

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

SECOND COMMITTEE OF GOVERNMENTAL EXPERTS
ON THE SAFEGUARDING OF FOLKLORE

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SOLUTIONS TO THE PROBLEMS RAISED BY THE SAFEGUARDING OF FOLKLORE
AS PROPOSED BY THE COMMITTEE OF GOVERNMENTAL EXPERTS

I. This document contains material which, after the Committee of Governmental Experts has considered the various aspects involved in the safeguarding of folklore, might be included in general international regulations on the question if the General Conference of Unesco were to decide to draw up such regulations.

II. The Committee of Governmental Experts feels it desirable that Member States should be invited to safeguard folklore using what follows as a basis:

A. Definition of folklore

Folklore could be defined as follows:

'Folklore (in the broad sense of traditional folk culture) is a group-oriented and tradition-based creation of groups or individuals reflecting the expectations of the community as an expression of its cultural and social identity; standards and values are transmitted orally, by imitation or by other means. Its forms include language, literature, music, dance, games, mythology, rites, customs, crafts, architecture and other arts'.

B. Identification of folklore

Folklore as intellectual property must be safeguarded by and for the group (family, occupational, national, regional, religious, ethnic, etc.) whose identity it expresses. To this end, it would be advisable:

1. to make a register of institutions concerned with folklore;
2. to set up identification and recording systems (collection, transcription, cataloguing) or to develop those that already exist;
3. to establish a global standard typology of folklore;
4. to co-ordinate the classification systems used by different institutions.

C. Conservation of folklore

Conservation is concerned with documentation regarding folk traditions and its object is, in the event of the non-utilization or development of such traditions, to give research workers and tradition-bearers access to data enabling them to understand the process through which tradition evolves and changes. While living folklore, owing to its evolving character, cannot always be directly protected, folklore that has been fixed in a tangible form should be effectively protected. To this end, it would be advisable:

1. to establish a network of archives where the information and documents collected would be stored;
2. to establish data or archives centres;
3. to standardize archiving methods;
4. to establish a card index of all institutions and all persons holding items of folklore;
5. to train archivists, documentalists, collectors and other specialists in the conservation of folklore.

D. Preservation of folklore

Preservation is concerned with protection of folk traditions, having regard to the fact that the people have a right to their own culture and that their belief in that culture is often eroded by the impact of the industrialized culture purveyed by the mass media. While non-traditional culture is self-sustaining, measures must be taken to guarantee the status of and economic support for folk traditions both in the communities which produce them and beyond. To this end, it would be advisable:

1. to introduce into educational curricula, at all levels, the methodical study of folklore;
2. to take into account not only popular and rural cultures but also those created in urban areas;
3. to make available to local institutions copies of documents stored in central archives concerning a particular community or region;
4. to guarantee the right of the various ethnic groups and national communities to their own folklore;
5. to set up a National Folklore Council on an interdisciplinary basis;
6. to appoint an ombudsman for folklore to represent the various interest groups; he would work in collaboration with the National Folklore Council referred to in paragraph 5 above.

E. Dissemination of folklore

The attention of people should be drawn to the importance of folklore as an ingredient of cultural identity. It is essential for the items that make up this cultural heritage to be widely disseminated so that the value of folklore

and the need to preserve it can be recognized. However, any caricature or distortion during dissemination should be avoided so that the integrity of the traditions can be safeguarded. To this end, it would be advisable:

1. to encourage the organization of national, regional and international folklore events such as fairs, festivals, films, exhibitions, seminars, symposia, workshops, training courses, congresses and so on;
2. to publish information in bulletins and periodicals;
3. to bring all folklore events to the attention of the mass media;
4. to establish institutes, documentation centres and libraries specializing in folklore;
5. to facilitate meetings and exchanges between individuals, groups and institutions concerned with folklore.

F. Use of folklore

In so far as folklore constitutes manifestations of intellectual creativity it deserves to be protected in a manner inspired by the protection provided for intellectual productions. Such a protection of folklore has become indispensable as a means of promoting further development, maintenance and dissemination of those expressions, both within and outside the country, without prejudice to related legitimate interests. Leaving aside the 'intellectual property aspects' of the protection of folklore, there are at least four categories of rights which are already protected and which should in future continue to be protected in folklore documentation centres and archives. With this in view, it would be useful:

(a) regarding the 'intellectual property' aspects

1. to point out to the relevant authorities that the 'intellectual property' aspects of the protection of folklore do not cover all the questions involved in the preservation of folklore and that they only represent one aspect of such preservation which can be implemented separately from its other aspects;
2. to call the attention of the relevant authorities to the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions, adopted by a Committee of Governmental Experts that met in Geneva from 28 June to 2 July 1982 under the joint auspices of Unesco and the World Intellectual Property Organization (WIPO);

(b) regarding the other rights involved

3. to protect the informant as the transmitter of tradition;
4. to guarantee the freedom of all individuals and corporate bodies to gather information; and
5. to secure for the collector the right:
 - (1) to have first use of the materials gathered;

(ii) to have the materials gathered conserved in archives in good condition and in a methodical manner;

6. to adopt the necessary measures to safeguard the materials gathered against misuse, whether intentional or due to negligence on the part of the collector, the research worker or the archives;

7. to recognize the right of archives to monitor the use made of the materials gathered. There should be co-ordination with the authorities empowered to issue authorizations in connection with uses relating to the 'intellectual property' aspects of the safeguarding of folklore.

G. International co-operation

In view of the need to intensify cultural co-operation and exchanges, in particular through the pooling of human and material resources, in order to carry out folklore development and revitalization programmes, Member States should be invited:

1. to co-operate with international and regional associations, institutions and organizations concerned with folklore;
2. to co-operate in promoting knowledge of folklore and in its dissemination and safeguarding, particularly through exchanges of information of all kinds and of scientific and technical publications, the training of specialists, the award of travel grants and the dispatch of scientific and technical personnel and equipment, the organization of meetings of specialists, study courses and workshops on specific subjects, in particular the classification and cataloguing of folklore data and expressions;
3. to co-operate closely with a view to ensuring the enjoyment at international level by the various beneficiaries (community, individuals or corporate bodies) of the economic, moral and neighbouring rights resulting from the investigation, creation, composition, performance, recording and/or dissemination of folklore.

III. The Committee of Governmental Experts also considered it desirable, in order to help Member States to safeguard their folklore, that Unesco should envisage:

- (a) establishing an international register of folk-cultural properties, preceded by an inventory of infrastructures serving to promote a better knowledge of folklore;
- (b) publishing at regular intervals a newsletter devoted to the safeguarding of folklore; this would provide a link between all the institutions and persons whose services Unesco might enlist;
- (c) drawing up a worldwide typology of folklore and cultural properties with the assistance of appropriate committees of experts;
- (d) drawing up a list of the popular traditions notified by Member States as being most representative of their cultural values;
- (e) providing developing countries with intellectual and technical assistance in establishing infrastructures and in training specialized personnel.