

Ethical Principles for Safeguarding Intangible Cultural Heritage: How to Protect Intangible Cultural Heritage of Minority Ethnic Groups in China

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Abstract

The “Ethical Principles for Safeguarding Intangible Cultural Heritage” (Ethical Principles) is a set of non-binding, encouraging general principles. As a supplement to the *Convention for the Safeguarding of the Intangible Cultural Heritage* (Convention) and its Operational Directives, it provides excellent practices that can directly or indirectly influence the intangible cultural heritage for governments, organizations, and individuals. Considering the specific circumstances of the protection of minority intangible cultural heritage in China, the Ethical Principles serve as a necessary supplement to the national legislative framework. The Ethical Principles emphasize the role and status of communities, individuals, and organizations in protecting and inheriting intangible cultural heritage, and advocate for gender equality, youth participation, and respect for ethnic characteristics and cultural diversity, among other international consensuses. These principles can be used as a valuable reference for promoting and improving the protection and inheritance of intangible cultural heritage of minority ethnic groups in China.

Keywords

Intangible Cultural Heritage, Minority, Ethical Principles, Convention for the Safeguarding of the Intangible Cultural Heritage, China

1. Introduction

China has 56 ethnic groups, with the Han ethnic group accounting for the majority of the population. Therefore, the other 55 ethnic groups are commonly referred to as “minority ethnic groups”. According to the information released

from the 2022 population census, the population of each minority ethnic group in China is 125.47 million, accounting for approximately 8.89% of the total population. The history of China's minority ethnic groups is long and rich in culture. Taking language and writing as an example, among the 55 minority ethnic groups, except for the Hui and Manchu ethnic groups that use Mandarin, the other 53 ethnic groups use more than 100 languages, and 22 ethnic groups use 28 of their own written languages (Li, 2014). In addition to their brilliant and colorful culture, the intangible cultural heritage of minority ethnic groups in China also occupies a considerable proportion of the Chinese cultural heritage. Among the 42 world-class "intangible cultural heritage" projects in China (including representative works, cultural heritage in need of urgent safeguarding, and register of good safeguarding practice), 15 of them are related to the intangible cultural heritage of minority ethnic groups (excluding those that are shared by multiple ethnic groups, such as paper cutting, Gansu flower, and traditional wooden structure construction techniques), accounting for almost one-third of the total. Among the 1557 national-level "intangible cultural heritage" projects, one-third of them are related to minority ethnic groups. Among the 24 national-level cultural ecological protection areas that focus on protecting intangible cultural heritage (included in the Law of the People's Republic of China on the Protection of Intangible Cultural Heritage (ICH Law) as protected objects), there are 12 areas in minority ethnic regions, accounting for half of the total (Xiang, 2021). Minority ethnic groups are an important part of the Chinese nation, and the protection and inheritance of their intangible cultural heritage have long been one of the country's development strategies. For its intangible nature, the protection of intangible cultural heritage is more difficult than material heritage, especially for ethnic minorities. It is necessary to provide a comprehensive and effective legal protection system for intangible cultural heritage.

China has established a relatively systematic legal system for the protection of intangible cultural heritage based on the specific situation and characteristics of China's ethnic minorities. Article 4 of the Constitution of China (revised in 1984) stipulates that the cultural traditions of ethnic minorities, including their language, customs, and habits, should be preserved and developed. Laws and regulations such as the Law on Ethnic Regional Autonomy, the Law on the Protection of Cultural Relics, and the Implementation of the Law of the People's Republic of China on Ethnic Regional Autonomy, as well as important policies and documents such as the National "14th Five-Year" Cultural Development Plan, the "14th Five-Year" Plan for Promoting National Unity and Progress, and the State Council's Opinions on Further Prosperity and Development of Ethnic Minority Culture have formed a legal framework for the inheritance, protection, and development of traditional cultures of ethnic minorities. In 2011, the ICH Law was formally implemented, which is regarded as the basic law for intangible cultural heritage protection. Subsequently, local governments at all levels have successively issued local regulations for intangible cultural heritage protection, especially in legislative areas where ethnic minorities are concentrated, focusing

