

UNITED NATIONS EDUCATIONAL,  
SCIENTIFIC AND CULTURAL ORGANIZATION

PRELIMINARY REPORT ON THE STATUS OF THE ARTIST

Action to afford to artists to the fullest extent the protection and guarantees in society that are necessary for the complete development of their talents

Preliminary report prepared in pursuance of Article 10.1 of Unesco's Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution

SUMMARY

The General Conference, in resolution 4/3.6/3 adopted at its twentieth session, considered it desirable to prepare an international instrument concerning the status of the artist, the object of which would be to afford to artists to the fullest extent the protection and guarantees in society that would foster the complete development of their talents. It decided that the instrument should take the form of a recommendation to Member States.

In pursuance of Article 10, paragraph 1, of the "Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution", the Director-General has drawn up this preliminary report on the position with regard to the problem - that is, the status of the artist - which is to be the subject of the recommendation, and on the possible scope of the latter. A preliminary draft recommendation is appended.

The report and the preliminary draft are submitted to Member States for comments and observations. On the basis of the comments and observations received, a final report and a revised draft recommendation will be prepared and submitted to a special committee of governmental experts which is to meet from 25 February to 7 March 1980. The draft recommendation approved by the committee will then be submitted to Member States in order that it may be considered, with a view to adoption, by the General Conference at its twenty-first session.

## I. INTRODUCTION

1. In pursuance of resolution 4.132, adopted by the General Conference at its nineteenth session, the Director-General drew up a preliminary study of the technical and legal aspects of an international instrument concerning the status and social position of the artist. That study was submitted to the Executive Board at its 104th session (document 104 EX/20).

2. After considering the preliminary study, the Executive Board adopted the following decision (104 EX/Decision 5.5.1):

The Executive Board,

1. Having regard to Articles 2 and 3 of the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution,
2. Having examined the report and the preliminary study contained in document 104 EX/20,
3. Decides to place the following question on the provisional agenda of the twentieth session of the General Conference: "Desirability of adopting an international convention, recommendation or declaration on the status of the artist".

3. Under Article 6 of the above-mentioned Rules of Procedure (hereinafter referred to as the Rules of Procedure concerning Recommendations and Conventions), it was for the General Conference to decide whether the question should be regulated at the international level and, if so, to determine to what extent it could be regulated and whether the method adopted should be an international convention or, alternatively, a recommendation to Member States.

4. At its twentieth session (October-November 1978), the General Conference, after considering the preliminary study prepared by the Director-General (document 20 C/35), adopted the following resolution (20 C/Resolution 4/3.6/3):

The General Conference,

Considering the essential role played in cultural life and its development by artists of all disciplines,

Considering that the studies undertaken to date by Unesco and by the International Labour Organisation as well as many of the answers given by Member States to the questionnaire prepared jointly by the two agencies reveal the critical position in some sectors of contemporary society of these creative individuals, whose contribution to civilization and to world co-operation is universally recognized,

Taking note of the preliminary study which has been considered by the Executive Board and of the conclusions of the joint ILO/Unesco meeting convened by the Director-General in Geneva from 29 August to 2 September 1977 in accordance with resolution 4.132 adopted at the nineteenth session of the General Conference, as also of the questions submitted to it in document 20 C/35, paragraph 8,

Having regard to the provisions in the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution,

1. Considers it desirable to prepare an international instrument concerning the status of the artist, the object of which would be to afford to artists to the fullest extent the protection and guarantees in society that will foster the complete development of their talents;
2. Decides that the international instrument shall take the form of a recommendation to Member States within the meaning of Article IV, paragraph 4 of the Constitution;

3. **Authorizes the Director-General to convene the special committee provided for in paragraph 4 of Article 10 of the said Rules of Procedure, with instructions to prepare a draft recommendation for consideration by the General Conference at its twenty-first session.**
  
5. **Under that resolution and in accordance with Article 10.1 of the Rules of Procedure concerning Recommendations and Conventions, the Director-General has prepared this preliminary report setting forth the position with regard to the problem to be covered by the instrument and to the possible scope of the action proposed, together with a preliminary draft recommendation which is annexed hereto. This preliminary draft is based on the previous studies undertaken by Unesco, alone or in collaboration with the International Labour Organisation, and in particular on the analysis of the replies received to the questionnaire sent out on 30 September 1975 (CC-77/CONF. 615/COL. 1 Rev.), on the study entitled "The condition of the artist - A general review of problems of employment and conditions of work and life" (CC-77/CONF. 615/COL. 3), and on the report and conclusions of the experts who met at the headquarters of the International Labour Organisation in Geneva from 29 August to 2 September 1977 in pursuance of resolution 4.132 adopted by the General Conference at its nineteenth session. Also noteworthy in this context are the following studies:**
  - The Artist in Contemporary Society, Unesco, 22-28 September 1952
  - The Artist in Contemporary Society, Unesco, 15-18 July 1974
  - Place and Function of Art in Contemporary Life, Unesco, 6-10 September 1976
  - Artists and Development Demands in Africa Today, Mrs. Efua T. Sutherland, July 1976
  - Final Report of the Unesco/ITI International Colloquium/Workshop on "The Social Role of Theatre in Africa and its mission in present-day society in Africa", Lagos (Nigeria), 22-29 April 1978
  - Music and Tomorrow's Public, A report prepared by the International Music Council under the auspices of the International Federation of Producers of Phonograms and Videograms, Paris, March 1975 (Volume 1) and February 1977 (Volume 2)
  - La situation du théâtre dans le monde contemporain, International Association of Theatre Critics, 1976
  - Writers in Residence, PEN Federation, 1976
  - Contemporary Trends in Art Patronage, International Arts Association, 1976.
  
6. **Member States are invited to submit their comments and observations on this report and on the preliminary draft recommendation annexed hereto.**
  
7. **Under Article 10.2 of the aforementioned Rules of Procedure, the Director-General's preliminary report should reach Member States at least fourteen months before the opening of the next session of the General Conference, to be held from 23 September to 28 October 1980; and the comments and observations of Member States should reach the Director-General at least ten months before the opening of that session. The Rules of Procedure consequently allow four months for the preparation and dispatch of the comments and observations of Member States. Since this report was sent out to Member States on \_\_\_\_\_, replies and comments should reach the Director-General by \_\_\_\_\_.**
  
8. **On the basis of the comments and observations transmitted within the stated time-limit, the Director-General, in conformity with Article 10.3 of the Rules of Procedure concerning Recommendations and Conventions, will prepare a final report containing a revised draft recommendation, which will be communicated to Member States at least seven months before the opening of the twenty-first session of the General Conference and will be submitted, in compliance with the General Conference's 20 C/Resolution 4/3.6/3, to a special committee consisting of technical and legal experts appointed by Member States. Under Article 10.4 of the Rules of Procedure, this committee must be convened at least four months before the opening of the twenty-first session of the General Conference and, under Article 10.5 of the above-mentioned Rules of Procedure, must submit a draft which has its approval to Member States, with a view to its discussion at the General Conference, at least seventy days before the opening of that session.**

## II. PURPOSE OF A RECOMMENDATION CONCERNING THE STATUS OF THE ARTIST

### A. LEGAL CHARACTER OF A RECOMMENDATION AND OBLIGATIONS STEMMING FROM ITS ADOPTION BY THE GENERAL CONFERENCE

9. In the above-quoted 20 C/Resolution 4/3, 6/3, the General Conference considered it desirable to prepare an international instrument concerning the status of the artist and decided that "the international instrument shall take the form of a recommendation to Member States". Article 1 (o) of the Rules of Procedure concerning Recommendations and Conventions specifies that a recommendation is an instrument in which "the General Conference formulates principles and norms for the international regulation of any particular question and invites Member States to take whatever legislative or other steps may be required - in conformity with the constitutional practice of each State and the nature of the question under consideration - to apply the principles and norms aforesaid within their respective territories". States therefore remain entirely free to choose such means of applying the instrument as are best suited to their particular circumstances. The adoption of a recommendation by the General Conference entails the following obligations for Member States:

- (a) Under Article IV, paragraph 4, of the Constitution, each State shall submit the recommendation to its competent authorities within a period of one year from the close of the session of the General Conference at which it was adopted.
- (b) Under Article VIII of the Constitution, each Member State shall submit to the Organization, at such times and in such manner as shall be determined by the General Conference, reports on various matters, including the action taken upon the recommendation.

