

**International Expert Meeting
Intangible Cultural Heritage: Priority Domains
for an International Convention**

Rio de Janeiro, Brazil, 22-24 January 2002

**« A GLOBAL ASSESSMENT OF THE 1989 RECOMMENDATION
ON THE SAFEGUARDING OF TRADITIONAL CULTURE AND
FOLKLORE : LOCAL EMPOWERMENT
AND LOCAL CO-OPERATION »
WASHINGTON D.C., 27-30 JUNE 1999**

FINAL REPORT

Final Conference Report

Introduction

1. The International Conference “A Global Assessment of the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore: Local Empowerment and International Cooperation*” was held in Washington, D.C., (U.S.A), on 27–30 June 1999 in collaboration with the Smithsonian Institution.

The purpose of this Conference was to consider the protection of the intangible cultural heritage at the end of the twentieth century and to revisit the *Recommendation on the Safeguarding of Traditional Culture and Folklore* ten years after its adoption in 1989. This Conference is the culmination of eight regional seminars held by UNESCO in order to systematically assess the implementation of the *Recommendation* and the present situation of the safeguarding and revitalization of intangible cultural heritage. The regional seminars were held in: Czech Republic (June 1995) for Central and Eastern Europe; Mexico (September 1997) for Latin America and the Caribbean; Japan (February/March 1998) for Asia; Finland (September 1998) for Western Europe; Republic of Uzbekistan (October 1998) for Central Asia and the Caucasus; Ghana (January 1999) for Africa; New Caledonia (February 1999) for the Pacific; and Lebanon (May 1999) for Arab States. A primary goal of this Conference was to globally assess the present situation and future orientation of the 1989 *Recommendation* [Appendix 1: Agenda, Appendix 2: Annotated Agenda].

Thirty-seven participants from twenty-seven countries (experts, government officials, practitioners of traditional cultures) and forty observers attended the Conference. On arrival, participants received background information documents and working documents. Reports from the eight regional seminars were available throughout the Conference for consultation. Participant papers were also distributed during the Conference and delivered in the relevant working groups [Appendix 3: Participants, Staff, and Fellows and Interns].

2. The meeting was jointly funded by UNESCO, the Japanese Ministry of Foreign Affairs, the U.S. Department of State, the Rockefeller Foundation, the National Endowment for the Arts, and the Smithsonian Institution Office of International Relations.

Opening Session

3. The meeting was opened by Dr. Richard Kurin, Director of the Center for Folklife and Cultural Heritage, Smithsonian Institution, who welcomed the participants, observers, and UNESCO representatives and staff to the Conference. He expressed his pleasure that this Conference should be held at the Smithsonian Institution since it complements work

carried out in the Center for Folklife and Cultural Heritage and further forges links between scholars of the Institution and UNESCO.

4. Mr. Mounir Bouchenaki, Director, Division of Cultural Heritage and World Heritage Center, UNESCO, then addressed the Conference as the representative of the Director-General of UNESCO, Mr. Federico Mayor [this volume, 3–4]. He thanked Dr. Richard Kurin for his kind words of welcome and expressed his gratitude to him and Dr. Anthony Seeger, Director, Smithsonian Folklife Recordings, and their colleagues for their collaboration in hosting the Conference. He also thanked the sponsors for their support for the Conference. He expressed UNESCO's pleasure in being able also to partake in the thirty-fourth annual Smithsonian Folklife Festival, an exhibition of living cultural heritage from the United States and the world.

Referring to the broader definition of "heritage" that countries have come to adopt, he noted that the term now includes elements such as the heritage of ideas, the human genetic heritage, and an ethical heritage, in which diversity is an important and valued feature. This development has occurred alongside the extension of the idea of "tangible heritage" through UNESCO's 1972 Convention concerning the Protection of the World Cultural and Natural Heritage to include cultural monuments, cultural and natural sites, and cultural landscapes. This heritage is vulnerable and risks obliteration in the global trend towards homogenization powered by the global economy, although some technological developments can also provide useful means of preserving and diffusing the world's cultural heritage.

All forms of cultural heritage should be recognized and respected, the speaker continued, including the intangible heritage that supports spiritual values and the symbolic meanings inherent in material heritage. The Conference's subtitle of local empowerment and international cooperation is also consistent with the aims of UNESCO, especially as they address indigenous capacity-building and local participation (especially of the young) in implementing activities. The fact that each human being is unique is the basis for establishing cultural freedom, which is the collective freedom of a group of individuals to develop the life of their choice. To achieve this, it is necessary to promote cultural diversity globally.

In closing, he stated that this Conference can make an enormous contribution to the future direction of safeguarding the world's intangible cultural heritage. He also noted that the recommendations of this Conference will affect the world's tangible heritage as well as the intangible heritage, given the fact that all forms of cultural heritage are intricately intertwined.

5. Mr. Mounir Bouchenaki conducted the election of Chairperson, Vice-Chairpersons, and Rapporteur:

Chairperson:	Dr. Anthony Seeger, U.S.A.
Vice-Chairpersons:	Dr. Junzo Kawada, Japan Ms. Zulma Yugar, Bolivia
Rapporteur:	Dr. Janet Blake, Scotland, United Kingdom

Following this, Dr. Seeger officially took the Chair.

6. Agenda Item 2: The UNESCO *Recommendation on the Safeguarding of Traditional Culture and Folklore* (1989) — actions undertaken by UNESCO for its implementation (plenary)

Mrs. Noriko Aikawa, Director of the Intangible Heritage Unit of UNESCO, then gave a

paper outlining the actions undertaken by UNESCO for the implementation of the 1989 *Recommendation* [this volume, 13–19], noting that, once the instrument was established, Member States showed little interest in its application despite the requirement to apply its provisions and to give effect to the principles and measures it defines. Only six countries submitted reports in response to a request from the Director-General in 1990. An expert report in 1992 gave as a hypothetical reason for this the lacuna of the *Recommendation* to give any specific mandate to UNESCO or to specify any steps for its implementation by Member States. UNESCO's role is limited to promoting it and encouraging states to implement its provisions.

Following the major political changes at the end of the 1980s, in particular the end of the Cold War, as well as the rapid expansion of the market economy and the progress of communications technologies that transformed the world into a more uniform economic and cultural space, many Member States began to take an interest in their traditional cultures and to rediscover their role as a symbolic reference to locally rooted identities. UNESCO sought to reorient its program relating to traditional culture and conducted a scientific evaluation of all activities carried out in that area, modifying its title to “intangible cultural heritage.” Several guidelines for this work were created in 1993, following an International Expert Meeting held in Paris, and it was proposed that UNESCO should play an increasingly more catalyzing and instigating role in response to this new understanding.

Mrs. Aikawa then described the “Living Human Treasures” program launched in 1993 enabling Member States to give official recognition to persons possessing exceptional artistry and skills, thus encouraging the progression and transmission of such talent and know-how as a means of safeguarding the traditional cultural heritage. So far, nearly fifty Member States have expressed an interest in establishing such a system.

In 1995, the General Conference decided that a worldwide appraisal of the safeguarding of traditional culture and folklore should be carried out using the *Recommendation* as a frame of reference. Surveys were first carried out through a detailed questionnaire, followed by the convening of the aforementioned eight regional seminars, of which this Conference is a culmination.

In response to the increased interest amongst Member States in the intangible cultural heritage, the General Conference confirmed in 1997 that the program for intangible heritage should be given one of the highest priorities in the cultural field. Shortly thereafter, the General Conference proclaimed cultural spaces and forms of cultural expression as “Masterpieces of the Oral and Intangible Heritage of Humanity.” This proclamation served as one of the means to compensate for the fact that the 1972 Convention does not apply to intangible cultural heritage.

Mrs. Aikawa then set out various other activities undertaken by UNESCO to promote the *Recommendation* in the areas of identification, conservation, preservation, dissemination, and protection of folklore. Within the framework of international cooperation, priority action has concentrated on networking and training, while particular problems relating to legal measures in respect of artistic expressions of folklore and traditional knowledge are yet to be identified. The 1989 *Recommendation* remains the principal reference document for all these activities, and it is now timely to reflect upon its role in contemporary and future contexts.

7. Agenda Item 3: Reports of eight regional and sub-regional seminars (plenary)

The reports from the aforementioned eight regional and sub-regional seminars, held between 1995 and 1999, were delivered to the Conference plenary.

(i) Central and Eastern Europe (Czech Republic seminar)

This was the first regional seminar on the application of the 1989 *Recommendation* and it was held in StráΩnice in June 1995 on the basis of completed questionnaires submitted by twelve countries of the Central and Eastern European region. Experts from thirteen countries took part in the seminar.

The responses showed that, in the majority of countries in the region, preservation of traditional culture and folklore is not a priority in cultural policy although most Ministries of Culture support the work of professional institutions and civic associations in this area. Following the transformations in post-Communist states, all-round support for contemporary international mass culture emerged in reaction to the state's previous support for folk cultures. Bodies active in protecting elements of traditional and folk culture face difficulties arising from the weak economies and ensuing lack of technical capacity in most post-Communist countries. In many states in the region, the 1989 *Recommendation* has become a significant instrument for the safeguarding of intangible cultural heritage.

Other issues highlighted in the seminar include the following:

- the importance of traditional and folk culture for safeguarding national identity;
- the overall lack of coordination between central authorities and institutions working towards the safeguarding of traditional culture and folklore, and the lack of coordinated supranational classification and typological systems in all countries;
- the absence of a unique system for folklore education at the primary level;
- the lack of finances to support the promotion, research, and dissemination of folklore;
- the need to develop infrastructures for disseminating folklore in public mass media;
- the lack of specific regulations concerning only and solely the folk artists; and
- the desire to intensify legal obligations for the safeguarding of traditional culture and folklore at the international level.

(ii) Latin America and the Caribbean (Mexico seminar)

The seminar was held in Mexico City in September 1997 with the following objectives, which were based on responses from questionnaires concerning the application of the *Recommendation*, submitted by eleven countries of the Latin American and Caribbean region. Experts from sixteen countries took part in the seminar:

- conducting a detailed analysis of the main aspects of traditional and popular culture in the region;
- setting up lines of action to allow ethnic groups and other communities fully to express their creativity and cultural identity;
- establishing cultural policy to promote traditional and popular culture in line with the *Recommendation*; and
- setting out general orientations and particular projects within a regional strategy of enlarged cooperation amongst states.

The seminar concluded the following:

- the importance of using democratic processes in the region for combining the safeguarding of traditional culture and folklore with the peaceful coexistence of peoples;

- the encouragement of community participation in such programs through processes of regional, municipal, and provincial decentralization; and
- recognition of the fact that the creators, bearers, and transmitters of, and specialists in diverse disciplines related to, these cultures are all essential to success.

The establishment of the Center for Popular Cultures of Latin America and the Caribbean in Mexico was confirmed with two sub-centers in South America and one in Central America. It was proposed that a meeting of the cultural authorities of the region be held in Bolivia in 1999 to discuss the conclusions of this regional seminar and the application of the *Recommendation* in the region.

(iii) *Asia (Japan seminar)*

Out of twenty countries, seventeen responded to the questionnaire on the *Recommendation*, and a seminar was held in Tokyo in February/March 1998. A total of twenty experts from nineteen Member States in the region participated.

As regards the application of the principal provisions of the *Recommendation*, 48% of responding countries applied the provisions on identification, 28% the provisions on conservation, 28% its provisions for dissemination, and 42% the provisions for protection of folklore. There has been a notable improvement in the regional protection of traditional culture and folklore, although a few states felt that the *Recommendation* should eventually be improved. Recurrent themes in the responses included:

- the need for a central coordinating agency
- the identification and collection of traditional cultural expressions
- the protection of the rights of traditional artists
- the training of professionals and artists
- increased funding
- the encouragement of communities to preserve their own cultural heritage
- revitalization of the interest of youth in traditional culture in the face of the effects of mass media
- the recruitment and training of apprentices
- control of the negative effects of tourism

The country reports indicate genuine efforts towards the safeguarding of this heritage despite setbacks and difficulties. There is also evidence of genuine concern for safeguarding, even if this is not always understood by politicians.

