

Political Democracy and Archival Development in the Management of Presidential Records in the Republic of Korea

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Abstract

This article reviews the modern history of presidential records management in the Republic of Korea (South Korea). Each of the different phases of archival development in presidential records management was triggered by democratic developments in the country's political system, which illustrates the close relationship between political structure and public archives in modern Korea. To examine this relationship, this study investigates the history of presidential records in Korea during three eras: the era of the absence of public records under authoritarian regimes (1948–1993), the era of the establishment of the basic principle for managing presidential records under two civilian administrations (1993–2003), and the era of new prospects for public archives under a new government (2003–present). This historical approach emphasizes that democratic entities are necessary to set up and manage an archival system for presidential records and to ensure public access to these records.

Introduction

This article provides a historical overview of the manner in which presidential records in the Republic of Korea have been systematically managed and accessed. While in the U.S. the Presidential Records Act of 1978 defined presidential records as public papers and legally guaranteed public access to them, the Republic of Korea has only recently enacted laws to govern its presidential records. Enacted in 1999, the Korean Public Records Management Act (PRMA), for the first time, contained items that deal with the systematic management of and public access to presidential records (Articles 8 and 13 of the act and its Enforcement Decree 28). Before these laws were

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enacted, presidential records were not managed systematically as public papers. Upon retirement from office, former presidents destroyed their records for various political reasons or simply took the documents.

Korea has a long tradition of regarding rulers' records as important materials worthy of preservation.¹ This archival tradition, however, was interrupted by the upheaval and destruction experienced during the period of Japanese colonization (1910–1945), the American military government in the postliberation period (1945–1948), the civil war (1950–1953), and the long period of authoritarian and military regimes (1948–1993).

For almost forty years after establishing a supposedly republican political system, Korea crawled through a dark tunnel of undemocratic and repressive military politics. This “dark age” has determined Korean archival development in both direct and indirect ways. A Korean saying asserts that democracy for Koreans is not a sweet fruit acquired easily and passively, but rather the result of a long and painful struggle against authoritative regimes. In the same way, the achievement of public records in Korea has been the fruit of a long-lasting struggle against an unsystematic and closed archival system of government documents.

This study investigates the interrelation between the public archival system and political democratization in the Republic of Korea by reviewing the history of presidential records in three eras: the era of the absence of public records under authoritarian regimes (1948–1993), the era of the establishment of the basic principle for managing presidential records under two civilian administrations (1993–2003), and the era of new prospects for public archives under a new government (2003–present).² These historical stages in the archival development are marked off by two criteria: each era is differentiated broadly from the others by significant legal changes in archival practices and by the actual condition of the government's democratic commitment.

¹ This tradition is exemplified by *The Annals of the Dynasty of Chosun (Chosun Wangjo Silok)*. Its 2,077 volumes are the daily chronological records of events spanning almost five centuries (1392–1863) and covering the reigns of twenty-five Chosun kings, from Taejo, the founding king of the Chosun Dynasty to Cheoljong, the third to last king. As the longest continuous historical record in the world, an unprecedented example of preservation of a work so large, it sets forth in great detail, not only the final decisions of policymakers, but also the procedure of policymaking and the atmosphere of cabinet conferences at the time of policy decisions.

² As for North Korea, since the establishment of the Democratic People's Republic of Korea in 1948 it has developed its own archival management system that differs from that of other socialist states, as well as from that of the Republic of Korea. Developed under conditions of a highly centralized, planned economy, constant preparation for war, and extreme secrecy, it focuses mainly on the management of the records of Kim Il-sung and Kim Jung-il's businesses, their ideas, and their everyday lives, and the records of “the people's” (class) struggle. The archival system for war preparation created the rear stack room system in addition to the original stack room. In war time, public records are supposed to be moved to a rear stack room for their intact preservation. Despite its early accomplishments in public records management such as the start of records collection in 1947 and the establishment of a “National Archives” in 1962, its major development began in the 1980s under the direct leadership of Kim Jung-il. There is academic training (for four years) for qualified archivists in the History Department in Kim Il-sung University. See Sang-min Lee, “The Public Records Management in North Korea” (in Korean), *Archives* 15 (2002): 49–61.

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**Authoritarianism (the Infant Bureaucracies and Long
Military Regimes) and the Absence of Public Documents
(1948–1993)**

Despite the Korean people's desire for liberty and democracy after liberation from thirty-six years of colonial rule by Japan, the first president of the Republic of Korea, Rhee Seung-man, abused his power by using the National Security Law as a political weapon and brought about corruption in politics. The outcry against the corrupt Rhee regime culminated in the April 19 Civilian Revolution in 1960, mainly led by students and white-collar workers. The subsequent military takeover by Park Jeong-hee, however, thwarted the citizens' desire for liberal democracy by establishing an authoritarian military regime.

Park moved the political structure to what he called a "Korean-style democracy," a harsh authoritarian system with barely a suggestion of democracy about it.³ His dictatorship lasted until his assassination in 1979 and was followed by a new junta of army officials, led by Jeon Doo-hwan and Roh Tae-woo. These military regimes removed all political dissidents by imprisoning or executing them. No one could challenge or question the public activities of the ruler. The 1980 "Compulsory Unification and Consolidation of the Press" under the Jeon military regime ousted over a thousand journalists, and the press was gagged until the advent of the first Kim civilian government in 1993. The retrogressive military regimes severely damaged freedom of the press and prevented the growth of a democratic culture of discussion and criticism of the wrongful acts of the authorities. Under such political conditions, the systematic management of presidential records for public access can hardly be expected. During these years, presidential records were managed only by ordinance, as an executive guide to carrying out office work, not by a comprehensive archival law. Public records concerning administration, legislation, and jurisdiction were managed separately by different ordinances. Even administrative records themselves were controlled by various different regulations according to the agencies where they were produced and preserved. Such separate management under different ordinances prevented a unified and systematic management of public records.

The general administrative records in the Government Archives and Records Services (GARS)⁴ were managed under two regulations, the Ordinance of Management of Office Work (OMOW) and the Regulation for Classification

³ Carter J. Eckert, et al., *Korea Old and New: A History*, Korea Institute, Harvard University (Seoul: Ilchokak Publishers, 1990), 359.

