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Item II.16 of the Provisional Agenda of the Intergovernmental
Copyright Committee

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of the Berne Union

CONSIDERATION OF THE POSSIBILITY OF
ESTABLISHING AN INTERNATIONAL INSTRUMENT
FOR THE PROTECTION OF FOLKLORE

1. The Director-General of Unesco transmitted to the Intergovernmental Copyright Committee of the Universal Convention adopted in 1952, at its twelfth ordinary session (Paris, December 1973), the communication which he had received on 22 May 1973 from the Ministry of Foreign Affairs and Religion of the Republic of Bolivia (No. D.G.O.I.1006-79) together with an explanatory memorandum, proposing that the possibility of establishing an international instrument for the protection of the folk arts and cultural heritage of the various nations of the world should be examined at the international level (document IGC/XII/12).
2. At the close of its consideration of this subject, the Intergovernmental Copyright Committee decided to entrust the Unesco Secretariat with the task of studying this problem and reporting thereon to the Committee and to the Executive Committee of the Berne Union at their forthcoming sessions (see Report of the twelfth ordinary session of the Intergovernmental Copyright Committee, document IGC/XII/17, paragraph 103).
3. Pursuant to that decision, the Secretariat of Unesco submits to the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union, in an annex to this report, a study on the desirability of providing protection for folklore at the international level.¹

1. In the preparation of this study, the Secretariat of Unesco has been assisted by the African Laboratory for the Coordination of Research and Interdisciplinary Studies as well as by Mr. Alain Gobin.

ANNEX

Desirability of providing protection
for folklore at the international level

I. Introduction

1. Folklore has its origins in the mists of time and is the work of remote peoples. It draws contemporary man back to the oldest sources of all cultural manifestations of humanity.
2. In countries with a long cultural tradition, it is but one of the components of the cultural substratum of the whole of a given population. However, its importance and role are increasing by reason of the sociological and psychological resistance to progress in scientific societies.
3. On the contrary, in developing countries, folklore occupies a place of considerable importance. An identifying element of membership in an ethnic group or national community, it is the dominant factor in a cultural heritage which, having its roots in very distant times, constitutes one of the principal riches of a living popular culture. A traditional element, it opens the way to technical progress while avoiding cultural upheavals.
4. Thus, whether dominant or accessory in the culture of a nation, folklore is nevertheless a reality, deeply anchored in the collective subconscious for which it provides nourishment.
5. Moreover, as the genius of a people may be made known and understood through folklore, its role, in the age of universality in which we live, is ever increasing in cultural exchanges between nations.
6. A new public, having an appreciation for folklore, has thus gradually formed, which favoured the unprecedented commercial expansion of recordings of music or traditional popular stories, to the extent that the repertoire of phonographic companies has considerably increased in this area.
7. It is in this context that the intervention of the law becomes necessary to improve the protection of folklore, while standardizing the use made of it; however, if the problem of the relationships between folklore and the law is of current interest, its solution remains nonetheless difficult. This cultural phenomenon, although universal, is extremely complex and little is known of the mechanisms which stimulate its creation and development. At the present time, five questions should be examined:
 - (i) what is meant by folklore;
 - (ii) the need to protect folklore;
 - (iii) the purpose for protecting folklore;
 - (iv) the methods for protecting folklore;
 - (v) the implementation of a programme to safeguard folklore.

