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DRAFT RECOMMENDATION TO MEMBER STATES  
ON THE SAFEGUARDING OF FOLKLORE

SUMMARY

In accordance with Article 11 of the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the draft Recommendation on the Safeguarding of Folklore is submitted to the General Conference for approval and adoption, as provided for in Article IV, paragraph 4, of the Constitution.

The draft, which was considered and approved by a Special Committee of Governmental Experts convened in accordance with resolution 15.3 adopted by the General Conference at its twenty-fourth session, forms Annex I to this document. The Special Committee's report forms Annex II.

Decision required: paragraph 7.

7 JUIN 1989

## INTRODUCTION

1. At its twenty-fourth session the General Conference adopted the following resolution (15.3):

The General Conference,

Having regard to Articles 2 and 3 of the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution,

Having examined the report and preliminary study contained in document 24 C/31,

1. Decides that the question of the safeguarding of folklore should be the subject of a recommendation to Member States;
2. Invites the Director-General to convene a special committee of technical and legal experts appointed by Member States to draw up the final draft for submission to the General Conference at its twenty-fifth session in 1989.

2. In pursuance of that resolution, and in accordance with Article 10.1 of the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the Director-General prepared an initial report containing the first draft of a recommendation on the safeguarding of folklore (CC/MD/4) and sent it to Member States on 1 June 1988 under cover of circular letter CL/3121. Member States were invited to submit their comments and observations on that first draft.

3. In accordance with Article 10.3 of the aforementioned Rules of Procedure, the Director-General prepared a final report (CC/MD/8) containing the first draft of the Recommendation. That report was sent to Member States under cover of circular letter CL/3166 dated 2 March 1989. The full text of Member States' replies, the Secretariat's analysis of those replies and the text of the first draft of the Recommendation were appended to document CC/MD/8.

4. The replies received by the Secretariat after 16 December 1988 were reproduced in document CC/MD/8 Add.1, which was communicated directly to the governmental experts at the time of the meeting of the Special Committee referred to in paragraph 5 below.

5. By circular letter CL/3157 dated 16 January 1989, the Director-General convened a Special Committee of Governmental Experts appointed by Member States in pursuance of the above-mentioned resolution 15.3 to consider and finalize the projected draft Recommendation for submission to the General Conference at its twenty-fifth session. That Committee met at Unesco Headquarters in Paris from 24 to 28 April 1989.

6. The Special Committee of Governmental Experts considered, finalized and approved the Arabic, English, French, Russian and Spanish versions of the draft Recommendation on the Safeguarding of Folklore. The Chinese version of the draft Recommendation is a translation made by the Secretariat. The draft Recommendation forms Annex I to this document. This document also contains the report adopted by the Committee (Annex II).

7. The draft Recommendation is now submitted to the General Conference for adoption, as provided for in Article IV, paragraph 4, of the Constitution and Article 11 of the aforementioned Rules of Procedure.

ANNEX I

DRAFT RECOMMENDATION TO MEMBER STATES  
ON THE SAFEGUARDING OF FOLKLORE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from ... October to ... November 1989 at its twenty-fifth session,

Considering that folklore forms part of the universal heritage of humanity and that it is a powerful means of bringing together different peoples and social groups and of asserting their cultural identity,

Noting its social, economic, cultural and political importance, its role in the history of the people, and its place in contemporary culture,

Underlining the specific nature and importance of folklore as an integral part of cultural heritage and living culture,

Recognizing the extreme fragility of the traditional forms of folklore, particularly those aspects relating to oral tradition and the risk that they might be lost,

Stressing the need in all countries for recognition of the role of folklore and the danger it faces from multiple factors,

Judging that the governments should play a decisive role in the safeguarding of folklore and that they should act as quickly as possible,

Having decided, at its twenty-fourth session, that the safeguarding of folklore should be the subject of a recommendation to Member States within the meaning of Article IV, paragraph 4, of the Constitution,

Adopts the present Recommendation this .....1989:

The General Conference recommends that Member States should apply the following provisions concerning the safeguarding of folklore by taking whatever legislative measures or other steps may be required in conformity with the constitutional practice of each State to give effect within their territories to the principles and measures defined in this Recommendation.

The General Conference recommends that Member States bring this Recommendation to the attention of the authorities, departments or bodies responsible for matters relating to the safeguarding of folklore and to the attention of the various organizations or institutions concerned with folklore, and encourage their contacts with appropriate international organizations dealing with the safeguarding of folklore.

The General Conference recommends that Member States should, at such times and in such manner as it shall determine, submit to the Organization reports on the action they have taken to give effect to this Recommendation.

#### A. Definition of folklore

For purposes of this Recommendation:

Folklore (or traditional and popular culture) is the totality of tradition-based creations of a cultural community, expressed by a group or individuals and recognized as reflecting the expectations of a community in so far as they reflect its cultural and social identity; its standards and values are transmitted orally, by imitation or by other means. Its forms include, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, architecture and other arts.

#### B. Identification of folklore

Folklore, as a form of cultural expression, must be safeguarded by and for the group (familial, occupational, national, regional, religious, ethnic, etc.) whose identity it expresses. To this end, Member States should encourage appropriate survey research on national, regional and international levels with the aim to:

- (a) develop a national inventory of institutions concerned with folklore with a view to its inclusion in regional and global registers of folklore institutions;
- (b) create identification and recording systems (collection, cataloguing, transcription) or develop those that already exist by way of handbooks, collecting guides, model catalogues, etc., in view of the need to co-ordinate the classification systems used by different institutions;
- (c) stimulate the creation of a standard typology of folklore by way of:
  - (i) a general outline of folklore for global use;
  - (ii) a comprehensive register of folklore; and
  - (iii) regional classifications of folklore, especially field-work pilot projects.

#### C. Conservation of folklore

Conservation is concerned with documentation regarding folk traditions and its object is, in the event of the non-utilization or evolution of such traditions, to give researchers and tradition-bearers access to data enabling them to understand the process through which tradition 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, Member States should:

- (a) establish national archives where collected folklore can be properly stored and made available;
- (b) establish a central national archive function for service purposes (central cataloguing, dissemination of information on folklore materials and standards of folklore work including the aspect of safeguarding);
- (c) create museums or folklore sections at existing museums where traditional and popular culture can be exhibited;

- (d) give precedence to ways of presenting traditional and popular cultures that emphasize the living or past aspects of those cultures (showing their surroundings, ways of life and the works, skills and techniques they have produced);
- (e) harmonize collecting and archiving methods;
- (f) train collectors, archivists, documentalists and other specialists in the conservation of folklore, from physical conservation to analytic work;
- (g) provide means for making security and working copies of all folklore materials, and copies for regional institutions, thus securing the cultural community an access to the materials.