10. The General Conference has supplemented the latter provision by Article 16 of the Rules of Procedure concerning Recommendations and Conventions, which stipulates that:

- "1. Member States shall submit to the General Conference special reports on the action they have taken to give effect to conventions or recommendations adopted by the General Conference.
2. Initial reports relating to any convention or recommendation adopted shall be transmitted not less than two months prior to the first ordinary session of the General Conference following that at which such recommendation or convention was adopted.
3. The General Conference may further request Member States to submit, by prescribed dates, additional reports giving such further information as may be necessary."

11. Articles 17, 18 and 19 of the Rules of Procedure also stipulate, respectively, that "the General Conference shall consider the special reports submitted by Member States in connection with the convention or recommendation in question"; that it "shall embody its comments on the action taken by Member States in pursuance of a convention or recommendation in one or more general reports, which the Conference shall prepare at such times as it may deem appropriate"; and that these reports "shall be transmitted to Member States, to the United Nations, to National Commissions, and to any other authorities specified by the General Conference".

12. The obligation laid on Member States under Article IV, paragraph 4, of the Constitution to submit the recommendation to their competent authorities is intended to ensure that it is effectively applied through appropriate domestic measures. Furthermore, from the reports transmitted to it in compliance with Article VIII of the Constitution and the above-mentioned provisions, the General Conference is able to assess how far the recommendation has been carried out and applied in practice and in particular to appreciate the methods used for that purpose, the difficulties encountered in implementation, the results achieved, and so forth. The information thus received may provide very useful guidance for the General Conference in deciding on the line to be followed in its future activities in a given field.

### B. THE FACTS BEHIND THE PROBLEM - BACKGROUND

#### (1) The concerns of Member States

13. The draft recommendation which is the subject of this study forms part of the activities that Unesco has been pursuing ever since it was set up, stemming directly from the provisions of its Constitution and of the Universal Declaration of Human Rights, adopted by the United Nations

**General Assembly on 10 December 1948.** It follows on from a series of declarations and recommendations adopted in the course of symposia and conferences convened by the Organization, which attest the importance attributed by Member States to the problem of artistic creation and their growing anxiety at the crisis through which art and artists are passing in contemporary societies.

14. The General Conference of Unesco, for instance, at its third session, held in Beirut in 1948, requested the Director-General to institute an examination of "the contributions which creative artists can make towards Unesco's purposes" and to "ascertain what social, economic and political influences now interfere with the performance of the artist's function; the measures that have been or can be taken to remove or lessen these hindrances; and the means whereby the working conditions of the artist can be improved and his freedom assured". The findings of this inquiry, set forth in a report, were submitted to the General Conference at its fifth session, held in Florence in 1950. After considering the report, the Conference requested the Director-General to plan an international congress of the arts. The General Conference at its sixth session, held in Paris in 1951, adopted a resolution authorizing the Director-General "to organize, in collaboration with National Commissions and appropriate international organizations, an international conference of artists . . . to study the practical conditions required to ensure the freedom of the artist, and to seek means of associating artists more closely with Unesco's work". In pursuance of that resolution, an International Conference of Artists was held in Venice from 22 to 28 September 1952, being called on to consider the problems arising, in the field of literature and art as a whole, in consequence of the inadequacy of legislation, economic limitations, or official neglect or intrusion. The conclusions of the Conference were summed up by the Director-General as follows: "In an age when patronage is disappearing, the State should occupy the vacant place by awakening and sustaining the talents which deserve its support. But, on the one hand, the State should remember that it has no title whatever to interfere in the work of creation itself, that is to say, in cases where art is the concern of specialists and craftsmen. On the other hand, it must endeavour to obtain for these craftsmen the best possible practical conditions. Its task is not to direct talent, still less to bring it under subjection, but rather to help it flower by increasing the number of schools and museums, study and travelling scholarships. It is for the State to facilitate the training and apprenticeship of the artist, to help him make himself known, to publish his works or get them performed. It is incumbent upon it to encourage the dissemination of works of art and to watch over the education of the public in the visual arts, in music and in literature, so that the greatest possible number of human beings may become sensitive to quality, permeable to harmony, and athirst for excellence. If it does this, the State will preserve its citizens from being contented with the all-pervading, mediocre works which are a degradation or a caricature of masterpieces, satisfying at little cost the desire for beauty of those who would know better how to recognize it if pains had been taken to form their taste. To ensure that gifts do not lie fallow because poverty, lack of leisure or want of knowledge prevent their owners from bringing them to fruition - that, it seems to me, is the noblest and most useful task that the State could undertake."

15. These concerns on the part of Member States have guided the work of Unesco, which has endeavoured, directly or indirectly, to secure official support for art and artists, with particular reference to the education of artists and of their public, the dissemination of works, the defence of artistic and cultural values, and the protection of freedom in creative work. Member States have repeatedly reaffirmed their desire to assist the development of artistic creation and their concern for protecting its independence. For example, the Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies (Venice, 1970) reaffirmed (paragraph 55 of the Final Report) that "particular care should be given to the freedom of the artist" and that "artists should also have a say in the bodies where cultural policy is made". It pointed out (paragraph 56) that "the freedom of the artist is a fundamental human right but it also serves the common good as an antidote to sterile bureaucratization and in fostering creative criticism, initiative and innovation in the society"; and (paragraph 57) that "the freedom of the artist and of artistic expression is not only a legal conception but, to be effective, presupposes material conditions which allow the artist to work"; some countries emphasized that "the freedom of the artist does not extend to such expressions in art as might incite to war, inhumanity, hatred or racialism, which are specifically and generally condemned" (paragraph 58). The Venice Conference further recommended that Member States take practical steps, in particular, to safeguard the moral and economic rights and interests of creative and performing artists and writers (resolution 8), to assist the creation and circulation of works of art (resolution 11) and to enable artists continuously to undertake "work of a creative and experimental nature". The need to consolidate the role of artists in society, to give them better social security, to provide material and moral conditions conducive to their work, and to guarantee and safeguard the requisite freedom for artistic creation has been reaffirmed by the regional intergovernmental conferences on cultural policies.

16. The Helsinki Conference (19-28 June 1972) in particular, after discussing the role and place of the artist, noted (General Report, paragraph 28) that "Some delegations affirmed the need for the artist to enjoy total freedom of expression, while others, though recognizing his right to express himself freely, stressed his moral and social responsibility and his role in civic life". A commission - Commission II - had been made responsible for studying more particularly the problem of creativity. In its report, it stressed the need to define the term "artist" (paragraph 4). It recognized (paragraph 5) that there is "real interdependence between individual creation and society as a whole" and raised the issue of the political commitment of the artist. In this area of the creative worker's freedom and responsibility, divergent views were expressed, but there was agreement on: (a) "the difficulty of regarding the artist as an individual living in isolation"; (b) "the need for a ... definition of what the term 'artist' denotes"; (c) "the importance of bringing artists to take ... part in the formulation of cultural policies"; (d) "the need for a cultural policy which recognizes and protects the role of artists"; (e) "the importance of teaching the general public about the content and forms of artistic languages" (paragraph 10). That agreement was to be reflected in recommendations addressed to Member States with a view to achieving practical action for the purposes of: ensuring the protection and remuneration of creative work; basing the cultural policies of States on policies "of a promotional or initiating character, stimulating ... creativity" and ensuring "the integration and active participation of all groups of society, and of the artist in particular" (Recommendation No. 4); helping "creative artists develop their ability to use audio-visual media for communicating with the public and stimulating the demand for high-quality programmes", which might involve, for example, "promoting new forms of art which, in the spirit of the European creative tradition, employ the full potentials of audio-visual technology" (Recommendation No. 10); and promoting "conditions which allow artists to develop their talents to the full and, through their creative activity, to enrich the national and universal cultural heritages"; in particular, giving "encouragement to artists engaged, through their work, in promoting the ideas of peace, and studying the possibility of founding national and European literary and art prizes to be awarded periodically to writers and artists who in their works best express the ideas of peaceful coexistence and co-operation between the countries and peoples of Europe"; giving artists, "through their associations or as individuals, a substantial role in formulating and implementing the cultural policies of their countries"; seeking "means of improving contacts between artists and society as a whole"; providing "the necessary material conditions to enable young people with artistic ability to receive suitable artistic training, without discrimination"; providing artists "with material conditions which will enable them to do creative work in freedom from constraint and [taking] appropriate measures to ensure the effective protection of their moral and material rights"; earmarking "a certain percentage of the cost of public buildings for the inclusion of works of art"; recognizing "the copyright of the artists concerned on all public sales of their works"; organizing "social security for artists"; taking "appropriate fiscal measures to encourage public corporations and individuals to buy and hand on works of contemporary art, by donations or legacies"; arousing "public interest in works of art by providing the most comprehensive information and education possible, in particular by educational policies which will awaken children's artistic appreciation at a very early age, and [giving] everyone, by means of life-long education, an equal chance of access to art". Unesco was further recommended to "continue to make a comprehensive study of the problems of artistic creation and distribute information on useful experience acquired by individual countries in solving these problems"; and to "make provision in its programme for holding an international symposium on 'The contemporary role of artists in formulating and implementing cultural policy and their responsibility towards society'".

