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UNITED NATIONS EDUCATIONAL,
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FIRST DRAFT OF A RECOMMENDATION ON THE SAFEGUARDING OF FOLKLORE

FINAL REPORT PREPARED IN ACCORDANCE WITH ARTICLE 10(3) OF THE
RULES OF PROCEDURE CONCERNING RECOMMENDATIONS TO
MEMBER STATES AND INTERNATIONAL CONVENTIONS COVERED BY THE
TERMS OF ARTICLE IV, PARAGRAPH 4, OF THE CONSTITUTION

SUMMARY

This document comprises an introduction listing the Member States that replied to circular letter GL/3121 of 1 June 1988 accompanying document CC/MD/4 of 1 June 1988 which contained the preliminary report and first draft of a recommendation, both prepared by the Director-General in pursuance of resolution 15.3 adopted by the General Conference at its twenty-fourth session.

The replies are reproduced in extenso in Annex I. Annex II contains an analysis of the comments and proposals received and Annex III the first draft of a recommendation to be considered by the Special Committee of Governmental Experts due to meet at Unesco Headquarters from 24 to 28 April 1989.

INTRODUCTION

1. In pursuance of resolution 15.3 adopted by the General Conference at its twenty-fourth session concerning the safeguarding of folklore, the Director-General prepared a preliminary report containing the first draft of a recommendation (document CC/MD/4) that he sent to Member States on 1 June 1988 under cover of circular letter CL/3121, inviting them to send him their comments and observations on the texts.
2. As at 16 December 1988, the Secretariat of Unesco had received replies from 19 States.
3. Bahrain, Côte d'Ivoire, El Salvador, Greece, Niger, Oman and Spain expressed approval of the first draft of a recommendation and made no comments.
4. The following 12 Member States made observations concerning the substance of the first draft of a recommendation, in many cases entailing an amendment of the text: Brazil, Byelorussian SSR, Gambia, Haiti, Iraq, Mexico, Norway, Philippines, Qatar, Syrian Arab Republic, Tunisia and Ukrainian SSR.
5. The replies received as at 16 December 1988 are reproduced in Annex I of this document. An analysis of the replies containing observations on the first draft of a recommendation (document CC/MD/4) is contained in Annex II.
6. As the first draft of a recommendation was prepared in 1987 by a Special Committee of Governmental Experts in accordance with 23 C/Resolution 15.3, the Secretariat considered that it was not the body responsible for amending it in the light of the comments and observations received in the replies of Member States (see Annex I) but that the Special Committee of Governmental Experts should make any amendments itself when it met in 1989.
7. This document supplements the preliminary report (document CC/MD/4) of 1 June 1988 and is to be considered as constituting, together with the latter, the Director-General's final report for examination by the Special Committee of Governmental Experts which is responsible, pursuant to 24 C/Resolution 15.3, for preparing the draft recommendation to be submitted to the General Conference at its twenty-fifth session. The Committee will meet at Unesco Headquarters from 24 to 28 April 1989.

ANNEX I

REPLIES TO CIRCULAR LETTER CL/3121 AND TO DOCUMENT CC/MD/4
RECEIVED FROM MEMBER STATES AS AT 16 DECEMBER 1988

BAHRAIN

At a time when the State of Bahrain is going through a process of rapid development involving change at every level and in every aspect of life, the country is determined to hold fast to the traditional and popular folk culture which has been handed down by successive generations and to make every effort to preserve it as a hallmark of its civilization in the face of the currents of change that have accompanied modernization.

Thus efforts have been made to preserve the traditional character of handicrafts and industries by supporting artisans, mounting exhibitions of their work, reserving suitable premises for them to work in, facilitating the display of locally produced traditional products to visitors and tourists and introducing traditional crafts into the school curriculum so as to familiarize the children of the country with them and to teach them the skills they need to reproduce them.

Efforts have also been made to preserve popular folk music, dances and songs by recording them on video and audio tapes, by holding frequent performances and by organizing folk festivals on public holidays.

The 'club houses' where folk artists gather together have received the continued support and assistance of the authorities. A Folk Music and Folk Arts Association has been established to look after these arts. It has organized a young people's folk song and dance troupe who perform locally and take part in cultural events and international festivals.

In the area of language and literature, the National Heritage Department has begun an intensive drive to collect traditional folk tales, legends and proverbs for recording and archiving. An effort is also being made to safeguard traditional implements in local use, to conserve and exhibit them at the National Heritage Centre and to display them at national heritage exhibitions outside the country.

Bahrain has also restored a number of old traditional houses and converted them into tourist attractions or sites.

Old pictures of Bahrain landmarks and personalities have also been collected, exhibited and published in illustrated books which can be found in all libraries and bookshops.

Returning to language and literature, the local press has devoted many columns and pages to the popular folk poetry ('nabati') which is characteristic of this region; several collections of this type of folk verse have been published, in addition to books of the celebrated popular love songs which have played an important part in the life of local seafarers and sea-divers.

Books have also been published on folk life, traditions, customs, dishes, games and costumes.

There is considerable official popular interest in these forms of art and literature.

There is therefore a need to develop standard collection, cataloguing and transcription systems that are compatible with those used in other countries and institutions. Also needed are a standard typology of folklore accompanied by a comprehensive register and an exchange of information and experience with other countries and with institutions concerned with folklore, especially with Unesco.

In conclusion, the provisions of this First Draft of a Recommendation on the Safeguarding of Folklore support the efforts we are making to preserve our traditional and popular folk culture.

We welcome this draft recommendation and are prepared to adopt it and abide by its provisions.

BRAZIL

...

The National Folklore Institute considers that Unesco's first draft of a recommendation on the safeguarding of folklore deserves the Brazilian Government's support; its proposals are very relevant and based on concepts that appear to be appropriate to the subject.

The definition of folklore provided in the document ('the term "folklore" is a technical concept and should not be confused with the innumerable interpretations as to what is or may be included in folklore in different cultural traditions, academic disciplines or national cultural policies' - paragraph 27) is sufficiently flexible to be adapted to the tasks it is suggested Member States carry out. It emphasizes cultural and social identity and the cultural nature of the process.

The recommendations under section B of the first draft are very interesting inasmuch as Member States are made responsible for preparing a national inventory of institutions concerned with folklore with a view to compiling an international register of such institutions. The development of a classification system for folklore proposed in the same section is vitally necessary, although it will encounter all kinds of methodological and practical difficulties.

An instructive distinction is drawn between preservation and conservation (see page 7, paragraphs 36, 37 and 38). The conservation of folklore refers to the research and documentation facilities needed for the study, recording and storage of folklore as an evolving process inherent in all living manifestations of culture. The importance attached to the research and documentation process is, in our view, highly commendable. Preservation refers to the immediate needs of traditional communities to preserve traditions that are under pressure from external cultural forces and hegemonies. The respect for cultural vitality implicit in both definitions serves as a defence against two risks that may arise in connection with folklore: firstly adopting a paternalistic attitude leading to undesirable interventionism and secondly leaving folklore to its own devices at a time of difficult confrontation with the industrialization process and, in particular, media competition. In fact, the media should not be regarded as the enemy but rather as possible allies in the mammoth task of disseminating folklore.

All things considered, we feel that the recommendations to Member States under each section of the annexed first draft will be a spur to action in this field, and that they are sufficiently flexible to preserve Member States' freedom of action.

Moreover, the first draft provides an opportunity for international co-operation in an area where it will be new for Brazil and highly beneficial in that it permits comparative analysis, studies of cultural dissemination procedures, and exchanges of experience and information.

It should also be noted that Brazil is a pioneer in this field, having launched a Campaign for the Defence of Brazilian Folklore in 1958, which was incorporated into FUNARTE under the title National Folklore Institute in 1980. A good many of the proposed recommendations are entirely in keeping with its action over the past 30 years, calling merely for intensification and improvement as a desirable and natural corollary.

In conclusion, we feel that, from our specific viewpoint, the document as it stands requires no additions or deletions and can count on Brazil's support.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

The preliminary report prepared in accordance with Article 10(1) of Unesco's Rules of Procedure concerning Recommendations to Member States and International Conventions and dealing with the important and topical matter of the adoption of an international instrument on the safeguarding of folklore provides a sufficiently comprehensive review of the background to the preparation of a recommendation. The report can therefore be approved. However, the following addition should be made to paragraph 16: 'Folklore is the reflection of a people's life, interests, aspirations and hopes and of its social, moral, ethical and aesthetic ideals'.

We consider that the definition of folklore is basically acceptable both to countries that attach a very broad meaning to the term and to those where folklore is identified with the oral poetic creativity of the people. It would be useful to add the following clarification to paragraph 29: 'The various material manifestations of culture should be perceived as ideas and processes rather than objects'. This brings out the fact that folklore is above all an important component of spiritual culture. Objects belonging to material culture actually play a relatively unimportant and ancillary role in folklore (masks, costumes, musical instruments, etc.). This should be reflected more clearly in the definition itself by adding at the end, after 'and other arts', the words 'forming an organic part of the spiritual culture of the people' (see the annex to the report: 'First draft of a recommendation to Member States on the safeguarding of folklore', page 12).

The title itself, 'First draft of a recommendation', should be expanded to reflect the actual content of the text: 'First draft of a recommendation to Member States on the conservation, preservation, dissemination and study of folklore'.

New paragraphs should be added to some of the sections as follows:

Section E, 'Dissemination of folklore':

- '(g) promote the publication of national collections and anthologies of oral poetry;
- (h) ensure that theoretical research is conducted in the field of folklore;'.
'

Section G, 'International co-operation':

- '(d) promote research on international links involving folklore;
- (e) organize exchanges of research trainees studying the interaction and interrelationships between peoples in the field of folklore, giving them access, together with other specialists on similar missions, to archives and other records;'.
'

COTE D'IVOIRE

...

The document meets the requirements of Côte d'Ivoire, which took part in the meeting of the committees of governmental experts on the safeguarding of folklore in February 1982.

Moreover, Law No. 78-634 of 28 July 1978 protecting works of the mind and Law No. 87-806 of 28 July 1987 protecting the cultural heritage now cover the safeguarding of folklore in Côte d'Ivoire.

I am pleased to inform you that I have no particular observations to make on the first draft that you sent me, which corresponds to my country's objectives with regard to the safeguarding of folklore.

...

EL SALVADOR

I wish to acknowledge receipt of your letter CL/3121 of 10 June 1988 enclosing recommendations to Member States concerning the safeguarding of folklore.

GAMBIA

...

We find the recommendation acceptable and should like to make the following suggestions which we hope you would find useful:

1. The encouragement of the establishment of National Copyright Bureaux.
2. High priority be accorded for training of various specialists.
3. The possibility of Unesco organizing periodic folkloric international festivals.

GREECE

Referring to your circular letter No. CL/3121/1.6.88, I have the honour to inform you that the Greek Ministry of Culture has approved the text concerning the international instrument on the safeguarding of folklore, proposed by the General Conference, which is to take the form of a recommendation to Member States within the meaning of Article IV, paragraph 4, of the Constitution.

HAITI

A. THE BASIC FACTS: THEIR INTERPRETATION

We propose to approach the content of the document from five angles: the actual facts in the light of the Haitian mentality and culture/folklore; an example, Haitian voodoo, as a typical institution that may shed light on the facts; interpretation of these facts; the recommendations that we feel should follow from an initial survey of the Haitian situation; and lastly, theoretical reservations clarifying the facts and recommendations, and the conceptual thrust of our work.

As we are adopting an inductive approach, we prefer to keep initially to the above structure; our readers may always refer to the brief theoretical considerations in the second part of our report for more details concerning both the structure and the conceptual basis of the project.

1. The facts. Most cultural phenomena in Haiti derive in any case from a basic dichotomy but more precisely from a split in the Haitian social fabric. The country's distinctive colonial legacy involves a quadruple phenomenon of distancing, fragmentation, partially repudiated references and the lack of corrective mediating institutions. Indeed it is Haitian society itself that creates and perpetuates this situation.