D. Preservation of folklore

Preservation is concerned with protection of folk traditions and those who are the transmitters, having regard to the fact that each people has a right to its own culture and that its adherence to that culture is often eroded by the impact of the industrialized culture purveyed by the mass media. 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, Member States should:

- (a) design and introduce into both formal and out-of-school curricula the teaching and study of folklore in an appropriate manner laying particular emphasis on respect for folklore in the widest sense of the term, taking into account not only village and other rural cultures but also those created in urban areas by diverse social groups, professions, institutions, etc., and thus promoting a better understanding of cultural diversity and different world views, especially those not reflected in dominant cultures;
- (b) guarantee the right of access of various cultural communities to their own folklore by supporting their work in the fields of documentation, archiving, research, etc., as well as in the practice of traditions;
- (c) set up on an interdisciplinary basis a National Folklore Council or similar co-ordinating body in which various interest groups will be represented;
- (d) provide moral and economic support for individuals and institutions studying, making known, cultivating or holding items of folklore;
- (e) promote scientific research relevant to the preservation of folklore.

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, distortion during dissemination should be avoided so that the integrity of the traditions can be safeguarded. To promote a fair dissemination, Member States should:

- (a) encourage the organization of national, regional and international events such as fairs, festivals, films, exhibitions, seminars, symposia, workshops, training courses, congresses, etc., and support the dissemination and publication of their materials, papers and other results;
- (b) encourage a broader coverage of folklore material in national and regional press, publishing, television, radio and other media, for instance through grants, by creating jobs for folklorists in these units, by ensuring the proper archiving and dissemination of these folklore materials collected by the mass media, and by the establishment of departments of folklore within those organizations;
- (c) encourage regions, municipalities, associations and other groups working in folklore to establish full-time jobs for folklorists to stimulate and co-ordinate folklore activities in the region;
- (d) support existing units and the creation of new units for the production of educational materials, as for example video films based on recent field-work, and encourage their use in schools, folklore museums, national and international folklore festivals and exhibitions;
- (e) ensure the availability of adequate information on folklore through documentation centres, libraries, museums, archives, as well as through special folklore bulletins and periodicals;
- (f) facilitate meetings and exchanges between individuals, groups and institutions concerned with folklore, both nationally and internationally, taking into account bilateral cultural agreements.
- (g) encourage the international scientific community to adopt a code of ethics ensuring a proper approach to and respect for traditional cultures.

#### F. Protection of folklore

In so far as folklore constitutes manifestations of intellectual creativity whether it be individual or collective, it deserves to be protected in a manner inspired by the protection provided for intellectual productions. Such 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 expressions of folklore, there are various categories of rights which are already protected and should continue to enjoy protection in the future in folklore documentation centres and archives. To this end, Member States should:

- (a) regarding the 'intellectual property' aspects:

call the attention of relevant authorities to the important work of Unesco and WIPO in relation to intellectual property, while recognizing that this work relates to only one aspect of folklore protection and that the need for separate action in a range of areas to safeguard folklore is urgent;

(b) regarding the other rights involved:

- (i) protect the informant as the transmitter of tradition (protection of privacy and confidentiality);
- (ii) protect the interest of the collector by ensuring that the materials gathered are conserved in archives in good condition and in a methodical manner;
- (iii) adopt the necessary measures to safeguard the materials gathered against misuse, whether intentional or otherwise;
- (iv) recognize the responsibility of archives to monitor the use made of the materials gathered.

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 as well as research made by specialists who are the nationals of one Member State on the territory of another Member State, Member States should:

- (a) co-operate with international and regional associations, institutions and organizations concerned with folklore;
- (b) co-operate in the field of knowledge, dissemination and protection of folklore, in particular through:
  - (i) exchanges of information of every kind, exchanges of scientific and technical publications;
  - (ii) training of specialists, awarding of travel grants, sending of scientific and technical personnel and equipment;
  - (iii) the promotion of bilateral or multilateral projects in the field of the documentation of contemporary folklore;
  - (iv) the organization of meetings between specialists, of study courses and of working groups on particular subjects, especially on the classifying and cataloguing of folklore data and expressions and on modern methods and techniques in research;
- (c) co-operate closely so as to ensure internationally that the various interested parties (communities or natural or legal persons) enjoy the economic, moral and so-called neighbouring rights resulting from the investigation, creation, composition, performance, recording and/or dissemination of folklore;
- (d) guarantee Member States on whose territory research has been carried out the right to obtain from the Member State concerned, copies of all documents, recordings, video-films, films and other material;
- (e) refrain from acts likely to damage folklore materials or to diminish their value or impede their dissemination or use, whether these materials are to be found on their own territory or on the territory of other States.



- (f) take necessary measures to safeguard folklore against all human and natural dangers to which it is exposed, including the risks deriving from armed conflicts, occupation of territories, or public disorders of other kinds.

ANNEX II

REPORT

SPECIAL COMMITTEE OF GOVERNMENTAL EXPERTS TO PREPARE  
A DRAFT RECOMMENDATION TO MEMBER STATES ON THE SAFEGUARDING  
OF FOLKLORE

(Unesco House, 24-28 April 1989)

I. INTRODUCTION AND PARTICIPATION

1. Convened in pursuance of resolution 15.3 adopted by the General Conference at its twenty-fourth session, a Special Committee of Governmental Experts to Prepare a Draft Recommendation on the Safeguarding of Folklore met at Unesco Headquarters in Paris from 24 to 28 April 1989.

2. Experts representing the governments of 48 Member States of Unesco and one Associate Member took part in the proceedings of the Committee. One non-Member State was represented by observers. Representatives of Palestine, one intergovernmental organization and nine international non-governmental organizations also attended the meeting as observers.

3. In accordance with the Rules of Procedure (CC/CPY/CSP-89/CONF.206/2 Prov.) adopted at its first session, the Committee, having fixed the number of Vice-Chairmen at four, appointed its Officers as follows: Chairman: Mr Lauri Honko (Finland); Vice-Chairmen: Mr Houonne Théodule Da (Burkina Faso), Mr Baidyanath Saraswati (India), Mr José Maria Morfin Patraca (Mexico), Mr Béchir Mahjoub (Tunisia); Rapporteur: Mr Vilmos Voight (Hungary).