II. Definition of folklore

8. Suggesting more a thematic rather than an explicit idea, folklore is a cultural phenomenon about which little is known and whose definition is imprecise.
9. The word folklore means, literally, science (lore) of the people (folk). It was introduced into the English language in 1846, when W.J. Thomas, writing under the pseudonym of Ambrose Merton,¹ proposed the use of the saxon word "folk-lore" for all which is considered ancient and popular literature.² This denomination was rapidly adopted by the Anglo-Saxons who assimilated it to that of ethnology, and by the French who used it "to designate the study of manners and customs of primitive contemporary peoples."³ Science of the people on the one hand, knowledge of things relating to the people on the other, the term was no longer put in question after the middle of the nineteenth century.
10. These explanations of a technical nature do not, however, dispel either the imprecision of the term folklore or its ambiguity.
11. The word folklore is imprecise as it englobes a multitude of folkloristic situations. Each country, province or locality possesses, to mention a few examples, a religious, legal, musical and agrarian folklore. It may be asked whether the term folklore, without specifying the particular field of application, is so general that it creates confusion as to the constitutive elements of the phenomena to which it applies.
12. The denomination is ambiguous as it designates both the science (lore) and its subject (folk). Under the circumstances, one is subject to the cumulative uncertainties of science (since one speaks of "folklore research" as well as "French folklore" or "legal folklore"), and of its subject (since the term folk signifies at the same time the nation, politically delimited, and the units which it groups or the races of which it is composed).
13. To the extent that the present study is limited to the subject of folklore, the specific elements relating to its characteristics may be isolated.
14. It is the prevailing thesis today that the basic feature of folklore is that it constitutes an artistic manifestation of a peoples, the essential elements of which are its impersonal, traditional and oral character.
15. Folklore is impersonal for two reasons: it is attributed to a group and is not the work of a single known author. It is the culture of populations of varying size where personalities mingle and disappear, if only by reason of the uniformity of their preferences. This uniformity is reflected in the anonymity of the creation. Absent a transmitted material object, all research concerning specific origins is based on the highest erudition or vague speculation.

1. Revue Athenaeum, August 1846.

2. Christina Stanley Hole, Encyclopaedia Britannica, vol.9, p.518.

3. Louis, Le folklore et la danse, ed. Larose, p.35 (1963).

16. Secondly, folklore is traditional. It is transmitted by means of outlines, formulae or stereotyped structures to which the performer, under pain of losing his audience, must conform. This characteristic is explained by reasons of a sociological nature: in fact, folklore is rooted in the midst of a very coherent social milieu whose members possess approximately the same cultural level. Manifesting his sensitivity in this way, the minstrel, the dancer, the singer or instrumentalist expresses what is known to all members and what is present in all. His sensitivity reflects that of the group. His is a collective voice whose purpose is not to innovate, but to conserve by preserving the culture heritage he has received.

17. Impersonal, traditional, folklore also exhibits the characteristic of being transmitted orally. For its propagation folklore takes the oral path, the sole temporal and spatial route open to this culture, which marks it with an original imprint, since folklore is not destined to circulate unchanged, but undergoes many transformations in the course of its travels.

18. Thus, folklore is an impersonal, oral and traditional artistic creation whose source is individual or collective depending on the authorship and whose form varies in time and space.

III. Need to protect folklore

19. Legal protection of folklore is necessary today in view of (a) the increased importance of this cultural heritage, (b) the dangers which threaten it, and (c) the consequences attendant on the damage it suffers.

(a) The increased importance of folklore

20. The importance accorded to culture has grown in all States since the second World War and is the subject of specific policies in most countries of the world. Today folklore is finally included among the constituent elements in the formulation of cultural policies and plays a role of varying importance depending on the State in question. In this respect the recommendation adopted by the Intergovernmental Conference on Cultural Policies in Asia held in Yogyakarta from 10 to 19 December 1973, invites Unesco to "take the necessary measures to provide assistance in: (a) preserving the cultural heritage and popular traditions of these countries with the aim of creating harmony between traditional cultures and modern civilization; (b) popularizing their cultural traditions and the achievements of present-day cultural life" (Recommendation No. 3).

21. The growing interest in folklore is also the result of a convergence of political and cultural aspirations.

22. Political factors have played a determining part in the recognition of the role of folklore, traditional cultural elements having assumed an increasing importance in developing countries as a factor in the identification of national communities. The cultural element is thus viewed as one of the levers of political action in developing countries. It serves to identify and differentiate in countries wishing to integrate themselves in the modern world while preserving their integrity. "Assimilate without being assimilated"

as President Senghor has stated. Consequently, emphasis has been placed on all elements capable of uniting the national community. In the first place, customs, rites and folklore are identified. The role of folklore is even more important in civilizations having an oral tradition of which it constitutes an essential part.