17. Exactly the same concerns and a similar desire for action are to be found in the other cultural regions. For example, the Intergovernmental Conference on Cultural Policies in Asia (10-19 December 1973) voiced the resolve of the participant States to protect the arts and artists, whose crucial role it recognized, by bringing about, among other things, a considerable improvement in "the social security and the facilities conducive to the creative potentialities of the artist". The Conference recommended that the Asian Member States study new policies for that purpose; "study the possibility of establishing more schools, museums and centres in the arts"; and initiate measures "to identify and list individuals, groups, or classes of notable masters and practitioners of ... traditional ... arts and skills and, by providing suitable incentives, ensure ways and means for their continuance in these arts and skills" (Recommendation No. 10).

18. The Intergovernmental Conference on Cultural Policies in Africa (Accra, 27 October - 6 November 1976) asked that a study be made of the professional status of African artists and the problems relating to their incorporation in contemporary African society (General Report, paragraph 79), with due regard to the repercussions on the status of the creative artist of the changes coming about in African societies. The problem was both a cultural one - where the goal should be to enable the artist to bring his testimony up to date and to breathe fresh life into it, while maintaining "the authenticity of a culture of which he is today the most reliable

depository" (Report of Commission I, paragraph 35) - and a material and moral one - where the African artist needs financial assistance but, more than anything else, recognition of his social function and of his dignity. Commission I of the Conference therefore recommended that "appropriate international instruments", such as would serve as a model for national laws and regulations, be drawn up to protect the social status, moral rights and financial interests of the African creative artist. These ideas and desires were taken up in the recommendations adopted by the Conference, particularly Recommendation No. 13 which, recognizing "the danger facing traditional creative artists ... because of lack of official or private patronage", recommended that African Member States give those artists due recognition and "assist them in such a way as not to lead to their alienation", provide them with teaching positions "in the various levels of educational institutions", and "establish legal machinery ... in order to protect and provide support for all high-quality creative work ...".

19. The Intergovernmental Conference on Cultural Policies in Latin America and the Caribbean (Bogotá, 10-20 January 1978) made its Commission I responsible for studying the promotion of artistic creativity and arts education. In its report, the Commission speaks of general consensus on the need to promote cultural and artistic creativity by means of "vigorous participation" by the State and on the need to preserve the freedom of artists and to give them the necessary encouragement and sponsorship for their work (Report of Commission I, paragraph 38). The Conference recommended that the Latin American and Caribbean Member States "actively associate" writers and artists "in the formulation of their cultural policies"; and that Unesco "study and adopt appropriate measures to encourage greater participation by writers and artists in the implementation of the cultural policies of Member States" (Recommendation No. 29). Furthermore, considering that "the artist's freedom, which is essential for maintaining his creativity, must be protected through appropriate policies of support", it recommended that Member States "take steps to ensure the legal, social and financial security of artists", "grant artists legal treatment in keeping with their status ..." and "adopt appropriate fiscal measures to promote artistic creativity". The Conference also recommended that the Director-General "continue the studies on the possibility of adopting an international instrument to provide artists with legal, social and economic guarantees for the development of their activities" (Recommendation No. 37).

(2) The concerns of artists and of their non-governmental organizations

20. These concerns and these recommendations fall in very closely with those voiced during the same period by artists and their organizations. Their views were put forward at the international symposium convened by Unesco (15-18 July 1974), at which all the major arts disciplines, all the cultural regions and most of the big non-governmental organizations in the field of arts and culture were represented. Their anxieties and demands were set forth in the introduction to the report of the symposium, which summed up the various statements, discussions and proposals. The participants affirmed that: "In a society whose swift development is changing both structures and functions, the artist finds himself in a difficult position ... A blow has been struck at the artist's role, and another will soon be aimed at the place which he occupies in society, where he runs the risk of becoming increasingly isolated as those who traditionally appreciated his work are lured away by the growing commercialization of all social activities, while at the same time the protection and help traditionally meted out to him by an élite will begin to fall short of his needs owing to the democratization of the entire social fabric ..." In these circumstances: "The State, foundations and public or private cultural establishments will ... have to replace the erstwhile patrons of the arts and devise and implement measures relating to taxation, social security and so forth (grants, loans, etc.) which will provide the artist with material security. With these aims in view there is a manifest need to elaborate a draft code relating to the status of artists, based on the recommendations of the International Conference held in Venice".

Although the crisis is general, considerable differences are to be observed in its manifestations and, at this symposium, "the areas of agreement which emerged appeared to be influenced more by the regions from which the artists came than by the disciplines which they practised". The case of the Third World artists attracted special attention: "In decolonized Africa, the African artist feels cut off from his people and from his roots". Generally speaking, artists in the Third World wish for "the reform of existing cultural institutions, which are all too often mere copies of foreign models, and the discovery of new forms which may simultaneously link up with the traditions prior to Western domination and express the present-day aspirations of the liberated peoples". The artists also requested Unesco's "protection against the misuses of power of which they were the victims". They suggested "a convention under which Member States would join in undertaking to respect the freedom of the artist and of creative activity". Such freedom should not result in isolating artists and their works from the body of society, for in that case "the freedom which they enjoyed was in danger of becoming freedom for their work to remain obscure and for themselves to starve". It was also recognized that "direct participation by artists" in cultural institutions was "the best means of giving the authorities the right stimulus and setting them on the best course".

21. Reference may be made, in this same context, to some of the conclusions of the Unesco Symposium on Art in Contemporary Life (6-10 September 1976). The sociologists, aestheticians and practitioners there assembled laid particular emphasis on the problems presented by the secularization of art in Third World countries and the consequent need to give the artist an appropriate social status, as "the only way of stopping the emigration of talent: the talent drain". Furthermore, if art has an essential part to play in lifelong education, as those taking part in the Symposium firmly believed, cultural policies will need to be refashioned so as to associate artists more closely with the work being done and to ensure "better representation of artists on decision-making bodies, particularly in departments responsible for the planning and execution of projects bearing on lifelong education". Likewise, in work for the preservation of the environment, to win recognition and respect for "the right to a visual environment" and "the right to silence" and to a suitable acoustic environment, it is important not only that the artist be commissioned but that his contribution be planned in such a way as to enable him to impose "his creativity". Lastly, if art is to serve international co-operation and to become "a key instrument in the strivings of modern societies to attain to universality, by constituting itself the mouthpiece of the aspirations to liberty, fraternity and peace among men", it will not be able to fulfil this role, essential to the achievement of the purposes of Unesco and of the United Nations, unless the cultural policies of Member States are refashioned with a view to promoting the freedom of artists and exchanges among them by means of grants, travel and festivals. In its conclusions, the Symposium asked Unesco to take action to "increase its aid to non-governmental organizations bringing together artists of different nationalities with the aim of promoting their respective disciplines"; to "investigate the feasibility of drawing up a social contract concerning the functions of art in contemporary society"; to "ensure by all possible means, particularly by the preparation of a statute, the political, economic and social protection of artists and more especially of traditional artists"; to institute "systematic and regular exchanges between artists from all parts of the world"; to "compile a list of 'living treasures' of artistic activity at the international level"; and to "make recommendations with a view to the preparation of a survey of disused premises that could be allocated to impoverished artists or beginners grouped in a community to which would be attached critics equipped with audiovisual equipment (television) to help make these artists known".