4. The provisional agenda of the meeting, contained in document CC/CPY/CSP-89/CONF.206/1 Prov., was adopted.

5. The Committee's terms of reference were to consider the final report (CC/MD/8 and CC/MD/8 Add. 1) prepared by the Secretariat of Unesco in accordance with Article 10.3 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

6. In the course of the discussions, the Committee set up a Drafting Committee composed of the representatives of Bangladesh, Canada, Costa Rica, Egypt, France, Guinea, Kuwait, Mexico and the Ukrainian Soviet Socialist Republic, with the Chairman and the Rapporteur of the Committee as ex officio members. The Drafting Committee elected Mr Lauri Honko, Chairman of the plenary, as its Chairman.

7. Twenty-six written draft amendments to the first draft of a recommendation, communicated by Member States to the Secretariat of Unesco, were submitted to the Committee for consideration.

## II. OPENING OF THE MEETING

8. Miss Marie-Claude Dock, Principal Director, Culture and Communication Sector, opened the meeting on behalf of the Director-General of the Organization. Having welcomed the participants, she gave a brief account of the work undertaken since the request made to the Organization in 1973 by the Government of Bolivia to seek a solution to the problem of the safeguarding of folklore. She stressed the importance that should be attached to that international heritage, which was a powerful means of bringing together different peoples and social groups and of asserting national and cultural identity.

## III. PRESENTATION OF DOCUMENTS

9. The Secretariat of the meeting presented the documentation which had been made available to the Committee, in particular the first draft of a recommendation on the safeguarding of folklore which was contained in Annex III to document CC/MD/8. It was pointed out that this first draft had been prepared in 1987 by a Special Committee of Governmental Experts, in accordance with resolution 15.3 adopted by the General Conference at its twenty-third session, and that the Secretariat had not seen fit to amend it in the light of the comments and observations formulated by Member States on document CC/MD/4 containing this first draft, preferring to leave it to this Committee to make its own amendments to the text.

## IV. GENERAL DISCUSSION

10. Many speakers expressed approval of the text submitted to them for examination, subject to some amendments.

11. The delegation of Kuwait questioned the relevance of section E on the dissemination of folklore. In the opinion of this delegation, the commercialized dissemination of folklore should not be included in the Recommendation, since this practice was likely to distort the content of folklore, which would defeat the purpose of the proposed instrument.

12. The delegation of Mexico observed that traditional ethnic groups had their place in a network of social, economic and political structures. It pointed out that folklore was a living part of the social group which created it, and, as such, expressed its historical reality. Accordingly, that delegation stressed the need for wider protection of different cultural communities and for the active participation of specialized national, regional and international bodies.

13. The delegation of Hungary, having praised the quality of the work accomplished, noted that the Recommendation concerned not only States which had already adopted measures to safeguard folklore, but also those where that task was not yet regarded as a priority. That delegation, while finding the text acceptable as it stood, asserted that it should place greater emphasis on the protection of research and of researchers in this field, at both national and international levels.

14. The delegation of Greece, after observing that the text provided was an excellent foundation on which to base the safeguarding of folklore, noted that it included some terms likely to politicize the debate, which would be counter-productive.

15. The delegation of the Union of Soviet Socialist Republics, having expressed its approval of the first draft, subject to some editorial improvements, stressed the need to focus the discussions on the essential points at issue and to leave it to the Drafting Committee to prepare concrete proposals in the light of the discussions.

16. The delegation of the Syrian Arab Republic stressed the need to establish documentation centres in all Member States and underlined the importance of international co-operation in this field. The same delegation also suggested amendments to sections D (b) and F (b) (i) of the draft Recommendation. It further requested that an addition should be made to the text of the Recommendation in the form of a new provision concerning the safeguarding of folklore in the Golan Heights and in the other occupied Arab territories. (Draft amendment No. 1)

17. The delegation of India, while expressing agreement in principle with the proposed text, considered that the safeguarding of folklore should be considered in terms of an evolving outlook. In the view of that delegation, protection should not result in the concept of folklore becoming fixed in an outmoded definition reflecting the ideas prevalent in the nineteenth century and being enclosed within such dichotomies as urban-rural, oral-written, educated-illiterate. On the contrary, the safeguarding of folklore should enable different cultural communities to develop and should recognize the dynamic role of folklore in building the future.

18. The delegation of Egypt considered the text of the Recommendation to be acceptable. It supported the comments made by the delegation of the Syrian Arab Republic on the preventive measures that needed to be taken in territories under foreign occupation. In that connection, it proposed that the following text be inserted in section D: 'refrain from acts likely to damage folklore materials or to diminish their value or impede their dissemination or use, whether these materials are to be found in their own territory or in the territory of other States, particularly territories under occupation'. (Draft amendment No. 10)

19. The delegation of Kuwait, referring to the statement made by the delegation of India, made the point that folklore did not merely represent a heritage of the past but also a continuing and evolving process. It stressed the role of folklore in daily life.

20. The delegation of Panama expressed reservations regarding the proposed definition of folklore. It wondered to what extent it was possible to protect folklore in view of its dynamic and evolving aspects.

21. The delegation of Turkey, after expressing its agreement with the ideas underlying the draft Recommendation, which it considered acceptable as a whole, stated its intention to propose, in due course, amendments to certain provisions contained in the text of the Recommendation.

22. The delegation of Brazil supported the proposed text, the content of which reflected its approach to the problem.

23. The delegation of the Federal Republic of Germany stated, in general terms, that the text overstresses the function of supervision and betterment of researchers, archives and media. It should concentrate more upon the persons who actually produce the folklore. They should be helped to help themselves and they should not be degraded by researchers, folklorists, etc., to mere statisticians. The proposal, such as it is, arouses suspicion about such restrictive policy. The imposition of another apparatus at the cost of living

folk culture should be avoided under any circumstances. The global unification strategies, as mentioned in section B and, partially, in section G, should be precluded in favour of measures like the ones mentioned in section C (f). In addition, research projects (e.g. historical), initiated or carried out by the groups themselves are to be strongly supported. These suggestions do not affect or alter the views contained in the statements made by the Government of the Federal Republic of Germany regarding the legal aspects, e.g. of rights of authors, etc. as they appear in document CC/MD/8 Add.1.

