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Intangible heritage beyond borders: fostering international cooperation through international law and governance

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Summary: 1. Introduction. 2. The UNESCO Convention for the safeguarding of intangible cultural heritage. 3. International cooperation system within the 2003 UNESCO Convention. 4. The case of the "Mediterranean Diet". 5. Conclusions. 6. References.

Abstract: Taking into consideration the growing role of international cooperation in safeguarding intangible cultural heritage (ICH) under the prism of the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage, this article aims to critically analyze the ICH beyond borders, focusing on international cooperation dynamics fostered by international law and governance, particularly in the context of ICH multinational nominations for the UNESCO lists. It will focus on the "Mediterranean diet", which was inscribed on the UNESCO list in 2013 by seven states: Portugal, Spain, Italy, Croatia, Greece, Cyprus, and Morocco. The hypothesis state that multinational nominations are both an outcome and a method of promoting international cooperation through international law and governance, particularly through joint safeguarding measures. The article is methodologically grounded in the fields of international law theory and practice and is divided into three parts: the first part will analyze the main innovations brought about by the Convention; the second part will further analyze the architecture of the international cooperation system designed under the mentioned Convention; and the third part will concentrate on how international cooperation is embedded in joint safeguarding measures provided in the case of the Mediterranean diet.

Keywords: Intangible Cultural Heritage; International Cooperation; International

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Law and Governance; Mediterranean Diet.

Resumo: Teniendo en cuenta el creciente papel de la cooperación internacional en la salvaguardia del patrimonio cultural inmaterial (PCI) bajo el prisma de la Convención de la UNESCO de 2003 para la Salvaguardia del Patrimonio Cultural Inmaterial, este artículo tiene como objetivo analizar críticamente el PCI más allá de las fronteras, centrándose en las dinámicas de cooperación internacional fomentadas por el derecho internacional y la gobernanza, particularmente en el contexto de las nominaciones multinacionales del PCI para las listas de la UNESCO. Se centrará en la "dieta mediterránea", que fue inscrita en la lista de la UNESCO en 2013 por siete estados: Portugal, España, Italia, Croacia, Grecia, Chipre y Marruecos. La hipótesis establece que las nominaciones multinacionales son a la vez un resultado y un método para promover la cooperación internacional a través del derecho internacional y la gobernanza, particularmente a través de medidas de salvaguardia conjuntas. El artículo se fundamenta metodológicamente en los campos de la teoría y la práctica del derecho internacional y se divide en tres partes: la primera parte analizará las principales innovaciones aportadas por la Convención; la segunda parte analizará más a fondo la arquitectura del sistema de cooperación internacional diseñado bajo la mencionada Convención; y la tercera parte se centrará en cómo la cooperación internacional se integra en las medidas de protección conjuntas previstas en el caso de la dieta mediterránea.

Palavras-Chave: Patrimonio Cultural Inmaterial; Cooperación Internacional; Derecho Internacional y Gobernanza; Dieta Mediterránea.

1. Introduction

In 2003, UNESCO adopted the Convention for the Safeguarding of Intangible Cultural Heritage. This is an international legal instrument of considerable relevance for the governance of intangible cultural heritage around the globe, being the result of a wide international debate that lasted for decades. As a claim of several countries from the so-called "Global South", it brings about various legal innovations for International Cultural Heritage Law, since it establishes a legitimate international framework tasked with encouraging the safeguarding of this new legal perspective on cultural heritage. In this regard, the Convention reflects a rising awareness, anchored in UNESCO values, of the need to protect intangible elements that, as globalization intensifies, may effectively disappear.

One of the elements that the Convention highlights is the issue of "cooperation" – notably "international cooperation" for culture. It considers cooperation on intangible cultural heritage concerns to be in the general interest of humanity and endorses different types of cooperation to be carried out by both the international community and national governments, as specified in Article 19. Furthermore, the governance of the Convention's organs – namely the "Intergovernmental Committee" – has attributed a privileged status for international cooperation, mainly through multinational nominations for UNESCO lists. Indeed, multinational nominations have precedence over national nominations, as they ratify the spirit of the Convention, in order to encourage further cooperation and crystallize one of UNESCO's key goals.

This impetus, however, is currently confronted with the retraction and weakening of multilateralism itself, as well as emerging geopolitical questions around the world. The recent transformations in international political order have driven uncertainties over the role that international cooperation will – or will not – be able to accomplish. However, in terms of culture, in general, and intangible cultural heritage, in particular, it is feasible to state that international cooperation has been greatly strengthened, especially in the last decades, fostered by international cultural heritage law and governance. In this light, the 2003 UNESCO Convention might be also conceived as an instrument for intercultural dialogue

between the most diverse nations.

Taking this into consideration, the purpose of this article is to critically analyze intangible cultural heritage beyond borders, focusing on international cooperation dynamics through international law and governance, particularly in the context of multinational nominations of ICH for the UNESCO lists. For this proposal, the article will highlight the main innovations of the Convention, further analyze the architecture of the international system designed for international cooperation under its prism, and delve into a case study: the Mediterranean Diet. Regarding the latter topic, the article will concentrate on how international cooperation is embedded in joint safeguarding measures provided by the countries.

The hypothesis states that multinational nominations are both an outcome and a method of promoting international cooperation through international law and governance. The article is methodologically grounded on the field of international law theory and practice, in dialogue with international relations theory, and is divided into three parts: The UNESCO Convention for the safeguarding of intangible cultural heritage; International cooperation system within the 2003 UNESCO Convention; The case of the "Mediterranean Diet".

2. The UNESCO Convention for the safeguarding of intangible cultural heritage

The international legal regime for the protection of intangible cultural heritage was effectively established by the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, enacted in 2003². However, its shaping process – which is of great importance to understanding its legal and political meaning – was settled down shortly after the enactment of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage. Three key reasons sparked this debate in the international scenario: a. globalization; b. Eurocentrism; and c. new culturally oriented social movements, both at the center and periphery of the global order. These key reasons mobilized controversies both at the international and national levels³ towards the recognition and promotion of cultural heritage's intangible dimension.

As for the first key reason, globalization is actually innately related to intangible cultural heritage (ICH). Globalization⁴, this "G word", as Upendra Baxi has designated⁵, refers to a global process of deep transformation in social structures across the globe. It is a structural phenomenon of contemporary late capitalism, deeply interconnected with a variety of social aspects⁶. One of these is proper culture – broadly understood – and cultural heritage, in a strict sense. If, on the one hand, globalization can be conceived as a phenomenon that instills the standardization of cultural practices, by triggering a "dominant" culture in global terms – especially the so-called "American" culture –, on the other hand, "there is a core of meaning, of effect, of memory that people refuse to give up"⁷. This precise

² See LIXINSKI, L. *Intangible cultural heritage in international law*. Oxford University Press, Oxford, 2013; BLAKE, J.; LIXINSKI, L. (ed.), *The 2003 UNESCO Intangible Heritage Convention: A commentary*. Oxford University Press, Oxford, 2006; FORREST, C. *International law and the protection of cultural heritage*. Routledge, London, 2011.

³ In Brazil, for example, the constitutional recognition of intangible cultural heritage took place in 1988, as well as in Spain it was carried out in 1985.

