
SAFEGUARDING CHINA'S INTANGIBLE CULTURAL HERITAGE. SELECTED INTERNATIONAL LAW REGULATIONS

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Abstract: *Intangible cultural heritage plays a significant role in the existence, sustenance and development of society. This paper presents selected phenomena and elements of the cultural heritage of China. It is a country with a unique history, tradition and culture. New research demonstrates ties and mutual cultural influence between societies which were previously believed to have developed in isolation. However, actions for the protection of cultural heritage, both on a national and international scale, must be implemented with consideration for the depositaries of traditional skills and knowledge. Moreover, it is important to enter into dialogue and international cooperation based on mutual respect and regard for cultural diversity.*

Keywords: *international law, intangible cultural heritage, China, UNESCO, cultural diversity*

INTRODUCTION

Administratively, the People's Republic of China (PRC) consists of twenty-two provinces, five autonomous regions, four province-level municipalities as well as two special administrative regions. China is now the world's most dynamically growing economy. From the beginning investment has been stimulated by diasporas, hence the conclusion that cultural heritage is of immeasurable importance for the survival and development of society. Despite fast westernisation and the state loosening its grip on business activity in the late 1970s, the People's Republic of China has intensified censorship and political control. Western governments and non-governmental organisations criticise the Chinese government for human rights violations.

China is one of the world's oldest civilisations with rich and unique literary, musical, theatrical, academic and historical traditions. It is a land of contrasts and diversity, surrounded by an air of mystery. In Chinese culture and tradition, veneration of ancestors plays an important role.

The foundations of the Chinese civilisation were laid by the Han. A socially and culturally integrating factor was writing. No exact date is known when this unique and very complex writing system was created. The earliest dated inscriptions come from the times of the Shang dynasty. At that time, pictorial ideograms were used. With the passage of time, the character system was simplified. It still, however, required much knowledge and skill from its users. The development of writing implements contributed to further modifications. The Chinese language and script played a role in the region much alike that of Latin in European culture, spreading to other countries. Characteristically, Chinese is rich in greetings, expressions of gratitude and respect for others. A complex system of forms of address within families and the ranks of officials was in place that took much insight and experience to be used correctly.

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The preservation of cultural heritage plays an important role in the preservation, development and cultivation of the values and traditions that make up the identity of a social group. The rights to freedom of artistic creation and access to cultural assets and cultural heritage are major human rights. In each part of the world their perception, articulation and legal regulation may be different. This mostly depends on civilizational, geographic, religious and historical factors. The 21st century has brought a need to interpret the rights with a view to safeguarding the physical and psychological integrity of the human being. One should take into account their essence, which does not depend on the political system or the cultural area.

Efforts to safeguard cultural heritage have been made on an international forum for years. Many intercultural connections can be observed globally, for example, an ancient Polish nobleman's costume includes elements of the culture of the East. It is therefore hardly surprising that protecting cultural heritage involves cross-border activities. On a global scale, UNESCO, established in 1945, is a specialised organisation working to this end. China has been a member of UNESCO since 4 November 1946. A number of legal instruments have been developed to safeguard cultural heritage¹. However, safeguarding intangible heritage as an area has only started developing recently.

In 2003 the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted a Convention for the Safeguarding of the Intangible Cultural Heritage. The document defines the term “intangible cultural heritage”. Even before the Convention was drafted, UNESCO had undertaken many activities to protect traditional and folk culture. Some examples include Living Human Treasures (launched in 1994) or Masterpieces of the Oral and Intangible Heritage of Humanity (first edition launched in 2001). These programmes helped crystallise the general notion of intangible cultural heritage.

THE PURPOSE AND MAIN IDEAS OF THE CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

On 17 October 2003, the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted (Journal of Laws of 2011, No. 172, item 1018). With progressing globalisation, commercialisation and transformation of the forms and structures of social life, safeguarding intangible cultural heritage is becoming particularly important. The drafters of the Convention identified a close relationship between tangible and intangible cultural heritage on the one hand and natural heritage on the other. An artistic idea, concept or vision first lives in the mind of the artist before being put into practice. The values and the message of intangible cultural heritage often fill tangible cultural heritage with meaning and allow us to understand or interpret it.