22. It may be well to round out this picture of the views expressed by the artists themselves and by the non-governmental organizations representing them with a brief analysis of the main studies undertaken by these institutions on their own account or at the request of Unesco. For example, in its study on Music and Tomorrow's Public, the International Music Council (IMC) analyses at length the necessary legal conditions for the effective protection of performing artists and the practical application of the Rome Convention. It mentions the attitude adopted by the International Federation of Actors (IFA) and the International Federation of Musicians (IFM) on the question of the rights which should be recognized to enable these categories of artists to authorize or forbid the use of their performances. It also mentions the new circumstances in which the training of contemporary musicians must be considered, since that training must take account of the changes in audiences, which are becoming more numerous and more diverse, and of the enrichment furnished in recent years by the introduction of non-Western music and the methods and discoveries of ethnomusicology. Similarly, in the course of its various workshops, conferences, symposia and studies, the International Theatre Institute (ITI) has been led to look into the role of the theatre in contemporary society, its likely development and its implications for the status of theatrical performers. In the resolutions adopted by the international colloquium/workshop organized jointly by ITI and Unesco on the Social Role of the Theatre in Africa (Lagos, April 1978), for instance, African theatrical workers requested the governments of the region to "guarantee freedom of creative expression to the theatre artist to enable him to pursue his artistic role for the benefit of society". They also requested Unesco to establish a regional centre in Africa for the purpose of promoting and improving the training of all the theatre artists of the region. In the same context, and also applying to Africa, mention may be made of the study prepared for Unesco on "Artists and Development Demands in Africa Today" (SHC-76/CONF. 809/COL. 3), in which attention was drawn to artists' desire to participate in the modern life of their communities, and to the services they could render for development purposes. Artists could make an essential contribution to the rediscovery and affirmation of the cultural identity of countries recently freed from colonial domination and, more generally, to the full development of what are coming to be known as "nation-building" or "nationalitarian" cultures, which, on the basis of a recovered national identity, are in the process of discovering and affirming their independent individuality. For that purpose, artists should receive such material and moral help as may enable them to live and stimulate the development of their work. In Africa, reforms in art training but, even more, in the education of the public and in general education are a prerequisite for this conversion of the artist into the representative and spokesman of the cultural values of his community. Again, the crisis of modernity was to have such an impact on the African artist that he could not overcome it without assistance from the authorities and official cultural bodies. Mention may also be made of the studies on the art market undertaken by the



International Association of Art (IAA), which show how difficult it is for the visual artist to survive in economic circumstances over which he has no control; and the study by the International Association of Art Critics, showing the need for official bodies to take over from private patronage, which is steadily dwindling. The studies carried out by ITI make a series of valuable contributions here.

23. The International PEN, for its part, undertook a study on the social situation of the contemporary writer and his association with the educational and cultural activities of communities. Through a survey on the system of "writers in residence", PEN showed that this form of incorporation served both artistic creation and education by catering, on the one hand, for the material and social requirements of the writer or poet and, in addition, affording him fruitful daily contacts with the young people who will in future be his readers and, on the other, by giving students a direct acquaintance with living literature and the difficulties involved in its creation, which can help in developing both taste and knowledge and may arouse or bring to light vocations and talents. At its symposium held in Barcelona in October 1978, the International PEN was to confirm its desire to mobilize official authorities so as to enable literature and writers to overcome the crisis threatening an art which is as essential to communication between human beings and peoples as it is to the formulation and recognition of cultural values. Official action should respect the freedom necessary for creation while providing the requisite conditions for its exercise, for instance, through the establishment of literary funds, the organization of distribution channels and the provision of assistance for translation activities. At the same time, poets gathered together for consultation by Unesco asked for the establishment of a world centre to promote exchanges; the constitution of specialized libraries; and the translation and audio-visual recording of works. International PEN was to go further in its quest for official protection and to draw up statements defining the rights of writers. At its Congress held in Sydney in December 1977, it adopted the following Declaration which it may be worth while to quote in full:

#### "DECLARATION OF THE RIGHTS OF THE WRITER

"Since they are the living embodiment of the vast variety of feelings, thoughts and languages of mankind, writers are only too often the target of innumerable acts of injustice and persecution under many sorts of political regime, whenever their works do not reflect the ideology of the government in power.

By threatening the life and work of writers, these acts of injustice and persecution endanger the moral and intellectual development of mankind.

Therefore, in accordance with the Universal Declaration of Human Rights, governments of all countries should be unceasingly watchful in safeguarding the freedom of expression of writers, irrespective of their race, religion, nationality, language or opinions. Governments must refrain in the case of writers, their families or their works, from repressive or punitive acts, such as execution, torture, imprisonment or arbitrary arrest, illicit hospitalization, banning, house arrest, reprisals against relatives, censorship, expulsion, destruction of books, exile or banishment and intimidation. In other respects it is understood that the writer has the same responsibilities as every other citizen."

#### III. ACTION BY UNESCO

24. It was in response to these two sets of concerns, stated in similar terms and sometimes coinciding to a surprising degree but differing in their origin - Member States, on the one hand, and artists and their non-governmental organizations, on the other - that Unesco came to embark on the action which was to lead to the attached recommendation, and of which a brief account may now be given. Throughout this programme, the Director-General has been at pains to secure the views of professionals and their organizations and to take no step without consulting them. It is highly significant, in this connection, that the first move to comply with the wishes expressed by the General Conference at its eighteenth session was the holding of a meeting of non-governmental organizations active in the cultural sphere for consultation on 5 March 1975. The organizations consulted pronounced themselves in favour of the preparation of a legal instrument for the protection of the artist, and listed the subjects to be discussed: protection of economic rights; problems of dissemination in the circumstances of disruption caused by technical innovations; freedom to create; moral and social rights; artists' participation in the making and implementation of cultural policy. The meeting, however, recognized the difficulty of the undertaking, in view of its novelty and the lack of information available in this field. It welcomed the Director-General's decision to associate the ILO with the execution of this programme and drew attention to that Specialized Agency's competence in matters pertaining to conditions of employment and social security.

25. Following the consultation, the Director-General had draft questionnaire on the status of the artist prepared, jointly with the International Labour Office, to be sent out to the Member States of the two agencies; this was submitted for study to a second consultative meeting of non-governmental organizations in the field of culture on 16 June 1975. Revised in accordance with the amendments made during that consultation, the questionnaire was distributed on 30 September 1975, by the ILO, through its regional offices, to Member States and to the organizations concerned. The questions included bore on the various points to be covered in the proposed instrument, in particular:

- (1) general cultural policy and the participation of artists in its elaboration and implementation;
- (2) the training of artists;
- (3) the professional organization of artists;
- (4) the recognized moral and material rights of the different categories of artists (salaried artists, free-lance artists, mixed contracts, etc.), the diversity of the regulations applicable being taken into account;
- (5) insurance and social security systems, copyright legislation and taxation regulations applicable to artists.

The answers to this questionnaire and an analysis of them are contained in document CC-77/CONF.615/COL.1 Rev., prepared jointly by the ILO and Unesco. Thirty-one member countries and many non-governmental organizations replied, often in great detail, to the questions asked.

#### A. ANALYSIS OF THE QUESTIONNAIRE

##### General questions

All the countries replying to the questionnaire<sup>(1)</sup> referred to active policies that recognize a need to promote, preserve and disseminate their arts and culture. However, the analysis leaves the general impression that these measures are undertaken on an ad hoc rather than a systematic basis. The status of the artist is considered within the framework of cultural development, but there seems to be no comprehensive survey or consistent policy designed to improve the artist's living and working conditions and his integration in society. In most cases encouragement is given and grants are made in respect of certain activities rather than to the artists involved, and in connection with certain occasions or circumstances rather than in a consistent and systematic way. More often than not the aid is administered by governmental or municipal bodies which are assisted by advisory committees on which artists are represented either in person or by their professional unions or associations. To judge from the replies received, it does not seem that the system of direct management and responsibility in which the artists themselves take the initiative and define a plan of cultural action, has yet been really applied. A number of questions continue to cause concern in some of the countries analysed. The first concerns, in fact, the means whereby artists and their organizations take part in the definition of cultural policies and in their application. Many countries seem concerned at the national level by the risk of State or administrative interference following the increasing responsibility assumed by the public authorities in the arts. There is a similar concern in respect of the dangers of commercialization resulting from private or public promotion measures which might distort the nature of artistic activity. The replies of the developing countries express the fear that endogenous art may be corrupted by foreign influences, particularly from industrialized countries which have the mass media at their disposal, and concern that effective ways should be found of protecting national artists and artistic values. The migration of talent is a major hazard for young States.