on targeted legislation for the protection of the intangible cultural heritage of ethnic minorities. Provincial or autonomous region-level documents such as the Inner Mongolia Autonomous Region Regulation on the Protection of Intangible Cultural Heritage, the Xinjiang Uygur Autonomous Region Regulation on the Protection of Intangible Cultural Heritage, and the Measures for the Implementation of the Law of the People's Republic of China on the Protection of Intangible Cultural Heritage in the Tibet Autonomous Region have been issued. In addition, documents at the municipal, state, and county levels, such as the Kunming City Regulation on the Protection of Intangible Cultural Heritage, the Ganzi Tibetan Autonomous Prefecture Regulation on the Protection of Intangible Cultural Heritage, and the Ziyun Miao and Buyi Autonomous County Regulation on the Protection of Intangible Cultural Heritage, have also been issued. Furthermore, the State Council and relevant departments have also issued relevant government orders, such as the Opinions on Further Strengthening the Protection of Intangible Cultural Heritage, to strengthen the protection of intangible cultural heritage.

China ratified the Convention on December 2, 2004. The Convention is effective in the Hong Kong Special Administrative Region without any reservations. As a supplement to the Convention, the Ethical Principles can also be applied to China. This article clarifies the connotation of the ethical principle, combining with the current situation of the legal protection of intangible cultural heritage of ethnic minorities in China, analyzes the existing problems, and aims to discuss the application of these Principles and the effects they may have in coordinating or promoting China's fulfillment of international legal obligations and improving domestic legislation and practice.

2. Understanding the Principles

2.1. Description of the Ethical Principles

In March and April 2015, the United Nations Educational, Scientific and Cultural Organization (UNESCO) held an expert meeting in Valencia, Spain to formulate the Ethical Principles. These Principles serve as a supplement to the 2006 Convention, the Operational Directives, and national legislative frameworks, and aim to provide a basis for the development of specific ethical guidelines and tools that are suitable for local and sectoral conditions (Bamo & Zhang, 2016). The Principles are widely regarded as excellent practices that directly or indirectly affect governments, organizations, and individuals involved in safeguarding intangible cultural heritage, ensuring its sustainability. The document contains 12 principles, which not only acknowledge the primary role of communities, groups, and individuals in protecting intangible cultural heritage but also address the relationships between countries and these entities, as well as many related issues in the process of safeguarding intangible cultural heritage. The concept of respecting the value judgments and special practices of communities, groups, and individuals regarding intangible cultural heritage deserves our attention. Represent-

ative principles include Article 5, which states that “access of communities, groups and individuals to the instruments, objects, artefacts, cultural and natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage should be ensured, including in situations of armed conflict. Customary practices governing access to intangible cultural heritage should be fully respected, even where these may limit broader public access”. Article 6 states that “each community, group or individual should assess the value of its own intangible cultural heritage and this intangible cultural heritage should not be subject to external judgements of value or worth”, while Article 11 states that “cultural diversity and the identities of communities, groups and individuals should be fully respected. In the respect of values recognized by communities, groups and individuals and sensitivity to cultural norms, specific attention to gender equality, youth involvement and respect for ethnic identities should be included in the design and implementation of safeguarding measures”. These three principles are highly instructive for the safeguarding and inheritance of China’s ethnic intangible cultural heritage.

2.2. The Compatibility between Ethical Principles and Legal Rules for the Protection of China’s Intangible Cultural Heritage among Ethnic Minorities

China ratified the Convention before promulgating the ICH Law, and the latter clearly incorporates the important spirit and some specific provisions of the former. The Principles, as a supplement to the Convention and its Operational Directives, are also reflected to varying degrees in the Chinese legal system for the protection of intangible cultural heritage described in this paper’s introduction.

Firstly, citizens, legal persons, and other organizations are recognized as playing important roles in the protection of intangible cultural heritage. For example, Article 9 and Article 10 of the ICH Law encourage and support citizens, legal persons, and other organizations to participate in the protection of intangible cultural heritage and recognize and reward those organizations and individuals who make significant contributions.

Secondly, citizens, legal persons, and other organizations are guaranteed their legal rights in the protection of intangible cultural heritage. For example, Article 14 of the ICH Law provides that citizens, legal persons, and other organizations may investigate intangible cultural heritage in accordance with the law, and Article 16 provides that specific customs and practices should be respected during the investigation process.