23. It may be added that the gradual exposure of developing countries to a wider culture, as a result of the appreciable development of the means of information and communication, has contributed to an enhanced appreciation of this cultural heritage.

(b) The dangers which threaten folklore

24. As it has the potential of making the spirit of peoples known and understood, the place of folklore has continued to grow in the cultural exchanges between nations. Crossing local or national frontiers, folklore has achieved international renown.

25. This recent but growing concern, favoured to a large extent by modern information, reproduction and dissemination techniques, is praiseworthy as long as it is not inspired by a commercial interest which could pose a major threat to the existence of folklore.

26. Thus, preserved to date in homogenous circles, far from the centres of civilization, folklore, outside its natural environment, is in danger of progressively changing in nature and eventually disappearing.

27. This deterioration has already begun and will soon be irreversible in the fields of music and dance in certain areas of the world.

28. The importance of the commercial transactions carried out, because folklore is a cultural heritage which may be used inexpensively, has, as a corollary, a standardization of a fragile cultural whole, worthy of interest. It organizes and perpetuates in this way a process of transfer of cultural heritages, across national frontiers, whether or not voluntary, without regard to natural acculturation, and for motives opposed to the principals of cultural dissemination.

(c) The consequences attendant on the damage it suffers

29. The basic culture of peoples, an integral part of the cultural heritage of humanity, folklore is, in certain parts of the world, gradually disappearing as the result of the progressive defacement of its natural surroundings and the external harm it endures.

30. Unfortunately, there is reason to believe that the modern world, whose memory is limited to the present time, favours this type of cultural depredation and freely allows all manner of attacks against the creations of human genius. Thus, it was noted recently that "musical folklore" is often clandestinely exploited commercially and exported within the framework of a "process of cultural transfer for profit, to the detriment of traditional cultures which do not even benefit from an attribution of origin." These transfers, accompanied by a more or less profound deformation of folklore, entail its gradual disappearance. This phenomenon, irreversible today if nothing is undertaken, should be stopped. Folklore should be safeguarded. It is at this stage that an intervention at the highest level

has become indispensable in order to protect one of the most precious goods of humanity, since its deterioration and disappearance have today become a reality. The latter is due to a deficiency of memory, faulty recollection, voluntary mutilation, arbitrary transfer and unjustified amplification.

IV. Purpose of protecting folklore

31. Action should be undertaken to protect folklore whose existence is threatened: it should be protected against the ravages of time; it should also be protected from attacks on its authenticity; the latter would necessitate protection against the damage inflicted by man.

(a) Ravages of time

32. In the first place, folklore should be protected against the ravages of time caused by its oral transmission.

33. It has long been recognized that the material remains of the genius of peoples should be safeguarded. Today, it is also necessary to protect the immaterial manifestations of this genius.

34. However, to preserve folklore from the ravages of time, a precise knowledge of this cultural heritage is required; scientific instruments for study and analysis, which permit folklore to be defined and identified with clarity, should be made available. Only this knowledge, which is lacking today, would encourage the conservation and safeguard of folklore, by furnishing the implements necessary for that purpose.

(b) Attacks of man

35. This second protection is not possible without the first since the intervention of the law is only effective in a terrain hospitable to its development. It is one thing to affirm that a work is a part of musical folklore, another to prove the correctness of this statement.

36. The flowering of the popular consciousness, folklore may only be known, outside its natural habitat, through certain means of dissemination. It is only by way of such formal embodiments that, apart from the memory of its custodians, it may be studied, recurring themes identified, characteristics isolated, classifications drawn up and, consequently, it may be protected. It should be noted that the elements justifying this identification remain valid.

37. In its natural setting, folklore undergoes a "natural growth" which guarantees its authenticity. However, it is capable of having a "second life" when, removed from its chosen territory, it is used for commercial purposes. It is thus subject to the same attacks as the musical works of the greatest masters. Strictly applied rules should prevent this depredation. They should allow folklore to recover its naturalness and authenticity, while being flexible enough not to hamper the dissemination of this cultural heritage. The problem is complex, since there are many obstacles to an effective protection of folklore.

V. Methods of protecting folklore

(a) Measures already existing at the national level

38. There are several developing countries which have dealt with the problems associated with traditional popular culture in their national legislations.