⁴ As the central records and archives management institution in the nation, the GARS changed its name to the National Archives and Records Service in May 2004.

and Preservation of Public Records (RCPPR).⁵ The OMOW was applied to presidential records in such a way that it excluded the active records of the Office of the President (OP) from its scope, even though these records occupied the most important place among administrative records. It forced officials to transfer to (and preserve in) the GARS only those documents approved by and reported to the president. This regulation is one of the reasons that presidential records in Korea are insignificant in quantity and in quality (see Table 1).

Another regulation applied to presidential records, the RCPPR's Table for Public Records Classification Number and Preservation Period, which had been created for administrative convenience. The preservation period set forth in it was based on nothing more than the period of a record's active use in a given administrative agency. With no professional consideration of the records' historical value, they were scheduled for destruction at the discretion of each administrative agency. As a result, when in 1994 hearings were initiated to investigate the truth about the 12/12 Incident,⁶ the president's approval document for the arrest of the army chief of staff and head of the Martial Law Command—a key document for clarifying the legality of the incident—had already been destroyed legally according to the Table and thus could not be used as evidence. Although it was important historical material, it was scheduled to be preserved for only three years. According to the Table, only the original document for the martial law announcement was to be preserved permanently.⁷

Presidential records in this era were managed mainly by two institutions, the OP and the GARS. Although the OP was set up to manage active presidential records, in fact it did not do so over the thirty years from 1948 to 1980. The staff responsible for the management of presidential records was only allocated after the establishment of the Jeon regime in 1980. Since that time, the OP has maintained a Chamber for Ruling Records and a secretary responsible for their management. This institutional improvement is an advance in the management of presidential records. Jeon, however, moved important parts of his presidential records—such as the records of his private meetings recorded by the Presidential Security Service, the minutes of the meetings describing the OP's policymaking

⁵ As for other administrative records, the foreign-related records of the Ministry of Foreign Affairs and Trade, the records of the Ministry of National Defense, and those of the National Institute of Korean History (which included ancient documents and public records with historical value) were managed by different regulations. See Man-yul Lee, "The Realities of the Management of Public Records in Korea" (in Korean), paper at the Founding Symposium of the Research Institute for Korean Archives and Records: The Reality and the Future of Management of National Records (Seoul: International Conference Room of the Press Center, 1999).

⁶ This incident was a mutiny against the army on 12 December 1979, by Jeon Doo-hwan, who was in charge of the Army Security Command at that time. This action can be seen as the step that precipitated Jeon's seizure of political power after Park's assassination. See Eckert, et al., *Korea Old and New*, 373.

⁷ Man-yul Lee, "The Realities of the Management of Public Records in Korea." Due to its absurdity, this system was replaced by the Standard Table for Records Classification in January 2004 (according to an Additional Rule of the Enforcement Decree of Public Records Management Act).

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process, the secret reports, and the rough drafts for policymaking—to his private residence just after his term of office expired and has never disclosed them to the public.⁸ As Jeon's action indicates, widespread concealment and destruction of presidential records continued during his presidency. The only evidence so far of the existence of the Chamber for Ruling Records and the secretary for presidential records is the making of the "ruling records" of two former presidents (see Table 1).

The records of the OP that were preserved in the GARS consisted of documents relating to general administration, including personnel affairs, policy instructions by the president, and reports from each governmental agency. The records of the OP also included reports that the OP compiled for the president concerning policies and their execution by each agency, such as the foreign dossier, the financial dossier, the public security dossier, and the national security dossier, and these were also archived in the GARS.⁹ However, only those documents dealing with open and regular events and reports after decision making exist. The records of the OP do not include minutes of the meetings for policymaking, general documents that were not approved by the president, memoranda, or nonofficial records.¹⁰

The most important accomplishment in Korea's modern archival development was realized under the Park regime in 1969 with the establishment of the GARS, which manages public records that are not in active use but are of archival value. Because a management system for public records had not been established by the postwar Korean government, a national "consolidation and rearrangement of records" was performed twice, first in 1962 and again in 1968. In the course of these projects, the necessity of establishing a central archives became clear.¹¹

Before the GARS was established, responsibility for the management of records such as the constitution, laws, and presidential decrees, as well as original documents no longer in active use that were transferred out of their creating agencies, changed frequently.¹² However, if a creating agency needed the records for its administrative affairs, it could maintain them continuously

⁸ "The Transfer of Kim Dae-jung's Presidential Records to the GARS No Later than January 10 of Next Year" (in Korean), *Chosun-Ilbo*, 22 November 2002.

⁹ Gun-hong Kwak, *The Theory and Reality in Management of Public Records in Korea* (in Korean) (Seoul: Yuksabipyongsa), 124.

¹⁰ Gun-hong Kwak, *The Theory and Reality*, 124.

¹¹ Kyong-yong Lee, "The Management System of Public Records in Korea from the Establishment of the Republic of Korea to 1969" (in Korean), *Archives* 15 (2002): 41.

¹² Kyong-yong Lee, "The Management System of Public Records," 29–35. These changes in the responsible agency from the Archives and Documents Division of the Ministry of Government Administration, to the General Affairs Division of the House of State Affairs, then to the General Affairs Division under the Cabinet Executive Office, and finally to the Office of General Affairs of the Ministry of Government Administration—followed on the reorganization of government agencies from the House of State Affairs system to the cabinet system after the military coup of 16 May 1961, and then to the presidential responsibility system that resulted from an amendment to the constitution in 1963.

without transferring them to whichever institution was responsible for records management at the time.¹³ In this context, the transfer of nonactive records to the Office of General Affairs rarely occurred, and the disordered condition of the scattered records in each agency weakened the systematic management of the whole.

The establishment of the GARS in 1969 as a central repository for public records allowed the transfer of the management of nonactive records from the Office of General Affairs to the GARS. Nevertheless, the justification of having the GARS for systematic management of public records was threatened by chronic malpractice, such as arbitrary destruction of records, an absence of consciousness about records preservation, and concealment of records for political reasons. In particular, the transfer of presidential records from the OP to the GARS was not practiced on a regular basis. The exclusion of the OP's records from the scope of the OMOW, the OMOW's limitation of the documents required to be transferred to the GARS to only those documents with the president's final approval and the report documents, and the absence of specifics in the regulations dealing with the transfer of presidential records (such as transfer time and specification of records to be transferred)—all these made the GARS a mere warehouse for nonvaluable documents. To make matters worse, the GARS had no executive power to force administrative agencies to transfer their records. The Office of Executive Management of the Bureau of Administration Management supervised the GARS from 1970 onward,¹⁴ which functioned only as an executive agency with little involvement in decision making as to the actual policy or system of public records management.