¹ Some notable examples include the Convention Concerning the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972. *Journal of Laws*. 1976, No. 32, p. 190; the European Convention on the Protection of the Archaeological Heritage signed at La Valetta on 16 January 1992. *Journal of Laws*. 1996, No. 120, p. 564.

The preamble states that intangible cultural heritage is “a mainspring of cultural diversity and a guarantee of sustainable development”. The drafters and signatories of the Convention expressed their concern and willingness to cooperate on an international forum to safeguard intangible heritage. The Convention is the first binding multilateral legal instrument pertaining to its protection.

In accordance with Art. 2 para. of the Convention, intangible cultural heritage includes: “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity”. The definition is descriptive in nature. A descriptive definition is supposed to ensure objectivity, as far as practicable. Art. 2 para. 1 *in fine* of the Convention stipulates that the activities are supposed to comply with the instruments of international human rights protection. Note that each provision of law or regulation is marked by human perception of the world. For this reason, at each stage of planning, carrying out, and monitoring activities associated with the protection of intangible cultural heritage, the essence of humanity should be taken into account.

Intangible heritage is cultivated through intergenerational transmission. A key role in the protection of intangible heritage is played by autochthonous peoples, depositaries of local lore and skills. Any activities done to pursue the objectives of the Convention should consider differences between cultures. Any forms of modern colonisation or appropriation without the consent of the depositaries are against the spirit of the Convention. The preamble acknowledges that there is “universal will and the common concern to safeguard the intangible cultural heritage of humanity”. This does not imply, however, consent for unification or appropriation: the preamble also provides that any actions aimed at safeguarding intangible heritage should be taken “in a spirit of cooperation and mutual assistance”. Humanity’s true wealth is cultural diversity rather than cultural heterogeneity.

The mechanism for protecting intangible cultural heritage established by the Convention operates on two levels: national and international.

On the level of individual states parties to the Convention, actions are taken in respect for their sovereignty. As recommended by the Convention, effective protection should be ensured by developing, launching, monitoring and updating national registers of intangible cultural heritage. There are, however, opinions that formalising “living” manifestations of intangible cultural heritage may be detrimental to their very essence. Note that the intention behind the Convention was to order and collect information that could foster intangible heritage protection and not to “close” in documents a thing that cannot be weighed or measured. The states parties should file periodic reports on their activities undertaken to this end to the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage². This is a sign of determination to ensure actual and not merely declarative protection.

² Legal basis: art. 12 in connection with art. 29 of the Convention for the Safeguarding of the Intangible Cultural Heritage drafted in Paris on 17 October 2003. *Journal of Laws*. 2011, No. 172, p. 1018.

The Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage operates within UNESCO. In accordance with art. 5 para. 1, the Committee is composed of states parties appointed by election. The Committee's members are elected by a General Assembly of States Parties³ so that equitable geographical representation and rotation are ensured (art. 6 para. 1). The term of office is four years. A state party may not be elected for two consecutive terms (art. 6 para. 6). The Committee should include such representatives of states parties that have knowledge and qualifications pertaining to the subject matter of the Convention. Where necessary, the Committee may invite experts to take part in its sessions⁴.

Safeguarding intangible cultural heritage should find a lasting and prominent place in national cultural policy. Access to this heritage should not be restricted. Strategic programmes undertaken to safeguard intangible heritage should activate and engage local communities. A major role is played by cultural education, both institutional and informal⁵.

On an international level, two lists have been created for the protection of intangible cultural heritage. One of them is the Representative List of the Intangible Cultural Heritage of Humanity, established to increase awareness of the need to protect it, stress its significance and promote dialogue between nations in respect for cultural diversity⁶.

The subsequent part of this work presents several selected Chinese cultural phenomena entered on the Representative List of the Intangible Cultural Heritage of Humanity.