39. Four African copyright laws contain, to date, provisions on folklore: the Tunisian law of 14 February 1966, the Moroccan law of 24 July 1970, the Algerian Ordinance of 3 April 1973, and the Senegalese law of 4 December 1973.

40. The Tunisian law provides, basically, that only original works inspired by folklore are protected by copyright (article 1 (13)), these works being defined in article 6 (3) as "any work composed with the aid of elements borrowed from the cultural traditional patrimony of the Tunisian Republic." Strictly speaking, folklore constitutes a part of the national heritage (article 6 (1)). Article 6 (2) provides that "the direct or indirect fixation of such folklore, with a view to its exploitation for gainful intent, requires an authorization from the department in charge of cultural affairs." It is specified that the latter "may impose for such fixation a charge in accordance with such conditions as may be prescribed by decree." It would seem that these provisions establish an optional payment for use of works in the public domain under certain conditions.

It should be noted that authorization is only necessary in the case of fixation - which excludes any public performance - and when this fixation is made for profit. Moreover, the above regulations do not apply to public entities which may freely use folklore without prior authorization.

41. If at first glance the Moroccan law appears to contain provisions similar to those of the Tunisian law, a detailed analysis shows that it establishes a more far-reaching legal system for works of folklore. In the first place, the Moroccan law provides a definition of folklore which the Tunisian law does not. Article 10(5) specifies: "Folklore shall be taken to mean works where the identity of the author is unknown but where there is every ground to presume that he is or was a Moroccan national." Secondly, if the legal system applicable to a work of folklore resembles that established by the Tunisian law, prior authorization for the direct or indirect fixation is required in all cases subject to the "payment of a fee, the proceeds of which shall be used in the public or professional interest." The payment of an optional charge is replaced in the Moroccan law by the payment of an obligatory fee. The system set up by the Moroccan law appears to be that of a State domain. The State collects a fee, the generality of whose appropriation does not prejudice its allocation for cultural purposes. Under these circumstances, folklore constitutes one of the financial resources of the State which itself may use this heritage as it wishes during public celebrations. Thus, article 10(3) specifies that "this Dahir shall not apply to the use of folklore in events organized by public authorities."

42. The Algerian Ordinance no. 73-14 of 3 April 1973 sets forth a more complete system. Article 2(ii) states that copyright protection extends to "works of folklore and, in general, works being part of the traditional cultural heritage of Algeria." The subject matter of copyright protection is no longer only the work inspired by folklore but folklore itself.

However, folklore being part of the public domain, its use is regulated. Two cases may be distinguished. For the work inspired by folklore, the system defined in article 14(3) is identical to that of the Moroccan and Tunisian laws. For a work of folklore, the system established by article 14(2) is the same as in both these laws; however, the substitution of the terms relating to the protected works ("folklore" instead of "work inspired by folklore") indicates a different legislative orientation. In the Moroccan and Tunisian laws, only works inspired by folklore are subject to copyright. On the contrary, folklore, as such, is not subject to copyright. Only its use is regulated. It is not legally protected. The Algerian legislature for its part includes folklore among the works protected by copyright. Legal protection comes into play, not only when there is a default in payment, but also when there is a threat to integrity, at the time of an infringement.

43. The copyright law of Senegal of 4 December 1973 has retained the distinction between a work of folklore and a work inspired by folklore. Moreover, it does not adopt in this respect a legal system of State property but tends towards a system of payment for the use of works in the public domain (un domaine public payant).

44. As the Algerian Ordinance, the Senegalese law specifies, in chapter I, article 1, that: "the following in particular shall be considered intellectual works within the meaning of this law: ... (xiii) folklore and works derived from folklore, subject to special provisions which shall be established by a special law on the protection of the cultural heritage." The text of the law then divides the provisions relating to folklore into two categories: that reserved for definitions and that dealing with measures for the use of folklore. The definition of a work of folklore is approximately the same as that in other African States which have adopted provisions on this subject. Belonging originally to the national cultural heritage, folklore means "all literary and artistic works created by authors presumed to be of Senegalese nationality, passed from generation to generation and constituting one of the basic elements of the Senegalese traditional cultural heritage."

