

# The Final Text of the Recommendation for the Safeguarding of Folklore

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# The Final Text of the Recommendation for the Safeguarding of Folklore

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When a recommendation is about to be passed by the Unesco General Conference, the last round of preparations provides for commentaries by Member States. The text prepared by previous committees of governmental experts was sent to Member States on June 1, 1988 and replies were due in December. By the time the last Special Committee of Governmental Experts on the Safeguarding of Folklore convened in Paris on April 24-28, 1989 to integrate the commentaries and last-minute observations into the draft text, 31 states had replied. Most of them were represented on the Special Committee itself. Delegates were sent to the Paris meeting by the following 48 Member States of Unesco: Algeria, Angola, Argentina, Bahrain, Bangladesh, Belgium, Benin, Brazil, Burkina Faso, Burundi, the Byelorussian Soviet Socialist Republic, Canada, Chile, China, Columbia, Costa Rica, Côte d'Ivoire, Egypt, Ecuador, the Federal Republic of Germany, Finland, France, the German Democratic Republic, Greece, Guinea, Hungary, India, Italy, Jordan, Kuwait, Mexico, Nigeria, Norway, Oman, Pakistan, Panama, Peru, the Philippines, Portugal, Sweden, the Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Venezuela. One associate member (Aruba) and three observing states (the United Kingdom, the Holy See and Palestine) were also present, and 9 international organisations sent observers. The Member States that had not sent a delegation but had responded by sending their replies were Cameroon, El Salvador, Gambia, Haiti, Iraq, Niger, Qatar and Spain. A clear interest in the recommendation was thus expressed by 56 Member States of Unesco, which well corresponds to the level reached at numerous previous inquiries and meetings.

As was to be expected at this late stage of the long-drawn process, unanimity was not difficult to achieve. Most of the countries expressed their satisfaction with the draft text, and practically all saw

the safeguarding of folklore as a timely and important initiative. In the discussions differences and nuances of opinion on minor points made the meeting worthwhile, but much of the time was devoted to linguistic details and observed differences between the translations of the recommendation into the five official languages of Unesco. Among the eternal topics for debate were the definition of folklore, the difficulty of striking a good balance between encouragement and prohibitive measures in folklore work, the problematic nature of copyright if applied to folklore, the need for standardization and the fear of bad bureaucracy. But similar risks have been faced in many other cultural fields, and there is no way of guaranteeing with a recommendation text its perfect implementation. The historical and developmental situation of each Member State will provide the framework for implementation, the solutions will be many and vastly different, as they must be with countries ranging from a developing nation hoping to utilise folklore in its construction of the future to a high-technology nation viewing folklore mainly as a thing of the past. This is why the advice must be varied and flexible. Interestingly enough, there are areas where international cooperation is of importance to all, such as the training of scholars and archive personnel, the creation of classification systems, and standards of fieldwork and archiving. The willingness to engage in bilateral and multilateral training projects and international exchange in general was amply testified at the meeting.

It is customary for political problems of great topicality to throw a shadow over meetings of this nature. This time it was the resentment of Arab States at what is happening to the Palestinians which created brief moments of tension. Sympathetic understanding and politicizing a recommendation text are two different things, and with some diplomacy the committee was able to steer the boat into clear waters without committing itself to actual statements on political conflicts. The incident probably diverted attention from the long-term political problem in folklore work, namely that folklore may be used both for the construction of a national unity and for the enhancement of an ethnic or minority identity. As has been emphasized in the process, both cases lend importance to an objective assessment of values and counter-values often conflicting in the continuing negotiation and definition of identities. The task of safeguarding policies will, among other things, be to remind of the rights of various minor and often less powerful communities to exist and express themselves culturally, through folklore and by other means, even in cases unacceptable to the political leadership. A degree of authenticity may be required in

the use of folklore symbols for the expression of national or regional identities.

