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**WORLD CONGRESS ON
THE IMPLEMENTATION OF THE RECOMMENDATION
CONCERNING THE STATUS OF THE ARTIST**

**organized
by the United Nations Educational,
Scientific and Cultural Organization**

**in co-operation
with the French Ministry of Culture and Communication
and the French National Commission for UNESCO**

**and with the collaboration
of the Getty Conservation Institute**

16-20 June 1997 - UNESCO Headquarters, 7 place de Fontenoy, 75007 Paris

FINAL DECLARATION

1. We, artists, authors and performers, from all regions, brought together from 16 to 20 June 1997 by UNESCO, with the help of its partners, at the World Congress on the Implementation of the Recommendation concerning the Status of the Artist, reaffirm on the eve of the third millennium, that artistic creativity constitutes the cultural heritage of the future.

2. We emphatically recall that the creative faculty is a special capacity whose strength and originality emanate from within the artist, and that it is therefore important to encourage the discovery and fulfilment of each person's talent as the expression of a fundamental freedom

3. We also recognize, within the context of the changes that occur as contemporary societies evolve, that artistic creativity constitutes a decisive factor for the preservation of the identity of peoples and the promotion of a universal dialogue.

3. We are thus fully aware of the essential contribution that can be made by the arts and artists to improving the quality of life, to the development of society, and to the progress of tolerance, justice and peace in the world.

5. We therefore proclaim that the encouragement of creativity, the protection of artistic works and the promotion of artistic activities shall be founded on the observance of human rights and on the pursuit of the individual and collective self-fulfilment of the inhabitants of the planet.

6. With regard to existing cultural policies, we welcome the adoption by certain States, which have thus set a good example, of constitutional, legislative and regulatory measures inspired by the UNESCO Recommendation concerning the Status of the Artist (1980) the growing devolution of responsibilities to the local authority level in many countries, and international regional and subregional collaboration, which should, however, be further enhanced.

7. We are convinced that artists should be involved in the design and implementation of national cultural policies, in order both to monitor changes in their own status and to play a more effective role as advisers to their governments and local authorities.

8. To this end, it is particularly important that the development of independent professional organizations be encouraged, and that mechanisms for consultation and co-ordination be established where these do not already exist.

9. We voice our concern over the reduction in the level of public funding for artistic creation and call the attention of public authorities to the risk that such a reduction may entail.

10. We are aware that the trend towards uniformity in patterns of thought and cultural productions, which are often based on maximum and immediate profitability, constitutes a threat to creative diversity. While we appreciate the growing interest of the private sector in the encouragement of artistic creation, particularly when such contributions help to avert the loss of creative talent owing to a lack of means, we wish to reaffirm the importance of maintaining public funding of the arts.

11. We also consider it indispensable that the role of creators within the society as a whole

be recognized. This will involve using all possible means, and in particular education and information, to sharpen public interest in the arts and artistic creativity.

12. Artistic education shall be introduced and developed at all levels of formal and non-formal education. The contribution of artists is an indispensable element in a strategy which must be defined jointly.

13. Information through the media constitutes one of the principal means of democratizing access to art and awakening interest in artistic activities.

14. The new technologies help to promote artistic exchanges. These technologies constitute a vast field of investigation for artists in terms of their creative and training potential. At the same time, they raise questions regarding the future of certain forms of artistic expression and the observance of established rules. There is consequently a need for legal measures to ensure that artists are better protected and that works of art are preserved in their entirety.

15. Because today's society is already an information society, it is the business of artists, looking towards the future, to chart the path of a new alliance linking ethics, technology and aesthetics. The future of societies depends in large measure on listening to artists and respecting their status.

16. The 1980 Recommendation is more relevant than ever. Enriched by new international instruments, it is an indispensable source of inspiration for the State and for society.

17. The World Congress has accordingly decided to adopt the following proposals for the enhanced implementation of the UNESCO Recommendation concerning the Status of the Artist:

Funding of the arts

18. In every country, every year, at least one per cent of total public funds should be allocated to artistic activities of creation, expression and dissemination. New means of private funding, from major foundations to small companies, must be encouraged as supplementary sources of funds, particularly with a view to supporting the creation, the expression and the dissemination of contemporary works.