Article 9 sets forth as a rule the payment of a royalty on the occasion of a public performance, and the direct or indirect fixation of folklore with a view to its exploitation for profit-making purposes, as authorized by the copyright office of Senegal (BSDA). The royalties thus collected are allocated "for cultural and welfare purposes for the benefit of authors."

Under article 9, the amount of the royalties received is as follows: (a) collecting without arrangement or personal contribution: 50% to the person who did the collecting; 50% to BSDA; (b) collecting with arrangement or adaptation: 75% to the author; 25% to BSDA.

45. Turning to Latin America, it may be noted that a very elaborate legal system has been set up by the Bolivian government. The provisions governing musical folklore form a whole composed of the Supreme Decree of 19 June 1968 which sets forth the principles applicable to this subject and the Implementing Decree of July 1968 which specifies the measures for the application of the Supreme Decree.

46. Supreme Decree no. 08396 proclaims State ownership of the folk music (anonymous, popular and traditional) produced at the present time on its territory by unidentified composers in peasant and general folk groups, and of the music of Bolivian composers deceased 30 or more years ago.

With respect to the use of folk music, the Supreme Decree requires that any fixation or imprint of folk music mention the name of the collector and/or the folklore department of the Ministry of National Education and Culture (art.6.) A royalty is collected for such uses. Thus, any person who fixes or publishes folk music must pay, to the account "safeguard of folklore" at the Bolivian central bank, a sum equivalent to the royalties which would be collected by a living author for his composition (art.3). The proceeds from this royalty are allocated exclusively for the preservation and study of Bolivian folk music (art. 5). From these sums, the registrar receives 40% (art. 4). Finally, in order to list the folk melodies in a precise manner, the folklore department of the Ministry of National Education and Culture as well as the Public Ministry are authorized to carry out research on the appropriation of themes from folk melodies by third parties as original compositions, prior to the decree (art. 7).

47. The regulation of July 1968 specifies the uses which may be made of the national folklore, the measures for its registration and the procedure for the restitution to the national community of melodies unjustly appropriated by third parties.

48. The communication received by the Director-General of Unesco on 22 May 1973 from the Ministry of Foreign Affairs and Religion noted that the establishment of legislation extending the application of the measures mentioned above to popular art and traditional literature, is presently under consideration.

(b) Measures existing at the international level

49. The Universal Copyright Convention does not contain any provision specifically applicable to folklore. Only article II, which sets forth the general principle of national treatment, provides protection for such works to the extent stipulated in national laws.

50. The Pan-American Conventions are not particularly helpful in this respect. By requiring the publication of a work for its protection, they exclude all works transmitted orally.

51. The Berne Convention for the protection of literary and artistic works contains in its texts adopted at Stockholm in 1967 and at Paris in 1971, a provision on works of folklore. Article 15(4) provides:

"(4) (a) In the case of unpublished works where the identity of the author is unknown, but where there is every ground to presume that he is a national of a country of the Union, it shall be a matter for legislation in that country to designate the competent authority which shall represent the author and shall be entitled to protect and enforce his rights in the countries of the Union.

(b) Countries of the Union which make such designation under the terms of this provision shall notify the Director General by means of a written declaration giving full information concerning the authority thus designated. The Director General shall at once communicate this declaration to all other countries of the Union."

This provision, of an optional nature since "it shall be a matter for legislation in that country [countries of the Berne Union] to designate....," is based, as indicated in paragraph 251 of the Report of Main Committee I of the Stockholm Conference on intellectual property, on the following principles:

- "(i) the work is unpublished;
- (ii) the author is unknown;
- (iii) there is every ground to presume that the author is a national of a country of the Union;
- (iv) if these three conditions are fulfilled, the legislation of that country may designate a competent authority to represent the author;
- (v) the competent authority is entitled to protect and enforce the rights of the author in all the countries of the Union;
- (vi) if such an authority is designated by a country, that country shall notify the Organization (WIPO) by means of a declaration in writing giving full information concerning the authority thus designated; WIPO shall communicate this declaration to all other countries of the Union."