- |               |                   |                          |
|---------------|-------------------|--------------------------|
| (1) Argentina | German Democratic | Norway                   |
| Australia     | Republic          | Pakistan                 |
| Austria       | Federal Republic  | Philippines              |
| Bangladesh    | of Germany        | Sierra Leone             |
| Belgium       | Guatemala         | Spain                    |
| Bulgaria      | Indonesia         | Sweden                   |
| Canada        | Japan             | Switzerland              |
| Costa Rica    | Luxembourg        | Tunisia                  |
| Denmark       | Malaysia          | Turkey                   |
| Egypt         | Netherlands       | United States of America |
| France        | New Zealand       | Zambia                   |

Training

The majority of countries refer to measures to identify artistically gifted pupils and to encourage the development of their talent, either at university level or as early as the primary and secondary school. Some countries give financial aid to cultural institutions which provide training, and in particular to workshops founded by artists. Existing courses - both within the school and university system and in specialized institutes and conservatoires - continue to be very unevenly distributed among the different disciplines. Attention appears to be concentrated on music and the fine arts. Specialized literary training is the exception rather than the rule. Post-school aid takes the form of fellowships for study and travel - which seems to be the best way of helping young artists - and may be provided by either public or private sources (foundations, etc.). The social origins of the majority of students intending to enter the arts professions seem fairly similar in all countries: families in the middle-class category and the liberal professions. The length of the training varies from three to six years, depending on the discipline. It generally leads to the award of an official diploma the conditions for which are set in consultation with cultural institutes. Many holders of such diplomas occupy posts in arts education at secondary or university level. In most countries the resources assigned to training are considered to be inadequate and major deficiencies in the system of arts education are pointed out. Although in many cases there are retraining and further training courses, there does not seem to be a general policy for lifelong education in the arts either for artists themselves or for the general public. Emphasis should be placed on the development of co-operation between cultural institutions and educational establishments. In many countries more or less formal agreements are concluded between university institutes, academies, etc. and theatres, orchestras, museums, and television and radio bodies with a view to training students in the disciplines concerned.

Professional organizations

Professional organizations of artists are recognized in all the countries which replied to the questionnaire, either implicitly or explicitly in laws and regulations. In many cases, they are associated in decision-making on cultural policy, but more often than not they act in an advisory capacity. Their form and functions vary from one discipline to another: in the case of musicians and actors they are true trade unions, in other cases they are simply associations which try to help the profession and serve the interests of their members. The weakness and inadequacies of some of these organizations are generally recognized, but no measures to strengthen them have been proposed.

Employment

In the absence of a precise and generally accepted definition of the artist, data on employment are of limited use, being very approximative. Artists represent between two and three per cent of the working population, roughly half being salaried and half self-employed. However, the proportion varies considerably from one discipline to another. The employment outlook appears to be particularly critical for musicians and singers, for whom employment figures dropped by 40 per cent between 1950 and 1970 in certain countries. The retrenchment is almost as great for actors (25 per cent) and even more marked (60 per cent) for stage production singers. Unemployment in professions with a particularly high percentage of self-employed is more difficult to determine. However, the fact that in most countries almost half of authors and artists in the visual arts are obliged to take a second job indicates that the employment situation is critical. Unemployment figures have been estimated at 80 per cent for actors in France, 50 per cent for musicians in the United States, etc. The causes of unemployment vary: dependence on seasonal work, limited length of the career (dancers), technological changes leading to redundancy, variations in taste and fashions adopted by the public. Many countries refer to measures adopted to remedy this situation, but no systematic policy has been evolved anywhere. The measures adopted include: assistance in regard to the artist's housing and working premises (creation of workshops); tax rebates to encourage buyers; interest-free loans for the purchase of equipment and materials; direct orders or purchasing by public authorities; restrictions on the use of recordings whether or not the so-called ephemeral recordings; funds for literary works and the payment by libraries of fees to authors; the allocation of a certain percentage of the cost of a building for decoration, etc. Regulation of the employment of salaried artists is no different from that applied to other categories of workers, arrangements for annual leave and sick leave being identical. However, there is no comparable system or benefits for part-time or temporary workers, which means that more than half of all artists are deprived of these social benefits and rights.

### Remuneration

The diversity of artistic professions makes precise evaluation of remuneration in terms of working hours impossible. Pecuniary rights deriving from copyright must be separated from salaries or fees similar to those charged in the liberal professions. Most countries refer to the existence of national copyright legislation, in accordance with the Berne and the Universal Conventions which have been signed by a large number of States (68 in the first case, 70 in the second; 45 States have signed both Conventions). Copyright, which includes the right to authorize the reproduction, publication, adaptation and distribution of works, is usually ceded wholly or partly by contract in return for royalties or remuneration. The "droit de suite" (residual rights) is recognized in some countries, particularly in the visual arts. There is also a tendency for libraries to pay authors fees calculated either on a flat-rate basis or on the basis of the number of times their work is borrowed. As far as salaried earnings are concerned, although the situation of salaried artists is comparable to that of other salaried workers, it is in fact vastly inferior on account of the irregularity of their employment and the frequency of part-time employment. On the whole, the countries which answered the questionnaire consider that artists' earnings are lower than average (60 per cent below the guaranteed minimum industrial wage in France for certain categories, ten per cent below the average national income in other countries, etc.). Tax assessment arrangements take into account the professional status of the worker, and his civil status, but not the nature of his profession. However, the particularly critical situation of the artist has attracted the authorities' attention, and a number of countries have adopted provisions in their favour: reduction of the rate of income tax, exemption from value added tax, spreading of earnings over several years. The situation nevertheless continues to be very unsatisfactory, bearing in mind the nature of the profession, and in fact in Norway artists successfully requested to be treated on the same basis as fishermen, and to have their earnings paid into the bank and taxed according to their withdrawals.

### Social security

A similar situation obtains in respect of social security: salaried artists enjoy identical protection to that of other salaried workers, whereas self-employed artists have no social security or else benefit less than fully while paying higher-than-average contributions. Various measures to remedy this state of affairs are under study: extension of the pension system to those working on an irregular basis, application of the same system as for salaried workers without reference to working hours, extension of all social security benefits to the whole population. The problem remains in most countries, and requires an urgent solution.

In conclusion, it should be emphasized that the majority of the countries which replied to the questionnaire are industrialized countries, of which only two are Eastern European countries. The 12 developing countries which took part in the survey were, in certain cases, hampered by the framework adopted for the questionnaire, which did not take the special nature of the artist's status in this type of country sufficiently into account.

## B. ANALYSIS OF THE SURVEY "THE CONDITION OF THE ARTIST - A GENERAL REVIEW OF PROBLEMS OF EMPLOYMENT AND CONDITIONS OF WORK AND LIFE"

The second basic document prepared jointly by the ILO and Unesco, entitled: "The Condition of the Artist - A General Review of Problems of Employment and Conditions of Work and Life" (June 1977 - CC-77/CONF. 615/COL. 3), without underestimating the variety of artistic professions and the constant changes which make it particularly difficult to pinpoint them, concluded that a pragmatic approach should make it possible to determine "common occupational characteristics pertaining to the nature, production process and purpose of the artist's work". Whatever the differing interests - reflecting different circumstances - which may place authors and performers, or the free-lance and salaried artists in opposing groups, they all face identical problems - the difficulty of finding employment or a market for their works, the moral and financial problems raised by the commercial utilization of what they produce, lack of financial or social security - the seriousness of which places the survival of the artist in jeopardy.

The technical revolution introduced by the advent of recording and the broadcasting of sound and image has completely disrupted the material and psychological conditions for the exercise of artistic professions. It is partly responsible for endemic unemployment, the rate of which is so high that the concept of security of employment which is an essential benefit enjoyed by the worker is unknown to the artist. Secondary employment has today become a built-in part of the artist's life. Despite the risk that it might replace and stifle an artistic vocation, it is the least damaging solution and should be given priority attention by the authorities. In the present situation, the future outlook for artists will depend on the facilities that can be arranged in this

respect. The secondary employment chosen must be compatible with the artistic activities exercised. This requires the systematic development of para-artistic activities in education and in cultural community activities.