⁴ For an analysis of the sometimes-contradictory relationship between law and globalization, see the first part of Menski's book: MENSKI, W. *Comparative law in a global context: The legal systems of Asia and Africa*. Cambridge University Press, Cambridge, 2006.

⁵ BAXI, U. *The future of human rights*. Oxford University Press, Oxford, 2008.

⁶ "Globalization may be thought of initially as the widening, deepening and speeding up of worldwide interconnectedness in all aspects of contemporary social life, from the cultural to the criminal, the financial to the spiritual". HELD, D., MCGREW, A., GOLDBLATT, D., PERRATON, J. "Global transformations: Politics, economics and culture", in (PIERSON, C.; TORMEY, S. ed.), *Politics at the edge. Political studies association yearbook series*. Palgrave Macmillan, London, 2000.

⁷ ARIZPE, L. "The genealogy of intangible cultural heritage", in (CSERGO, J.; HOTTIN, C.;

concern over the possibility of undervalued cultures and cosmovisions disappearing within the globalization process boosted the concern about the need for legal protection of intangible cultural heritage⁸.

The second key reason concerns the aforementioned Eurocentrism afforded by the notion of "world heritage", which is inscribed in the 1972 UNESCO Convention. A critical analysis of the geopolitics of world heritage preservation makes evident that it tends to privilege a specific facet of heritage, which is actually "tangible" and particularly connected to "European heritage" – either referring to the cultural heritage geographically located in Europe, or even the European heritage built in several ex-European colonies around the world. This way of conceiving cultural heritage, still largely linked to the modern notion of monument, left aside several intangible cultural practices that for a long time had no legal and political relevance and protection, being called "folklore" – and later as ICH.

The third reason is related to one of the effects of globalization, namely, the empowerment of new subjects of rights and the emergence of new rights – both human rights and fundamental rights. Indeed, globalization may also foster the self-preservation of the cultures and cultural practices of minority groups and indigenous peoples worldwide. In addition, the staging of new cultural identities on national and international public grounds was also an important event for the international recognition of this new element of cultural heritage, as issues related to "cultural identity" have become part of the legal and political discourse, opening the way for triggering ICH within International Law.

Surely, at least since 1952, UNESCO has been indirectly concerned with intangible cultural heritage, conceived at that time as folklore⁹. This concern, however, came about in a fragile and precarious way, as it was entrenched in the field of copyright rights, a specific field of Intellectual Property Law¹⁰. In 1967, "the Diplomatic Conference for the revision of the Berne Convention for the Protection of Literary and Artistic Works" was the first formal step taken to provide for a specific international protection of expressions of folklore through copyright¹¹. By all means, despite "both cultural heritage and intellectual property are creations of the mind that have economic value, being species of property"¹², it is worth noting that the cultural heritage has "universal beneficiaries", while Intellectual Property rights have an "individual beneficiary". In addition, while intellectual property rights are localized and of limited duration in time, Intangible Cultural Heritage has a prospect toward eternity¹³.

Thus, aiming at filling a gap regarding the 1972 UNESCO Convention, the

SCHMIT, P. ed.), *Le patrimoine culturel immatériel au seuil des sciences sociales*. Editions de la Maison de Sciences de l'Homme, Paris, 2020.

⁸ Although there are discussions about the cultural results of globalization – there are those who consider that it produces a "hybridity" or "syncretism" between different cultures – it cannot be denied that this is a *dialogical process*, which produces constant syntheses and fruitful exchanges through intercultural dialogue.

⁹ "Since 1952, UNESCO has begun the efforts to establish methods in protecting what is now known as ICH. Previously, ICH was known as folklore. However, concept and manifestation of protecting folklore have failed as folklore existed in many versions and variations rather than in a single and an original form". BAKAR, A. A.; OSMAN, M. M.; BACHOK, S. "Intangible Cultural Heritage: Understanding and Manifestation", in *International Conference on Universal Design in Built Environment*, v. 22, 2011, p. 23.

¹⁰ Universal Copyright Convention, 1952.

¹¹ BLAKE, J. "Introduction to the draft preliminary study on the advisability of developing standard-setting instrument for the protection of intangible cultural heritage", 2010. Available at: https://www.academia.edu/72767828/Janet_BLAKE_Introduction_to_the_Draft_Preliminary_Study_on_the_Advisability_of_Developing_a_Standard_setting_Instrument_for_the_Protection_of_Intangible_Cultural_Heritage.

¹² SHYLLON, F. "Cultural heritage and intellectual property: Convergence, divergence and interface", in (LOGAN, W.; CRAITH, M. N.; KOCKEL, U. ed.), *A companion to heritage studies*. Wiley-Blackwell, Chichester, 2015.

¹³ See SHYLLON, F. "Cultural heritage and intellectual property: Convergence, divergence and interface", in (LOGAN, W.; CRAITH, M. N.; KOCKEL, U. ed.), *A companion to heritage studies*. Wiley-Blackwell, Chichester, 2015.

2003 UNESCO Convention was enacted¹⁴. The success of the Convention was confirmed by its large approval by UNESCO's States Parties, and "is explained by the awareness of many states about the importance of intangible cultural heritage and the need for its protection"¹⁵. Indeed, the states of the Global South endeavored to approve the Convention and ratify it in their national spheres, which boosted its recognition and status across the globe¹⁶. Currently – in 2023 – the Convention counts on 181 States that have ratified or approved it.

In a more concise approach than the 1972 UNESCO Convention, the 2003 UNESCO Convention established obligations to States. In its Preamble, the Convention refers to internationally recognized Human Rights, especially Cultural Rights; considers the importance of intangible cultural heritage as a way of promoting cultural diversity and sustainable development; considers the great relationship between intangible cultural heritage and the tangible and natural heritage; recognizes that globalization may occasionally embarrass the safeguard of several intangible cultural practices; further considers the need to raise public awareness, especially among younger generations, of the need to preserve intangible cultural heritage; and, considers the crucial role that ICH plays as a catalyst for mutual understanding between different groups, communities, and nations¹⁷.

The Convention highlights a legal concept for intangible cultural heritage in Article 2¹⁸, in a wide perspective. As Tulio Scovazzi highlights, "more than a real definition, it is a description of a complex reality that includes heterogeneous elements"¹⁹. It covers 1. oral traditions and expressions; 2. performing arts; 3. social uses, rituals, and festive acts; 4. knowledge and uses related to nature and the universe; and, 5. traditional craft techniques. To be sure, "examples of intangible cultural heritage are not limited to a single expression and many of them include elements belonging to multiple domains", and this is due to the fact that "the boundaries between domains are very vague and often vary from one community to another"²⁰. In any case, states are free to use different categories and concepts of ICH, in order to include new elements that may not be covered by the concept of the Convention, without, yet, subverting its meaning.

Another legal innovation relates to the concept of "safeguarding", in article 2, which replaces the previously used term, that is, "protection". Actually, safeguarding has a wider connotation, as it means the set of measures aimed at

¹⁴ SCOVAZZI, T. "Gli aspetti principali della Convenzione sulla Salvaguardia del Patrimonio Culturale Intangibile", in (CUNHA FILHO, H. F.; SCOVAZZI, T. ed.), *Salvaguarda do Patrimônio Cultural Imaterial: uma análise comparativa entre Brasil e Itália*. Editora da Universidade Federal da Bahia, Salvador, 2020.