Thirdly, the inheritance and dissemination of intangible cultural heritage are encouraged and protected. This is specified in the fourth chapter of the ICH Law, which emphasizes the protection of the legitimate rights and interests of intangible cultural heritage inheritors.

Fourthly, special provisions have been made to respect the specificity of intangible cultural heritage among ethnic minorities. For example, Article 8 of the

Regulations for the Protection of Intangible Cultural Heritage in Qian Gorlos Mongolian Autonomous County stipulates that different protection measures and methods should be adopted for representative projects of ethnic minorities, and corresponding protection plans should be formulated. Article 5 prioritizes endangered and minority projects when establishing a list of representative projects, and Article 20 provides that the government should strengthen the protection and development of outstanding literary and artistic works and national and provincial intangible cultural heritage projects among ethnic minorities.

Although many important concepts in Ethical Principles have already been reflected in China's existing legal system, considering that these laws and regulations are still imperfect and practical problems are encountered, it is worth examining whether Ethical Principles are applicable in China.

3. Characteristics and Challenges of Legal Protection of Intangible Cultural Heritage of Ethnic Minorities in China

The author estimated current situation in legislation of the protection of intangible cultural heritage of ethnic minorities in China, summarized the existing theoretical research achievement on the protection of intangible cultural heritage, and spread out the case of field survey and data collection work for some intangible cultural heritage. The characteristics, basic principles and challenges of the legal protection of intangible cultural heritage of ethnic minorities are summarized as follows.

3.1. Characteristics of Legal Protection of Intangible Cultural Heritage of Ethnic Minorities

According to Article 2 of the ICH Law, various traditional cultural expressions that have been passed down from generation to generation by ethnic groups and are considered part of their cultural heritage, as well as the tangible and intangible cultural elements related to them, can be recognized as intangible cultural heritage. This includes traditional oral literature and the language used to express it, traditional fine arts, calligraphy, music, dance, drama, storytelling, and acrobatics, as well as traditional skills, medicine, calendars, customs and folk festivals, traditional sports, and games. Due to their small population and scattered distribution, especially in remote and economically disadvantaged areas, ethnic minorities have unique characteristics in the inheritance and protection of their intangible cultural heritage.

These characteristics include: first, the protection of intangible cultural heritage of ethnic minorities presents a situation of tight timeline and heavy tasks. Some ethnic minorities face great difficulty in protecting their intangible cultural heritage due to their living in remote areas, poor economic conditions, and low living standards. Many elements of intangible cultural heritage are gradually disappearing due to the lack of inheritors. For example, the Dongba religion of the Naxi people, which is a primitive religion outside of Buddhism, Taoism, Christianity, Catholicism, and Islam, created splendid pictographic characters. But

now, only a few elderly Dongba people use this writing, and few young people recognize it. These elderly Dongba people are now 70 or 80 years old, and in a few years, after they pass away, the “living” fossils will become “dead” artifacts (Wang, 2021). Second, the intangible cultural heritage of ethnic minorities is closely related to their unique historical inheritance, ethnic culture, and living habits, which show extremely strong local or ethnic characteristics on the one hand, and magnify many problems in intangible cultural heritage protection on the other. For example, many intangible cultural heritage elements related to folk stories, legends, or literary language are passed down by word of mouth. As ethnic minorities have a relatively small population and less communication with the outside world, the “intangible” nature of intangible cultural heritage is magnified, and the difficulty of inheritance and dissemination is greatly increased. Moreover, intangible cultural heritage has strong inheritance, low income, and extremely high technological requirements (Li et al., 2021). Compared with larger ethnic groups, ethnic minorities have fewer inheritors. If their living conditions are not guaranteed, the possibility of intangible cultural heritage inheritance will become lower, and the number of inheritors will also decrease. Third, the survival and development conditions of ethnic minority cultures have become increasingly severe due to the impact of mainstream or commercial culture. In the past, some ethnic minorities preserved their cultures in their original form because of their remote geographical locations. However, with the development of society, many ethnic minority peoples have merged into mainstream culture, leading to a decreasing number of “potential inheritors” who are familiar with their own ethnic culture. At the same time, under the impact of commercial culture, some enterprises or organizations have arbitrarily modified some intangible cultural heritage elements of ethnic minorities for commercial development and profit, damaging the value of intangible cultural heritage (Li et al., 2021). For example, in some tourist attractions, intangible cultural heritage of ethnic minority faces the phenomenon of arbitrary use and excessive development in order to pursue maximized economic benefits (Wang, 2012).