- manual paper production

According to the art. 2 para. 1 of the Convention intangible cultural heritage means “the practices, representations, expressions, knowledge, skills”. These conditions are met in the case of the cultural phenomenon from the Jing area. In this region a traditional handicraft method of making paper called “the King of Papers” is passed down from generation to generation. The entire process is carried out manually. It involves over 140 meticulous operations and can take two years. The product is rice paper with a smooth texture, an ability to absorb water and be folded without breaking. The climate of this part of China is favourable for this kind of handicraft. In the light of the aforementioned prerequisites traditional paper-making in the province of Anhui (安徽) is not only a craft that has been practiced for centuries, but also an element of nation's identity.

- calligraphy

Chinese calligraphy is not merely an ability to write, but an art requiring skill and a sense of harmony. The Chinese believed in its extra-terrestrial origin, whence its particular meticulousness and emphasis. Calligrapher training lasted years. Writing implements were often in themselves works of art, one example being brushes set in such materials

³ The General Assembly of States Parties is the supreme body established under the Convention (art. 4 para. 1).

⁴ Art. 6 para. 7 in connection with art. 8 para. 4.

⁵ KOWALSKA, S. Education for Cultural Heritage. In: Samanta Kowalska (ed.). *Cultural Heritage in Poland – the Background, Opportunities and Dangers*. Poznań-Kalisz: Adam Mickiewicz University in Poznań, 2012, pp. 145–158.

⁶ Legal basis: art. 16 para. 1 of the Convention for the Safeguarding of the Intangible Cultural Heritage drafted in Paris on 17 October 2003. *Journal of Laws*. 2011, No. 172, p. 1018.

as jade or ivory⁷. Calligraphy could function independently or as an element of a painting or another work of art, such as adages inscribed into landscape paintings or onto fans. In Chinese culture, calligraphy is not only a carrier of information (art. 2 para. 2a *in fine*), but also a major element of heritage (art. 2 para. 1).

- the paper-cut

Making paper-cuts takes a long time to learn. The art is mainly practiced by women, from an early age. The techniques and patterns are characterised by delightful diversity. Chinese paper-cuts are very elaborate. They do not only reflect their makers' artistry, but also values passed down from generation to generation. This social and cultural phenomenon can be also found in the category of intangible cultural heritage.

- engraved block printing technique

The technique requires harmonious cooperation within a team of artisans skilled in woodblock printing and engraving. The blocks are usually made of jujube or pear wood. Before engraving, a block is thoroughly polished with sandpaper. The pattern is transferred onto the block from a draft made on extremely thin paper (art. 2 para. 1 in connection with art. 2 para. 2a, e). Apart from printing new works, the method is used to reproduce historic books, which is of major importance for the preservation of Chinese cultural heritage.

- seal engraving

Originally, seals served the purpose of identification. They were also a substitute for a signature. Seals were initially used by rulers, officials and other prominent figures. Later their use spread to other social classes. The traditional method of producing them is still cultivated in the city of Xiling (杭州市). It requires extensive knowledge of calligraphy as well as manual skills, precision and taste. The pattern is designed on paper to be engraved with a knife in stone, a very challenging material. A traditional Chinese seal is both a practical implement and a work of art. Protection of this tradition also means the realisation of the provision of the article 1b of the Convention in the aspect of ensuring respectful treatment of intangible cultural heritage of individuals and social groups.

- Tuen Ng / Duanwu / Dragon Boat Festival (端午節)

In Chinese culture, the figure of a dragon is not only mythological, it is also historical. According to traditional beliefs, it symbolises good powers – a conviction which stands in stark contrast to what is commonly accepted in European culture. Gradually the dragon started to symbolise the Chinese emperor as well as the cult of the ruler, who was called the Son of Heaven. In the lower and central catchment areas of the Yangtze River (揚子江) people still cultivate a custom which connects beliefs and arts with a sports competition. The festival dazzles with its colours and atmosphere. It is an important binding factor for