¹⁵ SCOVAZZI, T. "Gli aspetti principali della Convenzione", *Op. Cit.*, p. 19, my translation.

¹⁶ As Janet Blake outlines, "The 'problem' of ICH, therefore, was predominantly the lack of formal international recognition of this reality and the dominance of a cultural heritage protection paradigm that prioritized monumental 'European' cultural forms over local and indigenous ones and that, when it did address traditional culture, it did so from a heavily researcher-oriented viewpoint". BLAKE, J. *International Cultural Heritage Law*. Oxford, Oxford University Press, 2015, p. 151-152.

¹⁷ As established in the Preamble of the Convention.

¹⁸ Article 2 of the 2003 UNESCO Convention: "The "intangible cultural heritage" means 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. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development".

¹⁹ SCOVAZZI, T. "Gli aspetti principali della Convenzione", *Op. Cit.*, p. 22, my translation.

²⁰ UNESCO. *Los ámbitos del patrimonio cultural inmaterial*. Paris, 2014, p. 3, my translation.

ensuring the viability of the intangible cultural heritage²¹. The Convention charges states to adopt “safeguarding measures” to guarantee the continuity of all elements recognized as intangible cultural heritage, both at the national or international levels – when they are declared by UNESCO.

At the international level, the safeguarding of intangible heritage occurs through the dynamics of Lists, in which the Convention provided the establishment of two: 1. the representative List of the intangible cultural heritage of humanity; and, 2. the List of intangible cultural heritage requiring urgent safeguard measures. The lists are constantly updated by the Intergovernmental Committee, and the inclusion of new elements depends on the request of state members. At the national level, national inventories assume a pivotal role. The Convention determines that national inventories must be constantly revised and updated, due to the “living” and therefore “mutant” nature of intangible heritage, and periodically they must submit reports to the Intergovernmental Committee of the Convention, which is responsible for monitoring their effectiveness (art. 12, 1 and 2). The Convention highlights the main role that communities, groups, and individuals have in the safeguarding process, and due to this, established the need to ensure their participation and active involvement in the management (article 15).

The Convention also set up an institutional framework to work in its implementation. In this regard, the General Assembly functions as the “sovereign body” that can make any decision regarding the Convention, with meetings held every two years (art. 4, items 1, 2 and 3). The Intergovernmental Committee comprises 24 State Parties’ representatives, to be elected by the latter (art. 5, items 1 and 2), and has among its functions: promote the objectives of the Convention, promote and monitor its application; prepare and submit projects for the use of the Fund to the Assembly; prepare and submit to the General Assembly operational guidelines for the application of the Convention; examine State Party reports; in addition to examining the requests submitted by the States Parties and deciding, in accordance with the objective selection criteria established by the Committee itself and approved by the General Assembly, a) the inscriptions on the lists, and b) the provision of international assistance (art. 7, a to g)²². Finally, the Secretariat prepares all documentation for the General Assembly and the Committee, along with administrative matters (art. 10).

It is notable that these innovations express the establishment of a complex legal framework at the international level for the safeguarding of ICH, with direct impacts in national contexts. Indeed, 20 years after its enactment, it is likely to state, in line with Pier Luigi Petrillo, that the Convention has not only consolidated a global legal protection system for ICH, but also launched a process of legal unification of national regulations on the matter, introducing a common notion of ICH, and a series of substantially homogeneous legal tools²³. UNESCO has actually

²¹ Article 2 of the 2003 UNESCO Convention: Safeguarding’ means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage. For more details, see: ARANTES, A. “Safeguarding: A key dispositif of UNESCO’s Convention for the safeguarding of intangible cultural heritage”, 2019. Available at: <https://doi.org/10.1590/1809-43412019v16a201>.

²² The Intergovernmental Committee, by using its conventional attributions (art. 8.3) established the “Evaluation Body” through the Decision 9.COM (Paris, 2014), which is a consultative body, responsible for the evaluation of the Nominations for inscriptions on UNESCO lists regarding the 2003 UNESCO Convention. It is operative since 2015. For further analysis, see Operational Directives n. 27 and 28.

²³ PETRILLO, P. L. “La tutela giuridica del patrimonio culturale immateriale a vent’anni dall’adozione della Convenzione UNESCO del 2003: profili di diritto comparato”, *Rivista DPCE Online*, v. 2, 2023, p. 1724. See also: CASINI, L. “Quale futuro per il diritto globale del patrimonio culturale?”, *Giornale di diritto amministrativo*, v. 3, 2017, p. 285; and, BLAKE, J.; LIXINSKI, L. “Conclusions: Tightropes of the Intangible Cultural Heritage Convention”, in (BLAKE, J.; LIXINSKI, L. ed.), *The 2003 UNESCO Intangible Heritage Convention: A Commentary*. Oxford University Press, Oxford, 2020.

assisted national states in defining legal models for safeguarding ICH in different states²⁴, which are coherent with its “changing nature”²⁵, in order to make it effective.

3. International cooperation system within the 2003 UNESCO Convention

The adoption of the 2003 UNESCO Convention might be viewed as the result of a successful international cooperation process because it has called upon a large number of nations from around the world to work on the issues surrounding the legal safeguarding of ICH²⁶. This resulted in widespread adherence of states to the Convention. Nonetheless, the Convention can also be considered a legal tool that promotes international cooperation in a variety of ways and perspectives. According to Article 19, international cooperation includes “the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to State Parties in their efforts to safeguard the intangible cultural heritage”.

The legal mechanisms that the 2003 UNESCO Convention underlines resound the “Declaration of Principles of International Cultural Co-operation” – Cultural Cooperation Declaration –, adopted by the General Conference of UNESCO in 1966. This document stresses that international cultural cooperation shall cover all aspects of intellectual and creative activities relating to education, science and culture (art. III), underlining that cultural cooperation is a right and a duty for all peoples and all nations (art V), and that it must promote the enrichment of all cultures through its beneficent action, and respect the distinctive character of each (art. VI). Yvone Donders precises that “no further clarification was given of the concepts of ‘people’ and ‘culture’, which leaves their scope rather ambiguous”. Indeed, Donders indicates that the Declaration was meant to encourage cooperation between States, so it seems likely that it referred mainly to national cultures, probably in a narrow sense²⁷.

The Cultural Cooperation Declaration was the first step in international law and governance to encourage new dynamics in cultural relations worldwide. Under the prism of the 2003 UNESCO Convention, at least three forms of international cooperation can be mentioned: 1. through technical cooperation between nations and between a specific country and UNESCO; 2. through multinational nominations of ICH for UNESCO lists; and, 3. through joint safeguarding measures, put into practice after the recognition of a certain element. These forms of cooperation correspond to the evolutions that took place on the international ground in recent decades, especially after the end of the Cold War, and point toward the reshaping of a new global order²⁸. This study will focus on the second and third forms mentioned.

