

Action Plan

Appendix 7 of the Final Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We recommend that UNESCO:

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

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

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