⁷ Jadeite is a pyroxene, or rock-forming, mineral. The term “jadeite” is inaccurately used interchangeably with the term “nephrite”. The two are actually chemically different. Nephrite is a metamorphic amphibole mineral. Jades have been known in China since Neolithic times. In Chinese culture no distinction is made, however, between jade and nephrite (*yü*). See KEVERNE, R. Mineralogical Differences. In: Roger Keverne (ed.). *Jade*. New York: Springer Science – Business Media, 1991, pp. 23–24. Compare DESAUTELS, P. *The Jade Kingdom*. New York: Springer Science – Business Media, 1986.

the local community. The race involves long boats with a dragon head at the bow. The navigator is located at the dragon head and gives directions with the use of a red flag. Nowadays, races fashioned after Duanwu also take place in many other countries, not only in China. The festival's origin is related to the life and death of the poet Qu Yuan (c. 340–278 BC), who advocated the unification of China and bravely stigmatised wrongdoing and bloodshed. To express his protest, he committed suicide in one of the rivers. The event originated the Dragon Boat Festival. Today, during the festival rice in bamboo leaves is thrown into the water – which, according to folk beliefs, makes fish interested in food rather than the poet's corpse. Rice needs to be folded in leaves too – otherwise it could be swallowed by a dragon. It's an example also oral expressions, habits, festive events and rituals (art. 2 para. 2a in connection with art. 2 para. 2c).

- shadow puppetry

An example which corresponds with discussed regulation is shadow puppetry. It is difficult to track down precisely the beginnings of it in China. We know for a fact that plays including puppets were already performed during the reign of the Northern Song dynasty. Colourful puppets were made of leather or paper. The artist had to master not only moving a puppet around, or even a few of them simultaneously, but also singing and playing instruments. Therefore it had to be a person with versatile artistic talents. Puppets created an illusion of moving figures on a paper or linen screen. Puppets were moveable and artists often designed and created them on their own. A shadow play was not a regular play as it was a way to interact with the past, established systems of values and beliefs, society or nature. Intangible heritage includes also representations as well as “the instruments, objects, artefacts and cultural spaces” (art. 2 para. 1 *in principio*).

- *Jīngjù* opera (Peking opera)

It came into being during the reign of the emperor Qianlong of the Manchu-led Qing dynasty. The opera was first performed in Beijing during ceremonious celebrations of the ruler's birthday and this is how it came to be known as Peking opera. This type of art contains numerous elements of artistic expression, e.g. acting, ballet, opera⁸. Depending on the repertoire, the audience can also see plays with actors performing the roles of warriors. Peking opera is characterised by deep symbolism, which is a way to replace stage props. Therefore Peking opera is sometimes compared to pantomime. The repertoire can be performed both indoors and outdoors. An important role is played by special make-up, costumes and their colours. In the past female roles in plays used to be performed by men – a feat which demanded special abilities. Orchestras are also of great significance for Peking opera. A play and its music combine into a harmonious whole; music gives rhythm to plays. In Chinese tradition music has always been important. The Chinese used to believe that music reflects a state of harmony between the earthly and heavenly sphere. It was attributed with an ability to overcome social arguments. The assumptions behind Chinese music were expressed during the Western Zhou period – the musical scale developed then

⁸ Compare art. 2 para. 2b of the Convention for the Safeguarding of the Intangible Cultural Heritage drafted in Paris on 17 October 2003. *Journal of Laws*. 2011, No. 172, p. 1018.

outlasted its times. The above example is an illustration of the fulfilment of the discussed provisions of the Convention.

- Tibetan opera

An important element of the cultural heritage of Tibet is opera – which, apart from music and singing also contains dance, narration, acting, acrobatics, historical and religious motifs. During plays actors wear carefully ornamented masks. The masks themselves are a combination of multiple elements which constitute intangible cultural heritage as defined by the Convention in question. Other than its artistic value, Tibetan opera is also important due to the educational role it serves by preserving and popularising this type of art.