Owing to all these causes, the total number of and the historical value of presidential records preserved in the GARS are relatively insignificant. The total number of presidential records in the GARS from the first president (Rhee Seung-man) to the thirteenth president (Roh Tae-woo) is only some 50,000 records (see Table 1). Most presidential records are related to regular and open public events such as statute promulgation decrees, documents recording official appointments and decorations, and reports from each of the administrative agencies. Public documents generated in the course of decision making were exempted from long-term preservation, and thus it is rare to discover presidential records in the GARS that illuminate the context for decision making. Often, even the documents publicly approved by the president were not preserved intact in the GARS. For instance, such a basic document as the inaugural address of former interim president Choi Gyu-ha does not exist in the index of the GARS. In recent years, the presidential records of Park Jeong-hee from 1961 to

¹³ The Prescription for Affairs Transaction of Government Agencies of 1949, no. 70.

¹⁴ From 28 February 1998, until the present, the GARS has belonged to the Ministry of Government Administration and Home Affairs (MOGAHA).

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1968 were accidentally discovered in the library of the OP,¹⁵ as well as 20,000 pages of presidential records dating from 1950 to 1970—including a report written in English and marked “SECRET” with a red stamp that details North Korea’s possession of nuclear weapons¹⁶—such happenings demonstrate the haphazard management of presidential records under the military regime.¹⁷

**Establishing the Basic Principles of Presidential Records
Management under Two Civilian Administrations
(1993–2003)**

Jeon’s military regime, which had imposed strict repression on Korean society, resulted in an unprecedented number of protests from all socio-economic

Table I The Presidential Records of Former Presidents in the Republic of Korea¹⁸

(As of November 4, 2000, Unit: case)

Presidents	Presidencies	Number of Records	Source of Records		Remarks
			The Office of the President	Other Government Agencies	
Rhee Seung-man	1948–1960 (1 st , 2 nd , 3 rd president)	3,847	715	3,132	
Huh Jeong	Acting president in an interim government	157	0	157	
Yun Bo-sun	1960–1962 (4 th president)	1,512	0	1,512	
Park Jeong-hee ¹⁹	1963–1979 (5 th –9 th president)	26,017	10,410	15,607	
Choi Gyu-ha	1979–1980 (10 th president)	886	125	761	
Park Chung-hoon	Acting president	21	0	21	
Jeon Doo-hwan	1980–1988 (11 th –12 th president)	14,181	4,337	9,844	
Roh Tae-woo	1988–1993 (13 th president)	3,826	34	3,792	The 83-volume <i>Ruling Records</i>
Kim Young-sam	1993–1998 (14 th president)	4,206	227	3,979	The 112-volume <i>Ruling Records</i>
Kim Dae-jung	1998– (15 th president)	238	0	238	–
Total		54,891	15,848	39,043	

¹⁵ “Establish an Archive Instead of a Memorial Institution,” *Hankyoreh*, 7 August 2003.

¹⁶ “Presidential Records that Were Discarded,” *Chosun Il Bo*, 14 January 2002.

¹⁷ “Investigation Project: A Nation Without Records, Part I, Section 1: The Public Records Do Not Exist” (in Korean), *Segye Times*, 31 May 2004.

¹⁸ Adapted from Gun-hong Kwak, *The Theory and Reality*, 125.

¹⁹ His records are abundant in comparison with those of other former presidents. The reason for this can be found in his long reign and abrupt assassination.

classes, calling for a constitutional amendment requiring direct presidential election. Finally, on 29 June 1987, prior to his election as the thirteenth president, Roh Tae-woo as leader of the ruling party announced an eight-point program of reform, including an endorsement of direct presidential elections. This program also included the restoration of civil rights for Kim Dae-jung—an internationally well-known political activist under the military regimes—the protection of human rights, the lifting of press restrictions, and so on.

The process of democratization in the late 1980s and the resulting establishment of civilian administrations in Korea—those of Kim Young-sam and Kim Dae-jung—created various needs in the newly democratic society. The defeat of the long-term military regimes brought rapid changes to the country's political and administrative systems, particularly in the area of public records management. The passage of the Act on Disclosure of Information by Public Agencies (ADIPA) in 1996 and the Public Records Management Act (PRMA) in 1999 laid the groundwork for further archival development in the Republic of Korea.

Since the late 1980s, legalizing information disclosure has been a serious concern in the academic world and in the society at large.²⁰ The first enactment of a Municipal Regulation for Disclosure of Administrative Information by Chungju City in October 1992 led to the enactment of similar regulations by other municipalities, which naturally created the need for legalization at the national level.

To meet this need, Kim Young-sam, a presidential candidate in 1992, included legislation legalizing information disclosure in his election platform. It was not until 1996, however, three years after Kim was inaugurated as the first civilian president, that the ADIPA was enacted.²¹ This act served “to ensure the people’s right to know . . . and transparency . . . of state affairs. . . .”²² The prescription of “the obligation to disclose information . . . by public agencies” offered a basis for public access to presidential records. Although the ADIPA contained a clause for “non-disclosure of information”²³ that excluded eight categories of information from public disclosure (e.g., due to national security), the much earlier Act of Testimony and Judgment in the National Assembly of 1975 actually required that presidential records be disclosed to the National

²⁰ The Korean Public Law Association (December 1989), the Korea Institute of Public Administration (December 1992), and the Citizen’s Coalition for Economic Justice (July 1993) were representative of this movement.

²¹ Act Number 5254.

²² The ADIPA, Article 1 (Purpose).

²³ The ADIPA, Article 7 (Non-Disclosure of Information), 1–8.

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Assembly, which raised the possibility of full public access to them.²⁴ Nevertheless, most presidential records remained secret: Kim Young-sam, despite being the first civilian president, is well known as one who was loath to leave his records in the hands of the public and who therefore followed a program of “report and destroy” or “oral reporting,”²⁵ which is why the first civilian government only transferred a total of 227 records from the OP to the GARS.