In terms of technical cooperation, the 2003 UNESCO Convention endorses several mechanisms that instill and promote this type of cooperation in two directions: in a horizontal direction, from one country to another by the exchange of good practices; and in a vertical direction, from UNESCO to the singular country. The Convention strictly regulates the latter under the prism of “international assistance” in Articles 20-24. In this light, the International Committee can grant

²⁴ For a comparative analysis of intangible cultural heritage legal protection in different countries, after the enactment of the 2003 UNESCO Convention, see: PETRILLO, P. L. *The legal protection of intangible cultural heritage: A comparative perspective*. Springer, Zurich, 2019; CORNU, M.; VAIVADE, A.; MARTINET, L.; HANCE, C. *Intangible cultural heritage under national and international Law*. Edward Elgar Publishing, London, 2020.

²⁵PETRILLO, P. L. “La tutela giuridica del patrimonio culturale immateriale”, *Op. Cit.*, p. 1725.

²⁶ For an in-depth analysis of the process that formed the Convention, see: BLAKE, J. *International cultural heritage law*. Oxford University Press, Oxford, 2015.

²⁷ DONDERS, Y. “Cultural rights and the Convention on the Diversity of Cultural Expressions: a tale of fragmentation of international law?”, in (KONO, T; UYSTEEL, S. ed.), *The convention on the protection of the diversity of cultural expressions*. Intersentia, Cambridge, 2012, p. 172-173.

²⁸ For a deeper analysis, of the global history of UNESCO, see: DUEDAHL, P. *A history of UNESCO: Global actions and impacts*. Palgrave Macmillan, London, 2016.

assistance for state parties, through their request, and may take the following forms: specific studies over safeguarding aspects, provision of experts and practitioners, training, creation of infrastructures, supply of equipment and know-how, the elaboration of standard-settings, and other possible forms.

Regarding multinational nominations of ICH for UNESCO lists, it is important to underline that the Convention does not expressly provide for this possibility, since it was introduced by the decision taken by the Intergovernmental Committee when establishing the Operation Directives, which occurred at the Tokyo meeting, in 2007²⁹. The Operation Directives, elaborated and constantly updated by the Intergovernmental Committee, retains in its article I-5 (13 to 15) that states are encouraged to jointly submit multinational nominations to both lists of Intangible Cultural Heritage when an element is found in the territory of more than one state-parties³⁰. The paragraph 86 of the Operation Directives also stresses that states parties are “encouraged to develop together, at the subregional and regional levels, networks of communities, experts, centers of expertise and research institutes to develop joint approaches”, particularly in what it comes to the safeguarding of ICH elements they have in common.

Existing inscriptions may also be extended, as new states can be added when the element has a transboundary facet³¹. This is, indeed, a “mechanism to encourage multinational files”³², which moves on from the state-centric approach, engraved on the modern concept of “cultural heritage”, to another perspective, based on an international cooperation between state parties and communities³³. In this context, one multinational nomination takes advantage of and has preference over the national single nominations during the analysis made by the Evaluation Body and the Intergovernmental Committee. Additionally, the Operation Directives allow each state to indicate only one single element to be analyzed and eventually declared as ICH every year, but in case of multinational nominations, there is no limit of indications, and a state can sign as many dossiers as it can afford for the annual Intergovernmental Committee’s meetings.

It is evident that multinational nominations make it more complex the process of the nomination itself, especially during the elaboration of the dossier to be sent to UNESCO, as it needs to mediate different national interests³⁴. However, although this mechanism contributes to fostering international cooperation and strengthening the principle of peaceful coexistence among peoples – and the original objectives of UNESCO³⁵ – it comes up against several extra-legal issues that directly influence its enforcement, such as: the political will of two or more states and communities involved to actually collaborate, the lack of economic resources of one or two states to carry on a nomination, the fact that one or more states have not ratified the 2003 UNESCO Convention, as well as the fact that two

²⁹ See Decision 2.COM 7. For further analysis, see PUGLISI, G. “Prefazione. La dimensione interdisciplinare del patrimonio culturale intangibile”, in (SCOVAZZI, T.; UBERTAZZI, B.; ZAGATO, L. ed.), *Il patrimonio culturale intangibile nelle sue diverse dimensioni*. Giuffrè, Milano, 2012.

³⁰ UNESCO. “Basic texts of the 2003 Convention for the Safeguarding of Intangible Cultural Heritage”, 2022. Available at: <https://ich.unesco.org/en/directives>

³¹ ICG, Operational Directives, ICH-UNESCO, 2022, items 13, 14; The extension of an existent inscription is also encouraged in items 16–19, while the initial provision referred only to the Lists and not the Register. ICG, Operational Directives 2022, items 3, 20.

³² UNESCO-ICH, <https://ich.unesco.org/en/mechanism-to-encourage-multinational-files-00560>, accessed: 17.08.2023. See IGC, Decision 7.COM 14, 2012, item 4.

³³ See AYKAN B, “Patenting Karagöz: UNESCO, nationalism and multinational intangible heritage”, *International Journal of Heritage Studies*, v. 21, n. 10, 2015, p. 949-961.

³⁴ GKANA, A. “Safeguarding shared Intangible Cultural Heritage: A ‘bridge over troubled water’?”, *Gdańskie Studia Międzynarodowe*, v. 18, n. 1-2, 2020, p. 176-194.

³⁵ UBERTAZZI, B, “The territorial condition for the inscription of elements on the UNESCO List of Intangible Cultural Heritage”, in (ADELL, N.; BENDIX, R.; BORTOLOTTI, C.; TAUSCHEK, M. ed.), *Between Imagined Communities and Communities of Practice: participation, territory and the making of heritage*. Göttingen University Press, Göttingen, 2017, p. 120.

or more states do not share good diplomatic relations or are at war with one other³⁶.

Despite the difficulties regarding international cooperation through multinational nominations, the last "Report of the Evaluation Body on its work in 2022" highlights "the increased capacity of State Parties in coordinating efforts across borders, as well as their growing interest in shared intangible cultural heritage"³⁷, because there was a considerable increase in the number of multinational nominations compared with the previous meeting. However, the Evaluation Body took note of several critical aspects related to multinational files: 1. files must be an expression of collaboration between the submitting states and communities; 2. files must avoid "state by state" paragraphs and provide for wider possible drafting cooperation; 3. an imbalance of information among submitting states for the preparation of the files; 4. the need to highlight the collaboration and cooperation among different communities, not only states; and 5. preview effective joint safeguarding measures³⁸.

With regard to the third form of cooperation, namely through joint safeguarding measures, put into practice after the recognition of a certain element, the Evaluation body has outlined in the mentioned Report the need to promote them within nomination files. Indeed, the joint safeguarding measures are based on the fact that two or more communities belonging to different states have decided to safeguard one element together, and therefore, they must provide the means for the continuity of cultural practice together. Files that do not dispose of joint safeguarding measures prevent the criterion for its effective nomination by the Intergovernmental Committee³⁹. This form of cooperation can actually create ties between countries and encourage intercultural dialogue between different communities.

