Unit 55

Hand-out 3:

resources

**Databases of relevant laws, policies and guidelines**

* UNESCO database of national cultural heritage laws <http://www.unesco.org/culture/natlaws/>
* WIPO database of Codes, Guidelines and Practices relating to Traditional Cultural Expressions <http://www.wipo.int/tk/en/databases/creative_heritage/>
* WIPO database of Traditional Knowledge, Traditional Cultural Expressions & Genetic Resources Laws <http://www.wipo.int/tk/en/databases/tklaws/>
* Constitute: database of constitutions worldwide <https://www.constituteproject.org/>
* IFACCA: Cultural policies around the world <http://www.ifacca.org/links/cultural-policies-around-the-world/>
* Arterial Network: Arts in Africa Directory <http://www.artsinafrica.com/cultural-policy>
* Compendium of cultural policies in Europe <http://www.culturalpolicies.net/web/countries.php>
* OCPA, the Observatory of Cultural Policies in Africa   
  <http://ocpa.irmo.hr/index-en.html>
* OCPA: African cultural policies <http://ocpa.irmo.hr/resources/policy/index-en.html>

**International instruments**

* Convention for Biological Diversity (CBD), article 8(j) <http://www.cbd.int/traditional/>
* Convention for Biological Diversity (CBD), Nagoya Protocol <http://www.cbd.int/abs/text/default.shtml>
* Convention on the Elimination of All Forms of Discrimination Against Women and other instruments relating to gender equality <http://www.unesco.org/new/en/unesco/themes/gender-equality/resources/conventions-and-declarations/>
* Convention on Wetlands of International Importance (Ramsar Convention) <http://www.ramsar.org/about-the-ramsar-convention>
* International Labour Organization (ILO) Convention No.169 <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169>
* UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, <http://portal.unesco.org/en/ev.php-URL_ID=13055&URL_DO=DO_TOPIC&URL_SECTION=201.html>
* UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, <http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html>
* UNESCO Universal Declaration on Cultural Diversity <http://portal.unesco.org/en/ev.php-URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html>
* United Nations Declaration on the Rights of Indigenous Peoples [www.un.org/esa/socdev/unpfii/documents/DRIPS\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)
* United Nations International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>
* United Nations Convention on the Rights of the Child <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
* United Nations International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>
* United Nations post 2015 Sustainable Development Goals (draft) <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>
* United Nations Universal Declaration of Human Rights <http://www.un.org/en/documents/udhr/>
* WIPO, Draft Articles for the Protection of Traditional Cultural Expressions, Rev.2, July 7-9 2014, <http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_28/wipo_grtkf_ic_28_6.pdf>
* WIPO, Draft Articles for the Protection of Traditional Knowledge, Rev. 2, March 28, 2014. Available at <http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=238182>

**Regional instruments**

* Pacific Model Law for the Protection of Traditional Knowledge and Expressions of Culture <http://www.forumsec.org.fj/resources/uploads/attachments/documents/PacificModelLaw,ProtectionofTKandExprssnsofCulture20021.pdf>
* ASEAN Declaration on Cultural Heritage (2000) <http://cultureandinformation.asean.org/wp-content/uploads/2013/11/ASEAN-Declaration-on-Cultural-Heritage.pdf>
* Draft American Declaration on the Rights of Indigenous Peoples see <http://www.oas.org/dil/indigenous_peoples_supporting_preparation_draft_declaration.htm>
* Framework Convention on the Value of Cultural Heritage for Society, <http://www.coe.int/t/dg4/cultureheritage/heritage/Identities/default_en.asp>
* Framework Convention for the Protection of National Minorities, http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157
* African Union, Cultural Charter for Africa

http://www.au.int/en/treaties/cultural-charter-africa

* Charter for African Cultural Renaissance (African Renaissance Charter) http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Dakar/pdf/CharterAfricanCulturalRenaissance.PDF
* The African Charter on Human and Peoples' Rights (Banjul Charter) <http://www.achpr.org/instruments/achpr/>
* Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa <http://www.achpr.org/instruments/women-protocol/>
* Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights <http://www.achpr.org/instruments/court-establishment/>
* African Charter on the Rights and Welfare of the Child <http://www.achpr.org/instruments/child/>
* Pretoria Declaration on Economic, Social and Cultural Rights in Africa <http://www.achpr.org/instruments/pretoria-declaration/>
* Declaration on Gender Equality in Africa <http://www.achpr.org/instruments/declaration-on-gender-equality-in-africa/>
* Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of the African Regional Intellectual Property Organization (ARIPO) <http://www.wipo.int/wipolex/en/other_treaties/text.jsp?file_id=201022>