(iv) *Western Europe (Finland seminar)*

This seminar was organized in Joensuu in September 1998 on the basis of fifteen responses received by the organizing group to a questionnaire on the application of the *Recommendation*. Experts from fourteen countries took part in the seminar. The responses suggested that the main areas to be covered by the seminar should be:

- the legal protection of the intangible heritage of minority cultures;

- the protection and promotion of national and local languages;
- the revival of traditional and popular forms of expression;
- the use of new technologies, visual images, Internet, etc., in relation to this heritage; and
- the evolution of culture and its future.

Outline papers were delivered on four thematic areas: problems of culture, cultural heritage, new technologies, and cultural evolution.

Certain points were raised concerning a general view of life in contemporary Western Europe and the role of traditional culture and folklore within it. These points allowed for certain conclusions to be drawn that will help in the future development of both European and global heritage policies. These conclusions included the following:

- In a rapidly changing world, traditional culture and folklore are becoming essential for the preservation of the identity and diversity of European cultural heritage.
- Issues relating to this heritage are normally handled on the national level with regional and local aspects taken into consideration.
- All the countries of the region have good archives and museums of traditional culture offering free access, and most also have rich private collections.
- The preservation and dissemination of culture is fairly well organized, and traditional culture is taught in schools in most countries.
- Traditional culture and folklore have a great popularity today in terms of festivals, concerts, seminars, etc., and have become one of the most important features of culture today.
- The media are now showing an interest in this aspect of culture.

(v) *Central Asia and the Caucasus (Uzbekistan seminar)*

A regional seminar was organized in Tashkent in October 1998 on the basis of completed questionnaires submitted by eight countries. A total of fourteen representatives from eight countries attended. Several main objectives of the seminar were achieved, including:

- an analysis of the current status of traditional culture and folklore in the newly independent states of the region, with particular emphasis on the restructuring of societies during the transition from the Communist system to the democratic market economy;
- an examination of the role of traditional and popular cultures in the process of nation-building as symbols of and references to peoples' cultural identity, deeply rooted in their history; an assessment of the socio-cultural role of intangible heritage, particularly in relation to globalism, the cohabitation of different ethnic groups, and the growth of youth culture;
- a formulation of recommendations on future proposals and actions for the reinforcement of the *Recommendation*; and
- an exploration of the possibility of setting up a regional strategy in the field of safeguarding, legal protection, transmission, revitalization, and dissemination of the intangible cultural heritage.

Significant difficulties face the *Recommendation*; it has not yet been translated into the

official languages of the region, and the newly independent states face major economic, political, and social problems that need to be addressed as an initial task. All participants noted that intangible cultural heritage plays an important role in nation-building and that it, therefore, remains a priority area in the cultural policy of all these states. Although all states have legislation for safeguarding this heritage, it was felt that it does not fit the needs of traditional culture and that new measures (such as copyright protection) need to be developed. Financial assistance from both public and private sectors needs to be increased and financial support given to craftsmen. The lack of computing infrastructure for archives of folklore materials was noted, as was the desire to create a computerized databank of organizations and institutions related to folklore; a UNESCO training seminar was requested to this end. The need for the training of specialists in the field of cultural management was also identified.

(vi) *Africa (Ghana seminar)*

The seminar was organized in Accra in January 1999. Participants from seventeen countries took part in the seminar. A questionnaire was sent to forty states, of which twenty-seven sent responses. This provided a good overview of the situation of applying the *Recommendation* in the region. This was supplemented by further reports from countries.

The seminar reviewed their understanding of the content of traditional culture and folklore. It sought to identify the factors that had sustained it in the past but that are now absent. It was evident that little had been done to implement the *Recommendation* beyond the steps taken after independence by the newly independent states. Governments were seen to rely on this heritage in strategies for nation-building and encouraging the formation of cultural identity. Reference was made to the role institutions and the media play, but a general lack of coordination, systematic collection, national cultural policies, resources, and manpower, etc., were seen as serious problems. This is unfortunate in light of what oral cultures can bring to the construction and reconstruction of contemporary cultures in Africa under their rubric of: "make the past a part of the present."

In future actions, safeguarding of traditional culture should be understood within the everyday realities of African countries and not from the "academic" perspective embodied in the *Recommendation*. The need for a manual on folklore to be used as a resource by local teachers was discussed. The use of anthropological techniques for information-gathering by local, literate people was also considered, an action for which there are precedents from early twentieth-century Africa. The need for urgent action in gathering information on traditional cultures was stressed along with the need to revitalize cultures in order to counteract the residue of colonialism.

A major theme of the seminar was reintegrating traditional culture into modern lives and sharing it with members of the world community to show them the cultural context of the African music and dance styles that they have already adopted.

(vii) *Pacific (New Caledonia seminar)*

The seminar took place in Noumea in February 1999. A total of twelve participants from twelve countries took part in the seminar. Thirteen out of the fourteen countries requested responded to the questionnaire, and, on the basis of these responses, the objec-

tives of the seminar were established: to identify ways and means of reinforcing the application of the *Recommendation* in the region and to formulate a long-term regional strategy aimed at safeguarding, revitalization, legal protection, transmission, and dissemination of Pacific intangible heritage. Short reports were presented by each country. A few countries were unaware of the *Recommendation* due to their status as new Member States of UNESCO.

No distinction is made in the Pacific region between intangible and tangible heritage, although it has been used for the purposes of this study. Furthermore, for many Indigenous people, "folklore" is seen as an inappropriate and pejorative term, "cultural heritage" being much more positive and useful. The intangible heritage of the Pacific is mainly unrecorded and is threatened by the youthful demography of the region as well as by economic problems in the cultural sector. Another significant threat to the intangible heritage is the residue of colonialism and its continuing effects on society. It is recognized strongly that traditional cultures have a relevance today for sustainable development.

The common issues and concerns identified during the seminar included:

- Preservation and future development of the intangible heritage require the involvement of many stakeholders (NGOs, women, youth, elders, and local communities).
- The complexities of the land tenure system and the use of family clan, local, and national shareholding suggest that any system based on a single claimant is grossly inadequate for intellectual cultural property ownership in Pacific societies.
- Current international concerns relating to the exploitation of the environment have given regional states the incentive to revive traditional methods of managing land and sea.

Further points made include the need to:

- encourage communities and stakeholders to take part in documenting this heritage;
- recognize the importance of traditional cultures to development and income generation;
- recognize the threat some major business developments pose to community access to materials used in traditional cultural practices;
- recognize that cultural identity and land ownership are inseparable; and
- devise legal tools (which are now non-existent) and intellectual property laws (which are now inappropriate) to protect community culture.

(vii) Arab States (Lebanon seminar)

This seminar was held in Beirut in May 1999 to consider the question as applied in Arab States. Experts from twelve countries took part in the seminar. Certain main concerns facing Arab States in the field of folklore, outlined in the completed questionnaires submitted by ten countries, were enumerated. These included:

- Budgets reserved for folklore were reduced.
- Traditional industries have become separated from "heritage" and now principally serve tourists.
- Heritage may be lost due to the importance given to everything new, particularly new technologies.

- Heritage could be distorted or stolen by other countries and divided along sectarian lines.
- The institutions concerned with folklore have limited personnel and suffer from the lack of a central body to coordinate work.

The effects of globalization on the cultural heritage were discussed, in the context of the understanding that culture itself is not static. Globalization was seen as a double-edged sword, capable of helping national cultures to revitalize their cultures to face other cultures, but also threatening them with cultural homogeneity. The importance of the preservation of popular and traditional culture for human development was also noted, as was the fact that folklore can be the source of cultural revival while also contributing to economic development. However, one must be careful that the use of folklore for economic ends does not result in damaging the folklore itself. Cultural heritage is threatened by environmental deterioration, but, at the same time, its revitalization can provide the means to creating a better environment as well as forming a part of human identity and dignity.

Participants suggested some measures to solve these folklore-related problems facing Arab States and to lead towards safeguarding and revitalization of cultural heritage. It was suggested that a global development plan be drawn up for popular and traditional heritage and that the necessary legislation be developed to protect this heritage and all persons working in the field. The safeguarding of this heritage is to be understood as a continuous process, and permanent institutions must be created to provide moral and financial support to its practitioners and others. A clear priority also in ensuring the continuity and sustainability of this culture is the introduction of courses related to traditional and popular culture in educational curricula.

8. Agenda Item 4: Overview of Country Reports and Regional Seminar Reports (plenary)

9. Dr. Richard Kurin presented a paper on preliminary results from the questionnaire on the application of the 1989 *Recommendation* issued by UNESCO to Member States in 1994 [this volume, 20–35]. This represents the first-ever survey from a global perspective on the application of the *Recommendation*.

The questionnaires were filled out by National Commissions for UNESCO and by other institutions. By and large, respondents were found to be knowledgeable and informed about the situation of folklore in their countries, although several indicated they were not so well informed, and inaccuracies picked up in the questionnaire are in keeping with this. There were some difficulties with the use of terminologies such as “folklore,” “preservation,” and “conservation,” and the degree of elaboration in providing the answers varied greatly.

Dr. Kurin then presented “highlights” from the survey findings, which included the following statistics:

- Although 58% of states were aware of the *Recommendation*, only six countries reported to UNESCO when requested to do so.
- 66% regarded UNESCO cooperation to be important for policy formation.
- Only 30% of respondent states have an infrastructure to meet the needs of folklore preservation.
- In 48% of states, training systems have been set up, and in 18% training is inadequate.
- Only 20% of states use volunteers in gathering documentation on their own culture.
- 68% of states use traditional culture and folklore in educational materials, videos, films, etc., although this is not very coordinated.

- In 50% of states intellectual property rights are protected under national legislation.

The conclusions to be drawn from this survey are, first, that a better survey is needed, since it is extremely hard to measure culture. Second, contrary to what one might expect, there is no correlation between the support for folklore and the level of modernization or development of a State (as would be expected by both “modernist” or “postmodern” perspectives). As a whole, this is an area that is under-institutionalized, under-elaborated, and under-legislated. Although many working in the field of folklore may feel this is how they want it to stay, in the face of economic, sociological, and physical challenges to its continued practice and existence, this may be a dangerous situation.

10. Dr. Anthony Seeger presented a summary of the eight regional seminars held between 1995 and 1999 to assess the application of the *Recommendation* in Member States [this volume, 36–41]. The meetings tended to follow a similar structure: a history of the *Recommendation* and the issues to be addressed were outlined by a UNESCO representative; a summary of the synoptic reports on its application was made; and short reports were presented by each country delegate.

Many common concerns were voiced at these seminars, but with identifiable regional differences. Latin America and the Caribbean, for example, emphasized the questions of cultural diversity and multiculturalism. The Pacific region raised the difficulty of distinguishing tangible and intangible heritage from their cultural perspective, while Asia noted the need to stress high court cultures as well as other traditional cultures and folklore. The African concept of identity has much changed in the last decade, moving from an emphasis on nation-building to the recognition of multiple identities. While Central and Eastern Europe also analyzed extensively the significance of traditional culture for national identity, they raised important concerns over their financial situation and the problem of transition from the Communist system to a market economy. Western Europe stressed the need to preserve cultural diversity in the face of global intellectual and creative forces; Arab States also referred to the effects of globalization and the challenge it poses for preserving cultural identities. Several regions noted the importance of traditional cultures to the whole of contemporary culture and the under-use of such knowledge at present.

In terms of the 1989 *Recommendation*, the following broad points were made: first, that it is an important instrument and one which requires much wider dissemination. Many identified “folklore” as a problematic term that can be viewed as pejorative. This would need modification in any future new instrument, although no consensus as yet exists over the appropriate term to replace it with. A new instrument should contain certain additional features which include:

- a code of ethics for principles of respect;
- the inclusion of customary owners of traditional culture and folklore as the principal participants in and beneficiaries of the process of documenting and disseminating their knowledge;
- recognition of the collaborative role of the NGOs and other institutions that can assist in preserving this cultural heritage; and
- widening the scope of the *Recommendation* to include the evolving nature of traditional culture and folklore.