In this regard, it is evident that the architecture of this "cooperation system" is complex and depends on several extra factors, that could directly or indirectly impact the decision of a single state to effectively "cooperate"⁴⁰. Indeed, the legal provision for international cooperation is not a guarantee that states and communities will cooperate, as the respect for the principle of state sovereignty must be taken into consideration, and steadily reaffirmed, by UNESCO and other nations. Therefore, the act of nominating a specific element for the ICH list is a sovereign right of each state – a "political will"⁴¹. Nevertheless, the mentioned provisions address the possibility of managing ICH in a more accurate way, since it is inscribed in a community – as "Living Heritage" – and not at a place, a specific geography, and it "may easily escape the territorial jurisdiction of the state"⁴². So, ICH may circulate and actually migrate with its people, which evinces that it has no borders.

³⁶ GKANA, A. "Safeguarding shared Intangible Cultural Heritage", *Op. Cit.*

³⁷ UNESCO. "Report of the evaluation body on its work in 2020", 2020. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000378383>.

³⁸ Regarding the multinational nominations, it is worth mentioning that the Decision of the Intergovernmental Committee n. 15.COM 8 has invited the Secretariat "to prepare guidance notes for the preparation of multinational files in order to improve their quality, taking into account the global reflection on the listing mechanisms".

³⁹ UNESCO. "Report of the evaluation body on its work in 2020", 2020. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000378383>.

⁴⁰ Indeed, international cooperation can be conceived as a "public policy" of states, and is strongly linked to the national agendas of foreign policy. For further analysis, see: MILANI, C. R. S. *Solidariedade e Interesse: motivações e estratégias na cooperação internacional para o desenvolvimento*. Appris, Curitiba, 2018.

⁴¹ Often, the will of communities is disregarded by the governmental will to nominate an ICH and cooperate on it. For further analysis, see: BENDIX, R.; EGGERT, A.; PESELMANN, A. *Heritage regimes and the state*. Göttingen University Press, Göttingen, 2017. ADELL, N.; BENDIX, R. F.; BORTOLOTTI, C.; TAUSCHEK, M. *Between imagined communities and communities of practice-participation, territory and the making of heritage*. Universitätsverlag Göttingen, Göttingen, 2015..

⁴² LIXINSKI, L. *Intangible cultural heritage in international law*. Oxford University Press, Oxford, 2013.

The ever-growing migration and refugee flows “should add a new parameter to the whole conversation”, as “international law cannot remain indifferent to the dynamics of ICH within the state and beyond contemporary state”⁴³. To date, there are no legal mechanisms that impel international cooperation in cases where ICH is present in two or more states. Indeed, there is a need to strengthen this international system by establishing compelling legal procedures when something similar occurs, to avoid “fractured resemblances” in ICH governance, as pointed out by Sarah Sargent, which could eventually further conflicts over ICH between two or more countries. As Sargent outlines, the nomination of a transboundary heritage element by a single state could be viewed as a way of strengthening soft power and obtaining international prestige and support from this singular state⁴⁴. This could precisely instill dissonances between countries, which is not the main objective of the 2003 UNESCO Convention – as well as UNESCO’s principles⁴⁵.

This situation points towards the need to further encourage states to cooperate with each other, in order to foster ICH as a truth element for intercultural dialogue and sustainable development. In these same circumstances, there is a need to associate international cooperation with international human rights law and policy⁴⁶, in order to gradually move from a state-centric approach to a peoples’ centric one – based on a “cultural rights” point of view when it comes to cultural heritage protection and safeguarding. Cooperation for culture is also a means of providing alternative solutions to geopolitical issues that have risen in recent years. It is a way of deepening ties between nations, groups, and communities, rather than repelling them as “enemy”.

It is worth bearing in mind that the Convention is still “young”, and it needs more time in order to keenly understand the impact of this particular form of international cooperation in ICH law and governance – considering the main adversities that international cooperation currently faces⁴⁷.

4. The case of the “Mediterranean Diet”

The case of the “Mediterranean Diet”, which was one of the first multinational nominations to be recognized by the Intergovernmental Committee and introduced into the UNESCO List, is an example that illustrates the complexities surrounding this specific type of international cooperation. In this regard, Pier Luigi Petrillo outlines that the recognition of the Mediterranean Diet as UNESCO’s ICH represents a particular “turning point” in the governance of the Intergovernmental Committee. This is due to the fact that for the very first time, UNESCO has acknowledged the cultural value of a food practice characterized by eating together, which is shared by different Mediterranean cultures and nations⁴⁸.

Indeed, the Mediterranean diet is not only a food practice, but a “set of skills, knowledge, rituals, symbols and traditions, ranging from the landscape to the table, which in the Mediterranean basin concerns the crops, harvesting, picking, fishing, animal husbandry, conservation, processing, cooking, and particularly sharing and consuming the cuisine”⁴⁹, that expresses the way of life of several basin

⁴³ GKANA, A. “People’s heritage of state’s heritage? Sovereignty in the UNESCO mechanism for the safeguarding of intangible cultural heritage”, *Revista de Direito Internacional*, v. 17, 2020, p. 40. See also: AYKAN B, “Patenting Karagöz: UNESCO, nationalism and multinational intangible heritage”, *International Journal of Heritage Studies*, v. 21, n. 10, 2015, p. 949-961.

⁴⁴ SARGENT, S. “‘Fractured Resemblances’: Contested multinational heritage and soft power”, *International Journal of Cultural Property*, v. 7, n. 1, 2020, p. 97-123.

⁴⁵ SARGENT, S. “Fractured resemblances”, *Op. Cit.*

⁴⁶ FRANCONI, F. “Culture, heritage, and human rights: An introduction”, in (FRANCONI, F.; SCHEININ, M. ed.), *Cultural human rights*. Brill Publishers, Leiden, 2008.

⁴⁷ See BAYLIS, J.; SMITH, S.; OWENS, P. *The globalization of world politics*. Oxford University Press, Oxford, 2004.

⁴⁸ PETRILLO, P. L. “Diritti culturali e cibo: la tutela giuridica del patrimonio culturale immateriale e il ruolo dell’UNESCO”, in (SCAFFARDI, L.; ZENO-ZENCOVICH V. ed.), *Cibo e Diritto: una prospettiva comparata*, v. 1, Roma Tre Press, Roma, 2020.

⁴⁹ This is how the practice is referred to the Nomination File: IGC, *Nomination File n. 00884*, for

communities. The Mediterranean Diet is effectively a “lifestyle” determined by the Mediterranean climate and region, and appears in cultural spaces, festivals and celebrations associated with it⁵⁰, with centuries of traditions of the cultural practice, which is something relevant for the identity of several Mediterranean peoples⁵¹, which highlights the fact that the protection of ICH is related to the protection of bio-cultural diversity⁵².

The first Nomination File concerning this particular element was submitted to UNESCO in 2008, jointly carried out by Italy, Spain, Greece and Morocco, and in 2010 the practice was inscribed in the UNESCO list⁵³. In 2013, after an articulated and complex negotiation, three new countries were added to the nomination: Cyprus, Croatia and Portugal⁵⁴, resulting in the redrafting and resubmission of the Nomination File. In this latter document, the safeguarding measures (item 3.b) endorse the will of the states and communities to undertake actions bounded to “research, permanent observatories, legislative initiatives, programs to raise awareness and present the element, community actions, and especially school and young programs”⁵⁵ in order to safeguard the element.

