

Høyrings svar frå Rådet for folkemusikk og folkedans:

UNESCO. Utkast til konvensjon for å verne og fremje eit mangfald av kulturuttrykk

The Norwegian Council for Traditional Music and Dance supports the idea of a Convention on the protection of the diversity of cultural contents and artistic expressions. We appreciate the fundamental approach in the convention draft, which places human rights and freedom of thought, expression and information as a basis for equal rights to the cultural expressions of mankind.

As the convention draft has a very broad scope, we fear that it will suffer from lack of focus. Cultural expressions brought forward within or with the aid of global, commercial organisations, hardly need support of such conventions. On the other hand, while stating the equalness of all cultural expressions, the convention necessarily points toward stronger instruments to protect vulnerable cultural expressions. Traditional artistic cultural practises of the past lack institutional and educational support in many countries, (Europe included). They are probably dependant upon international conventions and instruments for their survival. If the knowledge of such practices are safeguarded and kept alive, they can surface and inspire mainstream culture in many ways at given moments.

Traditional music and dance cultures, in our context often referred to as folk music and folk dance, have been and are still open to exploitation. While all copyright legislation has focused on the individual creators rights, traditional culture is owned by groups collectively. Therefore, traditional cultural expressions have been interpreted as public domain, and thus free for exploitation. The collective ownership of the traditional, popular artist and his society are denied copyright for the reinterpretation of artistic material. This leads to practices varying from pockets theft in some societies to piracy in vulnerable societies.

We suggest that:

1. Instruments to be enforced as a result of the convention, should have a strong emphasis on following up article 8 (protection of vulnerable forms of cultural expressions).
2. Of the 2 options presented for article 19 (relationships to other instruments), option A is preferred.
3. UNESCO must cooperate further with the World Trade Organisation and the World Intellectual Property Organisation to ensure a development of copyright legislation towards protection of collective traditional cultural expressions, and economical exploitation possibilities for the societies owning this material.