During the period of the ADIPA’s initial implementation, moreover, it became evident that effective disclosure of information by public agencies was unrealistic without the systematic management of public records. The absence of a record requested by a citizen was the second-leading cause (after national security) for nondisclosure of public records by public agencies.²⁶ Following the presidential race of December 1997, the political scandal known as the North Wind Plot created public sympathy for a comprehensive archival law for the systematic management of public records. In the North Wind Plot, the Agency for National Security Planning (ANSP), a national intelligence agency, tried to defame and damage presidential candidate Kim Dae-jung in the election by fabricating evidence that he had a friendly relationship with North Korea. This plot, which was brought to light three months after Kim’s election, made clear the problems of the existing archival system. As the exposure of this scandal increased, secret documents related to the plot—which a former ANSP official leaked to the vice president of Kim’s party, and which the latter subsequently released to the press—became suspect, because no one could decide whether the documents were authentic or were fabricated by the ANSP.²⁷ The politically opaque conspiracy initiated a new political phase in challenging the accuracy of national intelligence documents.

For national security purposes, secret documents of Korea’s intelligence agency are required to be kept confidential until their security value has expired. The disclosure of information by high-ranked officials clearly revealed problems in the existing system for managing public records. As a result, the political scandal motivated Kim Dae-jung’s administration to establish a reliable management system for public records. To further stress the importance of this issue, the January 1999 hearings concerning the foreign exchange crisis of November 1997, which had led to an International Monetary Fund bailout measure, failed to meet the public’s expectations for determining the true causes of the crisis and who was responsible for it. A major issue raised was the destruction and

²⁴ Act Number 4012, Article 4.

²⁵ *Segye Times*, 29 July 2000.

²⁶ “The Rapid Increase of Information Disclosure Denial in Public Agencies” (in Korean), *Dae-han maeil*, 20 September 2002.

²⁷ “Reliability of Intelligence Documents Questioned” (in Korean), *Korea Times*, 20 March 1998.

concealment of documents related to the financial crisis by the Ministry of Finance and Economy during the previous administration of Kim Young-sam. As public suspicions about the destruction, concealment, and fabrication of public records spread, the establishment of a systematic management of public records became a pressing government issue.

In fact, the Kim Dae-jung administration had promised governmental support for records preservation after he won the 1997 presidential election.²⁸ Responding to the public demand for systematic public records management, the GARS started a project supporting the cause in 1997. At almost the same time, the People's Solidarity for Participatory Democracy (PSPD), a civil rights organization in Korea, initiated a drive to enact legislation for presidential records management. On 14 April 1998, a representative of the PSPD submitted a petition plan for an Act for the Preservation of Presidential Records to the secretariat of the National Assembly. Through a conference with the PSPD, the GARS integrated the PSPD's petition plan, which consisted of seventeen articles and an additional rule, into its own project aimed at enacting a law for public records management.²⁹ It was through this process that the Public Records Management Act (PRMA) was enacted in January 1999, followed by its Enforcement Decree in December of the same year.³⁰ The act and its Enforcement Decree guarantee that public records management will be supported by law and statute, not merely by administrative regulation.³¹ The PRMA serves "to plan out the safe preservation of records property and the effective use of the records of public agencies by determining the necessary articles for records management."³²

The PRMA established a basic principle for the systematic management of presidential records by regulating the definition, scope, management, and custody of these records. First of all, it defines "presidential records" as "the records produced or received by the president and his assisting agency in relation to

²⁸ The presidential transition committee selected records preservation as one of the hundred policy goals to be accomplished by the incoming (Kim Dae-jung) administration in February 1998. Gun-hong Kwak, *The Theory and Reality*, 38.

²⁹ Sun-young Kim, "The Enactment of the Law for Records Management and the Settlement of Records Custodial System" (in Korean), *Archives* 12 (1999): 23.

³⁰ Act Number 5709 and Presidential Decree Number 17050.

³¹ In Korea, public records are "the records" of "public agencies." The PRMA Article 2 (Definition) 1 defines the term "public agencies" as national institutions, local self-governing communities, and institutions prescribed by Presidential Decree. Article 2-2 defines the term "the records" as "every kind of material such as documents, books, registers, cards, drawings, audio-visual materials, and other electronic materials that are created and received by the public agencies in the course of the performance of their duties."

³² The PRMA, Article 1 (Purpose).

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official business of the president.³³ Its Enforcement Decree explicitly prescribes the scope of presidential records in eight categories.³⁴ As a result, it sets forth a categorized list of presidential records that should be included at the time of transfer to the GARS. Additionally, it emphasizes the GARS' taking custody of "records that are produced and received by the president's assisting agency," that is, the Office of the President. A wide variety of presidential records with historical value—including memos, schedules, the visitors' book, annals of conversation related to the operation of the president's administration, and minutes of meetings—are explicitly included in the scope of presidential records.

As regards the transfer time of presidential records to the GARS, the PRMA stipulates that every year public agencies must submit to the GARS a list of presidential records that they have produced or received.³⁵ The act's Enforcement Decree gives a definite date for transferring to the GARS a list of these records.³⁶ It also forces the GARS to collect and preserve presidential records on the list beginning six months before the end of the president's term. Furthermore, the PRMA requires that presidential records produced at all levels of public agency be managed along with general documents.³⁷ While formerly following the OMOW, presidential records that had received final approval from the president were separated from general document files to be preserved in the GARS, the PRMA specifies that presidential records in public agencies be handled together with general documents and transferred with general documents at their transfer time to the GARS. As a result, there is no longer any possibility of the GARS managing only the final document approved by the president while obfuscating its context.³⁸

The PRMA sets forth several principles that mark a clear break with the practices of the past. It establishes "the principle of registration"—that "all public records produced and received shall receive a registration number

³³ The PRMA, Article 13 (Records Management) 1.

³⁴ The Enforcement Decree of the PRMA, Article 28 (Preservation Management of Presidential Records) delineates the scope of presidential records as follows: 1) records approved by the president and reported to the president; 2) records produced and received by the president and his assisting agency; 3) original documents submitted to the president or his assisting agency by public agencies; 4) "all sorts of minutes of meetings" in which the president or his assisting agency above the vice-minister class participates for policy settlement; 5) records that have value as historical materials such as memos, schedules, the visitors' book, and annals of conversation related to the operations of the president; 6) audiovisual records containing the image and voice of the president; 7) records related to the official functions of the president's family; and 8) records specified as presidential records by the chief of the central records management institution.

³⁵ The PRMA, Article 13-3, 4.

³⁶ The Enforcement Decree of PRMA, Article 28-2, 3.

³⁷ Ordinance of the Minister of Government Administration and Home Affairs (MOGAHA) Number 0019, the Enforcement Ordinance of PRMA, Article 15-1.

