

**Нематериално културно наследство, национална идентичност и основни права на човека. Ролята на Конвенцията на ЮНЕСКО от 2003 г.
в сравнителна перспектива
Пиер Луиджи Петрило**

Литература

- Adewumi, Afolasade A. 2022: Protecting Intangible Cultural Heritage in the Era of Rapid Technological Advancement. – *International Review of Law, Computers & Technology*, No. 1, 3–16.
- Africa Center for Strategic Studies 2022: Understanding Burkina Faso's Latest Coup. – <https://africacenter.org/spotlight/understanding-burkina-faso-latest-coup/> (02.01.2023).
- Amescua Chávez, Cristina, Juan Carlos Domínguez Domingo 2020: Cultura y ejercicio de los derechos culturales en la pospandemia: notas desde la convivenciabilidad. – *Notas de coyuntura del CRIM*, No. 41, 1–5.
- Antkowiak, Thomas M. 2007: Moiwana Village v. Suriname: A Portal into Recent Jurisprudential Developments of the Inter-American Court of Human Rights. – *Berkley Journal of International Law*, No. 2, 268–282.
- Arizpe, Lourdes 2020: The Genealogy of Intangible Cultural Heritage. – In: Csergo, Julia, Christian Hottin, Pierre Schmit (dir.). *Le patrimoine culturel immatériel au seuil des sciences sociales*. Paris: Editions de la Maison de Sciences de l'Homme, 22–40.
- Ávila Rodríguez, Carmen María, María del Pilar Castro López 2015: La salvaguardia del patrimonio cultural immaterial: una aproximación a la reciente ley 10/2015. – *Revista sobre patrimonio cultural*, No. 5–6, 89–124.
- Barbosa, Marco A. 2001: *Direito Antropológico e Terras Indígenas no Brasil*. São Paulo: Plêiade/Fapesp.
- Blake, Janet 2000: On Defining the Cultural Heritage. – *The International and Comparative Law Quarterly*, No. 1, 61–85.
- Blake, Janet 2015: *International Cultural Heritage Law*. Oxford: Oxford University Press.
- Blake, Janet 2016: The Impact of UNESCO's 2003 Convention on National Policy-Making: Developing a New Heritage Protection Paradigm? – In: Stefano, Michelle, Peter Davis (eds.). *The Routledge Companion to Intangible Cultural Heritage*. London, New York: Routledge, 93–102.
- Blake, Janet 2020: Safeguarding Intangible Cultural Heritage. – In: Francioni, Francesco, Ana Filipa Vrdoljak (eds.). *The Oxford Handbook of International Cultural Heritage Law*. New York: Oxford University, 347–371.
- Bortolotto, Chiara 2011: Le trouble du patrimoine culturel immatériel. – *Terrain*, Vol. 26, 21–42.

Corá, Maria Amelia Jundurian 2014: *Do material ao imaterial: patrimônios culturais do Brasil*. São Paulo: Fasep.

Carrillo Donaire, Juan Antonio 2015: La protección jurídica de la tauromaquia como patrimonio cultural inmaterial. – *Revista General de Derecho Administrativo*, No. 39.

Cornu, Marie 2006: La Convention pour la protection et la promotion de la diversité des expressions culturelles. – *Journal du droit international (Clunet)*, No. 3, 929–935.

Cornu, Marie 2020: Defining the Perimeter of the Intangible Cultural Heritage: Focus on Language. – In: Cornu, Marie, Anita Vaivade, Lily Martinet, Clea Hance (eds.). *Intangible Cultural Heritage Under National and International Law: Going Beyond the 2003 UNESCO Convention*. Cheltenham, Northampton: Edward Elgar Publishing, 54–68.

Costa, Rodrigo Vieira 2011: *A Dimensão Constitucional do Patrimônio Cultural o Tombamento e o Registro Sob a Ótica dos Direitos Culturais*. Rio de Janeiro: Rio de Janeiro.

Craith, Mairéad N. 2008: Intangible Cultural Heritages. – *Anthropological Journal of European Cultures*, No. 1, 54–73.

Cunha Filho, Humberto 2020: Safeguarding Intangible Cultural Heritage in Brazil in Accordance with the UNESCO Convention. – *Pravovedenie*, No. 1, 112–123.

Cunha Filho, Humberto 2021: *Teoria dos Direitos Culturais: fundamentos e finalidades*. São Paulo: Editoria do Servizio Social.

De Salas, Sofia 2010: Spain. – In: Kono, Toshiyuki (ed.). *The Impact of Uniform Laws on the Protection of Cultural Heritage and the Preservation of Cultural Heritage in the 21st Century*. Leiden: Martinus Nijehoff Publishers, 663–689.