The contracts system is not in the best interests of the artist on account of his precarious economic position and the fact that he is ill-prepared psychologically for the negotiations on which his career will depend. His lack of status raises the question of the legal nature of contracts (contract for the hiring of services, contract engaging a specialist for a specific purpose or, again, a new type of "artistic contract"), which may become a source of conflict with socio-economic repercussions prejudicial to the artist. Moreover, the clauses concerning the initial use of the work and even more those concerning secondary use frequently give discretionary powers to the user. Performance of a contract is difficult to check. The weakness of professional organizations, particularly among those working in the visual arts, prevents recourse to collective agreements which might make it possible to prevent malpractices of which artists are the victims. The conditions in which artists work are, therefore, particularly difficult and deprive them of benefits enjoyed by other categories of workers.

The close correlation between pecuniary and moral rights makes the latter a guarantee for the former. The relationship between work and remuneration is still not ascertainable: the value of what is produced appears to be the result of imponderables. One is led to the conclusion that artistic activity is to be valued in sociological rather than in specifically economic terms. In the absence of a definition of the status of the artist and of any standardization of employment arrangements, legal definition of remuneration (payment, salary, fees, royalties, wages, etc.) continues to be impossible. The negative effects of this situation are to be seen in every discipline and deter many gifted artists from following their vocation. The technological changes referred to above have made remuneration of the secondary uses of their work a crucial problem for all artists. The Rome Convention established the principle of remuneration, and left national legislations to put it into practice. In fact, it has not been possible to adopt the necessary legal and statutory measures in many countries. In some cases this deficiency has been made good by inter-professional contractual agreements, concluded in the main with radio and television networks. Having become the most important client, whether directly or indirectly, for creative artists and performers in all professional categories, the recorded entertainment sector has created the risk that the artist may be competing with himself, by virtue of the unlimited possibility of reusing his work or performance. This sector still has a great potential which should be exploited in favour of the artist.

The taxation system for artists is an unfavourable reflection of the particularities of their profession. The same is true of the social security arrangements designed to protect each individual from the economic distress resulting from stoppage of earnings, to provide all with medical care as needed, and to assist families with the cost of bringing up their children. The protection afforded to artists depends on their employment status. The minority which works on a permanent basis for either a public or private employer is treated in the same way as other salaried workers and normally comes under the general social security system. Self-employed artists are in a very different position: where special arrangements are made for self-employed workers, they are covered by such provisions. But such cases are exceptional and in most countries, and in the developing countries in particular, self-employed artists have no protection. In countries where special arrangements for self-employed workers also cover artists, it should be noted that the range and the amount of benefits are almost invariably inferior to those of the scheme applicable to salaried workers. The problem of social security coverage and the tax system applicable to artists can be solved only if there is recognition by the community of their interests and legislation which will take into account the special nature of the artistic profession.

The report's conclusions can be summarized as follows:

- (i) the status of the artist is ill-defined, and fails to recognize either his intrinsic quality or the specific nature of his activity;
- (ii) vagueness as to the function of culture means that the artist is relegated to the fringes of society and is prevented from assuming his responsibilities in respect of cultural policy;
- (iii) the increasing internationalization of artistic professions makes concerted discussion at international level necessary if their problems are to be solved,
- (iv) the combination of economic vulnerability and weak professional structures makes the artist dependent on those who use his work;

- (v) the effects of technological progress and the sociological revolution which it has triggered off weigh heavily on employment, remuneration and working conditions and are radically changing every aspect of the condition of the artist;
- (vi) the shortage of jobs which makes unemployment a fact of life for the artist calls for the provision of safeguards as well as incentives to renovate the cultural infrastructure;
- (vii) remuneration which often falls below subsistence level obliges the artist to take a second job, which must be organized in such a way as to minimize its harmful effects on his vocation;
- (viii) their working conditions, regulations governing their work, insecurity of employment, inadequate coverage against the contingencies of illness, accident, or death, as well as less extensive maternity and family allowances, unemployment benefits and retirement pensions mean that artists are denied the socio-economic benefits available to other workers.

It is for the experts to work out, in all these areas, standard-setting action designed to improve the position of artists in the world, bearing in mind the fact that "there is a deep need to restore the artist to his rightful place within his community and to rectify living conditions which have become intolerable and working conditions which are too difficult to allow the artist to exercise his profession in a normal way and fulfil his cultural function ... Otherwise, there is a real danger that the springs of creativity will eventually run dry". (CC-77/CONF. 615/COL. 3).

#### C. JOINT ILO/UNESCO MEETING OF EXPERTS ON THE STATUS OF THE ARTIST (Geneva, 29 August - 2 September 1977)

In accordance with the decisions of the General Conference at its nineteenth session (Nairobi 1976) and of the Governing Body of the International Labour Office at its 202nd Session (Geneva, February-March 1977), a meeting of experts on the status of the artist was convened jointly by the two organizations. The meeting was held from 29 August to 2 September 1977 at the ILO Headquarters in Geneva. The experts were chosen jointly from different geocultural regions and artistic disciplines. Their instructions were to prepare a report which could be used as a basis for the preliminary study on the technical and legal aspects of the problem (19 C/Resolution 4.132), which would be submitted to the 104th session of the Executive Board.

The experts devoted a considerable amount of time to the definition of the artist, in their concern for the need to guarantee the artist's freedom and to take into account the special position of artists in most developing countries, where they are still part and parcel of community life. The following text was adopted: "An artist is to be understood as any person, with or without an employment relation, who devotes a qualitatively important part of his active life to the arts, and asks for and accepts recognition as such within the society in which he lives, whether or not he holds membership in a professional association".

The experts drew attention to the cultural role which artists should play, particularly in the protection and affirmation of cultural identity. Their training should help them to exercise this function which is essential for the well-being of the community and its development. The importance of the arts in lifelong education was stressed, and the need to associate artists with this undertaking recognized. In certain cultural environments, official or academic training might be a danger, particularly when its basis was alien to the cultural environment and its traditions. Emphasis was also laid on the specific nature of the artist's training, the role of multidisciplinary workshops and the need to keep education more closely in touch with active artistic establishments and professional circles. The moral obligations of the artist should form part of his training and be freely accepted and discharged by him by virtue of his own entirely independent and fully responsible decision.

Social recognition of an activity determines the relative value and usefulness attributed to it. This specific official recognition does not appear to be granted in the majority of countries. The experts studied the different possible formulas for the grouping of artists to ensure their legal protection, and the distinctions which should be retained, particularly between creative and performing artists. They concluded that existing instruments should be strengthened. The ILO and Unesco should be asked to promote action at the national, regional and international level to ensure recognition of artistic work as a profession and to strengthen the artist's legal protection. Artists should enjoy the protection provided for in national and international legislation on human rights, benefit from workers' rights in respect of living and working conditions and receive official recognition expressed in a social status which should be formulated and protected as soon as possible.

The freedom of the artist is a crucial question which claimed the attention of the meeting. Creative activity is impossible without freedom. This is why the freedom to create must be considered a basic right, recognized and protected by the legislator. Dissemination of the work of the artist, on the other hand, involves a social responsibility towards the public for which it is intended. The experts stressed that the artist should be aware of his obligations towards the community to which he belongs and that he must accept them by his own entirely independent and fully responsible decision.

The experts expressed concern at the situation in respect of artists' working and living conditions. In most countries unemployment and underemployment were placing the survival of the artist in jeopardy. Since technical progress and the media produced by it were mainly responsible for the deterioration in the artist's situation, it was for them to help redress this situation. Study and development of secondary employment should make it possible to improve the artist's situation. An attempt at professional organization should be made in order to ensure protection of the artist's pecuniary and moral rights and improve the scope and value of collective agreements and contracts. National legislations and international agreements should be drawn up to safeguard the working conditions of this professional category, particularly in respect of health, hygiene, and the working environment and to extend to artists, who should be considered as cultural workers, the same social security protection as that afforded to other categories of workers. Pending the adoption of satisfactory social security measures, the experts advocated parallel action to strengthen any providence-type initiatives on the part of artists' organizations.

The experts considered that artists should take part in all discussions and decisions and in the formulation of legislation concerning their status. They should be associated in the definition and application of the cultural policies of the countries to which they belong and play a key role in improving the quality of life.