The main concern of the recommendation is, however, the creation of an adequate infrastructure for folklore work and preservation, an infrastructure which will allow for the recycling of folklore both inside and outside its original context, thus permitting larger numbers of people to become shareholders in values inherent in folklore. These values become most enjoyable in an atmosphere of international exchange. Internationality provides for ethical codes and checks against parochial or over-nationalistic attitudes. The Unesco platform may be the best place to establish a reminder of the fact that folklore is a part of culture, in some cases perhaps *the* culture, and that the World Decade for Cultural Development belongs to all and also covers hitherto neglected areas and dimensions of human creativity. If folklore is increasingly the gift of peoples to each other, it should be allowed to flourish where it is dynamic, and to be remembered, maybe even revived, in contexts that may not be the most original but which lend it new and fuller meaning.

If the General Conference of Unesco in 1989 so wishes, the following recommendation will be adopted:

### **Draft Recommendation to Member States on the Safeguarding of Folklore**

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from . . . October to . . . November 1989 at its twenty-fifth session,  
*Considering* that folklore forms part of the universal heritage of humanity and that it is a powerful means of bringing together different peoples and social groups and of asserting their cultural identity,  
*Noting* its social, economic, cultural, and political importance, its role in the history of the people, and its place in contemporary culture,  
*Underlining* the specific nature and importance of folklore as an integral part of cultural heritage and living culture,  
*Recognizing* the extreme fragility of the traditional forms of folklore, particularly those aspects relating to oral tradition and the risk that they might be lost,  
*Stressing* the need in all countries for recognition of the role of folklore and the danger it faces from multiple factors,  
*Judging* that the governments should play a decisive role in the safeguarding of folklore and that they should act as quickly as possible,  
*Having decided*, at its twenty-fourth session, that the safeguarding of folklore should be the subject of a recommendation to Member States

within the meaning of Article IV, paragraph 4, of the Constitution, *Adopts* the present Recommendation this . . . 1989:

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

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

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

#### A. DEFINITION OF FOLKLORE

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

#### B. IDENTIFICATION OF FOLKLORE

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

- a) develop a national inventory of institutions concerned with folklore with a view to its inclusion in regional and global registers of folklore institutions;

- b) create identification and recording systems (collection, cataloguing, transcription) or develop those that already exist by way of handbooks, collecting guides, model catalogues, etc., in view of the need to co-ordinate the classification systems used by different institutions;
- c) 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 evolution of such traditions, to give researchers and tradition-bearers access to data enabling them to understand the process through which tradition changes. While living folklore, owing to its evolving character, cannot always be directly protected, folklore that has been fixed in a tangible form should be effectively protected.

To this end, Member States should:

- a) establish national archives where collected folklore can be properly stored and made available;
- b) establish a central national archive function for service purposes (central cataloguing, dissemination of information on folklore materials and standards of folklore work including the aspect of safeguarding);
- c) create museums or folklore sections at existing museums where traditional and popular culture can be exhibited;
- d) give precedence to ways of presenting traditional and popular cultures that emphasize the living or past aspects of those cultures (showing their surroundings, ways of life and the works, skills and techniques they have produced);
- e) harmonize collecting and archiving methods;
- f) train collectors, archivists, documentalists and other specialists in the conservation of folklore, from physical conservation to analytic work;
- g) provide means for making security and working copies of all folklore materials, and copies for regional institutions, thus securing the cultural community an access to the materials.

#### D. PRESERVATION OF FOLKLORE

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

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

#### E. DISSEMINATION OF FOLKLORE

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

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

#### F. PROTECTION OF FOLKLORE

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

Leaving aside the 'intellectual property aspects' of the protection of expressions of folklore, there are various categories of rights



which are already protected and should continue to enjoy protection in the future in folklore documentation centres and archives. To this end, Member States should:

- a) *regarding the 'intellectual property' aspects*: call the attention of relevant authorities to the important work of Unesco and WIPO in relation to intellectual property, while recognizing that this work relates to only one aspect of folklore protection and that the need for separate action in a range of areas to safeguard folklore is urgent;
- b) *regarding the other rights involved*:
  - (i) protect the informant as the transmitter of tradition (protection of privacy and confidentiality);
  - (ii) protect the interest of the collector by ensuring that the materials gathered are conserved in archives in good condition and in a methodical manner;
  - (iii) adopt the necessary measures to safeguard the materials gathered against misuse, whether intentional or otherwise;
  - (iv) recognize the responsibility of archives to monitor the use made of the materials gathered.