Paragraph 252 of the above-mentioned Report specifies, moreover, that this text "did not mention the word 'folklore', which was considered to be extremely difficult to define. Hence, the provision applies to all works fulfilling the conditions indicated above. It is clear, however, that the main field of application of this regulation will coincide with those productions which are generally described as folklore."

(c) The inappropriateness of existing texts to satisfy the interests in question

52. It is tempting to try to regulate inexpensively the problem of folklore by considering only the legal aspects of its protection. It may be thought that, since several international conventions govern the fate of works of literary and artistic creation, by a natural assimilation, it will be possible, by introducing new provisions, to assure the safeguard of the folkloric heritage.

53. However, to reason in this manner would be to ignore entirely the unique nature of folklore which does not permit the assimilation of works of folklore to scholarly creative works.

54. The complexity of the question of folklore supports the view that legal protection of folklore against attacks on its authenticity is but one facet of a whole which englobes the identification, conservation and protection of folklore, a whole difficult to dissociate.

(i) Does folklore fulfill the conditions for copyright protection

55. For an intellectual production to be protected by copyright, it must, whether literary or artistic, have an author and be original.

56. Folklore is certainly an artistic creation. It is not necessary to insist on this point except to observe that folklore's creations are not precisely covered by national copyright laws or international

copyright conventions in that they are not works which are created and definitively fixed. Time plays an important role in their genesis.

57. The second requirement to satisfy is that of originality. It is admitted that to be eligible for protection, an artistic work should be original, but that this notion is understood in a relative rather than absolute way. It is difficult to determine whether a creation of folklore is absolutely or relatively original since an antecedent always exists. Thus, in most countries, folkloric melodies are based on a theme or an air which predates them. As a result, with respect to copyright principles, a given work is considered relatively original. This qualification does not automatically apply but should be presumed as such, absent objective proof to the contrary.

58. The determination of the author of works of folklore is delicate. It is usually admitted that a work of folklore is created gradually in time. The closer one comes to the contemporary period, the more the methods of investigation permit the attribution of the respective parts of the various contributions. The legal situation of these works is thus clarified. However, tradition, which constitutes an anonymous "common fund", provides an already developed basis for the present formalization of folklore. This creative multiplicity inherent in folklore which leads to the abandonment of the notion of authorship for a multiplicity of transmitters, is the basic source of difficulty when attempting to devise an unambiguous legal status for works of folklore.

59. It should be noted that: (i) copyright being essentially individualistic, the collective character of the works in question tends to exclude them from traditional classifications; (ii) to the discussion of the legal nature of works of folklore is added a difficulty with respect to the application of copyright in systems which make publication of a work of the intellect a criterion for its protection.

60. Finally, several current theories hold that creations of folklore possess a character sui generis which renders inoperative any attempt at assimilating them to preexisting categories.

(ii) Legal protection of folklore against attacks on its authenticity presupposes rules of identification for its various constituent parts

61. If one refers to the provisions, presently in force, which relate to the protection of the cultural heritage of humanity, one notes that they may not be applied to folklore. The Convention on the means of prohibiting and preventing the illicit export and transfer of ownership of cultural property adopted by the General Conference of Unesco on 14 November 1970, as well as the Recommendation on the same subject adopted by the General Conference of Unesco on 19 November 1964, refer expressly to artistic, historic or archaeological property, ethnological documents, etc., that is, to archaeological and plastic art aspects, and nothing explicit is said about the important field of popular oral culture, in particular stories, music and dance which have considerably increased in value to the point of becoming a commercial factor.

62. The extent of the problem, its complexity and the obstacles to its resolution support the desire for the harmonization of measures for its safeguard.

63. At the national level, it would seem desirable to establish, according to universally accepted criteria, a precise and scientific inventory of the folkloric heritage, the types, styles and variations, in order to determine the characteristics, forms and structures of folklore. This undertaking would culminate in the establishment of readily usable classifications which, together with a modern system of storage, would constitute the essential basic element for a global system for the protection of this heritage.