11. Mr. Anthony McCann presented a brief analysis made by a team of experts belonging to the Smithsonian Institution of the 1989 *Recommendation* in today’s context

[this volume, 57–61]. He stated that 1999 was a good moment to be carrying out a review of the *Recommendation*, providing new opportunities for communities, non-governmental and intergovernmental organizations amongst others to reassess its roles in contemporary contexts.

A principal point raised regarding the *Recommendation* text is that it is too firmly placed within the institutions of documentation and archiving and reflects the aim of protecting the products rather than the producers of traditional culture and folklore by those means. A balance must be found between the need to document and the need to protect the practices that create and nurture what is later documented. Thus protection needs to move its focus towards the communities themselves. He noted that there is a need also to reassess and critique the language used in the *Recommendation*. The use of “fragility” in relation to traditional (oral) cultures is a misleading metaphor that suggests they are dying cultures rather than living people whose community-based forms of expression are being marginalized by forces that are subject to human will. The use of the term “intangible” needs also to be reviewed as treating ideas as things (rather than as the basis and result of living practices), since the ability/inability to be touched is the quality of a material object.

It is time for an appropriate representation to be given of those whose practices create and nurture this culture. Recognition and respect for the active participation of grassroots practitioners in the production, transmission, and preservation of their cultural expressions and products are essential for meeting the increasing challenges and opportunities in the new global encounter and exchange of cultures. The full and active participation of grassroots cultural representatives with governments and scholars in decisions about the development and implementation of safeguarding folklore and traditional culture is an essential step towards improving the lives of producer communities.

12. Mr. James Early from the Center for Folklife and Cultural Heritage of the Smithsonian Institution then added some comments concerning agency, collaboration, and relevancy in relation to the 1989 *Recommendation*. He noted that the *Recommendation* fails to talk about the self-motivation of the communities and talked of the need to move towards collaboration with them so that we learn how they document and transmit their culture and what developments they may make in this. On relevancy, he stressed the importance of cultural practices in contemporary as well as historical terms giving the example of South Africa, where a gathering of hundreds of medical tradition-bearers met with doctors trained in “Western” medicine in order to seek ways of collaboration.

13. Discussion

The Conference was then opened to the floor for questions and comments.

A participant noted the tendency to use research language that separates an item of culture from the consciousness that produced it. He described the disappearance of rowing songs in the Philippines with the introduction of motorized boats as an example of the linkage between practice and a wider consciousness. He also noted the irony of the fact that researchers in the field spoil the truth of their research by the act of asking questions.

Another participant added that we need not only to ask communities what they know but also to understand how they create meaning and apply their knowledge in everyday life. He noted also the impossibility of separating cultural expressions from the economic context, etc.

A participant mentioned that he preferred an understanding of the community and its traditional culture both from inside and outside (and even from a vantage point far from their cultural sphere) — from many perspectives and not just from that of one culture or community.

Another participant added that we certainly recognize the areas of conflict when discussing the concept of culture (such as between Christianity and Islam). He gave an example of a conflict between a tradition in Ghana that no drumming should take place for three weeks before a festival and the wish of the members of a certain church to play drums in church during these banned periods.

Another participant added that cultural preservation concerns all religions, which can be considered the condensed message of tradition passed down to each generation to decode. This does not rule out other traditions such as music or dance. The problem posed today is one of progress and the efforts to be taken against the effects of progress which destroy part of the history and culture of peoples.

A participant who introduced himself as a Native American artist noted that many are still living on tribal lands in New Mexico and are people with a tribal, country, and ethnic affiliation. He continued by saying that there is always a discourse of “we” (experts and administrators) and “they” (community members) rather than the acceptance of all being contributors to a process of problem-solving. Why should not each expert at such a conference next time bring with him or her a true purveyor of tradition?

Another participant agreed that this is a very important point, noting she had attended a meeting in Canada where she had met Native people who were near extinction and felt very isolated. Such cultures under threat seek links to survive by breaking down their isolation.

A participant noted that much has been heard about the protection of intangible culture — but this should not suggest that tangible culture is well protected. For example, there is no protection for the tangible culture of Australian Aboriginals under intellectual property laws. Certainly, intangible culture is more vulnerable, but the tangible elements should not be ignored.

This was responded to with the comment by another participant that when we speak using different languages, it can be very difficult to reach the same idea, to understand what it means and to define the topic. Thus, for example, there is no distinction made between “tangible” and “intangible” culture in the Pacific region. However, it is important that we can reach a consensus.

A participant wished to raise two points: first, that in the last ten years since the *Recommendation* was agreed to, the number of transnational owners of intellectual property has sharply decreased, concentrating ownership in very few entities; second, as far as traditional culture and folklore and intellectual property law are concerned, many important elements are not considered in that law or the language that defines the world in which we operate. This is something later discussions (in working groups) must deal with.

Working Groups

14. Agenda Item 6: Thematic discussions (working groups)

Following the plenary session of the Conference, the participants (with some observers) divided for one and a half days into three working groups with the following briefs:

Group I: Intangible Cultural Heritage in relation to natural and tangible cultural heritage, and its role in resolving local and national problems related to major contemporary concerns such as cultural identity, gender issues, sustainable human development, globalization, peaceful coexistence of different ethnic groups, conflict prevention, youth cultures, evolution of new technologies in communications and information, environmental deterioration, etc.

Participants: Mr. Ralph Regenvanu, Vanuatu — Chairperson
 Mr. Russell Collier, Gitxsan, Canada — Rapporteur
 Ms. Robyne Bancroft, Australia
 Mr. Mihály Hoppál, Hungary
 Mr. Miguel Puwainchir, Ecuador
 Dr. Mahaman Garba, Niger
 Mr. Rachid El Houda, Morocco
 Dr. Junzo Kawada, Japan
 Mrs. Stepanida Borisova, Russia
 Mr. Andy Abeita, Isleta Pueblo, U.S.A.
 Mr. Rajeev Sethi, India

Group II: Legal protection of local and national intangible cultural heritage.

Participants: Ms. Manuela da Cunha, Brazil — Chairperson
 Dr. Tressa Berman, U.S.A — Rapporteur
 Mrs. Lyndel Prott, UNESCO
 Dr. Grace Koch, Australia
 Professor Kamal Puri, Australia
 Commissioner Preston Thomas, Australia
 Professor Peter Jaszi, U.S.A
 Dr. Janet Blake, Scotland, United Kingdom
 Mr. Brad Simon, U.S.A
 Ms. Pualani Kanaka'ole Kanahale, U.S.A

Group III: Local, national, regional, and international policies, with particular reference to the transmission, revitalization, and documentation of intangible cultural heritage.

Participants: Professor Kwabena Nketia, Ghana — Chairperson
 Ms. Sivia Tora, Fiji — Rapporteur
 Dr. Gail Saunders, The Bahamas
 Ms. Zulma Yugar, Bolivia
 Ms. Khurshida Mambetova, Uzbekistan
 Dr. Florentine Hornedo, Philippines
 Dr. Osamu Yamaguti, Japan
 Mr. Renato Matusse, Mozambique
 Mr. Jean Guibal, France
 Mrs. Vlasta Ondrusova, Czech Republic
 Mr. Mohsen Shaalan, Egypt
 Professor Heikki Kirkinen, Finland
 Mr. Namankoumba Kouyaté, Guinea
 Mrs. Juana Nuñez, Cuba

Reports of Working Groups, Proposal of Pilot Projects, and Development of Action Plan

15. Agenda Item 7: Reports from thematic sessions, including group recommendations (plenary)

After working separately throughout the second day, the three working groups returned to the plenary session with their recommendations on the third day of the Conference. The reports took the following forms:

Group I: A Recommendation addressed to governments stating that they should actively

support communities in the practices of generation, transmission, authorization, and attribution of traditional knowledge and skills in accordance with the wishes of the communities and in conformity with current international standards of human rights. Three steps that they should consider taking are put forward as well as twelve areas requiring further study by a group of experts [see Appendix 4].

Group II: Considered five broad areas involved with the protection of traditional culture and made recommendations that were incorporated into the final Action Plan of the conference [see Appendix 5].

Group III: Proposed seven recommendations to the governments of Member States and nine recommendations to UNESCO on the basis of discussions within the group and a set of nine points identified at the start of the meeting [see Appendix 6].

Reports and recommendations of the three working groups were presented by the Chairperson and Rapporteur of each group in plenary session. These reports were then discussed and approved by the plenary session.

16. Agenda Item 8: International cooperation: presentation of pilot projects (plenary)

Mrs. Aikawa presented a proposal for five Pilot Projects of International and Inter-Regional Cooperation drafted by the Secretariat of UNESCO on the basis of recommendations formulated by the majority of regional and sub-regional seminars. These pilot projects will be further developed by the UNESCO Secretariat and will be submitted to funding agencies, foundations, and Member States which are likely to provide UNESCO with voluntary financial contributions. They include the following:

- Regional and International Networking among Institutions Involved with Traditional Culture and Folklore;
- creation of UNESCO Chairs of Traditional Culture and Folklore;
- Feasibility Study for the Elaboration of Legal Protection of Traditional Culture and Folklore in Africa, Latin America, and the Caribbean;
- International Meeting for the Integration of Traditional Culture and Folklore into Cultural Policy;
- Inter-Regional Project on the Revitalization of Traditional Knowledge of Mediation in Conflict Prevention (Africa and the Pacific).

The participants were invited to make further suggestions to UNESCO regarding these pilot projects.

17. Agenda Item 9: Presentation and approval of the draft Action Plan for safeguarding and revitalization of intangible cultural heritage and final report (plenary)

A Drafting Committee was established in the evening of 29 June to draft an Action Plan. The following participants took part in the Committee:

Dr. Florentine Hornedo — Chairperson
 Dr. Grace Koch — Rapporteur
 Mr. Andy Abeita
 Dr. Tressa Berman
 Ms. Manuela Carneiro da Cunha
 Mr. Rachid El Houda
 Dr. Junzo Kawada
 Ms. Kurshida Mambetova
 Mr. Ralph Regenvanu
 Mr. Rajeev Sethi

18. The Chairperson and Rapporteur of the Drafting Committee presented the draft Action Plan to the plenary session. The assembly, after having integrated the group recommendations into the draft Action Plan, discussed extensively, modified, and finally approved the Action Plan as modified [see Appendix 7]. The Final Report was read by the Rapporteur, Dr. Janet Blake, and was approved unanimously by the participants.

19. Dr. Richard Kurin and Mr. Mounir Bouchenaki delivered the closing remarks, thanking all of the participants for their fruitful and constructive contributions to the Conference.