- the secrets of Chinese acupuncture and moxibustion

According to traditional beliefs, these methods are used to regulate the balance of energy in human body. It has a positive influence on the proper functioning of the body and it also improves the natural immunity and activates the body. The earliest mentions in Chinese medical writing date back to 13th century BC. One of the most well-known Chinese therapeutic techniques is acupuncture. It was probably used as early as the Stone Age. Later on, however, it was surrounded by an aura of superstition, which led it to being questioned by the Imperial Medical College in the first half of 19th century and consequently getting removed from the educational system. It started regaining its popularity in the 20th century. Moxibustion is used in alternative medicine surgeries and beauty spas. In China these secrets can be explored directly with the help of experts, including at universities. According to the Convention intangible cultural heritage is perpetually recreated in response to environment, interaction with society, history and the present.

- silkworm rearing and fabric production

The earliest mentions of silk date back to the times of the rule of the Shang dynasty. According to a legend, however, the production of silk was initiated by the empress Xi Lingshi (Léizǔ). Silk lent its name to the Silk Road, which connected China with the West for many centuries. The name was reportedly used for the first time by Ferdinand von Richthofen (1833–1905), a German researcher, cartographer and geologist. The region of Chéngdū (成都) is famous for its traditional silkworm rearing and silk fabric production. Silk farmers and their relatives observe the life cycles of the silkworm with solemnity as it also represents human life for them. Silk farming, production and weaving is associated with ceremonies; the tradition is an important piece of Chinese cultural heritage. In this way, the stipulations of the Convention are met not only with regard to oral tradition, customary abilities, craftsmanship, but also knowledge concerning nature and the universe (art. 2 para. 2a, c–e).

- the production of brocade fabrics in the province of Nanjing Yunjin (南京云锦)

This process is quite elaborate as it consists of many stages that need to be followed meticulously. In the past, brocade fabrics were produced for rulers. To produce them, threads made of gold, silk and peacock feathers are used. The fabric is woven on looms that are quite complicated in design. It takes two people to use the loom. It is more than just craft – it is a mission rooted in the past. Nowadays it is practised mostly in the province of Jiangsu (江蘇), where fabrics are produced to mirror the ornamentation techniques

used centuries ago. It is an example coordination of cooperation, transfer of traditional knowledge, skills and deep-rooted habit in the history which are subject to protection pursuant to the Convention.

- Longquan pottery (龙泉)

Produced for centuries according to the same techniques passed on from generation to generation. Longquan is famous for its celadon pottery, which is fired and then decorated with a special *Yuezhou* glaze. Silica dishes produced in the region are more than just craft – they are pieces of art. Craftsmen with adequate experience of this technique can even judge by the colour of the flame if the temperature is ready for the process of firing, which consists of a few stages. Over time porcelain dishes, apart from their ritual function, started serving an aesthetic function too. This knowledge and abilities also are a vehicle of the intangible cultural heritage⁹.

The List of Intangible Cultural Heritage in Need of Urgent Safeguarding has been created to protect endangered elements of heritage. It includes the following entries from China, among others:

- the technique of waterproof bulkheads in ships

Nowadays as few as three people understand the secrets of building waterproof bulkheads in the hulls of junks. This technique makes it possible for a vessel to stay afloat, and in case of emergency it prevents water from entering other parts of the ship. This type of construction uses bulkheads as its primary unit as well as tung oil, lime and ramie fibre for the purpose of insulating the ship. The ship is built with traditional methods and tools (art. 2 para. 2e). Builders use the wood of fir, pine or cinnamomum. This technique and skills are included in the legal designatum of the “intangible cultural heritage”. Unfortunately, steel constructions along with scarcity of material have resulted in just a few people possessing expert knowledge in this topic.

- arched wooden bridges

Designing and building arched wooden bridges serves an important social function. Local community members gather next to bridges. Shared prayers and conversations strengthen interpersonal relationships. The secrets of this craft are passed on by the master to the younger generation. Drawing up designs and building bridges requires agility and specialist knowledge in many areas (e.g. identifying and selecting the right kind of wood, tools; knowledge in terms of construction solutions and the circumstances of nature) [art. 2 para. 2a–e]. Nowadays, this tradition is disappearing due to social transformation, urbanisation and insufficient supply of wood. According to the Convention, cultural artefacts are also considered in the intangible cultural heritage. This phenomenon is an example of disappearing traditional knowledge, skills and customs, which are the subject this legal act.