3.2. Principles of Legal Protection of China’s Ethnic Minority Intangible Cultural Heritage

China’s main policy for protecting intangible cultural heritage is “protection first, rescue as a priority, rational use, and inheritance and development”. This means correctly balancing the relationship between protection and utilization, adhering to the authenticity and integrity of intangible cultural heritage protection, and utilizing it reasonably on the premise of effective protection, to prevent misunderstanding, distortion, or abuse of intangible cultural heritage. Based on scientific recognition, effective measures are taken to ensure that intangible cultural heritage is recognized, respected, and promoted throughout society. Former Minister of Culture of China, Cai Wu, pointed out that the “Two Principles” guiding the protection of intangible cultural heritage in the ICH Law are: first, the protection of intangible cultural heritage should focus on its authenticity, integr-

ity, and inheritance. Second, the protection of intangible cultural heritage should be conducive to enhancing the cultural identity of the Chinese nation, maintaining national unity and ethnic solidarity, and promoting social harmony and sustainable development (Cai, 2011).

In the academic field, some Chinese scholars have proposed ten basic principles for the protection of China's intangible cultural heritage (Yuan & Gu, 2006). These principles include:

1) The "materialization" principle of protecting intangible cultural heritage, which means preserving intangible heritage through tangible means such as collection, recording, and oral transmission.

2) The principle of people-oriented protection, which means focusing on the inheritors of intangible cultural heritage knowledge, skills, or techniques as the key to protection.

3) The principle of holistic protection, which means protecting not only the intangible heritage itself and its living space, but also its living environment and space as a whole.

4) The principle of dynamic protection, which means creating a more relaxed and suitable ecological environment for the inheritors of intangible cultural heritage.

5) The principle of "folk doing it themselves" and multiple participation, which emphasizes that the people are the creators and inheritors of intangible heritage, and the government should be at most a "steward" and mobilize their initiative.

6) The principle of authenticity protection, which means preserving intangible heritage with original ecological characteristics and reserving more germplasm for future new cultures.

7) The principle of diversity protection, which means paying attention to the protection of various sub-culture types derived from mobility and variation while protecting the original culture of the place.

8) The principle of fine art protection, which means protecting the cultural essence and heritage that have outstanding values in history, art, science, and commemoration and implementing hierarchical management.

9) The principle of priority protection of endangered heritage, which requires institutional construction as a prerequisite for the protection of endangered heritage and urgent rescue.

10) The principle of protection and utilization, which means implementing limited and controllable development of intangible heritage for the benefit of contemporary society.

Under the existing concepts and legal system of intangible cultural heritage protection in China, the above-mentioned ideas and principles also apply to the protection of intangible cultural heritage of ethnic minorities. Among the ten principles above, the second, third, fourth, fifth, seventh, and tenth principles are consistent with the Ethical Principles mentioned earlier, which reflects that the relevant ideas and practices of intangible cultural heritage protection in China

have been moving in the same direction as Ethical Principles.

3.3. The Existing Challenges of Legal Protection for China's Ethnic Minority Intangible Cultural Heritage

Ethical Principles mainly focus on the intrinsic characteristics, external orientation, self-needs, the relationship and interaction with the ecological elements of the protection subject, as well as the values and goals for cultural diversity and sustainable development. These values and goals can be applied to the practice of protecting China's ethnic minority intangible cultural heritage. Currently, the problems with legal protection for China's ethnic minority intangible cultural heritage mainly include:

First, the legal system for protecting ethnic minority intangible cultural heritage is still not perfect and is characterized by fragmentation. Although China has formed a multi-level legal system for protecting ethnic minority intangible cultural heritage, due to the diverse types and unique characteristics of such heritage, general national and local legislation cannot fully cover all existing ethnic minority intangible cultural heritage. Looking at the types of intangible cultural heritage, there are only a few specific laws such as the Regulations for the Protection of Traditional Chinese Medicine Varieties and the Regulations for the Protection of Traditional Arts and Crafts, while areas such as traditional music, dance, sports, and folklore lack specialized protection regulations. Moreover, in China's legal framework for protecting intangible cultural heritage, local legislation has always been ahead of national legislation. For example, Yunnan Province, Guizhou Province, Guangxi Zhuang Autonomous Region, and other regions have successively formulated the Regulations on the Protection of Ethnic Folk Culture, and Jiangsu Province, Zhejiang Province, and other regions have formulated the Regulations on the Protection of Intangible Cultural Heritage. These local regulations have very limited application scope, and compared to over 100 autonomous regions of ethnic minorities across the country, existing autonomous regulations and specific regulations are rare. Additionally, this fragmentation and localized legislation may also lead to different protection outcomes for the same intangible cultural heritage in different regions, affecting the legal coordination effect of heritage protection.

Secondly, the protection of the intangible cultural heritage of ethnic minorities has been impacted by external factors, with changes in natural and social environments having a negative effect on the inheritance of intangible cultural heritage. Some ethnic minority groups, villages, or communities lack the initiative and understanding necessary for intangible cultural heritage protection. Many ethnic minorities live in remote mountain villages, and with the advancement of urbanization in China, cities or large cities have a significant suction effect on nearby rural areas, causing many traditional villages to be abandoned, such as Changgangling in Lingchuan County and Shitouzhai in Yangshuo County in Guangxi, and Junzitong Walled Castle in Muge Township of Guigang, which is a representative of ancient Hakka architecture in the ancient village of Guangxi,

becoming dilapidated due to the relocation of indigenous peoples (Wang & Gao, 2009). Many ethnic minorities face the dilemma of choosing between tradition and modernity: on the one hand, they want to achieve modernization as soon as possible; on the other hand, they hope to maintain their ethnic cultural traditions for a long time and are worried that their traditional culture will disappear. This problem is particularly prominent among ethnic minorities with smaller populations (Qi, 2005). For the latest generation of young ethnic minorities, whether forced to leave their hometowns due to their living conditions or actively integrating into mainstream culture or changing their way of life, many of them know very little about their own ethnic intangible cultural heritage, and their subjective enthusiasm for protecting and inheriting intangible cultural heritage is not high. Even if some young people insist on inheriting and protecting intangible cultural heritage, they often give up because of low economic benefits and inability to guarantee their living standards. In addition, the current Chinese law still promotes the protection and inheritance of intangible cultural heritage through government leadership and social participation, and the awareness of the rights of individuals and related groups has not been established, and the legal value has not been fully realized (Sun, 2014).

Thirdly, it is difficult to achieve a balance between “protection” and “utilization” of intangible cultural heritage of ethnic minorities. In a specific environment, the government, community, individuals, and groups can jointly form a complete chain of intangible cultural heritage protection. Generally speaking, the ideal positive cycle of intangible cultural heritage protection is: the government organizes and promotes investigation, making a list and developing existing intangible cultural heritage; individuals and groups play an active role in jointly developing and utilizing intangible cultural heritage to gain economic benefits; the community environment becomes better and more prosperous. The economic benefits obtained in this process flow back to the government, individuals, and groups and are used to better protect intangible cultural heritage in the future. However, the reality is not always ideal. Due to insufficient and unbalanced development, local governments, especially in economically underdeveloped ethnic areas, do not have enough financial support for the protection and inheritance of intangible cultural heritage at the beginning. Local governments hope to expand their cultural influence by protecting and utilizing intangible cultural heritage and can only drive regional economic development by introducing capital to develop performance tourism and other projects, improving people’s lives and lifting them out of poverty. However, capital is profit-driven and often does not pay enough attention to intangible cultural heritage protection itself, and even excessive development can damage the authenticity and sustainability of intangible cultural heritage protection (Zeng & Zhang, 2018).