Appendix 1: Agenda

- I. Conference opening
- II. The UNESCO *Recommendation on the Safeguarding of Traditional Culture and Folklore* (1989) — actions undertaken by UNESCO for its implementation (plenary)
- III. Reports of eight regional and sub-regional seminars (plenary)
- IV. Overview of country reports and regional seminar reports (plenary)
- V. Analysis of the 1989 *Recommendation* in the context of today — positive and negative aspects (plenary)
- VI. Thematic discussions (working groups)
 - A. Intangible cultural heritage in relation to natural and tangible cultural heritage, and its role in resolving local and national problems related to today's major issues such as cultural identity, gender issues, sustainable human development, globalization, peaceful coexistence of different ethnic groups, conflict prevention, youth cultures, evolution of new technologies in communication and information, environmental deterioration, etc.
 - B. Legal protection of local and national intangible cultural heritage
 - C. Local, national, regional, and international policies, with particular reference to the transmission, revitalization, and documentation of intangible cultural heritage
- VII. Reports from thematic sessions, including group recommendations (plenary)
- VIII. International cooperation: presentation of action plan and pilot projects (plenary)
- IX. Presentation and adoption of final Action Plan and final report (plenary)

Appendix 2: Annotated Agenda

I. Background

The General Conference of UNESCO adopted at its twenty-fifth session (November 1989) the *Recommendation on the Safeguarding of Traditional Culture and Folklore* (this volume, 8–12). This significant act was derived from the consideration that folklore forms part of the heritage of humanity and, as such, it can be a powerful means of bringing together different peoples and social groups and of asserting their cultural identity. In addition, this action underlined the fact that folklore possesses great social, economic, cultural, and political importance in both historical and contemporary cultural contexts. Moreover, folklore, some forms of which are extremely fragile by nature, is an integral part of cultural heritage and living culture. The adoption of the *Recommendation* was meant to encourage various governments to play a decisive role by taking legislative measures, among others, which comply with local constitutional practices, as a means of preserving and safeguarding traditional culture and folklore. With increasing transformations affecting all regions of the world, this task remains urgent in nature.

The *Recommendation* is comprised of seven chapters, including (i) Definition, (ii)

Identification, (iii) Conservation, (iv) Preservation, (v) Dissemination, (vi) Protection, and (vii) International Cooperation. It defines the term “traditional and popular culture” as follows: (para. A) “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 are, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, architecture and other arts.”

In February 1990, the Director-General of UNESCO distributed a circular letter to Member States inviting them to take all necessary steps towards the implementation of the *Recommendation*. According to the terms outlined in Article IV, paragraph 4, of UNESCO's Constitution, each Member State shall submit recommendations or conventions adopted by UNESCO to competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted. However, by 1991, only six countries had submitted special reports on action undertaken towards the implementation of the *Recommendation*. Moreover, these reports simply affirmed the relevance of existing national legislation and highlighted specific measures taken to familiarize the national authorities concerned with the provisions of the *Recommendation*.

In order to systematically assess the implementation of the *Recommendation* and the present situation of the safeguarding and revitalization of intangible cultural heritage in Member States, UNESCO launched a four-year series of region-by-region surveys, extending from 1995 to 1999. A total of eight regional seminars have been convened: these include (i) StráΩnice, Czech Republic (June 1995), for Central and Eastern Europe; (ii) Mexico City, Mexico (September 1997), for Latin America and the Caribbean; (iii) Tokyo, Japan (February/March 1998), for Asia; (iv) Joensuu, Finland (September 1998), for Western Europe; (v) Tashkent, Republic of Uzbekistan (October 1998), for Central Asia and the Caucasus; (vi) Accra, Ghana (January 1999), for Africa; (vii) Noumea, New Caledonia (February 1999), for the Pacific; and (viii) Beirut, Lebanon (May 1999), for Arab States.

The present Conference is the culmination of these regional seminars. Its primary goal is to globally assess the present situation and future orientation of the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore*. Intangible cultural heritage is at once rich and diverse, yet for a variety of reasons many producers of traditional and popular culture are abandoning their crafts or ceasing to transmit them to younger generations. There is thus a threat of the disappearance of a great deal of traditional and popular culture all around the world. It is therefore imperative to take urgent steps towards its preservation and revitalization for both current and future generations.

II. The Objectives of the Conference

The objectives of the Conference are:

A. To assess the present situation of the safeguarding and revitalization of intangible cultural heritage in the world today

B. To analyze the relationships between intangible, natural, and tangible cultural heritage, and the role that intangible cultural heritage plays in resolving local and national problems related to major contemporary concerns, such as cultural identity, gender issues, sustainable human development, globalization, peaceful coexistence of different ethnic groups, conflict prevention, youth cultures, evolution of new technologies in communication and information, environmental deterioration, etc.

C. To examine the legal protection of local and national intangible cultural heritage

D. To suggest local, national, and international policies, with particular reference to the transmission, revitalization, and documentation of intangible cultural heritage

E. To examine the future role of the 1989 *Recommendation* within UNESCO Member States

F. To encourage international cooperation through the development of future strategies and pilot projects

III. The Organization of the Conference

Following a Conference introduction there will be a survey of actions undertaken by UNESCO for the implementation of the 1989 *Recommendation* (Agenda items 1 and 2, day 1). The Conference will continue with a brief discussion of the results of the regional meetings (Agenda items 3 and 4, day 1), and then break up into three working groups for intensive discussions as per Agenda item 6 (days 1 and 2). Plenary sessions (day 3) will address Agenda items 7–10.

A. Reports of the Eight Regional Conferences

The procedure of conducting regional surveys operated in the following chronological manner: (i) UNESCO identified a specialized institution-partner in each region; (ii) UNESCO, taking into account regional specificities, drafted a questionnaire pertaining to the application of the *Recommendation*; (iii) UNESCO distributed this questionnaire to the National Commissions of the Member States concerned, requesting them to take necessary steps to ensure that the questionnaire be duly completed; (iv) on the basis of replies to the questionnaire returned, UNESCO and its institution-partner compiled statistics and formulated a comprehensive report which assessed the degree of implementation of the *Recommendation*. These reports proved to be extremely effective in all regional seminars, as they led to fruitful discussions, multiple recommendations, and concrete conclusions.

B. An Overview of Regional Reports: World Assessment

The regional reports, which focus on local and national tendencies, aspects, difficulties, and queries, illuminate both the contemporary situation and future orientation of intangible cultural heritage. An overview of these reports will thus highlight what has, and what has not, been achieved in UNESCO Member States over the past ten years since the adoption of the *Recommendation*, as well as what needs to be done in the future.

At the request of UNESCO, the Smithsonian Institution has compiled summary and statistical reports based on regional reports on the application of UNESCO's 1989 *Recommendation*, which will be mailed to all conference participants prior to the meeting (this volume, 20–35, 35–41).

C. Analysis of the 1989 *Recommendation* in the Context of Today: Positive and Negative Aspects

Since the reduction of East-West bipolar tensions 1989, the world has undergone extensive political, economic, and socio-cultural transformations. Moreover, new technologies have emerged that facilitate and also challenge the safeguarding of intangible cultural heritage. Despite such tremendous progress, however, a number of problems have arisen. For such reasons, the time has come to assess the positive and negative aspects of the *Recommendation* in the context of today, particularly through examining its provisions from both a conceptual and legal perspective.

At the request of UNESCO, the Smithsonian Institution is preparing a document on the 1989 *Recommendation* that will be distributed to participants prior to the Conference (this volume, 57–61).

D. Thematic Discussions (working groups)

Group I. Intangible, natural, and tangible cultural heritage, and the role that intangible cultural heritage plays in resolving local and national problems related to major contemporary concerns such as cultural identity, gender issues, sustainable human development, globalization, peaceful coexistence of different ethnic groups, conflict prevention, youth cultures, evolution of new technologies in communication and information, environmental deterioration, etc.

Among the topics that may be discussed are the following:

Intangible, natural, and tangible cultural heritage. Since the 1970s, UNESCO has been famous for actions it has taken to safeguard great historical monuments, such as the Abu Simbel Temple in Egypt. The "World Heritage List," which has been a UNESCO flagship activity through the 1990s, added "natural heritage" to the existing "tangible cultural heritage — monuments and sites." In November 1998 UNESCO Member States, for whom "cultural heritage" had meant only "tangible cultural heritage," agreed to enlarge the concept of "cultural heritage" by including "intangible cultural heritage" as well.

The UNESCO Executive Board approved at its 155th session (November 1998) a new project, called "Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity." The approval of this project attests that UNESCO Member States have accepted an enlarged concept of "cultural heritage," one that includes both tangible and intangible heritage. In fact, intangible heritage and tangible heritage have always been closely interconnected: the former has provided meaning to the latter, while the latter has offered physical support to the former. The following examples may illustrate this point: (i) the long frieze of Angkor Wat, which depicts the 1500-year-old legendary epic story of the Ramayana; (ii) the Khmer Court dance, which reflects, even today, the dancing style exhibited by the beautiful Apsara ("semi-divine") on the stone reliefs of the temple; and (iii) the symbolism, techniques, and artistry of traditional wall decorations of Mauritanian earth architecture, which have been handed down through centuries from mothers to daughters. Moreover, natural or landscape heritage, such as the Mosi-oa-Tunya (Victoria Falls), of Zambia-Zimbabwe, has given birth to a number of oral traditions, myths, and epics, which endow the natural setting with cultural meaning.

In order to ensure the safeguarding of intangible heritage, an integrated approach is required that would simultaneously consider both tangible and intangible aspects. Moreover, it is essential that local contemporary communities become empowered, and hence participate, towards initiating measures for the safeguarding of their intangible cultural heritage. For this purpose, it is indispensable to provide local populations with appropriate training in heritage management that would emphasize the integration of tangible and intangible heritage.

Group Identity. "Traditional and popular culture" (intangible cultural heritage) can play a significant role in resolving local and national problems related to today's major issues. For instance, for many populations, intangible cultural heritage has continually played a vital role in the assertion and expression of group identity, itself deeply rooted in history. Cosmologies, beliefs, and values conveyed by languages, oral traditions, and diverse cultural manifestations often constitute the foundations of community life. Moreover, in many countries, the assertion of cultural identity based on traditional and popular local cultures has played an integral role in the nation-building process during the postcolonial period.

Gender Issues. In many societies throughout the world, women have always played a vital role in safeguarding and transmitting traditions, rules of conduct, and skills which they regard as indispensable in maintaining familial cohesion and social position. Such forms include, among others, the code of ethics, stories, oral histories, songs, music, languages, shamanism,

ritual, and culinary skills. In the production of material culture, where particular symbolism, artistry, and manual skills are expressed in acts of embroidery, weaving, carpet-making, and habitat production, among others, women have been highly successful not only in retaining and transmitting traditional methods and practices but also in adapting them in innovative ways with modern elements, hence yielding novel material and technical forms.

Sustainable Development. The success of sustainable human development requires the adaptation of development strategies to the socio-cultural context of any given society. It is therefore vital to observe and analyze local socio-economic systems as well as modes of thought, behavior, and traditional methods of production, which are transmitted orally. Furthermore, certain expressions of traditional culture and folklore may directly contribute to economic development through the enhancement of cultural industry, specifically in the fields of performing arts and handicraft.

Globalization. The contemporary globalization of economic, political, and social life, accelerated by progress in information and communication technology, has resulted in much cultural penetration and amalgamation. Subsequently, majority cultures have been increasingly absorbing their minority counterparts, thus threatening cultural diversity. For such reasons, it is often argued that globalization has contributed to the growth of cultural uniformity. Revitalization of the intangible cultural heritage specific to each community will thus assist in the preservation of local cultures, whose strengthening is essential to the perpetuation of a worldwide cultural diversity. This diversity, based upon peaceful cohabitation of different ethnic groups, is a prerequisite for the development of a multicultural system, a fundamental element for global peace, the construction of which is the primary task of UNESCO and the United Nations.

Technology. It is true that rapid progress in information and communication technologies may have damaged many traditional and popular local cultures. These technologies, however, are indispensable to preserving and promoting those cultures. Moreover, we should not forget that culture is not static, but continually evolving. New technologies have advanced communication and information processing, and facilitated the emergence of new and various forms of hybridized cultural expressions. Moreover, it is imperative to acknowledge that youths, those most susceptible to technological progress, will continue to produce their own artistic forms; these too will become part of a new heritage, such as ethno-techno music. Hence, we must continually remain attentive to cultural evolution.

Ethnic Conflicts. The number of ethnic conflicts is increasing throughout the world. In order to reduce the number of these conflicts, the representatives of both African and Pacific countries who attended the regional seminars in Accra (January 1999) and Noumea (February 1999), respectively, expressed their strong desire to reconsider traditional wisdom and knowledge as a means of conflict prevention.