- tales of the people of Hezhen

Different motifs relating to the past appear in Yimakan tribal tales. Many of them originate from shaman's beliefs and customs, craft and traditional knowledge about the

⁹ See art. 2 para. 2a of the Convention for the Safeguarding of the Intangible Cultural Heritage drafted in Paris on 17 October 2003. *Journal of Laws*. 2011, No. 172, p. 1018.

human being and the universe (art. 2 para. 2). Tales are passed on by word of mouth and through songs. Storytellers use the language of Hezhen. Nowadays the dialect is spoken by only a handful of people. Tradition plays a crucial role in preserving identity thereby fulfilling the stipulations of article 2 paragraph 1 of the Convention.

The criteria for entry, publication and updating both the lists is one of the competences of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. As for approving the criteria – that responsibility belongs to the United Nations General Assembly. In case of emergency, however, the committee can make an entry after consulting one of the signatory states, which greatly simplifies the procedure in such circumstances.

In the context of both the lists, it can be observed that a given cultural phenomenon may fall within one, a few or even all categories given in article 2 para. 2 a–e of the Convention. In some cases it is difficult to determine the boundaries between the particular areas. However, it is beyond doubt that being recognised as intangible cultural heritage (art. 2 para. 1) is sufficient to implement protective actions regardless of the specific form that the phenomenon takes (art. 2 para. 2). Hierarchisation is not applied in protection of intangible cultural heritage. The above discussion takes on still greater significance by demonstrating the need to act quickly on this matter. Especially that many phenomena are beyond visual observation, sustained only by oral tradition.

The Convention has created a mechanism for international cooperation, which, among others, includes exchange of information, experience, as well as experts; doing research and training courses; giving assistance to domestic programmes organised for that purpose; supplying equipment and infrastructural support. Applications for international help can be submitted by a signatory state on its own or together with other states to the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage¹⁰.

In order to streamline protective activities, the Fund for the Safeguarding of the Intangible Cultural Heritage has also been created. Money is amassed according to assumptions listed in the Financial Regulations ratified by UNESCO. It is unacceptable for payments to be hedged around by political, economic or any other conditions that would go against the regulations or the spirit of the Convention (art. 25 para. 6)¹¹.

The Convention provides a framework for the safeguarding of the intangible cultural heritage. This framework is then filled with content and developed by legislative, administrative, organisational, infrastructural, technical and financial activities in respective states which ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. This process runs along the lines of a system of law and values which acts as a point of reference for the inhabitants of a given state.

There is the question of the manner and form of preservation of intangible cultural heritage. The nature of this type of heritage needs to be taken into consideration, because it concerns living cultural phenomena. It is necessary to undertake coordinated, compre-

¹⁰ Further information on international cooperation and assistance: articles 19–24 of the Convention for the Safeguarding of the Intangible Cultural Heritage drafted in Paris on 17 October 2003. *Journal of Laws*. 2011, No. 172, p. 1018.

¹¹ See art. 7 point d.

hensive actions so as to ensure that the protection is actual, and not merely declarative. Even though protection of intangible cultural heritage is a highly complex matter, action must not be delayed because many cultural phenomena are threatened with complete disappearance as people who are proficient in them pass away.

Language and oral traditions are considered to be a vehicle for intangible cultural heritage¹². In order to preserve the identity of local communities in China it is important to take actions also on behalf of preserving dialects and the languages of antecedents. Language is the main element of cultural heritage understood both in the material and non-material sense. The tendency to use just one language worldwide causes the marginalisation and disappearance of native languages. Digitisation and virtual communication more and more often replace conversations in person. UNESCO implements many initiatives on behalf of protecting endangered languages as well as the traditional art of conventional conversation. Other elements of cultural heritage which require protection include traditional clothing, cuisine, folk wisdom, rituals and beliefs, moral and ethical norms, performing arts, craft. The protection of cultural and linguistic diversity ought to become one of the main forms for the protection of cultural expression, strategic programmes, development policies and cooperation between states and nations also originating from other regions of the world. Non-material heritage is a significant factor and it guarantees balanced development and social creativity in different fields, including economy.