24. The observer from Palestine supported the statements made by the delegation of the Syrian Arab Republic and Egypt. He emphasized the measures that needed to be taken to put an end to the actions undertaken in the occupied territories, with the aim of eclipsing the cultural identity of the Palestinians and destroying their cultural heritage.

25. The delegation of the Byelorussian Soviet Socialist Republic considered the draft Recommendation wholly acceptable. It did not see any contradiction between the past and the present development of folklore: its development was always important.

#### V. EXAMINATION OF THE DRAFT RECOMMENDATION

##### Title

26. The delegation of India proposed that the word 'safeguarding' be replaced by 'rejuvenation' since in its view folklore was not static but constituted a dynamic process.

27. The delegations of Egypt and Burkina Faso felt it preferable to keep the word 'safeguarding', which they considered to be a more suitable term and one that was perfectly in keeping with the content of the Recommendation.

##### Preamble

28. Paragraph 1: The delegation of France proposed that the first preambular paragraph be formulated in more general terms and that it specify that folklore, which, from the linguistic standpoint, would be more satisfactorily designated by the expression 'popular and traditional culture', forms part of the universal heritage of humankind. (Draft amendment No. 13)

29. Paragraph 2: The delegation of Greece considered that the adjective 'contemporary' which appears before the word 'culture' should be deleted so as also to take account of the cultural contributions of the past.

30. Paragraph 6: The delegation of the Philippines proposed that the word 'dynamic' be inserted in the sixth preambular paragraph. (Draft amendment No. 5)

31. The Chairman of the Committee and the delegations of Norway and Hungary having wondered about the procedures for monitoring the implementation of the Recommendation, the representative of the Director-General referred to the provisions contained in Articles 16-19 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution. Under the terms of these provisions, the States should submit to the session of the General Conference following that at which such a recommendation or convention was adopted an initial special report on the action they had taken to give effect to the instrument in question. As far as possible, the information should

relate to the submission of the instrument concerned to the competent national authorities and the action taken to give effect to it. After considering the special reports, the General Conference should embody its comments in a general report which should be transmitted to Member States. The General Conference could further request Member States to submit, by prescribed dates, any additional reports that it deemed necessary.

32. Speaking in his capacity as the delegate of Finland, the Chairman proposed the addition to the penultimate paragraph of the preamble of a recommendation to States encouraging contacts between international organizations concerned with the safeguarding of folklore. (Draft amendment No. 23)

A. Definition of folklore

33. The delegation of India, expressing the view that definitions always proved incomplete, considered that the definition of folklore should be based on two approaches, one anthropological and the sociological. The same delegation declared that it had no objection to the inventory set out in the last sentence of the definition contained in the draft recommendation.

34. The delegation of the German Democratic Republic made the point that the framing of a definition was always difficult. It wished the definition to be as broad as possible and to specify the purpose of the Recommendation.

35. The delegation of France proposed the following definition of folklore: 'Folklore (or traditional and popular culture) is the totality of tradition-based creations of a cultural community, expressed by a group or individuals and recognized as reflecting the expectations of the community in so far as they reflect its cultural and social identity; its standards and values are transmitted orally, by imitation or by other means. Its forms include, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, architecture and other arts'. (Draft amendment No. 13).

36. The delegation of the Federal Republic of Germany considered the definition of folklore as vaguely formulated and quite retrospective. It added that regarding the multiplicity of definitions of folklore, a standardization does not seem possible. As to the danger of extinction of folklore as referred to in that document, in its opinion the question is whether folklore needs 'protection' that protects it from dying out and which certify its 'authenticity'. Generally in ethnographic research the vitality of folklore is recognized. This also includes its great non-uniformity and changeableness and the need for changes. Nevertheless, it is necessary to do something to protect folklore in so far as it is understood as 'traditional popular culture' in general, but some points would need amendments or should be omitted.

37. The observer from the International Confederation of Societies of Authors and Composers (CISAC) observed that the group expressing folklore is not always the same as the group that has created it, and hoped that this fact would be taken into account.

B. Identification of folklore

Preamble

38. The delegation of Hungary proposed that a sentence be added to the preamble of this paragraph concerning the protection of research as such at all levels (national, regional and international). (Draft amendment No. 24)

39. The delegation of the Union of Soviet Socialist Republics wondered about the nature of the research envisaged by the delegation of Hungary. The latter explained that it was referring to all forms of appropriate research, whereupon the former remarked that research in the form of manuscripts and books was already protected by copyright in most Member States and that there was therefore no need to put a special clause in the draft Recommendation about the protection of such research.

40. The delegation of Finland suggested that the comments made by the delegation of Hungary be taken into consideration under section C, 'Conservation of folklore'. It also proposed that the first line of the preamble be modified to read 'folklore as a form of intellectual expression...'. (Draft amendment No. 23)

41. The delegation of Guinea expressed doubts as to the possibility of identifying folklore in so far as this might lead to a selection of the most representative elements. It drew the meeting's attention to the need to take account of constraints to do with the means to be used and the training of folklore specialists. It suggested that this might lead, through co-operation among Member States, to the selection of the most representative elements that deserved to be protected as part of the universal cultural heritage. It called for the adoption of a specific typology of folklore to distinguish it from other components of culture. It also called for the creation of an international co-ordination and co-operation centre for the safeguarding of folklore.

42. The delegation of Sweden wondered about the use in English of the words 'intellectual property', while the French version referred to 'biens culturels'. The representative of the Director-General stated that the correct expression in English should be 'as a form of intellectual expression'.

43. The delegation of the Federal Republic of Germany said that a standard typology would mean the death of a vital, non-standardized folklore. It also asked that subparagraph (c) of this section be omitted (Draft amendment No. 12). On the other side, field research on local popular culture should be promoted.

## C. Conservation of folklore

### Preamble

44. In the discussion on the preamble, the delegation of France proposed that the word 'development' in the first sentence be replaced by 'evolution'.

45. The Indian delegation drew attention to the last sentence of the preamble which deals with 'living folklore' as opposed to folklore 'that has been fixed in a tangible form' in the archives. Pointing out that there is a methodological problem involved in distinguishing between those two forms of folklore, it stated that while, in the case of written/textual culture, it is possible to make a distinction between what is living and what is dead, it is not so in the case of dead elements of a living folklore which is transmitted orally. Stressing the need to clarify the standpoint on the purpose of conservation, he questioned the justification of preserving those cultural elements which a culture itself has discarded.