Environmental Protection. Environmental deterioration in the world poses serious problems not only for local communities, as it endangers traditional resources, lifestyles, and cultures, but also for the entire planet. Concrete measures to combat such degradation are therefore needed. The revitalization of traditional knowledge, skills, and practices, aiming to regulate natural resources through the implementation, for example, of fishing and hunting taboos, is itself largely constituted in the interrelationship between people and the environment; such revitalization can become beneficial in the struggle against environmental hazards.

Group II. Legal Protection of Local and National Intangible Cultural Heritage

Traditional and popular culture is, by its very nature, multifarious and sometimes threatened with extinction. For this reason, it is imperative to establish legal steps to ensure the

safeguarding of intangible cultural heritage throughout the world: i.e., systematic protection on both local and national levels. Such protection must embrace not only intangible cultural heritage in itself but also the practitioners of traditional cultures and folklore.

Traditional and popular culture is also easily subjected to appropriation and commercial exploitation by members of communities other than those that created it. It is imperative to protect intellectual property rights, including both authors' rights and industrial rights of the traditional and popular cultural expression once it is used by a third party or for other purposes. In establishing such a protection system, particular attention should be paid to ensure that benefits be given to the populations who initiated the cultural expression in question.

Group III. Local, National, Regional, and International Policies, with particular reference to the transmission, revitalization, and documentation of intangible cultural heritage

UNESCO's role, as an intergovernmental organization, is to instigate its member governments to take actions in line with UNESCO objectives. It is therefore UNESCO's primary task to raise awareness of member governments and their policy makers on the urgent need to safeguard and revitalize the world's intangible cultural heritage. It is essential to assess — with the aim of elaborating — local, national, and international policies, which would focus particularly on the transmission, revitalization, and documentation of this heritage. The goal is to assist each government to establish appropriate policies in this regard or to promote regional or international cooperation to encourage this effort.

E. Reports from Group Sessions, including Group Recommendations

The working groups are invited to reunite in plenary in order to discuss and exchange ideas and recommendations derived from individual working sessions.

F. Future Role of the 1989 *Recommendation* within UNESCO Member States

The *Recommendation* has been in existence for ten years. We are aware of its past and must now consider its future orientation in light of the present situation. It is time to assess the future role of the *Recommendation* within UNESCO Member States in order to ensure the safeguarding and revitalization of the world's intangible cultural heritage. Some UNESCO Member States consider that the time has come for UNESCO to create an International Convention for the safeguarding of intangible cultural heritage after the manner of the World Heritage Convention (November 1972), itself applicable only to tangible and natural heritage, or to modify the existing Convention, if possible, to include intangible heritage. In order to explore a new Convention, the *Recommendation* could be used as a base. In addition, many countries continue to stress the urgent need to establish an international instrument for the protection of intellectual property rights in expressions of traditional culture and folklore. UNESCO and WIPO are today examining this possibility.

G. International Cooperation: Future Strategies and Pilot Projects

During the Conference, participants are expected to identify problems and challenges for the coming years and to formulate medium-term strategies of international cooperation aiming at the safeguarding and revitalization of intangible cultural heritage throughout the world. Such strategies may define the future orientation of the UNESCO program related to intangible cultural heritage, its priorities, suitable approaches, as well as methods of work to be applied. It is hoped that these strategies will also include concrete measures to improve both the application and effectiveness of the 1989 *Recommendation*.

H. Presentation of the Final Recommendations

The participants of the Conference are invited to draw up and present various recommendations for the future orientation or reinforcement of the existing 1989 *Recommendation*, addressed to UNESCO, their respective Member States, and specialized institutions such as the Smithsonian Institution.

Appendix 3: Participants, Staff, and Fellows and Interns

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 Jonathan McCollum, Allston, Massachusetts
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Appendix 4: Report of Group I

Monday, 28 June 1999, the first meeting of Group I, 1545–1730

Group I was constituted to discuss the following themes: intangible cultural heritage in relation to natural and tangible cultural heritage and its role in resolving local and national problems related to major issues such as cultural identity, gender issues, sustainable human development, globalization, peaceful coexistence of ethnic groups, conflict prevention, youth cultures, evolution of new technologies in communication and information, environmental deterioration, etc.

The chair, Ralph Regenvanu, asked participants to introduce themselves. After this, Rajeev Sethi began by wondering about the current status of the 1989 *Recommendation*, particularly its conceptualization of the problem it addresses. He questioned whether the terms “folk” and “tradition” overlook the idea and possibility of innovation. He made some suggestions for changes in the wording in the 1989 *Recommendation*, Section A, Definition of Folklore: “Imitation” should become “emulation”; “Games” should become “sports,” as the latter encompasses more; “Handicrafts, architecture” — don’t we really mean “habitat”? he wondered; “Other arts” seems to be a residual category that is not specific enough.

Regarding Section C, Conservation of Folklore: Mr. Sethi suggested that we first talk about safeguarding people, then archives. Culture is living but dependent on people, whom we need to empower. The language in the 1989 *Recommendation* seems to be condescending.

Pualani Kanahale observed that many peoples base important elements of their cultural identities on their natural environments, thus inextricably linking cultural and natural heritages. What will we do twenty years from now, she wondered, when our environment has become terribly degraded [by commercial development]?

Andy Abeita voiced a concern that practitioners of traditional culture cannot put religion and art in the same category as commodities, but at the same time, we need to come up with similar legal tools for protecting practitioners’ ability to continue their creative practices. Rights to ownership of music and prayer come under copyright provisions and thus can be legally enforceable. Without legal protections that the private sector understands, we can engage in endless, and ultimately fruitless, discussions trying to define ourselves.

Rajeev Sethi replied, on the question of handicrafts, that commodification in his experience is based on the needs of the artists. He felt we must help artisans to understand the meaning of new design without abusing their own culture. There is nothing necessarily wrong with innovation.

Pualani Kanahale said she liked Sivia Tora’s comment made earlier in the meeting about the impossibility of separating tangible from intangible culture, or dividing cultural heritage from natural heritage of the environment. She clarified what she meant by environmental deterioration, giving an example of large, international hotels being built on the coral polyp, the marine animal that creates coral, the substance of the islands themselves and a central figure in poetic chants about creation.

Rajeev Sethi replied he did not think there is an answer for that kind of problem, not in UNESCO. In India there are a great many tribes displaced in the name of development. There is no answer for this; whom can one turn to?

Miguel Puwainchir responded by quoting a saying that “a person without land is a person without culture.” If UNESCO cannot change anything, he charged the group, then we must change UNESCO. Before the Spanish conquest, we had a pure culture, he said. Today, there is much confusion, and culture has become polluted. We need to promote and defend our culture. Otherwise, our culture will die slowly, and we will have accepted that. We should not isolate ourselves, though. We should seek cultural interrelationships. Negative values should be forgotten. For instance, in Bolivia the coca plant has been used for good medicinal purposes. Others have made it an evil drug. What shall we do today? We need to accept the positive values and discard the negative.

He continued: The 1989 *Recommendation* basically describes culture as “things,” but culture is also human beings. Why should we separate the two? We need to exchange experiences — this is healthy. Many of the problems being discussed involve alienation. But we must remember that culture is our very nature.

Rachid El Houda observed that he was concerned about some of the discussion. We talk at a formal level, he said, not at the level of substance. Therefore, we need to separate particular legal instruments, etc., from our ways of thinking about culture. There are two ways to consider the issue: We can establish a list of all those things that can be thought of as traditional culture; or we can find out what brings us together through our differences. Differences can bring us together, he asserted. We need ideas that can serve as a basis for us to move forward. Bridges can be built with culture and religion, for example, through the meaning of symbolism that can be explicated in one culture/religion and found to exist in our own culture. We must get past what tries to divide us.

Mahaman Garba wondered whether the connection between religion and preservation was to be regarded as a forbidden topic. The intangible heritage in my country is music, he observed. Some speak about “cultural heritage” and some about “folklore.” We should use the former, as it is a more noble term.

We must choose, he continued. Do we want to develop or stay where we are? Evolution has its burdens. People in the Third World like to have television. What was there before that — songs and games? Shall we refuse TV? Education may come from songs and games, but artists can be seen through TV and radio. Otherwise, access to these artists would require travel of thousands of kilometers.

Pualani Kanahela partially summed up the session, saying that we have talked about coexistence and conflict prevention. We must learn how to get along with development also. Yes, she said, we need to know about development, but development must know about us as well. We should consider symbols too and take the positives and negatives of all of this.

Tuesday, 29 June 1999, the second meeting of Group I, 0930–1200

Robyne Bancroft spoke in her presentation (this volume, 70–74) about the necessity of using a holistic approach to understanding Australian Aboriginal culture, which consists of a dense web of relationships between humans and their environment. Their history goes back 60,000 years but is largely ignored. There were over 250 language groups at the time of colonization; only twenty-five active languages exist today. There are now 325,000 Aborigines out of an Australian population of eighteen million. They have survived and have recently emerged onto the international scene. Courts have made important rulings about such vital issues as land rights, and the issue of the “lost generation” (families which

were separated by government practices) has begun to be dealt with. Despite some positive laws and rulings, however, there is still a great need to achieve justice.

Aboriginals do not like the terms “folklore” and “mythology,” as in Australia these have negative implications. She suggests instead “Indigenous cultural heritage.” Current issues of importance to Aboriginal peoples include gender issues, a code of ethics for dealings between Indigenous and non-Indigenous peoples, and the repatriation of human remains from overseas. She presented recommendations: The 1989 *Recommendation* lacks teeth; to remedy this, it should become a UNESCO Convention. The importance of biological diversity needs to be formally recognized; institutions such as UNESCO and the Smithsonian should support Indigenous peoples in their struggle for their rights; and there needs to be more training and career development that is controlled by Indigenous people.

Mihály Hoppál spoke in his presentation (this volume, 182–184) about today’s information-based society, in which there is limitless economic growth, but little significant tradition and local knowledge. There is a treasure trove of tradition-based knowledge about the myriad ways that people have learned to live with each other. This includes spiritual traditions. Local value systems can provide a base for conflict resolution. It is not the local systems but a lack of knowledge of the Other that causes conflict. Local value systems, such as prejudices, provide the emotional background for people to engage in conflict with each other. Globalization can be a threat to Indigenous cultures and a guise for a new form of imperialism. It can result in a denial of collective local rights and a threat to minorities. Legislation should be passed to respect and protect the human rights and cultural identity of minorities. Anglo-Saxon-based value systems may not be appropriate for all. He recommended development of: strategies to educate young people to respect the traditions of other nations; festivals that celebrate the diversity of each nation; documentation and preservation of traditions; treatment of the cultural heritages in Member States with respect and passage of laws to enforce respect for these local cultures; honor for each other’s traditions so that we may live longer on this earth.

Miguel Puwainchir made a presentation (this volume, 65–66) on what he called “interculturality” — the respect for and knowledge of cultures other than one’s own. Today we live with a complex mix of people. By setting up states and nations we have created national cultures and identities that do not recognize local traditions. In Ecuador, Indigenous cultures have united to change the laws and to create a “respected place” for Indigenous peoples, which has enabled them to resist assimilation. In the future we should have nations that have no state cultures, for the latter inevitably make local cultures into “folklore.” National curricula should be developed to teach about different cultures, so this is part of general learning, not left to anthropologists and museums. Interculturality will help us avoid globalization of culture, maintain cultural diversity, and defend against the rampant development that is destroying our environment. His recommendations were: states should have no single national culture; local cultures should neither be commodified nor turned into monuments, rather they must be preserved and promoted as living cultures; it is important to learn about other cultures without losing the uniqueness of one’s own; UNESCO should promote new ways of thinking about culture, celebrate the diversity of the world, and not allow modern technologies to destroy local cultures.

Mihály Hoppál commented that misunderstanding between cultural groups is based on a lack of knowledge of the history and culture of the Other. In East Europe, he observed, historical myths can be used for modern political ends such as war.