³⁸ Gun-hong Kwak, *The Theory and Reality*, 127.

consisting of the code of their creating agency and their creating year and shall keep it as their record number³⁹—which can be regarded as a minimal mechanism for preventing the loss of presidential records. Further, the PRMA prescribes punishment for the arbitrary destruction and removal of presidential records from public agencies.⁴⁰ The PRMA contains some stipulations for the institutional handling of presidential records: it mandates the establishment of a Presidential Archives under the central records management agency (that is to say, the GARS) in cases of necessity for the efficient management and exhibition of presidential records,⁴¹ thus recognizing the important role of presidential records in the domain of public records and providing for the preservation of these materials in a specialized archive separated from other administrative records. The act also mandates the establishment of an agency records center in each public agency to manage public records more effectively, a requirement that assumes the establishment of an agency records center inside the OP.⁴²

With the accomplishments of the ADIPA, and even more so with those of the PRMA, particularly in the management of presidential records, the Republic of Korea entered the second phase of historical development in the archival enterprise. For the first time since the founding of the nation, these pieces of legislation guaranteed systematic management and public access to presidential records, thereby re-establishing the ancient Korean tradition of preserving rulers' records intact, and even improving upon this tradition by allowing public access to them. These legal achievements brought about productive results in Korea's archival infrastructure, most obviously in the academic area. In January 1999, the Research Institute for Korean Archives and Records was founded to facilitate a transparent society through systematic records management. As a concrete step toward this goal, in December 2000 it established the Korean Association of Archival Studies as a subsidiary organization to elevate academic professionalism in the area of archival studies and to give archivists a voice and more visibility in academia. The association has held academic events such as a monthly announcement meeting and academic symposia, and it has published the journal *Archival Studies* twice a year since its establishment. Moreover, in April 1999, the Research Institute for Korean Archives and Records opened the Educational Institute for Korean Archives and Records Management as a joint venture with Myongji University for training qualified archivists and for meeting the legal requirements of the PRMA (for example,

³⁹ The PRMA, Article 12 (Records Management).

⁴⁰ The PRMA, Article 13-2.

⁴¹ The PRMA, Article 8 (Presidential Archives).

⁴² The PRMA, Article 9 (Records Center) 1.

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the obligatory appointment of professional archivists to manage local public archives). In addition, there are now some other graduate schools for educating professional archivists in Korea.⁴³

Despite these various achievements in the legal and academic arenas, the vision set forth in the ADIPA and the PRMA has not been put into effect under the two subsequent civilian governments and there has instead been a falling away from the principles of the two acts. In the case of the ADIPA, although it required public agencies to ensure the people's right to know, since 1996 public agencies have refused to disclose information using the excuses of national interest and absence of records, which has resulted in a rapid increase in the rate of disclosure denial. According to a report submitted to members of the National Assembly by the Ministry of Government Administration and Home Affairs (MOGAHA) entitled "The Present Condition of Information Disclosure of Government Agencies," the percentage of denial of people's requests for disclosure of administrative information nearly doubled between 1998 and 2001 (from 5 to 9 percent).⁴⁴

Considering the actual effects of the PRMA, in the case of Kim Dae-jung, the first president obligated under this act, the number of presidential records transferred to the GARS reached 135,000. Although this is much greater than the quantity of former presidents' records over the past fifty years (the total number of records is only 54,206), it differs from the OP's formal announcement that it would transfer 158,232 records to the GARS, and Kim Dae-jung was criticized for not transferring almost 23,000 classified records.⁴⁵ Furthermore, the establishment of an agency records center in public agencies, mandated by the PRMA, has also been poorly executed. According to an investigative report by the GARS, as of late June 2001, only 45 of the 592 public agencies included in the scope of the PRMA, and only 16 of 147 central administrative agencies, have established an agency records center in them.⁴⁶ Most significantly, no agency records center has yet been created in the OP.

To investigate how faithfully the two acts are being applied to the actual archives, in September 2002 the PSPD asked for disclosure of the list of Kim Dae-jung's presidential records that were transferred to the GARS between 1999 and 2002. At that time, the OP responded by refusing to disclose the list. The GARS, however, revealed that the number of Kim Dae-jung's presidential

⁴³ As of March 2000, there are three Korean graduate programs in archival studies: at the University of Myongji, at Chungnam National University, and at Hannam University.

⁴⁴ "The Rapid Increase of Information Disclosure Denial in Public Agencies" (in Korean), *Dae-han maeil*, 20 September 2002.

⁴⁵ "The Reason Why We Have Too Many Secret Papers" (in Korean), *Dong-A Il Bo*, 27 February 2003.

⁴⁶ Hyung-kuk Kim, "The Current Condition and the Reality of the Establishment of Records Centers" (in Korean), *Newsletter of the GARS*, no.2 (2001), 16.

records it had received over the preceding four years was only 1,300. According to the PRMA, the list of records produced by the OP as a public agency must be given to the GARS by June 30 of each year. This request for information disclosure showed that the OP had failed to put into practice both the PRMA and the ADIPA.⁴⁷

Making matters worse, an amendment to the Enforcement Decree of the PRMA which was presented by MOGAHA to the National Assembly and passed on 29 December 2000, contained important changes to some articles relating to presidential records. First of all, while the original PRMA enforced the registration of presidential records as the minimal mechanism for preventing their omission, the amendment postponed the enforcement of this rule (as of 24 November 2001) until 2004.⁴⁸ Moreover, while the original act required the writing out in full of “all sorts of minutes” for meetings in which the president or his assisting agency above the vice-minister class participates for determining policy, the amendment now allows merely a summary of what was said during the meeting,⁴⁹ which makes understanding the context of decisions more difficult. The amendment, thus, seriously weakens the value of the PRMA as a legislative reform.⁵⁰ The reason for this departure from the basic principles of the ADIPA and the PRMA relates to the politics of the time.

Links between the incessant scandals of politicians and the secretive control and destruction of public documents directly concern how those scandals have undermined the democratic basis for archives in Korean society, the ADIPA and the PRMA. The biggest political scandals under the Kim Youngsam administration, the Hanbo scandal⁵¹ and the foreign exchange crisis (mentioned above), were not investigated thoroughly because the records surrounding these events were destroyed. The PSPD’s investigative report into public records destruction in July and August 2003 also showed that the records relating to the Hanbo scandal were destroyed by the Ministry of Finance and

⁴⁷ PDPS, “Have There Been Only 1,300 Presidential Records over the Last Four Years?” (in Korean), 17 October 2002, http://www.peoplepower21.org/article/article_view.php?article_id=2328.