### Subparagraph (a)

46. The delegation of Bangladesh expressed concern about subparagraph (a), with particular reference to the phrase 'establish national archives'. It

emphasized the ambiguity of this term within the context of a State comprising different nationalities and proposed that reference be made to 'a national archive or archives'. (Draft amendment No. 7)

47. The delegation of the Philippines expressed the wish that national archives be established as soon as possible. (Draft amendment No. 5)

48. The delegation of Norway wondered about the desirability of using in subparagraph (a) of the English version the expression 'controlled use', which could, in its view, prevent certain persons from having access to folklore archives.

49. The viewpoint of the Norwegian delegation was supported by the delegation of the Federal Republic of Germany which stated that 'controlled use' should be left out. It asserted that a free access to archives should be regarded as indispensable. It added, however, that a control of access on the basis of subjective criteria by anthropologists or archivists, etc., might be necessary in a few cases, but must be generally regarded with suspicion.

50. The Indian delegation urged the participants to reflect upon the use of collected folklore materials. It supported the retention of the words 'controlled use' and stated that it was the moral responsibility of the custodians of the folklore property to guard against its possible misuse. It went on to assert that those who have no respect for the sentiments of the people, to whom the folklore belongs, have no moral right to have access to the archive that treasures their cultural heritage.

51. The delegation of Egypt suggested keeping the French version 'mis à la disposition des utilisateurs sous certaines conditions', but avoiding the words 'for controlled use' in the English version.

52. The delegation of Venezuela considered that the words 'bajo algunas condiciones' were acceptable in Spanish.

53. The delegation of the Union of Soviet Socialist Republics thought that the French text should be followed.

54. The delegation of Panama was disquieted by the words 'mis à la disposition des utilisateurs sous certaines conditions', since the conditions were not made clear.

55. Following a discussion on this point it was decided to delete those expressions, in accordance with the draft amendment submitted by Finland. (No. 23)

#### Subparagraph (c)

56. The delegation of Portugal wanted greater scope to be given to subparagraph (c) where mention was made of the creation of museums or folklore sections at existing museums, since there were other ways of presenting folklore.

57. According to the delegation of France, it was redundant to refer in the French text to folklore and to 'traditions populaires'. The text could be said to introduce a distinction that did not exist in reality. It supported the proposal made by the delegation of Portugal and stressed the need for a professional code of ethics for researchers.

58. The observer from the CISAC proposed that the word 'folk' be deleted in subparagraph (c).



59. The delegation of Finland proposed that the words 'including open-air folk museums where folklore can be exhibited' be deleted. (Draft amendment No. 23).

60. Following the discussion on this subject, it was decided to delete the reference to open-air museums in paragraph (c) and to introduce a new paragraph relating to the presentation of living aspects of traditional and popular cultures. (Draft amendment No. 8)

Subparagraph (f)

61. Concerning subparagraph (f), the delegation of the Federal Republic of Germany suggested the following addition at the end: 'Research results, films, sound recordings and photographs should in any case be given in copy directly to the group about which the research has been carried out, if possible in the national language or - in case the group's language and the national tongue differ - if possible in the group's language as well. The creation of decentralized, group-owned archives, museums and cultural institutions should be ensured. Research, aimed at strengthening the group's own identity, should be especially supported'. (Draft amendment No. 12)

62. The delegation of Bangladesh suggested rewording paragraph (f) as follows: 'to make necessary arrangements to provide archives and working copies of all folklore materials collected in the concerned region for use of regional institutions'. (Draft amendment No. 7)

63. The observer of the International Music Council (IMC) pointed out that a number of developing countries could not afford to carry out their folklore conservation programmes. He suggested adding a recommendation to Member States calling for international solidarity and for assistance from the industrial countries to the developing countries in the form of equipment and know-how. That proposal was supported by the delegations of Hungary, the Union of Soviet Socialist Republics and Finland.

D. Preservation of folklore

Preamble

64. The delegation of Sweden, seconded by the delegation of Bangladesh, raised a linguistic objection to the term 'belief' in the English version. It was decided to follow the French version and use the word 'adherence' instead.

65. The delegation of France proposed that the opening phrase of the preamble to section D be reworded as follows: 'Preservation is concerned with protection of folk traditions and those who are its authentic transmitters'. (Draft amendment No. 13)

66. The delegation of Belgium suggested that the words 'that the people have a right to their own culture' be changed to read 'each cultural community has a right to ...'. (Draft amendment No. 22)

67. The Indian delegation supported all the measures prescribed to preserve folklore. However, it was of the opinion that it was the inherent nature of the industrialized culture and mass media to destroy it, in view of which it felt the need to add a further statement on industrialized culture, urging it not only to issue a prescription to preserve folklore but to desist itself from doing anything to destroy it, so that the roots of destruction of folklore were removed.

68. The delegation of the Federal Republic of Germany proposed that the phrase 'the impact of the industrialized culture purveyed by the mass media' be replaced by the words 'the influence of external factors'. (Draft amendment No. 12)

69. The observer of the World Federation of Trade Unions (WFTU) stressed the importance of the phrase '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'. It considered that folklore was not just something inherited from the past but an evolving process calling forth an imaginative response to the real world.

Paragraph (a)

70. The delegation of the Federal Republic of Germany requested that this paragraph be omitted. (Draft amendment No. 12)

71. The delegation of Mexico suggested an addition to this paragraph by including the phrase laying emphasis on respect for folklore in the widest sense of the term. (Draft amendment No. 2)

Paragraph (b)

72. The delegation of Turkey proposed that the expression 'various ethnic [groups]', which it thought very vague, be replaced by the words 'national minorities'.

73. The delegation of Greece considered the expression 'national minorities' to be politically anachronistic and without legal foundation. It took the view that the question of 'national minorities' did not fall within Unesco's purview.