By distancing we mean the absence, particularly among urban Haitians, of a sense of belonging to their geographical or cultural environment. As they are out of touch with their surroundings, they experience them in much the same way as a passing foreigner. The rural population, in the context of its own environment and culture, especially the voodoo religion and the Creole language, constitutes an exception to this rule.

Moreover, the historical sequence of events was determined by the fragmentation of society into groups representing divergent and frequently opposed interests: economic, cultural and psychological. There is little justification therefore for speaking in this context of a unified society. Increasingly numerous and rapid contacts with other alienating cultures in the modern era have accentuated the phenomenon of conflicting loyalties.

A third feature is the repudiation of our cultural references, sometimes by the privileged classes and sometimes by the population as a whole. As a corollary to this repudiation, the structure of the cultural reference itself may frequently comprise internal constraints (some loas, certain voodoo priests, certain voodoo 'societies', the intricacies of the language question) that preclude any flowering of the collective identity. We shall have more to say on this later.

Lastly, Haiti has no mediating or corrective institutions capable of taking the necessary steps towards cultural reconstruction and social unification.

2. The religious dimension. Voodoo contains different, sometimes even conflicting, categories and functions. Two of these categories are: a cosmogony whose pantheon provides Haitians with references which offer inspiration and psychological support; and, on the other hand, a structure that very rapidly becomes restrictive. The half-human half-divine loa gods serve good or evil purposes depending on how they are perceived by their devotees. It should also be noted that the priests are either authentic voodoo priests genuinely in the service of the sacred or charlatans (bocors, etc.) who exploit the naïvety of the faithful for mercenary or criminal ends.

These are the general facts to be borne in mind in any dynamic and radical endeavour to come to terms with Haitian folklore and Haitian culture in general.

3. The whole range of Haiti's problems may be broken down into analytical components with a minimum of interpretation. They may be listed broadly as follows, with some overlapping in places:

- (a) a social structure based on constraint, on racial and cultural diversity and on diversity of interests;
- (b) a nation whose components, fragmented from the outset, have never known any mediating influences that might have united them in a single nation;
- (c) as a result of this, there is little solidarity between the various sectors of society, they have different frames of reference and they are themselves undermined by structural weaknesses;
- (d) a community dangerously receptive to alien influences.

Folklore, has been just as affected by the trauma that naturally proceed from this situation as the other dimensions of Haitian life.

B. THE RECOMMENDATIONS

On the basis of these facts and their interpretation, we have outlined recommendations that will need to be worked out in greater detail in the medium term.

1. Schools

As cultural readjustment and changes in mentality may be necessary in dealing with folklore, schools would seem to be the most appropriate place for setting this process in motion.

The first requirement is an official curriculum covering the whole period from nursery to secondary school. This would be a joint product of the Ministry of Education and specialists in folklore or ethnology in general. It would cover, inter alia, basic notions of physical and cultural anthropology; history of voodoo, the concepts of race, ethnic group, culture, folklore, etc. In this connection, the need to avoid the temptation and pitfalls of traditional Haitian messianism cannot be overemphasized.

The existing practice in some nursery schools of beating out traditional rhythms on a drum before starting class could be developed and generalized, with accompanying video recordings of Haitian and other forms of folklore.

Folk dancing could be taught in both secondary and primary schools. Pupils would also learn of the high spots in the history of Haitian music and the basic techniques used in playing the most important of the traditional musical instruments. Working sessions could be organized for telling and/or singing Haitian stories and proverbs. Musical groups (medium- and long-term choirs and mini-orchestras) could also be formed at this level.

Another possibility might be folk costume parades on national holidays.

Here again the need for adaptation must be stressed. The new approach to folklore and to the teaching of culture in general thus calls for clear-cut identification of the positive and of the restrictive, negative aspects of the culture concerned. In other words, we must reassert the value of national cultural references while at the same time removing constraints instead of condoning the blinkered, self-indulgence of so many devotees and analysts.

Still in the context of schooling, provision must be made for an out-of-class curriculum at all levels: traditional religious or secular dancing, viewing of video recordings of the folklore of sister communities, art exhibitions in schools, etc.

A word should be said about the basic objectives of these educational initiatives. Alongside the encouragement of legitimate devotion to national culture, a somewhat more serious attitude needs to be adopted towards criticism and corrective action. These notions must therefore be given the status they deserve in the communal learning process. We must devise a common denominator for the different branches of society and create an atmosphere that is more conducive to identification of Haiti's problems. Lastly, it is essential to eliminate the constraints inherent in our culture.

2. Artistic events at all levels

The media seem to be tailor-made for this kind of event, which might include:

- (a) televised instruction in folk-dancing with the participation of paid professional performers;
- (b) concerts/recitals of Haitian or West Indian music, with the assistance of groups such as the 'Society for Research on and Promotion of Haitian Music' in Montreal;
- (c) round tables, debates, televised in some cases, with a strong visual element;
- (d) critical readings of works dealing directly or indirectly with folklore;
- (e) televised lectures (about four a year);
- (f) use of the services of foreign writers and artists - the universal dimension.

3. With regard to the suggestion in the Unesco document regarding an inventory of public and private institutions concerned either directly or indirectly with folklore, our relatively modest list in Haiti would include

the Bureau of Ethnology, the Museum of Haitian Art at the Collège St-Pierre, the National Theatre, ISPAN, the Ecole Nationale des Arts (ENARTS), the Musée du Panthéon National Haitien (MUPANAH) and some private collections.

It is urgently necessary, in our view, to get the Haitian State and the international organizations concerned to set up a structure and permanent funds capable of supporting a major breakthrough of folklore into the life of the nation.

In the short term the National Commission for Unesco should be able to form a team of two or three persons to co-ordinate the planned activities.

4. Obviously this report merely suggests the broad lines of a project that would have to be fleshed out later on. However, a rough estimate of costs would need to be made relatively soon.

It is already clear that a team, however small, will have to be formed in the near future, based on conceptual prerequisites rather than on strictly technical criteria. The conceptual outlook of the persons assigned to this task is of the utmost importance. If their attitudes perpetuate the vaporous and soporific encyclopedic tradition that usually surrounds or serves as the channel for questions of culture and folklore in Haiti, our plans are liable to get bogged down in non-essentials that will only exacerbate the harm done by a culture that has not yet been reconciled with itself.

We therefore feel that the choice of staff is absolutely crucial. Beyond personal interest and the temptations of friendship or political patronage, over and above competence itself, top priority must be given to the highly promising prospects offered by the radical objectives that form the basis of this document and of the theoretical considerations underlying the first draft prepared by the Director-General of Unesco.

C. SOME CONCEPTUAL COMMENTS AND/OR RESERVATIONS

In general, the essential implications and/or theoretical framework and the objective of this report seem to have been perceived and covered by the document prepared by Unesco. We refer to the definitions of folklore and the relationship between folklore and culture in the context of safeguarding identities and of development.

The two facets of the term 'safeguarding' also seem to have been covered. We noted a concern to promote a constant and dynamic approach to folklore traditions and a momentum that is permanently in touch with social problems and does not attempt to divert attention from them. We further noted the endeavour to provide effective protection against cultural damage caused by breaches of the law.

We therefore endorse the broad theoretical lines of the basic document.

However, at risk of repeating ourselves, we wish to reiterate briefly the distinctive factors underlying the formation, development and dialectics of Haitian society or rather societies: a society at the very least dichotomous, alienated from its own cultural references in the case of the urban élite and subject to constraints generated by its own culture in the case of the rural and peripheral urban communities.

Worse still, this cultural situation has produced a trauma that is mentioned by very few Haitian analysts and of which our élites are also

unaware, but which is gradually evolving into what Edouard Glissant has described as an 'autonomous and monstrous ideology'.

The crux of the trauma is that the analysts in question have hitherto produced nothing from their confrontation with these problems but empty praise and nationalist euphoria. To date, Haitian intellectuals, the media and the public authorities have displayed a monumental lack of methodological courage. There are, of course, some rare exceptions among them but they have no real power to intervene. Educational reform, for example, seems to be reviving and raising hopes. Need we recall that, except for the majority of the peasant community, all social classes in Haiti were violently opposed to the reform because it replaced Haiti in its geographical and cultural setting and because, in particular, it upgraded the national language, while making instruction in French, the second predominant language, more rational and functional.

It should be borne in mind that the safeguarding (enrichment and dynamic conservation) of folklore lies at the very heart of this issue, irrespective of conditions and attitudes.

This is what led us to make the choices reflected in our analysis and recommendations.

IRAQ

The preamble:

Line No. 22 should read as follows:

'following provisions concerning the safeguarding and flourishing of folklore by taking'.

A. Definition of folklore

The last line to read as follows:

'Customs, handicrafts, popular medicine, etc.'

B. Identification of folklore

Add a new paragraph at the beginning:

(1) 'Form a body to co-ordinate and follow up the programmes'.

Add the following at the end of paragraph (c):

'It is preferable that these standards be in accordance with internationally accepted ones.'

D. Preservation of folklore

Add 'and their bearers' after 'traditions' in the first line.

Add the following paragraph:

'(e) support the bearer or producer of folk tradition, and provide suitable means for the continuity of their role.'

E. Dissemination of folklore

Add at the end of the first sentence the following passage:

'and as a source of deep cultural feeling for the people, and confidence in itself in facing challenges'.

F. Use of folklore

Add to No. iii:

'and whether by the government or by individuals'.

MEXICO

1. Comments on the preliminary report

Paragraph 5 of Section III, BACKGROUND, on page 2 of the first document, mentions the Bolivian proposal concerning '... the conservation, the promotion and the diffusion of folklore', which was the point of departure for this draft on the safeguarding of folklore, it should also mention the idea of recovery, for, in addition to the age-old loss of traditional forms of expression brought about by conquest and by the superimposition and displacement of cultural elements, in recent times, following the Second World War, the increasing influence of the mass communication media - television, cinema, publications, the intensification of commercial activity and the political influence of certain powers have been responsible for the disappearance of many traditions, shattering the basic structure of indigenous cultures. Vanished forms of expression must therefore be salvaged in order to reconstitute rather than merely rehabilitate the status and distinguishing features of traditional cultures, whose languages, components of the universal cultural heritage that have evolved over thousands of years, are now dying out. These languages are a perfect example of elements that must be defended in the interests of justice and human solidarity, as they are the characteristic and most refined expression of an ethnic group. The disappearance of these languages often involves the alienation and subjection of the groups concerned.

Paragraph 7 (page 3) involves extremely important copyright issues. The safeguarding, preservation, promotion and dissemination of folklore obviously cannot be dealt with in the context of intellectual property, which has to do more with commercial considerations. Traditional ethnic customs - especially those of autochthonous minorities - are an integral part of social, economic and political structures. They are also closely linked with the patterns of thought underlying the value system, world view, ethical code and symbolism that enable ethnic groups to apprise and relate to natural phenomena, evolving responses or forms of expression that constitute their identity. Broader protection and active participation by other specialized bodies, such as the Economic and Social Council, would thus be advisable.

Paragraph 9 (page 3) rightly draws attention to the risk of extinction, distortion and lack of development. Folklore is a people's distinguishing feature, its identity, the enduring expression of its history, and any threat to its original condition or continuing existence is a threat to mankind, tantamount to ethnocide. It is alarming how frequently the traditional heritages of ethnic minorities and of popular cultures lose elements that should not only be treated with respect but encouraged by means of clearly defined, wide-ranging programmes forming part of imaginative, meaningful

community development projects. It is important fully to understand the extent of this danger, which threatens not only traditional festivities and crafts but the very existence of some indigenous groups. The international regulations referred to in paragraph 13 must therefore be resolutely supported.