Artistic creation is of crucial importance in cultural and social development. Creative artists are full partners in the life of the community and it is with their help that the processes for its development should be devised. It was necessary, in the experts' view, to stress the need to institute and strengthen State patronage and take all appropriate measures to give new impetus to private patronage. Encouragement of interest among the public and the systematic dissemination of works of art must also be included in this series of measures to stimulate and protect artistic creation.

The experts decided to sum up their conclusions in five paragraphs which are reproduced in full below, for they are in substance equally suited to be the conclusions of this study:

- "(i) The experts were of the opinion that the experience of the meeting represented an act of solidarity of the art world regardless of any differences in the categories, place and role in the art process itself, confronted with the difficulties encountered by the arts in contemporary society.
- (ii) The experts expressed their appreciation of the co-operation established by the ILO and Unesco, a necessary pre-condition for treating the status of the artist in its originality, complexity and entirety, co-operation that was strengthened by the assistance of WIPO<sup>(1)</sup>, the CEC and the different non-governmental international artistic organizations representing a wide variety of disciplines and interests. The experts also noted that this meeting was the first time that the status of the artist had been approached in such a comprehensive manner.
- (iii) The experts examined the variety of categories and situations of the artistic profession, noting the effects of the socio-economic and political systems, the levels of technological development, the relative position of the artistic process and its various disciplines. The special situation of the traditional artist and his status in developing countries were emphasized especially as they involved the very survival of national cultures and their practitioners. Despite this diversity there was a broad consensus as to the necessity for an international co-ordinated action in order to safeguard artists of all regions and categories and to promote artistic creativity, the vital interests of artists and their role in society.
- (iv) On the basis of the information exchanged which came from different disciplines and parts of the world, the experts noted the existence of a number of models and options which could be considered for eventual action, taking into account the needs, possibilities and socio-cultural values of each country. In that task an essential role would

(1) World Intellectual Property Organization.

belong to the initiative of the artists themselves and to their associations and their organizations.

- (v) The experts considered that an appropriate international instrument consisting of a general framework adaptable to diverse situations was required to protect and promote the arts and the artist in contemporary societies. For that purpose it would be advisable to call a committee to draw up a preliminary draft of an international instrument to govern the status of the artist as well as the rights, safeguards and protection he should enjoy in matters such as those dealt with in the relevant chapters of the present report. This committee would also provide guidelines for more specific instruments which might be prepared to supplement it. It was stressed that no provision of such a draft could diminish in any way the strength of any provision favourable to artists to be found in any existing instrument. Care should be taken, however, not to duplicate the efforts undertaken by other bodies in this area".



ANNEX

PRELIMINARY DRAFT RECOMMENDATION  
ON THE STATUS OF THE ARTIST

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ 1980 at its twenty-first session,

(Ideals of the United Nations)

Recalling that, under the terms of the Preamble to its Constitution, the purpose of Unesco is to advance, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organization was established,

(The right to art)

Recalling the terms of the Universal Declaration of Human Rights and, in particular Article 27 which provides that everyone has the right freely to participate in the cultural life of the community and to enjoy the arts, and also that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author,

(Freedom of the artist)

Recalling Article 15 of the United Nations International Covenant on Economic, Social and Cultural Rights, which reaffirms these rights and lays down the obligation for States to respect the freedom indispensable for creative activity,

(International co-operation in the field of the arts)

Recalling the Declaration of the principles of international cultural co-operation, adopted by the General Conference of Unesco at its fourteenth session, on 4 November 1966, and, in particular, its Article III, which provides that international cultural co-operation shall cover all aspects of intellectual and creative activities, and its Article IV, which provides that the aims of international cultural co-operation shall be, among others, to stimulate talent and to enrich cultures, to enable everyone to enjoy the arts and literature and to contribute to the enrichment of cultural life,

(Economic and social rights - social security)

Recalling the terms of the above-mentioned Universal Declaration of Human Rights and, in particular, Article 22 which affirms that everyone has the right to social security and is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality, Article 23 which affirms that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, Article 24 which affirms that everyone has the right to rest and leisure, to reasonable limitation of working hours and to periodic holidays with pay, and Article 25 which affirms that everyone has the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control,

(Conditions of work)

(Right to training)

Recalling that the right to work was reaffirmed in Article 6 of the United Nations International Covenant on Economic, Social and Cultural Rights which, in addition, provides that the steps taken to achieve the full realization of this right shall include technical and vocational guidance and training,

(Social security)

Recognizing that every artist, as a person who devotes a qualitatively important part of his active life to work of the utmost spiritual, educational and social significance, has the right to benefit from the social protection and security guaranteed by the aforementioned Constitution, Declarations and Covenant,

Note: The marginal annotations are intended to help the reader and will not be included in the final text.

(Status)

Recognizing also that technological, demographic, economic and social developments are modifying both the relationship between art and society and the social and economic situation of the artist, and that it is becoming necessary to bring the status of the creative artist and the performer into line with the features of contemporary society,

(Cultural worker)

Affirming the right of the contemporary artist to be considered as a cultural worker and consequently to benefit from all the legal, social and economic advantages pertaining to the status of workers,

Recalling the conventions and recommendations of the International Labour Organisation which have recognized the rights of workers in general and, hence, the rights of artists and, in particular, the conventions and recommendations listed in the appendix,

Recognizing, however, that some of the International Labour Organisation's standards allow of derogations or even expressly exclude artists, or certain categories of them, owing to the special conditions in which artistic activity takes place, and that it is consequently necessary to extend their field of application and to supplement them by other standards,

Considering further that, while this recognition of their status as cultural workers should be conducive to encouraging artists to exercise their responsibilities and rights as citizens to the full, it should in no way compromise their freedom of creativity, expression and communication but should, on the contrary, by confirming their dignity and freedom as workers, liberate them from the constraints of certain forms of paternalistic patronage,

(The need for action)

Convinced that action by the public authorities is becoming necessary and urgent in order to remedy the disturbing situation of artists in a large number of Member States, particularly as regards their economic and social circumstances and their conditions of employment, and to provide creative artists and performers once more with the conditions necessary for the development and flowering of their talents and appropriate to the role they should play in the planning and implementing of the cultural policies and cultural development activities of communities and countries and in the protection of the quality of life,

(Role of artists)

Considering that the development of the arts, as the source of rejuvenation of the higher forms of all culture, depends on the work of artists, who have the right to constitute themselves as a professional category and to enjoy social and economic protection,

(Their freedom and responsibility)

Considering that the artist, while epitomizing the experience of his community and his time, is often an innovator and a pioneer and that guarantees are becoming necessary, on the one hand, to prevent the thwarting or stifling of creative inspiration and, on the other, to define the reciprocal rights and duties of the creative artist and the society to which he belongs,

(Artistic property)

Conscious of the complex nature of artistic activity and the diverse forms it takes and, in particular, of the importance, for the living conditions and the development of the talents of creative artists and performers, of the protection of their moral and material rights in their works or performances and of the need for extending and reinforcing such protection,

(Cultural policy)

Considering also the need to associate artists more closely with the formulation and execution of cultural policies and, for that purpose to provide them with the means for effective action in this sphere,

(Diversity)

Taking into account the diversity of circumstances of creative artists and performers in different countries and within the communities in which they are expected to develop their talents, and the varying significance attributed to their works by the societies in which they are produced,

(But concerted action)

Convinced, nevertheless that, despite such differences, questions of common concern arise in all countries with regard to the status of artists and that such questions call for the application of common measures which it is the purpose of this recommendation to suggest,

(Existing  
legislation)

Taking note of the provisions of the international conventions in force relating more particularly, to literacy and artistic property and to the protection of the rights of performers of the resolutions of the Unesco General Conference and the recommendations made by Unesco's Intergovernmental Conferences on cultural policies, and of the conventions adopted by the International Labour Organisation,

Having before it as item \_\_\_\_\_ of the agenda of the session, proposals concerning the status of the artist,

Having decided, at its twentieth session, that this question should be the subject of a recommendation to Member States,

Adopts this Recommendation this \_\_\_\_\_ day of \_\_\_\_\_ 1980.

The General Conference recommends that Member States apply the following provisions, taking whatever legislative or other steps may be required, in conformity with the constitutional practice of each State and the nature of the questions under consideration, to give effect within their respective territories, to the principles and norms set forth in this recommendation.