This should be considered an important document in the international law. The Universal Declaration of Human Rights was adopted by the UN General Assembly in Paris on 10th December 1948. Article 27 para. 1 states that “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”, and also that “Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author” (art. 27 para. 2)¹³. The statement concerning “moral and material interests” may indirectly point to intangible heritage and its elements and materialised aspects of cultural activity. Many years passed before the term “intangible cultural heritage” was introduced, nonetheless, the above statement also plays an important role in the protection of cultural heritage and establishment of standards in this area, both in particular signatory countries and worldwide. The words of article 27 remain relevant to this day. Observing them can contribute to harmonious development and cooperation not only of individuals and social groups but also countries coming from different cultural backgrounds.

In turn in article 15 para. 4 of The International Covenant on Economic, Social and Cultural Rights signed in New York on 19th December 1966 (Journal of Laws of 1977, No. 38, item 169) stresses the fact the signatories of the Covenant ought to support and develop international contact in the field of science and culture. This stipulation can also be applied in the case of countries from different continents, e.g. Europe and Asia.

¹² See art. 2 para. 2a.

¹³ See also article 5, 6 and 73 of the Constitution of the Republic of Poland of 2nd April 1997. *Journal of Laws*. 1997, No. 78, p. 483.

In another act of the international law of the UNESCO Convention on the protection and promotion of diversity of forms of cultural expression, drafted in Paris on 20 October 2005, it is clearly stressed that for the sake of the protection and promotion of cultural diversity it is also important to engage in cultural activity, to produce and distribute goods and services connected with culture. The Convention draws both on the common European and international legal system and emphasises that thanks to cultural diversity people can fulfil themselves and develop both as individuals but also as a community making up a given group, nation, state. This is also important for taking up, conducting and developing cooperation at the international level¹⁴. It is also mentioned in the Convention, however, that culture should not be boiled down to its commercial or investment potential. Taking diversity into account, we ought to take actions with respect for other cultures and in the spirit of equality, dignity, sovereignty, justice. We need to build bridges between states and nations, not barriers.

CONCLUSIONS

Gradually, the role of non-material cultural heritage started to be recognised. Legislative work with this subject matter was finalised with the acceptance of the Convention for the Safeguarding of Intangible Cultural Heritage by the UNESCO General Conference. This act of international law outlined a legal, institutional and organisational framework for the protection of non-material cultural heritage.

The process of deinstalling communism in China is more complicated than in central European countries¹⁵. Krzysztof Gawlikowski puts it this way: “No other post-communist country can boast economic successes of a similar size. A fascination with modernity and chasing the West have become the new, almost para-religious faith”¹⁶. This is mirrored also in the functioning of society, which is connected with the necessity of undertaking appropriate and adequate actions also to protect local cultures.

China is a country with a distinctly different culture, history and tradition. Connections and intercultural influence also occurred in those countries which were regarded as societies that had taken shape in isolation. It follows from the most recent scientific research that first Europeans arrived in China as early as the Bronze Age. Taking steps to carry out the assumptions of the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage one needs to implement all the activities with respect for the depositaries of traditional knowledge, abilities and cultural diversity.

¹⁴ See KOWALSKA, S. Prawna ochrona dóbr kultury. Wybrane regulacje oraz proponowane zmiany. In: Marek Nowak (ed.). *Studia prawnicze. Rozprawy i materiały*. Kraków: Krakowskie Towarzystwo Edukacyjne Sp. z o.o. – Oficyna Wydawnicza „AFM”, 2007, pp. 97–111.

¹⁵ Compare GWALIKOWSKI, K. Problem respektowania praw człowieka w Chinach. *Azja-Pacyfik*. 2001, No. 4, pp. 98–109.

¹⁶ *Ibid.*, p. 108.