While supporting the views expressed in paragraphs 17, 18 and 19 on page 4 of the first document, we should like to point out that the definition of folklore, as a concept, and that of its components, are formulations of the dominant cultures; they are based on exogenous observations from outside the groups in question and the different aspects of folklore are presented as headings for arbitrary categories usually broken down into objects of research such as civil festivities, religious ceremonies, agrarian rites, social and domestic events bound up with the life cycle (birth, primary socialization process, betrothal, marriage, pregnancy, confinement, consecration, death), etc. The endogenous culture which creates, develops and uses these traditions sees them as the expression of a single whole, each component of which is indivisible and inseparable from the others. When elements of folklore are reproduced outside the ethnic group which created them they are generally debased, as they are cut off from their traditional context and are prey to external interests, often of an economic nature, which introduce a degree of distortion. Television, cinema and folk groups specializing in stage performances are good examples of this. There is certainly room for legislation against 'abuse' (paragraph 25 on page 5) which would promote the preservation of folklore.

It is essential to support the ideas put forward in paragraph 24 (page 5 of the first document) as they are of key importance. Folklore is obviously seen from the outside as an activity related more to art, in isolation from the ethno-cultural universe of the indigenous group in question. However good the intention may be, it would be a serious mistake to reduce folklore to a form of artistic expression, ignoring the context in which the tradition exists and whose purpose is to protect the society that produced it. This being said, the proposal to recognize forms of expression characteristic of particular ethnic groups - at least those forms of expression related to the performing arts and crafts - as belonging to the world heritage 'on the same footing as works of art' redounds to the credit of the United Nations.

The statement in paragraph 30 (page 6 of the first document) that 'the individual may belong to several social groups but at the moment of his or her folklore performance he or she has to make a choice regarding the group whose identity he or she is going to represent...' deserves further comment. This is never the case in Mexico, or anywhere else, quite probably. When an individual from another social group - be it another ethnic group or the dominant society - takes part in a performance of folklore, usually on the stage, or reproduces shapes, designs, handwork, etc., he or she imitates but does not reproduce the culture because he or she does not belong to it; the ethnic community that the performer is using albeit in good faith - gains nothing from this activity; it is the performer that benefits. Even when for reasons of social mobility one cuts oneself off from one's ethnic community and succeeds in identifying oneself with the new society that one has joined - usually in the lower strata of the urban community - one's cultural references change so much that if one were ever to take part in performances of folklore one would imitate rather than reproduce, basically because one would be serving the external interests mentioned earlier.

With reference to paragraphs 31 and 35 (pages 6 and 7 of the first document), we should like to underscore the need for a basic document containing fair, stable concepts, clear definitions and carefully thought out statements on the problem of conceptualization, classification, folklore

products, cultural context and the impact of measures taken in an effort to produce instruments for adoption by Member States; the point must be made, however, that folklore should not be limited to stage shows or to the assembly-line style production of craftwork, as this would qualify persons who imitate and distort for the protection afforded to creative artists.

Folklore is obviously part of the history of each autochthonous society, being the product of a particular time, place and environment, arising within a particular cultural context to form traditions with their own modes of expression; which, although they may be regarded as separate for the purposes of classification, should always be considered as indissociable from the cultural context as a whole. Otherwise, the links of folklore with the original context will disappear, thus accentuating the distortion of its symbolic aspects, which will eventually atrophy for lack of use, as often happens in fact. This danger is referred to in the first document (page 7, paragraph 36). 'Ideally, every country should have a network of archives, libraries, museums, or other interested institutions willing to receive folklore materials for conservation' and Mexico is not far from achieving this. However, on the basis of our own experience, we can assert that all the accumulated material and all the efforts made to keep archive records of the crafts and performing arts of indigenous peoples are powerless to save forms of expression that have already been irretrievably lost, or to defend traditional cultures from all the dangers that beset them; if we fail here, the context in which folklore is born and establishes itself and from which it draws strength and purpose will be lost, to the everlasting shame and sorrow of world civilization.

2. Suggestions and comments on the first draft of a Recommendation to Member States on the Safeguarding of Folklore

Section B

Add a paragraph (d) reading as follows: 'form research teams to identify lost forms of folk expression, their contexts (symbolic and ceremonial) and the external forces responsible for their destruction or replacement by other forms of expression, with a view to determining precisely what dangers need to be avoided in order to preserve and enrich the cultural tradition. These teams, made up of professional researchers and experts, should include specialists who belong to the ethnic groups concerned, as they are in the best position to understand the cultural context and symbolic significance of those forms of expression, in order, to salvage those that have fallen into disuse and to study and develop existing forms.'

Section C

Add a paragraph (g) reading as follows: 'set up an archives service to keep an inventory of lost traditions and their contexts, for this will immediately help to safeguard and enrich the folklore of ethnic groups and also increase awareness of the mechanisms involved in safeguarding folklore and of the forces involved in its destruction'.

Section D

In paragraph (a), after 'in an appropriate manner', add the following: 'on the basis of ethnic curricular content compiled by indigenous teaching specialists who can vouch for its authenticity and ...'.

In paragraph (d), after '... individuals and institutions...', add the following: 'studying, promoting, developing or ...'; and at the end, after 'informants' add: 'and by giving them the facilities to carry out their work'.

Section E

In paragraph (b), after '... within broadcasting organizations', add 'and interested services and firms, under the professional supervision of experts'.

In paragraph (c), after '... full-time jobs for folklorists ...', add: 'and experts belonging to the ethnic groups concerned', because although outside specialists may have much theoretical and documentary knowledge, the familiarity of indigenous scholars with the many elements involved in each expression of their own folklore is obviously irreplaceable.

At the end of paragraph (f), add 'Delegations attending these meetings should include ethnologists with an overall view and experience in dealing not only with particular aspects of folklore, but with the whole question of autochthonous culture and the problems surrounding it'.

Section F

With regard to the protection afforded by copyright, it is very important to distinguish the protection granted to individuals, groups and firms engaged in the reproduction of folklore from the protection extended by virtue of an inalienable or traditional right to the producer and reproducer of an ethnic culture or to the community itself which is obviously and indisputably the author of each of the forms of its cultural expression. Any rights granted to that community would encourage the safeguarding and revival of folklore and the active participation of autochthonous performers, thus protecting and ensuring the authenticity of folklore. This principle should be supported and promoted by the Economic and Social Council, Unesco, WIPO and ILO, as their specialist areas and interests are directly involved. If this right is not guaranteed, we shall continue to encourage neocolonialism, the exploitation of the assets - in this case cultural assets - of indigenous groups, hocus-pocus, which is something we try to avoid, and the underdevelopment of indigenous ethnic and other categories of marginalized minority.

NIGER

The preliminary report and the first draft of a recommendation enclosed with your letter were forwarded to the competent authorities, who gave a favourable opinion.

NORWAY

We are grateful for the noted alterations from previous draft of 1985. Allow us however to draw your attention to a letter regarding Unesco's document for the protection of folklore year 1985, which was sent to Unesco from the international seminar of protection of folkmusic and dance, a seminar arranged by the Council of Folkmusic and Folkdance, Norway, CIOFF and the University of Bergen. This seminar took place in May 1987. The letter concerned was sent to Unesco in Paris. The content of this is in principal the same as our present comments regarding Unesco's draft of 1988.

It is not our intention to deal with the individual details in the recommendation, but discuss the basic principals for these.

1. The recommendation's attitude to the question of expertise:

It is our opinion that there is a one-sided emphasis on the folklore archives and expertise in the higher educational institutions as we know them today. The expertise of the performers regarding folklore protection is hardly considered. It is our opinion that a co-operation between performers and scientific expertise is advisable. It is important for us to stress the importance of complementary co-operation between the different types of expertise, not in a hierarchic system where one type of expertise is regarded superior to the other. The Unesco draft mentions support for different activities among performers, but important basic questions regarding different types of expertise which researchers and performers possess, are not at all discussed. Due to the fact that it is the protection of the performers own tradition which is important, it is necessary to consider the qualities of their expertise.

2. The cultural-political aspect:

To the same degree as one can raise the question: What is desirable to protect? It is equally necessary to ask: Who are the participants in these decisions, researchers alone or the researchers together with the performers? It is our view that both parts should participate. In the Nordic countries the performers have a long experience with regard to the protection of their own tradition, and in the organizations of the performers such discussions have taken place in more than hundred years. In Unesco's draft the theoretical work at the archives is too much emphasized, and not necessary consideration has been given to the fact that the best cultural protection is the living performance. Theoretical research work and archives is of course an important support and inspiration to the protection work of the performers, but can never replace this. Co-operation between researchers and performers is necessary for a real success of protection work. The most important contribution we can offer the international work of protection of folklore, are our experiences from a collaborative work over long standing between theoretical research workers and performers.

OMAN

Following your letter No. CI/3121, dated 1 June 1988, requesting to have the comments and observations of the Omani Government on the report and on the preliminary draft recommendation in the field of the safeguarding of folklore ... I am pleased to inform Your Excellency that the competent authorities in Oman, after having studied the situation regarding the above mentioned matter, does not have either comments or observations relating to the said subject.

PHILIPPINES

The report in general:

1. General orientation of the report should be more towards wide dissemination/proper utilization of folklore rather than preservation/conservation to express a more dynamic strategy in keeping alive the cultural identity of a people relevant to the times.

2. Emphasis should be given to the premise that the national 'government should play a decisive role in the safeguarding of folklore' to encourage maximum support and co-operation in this vital effort.
3. On the whole, the report and the draft recommendations are well written and comprehensive in coverage.

Object and scope of the proposed recommendation

1. Object:

- Folklore as the source of community life and cultural exchanges and as a basic element of human culture which reflects human spirit was given favourable comments as truly responsive to the object of this undertaking.
- Folklore should be a dynamic means to express 'growth of awareness of traditions and cultural or social identities' showing how these traditions are being practised in different places in changing times.
- Dissemination of folklore should be a responsibility of government to build up as widely as possible information about its own heritage and thereby lessening dependence on foreign aid.

2. Scope:

(a) Definition of folklore

- In addition to those enumerated in the draft recommendation, folklore should also include ethno-science, folk medicine, customary law, and folk beliefs or their appropriate equivalents.
- A revised and more expanded definition was proposed by the Philippine Folklore Society as: Folklore, in its broadest sense, consists of the traditional and non-traditional culture of the people. It is the creation of individuals, or groups, or communities expressing their cultural aspirations and social identity. Folklore's content, standards and values are transmitted orally, by imitation or other means. Its forms include, among others, language, customs, laws, medicine, technology, politics, economics, religion and rituals, games, and the arts - literary arts (mythology, epics, legends, tales, songs, idioms, sayings, etc.), visual arts (architecture, painting, sculpture, gemology, handicraft, etc.), and performing arts (dance, music, theatre, etc.).

(b) Identification of folklore

- Mechanisms and tools for folklore research were found valuable in revitalizing interest in folklore collection such as coming up with a national inventory of institutions, developing identification and recording systems and creating a standard typology of folklore.

- A regional classification is preferred over a universal folklore typology to avoid general classifications and preserve uniqueness of each folklore.

(c) Conservation of folklore

- The establishment of a national folklore archives should be undertaken as early as possible, its directions being service-oriented in making available to legitimate users its collections, and its structure expanded creating folklore sections at existing museums and libraries.
- A massive training programme in folklore collecting, documenting, archiving is needed to give our folklorists needed skills to implement a national folklore programme.

(d) Preservation of folklore

- Although the teaching and study of folklore in schools has long been the concern of our folklore societies, the implementation of the Unesco recommendation will further expand its study programmes.
- The right of access of ethnic groups to their own folklore is still to be tested in its effective implementation.
- The setting up of a National Folklore Council is of crucial importance, as Sub-Commission on Folklore in the proposed National Commissions on Culture and Arts in the Philippines can fulfil the functions of such a council.
- Coming up with a Directory of Folklore Collectors and Informants from all over the country can be a very effective way of facilitating communication among people with a common interest in folklore.

(e) Dissemination of folklore

- The authenticity of a folklore item is based on the substantial collections from all regions of the country against which to check the item, if this can be documented and its source given - from whom, when, and where collected?
- All suggestions are very necessary and laudable, taking special note of employing folklorists on the staff of television and radio stations to ensure effective dissemination and authenticity of folklore used. It is also suggested that magazines and newspapers devote a column to folklore.
- It was emphasized that in the organization of festivals, fairs, etc., participating groups from the different ethnolinguistic communities should not influence each other so much to ensure the authenticity of folk arts being presented.