74. The delegation of Canada, seconded by the delegation of Belgium and by the observer of the Society of African Culture (SAC), was of the opinion that the expression 'national minorities' would raise many problems in those countries where different cultures existed side by side. It proposed the expression 'cultural communities', which was accepted. (Draft amendments Nos. 17 and 22)

75. The delegation of Guinea proposed that it be made clear in the text that the right of access of cultural communities to their own folklore should take place in circumstances and in accordance with standards that were conducive to the socio-cultural development of peoples. (Draft amendment No. 3)

76. The delegation of the Syrian Arab Republic requested that the following clause be added to this paragraph: 'provided that this does not encourage racial, ethnic, religious or any other form of bigotry detrimental to public welfare or national unity'. (Draft amendment No. 1)

Paragraph (c)

77. The delegation of the Federal Republic of Germany thought it unnecessary to set up a national folklore council, and requested that this paragraph be omitted. (Draft amendment No. 12)

Paragraph (d)

78. The delegation of France, seconded by the delegation of Norway, considered that the reference to 'lists of collectors and informants' was pointless since it was not clear for whom such lists would be intended. In any

case, it was individuals and institutions that were the collectors and informants. (Draft amendment No. 13)

79. Following a suggestion made by the observer of the International Music Council (IMC), seconded by the delegation of France, that the support to be given to individuals and institutions be described as 'moral and economic', the delegation of Belgium submitted Draft amendment No. 22 to that effect.

80. The observer of the Society of African Culture (SAC) thought that it was difficult to establish which individuals and institutions held items of folklore.

81. To make it easier for such holders of traditional and popular culture to be identified, the delegation of France proposed adding after the word 'institutions', the words 'studying, making known, cultivating or holding'. This proposal was supported by the delegation of Greece. (Draft amendment No. 13)

Subparagraph (e) (new)

82. The delegation of the Ukrainian Soviet Socialist Republic thought that there were no special measures to support research on folklore and that a subparagraph (e) should be added, to read as follows: to render support to institutions, organizations and individuals in carrying out and activating scientific research connected with the preservation of folklore. (Draft amendment No. 21)

E. Dissemination of folklore

83. Several statements were made on the introductory part of this section.

84. The delegation of the Federal Republic of Germany proposed that the words 'any caricature or distortion during dissemination should be avoided so that the integrity of the traditions can be safeguarded' should be omitted (Draft amendment No. 12). Who determined what was a caricature or a distortion was difficult to assess. In that context, the recital of popular music to tourists, although legitimate, could be regarded as a caricature.

85. The delegations of Costa Rica and Sweden also stated that they considered the use of the term 'caricature' to be improper for, in their view, caricature did not in itself constitute denaturation or distortion. They therefore requested the deletion of that word or, at least, that the subparagraph should be reworded so that measures might be taken to inform the public that folklore had been used for that purpose (Draft amendments Nos. 18 and 19). The proposed deletion of the word 'caricature' was supported by the delegations of Argentina and Mexico. On the other hand, the delegations of Burkina Faso, the Byelorussian Soviet Socialist Republic, France and the Union of Soviet Socialist Republics stated that they were in favour of the present wording of the text.

86. The delegation of the German Democratic Republic proposed replacing the words 'any caricature or distortion' by the words 'any distortion and misuse'. (Draft amendment No. 25)

87. The delegation of the Syrian Arab Republic drew the Committee's attention to the incorrect translation into Arabic of the term 'caricature' and proposed another word that corresponded better to the French.

88. In that context, the delegation of France stressed that all individuals and institutions interested in folklore should be informed and persuaded of

the need to abide by a code of ethics, and to that effect proposed the addition of a new subparagraph to section E (new subparagraph (g)). (Draft amendment No. 13).

89. The observer of the International Federation of Phonogram and Videogram Producers (IFPI) voiced disquiet over the interpretation that he considered might be given to the term 'distortion' and stressed that it was necessary to be able to adapt expressions of folklore and necessary to safeguard freedom of creation in accordance with existing international laws and conventions.

Subparagraph (b)

90. The delegation of Hungary considered that the list of media contained in this paragraph should be completed by adding press organs and publishing houses. It also wished that the creation of jobs for folklorists provided for in this subparagraph would be in each of the organizations concerned. (Draft amendment No. 24)

91. The delegation of France, supported by that of Hungary, proposed replacing the term 'to plan' in the last line by the words 'create' or 'encourage'. (Draft amendment No. 13)

Subparagraph (d)

92. The delegation of Hungary suggested drafting the beginning of this subparagraph as follows: support existing units for the production of educational video films based on recent field-work. (Draft amendment No. 24)

93. The observer of the International Music Council (IMC) wished that Member States would be recommended to:

- (i) collaborate in the publishing of records of traditional songs and music in the appropriate Unesco collection;
- (ii) to participate in 'music rostrums' of Asia, Africa, Latin America and Arab countries.

94. The observer of the International Film and Television Council (IFTC) spoke at that stage of the discussion to provide some technical clarifications as regards the use in subparagraphs (a) and (d) of the terms films and video films. He specified that those terms were technical terms to cover film strips and magnetic tapes. The observer added that the generic term 'film' sufficed as a form of designation but it had become a habit to use 'film (film strip and video)', like the notions 'animated images' to designate all systems.

F. Use of folklore

95. At the request of the Chairman of the Committee, the Secretariat provided the Committee with information on studies to date by Unesco and WIPO on intellectual property aspects of the protection of expressions of folklore. A Working Group to study a draft of Model Provisions intended for national laws and international measures for the protection of works of folklore met in 1980. The Working Group was composed of 16 experts from different countries invited in their personal capacity. The Working Group considered:

- (i) that adequate legal protection of folklore was desirable;
- (ii) that such legal protection could be furthered at national level by model provisions for legislation;

- (iii) that model provisions for national laws should prepare the ground for subregional, regional and international protection of works of folklore.

96. A Committee of Governmental Experts meeting in Geneva in July 1982 adopted the 'Model Provisions for National Laws on the Protection of Expressions of Folklore against Illicit Exploitation and Other Prejudicial Actions'. Four other regional committees of experts studied procedures for implementing these Model Provisions at the regional level.

97. A Group of Experts on the International Protection of Expressions of Folklore by Intellectual Property met in Paris in 1984. The discussions reflected a general recognition of the need for international protection of expressions of folklore, in particular with regard to the rapidly increasing uncontrolled use of such expressions by means of modern technology, beyond the limits of the country of the community in which they originate. The conclusions of these proceedings were communicated to the governing bodies of Unesco and WIPO, which decided to resume consideration of the matter after adoption by the General Conference of Unesco of a recommendation on the safeguarding of folklore so as to be able to borrow from that text the requisite material for preparing an international treaty on the protection of expressions of folklore by intellectual property, particularly as regards the definition and use of folklore.