Paulani Kanahale responded to the presentation by saying that globalism is another form of colonialism and is undermining local traditions, particularly among the youth. It is

therefore critical to include young people in more rituals and ceremonies, or else these traditions will be lost to globalization. Educating outsiders on cultural matters is a good start, but a difficult task, given the pervasiveness of their prejudices and their resistance to learning about Indigenous cultures. For the reasons Miguel Puwainchir outlines, “myth” and “folklore” are problematic terms that need to be changed.

Russell Collier responded that the terminology used does not make a great deal of difference in the continuous battles now being fought, or those battles yet to be fought, with governments and other forces that threaten Indigenous cultures.

In his presentation (this volume, 194–202), Dr. Mahaman Garba described a case study of a UNESCO project, a center for musical education (Centre de Formation et de Promotion Musicale) in Niger. He began with a brief description of the eight linguistic and ethnic groups in Niger. In that country, there is a caste system which designates the persons who are to pass on the oral tradition and the ones who are to be the musicians. When one such person dies, it is as though a library has burnt down. There has been a great loss of these people without their being replaced, and the traditions and music they carried are also being lost. This problem, along with recommendations for its solution, was brought to UNESCO, which helped begin the center for music training. The work of preserving musical traditions is going forward with the help of UNESCO and other funding sources, especially from Japan. Dr. Garba especially thanked Mrs. Aikawa and Professor Kawada for their efforts on behalf of the center.

Dr. Garba described the three areas of operation of the center — research, training, and promotion. He said that they were also dealing with questions of European ownership of music and musical instruments and of the repatriation of this musical heritage. On the issue of funding, Dr. Garba observed that it is becoming less and less and that the center was not permitted to use the financial assistance to its best advantage as the center’s staff wished. He recommended that local experts in cultural development projects be allowed adequate participation in decision-making about the allocation of funds.

Rachid El-Houda made a presentation (this volume, 216–217) about the Jemaa El Fna Square in Marrakech, a World Heritage Site, to explore one kind of connection between tangible and intangible heritage. He gave a brief description of this urban area and its cultural value. Many writers, actors, playwrights have taken professional interest in this square. City planners have tried to emulate its spatial and cultural qualities in other parts of the world. This is a place where many forms of public storytelling have been regularly performed. The square is now under attack from aggressive modernization. This urban space is commercially valuable and therefore a target of commercial development. The value of its rich oral culture does not compute or compete well against this monetary value. It is easy to prohibit and displace the performance traditions for the sake of commercial development, but near impossible to recreate the rich oral culture that thrives in this kind of space. The next difficulty to be faced is loss of these displaced human treasures, which are so difficult to replace. A non-governmental organization has been created to help preserve this area and its traditions. Mrs. Aikawa and UNESCO are greatly to be thanked for their help in this. The goals and objectives of this NGO are: guaranteeing the physical integrity and continuity of the square; recording and documenting its history and the storytelling performed there; preserving the surrounding neighborhoods; establishing cooperation with like-minded groups in Morocco and abroad; raising funds to provide pensions to elderly storytellers and other performers who have lost their livelihood due to age; writing and distributing relevant publications; promoting interest and providing training in traditional crafts and storytelling among youth; combating prejudice and negative stereotypes

among local people towards the square and its inhabitants by instilling popular pride in the square and what it represents.

Junzo Kawada gave a presentation (this volume, 175–177) about the social incentives that encourage practitioners in the continuity of their traditions. He began by noting that globalization, along with other economic forces, creates cultural conformity by changing the system of socio-economic rewards so as to discourage the passing along of culture to new generations. Because preserving cultural heritage is not socioeconomically profitable, especially in minority communities, it is difficult to find successors to carry on the traditions. Many handicrafts are in danger because of this. Professor Kawada considered the way in which different kinds of traditions faced this problem and the kinds of assistance relevant for each. Tourism may have a positive effect by preserving the culture and increasing cross-cultural awareness between foreigners and the local population. Money generated from tourism provides incentives to people to practice traditional arts and performances.

Preserving tradition has many social benefits. Making traditional handicrafts helps preserve the environment through the use of natural materials. The revitalization of cultural heritage also empowers the female population, as they have a large role to play in preserving and transmitting culture.

In light of this, Professor Kawada recommended: providing financial incentives for cultural heritage practitioners on a large scale; guarding against the cultural conformity produced by globalization; encouraging cooperation among traditional groups, governments, and NGOs to preserve not-for-profit cultural performances and the training of novices in traditional storytelling; providing training in documenting and recording storytelling.

Stepanida Borisova described in her presentation (this volume, 245–247) the current state of safeguarding traditional culture in the Republic of Sakha (Yakutia) in central Siberia. Until 1991, oral traditions were documented, codified, and revised to fit the state's initiatives. Now there is a resurgence of traditional culture, including the introduction of language and culture in schools and the declaration of culturally significant days. Safeguarding of culture depends on its public display. A UNESCO project is needed to record and help safeguard cultural traditions, including those associated with shamanism and sacred places.

Ralph Regenvanu reported on the state of traditional culture in Vanuatu, an island nation in the Pacific that has experienced colonization, massive depopulation, political independence, and the return of land to its customary owners. After independence, Vanuatu wished to pursue development in other than Western ways, using Indigenous traditions. Now the trend is toward "recolonization," a return to European models. Vanuatu's tradition is totally oral, and programmatic emphasis of the Vanuatu Cultural Centre is therefore on preserving it through documentation and through assistance to communities and training of individuals in methods of recording and documenting traditions and conserving archival materials to protect them against the climate. There is ownership of specific archival materials with controlled access to them, an archival practice that establishes the community trust necessary to record and store a lineage's oral traditions. But the national economic strategy works against the Centre's efforts. The Centre documents traditional events and sites to help protect them and tries to evaluate the efficacy of some traditional practices such as conservation methods for fish and other resources and documenting them for presentation to other groups who wish help in re-establishing their traditions.

Tuesday, 29 June 1999, the third meeting of Group I, 1330–1700

Ralph Regenvanu, after describing a ceremony for the god of the yam harvest and the community issues raised by a women's culture project that documented it, asserted that the greater problem for traditional culture lies at the level of global economic relationships. The problem is that Vanuatu wants, or is being forced, to join the WTO. To do this, Vanuatu will have to open its timber and fishing industries to outside companies and relinquish the right to restrict fisheries and ban the export of logs. Also, to service the national debt, Vanuatu will be forced to export and pay in foreign currency. This is not useful to the local communities. He said the government is powerless and asked UNESCO to help combat this forced modernization brought by the WTO, which does not recognize the importance of local communities and their cultural practices.

Rajeev Sethi responded to this by wondering about the relationship between WTO and UNESCO.

Andy Abeita replied that there is no direct link but rather an overlap in policy and issues. Both are membership organizations, and like bureaucracies, they try to keep everyone happy. We have to have a needs assessment done of our constituency needs. Voices are listened to according to their numbers. We need more statistical information from these local communities.

Noriko Aikawa suggested a recommendation be made that UNESCO work more closely with the WTO.

Ralph Regenvanu confirmed the need for UNESCO to be involved. Vanuatu, for example, needs resources for documentation.

Noriko Aikawa pointed out that it is up to governments of Member States to decide what to do, but we can organize a seminar to discuss these contradictory points.

Ralph Regenvanu said the point is that the government cannot make such a request. It is being forced into seeking foreign exchange.

Russell Collier observed that his people could not depend on the Canadian government to protect their interests. There is no hope that Canada will ever stand up for them.

Andy Abeita then delivered his presentation (this volume, 78-82). The National Indian Arts and Crafts Act deals with products made by non-Indians and illegally sold as being of American Indian origin. It makes this practice illegal at the federal level and implements customs laws to prohibit the practice. Abeita's group, the Indian Arts and Crafts Association, pursues state policies similar to these federal policies, he said. They are now working on copyright laws to be recorded under the UCC to give protection against the possibility of authenticity marks being copied by others. It would help traditional crafts universally if, in the world market, there could be codification for handmade products versus commercially produced ones. The WTO is considering such a law.

Rajeev Sethi wondered what such a law could do if he, as someone from India, wanted to sell a cheaply made bracelet to Italy. And what could be done about design? One could change a design slightly to avoid copyright infringement.

Rachid El Houda observed that when it comes to copyright issues, we can learn from the copyright of software and information technologies. We need to learn what happens in other parts of the world but also find a balance. Ideas are universal though and belong to mankind as a whole, not to an individual, although the initial conception would be an individual's. But ideas that become larger concepts are part of the culture of mankind.

Andy Abeita asserted that only members of the community have the answers. We need to deal with issues on a more personal level rather than a social or purely academic level.

Mahaman Garba said the copyrights are important when everyone is trying to globalize. It reminded him that in certain communities, music is only for the chief. Who then would

have the copyright? Tradition gives the right. We have ancestral and then folk/pop music for everybody, but then these can have neotraditional forms, which then also want copyrights.

Russell Collier asserted in his presentation (this volume, 75–77) that his nation in north-west British Columbia has occupied its territory for 10,000 years. Their oral history dates back to the Ice Age — members of his nation have worked with archaeologists on their language about this point. They regard theirs as the “true language” for them, in which an individual can say and think things very differently than one could say them in English. Their identity is also tied to their land, which they occupy from California to Alaska.

Oral histories have become very important in negotiations to settle land claims. This documentation along with complete genealogical data comprised the legal papers that were compiled for land claims, some of which have been filed and refiled for twenty years. The oral histories were confirmed as being valid to uphold and claim titles. Many other Indians are looking at the above decisions to boost their own claims. This idea is spreading. This collection of information is unparalleled — not only folklore but weather patterns, wildlife, fishery patterns. It all starts with documentation.

Robyne Bancroft asked about accessing documentation. She said the Australian government claimed that some information is too sensitive for her own people to know.

Russell Collier responded that they own the material. The government has no real say.

Pualani Kanahale introduced her presentation (this volume, 67–69) by saying she is in awe of the passions demonstrated about tradition. She spoke about Hawaiian traditions and history. Genealogies tell how the ancestors were related to the elements. Names provide this information — what work the ancestors did, their specialized occupations, their relations to chiefs, etc. Nothing is really lost if one looks hard enough, she asserted, but these things are not in history books.

In the latter part of the nineteenth century, history was collected, translated, and eventually put into books. At the turn of the twentieth century there was a loss of culture to the United States. Hawaiian culture came to be considered entertainment. From the 1940s to the 1960s, education was recognized as central to Hawaiian existence. Everyone was to go to college. But some held very stubbornly to traditions.

Sadly, she said, many educated Hawaiians do not know their own culture. Education is power, but soul and passion is culture. Hawaiian culture has been added to the college curriculum. Education has taught them how to fight the battles. Passion has taught them to fight for their hearts. Archaeology helps but does not interpret the culture for them. They are moving ahead by looking to the past. That is why the future is bright, she said.

Appendix 5: Report of Group II Legal Protection of Local and National Intangible Cultural Heritage

In its first session, the group decided that each person would give a five-minute presentation during the next session based on a submitted paper or one's particular interest in the field of the legal protection of local and national intangible cultural heritage. Two minutes would then be allowed for wrap-up or a brief conversation after each presentation.

The committee decided it would not strictly reassess and critique the 1989 UNESCO document, but produce creative approaches to the preservation of cultural heritage and then consider them in relation to the UNESCO document and to other practices in various regions of the world. This conference would be an opportunity for new, creative, and substantive discourse.

Five broad topics for consideration emerged:

1. *Conceptual Frameworks*, which includes the terminology used to describe traditional culture, the assumptions one makes when discussing traditional culture and its preservation, the relation of political power to cultural preservation and culture, tangible versus intangible, and the question of who are the authors, the creators of culture. Issues such as commodification and the marketability of culture would also be explored;

2. *Legal Provisions and Mechanisms*, which includes discussion of: what is to be protected; how a legal basis for preservation can be sought on the international, national, and local levels; the positive and negative aspects of particular legal mechanisms; and a survey of the current legal situation in relation to traditional culture and its protection;

3. *Extra-Legal Sanctions and Customary Law*, which includes community and non-legalistic solutions for the perpetuation and protection of traditional culture;

4. *Rights-issues*, which includes discussion of authorship, plagiarism and notions of property, copyrights, patents, intellectual property rights, and the feasibility of global legal mechanisms. In general: What rights do people have and how are they to be protected? What are the threats to these rights? What is the appropriate agency to protect traditional cultures?