A preoccupation is also addressed to the topic of tourism development, and the states emphasize the need to protect the knowledge, know-how, and other traditional cultural expressions associated with the element, by means of financial assistance or enhancing and recognizing its role. The states agree to foster legislative measures to protect landscapes, cultural spaces, and artisanal, traditional, and local productions while promoting rural communities. There is particular attention on the research institutions, universities, and foundations engaged in the efforts for safeguarding, through teaching and training. And the Nomination File also makes reference to “three trans-community meetings” that have taken place in Chefchaouen, Cilento, and Koroni⁵⁶.

In 2021⁵⁷, Portugal, Spain, Italy, Cyprus, Greece, and Croatia, have submitted the “Periodic Report on the implementation of the Convention and on the status of elements inscribed on the Representative List of the Intangible Cultural Heritage of Humanity” to the Intergovernmental Committee⁵⁸. In this document, the states have described their efforts and actions taken to turn effective the safeguarding measures aimed at the Mediterranean Diet. Each Report delves into the main issues related to ICH safeguarding, in general, and to the other elements inscribed in the UNESCO list, in particular, as each geographical area and national territory face different challenges in the most varied areas – legal, political, economic, and social aspects, among others. They will be analyzed above⁵⁹.

In terms of joint safeguarding measures for the element, there are 3 types of actions that the Reports bring about and are pivotal for this study.

the inscription in 2013 in the Representative List of the Intangible Cultural Heritage of Humanity, ICH-UNESCO, 2013, p. 6.

⁵⁰ IGC, *Nomination File n. 00884, Op. cit.*, p. 6.

⁵¹ For an in-depth analysis of the Mediterranean Diet through the lens of Anthropology, see: MORO, E. *La dieta Mediterranea: mito e storia di uno stile di vita*. Il Mulino, Bologna, 2014.

⁵² MAFFI, L. “Biocultural Diversity and Sustainability”, in (MAFFI, L., ed.), *The SAGE handbook of environment and society*, SAGE Publications, New York, 2007, p. 267-278.

⁵³ IGC. *Decision 5.COM 6.41*, Nairobi, 2010.

⁵⁴ PETRILLO, P. L. “Diritti culturali e cibo”, *Op. Cit.*, p. 106.

⁵⁵ IGC. *Nomination File n. 00884*, p. 12.

⁵⁶ IGC. *Nomination File n. 00884*, p. 12-13.

⁵⁷ In 2021, the countries from the European continent submitted their national Reports, and they were examined by the Intergovernmental Committee in 2022. Morocco will submit it at the end of 2023 together with the other African countries.

⁵⁸ ICG, *Report of Cyprus*. ICH-UNESCO, 2021; ICG, *Report of Croatia*. ICH-UNESCO, 2021; ICG, *Report of Portugal*. ICH-UNESCO, 2021; ICG, *Report of Greece*. ICH-UNESCO, 2021; ICG, *Report of Italy*, ICH-UNESCO, 2021; ICG. *Report of Spain*, ICH-UNESCO, 2021. All the Reports can be found at the Official UNESCO Website: <https://ich.unesco.org/en/submissionsanddeadlines-00861>

⁵⁹ The main topic of the Report which will be comparatively analyzed is: “C.4 – Efforts to promote or reinforce the element”, when it comes to the Mediterranean Diet.

The first one relates to the project “Interreg Med Md.Net”⁶⁰, which is a transnational cooperation project aimed at consolidating an international network to exploit the Mediterranean Diet cultural identity, in order to promote local actions of social cohesion and sustainable growth⁶¹. This transnational cooperation in production chains of the Mediterranean diet served to create new businesses and stimulate creativity and innovation in traditional crafts and productions while providing contributions and good practices in maintaining ecological balance and fostering sustainable development.

The project was carried out within the “Interreg Mediterranean Programme”, which is an interregional cooperation program of “Interreg Europe”, co-funded by the European Union, to strengthen cooperation and reduce disparities in the level of development in the Mediterranean area⁶². The project counts upon several partners, from all the countries that endorsed the element in UNESCO’s list, as well as other partner countries from the region⁶³. The results of the project include new business opportunities, the creation of an international cluster, policy recommendations to spread and wider promote the element, and a UNESCO Med Diet Declaration.

The mentioned Declaration⁶⁴ promotes the commitment of states to 1. defend the Mediterranean diet as a powerful tool to revitalize the economy, and increase competitiveness at local and regional levels; a healthy diet and a holistic approach to food; and a valuable way to relate to tradition, heritage, cultural identities, and tradition; 2. preserve the Mediterranean diet through the habits and lifestyle; landscapes and sustainable agricultural chains; the strengthening of communities by promoting local services and products; and promote the Mediterranean diet by the engagement of state and third sector; dialogue and cooperation; as well as the reputation and awareness of Mediterranean diet as a brand.

The second joint safeguard measure taken by the states was the use of intellectual property rights as a form of legal protection for the element. The Mediterranean diet was registered at the European Union trademark in 2015 with a denominative part “we are what we eat MedDiet Mediterranean Diet”, as an individual trademark by several public and private collective entities of many countries. The Italian Report⁶⁵ emphasizes that through the trademark, the owners sought to increase awareness of the traditional Mediterranean Diet, especially among young people. More than 300 restaurants have obtained the license to use the mark, and committed, for instance, to must use olive oil, seasonal and local products, and dishes made with traditional Mediterranean recipes⁶⁶.

The third sort of joint safeguarding measure relates to punctual actions taken by the states and communities to strengthen the element, such as: a. the organization and participation in international events, like the Festivals of Mediterranean Diet (organized by state governments), Expo Dubai (2021), and the

⁶⁰ Mentioned by the Spanish Report: ICG, *Report of Spain*, ICH-UNESCO, p. 245.

⁶¹ As indicated on the Official Website: <https://mdnet.interreg-med.eu/>

⁶² See the Official Website: <https://www.interregeurope.eu/>

⁶³ “Partners: Campania Region (Italy), University of Algarve (Portugal), RERA – S.D., Public Institution for Coordination and Development of Split County (Croatia), Region of Crete (Greece), University of Mostar – Faculty of Agriculture and Food Technology (Bosnia and Herzegovina), Mediterranean Diet Foundation (Spain), Official Chamber of Commerce, Industry, Services and Navigation of Seville (Spain), Emilia-Romagna Region (Italy), EZAVO – Institute for the Development of Solutions (Slovenia), COPPEM, Standing Committee of Euro-Mediterranean Partnership of Local and Regional Authorities (Italy), Association of Albanian Municipalities (Albania), Troodos Development Company (Cyprus), PRODECA – Promoter of Agri-Food Exports (Spain)”. ICG, *Report of Italy*, ICH-UNESCO, 2021, p. 188.

⁶⁴ Which is responsible on the Official Website: <https://mdnet.dietamediterranea.com/med-diet-declaration/>

⁶⁵ ICG, *Report of Italy*, p. 196-197.