#### Title of the section

98. The delegation of the Union of Soviet Socialist Republics observed that the title of the section did not correspond to its content. The object was the protection of folklore as an expression of intellectual creativity and not its 'use' as such. The delegation of the USSR therefore proposed changing the word 'use' to 'protection' (Draft amendment No. 14). This proposal was supported by the delegations of Belgium and Egypt. (Draft amendments Nos. 15 and 11)

99. The delegation of France proposed changing the word 'use' to 'promotion' and the delegation of Bangladesh changing the title to 'Precautions with regard to the use of folklore' (Draft amendments Nos. 13 and 16). The delegation of Nigeria was in favour of keeping the word 'use'.

#### Preamble

100. The delegation of Sweden, supported by the delegation of the Byelorussian Soviet Socialist Republic, considered that the first sentence of the preamble, especially the words 'manifestations of intellectual creativity' should be deleted or expanded by the adjective 'individual'. (Draft amendment No. 19).

101. The delegation of the German Democratic Republic proposed that the idea of stronger protection for folklore by legislative measures should be included in the preamble. (Draft amendment No. 25)

#### Paragraph (b)

102. The delegation of the Syrian Arab Republic asked for clarification about the nature or forms of protection for the informant, mentioned in subparagraph (i). (Draft amendment No. 1)

103. The delegation of Finland observed that the wording of subparagraphs (i), (ii) and (iv) should be more explicit since, in his opinion, it concerned the integrity of the person of the informant. (Draft amendment No. 23)

104. The delegation of Sweden suggested that the 'right to monitor', provided for in subparagraph (iv), should be replaced by the obligation to monitor the use made of the materials gathered. This suggestion was supported by the delegation of Finland, which proposed using the word 'responsibility' rather than 'obligation'.

105. The delegation of the Federal Republic of Germany reserved its position with regard to subparagraphs (iii) and (iv) of paragraph (b), since it was difficult to identify who determines 'misuse'. (Draft amendment No. 12)

G. International co-operation

Preamble

106. The delegation of Hungary suggested that mention be made in the preamble to this section of relevant activities previously carried out by Unesco, the first sentence to begin with the words: 'In view of previous Unesco programmes for international co-operation concerning folklore'. (Draft amendment No. 24)

107. The delegation of Canada expressed the wish that the introductory part should include a reference to research carried out by specialists of a State working in foreign countries. (Draft amendment No. 20)

Paragraph (a)

108. The delegation of the Ukrainian Soviet Socialist Republic proposed the establishment of a permanent international centre for the co-ordination of folklore and the general introduction and organization of international folklore festivals as part of international co-operation in this field. In that connection, this delegation proposed adding the following to paragraph (a): 'organize international festivals on a more widespread basis in the framework of international co-operation in this area; establish a permanent international centre for the co-ordination of folklore activities which would have overall responsibility for folklore activities in all regions and formulate, in collaboration with national co-ordinating centres, recommendations on the harmonization of policies for the safeguarding of folklore'. (Draft amendment No. 26)

Paragraph (b)

109. The delegation of Hungary requested that a reference to modern research methods and techniques be added at the end of this paragraph. (Draft amendment No. 24)

110. The delegation of the Bylorussian Soviet Socialist Republic proposed referring in this paragraph to the establishment of international catalogues listing all cultural property with a folklore content and to the publication of folklore anthologies. (Draft amendment No. 4)

111. The delegation of the Syrian Arab Republic thought that the nature and forms of protection of the informant should be spelt out in subparagraph (i). (Draft amendment No. 1)

Paragraph (d) (new)

112. The delegation of Canada requested the addition of a new paragraph (d) concerning the right of Member States, in any territory in which research on folklore has been carried out, to obtain a copy of the results of that

research (Draft amendment No. 20). That would enable countries that do not possess the means to undertake such research to benefit from its results. In making this proposal the delegation referred to what already occurs with regard to the non-physical heritage, along the lines of what has already been proposed in the Recommendation concerning the return of cultural property to its countries of origin.

113. Similarly, on the proposal of the delegation of Panama, followed by the delegations of Mexico, Costa Rica, Portugal, Colombia and the Federal Republic of Germany, subsequently joined by those of Argentina and Venezuela, it was requested that there be added to this section a new paragraph (d) to read as follows 'make available, as a matter of ethics, copies of documents, videos, films and other materials to the nations and/or regions directly involved in such investigations, in accordance with the rules of international exchange'. (Draft amendment No. 9)

114. The delegation of France, while agreeing with the idea of this new paragraph, expressed reservations on account of the financial implications of such an obligation. Although it had no objection to the ethical basis of these proposals it was concerned about the constraints such an obligation might involve.

115. The proposal of Canada was supported by the delegations of Burkina Faso, Egypt, Guinea, Mexico and by the observer from the Society of African Culture (SAC).

116. The delegation of Mexico thought it was not mainly a financial problem but one of what might be called 'intellectual piracy', an idea that was reiterated by the observer from SAC.

117. The delegation of Norway, supported by the delegation of Finland, thought that the Canadian proposal should be scrutinized with some care so as not to jeopardize the Recommendation as a whole.

#### VI. EXAMINATION BY THE PLENARY OF THE DRAFT RECOMMENDATION SUBMITTED BY THE DRAFTING COMMITTEE

118. The meeting adopted the title and preamble of the draft Recommendation without comment.

##### Section A. Definition of folklore

119. The delegation of India was not completely satisfied with the text of the definition; it would have liked the words 'by imitation' to be deleted and the word 'expectations' to be replaced by the expression 'vision of the world'.

##### Section B. Identification of folklore

120. The delegation of Canada asked for the word 'etc.' to be deleted in the French version of the preamble.

##### Section C. Conservation of folklore

###### Subparagraph (a)

121. The delegation of India would have liked the expression 'for controlled use' ('sous certaines conditions' in French), which was deleted, to be maintained.

Subparagraph (d)

122. The delegation of Belgium asked for the deletion of the adjective 'living'.

123. The delegation of Canada, however, was in favour of maintaining it, as museums did not display living folklore.

124. The delegation of Portugal proposed the expression 'living or past'.

125. The delegation of France seconded Portugal's proposal, and that wording was adopted.

Subparagraph (f)

126. This subparagraph was adopted without discussion.

Section D. Preservation of folkore

Preamble

127. The observer of Palestine said that in the Arabic version the word used to translate 'preservation' did not cover the town-planning aspects.