5. *Public Domain*, which includes consideration of problems with privacy and secrecy and how they play out in the fields of culture and preservation. Special attention was paid to questions of the sacred.

In the second session, based on the revised agenda, participants delivered five-minute summaries of their written papers. These consisted of overviews of legal problems, including synopses of various legal approaches such as the variety of IPR approaches (including trademark, patent, trade secrets, and copyright mechanisms) to address the needs of Indigenous and folk communities. In light of this, two recommendations were made:

- Recognize cultural restrictions as reasonable steps, such as provisions to “silent” contracts, which may find parallels in uniform commercial codes (such as warranties).
- Create a body which could serve a channelling function controlled by tradition-bearers, rather than governments, such as collective rights organizations.

Other summaries raised issues of public domain and secrecy. There were summary statements of regional and national concerns, such as the concerted work of ATSIC in Australia to enforce copyright infringement for Aboriginal artists.

The ensuing discussions flowed from the position paper summaries and moved toward the recommendations stated in the Action Plan. Discussion topics were flagged and addressed to correspond to agenda topics in order to systematically arrive at final recommendations informed by detailed discussions of the topics at hand.

Related issues emerged in relation to living languages and educational programs aimed at the continuation of traditional culture. Levels of protection, such as access to sacred sites, preservation and reparation of sacred objects, raised the overarching question of what do communities want to protect? An objective, therefore, emerged: to match the kind of protection with the kinds of needs communities have.

Issues underpinning this discussion addressed the relationship between legal and nonlegal means, and the problem of consensus regarding threats to traditional knowledge and cultural practices. These were recognized as power relations embedded in the social relations of societies at large. Therefore, the problem of the roles that government should play became a central concern for forging recommendations for protection at the state level.

Discussion in the third session began with Dr. da Cunha remarking that the word “folklore” is a problematic term, subject to much debate, especially in anthropological circles. She pointed to Preston Thomas’s earlier comment that the term often has pejorative connotations for Indigenous groups and also implies a process of nationalism. Mr. Puri also voiced his objection to the term, stating that often folklore is equated to the public domain and thus is often understood to mean “free for all.” He suggested the alternative term “Traditional and Popular Culture.” Mr. McCann was quick to point out that “popular culture” can mean mass-produced cultural products such as “Mickey Mouse” and should also be avoided. Consensus decided upon “Traditional Culture” as the least objectionable term.

The conversation then turned to the question “what are we protecting when we talk of traditional culture?” Several had this question in mind. A debate ensued weighing whether it would be wiser first to decide *what* the group wants to protect, or first to discuss the processes of *how* the group wants to protect. In other words, the debate was whether to discuss the legal means of protection or the objects of protection first.

Ms. Prott’s list of specific examples of protected cultural phenomena was offered as a good starting point to build a typology. Some dissent was heard, especially from Mr. Puri, who was unsure the wisest path was to begin with specific examples. Mr. Sanjek concurred and suggested that what was truly missing was a conversation on the process-related issues of how one protects local and national cultural heritage.

Mr. Puri interjected that what was really at issue was not what to protect and safeguard, but that the group should be concerned more with the exploitation of existing traditional cultural heritage. He stated that the group should not be talking of the protection to create but rather the protection of the created from exploitation. Mr. Simon said that pastiche, reproduction, authorization, commodification, and the like should also be issues to discuss and address in the final document.

It was then noted that the list of legal issues could be divided into two categories:

- those relating to the maintenance and revitalization of culture
- those relating to the appropriation of knowledge

Mr. Jaszi, opening a new facet of the conversation, then began to ask if intellectual property rights and copyright laws can effectively protect the process of creative development. Mr. McCann pointed out that these rights and laws function on an economic imperative. Another suggested that preemptive patents help the legal protection of creation.

Mr. Puri voiced his opinion that the document created by the working group should have “teeth” and not be watered down. Others suggested this might run the risk of offending the sovereignty of nations. Ms. Prott said that a more diplomatic document, although less dramatic, could cause change along with other documents, helping to reach a collective threshold point for change. For several minutes the debate raged as to the strength or relative diplomacy of the language the group wished to use in the document, many stating that the language should not be alienating, while others decided a bold document would have the best potential effect.

Dr. da Cunha then began discussing the potential good of opening up traditional culture to the public domain, stating the case of pharmaceutical companies (in Peru as an example) that reach private, secretive contracts with Indigenous groups and thus halt the production of knowledge, destroying the very processes one might assume the venture is helping transmit and succeed economically. Her fear was one of privatization and commodification of traditional knowledge, believing that such private business ventures sub-

vert the communities' intellectual property rights. Dr. da Cunha also stated that once traditional knowledge could be put in the public domain, proof of prior art could be established in order to begin the process of protecting community rights.

Mr. Sanjek, Mr. Simon, and Mr. Puri all had comments. Mr. Sanjek warned that public domain becomes a tricky issue on the international stage, and Mr. Simon reminded the group that prior art is only for patent issues and that public domain does not give remuneration or protection to cultural heritages. Mr. Puri stated that for many, including himself, public domain means free use for everyone.

Mr. Sanjek finished by stating that the intellectual property rights system never verifies the veracity of claims of authorship and can be abused, giving the example of the song "Why Do Fools Fall in Love?" being registered to a known crook. His comments hinted at the need for a state or national level of surveillance of intellectual property rights. It was then pointed out by another member that Mr. Sanjek's remarks reflect not the fault of the intellectual property rights system, but a case of fraud inappropriately handled by the legal system.

To end the session, the following was offered as a beginning of the formation of a final document which was presented at the plenary session the following day and became one of the recommendations in the Action Plan:

In accordance with the obligations of states to protect the right to culture in Article 27 of the International Covenant of Civil and Political Rights, states should take the next step to do the following: communities should be supported to continue their traditional processes of generation, transmission, authorization, and attribution of traditional knowledge and skills in accordance with the wishes of the community in conformity with current international standards of human rights.

Appendix 6: Report of Group III

Local, National, Regional, and International Policies, with Particular Reference to the Transmission, Revitalization, and Documentation of Intangible Cultural Heritage

Prior to commencing the presentation of individual papers, the session opened with a long discussion of different modes of transmission and strategies used to safeguard traditional culture and folklore. Various countries highlighted their own experiences in their respective modes of transmission. The following points were highlighted:

1. The significance of oral traditions is not only their mode of transmission but also, and more importantly, their content, which embodies important historical, cultural, and social knowledge.
2. The possibility of establishing "heritage clubs" in which issues of cultural heritage was discussed as a means of strengthening the transmission of oral traditions.
3. Intangible cultural heritage is often described as endangered just because it is transmitted orally, but there could be something about its cultural content that interrupts the mode of transmission.
4. Suggestions were made about how to strengthen traditional culture and folklore in contemporary contexts.
5. The importance of maintaining community access to materials after they have been officially documented was strongly asserted.
6. Improvisation plays an important role in the transmission of traditional culture and folklore.
7. The role that documentary transcription can play in transmission was discussed.

8. Questions of authenticity should be answered by the traditional communities who create and nurture the forms of expression involved.
9. Transmission necessarily involves interaction between older and younger generations.

The first paper (this volume, 178–181) was presented by Osamu Yamaguti. Its focus was the royal court music of Vietnam. The speaker explored the relationship between Vietnam and surrounding cultures (Korea, Japan, and China), as this affects music; the relationship between the text (music) and context (the royal court itself); and the need to revitalize the traditional court music.

The second paper (this volume, 190–193) was presented by Gail Saunders. The role of archives in the promotion and preservation of intangible cultural heritage in The Bahamas was highlighted. Great mention was made of the participation of The Bahamas in the Smithsonian Folklife Festival in 1994. Following this Festival was a renewed interest in revitalizing traditional culture. Two relevant laws were passed in 1998 and will come into effect on 1 July 1999: a Museum Antiquities Act and a Copyright Act. The latter protects originators' rights. Dr. Saunders asserted that there should be coordination between the agencies who administer tangible and intangible cultural heritage and urged UNESCO to continue the regional meetings for the preservation and dissemination of traditional culture and folklore. Finally, she strongly recommended that the Caribbean should be regarded as a separate region from Latin America.

The third paper (this volume, 159–165) was presented by Grace Koch, who spoke about the role of audiovisual material in the revitalization of local traditions. Today, this material is used by Aboriginal and Torres Strait Islanders as evidence when asserting land claims. Audiovisual documentations of oral history and ritual are particularly important in asserting the claims. The speaker noted that at the beginning of White settlement of Australia, there were 250 Aboriginal languages. Today, only twenty-five are actively spoken. The speaker recommended that active involvement of Indigenous people in archival technique and preservation should be encouraged, as well as cultural awareness training for people working in the conservation and preservation of cultural material.

The fourth paper was presented by Jean Guibal, who stressed that language is the basis of culture, and, as such, deserves special attention. He urged support for linguistic diversity, calling language the essence of culture. He focused on the process of transmission, its diversity, and on the difficulty of transmitting oral tradition in France because the majority of the carriers of this knowledge have disappeared. He also described the role of archives located in museums in the process of transmission. Lastly, the speaker asserted that policies for protecting cultural heritage need to be institutionally based in order to protect forms of intangible cultural heritage. He emphasized that this must be done with the participation of the local communities.

The fifth presentation was made by Heikki Kirkinen (this volume, 234–244), who discussed the revitalization of languages and cultures in Eastern Europe and the Karelian settlement. He noted that, although these communities are now free to develop their own culture, they lack the means to do so. They hope that UNESCO can assist in rehabilitating and re-creating their language and culture. He stressed how important language is to cultural identity.

The sixth paper was presented by Renato Matusse (this volume, 185–189), who envisioned the role of databanks in the SADC countries of southern Africa. He described how a regional unit coordinates national units, which coordinate local units. Information gathered in local databanks is shared with a national unit, is processed, and then goes to the regional unit and to Member States. He spoke of the importance of databanks to regional cooperation.

The seventh presentation was by Namankoumba Kouyaté (this volume, 204–214), who talked about local and national policies on the safeguarding of heritage particularly as regards problems of transmission. The focus was on family traditions and on the musical instrument named the *soso-bala*. The *soso-bala* is a balafon built in its present form for a battle in 1235 A.D. It is today considered the oldest of oral traditions in West Africa. The speaker also mentioned the need to combat the rural-to-urban migration of younger generations in order to ensure the transmission of the rich oral tradition. In addition, he stated that UNESCO should take account of traditional ceremonies held in important cultural spaces.

The eighth presentation was made by Juana Nuñez, who described various activities undertaken by Cuba to protect traditional culture and folklore. These include: an organization of art amateurs; involvement of workers, students, peasants, adolescents, children, and disabled persons in the preservation of intangible cultural heritage; teaching art in schools beginning at the preliminary level; studies of cultural roots and folklore; the extension of national cinematography to rural and mountainous areas; an increase in museums and education; and the elevation of the social positions of writers and artists. She put forward a number of suggestions, including a UNESCO study into the negative effects of mass media in the field of intangible cultural heritage, a revising of UN financial policies, a study of the effects of globalization, the possibility of establishing an international instrument for the protection of intellectual property rights regarding traditional culture and folklore, and the possibility of UNESCO adopting community projects involving different disciplines.