## G. INTERNATIONAL CO-OPERATION

In view of the need to intensify cultural co-operation and exchanges, in particular through the pooling of human and material resources, in order to carry out folklore development and revitalization programmes as well as research made by specialists who are the nationals of one Member State on the territory of another Member State, Member States should:

- a) co-operate with international and regional associations, institutions and organizations concerned with folklore;
- b) co-operate in the field of knowledge, dissemination and protection of folklore, in particular through:
  - (i) exchanges of information of every kind, exchanges of scientific and technical publications;
  - (ii) training of specialists, awarding of travel grants, sending of scientific and technical personnel and equipment;
  - (iii) the promotion of bilateral or multilateral projects in the field of the documentation of contemporary folklore;

- (iv) the organization of meetings between specialists, of study courses and of working groups on particular subjects, especially on the classifying and cataloguing of folklore data and expressions and on modern methods and techniques in research;
- c) co-operate closely so as to ensure internationally that the various interested parties (communities or natural or legal persons) enjoy the economic, moral and so-called neighbouring rights resulting from the investigation, creation, composition, performance, recording and/or dissemination of folklore;
- d) guarantee Member States on whose territory research has been carried out the right to obtain from the Member State concerned, copies of all documents, recordings, video-films and other material;
- e) refrain from acts likely to damage folklore materials or to diminish their values or impede their dissemination or use, whether these materials are to be found on their own territory or on the territory of other States;
- f) take necessary measures to safeguard folklore against all human and natural dangers to which it is exposed, including the risks deriving from armed conflicts, occupation of territories or an[y] other public disorders.

## A FOOTNOTE

The present text arose out of the concluding session of the Special Committee in Paris on April 28, 1989. The final report has not yet been mailed by Unesco and the text may contain some minor editorial changes.

For anyone interested in the differences between the present and the previous version, let it be known that the changes and additions were minimal. They include: "Considering that folklore forms part of the universal heritage of humanity..." (added to the preamble), Member States are asked to encourage folklore institutions to create "contacts with appropriate international organisations dealing with the safeguarding of folklore" (in the preamble), a partial reformulation of the definition of folklore ("the totality of tradition-based creations of a cultural community" inspired by France), an encouragement to conduct "appropriate survey research on national, regional and international levels" (under Identification of folklore), the deletion of the words "for controlled use" (under Conservation a), "including open-air folk museums" (under Conservation c) and "by

creating lists of collectors and informants" (under Preservation d). Most important additions: para (d) under Conservation, the words "thus securing the cultural community an access to the materials" (under Conservation g), "those who are the transmitters" (preamble under Preservation), "laying particular emphasis on respect for folklore in the widest sense of the word" (Preservation a), the reformulation of (d) and the addition of (e) under Preservation. Under Dissemination (b) "press, publishing" were added as well as the important new para (g): "encourage the international scientific community to adopt a code of ethics ensuring a proper approach to and respect for traditional cultures."

"Use of folklore" was changed to "Protection of folklore," thus placing emphasis on the legal aspects. When folklore as a manifestation of intellectual creativity (preamble under Protection) was specified with "whether it be individual or collective," protests were raised by delegates well-versed in copyright legislation where collective rights are unknown, but they remained in the minority. The protection of the informant was clarified to concern "privacy and confidentiality" (Protection b:i) and the "right" of archives to monitor the use of materials gathered was changed to "responsibility" (Protection b:iv).

This kind of re-editing may at times convey important modifications of basic views. This was especially apparent in the concluding chapter on International co-operation. The relations between researchers from different countries came to the fore, causing in the preamble the addition "as well as research made by specialists who are the nationals of one Member State on the territory of another Member State" and a new para (d). The importance of "the promotion of bilateral and multilateral projects in the field of documentation of contemporary folklore" was, however, recognised (under International b:iii) as well as the desirability of training in "modern methods and techniques in research" (International b:iv). The reciprocity of the safeguarding of folklore in international terms was emphasised in a new para (e) which may well be considered the seed of a truly international policy. The final new para (f) under International co-operation was discussed at length and situations of war and occupation were counterbalanced by other public disorders and natural catastrophes, thus averting a narrow political interpretation.

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