Paragraph (a)

128. This paragraph was adopted without discussion.

Paragraph (b)

129. The delegation of the Syrian Arab Republic stated that it had requested the addition to this paragraph of the following phrase: 'provided that this does not encourage racial, ethnic, religious or any other form of bigotry detrimental to public welfare or national unity'. (Draft amendment No. 1)

130. The delegation of Canada considered that the Drafting Committee had, in the preamble to the Recommendation, taken account in a constructive way of the amendment of the Syrian Arab Republic.

Paragraph (e)

131. The observer of Palestine proposed additions to this paragraph since the present text did not mention the duty of the occupying authorities to show regard for the right of the Palestinian people to the integrity of its folklore. He supported the amendment proposed by Egypt (Draft amendment No. 10). He nevertheless asked that a reference to the occupied Arab territories be added to it. He also supported the amendment submitted by the Syrian Arab Republic. (Draft amendment No. 1)

132. The delegation of Egypt took up the amendment proposed by the observer of Palestine and noted that the first part of it had been incorporated into paragraph (e) of section G, International co-operation. The delegate would nevertheless like to have added the following sentence to this paragraph: 'refrain from acts likely to damage folklore materials situated in their own territory or in the territory of other States, particularly territories under occupation'.

133. The delegation of the Syrian Arab Republic expressed support for the amendment proposed by the delegation of Egypt and wished to add the following



to it: 'to safeguard and protect the folklore heritage of these territories and to thwart the Zionist, racist and colonialist project of cultural invasion which is impeding the full personal development of their inhabitants'.

134. The Committee decided to review this question when it examined section G, International co-operation.

#### Section E. Dissemination of folklore

##### Preamble

135. The delegation of Guinea, supported by the delegation of Greece, proposed deleting the word 'fair'.

136. The observer of the Society of African Culture (SAC) wanted the word 'fair' to be kept, as that would make it possible to show regard for the different expressions of folklore.

137. The delegation of Burkina Faso expressed its support for keeping the word 'fair'.

138. The delegation of Guinea proposed replacing the word 'fair' by the word 'rational'.

139. At the conclusion of the discussions, and after a vote had been taken to sound out the delegates' opinions, the Committee decided to keep the word 'fair'.

#### Section F. Protection of folklore

140. The delegation of Belgium expressed the wish that the word 'use' be kept in the title of section F instead of the word 'protection' which had been provisionally substituted for it by the Drafting Committee. This wish was shared by the delegations of Nigeria and Burkina Faso and by the observer from Palestine. Nevertheless, there was some support for the title 'Protection of folklore' among the members of the Committee; the word 'protection' found favour in particular with the delegations of Burundi and Canada, whose positions were based mainly on the idea of strengthening the legal aspects of such protection.

141. Following an informal poll among the members of the Committee, the title adopted by the Drafting Commission was approved.

142. With regard to the preamble, the delegation of Norway stressed that the paragraph dealt with manifestations of folklore that were protected by means other than copyright. The words 'whether it be individual or collective' introduced by the Drafting Committee should thus, in the opinion of that delegation, be deleted in the final version of the Recommendation so that it would not deal, in section F, with works already protected by copyright. This opinion was shared by the delegation of the Union of Soviet Socialist Republics. Most members of the Committee were however in favour of the inclusion of the words 'whether it be individual or collective' in the final text of the Recommendation.

143. Subparagraphs (a) and (b) were adopted without discussion as formulated by the Drafting Committee.

Section G. International co-operation

Subparagraph (e)

144. The delegation of Egypt pointed out that Draft amendment No. 10 submitted by it had been incorporated in part in this subparagraph. It maintained its position regarding the addition of the words 'particularly territories under occupation'.

145. The delegation of the Syrian Arab Republic, while supporting the attitude of the delegation of Egypt, stated that paragraph 4 of Draft amendment No. 1, which it had submitted for consideration to the Drafting Committee, had not been reflected in the draft Recommendation as it would have wished. It requested the plenary to take that text into consideration.

146. The observer from Palestine supported the Egyptian and Syrian proposals, noting in that connection that specific mention should be made of the occupied Arab territories since, in his view, what was happening in that part of the world concerned not only the inhabitants of those territories but the whole of humanity.

147. The delegation of Canada, noting that the work of the Committee of Experts came within a general framework whose purpose was to encourage Member States to take measures to safeguard folklore, and while understanding the motives of the delegations of Egypt, the Syrian Arab Republic and the observer from Palestine, suggested that, in order to take account of their remarks, the proposals contained in Draft amendment No. 1 be incorporated in the report.

148. The delegation of Greece, in a spirit of compromise, proposed that the report reflect the agreement of the Committee as a whole regarding the interpretation to be given to the provision contained in subparagraph (e), to the effect that this text also covered the case of territories occupied in violation of international law.

149. Following the discussion and after a poll, the Committee decided to include in the report the text of paragraph 4 of Draft amendment No. 1 submitted by the Syrian Arab Republic. The text reads as follows: Add a new paragraph concerning the safeguarding and protection of the folklore heritage in the Syrian Arab Golan Heights occupied by Israel and in the other occupied Arab territories, and concerning the implementation of the recommendation of the General Conference calling on the occupation authorities to refrain from encroachment on and aggression against the folklore heritage of the illegally occupied territories and from distorting, effacing and suppressing the folklore heritage with a view to obliterating the cultural identity and the folklore heritage of the inhabitants of all the occupied Arab territories. International action should be taken to safeguard and protect the folklore heritage of these territories and to thwart the Zionist, racist and colonialist project of cultural invasion which is impeding the full personal development of their inhabitants.

Subparagraph (f)

150. The Committee decided to add to the text of the draft Recommendation a new subparagraph (f) worded as follows: 'take necessary measures to safeguard folklore against all human and natural dangers to which it is exposed, including the risks deriving from armed conflicts, occupation of territories or public disorders of other kinds'.

VII. ADOPTION OF THE DRAFT RECOMMENDATION AND OF THE REPORT

151. Following its deliberations, the Committee unanimously adopted the draft Recommendation on the Safeguarding of Folklore under the chairmanship of Mr José María Morfín Patraca (Mexico), one of the Vice-Chairmen, the Chairman having left the meeting shortly before it closed.<sup>1</sup> It also unanimously adopted this report.

VIII. CLOSURE OF THE MEETING

152. After the customary expression of thanks, the Chairman declared the meeting closed.

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1. Annex I to this document.