Fourthly, in terms of legal implementation, the government and communities have not done enough in promoting and disseminating the legal protection of intangible cultural heritage for ethnic minorities. After many local governments have formulated laws and regulations for protecting intangible cultural heritage,

they have not given enough importance to legal publicity and education. They not only failed to promote domestic laws and regulations, but also disseminated less information about the Convention, its Operational Directives, and the Universal Declaration of Cultural Diversity. Especially in many ethnic minority areas where language, culture, or customs create barriers, it is also a reason that affects the promotion of legal education. As a result, in many ethnic minority areas, a large proportion of people have weak awareness of legal protection for intangible cultural heritage, a weak concept of intellectual property rights, low enthusiasm for participating in protection work, and even some inheritors are not aware that their skills are an important intangible cultural heritage for the country. Local governments have not fully utilized the role of communities or rural areas in legal dissemination, and they cannot mobilize individuals and groups to have a sense of identity and enthusiasm for the inheritance and protection of intangible cultural heritage, which has led to less-than-ideal results in the implementation of the law.

4. Application of Ethical Principles in China

4.1. The Necessity of Applying Ethical Principles

Although Ethical Principles are voluntary guidelines formulated by the UNESCO and do not have mandatory legal binding force, they seem to be an essential part of the basic principles of protecting and inheriting China's ethnic intangible cultural heritage for the following reasons: firstly, the original intention of formulating Ethical Principles is to supplement the Convention and should be regarded as an indispensable system and code of conduct for the protection of intangible cultural heritage. Therefore, contracting states of the Convention should not ignore the requirements of Ethical Principles when fulfilling their international legal obligations under the Convention and implementing the Operational Directives. This may also be more in line with the spirit of the principle of "good faith performance of treaties" in international treaty law. Secondly, in practical operation, Ethical Principles are also a necessary supplement to the contracting states' fulfillment of their obligations under the Convention. Since the Convention and its Operational Directives do not provide for the principles of intangible cultural heritage protection, but mainly specify concrete rights and obligations, there are inevitably aspects that cannot be covered in practical operation, and the role of Ethical Principles will be reflected at this time. This obviously has a good supplementary effect on the interpretation and application of the Convention. Thirdly, Ethical Principles are not only a summary of the legislation and practice of various countries, but also excellent practices that can directly or indirectly influence intangible cultural heritage by governments, organizations, and individuals. For example, on the respect and recognition of collective rights of community intellectual property, in 1998, the Non-Timber Forest Products organization issued the Model Law The Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological

Resources. There are relevant provisions in Chapter 46 of the 1997 Thai Constitution, Article 231 of the 1998 Constitution of the Federative Republic of Brazil, Article 124 of the 1999 Constitution of the Bolivarian Republic of Venezuela, the 1990 Native American Graves Protection and Repatriation Act in the United States, and the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples in Taiwan, China. It is beneficial to absorb relevant excellent practices from various countries and regions to promote the protection and promotion of China's intangible cultural heritage.

4.2. Key Points for Applying Ethical Principles in China

First, Ethical Principles should be regarded as an important supplement to national legislation and be disseminated in all levels of government, communities, individuals, and groups. One of the important purposes of UNESCO's development of Ethical Principles is to use them as a supplement to domestic legislation. In the current situation in China, the basic principles for protecting intangible cultural heritage are not clearly defined in the ICH Law, and even in local legislation, they are rarely mentioned. Ethical Principles would be a good supplement to provide guidelines when legislation fails to take into account or specify unclear situations in intangible cultural heritage protection. As mentioned earlier, the legislation on intangible cultural heritage in China still has the characteristics of being fragmented and piecemeal. Ethical Principles can be used to guide local practices, and to create better synergies among all levels of government, individuals, groups, and communities in intangible cultural heritage protection. When promoting the Ethical Principles in various regions, attention should be paid to promoting the spirit of international laws and documents such as the Convention, Operational Directives, as well as the Universal Declaration on Cultural Diversity and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Second, more respect should be given to the inheritors of intangible cultural heritage, and the community, individuals, and groups should have a stronger sense of identity towards intangible cultural heritage, creating a better ecological environment for its protection and promotion. Ethical Principles first and foremost emphasize the recognition and respect of communities, groups, and individuals in intangible cultural heritage protection, including promoting mutual respect between the state and these communities, as well as respecting cultural diversity. Only by truly achieving mutual respect, can communities, individuals, and groups be motivated internally to increase their awareness and sense of identity towards intangible cultural heritage. This is undoubtedly the premise for the protection, inheritance, and promotion of intangible cultural heritage. At the same time, all levels of government should pay more attention to basic material guarantees for minority ethnic communities, individuals or groups in the process of economic development and social change, creating a more friendly ecological environment for the protection and inheritance of intangible cultural heritage,

truly solving the problem of imbalance between intangible cultural heritage “protection” and “utilization”, and avoiding the unsustainability of intangible cultural heritage protection due to objective reasons such as lack of material conditions, low living standards, and insufficient social support.