Donders, Ivonne 2018: Protection and Promotion of Cultural Heritage and Human Rights through International Treaties: Two Worlds of Difference? – In: Waelde, Charlotte, Catherine Cummings, Mathilde Pavis, Helena Enrigh (eds.). *Research Handbook on Contemporary Cultural Heritage. Law and Heritage*. Cheltenham: Edward Elgar Publishing Limited, 54–77.

Dorantes Díaz, Francisco Javier 2004: *Derecho cultural mexicano. Problemas jurídicos*. Mexico: Fundación Universitaria de Derecho, Administración y Política.

Dorantes Díaz, Francisco Javier 2013: Derecho a la cultura en México. Su constitucionalización, sus características, alcances y limitaciones. – *Alegatos*, No. 85, 845–862.

Goldberg, David T. 1994: *Multiculturalism: A Critical Reader*. Oxford: Blackwell Publishers.

Hance, Clea 2020a: The Judicialization of the Tension between the Cultural Identity of States and Intangible Cultural Heritage. – In: Cornu, Marie, Anita Vaivade, Lily Martinet, Clea Hance (eds.). *Intangible Cultural Heritage*

Under National and International Law: Going Beyond the 2003 UNESCO Convention. Cheltenham, Northampton: Edward Elgar Publishing, 173–178.

Hance, Clea 2020b: The Interactions between Intangible Cultural Heritage and Human Rights. – In: Cornu, Marie, Anita Vaivade, Lily Martinet, Clea Hance (eds.). *Intangible Cultural Heritage Under National and International Law: Going Beyond the 2003 UNESCO Convention.* Cheltenham, Northampton: Edward Elgar Publishing, 81–96.

Jongsung, Yang 2004: Korean Cultural Property Protection Law with Regard to Korean Intangible Heritage. – *Museum International*, No. 1–2, 180–188.

Kawamura, Yuniya, Jung-Whan Marc de Jong 2022: *Cultural Appropriation in Fashion and Entertainment.* London: Bloomsbury Visual Arts.

Kazuhino, Nishi 2023: Japanese Approach and Practice for Cultural Heritage in Postdisaster Situations. – In: Kono, Toshiyuki, Junko Okahashi (eds.). *Post-trauma and the Recovery Governance of Cultural Heritage.* Cham: Springer, 57–85.

Kono, Toshiyuki 2007: UNESCO and Intangible Cultural Heritage from the Viewpoint of Sustainable Development. – In: Yusuf, Abdulqawi A. (ed.). *Standard-setting in UNESCO: Normative Action in Education, Science and Culture; Essays in Commemoration of the Sixtieth Anniversary of UNESCO.* Vol. 1. Paris: UNESCO Publishing, Martinus Nijhoff Publishers, 237–265.

Kono, Toshiyuki (ed.). 2010: *The Impact of Uniform Laws on the Protection of Cultural Heritage and the Preservation of Cultural Heritage in the 21st Century.* Leiden: Martinus Nijhoff Publishers.

Kono, Toshiyuki 2019: The Legal Protection of the Intangible Cultural Heritage in Japan. – In: Petrillo, Pier Luigi (ed.). *The Legal Protection of Intangible Cultural Heritage. A Comparative Perspective.* Cham: Springer, 55–68.

Koo, Sunhee 2021: From Korea to Japan: A Transnational Perspective on South Korea's Important Intangible Cultural Properties and Zainichi Korean Artists. – *Korean Studies*, Vol. 45, 89–116.

Lenzerini, Federico 2011: Intangible Cultural Heritage: The Living Culture of Peoples. – *The European Journal of International Law*, No. 1, 101–120.

Li, Jinling 2022: A Comparative Study on the Inheritance of Intangible Cultural Heritage in China, Japan and South Korea. – *Academic Journal of Humanities and Social Sciences*, No. 2, 16–21.

López Morales, Francisco Jose, Edaly G. Quiroz Moreno 2019: The Legal Framework for Safeguarding the Intangible Cultural Heritage in Mexico. – In: Petrillo, Pier Luigi (ed.). *The Legal Protection of Intangible Cultural Heritage. A Comparative Perspective.* Cham: Springer, 37–52.

Machado, Diogo, Lucas Lixinski: Brazil. – In: Blake, Janet, Francesco Francioni, Irina Stamatoudi and Ana Vrdoljak (eds.). *Elgar Encyclopedia of Art and Cultural Heritage Law* (Forthcoming), <http://dx.doi.org/10.2139/ssrn.4258625>.

Mezghani, Nébila 2004: *La protection du folklore, des créations populaires et du savoir traditionnel.* Paris: L'Harmattan.

Musarra, Raíssa Moreira Lima Mendes 2020: Brazilian Cultural Safeguard Instruments for Intangible Goods. – *Administrative & Constitutional Law Review / Revista de Direito Administrativo e Constitucional*, No. 81, 69–95.