- National and international meetings and exchanges are very important in promoting goodwill, understanding and unity among participating countries, although continuity of involvement should always be considered to maximize the objectives of such projects.

(f) Uses of folklore

- Full support is given to the suggestions provided for regarding the protection of folklore although there is no clear or concrete way presented in protecting 'the informant as the transmitter of tradition'. It is known that no informant has an exclusive right over any item of folklore except his particular version of it.
- Letter (b), number IV, should read as suggested, 'recognize the right of cultural communities to monitor the use, and safeguard against misuse/desecration of folklore originally belonging to them'.

(g) International co-operation

- All the recommendations are important and necessary especially that regarding the 'organization of meetings between specialists and of working groups on particular subjects, specifically on classifying and cataloguing of folklore data and expressions'.

QATAR

E. Dissemination of folklore

Qatar proposes adding:

the following provision at the end of paragraph E(b):

'set up and support regional folklore centres';

a new paragraph E(g)

'(g) encourage and support private folklore associations at the national and regional levels';

a new paragraph E(h):

'(h) encourage writers and creative artists to draw inspiration from folklore in their works'.

SPAIN

With reference to your letter CL/3121 of 1 June 1988 concerning the recommendation on the safeguarding of folklore, I am pleased to inform you that the Ministry of Culture has expressed its approval of the initiative in principle and has forwarded the report and the first draft of a recommendation to the various Autonomous Communities which are the competent authorities on such matters in our country.

SYRIAN ARAB REPUBLIC

With reference to your circular letter CL/3121 dated 1 June 1986 concerning the above-mentioned recommendation, we wish to inform you that the competent authorities of the Syrian Arab Republic have sent us their observations based on careful consideration of the draft recommendation, the reports of the governmental experts prepared in 1985 and other documentation at their disposal. In the light of these observations we wish:

1. to stress the need for a folklore documentation centre in each Member State and for international co-operation in that field;
2. to make some minor comments on the first draft of a recommendation to Member States on the safeguarding of folklore, which we consider, on the whole, to be pertinent and comprehensive;

we suggest adding a proviso to paragraph D(b) ('guarantee the right of access of various ethnic and social groups ... as well as in the practice of traditions') to the effect that this shall not encourage racial, ethnic, religious or any other form of bigotry detrimental to public welfare or national unity;

3. to draw attention to subparagraph F(b)(i) ('protect the informant as the transmitter of tradition'), which fails to specify the form and mode of protection; we feel that this point should be clarified in the final draft.

TUNISIA

...

The document submitted to the Member States of Unesco for their consideration seems to have covered all aspects of the safeguarding of folklore, at both the national and international levels.

The competent Tunisian authorities wish, however, to make the following observations:

1. The recommendation should specify the main lines of action to be taken with a view to safeguarding folklore. Each government will have to adopt approved measures to achieve that end, depending on the human and material resources at its disposal.

For example, we would propose deleting paragraph (b) of Section C (Conservation of folklore); the central archive function it refers to is not absolutely essential if a national archives service already exists.

2. Paragraph (f) of Section C is not directly linked to the safeguarding of folklore but is more appropriately a matter for co-operation among specialized regional institutions or ethnomusicologists.
3. Paragraph (b)(i) of Section F should be more explicit (for example, how are informants to be protected?).

We also wish to inform you that the Ministry of Cultural Affairs considers that Tunisia has much to gain from adopting Unesco's recommendation on the safeguarding of folklore, in view of its rich artistic heritage which is in danger of being exploited or even distorted by our own people and by foreigners for commercial purposes.

...

UKRAINIAN SOVIET SOCIALIST REPUBLIC

In view of the perennial value of folklore as an integral part of the spiritual life and cultural traditions of all peoples, the Ukrainian SSR supports the idea of adopting an instrument in that field based on the first draft of a recommendation. The adoption of such an important instrument will certainly contribute to the safeguarding of folklore, the development of research and the enhancement of Unesco's role in that field.

1. In the section 'Definition of folklore', specific forms of expression of folklore (song, prose, drama) should first be enumerated, followed by areas that may be related to folklore (language, literature, architecture, etc.), pointing out that not all aspects of language, literature, architecture and crafts would be involved, but only those connected with folklore.

2. The provisions of the first draft of a recommendation to Member States on the safeguarding of folklore concentrate on familiar manifestations of folklore which have already been recorded for posterity. We feel that more attention should be paid to contemporary efforts to collect folklore materials and unearth little known aspects, of folk creativity in various regions.

3. The recommendations should reflect the need to support forgotten forms of folklore that are being revived in our time and should give more attention to new forms of popular creative expression, both traditional and modern. Alongside the provisions for the development of documentation and other work relating to folklore, the sections 'Conservation of folklore', 'Dissemination of folklore' and 'Use of folklore' should provide for the revival, activation and popularization of living creative processes in folklore.

4. It should be specified in the 'Use of folklore' section that the adaptation of folklore and its use in other types of art should not distort the spirit and conceptual content of creative works and popular modes of perception. Neither should it impoverish or debase their aesthetic value.

5. Under the sections 'Dissemination of folklore' and 'International co-operation' it might be useful to recommend the more widespread organization of national and international folklore festivals and the celebration of anniversaries of outstanding folklorists.

6. A permanent international centre for the co-ordination of folklore activities in all regions should be established. In particular, the international co-ordinating centre could make recommendations on the highlighting of new aspects of folklore and on the collection, safeguarding, publication and use of folklore, seeking support in its work from national co-ordinating centres. Also in co-operation with such centres, it could prepare uniform international rules governing the classification of folklore, the textual presentation of works, the preparation of inventories and the standardization of descriptions; set up folklore data banks; promote computerization of the indexing of popular creative works and of research, and assist in publishing outstanding examples of popular creative effort by the peoples of the world.

ANNEX II

ANALYSIS OF MEMBER STATES' COMMENTS AND OBSERVATIONS
CONCERNING DOCUMENT CC/MD/4

1. All the comments received from Member States on the first draft of a recommendation welcome the initiative taken by Unesco with a view to the adoption of a recommendation on the safeguarding of folklore by its General Conference. A number of replies contain proposals for amendments or additions to certain provisions of the first draft.

2. As stated in paragraph 6 of the introduction and in view of the fact that the first draft of a recommendation was prepared in 1987 by a Special Committee of Governmental Experts in accordance with 23 C/Resolution 15.3, the Secretariat considered that it was not the body responsible for amending it in the light of the comments and observations received in the replies of Member States (see Annex I) but that the Special Committee of Governmental Experts should make any amendments itself when it met in 1989.

3. The following is a summary of Member States' observations on the provisions of the first draft and of their proposals for additions to the text.

I. General observations

4. Bahrain, Côte d'Ivoire, El Salvador, Greece, Niger, Oman and Spain made no specific comments on the different sections of the first draft.

5. Brazil considers that the document as a whole requires no additions or deletions and deserves its support. It also approves the proposal of a flexible definition of folklore that can easily be adapted to the tasks that the first draft suggests Member States carry out.

It views as essential the distinction between the conservation of folklore, which refers to all research, documentation and recording facilities, and preservation, which refers to the immediate needs of traditional communities to preserve traditions that are under pressure from external cultural forces and hegemonies.

It also notes that the opportunity for international co-operation provided for in the first draft would pave the way for comparative analysis, studies of cultural dissemination procedures and exchanges of experience and information.

6. Gambia approves the first draft and suggests that provision should be made for the following:

- (a) encouragement of the establishment of national copyright bureaux;
- (b) assignment of high priority to the training of different kinds of specialists;
- (c) organization by Unesco of periodic international folklore festivals.

7. Haiti has no specific comments to make on the individual sections of the first draft but views schools as the most appropriate place for, among other things, reasserting the value and status of folklore.

8. Mexico, while expressing its support for plans for an international instrument on the safeguarding of folklore, considers that the Bolivian proposal concerning '...the conservation, the promotion and the diffusion of folklore' mentioned in paragraph 5 of document CG/MD/4 is relevant but should also refer to the notion of recovery. A number of factors have led to the disappearance of many traditions, shattering the basic structure of indigenous cultures. Vanished forms of expression must therefore be salvaged in order to reconstitute the status and distinguishing features of traditional cultures, whose languages are a perfect example of elements that must be defended, in the interests of justice and human solidarity.

Mexico considers it necessary to associate not only the World Intellectual Property Organization (WIPO) with studies of possible copyright aspects of the safeguarding of folklore, as provided for in paragraph 7 of document CG/MD/4, but also other specialized bodies, such as the Economic and Social Council, in the effort to secure broader protection for traditional ethnic customs.

It thinks that the point should be made that the definition of folklore, as a concept, and that of its components, are based on observations made from outside the group being considered, whereas the endogenous culture sees the various phenomena defined as folklore as the summary expression of its whole life, each component being indivisible and inseparable from the others. When elements of folklore are reproduced outside the ethnic group which created them, they are generally debased, as they are cut off from the traditional context.

Mexico finds the statement in paragraph 30 that 'the individual may belong to several social groups ... whose identity he or she is going to represent' unconvincing, considering that when an individual from another ethnic group takes part in a performance of folklore or reproduces folk designs, he or she can imitate but not reproduce the culture, because he or she does not belong to it.

With regard to the identification of folklore (paragraphs 31 to 35), it considers that in a document for adoption by Member States folklore should not be regarded as referring simply to stage shows or to the assembly-line style production of craftwork.

With regard to the conservation of folklore, it considers that the proposal in paragraph 36 beginning 'Ideally' and ending 'for conservation' is absolutely essential, and has already been implemented in Mexico. However, it can also be asserted on the basis of Mexico's experience that all the accumulated material and all the efforts made to keep archive records of the culture of indigenous peoples are powerless to save forms of expression that have already been lost or to defend traditional cultures from all the dangers that beset them.

9. Norway notes with regret that the first draft makes virtually no mention of the expertise of performers in connection with the safeguarding of folklore. It also notes that the draft text attaches a great deal of importance to theoretical research and archives, at the expense of live performances.

10. The Philippines considers that:

'General orientation of the report should be more towards wide dissemination/proper utilization of folklore rather than preservation/conservation to express a more dynamic strategy in keeping alive the cultural identity of a people relevant to the times.

Emphasis should be given to the premise that the national "government should play a decisive role in the safeguarding of folklore" to encourage maximum support and co-operation in this vital effort.

On the whole, the report and the draft recommendations are well written and comprehensive in coverage.'

11. The Syrian Arab Republic, which supports the first draft, stresses the need for a folklore documentation centre in each State and for international co-operation in this field.

12. The Byelorussian SSR, while expressing approval of the Director-General's report in document CG/MD/4, suggests that the following sentence should be added to paragraph 16 in order to clarify the purpose of the recommendation: 'Folklore is the reflection of a people's life, interests, aspirations and hopes and of its social, moral, ethical and aesthetic ideals'.

It also proposes the following addition to paragraph 29, which would bring out the fact that folklore is above all an important component of spiritual culture: 'The various material manifestations of culture should be perceived as ideas and processes rather than objects'.

13. The Ukrainian SSR supports the adoption of such an instrument by Member States, since it will contribute to the safeguarding of folklore and the enhancement of Unesco's role in that field.

14. Tunisia approves the first draft of a recommendation, which seems to it to have covered all aspects of the safeguarding of folklore, at both the national and international levels. Referring to the country's rich artistic heritage, it notes that the adoption of such a recommendation will help to raise the standards of use of folklore material and prevent its distortion or adulteration for commercial purposes by unscrupulous users.

II. Paragraph by paragraph commentary

Title

15. The Byelorussian SSR says that the title of the recommendation should reflect its actual content and proposes the following wording: 'First draft of a recommendation to Member States on the conservation, preservation, dissemination and study of folklore'.