19. Public and private funding sources are invited to respond favourably to requests made by artists in developing countries or countries in transition. UNESCO's intervention is particularly necessary in order to identify and publicize existing opportunities for private funding of the arts worldwide.

20. The best way to ensure the safeguarding of creative freedom is to involve artists in the selection of works that are to receive financial support. Several mechanisms have already proved their effectiveness in this respect ; these include the establishment of interdisciplinary artistic committees and the development of consultative networks.

21. The creation of artists' groups, particularly in the case of innovative projects, is a positive factor in the mustering of resources. The creation of small cultural industries, managed by artists themselves, is a mode of production and dissemination which deserves to be encouraged.

Support for artistic creation

22. UNESCO's action should promote the exchange of experiences with regard to cultural policies in order to highlight which policies have been successful, taking into account the great variety of contexts.

23. Artists in all countries shall be encouraged and helped to form associations. Their organizations shall receive the support they need to create their own structures and make their action effective.

24. It is the task of UNESCO to promote the gathering and dissemination of all data which may be of use to artists in ensuring that they are free to exercise their profession, by sensitizing states and seeking the collaboration of non-governmental organizations.

25. With regard to access to and the pursuit of artistic careers, no form of gender-based, racial or religious discrimination shall be tolerated. Women and men shall be considered equal, both *de jure* and *de facto*.

26. Public authorities at all levels are invited to make available to artists premises suitable for the pursuit of their activities, particularly in the context of the rehabilitation of certain urban areas.

Artistic education and training

27. In view of the key role of the arts and artistic creation and experience in the intellectual physical, emotional and sensory development of children and young people, the introduction to and teaching of various artistic disciplines shall be placed on an equal footing with other subjects in the education systems.

28. There are basically two complementary ways of integrating artistic education into the educational process : on the one hand, by teaching the disciplines for themselves, and, on the other, by using the various means of artistic expression in the teaching of other subjects.

29. Artistic education shall be multicultural take into account culture in all its diversity, and shall resist any attempt to establish a hierarchy of the various forms of artistic expression belonging to different cultures.

30. Artistic education should be accessible throughout life. In view of the new needs emerging, regular development and reform of artistic education are, and will continue to be, required.

31. The mutual recognition by states of courses and diplomas in the arts should be promoted.

32. It is the responsibility of governments to finance on a permanent basis the training of artists, to promote its development and to support the reconversion of certain categories of artist, such as professional dancers. UNESCO is requested to establish an international network for the dissemination discussion and updating of data on "successful experiments" in the education and training of professional artists.

The arts and the new technologies

33. The new technologies cannot be a substitute for direct contact between artists and their public or for traditional branches of the arts.

34. The success of electronic information and communication networks depends to a large extent on the quality of the contents that they will be able to transmit. For this reason :

- a) the information technology sector should be encouraged to facilitate the provision of the necessary equipment to art teaching institutions, particularly in the developing countries ;
- b) artists should be encouraged to become better acquainted with the new technological tools with a view to increasing their creative opportunities. Co-operation between artists and experts in the new technologies should be strengthened to that end ;
- c) it is recommended that the new technologies be used for the safeguarding of the cultural heritage and oral traditions.

35. So as to preserve artistic and cultural diversity, States are requested to support professional organizations of artists in their efforts to master new communication tools, with a view to guaranteeing all artists free access to the distribution of their works while safeguarding their rights.

36. A universal Parliament of artists, which might take the form of a Virtual Forum, could provide an excellent means of exchanging ideas at the world level. Special efforts would be necessary to enlist the participation of artists from all regions. This new facility would be placed under UNESCO's auspices.

The rights of authors and the rights of performing artists

37. The States are called upon to reinforce, clarify and render effective the protection of the legitimate rights of authors and performing artists by enabling them to control the different types of exploitation of their works and performances, particularly in the audiovisual field, and to receive fair remuneration for their creative effort.