Nhamo, Ancila, Seke Katsamudanga 2023: Legal Protection of African Cultural Heritage in the 21st Century and Beyond: a Prognosis and Futures Perspective. – In: Abungu, George, Webber Ndoro (eds.). *Cultural Heritage Management in Africa. The Heritage of the Colonized*. Abingdon, New York: Routledge, 70–87.

Niola, Marino 2022: Guerra del borsch tra Ucraina e Russia: attesa la decisione dell'Unesco. –

https://www.repubblica.it/esteri/2022/06/30/news/ucraina_russia_guerra_zuppa_borsch-356082485/

Park, Jung-eun 2019: The Legal Protection of the Intangible Cultural Heritage in the Republic of Korea. – In: Petrillo, Pier Luigi (ed.). *The Legal Protection of Intangible Cultural Heritage. A Comparative Perspective*. Cham: Springer, 69–83.

Petrillo, Pier Luigi (ed.) 2019: *The Legal Protection of Intangible Cultural Heritage. A Comparative Perspective*. Cham: Springer.

Petrillo, Pier Luigi 2020: The Legal Protection of Intangible Cultural Heritage in Italy. – In: Scovazzi, Tullio, Humberto Cunha Filho (eds.). *Salvaguardia do patrimônio cultural imaterial*. Salvador: Editoria da UFBA, 245–282.

Pineschi, Laura 2012: Cultural Diversity as a Human Right? General Comment No. 21 of the Committee on Economic, Social and Cultural Rights. – In: Borelli, Silvia, Federico Lenzerini (eds.). *Cultural Heritage, Cultural Rights, Cultural Diversity: New Developments in International Law*. Leiden: Martinus Nijehoff Publishers, 27–53.

Sánchez Cordero, Jorge 2010: Mexico. – In: Kono, Toshiyuki (ed.). *The Impact of Uniform Laws on the Protection of Cultural Heritage and the Preservation of Cultural Heritage in the 21st Century*. Leiden: Martinus Nijehoff Publishers, 495–559.

Scovazzi, Tullio 2012: The Definition of Intangible Cultural Heritage. – In: Borelli, Silvia, Federico Lenzerini (eds.). *Cultural Heritage, Cultural Rights, Cultural Diversity: New Developments in International Law (Studies in Intercultural Human Rights, 4)*. Leiden: Martinus Nijehoff Publishers, 179–200.

Siems, Mathias 2020: The Law and Ethics of Cultural Appropriation. – *International Journal of Law in Context*, No. 4, 408–423.

Sola, Angelica 2008: Quelques réflexions à propos de la Convention pour la Sauvegarde du patrimoine culturel immatériel. – In: Nafziger, James A. R., Tullio Scovazzi (eds.). *Le patrimoine culturel de l'humanité*. Leiden: Martinus Nijhoff Publishers, 487–528.

Taylor, Charles 1992: *Multiculturalism and “The Politics of Recognition”*. Princeton: Princeton University Press.

Taylor, Charles 1994: The Politics of Recognition. – In: Gutmann, Amy (ed.). *Multiculturalism: Examining the Politics of Recognition*. Princeton: Princeton University Press.

Tylor, Edward B. 1871: *Primitive Culture*. London: J. Murray

Toufeksian, Juan Carlos 2002: Memoricidio: o la destrucción cultural y el negacionismo. – In: Nélida, Boulgourdjian Toufeksian, Juan Carlos Toufeksian, Carlos Alemian, Ana Arzoumanian (eds.). *Los derechos humanos y la vida histórica: Actas del II Encuentro sobre Genocidio*. Buenos Aires: Ed. del Centro Armenio.

Traore, Sidi 2019: Safeguarding the Intangible Cultural Heritage in Burkina Faso. – In: Petrillo, Pier Luigi (ed.). *The Legal Protection of Intangible Cultural Heritage. A Comparative Perspective*. Cham: Springer, 117–133.

Vaivade, Anita 2018: ICH as a Source of Identity: International Law and Deontology. – In: Waelde, Charlotte, Catherine Cummings, Mathilde Pavis, Helena Enright (eds.). *Research Handbook on Contemporary Cultural Heritage. Law and Heritage*. Cheltenham, Northampton: Edward Elgar Publishing, 165–193.

Пиер Луиджи Петрило

Професор по сравнително публично право

Президент (2022) на Експертния орган по НКН на ЮНЕСКО,
оценяващ подадените кандидатури за Световните листи

Професор в Катедрата на ЮНЕСКО

„Нематериално културно наследство и сравнително право“

Римски университет „Ла Сapiенца“

пл. „Сасари“, № 4

00161 Рим, ИТАЛИЯ

pierluigi.petrillo@unitelmasapienza.it