⁴⁸ An Additional Rule of the Enforcement Decree of PRMA, Article 2 (Interim Measure of Registration, Classification, Compilation, and Management of Electronic Records of the Records).

⁴⁹ The Enforcement Decree of PRMA, Article 8 (The Writing Out of Minutes) 2.

⁵⁰ In addition, while the original Enforcement Decree of the PRMA required qualified archivists to hold a master’s degree or above in an academic area related to archives, MOGAHA’s original amendment would have allowed this role to be filled by public officials in administrative agencies who had completed an education program designated by MOGAHA to qualify as archivists; however due to the resistance of academics, the original requirement was maintained intact. PDPS, “MOGAHA’s Drive to Pass an Undesirable Amendment to the PRMA” (in Korean), 17 October 2002, http://www.peoplepower21.org/article/article_view.php?article_id=569.

⁵¹ The Hanbo Group chairman had attained a huge sum from bank loans without proper collateral, apparently through influential politicians. The second son of President Kim was accused as a central figure in the scandal.

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Economy.⁵² The next administration, that of Kim Dae-jung, also came under fierce attack when it was accused of secretly paying North Korea US\$100 million (which came from the Hyundai Merchant Marine Co.) to bring North Korea to the historic summit between the two countries in 2000.

These political scandals proved that the corruption of politicians and high-ranking public officials who had supported and benefited from *Chaebol*—the Korean form of crony capitalism—remained unaltered during the change from the military to the civilian government. Similarly, throughout Korea's two civilian governments, the National Security Law instituted under the military dictatorship has continued to survive and to function as an infamous weapon to silence citizens' free expression. Despite the democratic sentiments that spurred the enactment of the ADIPA and the PRMA, the political circumstances under two civilian administrations have kept these laws from being put into practice in the archives to produce, manage, and open public records. The opportunity to realize the underlying principles of the ADIPA and the PRMA has been left to the incoming administration.

**The Prospect for Archives under a Newly Elected
Government (2003-)**

Current president Roh Moo-hyun is the first leader to be fully in tune with the Internet, and he is "the world's first president to be elected with the broad support of the online generation."⁵³ To a degree, the Web is already shaping the national policy of President Roh. His image is one of being technically flexible and open to the Internet, and he was mainly elected by the younger generation, who have tasted democracy and speak out about what they feel. They support him in removing the undemocratic elements that have troubled Korea's political system until now. These circumstances represent a vital chance to transform Korea's archival system into an open model.

After passing through the first two civilian presidencies, that of Kim Young-sam and Kim Dae-jung, it has become evident that the political status of citizens has advanced and the rights of freedom of expression have improved. Although the two Kims were substantially limited in overcoming political corruption, the Roh administration has inherited the positive democratic legacies of their administrations, and thus Roh is likely to be more successful in creating an open system of democracy by building on the foundation of his predecessors.

⁵² PDPS, "Indiscriminate Destruction of Public Records by Public Agencies" (in Korean), 3 September 2003, http://www.peoplepower21.org/article/article_view.php?article_id=3334.

⁵³ J. Watts, "World's First Internet President Logs On," *The Guardian* (U.K.), 24 February 2003, 16.

The Roh administration has also inherited the legacy and the limitations of the public records management of the two Kim administrations. In spite of the enactment of the ADIPA and the PRMA, which set forth the basic principles for public access to and systematic management of public records, the short history of these acts has exposed the limitations in their enforcement—limitations that still exist under the Roh administration.

First, the ADIPA's article allowing nondisclosure of information is widely viewed as the primary obstacle to the realization of the act. The clause allowing nondisclosure of "information related to . . . the decision making process," and, as a result, the exclusion of documents without final approval from disclosure, greatly shrinks the scope of presidential disclosure. The minutes of state council meetings or vice-ministry meetings in which the president participates are thus excluded from disclosure. Furthermore, the act does not state a future time for the disclosure of such minutes, making their nondisclosure permanent throughout their preservation period, which ranges from three to ten years, after which they may be destroyed.

The second limitation is the ADIPA's allowance of "personal information which could identify a particular individual"⁵⁴ as a reason for nondisclosure, which has also been widely criticized as a mechanism for preventing "transparent government." The ADIPA's vague criteria as to what kinds of information are subject to nondisclosure have allowed each public agency to make arbitrary decisions about nondisclosure that have rendered the act almost useless. Further, the absence of a provision for punishing public officials who disregard the ADIPA has greatly weakened the act. The percentage of nondisclosure of information doubled between 1998 and 2002, reflecting the public agencies' countermove to the public openness encouraged by the act.

The third limitation confronting the Roh administration is that, in relation to the transfer of presidential records to the GARS, the PRMA stipulates that the presidential transition committee for the incoming administration has the right to select which records are transferred to the GARS.⁵⁵ In other words, the list of the former president's records is given to the public official appointed by the president-elect, and the records that he or she thinks the next president will need are not transferred to the GARS. Since this transition committee is not a neutral organization, however, its decisions as to what records are transferred to the GARS are debatable.⁵⁶ In light of this, the government should delegate the

⁵⁴ Article 7 (Information of Non-Disclosure)–6.

⁵⁵ Article 28-3.

⁵⁶ Gun-hong Kwak, "The Direction of Management of Presidential Records and the Role of Archivists" (in Korean), paper at the Kyungnam Symposium of the Research Institute for Korean Archives and Records: Records Culture, Record Custody Institution, and Archivists (Kyungnam: Province Office, 17 November 2003).

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right of selection to a temporary committee composed of new administration officials and archivists from the GARS to ensure that the selection of records is relatively free from bias. This goal is closely related to the issue of giving the GARS executive power to enforce the management of presidential records and bring about the full realization of the PRMA.

The fourth problem for the new administration is that, despite the PRMA's requirements that the minutes of meetings be kept, most public agencies still do not write them out. Even the minutes of the state council meetings and vice-ministry meetings are not written out without omissions.⁵⁷ When they are written out to satisfy the act, they tend to describe the process of decision making very generally, instead of providing detailed accounts of meetings. Some minutes only contain the name of the policy issue to be discussed in the meeting and the names of those in attendance. In these circumstances, it is impossible to understand the concrete process of decision making, including such actions as who approved and who objected to taking a certain action.