38. It is particularly important that :

- a) exceptions to rights in the digital field should be confined to uses which do not unduly harm the legitimate interests of authors and artists ;
- b) the transfer of the rights of authors and performing artists should be placed within a legal framework setting the conditions for such transfer and creating a temporal connexion between authors and artists and the income derived from different types of exploitation of their works and performances ;
- c) users, including distributors, should be legally bound to provide authors and performing artists, or their representatives, with the information identifying works and performances, such information being necessary to determine the remuneration due and its equitable distribution to right-holders ;
- d) authors and performing artists should be supported, with industry participation, in their attempts to achieve compulsory national and international standardization of the techniques and procedures of identification that will enable them to be

continuously informed of the exploitation of their works and performances in the digital environment ;

e) in the general interest, the collective administration of the rights of authors and performing artists and collective negotiation should be encouraged by regulation, without being subject to the law of competition or any other binding legislation.

39. UNESCO is invited :

a) to sensitize States to the issue of recognition of and respect for, the moral rights of authors and performing artists;

b) to suggest that they study ways and means of enabling them to control digital manipulation ;

c) more generally, to encourage the protection of the rights of artists throughout the world within the framework of the 1980 Recommendation.

40. UNESCO, ILO and WIPO are invited to propose the revision of the 1961 Rome Convention and to continue to promote its ratification.

41. International trade should not undermine cultural diversity. It is also necessary to support the endeavours of developing countries to protect and promote traditional and popular culture through intellectual property.

The working conditions, taxation and health of artists

42. Artists have the right to proper remuneration for their professional activities. That must be reaffirmed, particularly where new multimedia productions are concerned.

43. States are invited to establish mechanisms for the entry of artists into working life and to create support funds to that end.

44. In view of the increasing tendency, in various artistic fields, towards precarious terms of employment and job insecurity for authors and performing artists, it should be reaffirmed that no artist should be discriminated against in respect of taxation, social security or freedom of association on the grounds of his or her employment status, and recognition should be given to the right of representative associations and unions of professional artists to collective negotiation on behalf of all professional artists, and to be involved in the various decision-making processes affecting their interests.

45. More effective co-ordination at the national level between the relevant governmental bodies is indispensable in order to ensure that artists enjoy appropriate living conditions, taking into account the shortness of their professional careers, particularly in the performing arts.

46. Discussion should take place between the relevant governmental and intergovernmental bodies, at national level, with a view to promoting equitable conditions in respect of taxation, social security and working conditions for the artists of all countries, taking into account increased international mobility in artists' employment. UNESCO is invited to draw up an inventory of tax-deductible expenses for artists in the various countries. It would be desirable to envisage a joint meeting of artists and representatives of the various governmental bodies concerned for the purpose of re-examining the tax and social security systems and proposing harmonized measures

which are suited to the distinctive characteristics of the artistic professions.

47. UNESCO, ILO, WHO and States are invited to undertake, at the global level, studies on the health and safety conditions under which the various professional artists carry out their activities. These studies should be used as a basis for the adoption of specific international instruments.

Promotion of the 1980 recommendation

48. Noting that the Recommendation of 1980 remains the principal text relating to the Status of the Artist, and regretting that it has been implemented by only a limited number of States, the Congress invites UNESCO to strengthen its dissemination by all possible means, and to urge all States to re-read it. It is strongly recommended that a periodic review mechanism be established with the help of international NGOs representing artists ; such a mechanism would have the task of monitoring the progress achieved in the various States, of reporting to the governing bodies of the Organization, and of proposing new initiatives aimed at the implementation of the Recommendation.

49. UNESCO is invited to draw up, with the help of international NGOs representing artists: model provisions which may be adapted to the different legal and economic systems and to the various cultural contexts and which may guide national legislators in the implementation of this Recommendation.

50. The conclusions adopted by the Congress, shall be brought to the attention of the governing bodies of UNESCO.