**General texts**

* Al Mawred Al Thaqafy (Culture Resource) papers on cultural policy in Arab states <http://mawred.org/cultural-policies/>
* Blake, Janet. Commentary on the 2003 UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage. Institute of Art and Law, 2006. <http://www.ial.uk.com/blake.php>
* Blake, Janet. International Cultural Heritage Law. Oxford University Press, 2015.
* Deacon, H.J. et al. The subtle power of intangible heritage: Legal and financial instruments for safeguarding intangible heritage, Human Sciences Research Council, Cape Town, 2004. Available at <http://www.hsrcpress.ac.za/product.php?productid=2044>
* Forbes, D. Adapting the wheel: developing cultural policy in Africa. Arterial Network, 2010. <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Conv2005_ArterialNetwork_AdaptingtheWheel.pdf>
* Francioni, F and Scheinin, M. Cultural Human Rights. Martinus Nijhoff, 2008. <https://books.google.co.uk/books?id=G3wee4LBrIkC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false>
* Lixinski, Lucas. Intangible Cultural Heritage in International Law. Oxford: Oxford University Press, 2013. <https://books.google.co.uk/books?id=23hoAgAAQBAJ&dq=inauthor:%22Lucas+Lixinski%22>
* Park, Seong-Yong. On Intangible Heritage Safeguarding Governance: An Asia-Pacific Context. Cambridge Scholars Publishing, 2013. <https://books.google.co.uk/books?id=WlkxBwAAQBAJ&pg>
* Research Guides on Indigenous Peoples in International Law <http://www.ilc.unsw.edu.au/resources/indigenous-peoples-and-international-law#bullet3>; see also <http://www.nyulawglobal.org/globalex/Researching_Indigenous_Peoples_International_Law.htm#onlinesources>
* UK open policy making toolkit: <https://www.gov.uk/open-policy-making-toolkit>
* UNESCO Culture Sector (Patricio Jeretic and David Rosello Cerezuela). Operational processes for the formulation and implementation of cultural policies: some basic principles. UNESCO Division of Cultural Policies and Intercultural Dialogue, January 2011. <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Operational%20Processes%20for%20the%20Formulation%20of%20Cultural%20Policies.pdf>
* UNESCO, ‘Towards codes of ethics for intangible cultural heritage?’ Background paper: Expert meeting on a model code of ethics for intangible cultural heritage, Valencia, Spain, 30 March to 1 April 2015. (<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00015&key=809>).
* Wendland, Wend. ‘Intangible Heritage and Intellectual Property: Challenges and Future Prospects’ Museum International: Vol. 56, 2004.
* WIPO, Developing a National Strategy on IP and TK, TCEs and GRs (English, Arabic, Chinese, French, Russian, and Spanish): <http://www.wipo.int/export/sites/www/tk/en/resources/pdf/tk_brief3.pdf>

**Case studies**

* Bendix, Regina F.; Eggert, Aditya; Peselmann, Arnika (Eds.) *Heritage Regimes and the State.* Göttingen Studies in Cultural Property, Volume 6. (<http://resolver.sub.uni-goettingen.de/purl?isbn-978-3-86395-122-1>)
* Cadaval, Olivia, and Cristina Diaz‐Carrera. ‘The Smithsonian Folklife Festival and Cultural Heritage Policy in Colombia: A Case Study.’ Curator: The Museum Journal 57.4 (2014): 423-36.
* Carvalho, A. 2008. Portuguese legislation on intangible cultural heritage and inventories. In El patrimonio cultural inmaterial. Definición y sistemas de catalogación: actas del seminario internacional, Murcia, 15 -16 Feb. 2007, ed. Inma García Simo, pp.173 - 184. Murcia: Comunidad Autónoma de la Región de Murcia. Available at: <http://www.rdpc.uevora.pt/bitstream/10174/8972/1/GARCIA%20SIMO%20-%20El%20patrimonio%20cultural%20inmaterial.pdf>
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* Forsyth, M. 2012, 'Lifting the Lid on 'the Community': Who has the Right to Control Access to Traditional Knowledge and Expressions of Culture?' International Journal of Cultural Property, 19, pp.1-31.
* Keitumetse, S. (2006). UNESCO 2003 Convention on Intangible Heritage: practical implications for heritage management approaches in Africa. The South African Archaeological Bulletin, 166-171.
* Kim, YG. ‘The Policy for Intangible Cultural Heritage of Republic of Korea and Japan.’ Milli Folklor 78 (2008): 12-21.
* Miyata, S. 2013. Intangible Cultural Heritage Policy in Japan. In L. Arizpe & C. Amescua (Eds.), Anthropological Perspectives on Intangible Cultural Heritage (Berlin, Heidelberg: Springer Verlag, Springer Briefs in Environment, Security, Development and Peace (ESDP) Vol. 46)
* Skounti, A. Le patrimoine culturel immatériel au Maghreb (UNESCO, 2009) <https://www.academia.edu/4138544/Le_patrimoine_culturel_immat%C3%A9riel_au_Maghreb>