Preamble

16. Iraq wishes to insert the words 'and flourishing' in paragraph 10, which would then read as follows: '...following provisions concerning the safeguarding and flourishing of folklore by taking...'

17. The Philippines is of the opinion that the following two paragraphs should be added to the Preamble:

'Folklore should be a dynamic means to express "growth of awareness of traditions and cultural or social identities" showing how these traditions are being practised in different places in changing times.

Dissemination of folklore should be a responsibility of government...'

A. Definition of folklore

18. Iraq proposes inserting the words 'popular medicine' in the last sentence of the paragraph, which would then read as follows: '...customs, handicrafts, popular medicine, architecture...'

19. The Philippines pointed out that it is necessary to complete the definition of folklore and made the following suggestions:

'In addition to those enumerated in the draft recommendation, folklore should also include ethnoscience, folk medicine, customary law, and folk beliefs or their appropriate equivalents.

A revised and more expanded definition was proposed by the Philippine Folklore society as: Folklore, in its broadest sense, consists of the traditional and non-traditional culture of the people. It is the creation of individuals, or groups, or communities expressing their cultural aspirations and social identity. Folklore's content, standards and values are transmitted orally, by imitation or other means. Its forms include, among others, language, customs, laws, medicine, technology, politics, economics, religion and rituals, games, and the arts - literary arts (mythology, epics, legends, tales, songs, idioms, sayings, etc.), visual arts (architecture, painting sculpture, gemology, handicraft, etc.), and performing arts (dance, music, theatre, etc.).'

20. The Byelorussian SSR proposes inserting the words 'forming an organic part of the spiritual culture of the people' at the end of the first sentence.

21. The Ukrainian SSR suggests that in the definition of folklore specific forms of expression of folklore such as song, prose or drama should be enumerated prior to areas which, in some respects, are not necessarily connected with folklore. It also advocates bringing to light little known aspects of folk creativity in different regions and drawing attention in the recommendation to the existence of forgotten forms of folklore that are being revived in our time.

B. Identification of folklore

22. Brazil, while supporting the idea of preparing a national inventory of institutions working on folklore and the development of a classification system for folklore, considers that the latter undertaking is likely to involve all kinds of methodological and practical difficulties.

23. Iraq suggests setting up a body to co-ordinate and keep track of the programmes. It proposes a new paragraph: 'Form a body to co-ordinate and follow up the programmes'.

It further proposes making the following addition to paragraph (c): 'It is preferable that these standards be in accordance with internationally accepted ones'.

24. Mexico proposes inserting a paragraph (d) that would read as follows:

'form research teams to identify lost forms of folk expression, their contexts (symbolic and ceremonial) and the external forces responsible for their destruction or replacement by other forms of expression, with a view to determining precisely what dangers need to be avoided in order to preserve and enrich the cultural tradition. These teams, made up of professional researchers and experts, should include specialists who belong to the ethnic groups concerned, as they are in the best position to understand the cultural context and symbolic significance of those forms of expression, in order to salvage those that have fallen into disuse and to study and develop existing forms.'

25. The Philippines considers that the:

'Mechanisms and tools for folklore research were found valuable in revitalizing interest in folklore collection such as coming up with a national inventory of institutions, developing identification and recording systems and creating a standard typology of folklore.'

A regional classification is preferred over a universal folklore typology to avoid general classifications and preserve uniqueness of each folklore.'

C. Conservation of folklore

26. Mexico proposes adding a paragraph (g) to this provision:

'(g) set up an archives service to keep an inventory of lost traditions and their contexts which will immediately help to safeguard and enrich the folklore of ethnic groups and also increase awareness of the mechanisms involved in safeguarding folklore and of the forces involved in its destruction.'

27. The Philippines proposes that:

'The establishment of [a] national folklore archives should be undertaken as early as possible, its directions being service-oriented in making available to legitimate users its collections, and its structure expanded creating folklore sections at existing museums and libraries.'

A massive training programme in folklore collecting, documenting, archiving is needed to give our folklorists needed skills to implement a national folklore programme.'

28. The Ukrainian SSR considers that it would be advisable to make provisions for the revival, activation and popularization of living creative processes in folklore.

29. Tunisia, which proposes the deletion of paragraph (b) in this section, considers that there is no need for a central national archive function if the country already has a national archive as provided for in paragraph (a) of the same section.

Tunisia does not consider that paragraph (f) is directly linked to the safeguarding of folklore, and proposes attaching it to the section dealing with co-operation among specialized regional institutions or ethnomusicologists.

D. Preservation of folklore

30. Iraq proposes adding to the first sentence: '...of folk traditions and their bearers having regard...'.

It also wishes to add the following paragraph: '(e) support the bearer or producer of folk tradition, and provide suitable means for the continuity of their role'.

31. Mexico proposes adding to paragraph (a) after '...in an appropriate manner...' the following words: 'on the basis of ethnic curricular content compiled by indigenous teaching specialists who can vouch for its authenticity and...'.

In paragraph (d), it proposes adding after '...individuals and institutions...' the words: '...studying, promoting, developing or...' and at the end of the paragraph, after 'informants', the words: '...and by giving them the facilities to carry out their work'.

32. The Philippines outlined the practice there and made the following observations:

'...the implementation of the Unesco recommendation will further expand its study programmes.

The right of access of ethnic groups to their own folklore is still to be tested in its effective implementation.

The setting up of a National Folklore Council is of crucial importance...

Coming up with a Directory of Folklore Collectors and Informants from all over the country can be a very effective way of facilitating communication among people with a common interest in folklore.'

33. The Syrian Arab Republic proposes the insertion of the following words at the end of paragraph (b): '...unless this encourages racial, ethnic, religious or any other form of bigotry which is detrimental to public welfare or national unity'.

E. Dissemination of folklore

34. Iraq considers that the following words should be added to the end of the first sentence in the first paragraph: 'and as a source of deep cultural feeling for the people, and confidence in itself in facing challenges'.

35. Mexico proposes adding the following words to paragraph (b): '...and interested services and firms, under the professional supervision of experts'.

With regard to paragraph (c), Mexico makes the point that, while outside specialists may have much theoretical and documentary knowledge, the familiarity of indigenous scholars with the many elements involved in each expression of their own folklore is irreplaceable. It therefore proposes the insertion of the words: 'and specialists belonging to the ethnic groups concerned' after '... full-time jobs for folklorists'.

At the end of paragraph (f), it proposes the addition of the following sentence: 'Delegations attending these meetings should include ethnologists with an overall view and experience in dealing not only with particular aspects of folklore but with the whole question of autochthonous culture and the problems surrounding it'.

36. The Philippines generally appreciates the provisions in the draft recommendation and added a few suggestions as follows for its improvement:

The authenticity of a folklore item is based on the substantial collections from all regions of the country against which to check the item, if this can be documented and its source given - from whom, when, and where collected?

All suggestions are very necessary and laudable,... It is also suggested that magazines and newspapers devote a column to folklore.

It was emphasized that in the organization of festivals, fairs, etc., participating groups from the different ethnolinguistic communities should not influence each other...

National and international meetings and exchanges are very important in promoting goodwill, understanding and unity...

37. Qatar proposes the following addition to paragraph (b): 'and set up and support regional folklore centres'.

It proposes the addition of two other paragraphs to this section:

'(g) encourage and support private folklore associations at the national and regional levels;

(h) encourage writers and creative artists to draw inspiration from folklore in their works'.

38. The Byelorussian SSR wishes to add the following two paragraphs to this section:

'(g) promote the publication of national collections and anthologies of oral poetry;

(h) ensure that theoretical research is conducted in the field of folklore'.

39. The Ukrainian SSR considers it necessary to organize national festivals and celebrate the anniversaries of certain eminent folklorists. It also recommends the insertion in the proposed text of provisions concerning the revival, activation and popularization of living creative processes in folklore.

F. Use of folklore

40. Iraq proposes adding to subparagraph (iii) 'and whether by the government or by individuals'.

41. The Philippines strongly supports the provisions in the draft recommendation but desires that 'cultural communities' rather than the 'archives' should have the right to monitor the use of folklore.

Full support is given to the suggestions provided for regarding the protection of folklore although there is no clear or concrete way presented in protecting 'the informant as the transmitter of tradition'. It is known that no informant has an exclusive right over any item of folklore except his particular version of it.

Letter (b), number (iv), should read as suggested, 'recognize the right of cultural communities to monitor the use, and safeguard against misuse/desecration of folklore originally belonging to them'.

42. The Syrian Arab Republic draws attention to the provisions contained in subparagraph (i) of paragraph (b) concerning the protection of the informant as the transmitter of tradition and hopes that the final draft will clearly indicate the form and mode of such protection.

43. The Ukrainian SSR stresses the point that the adaptation of folklore and its use should not distort the spirit, conceptual content or popular perception of the work or impoverish or debase its aesthetic value. It proposes the insertion in the draft text of provisions concerning the revival, activation and popularization of living creative processes in folklore.

44. Tunisia wishes to see more details in the provision of subparagraph (i) of paragraph (b), listing, for example, some ways in which the informant might be protected.

G. International co-operation

45. The Philippines fully endorses all the recommendations on international co-operation, as under:

All the recommendations are important and necessary especially that regarding the 'organization of meetings between specialists and of working groups on particular subjects, specifically on classifying and cataloguing of folklore data and expressions'.

46. The Byelorussian SSR believes that the following two paragraphs should be added to this section:

'(d) promote research on international links involving folklore;

(e) organize exchanges of research trainees studying the interaction and interrelationships between peoples in the field of folklore, giving them access, together with other specialists on similar missions, to archives and other records'.

47. The Ukrainian SSR proposes the organization of international festivals on a more widespread basis as a means of strengthening international co-operation in this area. It also considers that it would be a good idea to establish a permanent international centre for the co-ordination of folklore activities which would have overall responsibility for folklore activities in all regions and formulate, in collagoration with national co-ordinating centres, recommendations on the harmonization of policies for the safeguarding of folklore.

ANNEX III

FIRST DRAFT OF A RECOMMENDATION TO MEMBER STATES
ON THE SAFEGUARDING OF FOLKLORE

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

Considering that folklore is a powerful means of bringing together different peoples and social groups and of asserting national and cultural identity,

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

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

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

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

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

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

Adopts the present Recommendation this1989:

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

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

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

A. Definition of folklore

For purposes of this Recommendation:

Folklore (in a broader sense, traditional and popular folk culture) is a group-oriented and tradition-based creation of groups or individuals

reflecting the expectations of the community as an adequate expression of its cultural and social identity; its standards and values are transmitted orally, by imitation or by other means. Its forms include, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, architecture and other arts.

B. Identification of folklore

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

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

C. Conservation of folklore

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

To this end, Member States should:

- (a) establish national archives where collected folklore can be properly stored and made available for controlled use;
- (b) establish a central national archive function for service purposes (central cataloguing, dissemination of information on folklore materials and standards of folklore work including the aspect of safeguarding);
- (c) create museums or folklore sections at existing museums including open-air folk museums where folklore can be exhibited;
- (d) standardize archiving methods;
- (e) train collectors, archivists, documentalists and other specialists in the conservation of folklore, from physical conservation to analytic work;
- (f) provide means for making security and working copies of all folklore materials, and copies for regional institutions of materials collected in that region.

D. Preservation of folklore

Preservation is concerned with protection of folk traditions, having regard to the fact that the people have a right to their own culture and that their belief in that culture is often eroded by the impact of the industrialized culture purveyed by the mass media. Measures must be taken to guarantee the status of and economic support for folk traditions both in the communities which produce them and beyond. To this end, Member States should:

- (a) design and introduce into both formal and out-of-school curricula the teaching and study of folklore in an appropriate manner, taking into account not only village and other rural cultures but also those created in urban areas by diverse social groups, professions, institutions, etc., and thus promoting a better understanding of cultural diversity and different world views, especially those not reflected in dominant cultures;
- (b) guarantee the right of access of various ethnic and other social groups and national communities to their own folklore by supporting their work in the fields of documentation, archiving, research, etc., as well as in the practice of traditions;
- (c) set up on an interdisciplinary basis a National Folklore Council or similar co-ordinating body in which various interest groups will be represented;
- (d) support individuals and institutions holding items of folklore, for example by creating lists of collectors and informants.