⁶⁶ For a critical analysis of the relationship between ICH and Intellectual Property Rights, see: BORTOLOTTI, C.; UBERTAZZI, B. “Intellectual property as a blind spot in the UNESCO Convention for the safeguarding of the intangible cultural heritage”, *International Journal of Heritage Studies*, 2023.

panels in the World Earth Day (2021), for instance; b. the creation of an Official Website by the government of Greece, with the support of other states⁶⁷; c. the strengthening of transnational clusters, such as the "European Grouping of Territorial Cooperation", created between the emblematic communities of custodians of the first nomination: Koroni, Chefchaouen, Cilento and Soria⁶⁸, that came into force in 2006 and still supports the enforcement of safeguarding measures; and d. the creation of virtual museums of the Mediterranean diet: the "Virtual Museum of Mediterranean Diet", created by the MedEatResearch, at the University of Naples "Suor Orsola", Italy⁶⁹; and the "Cyprus Food and Nutrition Virtual Museum"⁷⁰.

All these measures are rooted in the appeal to provide the means for food security and sovereignty⁷¹. This is because the Mediterranean diet represents a model for highly sustainable and inclusive local development. It gains ground through the Mediterranean lifestyle, as well as through the recovery of ancient local traditional plants, crops, and animals. It puts in dialogue the cultural dimension with the natural one – cultural heritage with natural heritage – by the need to preserve natural and cultural biodiversity – the Mediterranean ecosystem – for the continuity of significant cultural practices.

This brief summary of the safeguarding measures implemented by states demonstrates that several actions have been taken in order to strengthen the element's sustainability, promote cultural diversity and improve the economic viability of the communities involved. It shows that international cooperation was not circumscribed at the very moment of inscription of the element in UNESCO's list, but is a value and a practice that also manifests in the safeguarding measures. It also demonstrates the political will of the countries to improve the element in different forms of international cooperation, in order to bring up benefits for all the national communities of practitioners.

It is evident, however, that most of the safeguarding practices have been carried out at the European level, with no – or little – involvement of Morocco and other African countries. This is due to the facilities that European integration provides for European countries' regional and international cooperation in terms of consolidated programs, public funding, and institutional architectures that boost international cooperation in a more fluid and smooth way. However, there is still the need to improve international cooperation for ICH beyond the European limits, especially with Morocco, in order to widely promote and strengthen the Mediterranean diet as a global value.

In this context, since the element was inscribed in the UNESCO list several safeguarding measures have been taken both at national and international levels – even though there is a prevalence of measures at the national ground, as usual. This evinces that legal mechanisms aimed at fostering international cooperation, despite not having a legally-binding character, were able to stimulate it in this particular case. This also manifests the political will of the analyzed countries to take forward the main values of the 2003 UNESCO Convention and UNESCO itself, improving intercultural dialogue, international cooperation, and sustainable development through intangible cultural heritage.

5. Conclusions

⁶⁷ See <http://www.mediterradiet.org/en/>

⁶⁸ Established on 5 July 2006 by Regulation (EC) 1082/2006 of the European Parliament and of the Council.

⁶⁹ ICG, *Report of Greece*, ICH-UNESCO, 2021, p. 122.

⁷⁰ ICG, *Report of Cyprus*, ICH-UNESCO, 2021, p. 86.

⁷¹ For further analysis, see: WITTMAN, H. "Food sovereignty: A new rights framework for food and nature?", *Environment and Society*, v. 2, 2011, p. 87-105. SHIVA, V. *Reclaiming the commons: Biodiversity, indigenous knowledge, and the rights of mother earth*. Synergetic Press, Santa Fe, 2020.

The adoption of the 2003 UNESCO Convention opens a new chapter in the history of the relationship between cultural heritage and international law. It provides a complex and well-structured international legal framework endowed with organs and attributions with the aim of safeguarding ICH. This is actually one of the most promising Conventions that UNESCO has lately enacted, as it has the potential to advance intercultural dialogue between communities and states, as well as among the most diverse states-parties, and boost sustainable development within national policies. Despite its pitfalls – both in terms of legal provisions or regarding its governance –, the Convention represents the maturation of international law and the international community regarding the protection of cultural elements that have been menaced in the amply process of globalization.

The Convention is indeed a result of international cooperation, especially guided by the countries of the Global South. In strictly legal terms, the Convention is also an instrument for fostering international cooperation, as it affords legal mechanisms to encourage states to cooperate – although in a non-binding way. The “multinational nominations” are one such example, when states share intangible heritage beyond borders. This provision is of great importance for ICH, since the latter is held by people that can actually migrate and take the element with them. However, multinational nominations make more difficult the process of dossier drafting, as it needs to take into consideration the political will and (geo)political interests of several actors, such as states and communities from different geographical areas, as well as different political and legal systems.

The case of the Mediterranean diet evinced the potentialities of multinational nominations as well as joint transnational safeguarding measures. In these two moments, it is feasible to state that international cooperation has been successful and brought up remarkable outcomes – as seen in the national reports. However, 6 of the 7 countries analyzed are located in Europe, and it must be highlighted that the levels of European integration directly assist the fostering of international cooperation. In this regard, the case of Morocco remains an open issue, as it will be necessary to further analyze its national report to conclude the limits and possibilities of international cooperation for this element outside European borders.

Therefore, the research hypothesis has been confirmed, whereby multinational nominations can be both considered as an outcome of international cooperation dynamics, as well as a way of promoting it through international law and governance in the case of the Mediterranean diet. Indeed, international cooperation is a high-reaching topic, especially in the current context marked by the decrease of multilateralism and the renaissance of the “geopolitical question” among the world’s leading powers. In this scenario, ICH can assume a special role, by fostering international cooperation and strengthening its international system, and also building bridges between different nations and communities – especially between those that share a common heritage. There is, however, the need to compare and analyze other multinational nomination cases to further understand if the present thesis will be also confirmed or could raise new legal, political and epistemological questions.

In this regard, intangible cultural heritage is, therefore, not only a topic that concerns groups, communities and individuals, or even single states or other possible stakeholders, but is an issue pertaining to sustainable development, to intercultural dialogue, to international cooperation, to the whole humanity.

6. References

- ADELL, N.; BENDIX, R. F.; BORTOLOTTI, C.; TAUSCHEK, M. *Between imagined communities and communities of practice-participation, territory and the making of heritage*. Universitätsverlag Göttingen, Göttingen, 2015.
- ARANTES, A. “Safeguarding: A key dispositif of UNESCO’s Convention for the safeguarding of intangible cultural heritage”, 2019. Available at: <https://doi.org/10.1590/1809-43412019v16a201>.
- ARIZPE, L. “The genealogy of intangible cultural heritage”, in (CSERGO, J.; HOTTIN,