Finally, in addition to all these problems, the continuing practice of record destruction is contrary to the law. According to an investigative report by a civil rights group (the PSPD), during the past three years public records have been illegally destroyed by the Ministry of Finance and Economy, the Ministry of Construction and Transportation, the Ministry of Foreign Affairs and Trade, and the City of Seoul.⁵⁸ For instance, the original blueprint of Seoul's express highway—a record that had permanent preservation value and that should have been destroyed only after the proper deliberation—has been arbitrarily destroyed. Even the MOGAHA, the agency in charge of issuing warnings about illegal record destruction and of prosecuting when they occur, has destroyed hundreds of documents since the enactment of the PRMA. The civil rights group's investigation verifies that the MOGAHA illegally destroyed 139 records in 2001 and 251 in 2002.⁵⁹ Not once did these governmental agencies hold the required deliberative council for records destruction.⁶⁰

The chronic malpractice of failing to record, manage, and disclose information that was endemic to the aforementioned authoritarian era has continued even under the newly elected government. Countering the habitual malpractice of destroying the records, a large group of Korean historians, scholars, and schoolteachers declared at the beginning of the Roh administration that "a participatory government should achieve the reform of management of

⁵⁷ "The Reality of Public Records Management: Even State Council Meetings Keep No Minutes" (in Korean), *Gukmin Il Bo*, 2 May 2003.

⁵⁸ The Enforcement Decree of PRMA, Article 37 (Records Destruction).

⁵⁹ PDPS, "Indiscriminate Destruction," 3 September 2003.

⁶⁰ "Investigating Responsibility for Records Destruction without Permission" (in Korean), *Hankyoreh*, 4 September 2003.

public records and disclosure of information” throughout the country. These scholars warned that “there is neither democracy nor history in a nation if the records of the state’s affairs are not managed precisely and thoroughly.”⁶¹ Their public declaration has encouraged the Roh administration to implement thorough recording of state affairs and to widely disclose information to the public.

As policy alternatives to improve malpractice in the recording and disclosure of public information, these historians and teachers urged the government to employ a professional archivist as the director of the GARS, so as to strengthen its professional status.⁶² They also suggested a reform plan that includes the amendment of the ADIPA, the full enforcement of the PRMA, the establishment of archives in local governments, and the education and deployment of qualified archivists. Concerning the executive power of the GARS as a subsidiary under the MOGAHA, the academic world strongly recommended elevating the status of the GARS to an “administration,” thus raising the director of the GARS to the rank of vice-minister, as well as the reorganization of the GARS as an independent agency.

The Roh administration responded positively to the historians’ reform plans, promising to appoint a professional archivist as director of the GARS, to raise the GARS to an independent agency above vice-ministry class as an independent subsidiary under the president, to deploy qualified archivists instead of administrative clerks in archives, to fully enforce the PRMA, to amend the ADIPA, and to establish archives in local governments.⁶³ Achievements as of May 2005 consist of the amendment of some articles of the ADIPA (December 2003),⁶⁴ the enforcement of the document registration system and the Standard Table for Records Classification (January 2004), and the change of the GARS’ name to the National Archives and Records Service (May 2004).

Regarding presidential records, there have been some significant indications of change under the Roh administration. First, the establishment in November 2003 of the Kim Dae-jung Presidential Library as Korea’s first presidential archives and its operation by a university, not by the GARS, has important implications for the history of the management of Korean presidential records. The

⁶¹ “The Declaration by Historians and Teachers [399 Persons] Calling upon the Government to Record State Affairs and to Disclose and Preserve Records” (in Korean), *Hankyoreh*, 29 March 2003.

⁶² Its director was changed as often as five times during the three years after the enactment of the PRMA, and all were public officials rather than professional archivists.

⁶³ “The Efforts for the Reorganization of the GARS” (in Korean), *Dae-han maeil*, 19 April 2003.

⁶⁴ The main content of the amendment is as follows: shortening the disclosure period from fifteen to ten days, voluntary information disclosure by public agencies, strengthening the criterion of nondisclosure of information (especially, changing the clause “personal information which could identify a particular individual” to “personal information which could violate the secrecy and freedom of individual privacy”) and establishing the committee for information disclosure as a subsidiary under the president.

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establishment of this presidential library that is not subordinate to the GARS, described as optional in the PRMA, has given rise to some debate.

Second, there is still much debate about what is a reasonable time period for declassifying secret presidential records. According to the PRMA, thirty years after a classified presidential record is created it can be examined to determine whether it should be declassified or not.⁶⁵ This implies that if, after thirty years, the creating agency still opposes the disclosure, the record will not be released. The 1975 Act of Testimony and Judgment in the National Assembly, however, stipulates that “a public official or one who was a public official in the past shall not deny a request from the Assembly for a record even if it is a classified record,”⁶⁶ making it impossible for presidential records to be kept secret from the Assembly. The difference between the disclosure requirements in these two pieces of legislation has raised objections from various quarters. The PSPD’s original petition plan for an Act for the Preservation of Presidential Records addressed to the Secretariat of the National Assembly on 14 April 1998 required that presidential records be declassified no later than ten years after their creation.⁶⁷ Academic opinion on this issue is strongly divided: one group of academics focuses on the importance of thorough recording and intact preservation of presidential records rather than on the citizen’s right to know. They argue that classified presidential records should be disclosed after a certain period to protect against their being destroyed for political purposes,⁶⁸ a system that closely resembles the U.S. model for disclosure of presidential records. They also extend this argument to the minutes of meetings, supporting disclosure of the minutes after a certain period. In contrast, the other camp stresses the immediate disclosure of public records.⁶⁹ They propose that the GARS be responsible for deciding whether to disclose classified presidential records at the time of a request by the next president; the GARS should deny the request if it is made for political purposes, but in all other cases, the records should be disclosed immediately. Although these two camps are different in their approaches to the issue, it is significant that both have produced a plan with a definite time limit for the disclosure of classified presidential records.

⁶⁵ Article 29 (The Preservation and Management of Secret Records) 4-1.

⁶⁶ Article 4-1.

⁶⁷ Jae-sun Kim, “The Main Arguing Points and Mediation Surrounding the Enactment of the PRMA” (in Korean), *Archives* 12 (1999): 23.