E. Dissemination of folklore

The attention of people should be drawn to the importance of folklore as an ingredient of cultural identity. It is essential for the items that make up this cultural heritage to be widely disseminated so that the value of folklore and the need to preserve it can be recognized. However, any caricature or distortion during dissemination should be avoided so that the integrity of the traditions can be safeguarded. To promote such dissemination, Member States should:

- (a) encourage the organization of national, regional and international events such as fairs, festivals, films, exhibitions, seminars, symposia, workshops, training courses, congresses, etc., and support the dissemination and publication of their materials, papers and other results;
- (b) encourage a broader coverage of folklore material in national and regional television, radio and other media, for instance through grants, by creating jobs for folklorists in these units, by ensuring the proper archiving and dissemination of these folklore materials collected by the mass media, and by the establishment of departments of folklore within broadcasting organizations;
- (c) encourage regions, municipalities, associations and other groups working in folklore to establish full-time jobs for folklorists to plan and co-ordinate folklore activities in the region;
- (d) support existing units and the creation of new units for the production of educational video films based on recent field-work and other materials, and encourage their use in schools, folklore

museums, national and international folklore festivals and exhibitions;

- (e) ensure the availability of adequate information on folklore through documentation centres, libraries, museums, archives, as well as through special folklore bulletins and periodicals;
- (f) facilitate meetings and exchanges between individuals, groups and institutions concerned with folklore, both nationally and internationally, taking into account bilateral cultural agreements.

F. Use of folklore

In so far as folklore constitutes manifestations of intellectual creativity, it deserves to be protected in a manner inspired by the protection provided for intellectual productions. Such protection of folklore has become indispensable as a means of promoting further development, maintenance and dissemination of those expressions, both within and outside the country, without prejudice to related legitimate interests.

Leaving aside the 'intellectual property aspects' of the protection of expressions of folklore, there are various categories of rights which are already protected and should continue to enjoy protection in the future in folklore documentation centres and archives. To this end, Member States should:

(a) regarding the 'intellectual property' aspects:

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

(b) regarding the other rights involved:

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

G. International co-operation

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

- (a) co-operate with international and regional associations, institutions and organizations concerned with folklore;
- (b) co-operate in the field of knowledge, dissemination and protection of folklore, in particular through exchanges of information of every kind, exchanges of scientific and technical publications, the

training of specialists, the award of travel grants, the sending of scientific and technical personnel and equipment, the organization of meetings between specialists, of study courses and of working groups on particular subjects, especially on the classifying and cataloguing of folklore data and expressions;

- (c) co-operate closely so as to ensure internationally that the various interested parties (communities or natural or legal persons) enjoy the economic, moral and so-called neighbouring rights resulting from the investigation, creation, composition, performance, recording and/or dissemination of folklore.

Distribution: general

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UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

FIRST DRAFT OF A RECOMMENDATION ON THE SAFEGUARDING OF FOLKLORE

Final report prepared in accordance with Article 10(3) of the
Rules of Procedure concerning Recommendations to Member States
and International Conventions covered by the terms of
Article IV, paragraph 4, of the Constitution

ADDENDUM

This document constitutes an addendum to document CC/MD/8. It reproduces 14 additional replies to circular letter CL/3121 of 1 June 1988, sent to Member States along with document CC/MD/4 of 1 June 1988, which contained the preliminary report and the first draft of a recommendation prepared by the Director-General in pursuance of resolution 15.3 adopted by the General Conference at its twenty-fourth session. The 14 additional replies are from the following Member States: Algeria, Argentina, Benin, Cameroon, Chile, Finland, German Democratic Republic, Germany (Federal Republic of), India, Iraq, Norway, Sweden, Turkey and the Union of Soviet Socialist Republics.

ANNEX

REPLIES TO CIRCULAR LETTER CL/3121 AND TO DOCUMENT CC/MD/4
RECEIVED FROM MEMBER STATES AFTER 16 DECEMBER 1988

ALGERIA

...

The Algerian Ministry of Information and Culture considers that, since the first draft of the recommendation to Member States provides in its section C, 'Conservation of Folklore', for the establishment of national archives (para. (a)) and of a central archive function (para. (b)) which would fulfil the purposes of storing the collected folklore and 'disseminating information on folklore materials', it would be necessary to establish a single central structure which would combine the functions of conservation and dissemination and ensure co-ordination between the regional institutions mentioned in paragraph (f). This would make it possible to avoid separating the functions of conservation and dissemination. The following wording is therefore proposed: '... establish central national archives where collected folklore can be conserved and preserved under suitable conditions with a view to its being used and disseminated in ways to be determined'.

ARGENTINA

In reply to your request, I have the pleasure to send you the following comments on the 'International Instrument on the Safeguarding of Folklore' proposed by Unesco.

A reading of the report reveals that the application of the recommendation presents some difficulties to which I wish to draw attention:

1. The report does not contain a precise definition of folklore. It is referred to as 'a basic element of human culture which reflects the human spirit' (para. 16). The report also states that 'the problems posed by folklore are extremely complex' (para. 25) and that 'the question of the definition of folklore is extremely awkward inasmuch as it is very wide-ranging, highly diversified and difficult to pin down' (para. 26). In my opinion, this lack of definition is the chief criticism that can be levelled at this report, since if those who prepared it have not succeeded in completely determining what folklore is, it is difficult to see how they can regulate questions relating to its conservation, preservation, dissemination and protection. I think that before an instrument is prepared, agreement should be reached about how folklore can be clearly identified. It is true that this is no easy task, considering that the subject of folklore is not a uniform or homogeneous field of study. There exist very different tendencies due to the historical development of this field of knowledge in each country and to the application of separate, and at times opposing, criteria by researchers.

2. The report repeatedly stresses the need to safeguard folklore (paras. 22, 36, 37 and 38) and recommends measures to ensure that folklore does not die out (para. 24). However, these ideas are not shared by the specialists working in academic centres in the vanguard of folklore studies. They do not consider that expressions of folklore are linked to ways of life in the past, dying out in present-day society, which require custodians to look after them and attest their authenticity (cf. Dan Ben-Amos, Roger D. Abrahams, Richard Bauman, Alan Dundes, Hermann Bausinger, Américo Faredes and José Limón, among others).
3. It is also argued that folk traditions are being eroded 'by the impact of the industrialized culture purveyed by the mass media' (Annex D). It should however be taken into account that the mass media are not seen by all researchers concerned with folklore as being responsible for the watering down of traditions, but that many of them regard them as channels that modify, transform or consolidate existing forms of folklore or make for the emergence of new ones (cf. Linda Dégh and Andrew Vázsonyi, Rolf Brednich, Sylvia Grider and Bengt Klintberg). Furthermore, tradition is now conceptualized not as an unchangeable, authoritative rule which has to be conserved by force, but as a constantly changing resource subject to a process of selection and indeed of invention, projected into the past to legitimate the present. In attempting then to crystallize particular traditions, one runs the risk of weakening the significance attached to them by those who actually created them or passed them on.
4. Folklore and popular culture are at times treated as synonymous in the report (page 4). In Latin America, however, they constitute different fields of study in that, in the case of popular culture, the 'people' as such is identified with a subordinate class that implicitly or explicitly sets itself against the values of the dominant class, particularly in view of the unequal appropriation of cultural capital and the processes of the production, distribution and consumption of cultural goods (Néstor García Canclini).

Below is a bibliography listing the relevant works of the authors cited in the above note.

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BENIN

...

The People's Republic of Benin is on the whole in agreement with this first draft of the recommendation which takes into account one of the major concerns of our cultural policy, namely, the conservation and preservation of the material and spiritual forces of the national cultural heritage (musicology, oral literature, ancestral medicine, culinary art, etc.).

However, the authorities of Benin wish to make the following comments regarding two points.

The first concerns sections C and D of the first draft, relating respectively to 'Conservation of folklore' and 'Preservation of folklore'.

The ideas contained in these two complementary sections, although expressing different concerns directed towards specific objectives, could be grouped together under a single title: 'Conservation of folklore'.

The second point concerns the usefulness of explicitly referring in the final document to the need to make a systematic inventory of folklore (the material and spiritual forms of the cultural heritage).

This idea is expressed implicitly in the first draft of the recommendation, particularly in the part concerning the establishment of structures for the conservation of folklore.

...

CAMEROON

...

The provisions contained in the preliminary report (...) are in line with our concerns.

It is a fact that, given the phenomenal development of technology and the intermixing of cultures, the problem of the safeguarding of folklore is becoming so acute that it would be desirable to adopt an international instrument in this area in order to facilitate the definition, identification conservation, preservation, protection, dissemination and use of folklore.

...

CHILE

Within the fields of competence of the bodies consulted for the purpose of preparing this reply, namely, the Chilean National Commission of the Andean Institute of Folk Arts of the 'Andrés Bello' Convention, and the Course on Folklore as Culture, of the Faculty of Philosophy, Humanities and Education of the University of Chile, the following comments relate to the Introduction, from section IV.A - Object onwards.

In the cultural sphere, one should be especially careful of the meaning of the words used. The successive use of such terms as 'folklore' and 'popular and traditional culture' may lead to confusion (para. 15).

The statement that human groups are 'strongly attached' to their folklore 'because it is the source of (their) community life' needs to be considered in a clear critical, anthropological and sociological light, as there exist quite definite cases of lack of interest in, and indeed of the rejection of the folk heritage on the part of various groups. Accordingly, in addition to looking again at this assertion, considering that the concern is to safeguard folklore, it is necessary not only to combat external influences and endanger the identity of social systems but also to engage in research and action in respect of endogenous exchange schemes, which may gravely impair the general stability of those systems, and in particular their folk traditions (para. 15).

While one must acknowledge the efforts made by Unesco through its technical meetings to deal with the problem of the concept of folklore, it is still necessary to consider and define the concept more closely in order to promote the overall aim of safeguarding folklore. The large number of publications dealing with the concept of folklore that have come out in recent times could be very useful in guarding against inadequate generalizations or vague remarks like those contained for example in paragraph 17 of the Introduction.

The points made in paragraphs 18, 19, 20 and 21, particularly in paragraph 19, are important and reveal a sound basis of thought in this specialized area. Nevertheless, it would also be advisable to take a careful look at the links between expressions of folklore and their sources, bearing in mind that they occur in different situations and in the general context of culture. What exactly is meant by the statement that 'Expressions of folklore are always linked to their sources'? How can expressions of culture be separated from their sources? (para. 18).

It is indisputable that 'the authenticity and preservation of folklore are crucial'. These are however two very different concerns and in each case they call for quite specific criteria, concepts and measures. They affect the highly important question of the proper exchange of folklore among peoples, which needs to be given special attention so that all can benefit in some measure from mutual knowledge of authentic folklore. This can be achieved with great effectiveness using present-day techniques, for instance by compiling an album of folk crafts in the world, regarded as a means of diversity and unity among peoples, and a way of strengthening their own identities (para. 19).

Paragraph 22 reads as follows: 'For that reason the need to safeguard folklore is becoming more real and more urgent every day'. It may be noted here that there is a very large number of expressions of culture, whether or not forming part of folklore, that deserve to be protected. Is folk culture the least protected, as is claimed by some folklore scholars?

A considered and rational attitude should be taken to the protection of folklore. The result of overprotection is to distort, and indeed to destroy it; folklore cannot be put under protective cover and isolated, like a species threatened with extinction, since as a living culture it requires freedom for its self-development.

In paragraph 26 it is stated that 'The question of the definition of folklore is extremely awkward ...', and in paragraph 27 we read that 'The term "folklore" and should not be confused with the innumerable interpretations as to what is or may be included in folklore ...'.

