attention is given to preserve original condition; (5) **Historic Cultural Environment District**, which is designed to control land use changes for surrounding areas of Special Preservation Districts. The designation of such districts and areas are authorized by the minster of cultural and tourism in consultation with associated central government bodies and local authorities, Although local authority can devise a preservation plan for historical cities, authorization should be issued by ministry of cultural and tourism. Also the government is in charge of the expenditure for preservation project as well as is authorized to expropriate and appropriate ownership rights within the boundary including residents’ relocation for preservation at the purchase base.

However, it is pointed that the criteria and guidelines for designating preservation districts are unclear and indefinite at government convenience, without considering local residents interests and private property right. Thus, local residents have expressed strong resentment and antagonism

against the law, hindering active implementation of the law. As a result, this act was revised in July 2012 to alleviate such antagonism against the law and to minimize the loss of local residents. The revised law provides more detail guideline for allowance of activities within the special preservation districts and historic cultural environment districts, intending to improve residents' living conditions within the boundaries as well as to provide more concrete guideline of local residents' support projects. The institutional procedure of the Special Law of the Protection of Ancient Cities is defined as follows: (1) establishing assessment committee for ancient cities, (2) requiring basic research, (3) designating ancient cities, (4) deciding districts' designation, cancellation, and changes, (5) evaluating Ancient cities protection plans, (6) regulating land use activities, (7) implementing preservation projects and protecting residents' property right. The procedure intends to provide more objective guideline to designate and evaluate preservation districts as well as more flexible guideline for management of surrounding settings.

Usually, the legal procedure of implementing special preservation districts are as follows: basic research by local authorities -> public hearing by ministry of culture and tourism -> public circulation of related information by local authorities -> reflection into basic city plan and urban management plans by local authorities -> establishment of basic plans by local authorities -> approval of the plan by ministry of culture and tourism -> public circulation and hearing of ancient city plan -> project implementation by local authorities -> negotiation with residents for relocation. The basic research should include information about current status of cultural property designation, potential distribution of cultural properties, land use analysis and plans nearby cultural properties, geology, landscape and environment and infrastructure. The designation of special preservation districts and historical cultural environment districts is made according to definition by the law. Also the preservation plan should contains such concrete items for preservation, financial compensation, facilities management, financial resources, others defined by Presidential Regulation. The Preservation project is totally financed by government in consultation with central government and local authorities. If necessary the project manager endorsed by local authorities should purchase the residents buildings and properties within the boundaries of the preservation districts.

In brief, Special Law of the Protection of Ancient Cities aims to support residents' livings rather than regulating. The major purposes of the law contain preservation of historical districts as well as improvement of local living conditions and maintenance of integrity level of historic landscape with surrounding environment. Despite such governmental effort, local community has still exposed considerable difficulty due to rigid guideline for development, occasionally provoking antagonism toward the law and government policies. In order to efficiently preserve historical and cultural cities, local resident involvement and their participation need to be stressed regarding as be a key factor for preservation rather than strict governmental regulations.

3. Implications from Korean experience

From such Korean experience, some consideration should be taken in the followings;

First, main purposes and meanings behind the special law need to shift from rebuilding original urban historic landscape and conditions, but towards more livability of local residents and sustainability by enhancing place identity in relation to historicity and improving their living conditions.

Second, it is necessary that public interest to regulate land use should not conflict against private interests of property value. Therefore, in order to make efficient control measure for urban historic landscape, local community involvement would be more important factor in relation to

place identity and place marketing.

Third, different time layers in history applied for preserving urban historic landscape need to be carefully examined in consideration of efficient management of place identity and place marketing despite it is a matter of selection.

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