



UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION



WORLD INTELLECTUAL
PROPERTY ORGANIZATION

WIPO-UNESCO REGIONAL CONSULTATION ON THE PROTECTION OF EXPRESSIONS OF FOLKLORE FOR ARAB COUNTRIES

organized by
the World Intellectual Property Organization (WIPO)

in cooperation with
the United Nations Educational, Scientific and Cultural Organization (UNESCO),

with the assistance of
the Government of Tunisia

Tunis, 25 to 27 May, 1999

RECOMMENDATIONS

The World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) organized from May 25 to 27, 1999 in Tunis, the Regional Consultation for Arab Countries on the Protection of Expressions of Folklore, in cooperation with the Ministry of Culture of the Republic of Tunisia.

The meeting was opened by Dr. Abdul Baki El Harmassi, Minister of Culture of the Republic of Tunisia, Mr. Salah Abada, Chief of the Creativity and Copyright Section and representative of Dr. Frederico Mayor, the Director General of UNESCO, and Mr. Richard Owens, Director of the Global Intellectual Property Issues Division, and representative of Dr. Kamil Idris, the Director General of WIPO.

Delegations from Algeria, the National Palestinian Authority, Egypt, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, the Sultanate of Oman, the Sudan, Tunisia and Yemen

participated in the meeting and presented reports on their countries' experience in respect of the protection of the expressions of folklore.

Lecturers from Egypt, Jordan, the Sultanate of Oman, Tunisia and the Folklore Center of the Arab Gulf Countries attended the meeting.

The introductory speeches on the protection of expressions of folklore were presented by UNESCO and WIPO and followed by other lectures. The participants took note of the experience of various delegations. Following constructive and serious discussions, the meeting made the observations and recommendations below:

I. Observations

1. Arab countries are rich of one of the most precious cultural and civilizational heritage in the world which constitutes an important pillar for human civilization and an integral part of the world patrimony.
2. Arab folklore (Arab popular heritage) is a strong means of bringing together the Arab peoples. However, this common aspect does not exclude, nor does it diminish, the importance of the local variations specific to each people.
3. Arab folklore (Arab popular heritage) and traditional knowledge are subject to various dangers, including negligence, disappearance, piracy, mutilation and illegal exploitation.
4. Arab folklore (Arab popular heritage) and traditional knowledge are intellectual property resources important to Arab countries in particular and developing countries in general. Therefore, there is a need for a thorough study as well as the provision of legal protection at national, regional and international levels.
5. WIPO and UNESCO devote all the necessary efforts to set the appropriate legal framework for the protection and preservation of expressions of folklore.
6. Currently, there is not a legal framework for the protection of expressions of folklore at both national and international levels.
7. The protection of expressions of folklore at the national level is important. The meeting considers that the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illegal Exploitation and Other Prejudicial Actions developed by UNESCO and WIPO in 1982 for the protection of expressions of folklore, are a relevant groundwork for protection, preservation, and conservation.
8. The collection, documentation, conservation and dissemination of expressions of folklore are necessary to ensure the means of protection.
9. UNESCO and WIPO have the capacity, through their programs, to provide assistance to Arab and developing countries.

II. Recommendations

(a) to Arab Countries:

1. Arab countries should create specialized institutions or centers as a national and cultural necessity for the collection, classification, conservation, documentation and dissemination of folklore (Arab popular heritage) and develop a specialized environment.
2. Arab countries should include among their priorities working together on their national legislation for the provision of measures aiming at the protection of expressions of folklore. Such protection would have positive implications on development and economy.
3. Each Arab country should prepare an open list of expressions of folklore and traditional knowledge the preservation and protection of which are considered necessary.
4. Arab countries should rely, when reviewing and amending their legislation, on the Model Provisions set out by UNESCO and WIPO concerning the protection of expressions of folklore as adapted to recent developments in the field.

(b) to International Organizations:

The meeting calls upon WIPO, UNESCO and the specialized international organizations to intensify their efforts in order to provide greater assistance to Arab countries in particular, and developing countries in general by:

1. providing technical and legal cooperation to Arab countries;
2. providing training to officers in the field of collection, classification, conservation, documentation and dissemination of expressions of folklore;
3. providing technical equipment and material support;
4. Assisting Arab countries in the creation of national centers specialized in the conservation of expressions of folklore, strengthening such existing centers and creating a pilot regional center for the conservation, documentation and promotion of expressions of folklore by granting the expected protection and training of officers responsible for its management;
5. elaborating an international convention on the protection of expressions of folklore;
6. establishing a Standing Committee on Expressions of Folklore and Traditional Knowledge in both WIPO and UNESCO.

III. Conclusion

The participants in the meeting expressed their grateful thanks and appreciation to the Tunisian Government represented by the Ministry of Culture and the Tunisian Institute for the Protection of Copyright. Their hospitality and organization contributed to the success of the meeting.

They also thanked WIPO and UNESCO for their ongoing efforts for the benefit of Arab countries in particular and developing countries in general.

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