Both statements are very true, and central to them is the idea of 'the first life of folklore' (para. 23). Their main emphasis is on the concept of folk culture rather than of folklore, and the need to give priority to folklore management.

In line with our comments on paragraph 17, and in this case with reference to paragraph 29, it is said that the definition of folklore 'focuses on cultural and social identity'. This is not specific to folklore, any more than the other concerns expressed in that paragraph. In all forms of human expression it is possible to find a degree of cultural and social identity. What is necessary is to find a particular connotation of identity that corresponds to folkloric behaviour.

Thus with reference to paragraph 30 it should also be asked how one is to distinguish creations and products of folklore as 'symbols' of cultural identity from other cultural creations and products that likewise possess symbolic significance.

The tasks proposed in paragraph 31 are truly urgent and of the utmost importance. As they cannot be dealt with satisfactorily in meetings, no matter how expert those participating in them may be, it is suggested that a small high-level scientific team be set up, specially concerned with studying 'a standard typology of folklore', drawing on the valuable experience gained in different countries of the world. The same approach should be adopted in respect of such sensitive and basic material as a 'general outline of folklore', a 'comprehensive register of folklore' and 'regional classifications of folklore' (para. 35).

In order to achieve the objectives of folklore conservation mentioned in paragraphs 36 and 37, Unesco should also provide precise instructions, technical support and a range of incentives to all nations to act on the proposals for fruitful exchanges of expressions of folklore.

A campaign to safeguard folklore like the one opportunely launched by Unesco requires that account be taken of instances of conservation and exchange occurring within the culture of different peoples so as to apply genuinely effective measures in respect of that culture in accordance with the anthropological principle of cultural relativism (para. 38).

The dissemination of folklore is to be commended, but with due respect for rules and appropriate technical quality, without distorting the nature of the folk culture and without creating a false image of folklore as a free expression of everyday life. Care must be taken to prevent the portrayal of folklore, whether in stage performances or on the screen, from masking the folk culture or imposing what are often fanciful interpretations of genuine folkloric behaviour (see paras. 39 and 40).

If international co-operation is to be achieved in respect of folklore as is desired, it is essential that Unesco should not confine its efforts to occasional meetings of experts but should help to organize and maintain permanent machinery to be responsible for such co-operation, which would be highly instrumental in increasing worldwide solidarity among different peoples and cultures (see para. 42).

Concerning the first draft of the recommendation, thought must be given, as was said earlier, to the specific definition of folklore now proposed in section A. This text combines the definitions of folklore and traditional and folk culture, thus resulting in ambiguity. Exception might also be taken to the generic description of folklore as a definitive form of creation; this distorts its nature, since it is in fact continually re-created by the community. There is also the difficulty of differentiating between groups and individuals, since in order to engage in folkloric behaviour the latter need to act as a community, as is required by folk tradition. Then again, how is one to know what are the expectations of a community 'as an adequate expression of its cultural and social identity', and how does this definition settle the question of ascertaining the expectations of a group in respect of folklore or of establishing the group's cultural and social identity in folkloric terms?

Sections B to G are basically acceptable and have a practical dimension which is in keeping with their objectives, although it must be acknowledged that section B does not deal with the problem of the identification of folklore but simply sets out ways of safeguarding it.

The Unesco Plan of Action for the World Decade for Cultural Development provides an opportunity to put into effect the proposals contained in this international instrument through action of real significance for all the peoples of the world.

The time has come to take decisions and to undertake specific activities so that the socially cohesive force of folklore, its potential for communication, its emphasis on spiritual allegiance and its unsurpassable cultural representativity may provide incentives, paths and goals for achieving the unity of humankind throughout the world.

FINLAND

Finnish authorities find the draft Recommendation concerning the safeguarding of folklore exceptionally well considered and executed. The identification, preservation, conservation, and use of folklore are treated exhaustively from various viewpoints.

The basis for the draft recommendation is perhaps, on the one hand, the experience of countries such as Finland which have long utilized their cultural heritage, and on the other hand the experience of developing countries in dealing with the problems of preserving their traditions and identity. The starting points may be different, but the objective is the same: the appreciation and conservation of the national heritage. In developing countries, the primary interest is the ancient, perhaps disappearing traditions, upon which a new national awareness is being built. In industrialized countries, the identification of new and in many ways rapidly changing cultural values is in itself a problem.

Definition of folklore

Clearly, any definition of folklore in such a broad context must be approximate, as it must, in principle, cover all the cultures in the world. For example, in the discussion of dissemination, it is assumed that folklore may be disseminated by a variety of media. This does not, however, mean the supranational media concept, which in fact is presented as the exact opposite of the folklore to be safeguarded. Similarly, it is worth considering what exactly is meant in the recommendation by external threats to folklore. The identification of these is of primary importance in selecting subjects for conservation.

Identification of folklore

For us in Finland, where the conservation and study of folklore have long traditions and well established working methods, the implementation of the recommendations would cause little extra work.

The most extensive new tasks would be the development of a register of institutions associated with oral, non-material folklore, the standardization of the registering and classification systems, and the creation of typologies. These tasks require co-operation and co-ordination on the part of other interested parties.

Conservation of folklore

The measures described in section C are particularly urgent from the point of view of the disappearing folklore heritage in the developing countries. The same principles may be applied in the documentation of modern popular culture.

As the recommendation deals mainly with the conservation of folklore, it barely touches on the question of training for researchers, although this is, in many ways, closely connected with the problem of folklore conservation. Without expert knowledge, the identification and conservation of folklore is difficult, if not impossible. Only research and study can reveal concealed influences, both favourable and negative, which are essential to the conservation and the use of folklore.

Folklore archives are important in the training of researchers. Little was said in the recommendations about the obligations of central archives. It

is understandable that the recommendations could not go into archive systems or their standardization in great detail, but it should nevertheless be stressed that the planning of archives is vital from the very beginning of folklore conservation work.

Preservation of folklore

The recommendations concerning the preservation of folklore are very useful. However, we must point out that in the case of Finland it is hardly necessary to set up a separate national folklore council.

Dissemination of folklore

In the introduction to section E, it is said that any caricature or distortion of folklore should be avoided. In interpreting this section, it must be borne in mind that the preservation of a living tradition demands the continual reassessment of the tradition. New interpretations of a work of folklore are often considered insulting when they first appear. If this statement is retained in the recommendations, it would be worth calling attention to the question of interpretation in an explanatory note.

Use of folklore

The draft raises the question of intellectual property rights in the use of folklore in connection with the work of Unesco and WIPO. Unesco is currently preparing a recommendation on the safeguarding of works in the public domain. Apart from the question of intellectual property rights per se, it is unclear exactly what is meant by the protection of intellectual property rights in connection with the informant as the transmitter of tradition.

The draft recommendation contains a number of directions which could be used to prevent abuse, and discusses the right of archives to monitor the use of folklore materials. For comparison it may be worth mentioning that the Finnish Ministry of Education has the power, given in clause fifty-three of the Law on Copyright, to forbid, in the interests of public education, action that insults a work after the death of its author, even when the copyright has lapsed or did not exist. This gives the Ministry the power to act against vandalism to national traditions in gross cases. The ban may be contested in a court of appeal.

Freedom of speech demands the opportunity to use folklore as the user sees fit. Where copyright applies, the user must take into account the moral and financial rights of the author. The above-mentioned draft recommendation on works in the public domain is successful in establishing the balance between the integrity of works and the freedom of expression. There is no good reason for further limiting a user's freedom to alter and reinterpret folklore. In this respect, the right of archives to supervise the use of material in the archives appears to go too far.

International co-operation

The principles of international co-operation are, for the most part, commendable. However, we would like to point out that the draft cites communities as one holder of rights, not only financial and moral rights but also some close to copyright. According to Finnish legislation, a community as such cannot own its folklore in the sense of intellectual property.

In the same section, it is said that these rights can be acquired by, for example, investigation of folklore or by its dissemination. Please note that

according to international copyright doctrine, a researcher does not own the results of his research; he only has copyright over his written and other works which are based on the research. The author and presenter of a work enjoy protection; dissemination as such does not entitle one to rights over a work.

GERMAN DEMOCRATIC REPUBLIC

Comments of the Government of the German Democratic Republic on the preliminary report (document CC/MD/4) and on the preliminary draft Recommendation on the safeguarding of folklore

The drafts are the outcome of the deliberations conducted so far, including those of the committee of experts, and of the pertinent resolutions adopted by the twenty-fourth session of the General Conference. The German Democratic Republic once again confirms in this place that the instrument on the protection of folklore should be a recommendation to Member States.

In detail, we should like to make the following observations:

Draft recommendation, Chapter B (Identification of folklore) and preliminary report, paragraph 35:

It is rightly pointed out that the problem is a very complicated one. From the German Democratic Republic's point of view, it will hardly be possible to work out unitary regional classifications of folklore which may be accepted by all Member States. The scale of the preliminary work done and of the experience gained in this field is not yet sufficient. In order to reach consensus on the draft recommendation, it would be desirable to find a more reserved formulation with a view to guaranteeing the adoption of the draft recommendation at the twenty-fifth session of the General Conference.

Draft recommendation, Chapters C and D (Conservation of folklore and Preservation of folklore) and preliminary report, paragraphs 36-38:

The problem of conserving and preserving folklore is considered too much in abstraction; there is no clear reference of this objective to the specific situation in the developing countries. We propose - also with regard to the aims of the World Decade for Cultural Development - that these formulations should be made more specific, paying greater attention to the needs of the developing countries.

The German Democratic Republic is prepared to continue to make an active contribution to the finalization of a draft recommendation to Member States on the safeguarding of folklore.

GERMANY (FEDERAL REPUBLIC OF)

The Government of the Federal Republic of Germany maintains the view expressed at the twenty-fourth session of the General Conference of Unesco in 1987 that an international instrument for the safeguarding of folklore can be dispensed with.

1. As far as objects still under copyright are concerned, folkloristic creations such as popular music, folk dance, popular fairy tales, national costumes and arts and crafts already enjoy far-reaching protection under national and international legislation. Should a country deem that protection inadequate it is free to extend it by law according to national requirements.

2. In our opinion legal protection reaching beyond copyright does not seem necessary, since it would run counter to our concept of copyright as being part of civil law and limited in time. Objects of literature, science and art must - after an adequate period to protect the interests of the author and his heirs - become freely accessible to mankind. This applies especially to folklore. Objects that are part of a nation's cultural heritage must after expiration of copyright, be generally available for dissemination and reproduction. This appears to be the most effective means of preserving and disseminating cultural heritage. Thus, the Federal Republic of Germany attaches great importance to the fact that, once copyright has expired, its citizens and others have free access to works of art in order to preserve the national cultural heritage. This is why many nations and the great international conventions recognize the principle of copyright limited in time.

Unlimited protective regulations exceeding existing copyright would also imply that only the public authorities could protect those rights, that the rights would no longer rest with authors or their heirs.

3. Furthermore, measures proposed in the Recommendation for the safeguarding of folklore are aimed at the registration, recording and dissemination of folklore. This is no longer a question of protecting an author's personal and intellectual relations with his work but of protecting cultural interests in general. Thus copyright is not involved. Such protection can at best be achieved through regulations similar to those for the preservation of ancient monuments.

4. The public promotion of folklore with the aid of a standard typology would require immense efforts and promise little in the way of results. It would seem more appropriate to strengthen the financial base of existing institutions, especially in the Third World.

Moreover, spontaneity of traditional manifestations might be jeopardized rather than enhanced by increased public control because existing situations would eventually be defined as 'authentic' and living popular culture would be put in leading-strings, of which there are examples all over the world.

5. Another risk is that Western scientists and museums, especially ethnological museums, could find their research drastically limited by a recommendation which itself is based on an imprecise definition of 'folklore'.