⁶⁸ Gun-hong Kwak, “The Direction of Management of Presidential Records and the Role of Archivists.”

⁶⁹ Seung-hui Lee, “Custody and Problem of Presidential Records” (in Korean), paper at the Second Symposium of the Research Institute for Korean Archives and Records: Looking for Alternative Overcoming Crisis and Malpractice (Seoul: Korean Records Society, 22 May 2002).

The third sign of significant change under the Roh administration is that recent impassioned arguments for disclosure of the minutes of state council meetings have opened a new phase in the disclosure of presidential records. The civil rights group PSPD contends that nondisclosure of meeting minutes violates the “intent” of the ADIPA “to ensure the people’s right to know and to secure the people’s participation in state affairs” and that the minutes of policy-making meetings, as well as the documents finally approved in such meetings, should be disclosed at once. Against this, some scholars argue that immediate disclosure of the minutes of meetings will prevent a thorough recording of them and create further inducements for government agencies to destroy documents to conceal their activities. These scholars instead call for the disclosure of the minutes after a prescribed period of time. President Roh has offered a plan similar to the latter group’s position: he has publicly suggested that the minutes of one administration should be sealed during the terms of the next two presidents, and unsealed one year into the term of the third president following; since the Korean president is currently limited to one term of five years (though the term length has changed in the past), in practice this means that the minutes of a given administration would be sealed for eleven years.

In sum, the Roh administration has inherited the legal legacies of the archival system such as the ADIPA and the PRMA as well as the legacy of continuing practices that are illegal. When considering controversial issues related to presidential records management, these archival laws allow us merely to define principles or to create opportunities; presidential records management is still waiting to be refined in practice. The realization of a democratic archival principle and the opening of a path to more opportunities is one of the most significant policy tasks bequeathed to the Roh administration.

Conclusions

The modern development of presidential records in the Republic of Korea demonstrates a close relationship with political democracy. The underdevelopment of the archival tradition caused by the long-term domination of authoritarian regimes has been overcome as archival principles have followed step by step the dramatic political developments of democracy in Korea in recent years. The people’s incessant struggle for a democratic society in modern Korean history has transformed the authoritarian and military regime into, first, a civilian government, and finally, a “participatory government.” The old authoritarian regimes that functioned by reliance on such means of control as the National Security Law and “crony capitalism” (the *Chaebol* system of family-run monopolies) had no interest in “public records.” Under these miserable conditions, it is quite natural that the repressive regime removed documents when a president retired from office and even destroyed them for its own political ends. We have

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seen how incomplete ordinances and regulations for managing both general administrative and presidential records, such as the OMOW and the Regulation for Classification and Preservation of Public Records, were enacted at the time solely for the efficiency and convenience of office work, not from the archival principle to keep intact public records with historical value.

Thanks to the incessant demand of the citizens for democratization since the late 1980s, a rapid shift has been effected in the management of public records, as well as in the political system. The enactment of the PRMA and the ADIPA guaranteed the records' systematic management and public access. In practice, however, this was rarely realized under the first two civilian governments. Both long-term political underdevelopment and the nascent stage of the archival laws discouraged the actual implementation of the two acts.

The Roh Moo-hyun administration elected in 2003 has declared itself a "participatory government" aiming at procedural changes to promote political democracy. This platform also implies the transformation of the governmental archival system into a more open model. As most grassroots activists argue, the wider disclosure of information and the independence as of the GARS should be the urgent issue for the Roh administration. If accomplished, the current government will qualify as the first administration to improve dramatically the systematic management of and public access to presidential records.

Focusing on the inner logic of the Korean archival system itself, one domestic scholar has argued that the current system has chronic problems to be solved: a culture among public officials uncongenial to maintaining and giving access to public records, nonsystematic archival systems, and the absence of professionalism in the field of archival enterprise. These innate problems that have restrained archival development cannot be overcome without accomplishing political and social democratization. The health of the Korean archival system is keenly sensitive to the level of Korean society's political maturity.

President Roh recently remarked that "the National Security Law which has been used to fetter political dissidents by the military regimes over the past decades must be dismantled in order to advance human rights."⁷⁰ This remark can be read as one step toward a big leap in political democratization, and even in public records management. Roh's drive for archival reform, as in the disclosure of the minutes of state council meetings, exemplifies one move toward political reform that seeks to expunge the legacy of long-lasting authoritarianism from the public sphere. Hence, even if it has not been wholly decisive, the democratic maturity of Korea has certainly been a catalytic factor in accelerating the future trajectory of the archives toward systematic organization and free and open access.

⁷⁰ Interview with *Sisa Magazine* 2580 (broadcast on MBC-TV) on 4 September 2004.

Table 2 Major Developments in Korean Public Records Management

Presidents	Major developments during the presidency
Park Jeong-hee	<ul style="list-style-type: none"> • A national "consolidation and rearrangement of records," first in 1962 and again in 1968 • The establishment of the Government Archives and Records Services (GARS) in 1969
Jeon Doo-hwan	<ul style="list-style-type: none"> • The making of a Chamber for Ruling Records and a secretary responsible for their management in the Office of the President in 1980
Kim Young-sam	<ul style="list-style-type: none"> • The enactment of the Act on Disclosure of Information by Public Agencies (ADIPA) in December 1996
Kim Dae-jung	<ul style="list-style-type: none"> • The enactment of the Public Records Management Act (PRMA) and its Enforcement Decree in January and December 1999 • The establishment of the Research Institute for Korean Archives and Records in January 1999 and the Korean Association of Archival Studies in December 2000. • The Amendment to the Enforcement Decree of the PRMA in December 2000
Roh Moo-hyun	<ul style="list-style-type: none"> • The establishment of the Kim Dae-jung Presidential Library as Korea's first presidential archives in November 2003 • The amendment of the ADIPA in December 2003 • The enforcement of the Registration System and Standard Table for Records Classification in January 2004 • The name change of the GARS to the National Archives and Records Service in May 2004

Acronyms

ADIPA	Act on Disclosure of Information by Public Agencies
ANSP	Agency for National Security Planning
GARS	Government Archives and Records Services
MOGAHA	Ministry of Government Administration and Home Affairs
OMOW	Ordinance of Management of Office Work
OP	Office of the President
PRMA	Public Records Management Act
PSPD	People's Solidarity for Participatory Democracy
RCPPR	Regulation for Classification and Preservation of Public Records