64. Standards for the identification and classification of folklore should also be drawn up at the international level so that a unified and readily accessible body of knowledge, meeting specific criteria, would be available.

VI. The implementation of a programme to safeguard folklore

65. In order to set forth the basic elements of a system for the safeguard of folklore, it would be advisable to first resolve the questions of methodology, then consider the problems of infrastructure in order to subsequently be in a position to draw up an international instrument specifically for folklore, which would cover both the protection and safeguard of this cultural heritage as a whole and whose application and control would not be difficult.

66. To this end, it is necessary, in the first place, to consider further the concept of folklore itself and to determine more precisely what constitutes folklore. The examination of present studies concerning the actual state of knowledge in this area would be particularly beneficial in this context. These efforts would delimit the field of action in question, since there are certain natural limits which should be identified.

67. Thus, as precise and workable a definition of folklore as possible is absolutely essential. It should be established quickly with the assistance of specialists in order to avoid any eventual confusion which would be especially prejudicial.

68. In the second place, it is important to acquire a better knowledge of the manner in which folklore originates and develops, both in time and space, such as has or could be determined through the work of specialists in this area or by studies undertaken by international organizations entrusted with matters relating to folklore.

69. This work should permit at a third stage a determination of the components of folkloric mechanisms and thus facilitate the identification of the characteristic constituent elements of each of the categories of folkloric expression.

70. This basic preparatory conceptual work is necessary in order to arrive at the stage of the organization and use of implements capable of assuring the gathering of the information required for the development of the programme envisaged. From this point of view, it would be advisable to establish two classifications, one general, the other specific. The first classification would be intended to isolate the fields affected by folklore which should be particularly safeguarded. Merely as an example, it would be possible to include in the artistic field such categories as:
1) stories and legends, 2) music and dance, 3) rituals, etc...

Once the sectorial approach was completed, a second classification should be established, for each field, in each country or geographical zone, which would be based on a specific generic type or a known style or styles, so as to isolate each folkloric expression and accord it a complete civil status.

This work would be carried out according to modern methods of identification, specific to each discipline, but which should, in each case, be united for their application in each country or geographic zone. The mass of information thus collected would be sorted, catalogued and stored following a procedure to be determined.

71. Having noted these elements of methodology, the implementation of the programme envisaged for the safeguard of folklore would entail the consideration of the infrastructure which would be required and the difficulties which may arise.
72. It is obvious that some States and geographic zones have the means of identifying their folklore, where the latter has not already been undertaken. The question which arises is two-sided: how to unify the methods of identification and what to do for States which are lacking in this area.
73. On the first point, it is not realistic to reconsider what has already been done, but on the contrary it is possible, in the future, within the framework of a major undertaking for the safeguard of folklore, to establish model norms for identification adopted by all States, bearing in mind the actual results achieved in certain countries.
74. As for the second point, the problem is more delicate since the establishment of an infrastructure, no matter how slight, would imply expenses which certain States may not be in a position to pledge at the moment. Thus, it would be desirable to examine the possibility of creating, at the international level, a body which would be able to carry out this work with the assistance of local specialists in order that it might be feasible in the near future, to establish a world catalogue of folklore.
75. The second remedy would be to provide the international bodies already having responsibilities with respect to certain sectors of folklore, the means of developing and accelerating the identification of the field of folklore which they are charged with examining. These organizations exist, such as the International Folk Music Council (IFMC) which is concerned with all the musical aspects of folklore. The rapidity of the implementation of the programme, the efficiency and competence of the bodies charged with this mission, argues in support of this solution.
76. Simultaneously with the studies on problems of methodology and infrastructure, the list of attacks and depredations which folklore suffers should be drawn up in order to determine appropriate remedies.
77. Once these three steps have been taken, the main task would consist in the preparation of an international instrument for the protection of folklore incorporating a great variety of provisions designed to assure

the preservation of this cultural heritage. Legal provisions should be adopted. but they would only form part of a much wider whole.

78. In view of the above elements, the need to reply rapidly and effectively to a progressively deteriorating situation, should inspire the competent authorities to promote the adoption, as quickly as possible, of a specific and well-balanced solution through interdisciplinary research.