The draft recommendation contains several definitions none of which is fully satisfactory and scientifically tenable and which do not apply to industrialized countries. But the recommendation should cover them as well. For instance, one definition describes folklore as 'traditional and popular folk culture', 'a group-orientated and traditional-based creation of groups or individuals reflecting the expectations of the community as an adequate expression of its cultural and social identity'. Another says that folklore 'contains everything a people provides itself with in order to constitute its existential basis'. Other attempts at definition show that there is no full agreement as to the object to be protected. It seems as if reference is being made to traditional, pre-colonial cultural manifestations of peoples and minorities in the so-called Third and Fourth World that are exempt from technical influences, although this is not clearly stated.

INDIA

I have the honour to refer to your letter No. CL/3121 dated 1 June 1988 on the subject mentioned above and to convey our support for the draft Recommendation concerning the safeguarding of folklore.

IRAQ¹

FIRST DRAFT OF A RECOMMENDATION TO MEMBER STATES
ON THE SAFEGUARDING OF FOLKLORE

Suggested amendments

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

Considering that folklore is a powerful means of bringing together different peoples and social groups and of asserting national and cultural identity,

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

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

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

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

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

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

Adopts the present Recommendation this 1989:

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

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

1. These comments are an addendum to those contained in document CC/MD/8.

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

A. Definition of folklore

For purposes of this Recommendation:

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

B. Identification of folklore

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

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

C. Conservation and documentation of folklore

Conservation is concerned with documentation regarding folk traditions and its object is, in the event of the non-utilization or development of such traditions, to give researchers and tradition-bearers access to data enabling them to understand the process through which they evolve and change. While living folklore, owing to its evolving character, cannot always be directly protected, folklore that has been fixed in a tangible form should be effectively protected.

To this end, Member States should:

- (a) establish national archives where collected folklore can be properly selected and made available for controlled use;

- (b) establish a central national archive function for service purposes (central cataloguing, dissemination of information on folklore materials and standards of folklore work including the aspect of safeguarding);
- (c) create museums or folklore sections at existing museums including open-air folk museums where folklore can be exhibited;
- (d) standardize archiving methods;
- (e) train collectors, archivists, documentalists and other specialists in the conservation of folklore, from physical conservation to analytic work;
- (f) provide means for making security and working copies of all folklore materials, and copies for regional institutions of materials collected in that region.

D. Preservation of folklore

Preservation is concerned with protection of folk traditions, having regard to the fact that the people have a right to their own culture and that their belief in that culture is often eroded by the impact of the industrialized culture purveyed by the mass media. Measures must be taken to guarantee the status of and economic support for folk traditions both in the communities which produce them and beyond. To this end, Member States should:

- (a) design and introduce into both formal and out-of-school curricula the teaching and study of folklore in an appropriate manner, taking into account not only village and other rural cultures but also those created in urban areas by diverse social groups, professions, institutions, etc., and thus promoting a better understanding of cultural diversity and different world views, especially those not reflected in dominant cultures;
- (b) guarantee the right of access of various ethnic and other social groups and national communities to their own folklore by supporting their work in the fields of documentation, archiving, research, etc., as well as in the practice of traditions;
- (c) set up on an interdisciplinary basis a National Folklore Council or similar co-ordinating body in which various interest groups will be represented;
- (d) support individuals and institutions holding items of folklore, for example by creating lists of collectors and informants;
- (e) support tradition-bearers through material and moral assistance and provide appropriate means for protecting and preserving their role.

E. Dissemination of folklore

The attention of people should be drawn to the importance of folklore as an ingredient of cultural identity, and as a source of shared cultural roots and of self-confidence in meeting challenges. It is essential for the items that make up this cultural heritage to be widely disseminated so that the value of folklore and the need to preserve it can be recognized. However, any caricature or distortion during dissemination should be avoided so that the integrity of the traditions can be safeguarded. To promote such dissemination, Member States should:

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

F. Use of folklore

In so far as folklore constitutes manifestations of intellectual creativity, it deserves to be protected in a manner inspired by the protection provided for intellectual productions. Such protection of folklore has become indispensable as a means of promoting wide development, maintenance and dissemination of those expressions, both within and outside the country, without prejudice to related legitimate interests.

Leaving aside the 'intellectual property aspects' of the protection of expressions of folklore, there are various categories of rights which are already protected and should continue to enjoy protection in the future in folklore documentation centres and archives. To this end, Member States should:

- (a) regarding the 'intellectual property' aspects:
 - call the attention of relevant authorities to the important work of Unesco and WIPO in relation to intellectual property, while recognizing that this work relates to only one aspect of folklore protection and that the need for separate action in a range of areas to safeguard folklore is urgent;
- (b) regarding the other rights involved:
 - (i) protect the informant as the transmitter of tradition;
 - (ii) ensure that the materials gathered are conserved in archives in good condition and in a methodical manner;

- (iii) adopt the necessary measures to safeguard the materials gathered against misuse, whether intentional or otherwise, by official or non-official bodies;
- (iv) recognize the right of archives to monitor the use made of the materials gathered.

G. International co-operation

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

- (a) co-operate with international and regional associations, institutions and organizations concerned with folklore;
- (b) co-operate in the field of knowledge, dissemination and protection of folklore, in particular through exchanges of information of every kind, exchanges of scientific and technical publications, the training of specialists, the award of travel grants, the sending of scientific and technical personnel and equipment, the organization of meetings between specialists, of study courses and of working groups on particular subjects, especially on the classifying and cataloguing of folklore data and expressions;
- (c) co-operate closely so as to ensure internationally that the various interested parties (communities or natural or legal persons) enjoy the economic, moral and so-called neighbouring rights resulting from the investigation, creation, composition, performance, recording and/or dissemination of folklore.

NORWAY¹

...

Considering that folklore constitutes an important part of the cultural identity of a people, its protection will be an important task for any society. The increased cultural exchanges we experience today make it particularly important that traditions rooted in the local environment be preserved. Because a cultural identity is made up of these traditions, they will explain differences in cultural outlook and contribute to the understanding of other cultures. It is therefore important to strengthen international co-operation, as suggested in the last paragraph of the preliminary draft recommendation.

Concerning the preservation and safeguarding of folklore it is, however, important to distinguish between safeguarding and stagnation. The folk traditions constitute an integral part of society, the various cultural expressions reflect at any given time the changing social conditions. These traditions may be regarded as a process. Knowledge of this process and of the cultural pattern of the past will be as important as the preservation of isolated cultural manifestations.

1. Under cover of a letter dated 10 October 1988 the Royal Ministry of Cultural and Scientific Affairs forwarded the comments of the University of Bergen. Those comments were published in document CC/MD/8.

The draft resolution seems to stress archiving rather than upkeep of folklore. To express folk traditions in today's applied or performing arts might be an important aspect of the protection of folklore. Successful safeguarding is dependent on co-operation between researchers and performers. The longstanding co-operation between those two groups in the Nordic countries constitutes an important contribution to international safeguarding of folklore. In this connection one ought to consider whether the word 'controlled' in paragraph C(a) of the draft recommendation should be omitted, as a concession to the balance and co-operation between researchers and consumers.

We should like to support the proposal concerning specific measures in the field of information media. Furthermore, it is important that schools more strongly emphasize the teaching of folklore.

The questions of property related to folklore will be followed up by the Ministry of Cultural and Scientific Affairs and the Ministry of Justice. We therefore accept the text of the draft recommendation on this point.

SWEDEN

...

We think that Unesco has made a commendable initiative by proposing an international instrument in order to make the Member States aware of the value of folklore as defined in the introduction and to urge its safeguarding, conservation and dissemination, new communication media being a threat but also a possible resource.

In Sweden, since the midst of the last century, scholars and amateurs have made great efforts to document and register folklore and folk culture in multiple ways. These systematic reports and collections later formed the basis and contents of the Nordiska museet and Skansen - the first open-air museum - as well as chairs and departments at university level. One of the aims of cultural policy today, as expressed on a local, regional or national level, is to support a vital popular culture as well as its conservation by documenting and recording its expressions and variations.

We consider that an international instrument on the safeguarding of folklore should have the status of a recommendation, not a convention, since the provisions made in the draft to be studied, are not always sufficiently analysed as to allow the stronger regulations of a convention.

Viewpoints on the text of the first draft

It is always difficult to define 'folklore' in a sense that makes it precise without narrowing its scope.

We suggest that the definition (A) should be broadened by rewording the main paragraph as follows: '... reflecting the ideas, sets of value and expectations of the community ...'.

There is also a tendency to connect the sphere of folklore to the sphere of the intellectual copyright when it comes to the use of folklore. This is not quite necessary, since already in the Berne Convention on the protection of literary and artistic works, there is a regulation concerning folklore. Article 15.4 of the Berne Convention offers a possibility to Member States to protect, by copyright, such works whose authors are anonymous.

Thus an authority of the respective State can be imposed the protection of such rights. The World Intellectual Property Union (WIPO) has also presented a 'model law' related to 15.4 and with respect to the protection of folklore.¹

But the Berne Convention does not automatically imply that all folklore will benefit from protection by means of copyright.

In this first draft of a recommendation, folklore is mainly described as an off-spring of a collective, a group of people, which implies that it is always due to changes. These dynamic and complex ways of cultural expressions do not easily fit in with the rules and regulations of the 'intellectual right of possession'.

There is a distinction between, on the one hand, the intellectual right of possession related to form (copyright) or content (patent right) and, on the other hand, the right of protection that is due to folklore.

Consequently we would like to propose that the reference to 'intellectual property' in the first paragraph (B) be omitted and read like: 'Folklore must be safeguarded, ...'.

The provisions under C, D and E do not give rise to any objections. In connection with E, however, the difficulty to tell the difference between a distortion of folklore from a successive change could be discussed.

When it comes to as flexible and adaptable a phenomenon as oral tradition - or music - it is often hard to distinguish the border-lines between caricatures and other variations that could be accepted out of context from real distortions that ought to be condemned.

By these comments we would just like to notify that the difference between authenticity and distortion is not made quite evident in paragraph E.

Our opinion is that the first part of paragraph F should be omitted. Again there is a reference to 'intellectual property' that has already been commented on under paragraph B. Alternatively paragraph F could consider those individual works within the realm of folklore to which a traditional protection by copyright could be applied.

The regulation under F, paragraph (b)(i) might be omitted. When mentioning rights and protection of the informant and the transmitter of tradition there is no explanation made of the kind of right and protection in view. It is not obvious whether it is the right to be anonymous or whether it is the right to be presented and protected in one's own name as a 'creator of folklore'. Without a clearer analysis of these questions a recommendation could not be made in this respect.

Likewise we feel that the provision under (b)(iv) would have to be made more clear before it can be adopted. This provision concerning the recognition of the rights of archives and other institutions to monitor the use made of the materials gathered and collected can be for the good or the negative. We think that public access to archives, museums and libraries should be stated as well.

1. Model provisions for national laws on the protection of expressions of folklore against illicit exploitation and other prejudicial actions were drawn up by a committee of governmental experts convened jointly by Unesco and WIPO in 1982.

No comments are made under G which as a final statement is a very positive admonition to international exchange to further all aspects of folklore, that we also want to support.

TURKEY

...

The text of the paragraph D on page 13, under the headline 'Preservation of Folklore' which stipulates as:

'guarantee the right of access of various ethnic and other social groups and national communities to their own folklore by supporting their work in the fields of documentation, archiving, research, etc., as well as in the practice of traditions;'

should be replaced with the following version:

'guarantee the right of access of national minorities to their own folklore by supporting their work in the fields of documentation, archiving, research, etc., as well as in the practice of traditions;'

UNION OF SOVIET SOCIALIST REPUBLICS

...

In our opinion, the document in question, prepared at the meeting of the Committee of Governmental Experts held from 1 to 5 June 1987, can be taken without hesitation as a basis when drawing up a draft recommendation in accordance with the resolutions adopted by the General Conference at its twenty-fourth session. VAAP (Copyright Agency of the USSR) considers that the adoption of a recommendation on such an important matter as the safeguarding and preservation of folklore will promote the national development and proper use of folklore and encourage international co-operation. Separate proposals to hand of an editorial nature will be put forward by the representative of the USSR at the meeting of the Committee of Governmental Experts to be held in April 1989.