- C.; SCHMIT, P. ed.), *Le patrimoine culturel immatériel au seuil des sciences sociales*. Editions de la Maison de Sciences de l'Homme, Paris, 2020.
- AYKAN B, "Patenting Karagöz: UNESCO, nationalism and multinational intangible heritage", *International Journal of Heritage Studies*, v. 21, n. 10, 2015, p. 949-961.
- BAKAR, A. A.; OSMAN, M. M.,; BACHOK, S. "Intangible Cultural Heritage: Understanding and Manifestation", in *International Conference on Universal Design in Built Environment*, v. 22, 2011, p. 23.
- BAXI, U. *The future of human rights*. Oxford University Press, Oxford, 2008.
- BAYLIS, J.; SMITH, S.; OWENS, P. *The globalization of world politics*. Oxford University Press, Oxford, 2004.
- BENDIX, R.; EGGERT, A.; PESELMANN, A. *Heritage regimes and the state*. Göttingen University Press, Göttingen, 2017.
- BLAKE, J. "Introduction to the draft preliminary study on the advisability of developing standard-setting instrument for the protection of intangible cultural heritage", 2010. Available at: https://www.academia.edu/72767828/Janet_BLAKE_Introduction_to_the_Draft_Preliminary_Study_on_the_Advisability_of_Developing_a_Standard_setting_Instrument_for_the_Protection_of_Intangible_Cultural_Heritage.
- BLAKE, J. *International cultural heritage law*. Oxford University Press, Oxford, 2015.
- BLAKE, J.; LIXINSKI, L. (ed.), *The 2003 UNESCO Intangible Heritage Convention: A commentary*. Oxford University Press, Oxford, 2006.
- BLAKE, J.; LIXINSKI, L. "Conclusions: Tightropes of the intangible cultural heritage convention", in (BLAKE, J.; LIXINSKI, L. ed.), *The 2003 UNESCO intangible heritage convention: A commentary*. Oxford University Press, Oxford, 2020.
- BORTOLOTTI, C.; UBERTAZZI, B. "Intellectual property as a blind spot in the UNESCO Convention for the safeguarding of the intangible cultural heritage", *International Journal of Heritage Studies*, 2023.
- CASINI, L. "Quale futuro per il diritto globale del patrimonio culturale?", *Giornale di diritto amministrativo*, 2017.
- CORNU, M.; VAIVADE, A.; MARTINET, L.; HANCE, C. *Intangible cultural heritage under national and international Law*. Edward Elgar Publishing, London, 2020.
- DONDERS, Y. "Cultural rights and the Convention on the Diversity of Cultural Expressions: a tale of fragmentation of international law?", in (KONO, T; UYSTEL, S. ed.), *The convention on the protection of the diversity of cultural expressions*. Intersentia, Cambridge, 2012.
- DUEDAHL, P. *A history of UNESCO: Global actions and impacts*. Palgrave Macmillan, London, 2016.
- FORREST, C. *International law and the protection of cultural heritage*. Routledge, London, 2011.
- FRANCIONI, F. "Culture, heritage, and human rights: An introduction", in (FRANCIONI, F.; SCHEININ, M. ed.), *Cultural human rights*. Brill Publishers, Leiden, 2008.
- GKANA, A. "People's heritage of state's heritage? Sovereignty in the UNESCO mechanism for the safeguarding of intangible cultural heritage", *Revista de Direito Internacional*, v. 17, 2020, p. 40.
- GKANA, A. "Safeguarding shared Intangible Cultural Heritage: A 'bridge over troubled water'?", *Gdańskie Studia Międzynarodowe*, v. 18, n. 1-2, 2020, p. 176-194.
- HELD, D., MCGREW, A., GOLDBLATT, D., PERRATON, J. "Global transformations: Politics, economics and culture", in (PIERSON, C.; TORMEY, S. ed.), *Politics at the edge. Political studies association yearbook series*. Palgrave Macmillan, London, 2000.
- ICG. *Operational Directives*. ICH-UNESCO, 2022.
- ICG. *Report of Croatia*. ICH-UNESCO, 2021.
- ICG. *Report of Cyprus*. ICH-UNESCO, 2021.
- ICG. *Report of Greece*. ICH-UNESCO, 2021.
- ICG. *Report of Italy*. ICH-UNESCO, 2021.

- ICG. *Report of Portugal*. ICH-UNESCO, 2021.
- ICG. *Report of Spain*. ICH-UNESCO, 2021.
- IGC. Nomination File n. 00884, for the inscription in 2013 in the Representative List of the Intangible Cultural Heritage of Humanity, ICH-UNESCO, 2013.
- LIXINSKI, L. *Intangible cultural heritage in international law*. Oxford University Press, Oxford, 2013.
- MAFFI, L. "Biocultural Diversity and Sustainability", in (MAFFI, L., ed.), *The SAGE handbook of environment and society*, SAGE Publications, New York, 2007, p. 267-278.
- MENSKI, W. *Comparative law in a global context: The legal systems of Asia and Africa*. Cambridge University Press, Cambridge, 2006.
- MILANI, C. R. S. *Solidariedade e Interesse: motivações e estratégias na cooperação internacional para o desenvolvimento*. Appris, Curitiba, 2018.
- MORO, E. *La dieta Mediterranea: mito e storia di uno stile di vita*. Il Mulino, Bologna, 2014.
- PETRILLO, P. L. "Diritti culturali e cibo: la tutela giuridica del patrimonio culturale immateriale e il ruolo dell'UNESCO," in (SCAFFARDI, L.; ZENO-ZENCOVICH V. ed.), *Cibo e Diritto: una prospettiva comparata*, v. 1, Roma Tre Press, Roma, 2020.
- PETRILLO, P. L. "La tutela giuridica del patrimonio culturale immateriale a vent'anni dall'adozione della Convenzione", *Rivista DPCE Online*, v. 59, no. 2, 2023.
- PETRILLO, P. L. *The legal protection of intangible cultural heritage: A comparative perspective*. Springer, Zurich, 2019.
- PUGLISI, G. "Prefazione. La dimensione interdisciplinare del patrimonio culturale intangibile", in (SCOVAZZI, T.; UBERTAZZI, B.; ZAGATO, L. ed.), *Il patrimonio culturale intangibile nelle sue diverse dimensioni*. Giuffrè, Milano, 2012.
- SARGENT, S. "'Fractured Resemblances': Contested multinational heritage and soft power", *International Journal of Cultural Property*. v. 7, n. 1, 2020, p. 97-123.
- SCOVAZZI, T. "Gli aspetti principali della Convenzione sulla Salvaguardia del Patrimonio Culturale Intangibile", in (CUNHA FILHO, H. F.; SCOVAZZI, T. ed.), *Salvaguarda do Patrimônio Cultural Imaterial: uma análise comparativa entre Brasil e Itália*. Editora da Universidade Federal da Bahia, Salvador, 2020.
- SHIVA, V. *Reclaiming the commons: Biodiversity, indigenous knowledge, and the rights of mother earth*. Synergetic Press, Santa Fe, 2020.
- SHYLLON, F. "Cultural heritage and intellectual property: Convergence, divergence and interface", in (LOGAN, W.; CRAITH, M. N.; KOCKEL, U. ed.), *A companion to heritage studies*. Wiley-Bleekwell, Chichester, 2015.
- UBERTAZZI, B. "The territorial condition for the inscription of elements on the UNESCO List of Intangible Cultural Heritage", in (ADELL, N.; BENDIX, R.; BORTOLOTTI, C.; TAUSCHEK, M. ed.), *Between Imagined Communities and Communities of Practice: participation, territory and the making of heritage*. Göttingen University Press, Göttingen, 2017.
- UNESCO. "Report of the evaluation body on its work in 2020", 2020. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000378383>.
- UNESCO. *Los ámbitos del patrimonio cultural inmaterial*. Paris, 2014.
- WITTMAN, H. "Food sovereignty: A new rights framework for food and nature?", *Environment and Society*, v. 2, 2011, p. 87-105.