Thirdly, strengthen the role of communities, individuals, and groups in the protection of intangible cultural heritage, and enhance their autonomy, independence, and participation. Based on the specific national conditions of China, the government-led and socially-participatory model is reasonable and necessary, and will continue to exist in the future for some time. However, this does not prevent us from further enhancing the status of communities, individuals, and groups in the protection of intangible cultural heritage in the future, including in areas such as the recognition of inheritors, expression of viewpoints, investigation and dissemination, value judgment, and utilization of benefits, so as to fully tap into the role of these groups in the protection and inheritance of intangible cultural heritage. Ethical Principles particularly emphasize that communities, individuals, and groups have the right to evaluate the value of their own intangible cultural heritage, and are not influenced by external judgments of its value. This largely maintains the autonomy of these subjects and enables them to form a true autonomous community. This autonomy is also reflected in the fact that relevant customs and practices of communities, individuals, and groups should be fully respected, even if such respect may limit the enjoyment of a larger public. To achieve this autonomy, it is also necessary to allow inheritors, relevant groups, and communities to participate, voice their opinions, and exert influence in intangible cultural heritage investigation, review, and evaluation institutions or organizations at various levels in different regions. At the same time, Ethical Principles also point out that some common values should be reflected, including respect for gender equality, youth participation, ethnic characteristics, and cultural diversity.

5. Conclusion

In recent years, China has made great achievements in the protection and inheritance of intangible cultural heritage of ethnic minorities, which is obvious to all. On the one hand, this relies on China’s high standard fulfillment of international obligations stipulated in the Convention, adherence to the Operational Directives of the Convention, and the establishment of a protection system for intangible cultural heritage based on the ICH Law as the basic law, local regulations for the protection of intangible cultural heritage as implementation rules, and relevant legal policies as supporting measures, providing strong legal support for the protection of intangible cultural heritage. On the other hand, it also benefits from the attention paid by all sectors of society to the protection and inheritance of intangible cultural heritage. Relevant governments, citizens, and social organizations have all made efforts and fulfilled their responsibilities, effectively promoting the protection and inheritance of intangible cultural herit-

age, especially rescuing the endangered intangible cultural heritage of ethnic minorities.

However, we should also note that there are still many problems and new challenges in China's legal system and related practices for the protection and inheritance of intangible cultural heritage of ethnic minorities, especially the lack of provisions for basic working principles in relevant laws and regulations, which highlights the need for the application of Ethical Principles. Ethical Principles emphasize the important role of communities, individuals, and groups in the protection and inheritance of intangible cultural heritage, and embody international consensus on gender equality, youth participation, respect for ethnic characteristics and cultural diversity. The application of Ethical Principles is conducive to supplementing the deficiencies of national legislation and practices, improving the autonomy, initiative, and participation of communities, individuals, and groups, and creating a more friendly ecological environment for the protection and inheritance of intangible cultural heritage. Chinese scholars can carry out further research on the interpretation and application of ethical principles, continue to enrich the content of legal ethics on intangible cultural heritage, and widely investigate the situation and practical effects of ethical principles adopted in various countries, so as to provide legislative suggestions for the more effective application of ethical principles in China.

Ethnic minority intangible cultural heritages such as Mongolian long-tune singing, Uyghur Twelve Mukam, Tibetan Gesar (epic), Qiang embroidery, Miao Diaojaolou architecture skills, Tujia brocade weaving, Kyrgyz Manas (epic), Kazakh AYTEKE are already included in the national intangible cultural heritage list and have received good legal protection. However, there are still many intangible cultural heritages that are not listed in national or local lists, and it still requires the continued efforts of governments, communities, individuals, and groups to enable these intangible cultural heritages of ethnic minorities to continue and flourish.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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