In conjunction with these presentations, various discussions took place. On the basis of these discussions the following recommendations were put forward. It was recommended to the governments of Member States that they:

1. include traditional culture in educational curricula in order to transmit it to the younger generations and encourage their interest in traditional culture and folklore;
2. establish and/or reinforce existing institutional bases for the safeguarding and documentation of traditional culture and folklore;
3. ensure language education and rehabilitation for all ethnic minorities;
4. increase financial assistance for the organization of festivals;
5. ensure free public access to cultural materials;
6. provide cultural awareness training and equipment to people working in the fields of conservation and preservation of cultural material; and
7. encourage the private sector to invest in traditional culture and folklore through incentives such as tax rebates.

It was recommended to UNESCO that it:

1. organize meetings between specialists in the fields of digitized information in order to create regional networks between institutions, and to enable accessibility and dissemination of knowledge;
2. reduce the cultural gap between urban and rural youth by supporting the dissemination of knowledge of traditional cultures through the Internet and the organization of youth camps devoted to the promotion and exchange of traditional cultures;
3. strengthen and promote relations with non-governmental organizations in the field of traditional culture and folklore;

4. provide seminars and technical assistance for training of professional policy makers, managers, and teachers in the field of traditional culture;
5. conduct a feasibility study into the possibility of establishing an international network for the development of cultural tourism;
6. support the publication of a World Folklore Encyclopedia in order to disseminate knowledge, promote diversity, and encourage research in the field of traditional culture and folklore;
7. establish an international World Day for Safeguarding Traditional Culture and Folklore;
8. consider the possibility of establishing a list of endangered communities in order to direct the attention of international society to this problem and to revive them; and
9. encourage further collaboration between intergovernmental agencies such as UNESCO, WIPO (World Intellectual Property Organization), and WIPG (UN Working Group on Indigenous Populations).

Action Plan

Appendix 7 of the Final Report

A. On the occasion of the Conference “A Global Assessment of the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore*: Local Empowerment and International Cooperation,” held at the Smithsonian Institution, Washington, D.C., U.S.A., from 27 to 30 June 1999;

1. *Taking into account* the results of the four-year process of evaluating the implementation of the *Recommendation on the Safeguarding of Traditional Culture and Folklore* and the recommendations stemming from the eight Regional and Sub-Regional Seminars [StráΩnice (Czech Republic, June 1995, for Central and Eastern European countries); Mexico City (Mexico, September 1997, for Latin American and Caribbean countries); Tokyo (Japan, February/March 1998, for Asian countries); Joensuu (Finland, September 1998, for Western European countries); Tashkent (Republic of Uzbekistan, October 1998, for Central Asia and the Caucasus); Accra (Ghana, January 1999, for the African region); Noumea (New Caledonia, February 1999, for the Pacific Countries); and Beirut (Lebanon, May 1999, for the Arab States)];

2. *Bearing in mind* that the term “folklore” has generally been considered inappropriate, but emphasizing the importance of its definition as it stands in the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore*, while recommending a study on a more appropriate terminology, and provisionally continuing to use the term “folklore,” along with “oral heritage,” “traditional knowledge and skills,” “intangible heritage,” “forms of knowing, being, and doing,” among other terms, all of which, for the purposes of this recommendation, we consider to be equivalent to “traditional culture and folklore” in the definition of the aforementioned 1989 *Recommendation*;

3. *Cognizant* of the impossibility of separating tangible, intangible, and natural heritage in many communities;

4. *Considering* that traditional culture and folklore are primarily based in community activities which express, reinforce, and reflect largely shared values, beliefs, ideas, and practices;

5. *Emphasizing* that the diversity embodied in multiple cultural ways of knowing, being, and doing is an essential characteristic of cultural heritage and is vital in the construction of a peaceful coexistence for all life forms in the future;

6. *Underlining* the specific nature and importance of traditional culture and folklore as an integral part of the heritage of humanity;

7. *Noting* the spiritual, social, economic, cultural, ecological, and political importance of traditional culture and folklore, their role in the histories of peoples, and their place in contemporary society;

8. *Acknowledging* that traditional culture and folklore can be a powerful means of bringing together different peoples and social groups and of asserting their cultural identities in a spirit of understanding and respect for other cultures;

9. *Stressing* the need in all countries for recognition of the role of traditional culture and folklore and the danger that practitioners face from multiple factors;

10. *Concerned* with the fact that the well-being of community members and their practices — whose strength and numbers are threatened daily by powerful forces such as war, forced displacement, intolerant ideologies and philosophies, environmental deterioration, socio-economic marginalization, and global commercialized culture — must be at the center of national and international cultural policy;

11. *Taking into account* that traditional culture and folklore are dynamic and are often adapted through the innovative practices of community life;

12. *Recognizing* that practitioners of traditional culture and folklore must be included to contribute expertise that is crucial to local, national, and international policy-making in such areas as health, environment, education, youth, gender, conflict resolution, the peaceful coexistence of ethnic groups, sustainable human development, and inclusive civic participation as well as fighting chauvinism and intolerance;

13. *Deploring* the exclusion of traditional groups from decision-making concerning the safeguarding of traditional culture and folklore;

14. *Acknowledging* that states are comprised of cultural communities, that these communities and their folklore and beliefs often extend beyond state boundaries, and that individuals may be members of more than one community;

15. *Recognizing* that cultural interaction and exchange leads to the emergence of hybrid genres that reflect these cross-cultural exchanges;

16. *Recognizing* that the preservation of traditional culture and folklore and the right to cultural self-determination in local communities should be consistent with current international standards of human rights;

17. *Observing* the important role that governments and non-governmental organizations can play in collaboration with tradition-bearers in the safeguarding of traditional culture and folklore and that they should act as quickly as possible

B. We, the participants in the Conference “A Global Assessment of the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore: Local Empowerment and International Cooperation*,” recognize that the following measures need to be taken:

1. develop legal and administrative instruments for protecting traditional communities — who create and nurture traditional culture and folklore — from poverty, exploitation, and marginalization;
2. facilitate collaboration among communities, government and academic institutions, local and non-governmental organizations as well as private-sector organizations in order to address the issues facing traditional groups;
3. ensure meaningful participation of traditional groups in decision-making processes in forums at all levels concerned with issues and policies that affect those groups;
4. develop, in cooperation with communities, adequate education and training, including legal training, for their members and other cultural workers in understanding, preserving, and protecting traditional culture and folklore;
5. develop programs that address the transnational nature of some traditional culture and folklore;
6. give special emphasis to programs that recognize, celebrate, and support women’s roles in all aspects of their communities, which have been historically underrepresented, as contributors to traditional cultures and as field workers, scholars, and administrators;

7. provide support for programs of cultural revitalization, particularly for groups displaced by war, famine, or natural disasters and other groups under threat of extinction;
8. undertake measures to assist traditional groups, including legal assistance, in their own efforts to improve their social status and economic well-being, which are essential to their continued cultural practices.

C. Specific Actions: On the basis of the aforementioned principles and needs, we recommend to the Governments of States that they:

1. identify and support programs that encourage public recognition and validation of traditional culture and folklore, continuing to support existing institutions and programs as well as establishing new ones where appropriate;
2. institute and strengthen schemes for the comprehensive welfare of custodians and practitioners of traditional cultures addressing issues such as housing, health care, and occupational hazards;
3. include local knowledge in national forums that consider questions such as sustainable human development, globalization, environmental degradation, youth, education, and peaceful coexistence;
4. facilitate and assist communities to develop their traditional material culture and work practices in new contexts as efficient countermeasures to the destruction of the natural environment and the devaluation of the dignity of human labor;
5. provide cultural awareness training to workers in administrative, educational, and other institutions involved with traditional groups;
6. facilitate access for members of traditional groups to relevant educational programs and, where necessary, facilitate the creation — with the community — of multipurpose, community-based centers for education, documentation, and training;
7. provide support to communities to preserve the active, creative use of local languages in areas that include, but are not limited to, education, publishing, and public performance;
8. provide support for the preservation of significant material culture and spaces that are crucial to the transmission of traditional culture and folklore;
9. support local, national, and international symposiums that bring together members of traditional groups, representatives of non-governmental organizations, policy makers, and others to address issues facing traditional groups;
10. identify, understand, encourage, and support traditional educational practices, especially those relating to the very young;
11. create a network of experts to assist local groups, cultural institutions, non-governmental organizations, and commercial organizations in the work of safeguarding traditional culture, especially in areas such as education, tourism, law, and development;
12. consider, if they so desire, the possible submission of a draft resolution to the UNESCO General Conference requesting UNESCO to undertake a study on the feasibility of adopting a new normative instrument on the safeguarding of traditional culture and folklore;
13. act in accordance with the obligations of States to protect the right to culture in Article 27 of the International Covenant of Civil and Political Rights, by actively supporting communities in their practices of generation, transmission, authorization, and attribution of traditional knowledge and skills in accordance with the wishes of the communities, and in conformity with current international standards of human rights and consider taking steps, including, but not limited to, the following:

- i. adopting a legal scheme, according to which traditional knowledge can be made available by the community, in compliance with its wishes, for public use with a requirement of remuneration or other benefits in case of commercial use; *and* cooperating to assure mutual recognition by all States of the effects of such schemes;
- ii. adopting a *sui generis* legal regime which would ensure protection
 - extending for the life of the community;
 - vested in the community, or in the individual and the community;
 - in accordance with traditional authorization and attribution procedures in the community;
 - *and* establishing a body representing the community concerned and the relevant sectors of civil society to balance the competing interests of access and control
- iii. in awaiting adoption of a better protective scheme, encouraging modification and use, in accordance with customary laws, of existing intellectual property regimes for the protection of traditional knowledge;
- iv. creating task forces to engage in further study of the following issues: content of "prior informed consent"; verification processes (burden of proof, modes of evidence codes); community intellectual rights vis a vis intellectual property rights; relationship to other instruments and Draft Documents (UN Draft Document, WIPO, TRIPS, CBD, Maatatu, SUVA and other Indigenous peoples' declarations); questions of "rights" (authorship, moral, compensation); role of governments; problems of terminology (e.g., definitions and connotations of "folklore," "popular culture," etc.); alternative forms of compensation; promotion of case studies in relation to case law; legal mechanisms/documents specific to handicrafts, music, and other art forms; legal mechanisms applicable to knowledge collected prior to this instrument.

We recommend that UNESCO:

1. promote this Action Plan among its Member States by bringing this meeting to the attention of Member States;
2. establish an international, interdisciplinary network of experts to assist Member States in developing, upon request, concrete programs in conformity with the principles of the present Action Plan;
3. establish an international, interdisciplinary mobile working group of legal experts to work as advisors in collaboration with communities to develop suitable instruments for the protection of traditional culture and folklore;
4. encourage the participation and, wherever necessary, the establishment of international non-governmental organizations with specialist expertise in particular areas of folklore and traditional knowledge to advise UNESCO on the protection of folklore and traditional knowledge;
5. encourage international groups (scholars, cultural professionals, commercial organizations, and legal bodies) to develop and adopt codes of ethics ensuring appropriate, respectful approaches to traditional culture and folklore
6. accelerate the movement for the return of human remains and for repatriation of cultural heritage to assist the revitalization and self-perception of traditional cultures according to their own fundamental values;
7. organize and support the formation of an international forum for the representation of

traditional communities' concerns for safeguarding their own culture as well as regional and international symposiums that bring together members of traditional groups, representatives of non-governmental organizations, policy makers, and others to address issues facing traditional groups, such as women's role in the safeguarding of traditional culture. Symposiums should be held in diverse locations, particularly outside of First World nations — for example, in Yakutia;

8. facilitate the application of new technologies in local, national, and regional documentation centers through networks of collaboration and expertise, including local tradition-bearers;
9. promote traditional culture and folklore on a global scale by such measures as producing regional festivals and declaring a World Day for Safeguarding Traditional Culture and Folklore;
10. continue UNESCO's collaboration with WIPO on issues of common interest;
11. use UNESCO's existing procedures to bring the possible adverse impact of actions on human rights, environment, food, agriculture, livelihood and industry, health and trade on culture to the attention of other UN bodies, such as FAO, WHO, UNICEF, UNIFEM, and others as well as the WTO.