The General Conference recommends that Member States bring this recommendation to the attention of authorities, institutions and organizations in a position to contribute to improvement of the status of the artist to foster the participation of artists in cultural life and development.

The General Conference recommends that Member States report to it, on dates and in a manner to be determined by it, on the action they have taken to give effect to this recommendation.

1. Definitions:

For the purposes of this Recommendation

- A. The word "artist" signifies any person who devotes a qualitatively important part of his life to expressing and communicating an aesthetic vision of the world and who is or asks to be recognized as an artist within the society in which he lives, whether or not he is bound by any relations of employment or association;
- B. The word "status" signifies, on the one hand, the regard accorded to artists in a society on the basis of the importance attributed to the part they are called upon to play therein and, on the other, recognition of the liberties and rights, including economic and social rights with particular reference to income and social security, which artists should enjoy.

2. Scope of application:

This recommendation applies to all creative artists and authors within the meaning of the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works and to performers within the meaning of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, irrespective of the discipline or form of art practised by such artists, authors, creators or performers.

3. Guiding principles:

- A. Member States recognize that art represents one of the higher forms of humanity's progress, moulds and preserves the cultural identity and spiritual heritage of the various societies, constitutes the most universal form of expression and communication and as the common denominator in ethnic, cultural or religious differences, brings home to everyone, to a greater extent than anything else, the sense of belonging to the human community.

(Protection of the  
artist)

B. Member States, recognizing the essential role of art in the life and development of the individual and of society, accordingly have a duty to protect, defend and assist artists and their freedom of creation, and to take all necessary steps to stimulate artistic creativity and the flowering of talent, in particular, by adopting legislation and regulations calculated to secure increased participation by artists in decisions concerning the quality of life and to improve their standing and their economic position in contemporary societies. By the cultural policies they adopt vis-à-vis art and artists, States should demonstrate that artistic activities have a part to play in the nations' global development effort to build a juster and more humane society and to live together in circumstances of peace and spiritual enrichment.

(Conditions of  
employment)

C. Member States should ensure that artists are free to establish organizations of their choosing and to become members of such organizations, and should arrange for organizations representing artists to participate in the formulation of cultural policies and employment policies and in the fixing of artists' conditions of work.

(Moral and  
material status)

D. At all appropriate levels of national planning, in general, and planning in the cultural field, in particular, Member States should make arrangements, by close co-ordination of their policies relating to culture, education and employment among other things, to define a policy for providing assistance and material and moral support to artists and should ensure that public opinion is informed of the justification and the need for such a policy. Artists should enjoy equitable conditions and their profession should be accorded the public consideration it deserves. Their conditions of work and of employment should be such as to permit artists to devote themselves fully to their aesthetic activities.

(Freedom of  
expression)

E. Since freedom of expression and communication is the essential prerequisite for artistic creation, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights; any moral and material support accorded to creative artists and performers in an objective and equitable manner by the public authorities shall be designed to ensure that they have greater freedom and professional dignity in their relations with patrons, paternalistic support or any other form of assistance which may jeopardize their independence, and should never serve as an instrument for restricting the artist's freedom of expression and communication.

(Participation)

F. In view of the role of artistic activity and creation in the cultural and overall development of nations, States should take all necessary steps to ensure that artists participate fully in the life of the communities in which they practise their art, and that they are closely associated with the formulation and execution of local and national cultural policies, such participation and association being recognized as the best means of stimulating artists' awareness of their responsibilities towards the communities in which they live and work.

#### 4. The vocation and training of the artist

(General education)

A. Member States should encourage the discovery and strengthening of artistic vocations at school and from an early age as well as in other circumstances, and should bear in mind that, if it is to be effective, the stimulation of artistic creativity calls for provision of the necessary training of talent to produce works of outstanding technical and aesthetic quality. For this purpose, Member States should:

(Art education)

- (i) take all appropriate measures to provide, in their educational institutions at all levels, a general education calculated to stimulate vocation or talent;
- (ii) take all appropriate measures, whenever possible, to institute or develop the teaching of particular artistic disciplines;

- (Continuing education)
- (iii) seek by means of incentives to ensure that artists have the opportunity to bring their knowledge up to date in their own discipline or in related specialities and fields, to improve their technical skills to establish contacts which will stimulate creativity, and to undergo retraining so as to be able to accede to and work in other branches of art; for these purposes, Member States should see that appropriate facilities are provided and that those already existing are, where necessary, improved and developed;
  - (iv) adopt and develop co-ordinated, comprehensive vocational guidance and training policies and programmes, closely linked to employment, so that artists can more easily enter other sectors of activity;
  - (v) stimulate artists' participation in the restoration, conservation and use of the cultural heritage in the widest sense of the term, and provide artists with the means of transmitting to future generations the knowledge and artistic skills of which they are possessed;
- (Initiation)
- (vi) recognize the importance in arts and craft training of the traditional ways of transmitting knowledge and in particular of the initiation practices of various communities, and take all appropriate measures to protect and encourage them;
- (Living art)
- (vii) recognize that art education should not be separated from the practice of living art, and see that such education is reoriented in such a way that active cultural establishments (such as theatres, art studios, radio and television broadcasting organizations) play a leading part in this type of training and apprenticeship;
- (Discrimination)
- (viii) ensure that all individuals, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth, have the same opportunities to acquire and develop the training necessary for the complete development and exercise of their artistic talents;
  - (viii) give particular attention to the development of women's creativity and the encouragement of groups and organizations which seek to promote the role of women in the various branches of artistic activity;
- (International vocation)
- (ix) recognize that artistic life and the practice of the arts have an international dimension and accordingly provide those engaged in artistic activities with all the means and, in particular, travel and study grants, likely to enable them to establish lively and deep-reaching contacts with other cultures;
  - (x) take all necessary measures to ensure that the free international movement of artists does not prejudice the development of native talents and, in particular, the conditions of work and employment of a country's own artists.

B. As far as possible, and without prejudice to the freedom and independence that artists and educators should enjoy, Member States should give their full support to educational ventures designed to ensure that artists have a clear appreciation of their duties towards the community to which they belong and should facilitate the task of those among them who wish to devote their energies to the affirmation or rediscovery of cultural identity and traditional or folk cultures.

#### 5. Social Status:

In their treatment of and attitude towards artists, Member States should seek to demonstrate the encouragement they give to artistic research regarded as a service to the community. They should promote the status

of artists and ensure that they enjoy the consideration necessary for the full development of their work and the economic safeguards to which they are entitled as workers, and that they participate in the life and development of society.

Member States should:

(Prestige)

A. grant artists public recognition in the form best suited to their respective cultural environments and, where such a system does not already exist or is inadequate, should study the possible institution of prizes and honorary awards, institutes and academies, to confer on, or restore to, artists the social prestige which is their due;

(Freedom)

B. see that the artist benefits from the rights and protection provided for in international and national legislation relating to human rights;

(Economic status)

C. take the necessary steps to see that creative artists and performers enjoy the same rights as are conferred on comparable occupational groups by national and international legislation in respect of employment and living and working conditions and see that so-called self-employed artists enjoy protection as regards income and social security comparable with that accorded to artists who are employed persons;

(Protection of rights)

D. recognize the importance of international protection of the moral and material rights of artists under the terms of existing conventions and in particular of the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, and take all necessary steps to extend the field of application, scope and effectiveness of those instruments, particularly - in the case of Member States which have not already done so - by acceding to those conventions;

(Professional organizations)

E. recognize that professional and trade-union organizations represent for artists an essential means of defending their interests and improving their status and that those organizations should advise the public authorities on suitable measures and policies for stimulating artistic activity and ensuring its protection and development.

6. Employment, working and living conditions of the artist:

(Percentage of public works)

A. Being aware of the critical situation in which creative artists and performers are often placed, and of the need to raise the prestige of creative and artistic activities by according them appropriate moral and material support and rewards, Member States should:

(i) seek to promote the employment of artists in their own disciplines particularly by devoting a proportion of public expenditure to artistic works;

(ii) endeavour to promote artistic activities within the general context of development and create inter alia, suitable work positions for creative artists or performers by means of subsidies to artistic institutions, commissions to individual artists, or the organization of artistic events at the local, regional or national levels;

(iii) promote a policy designed to identify types of remunerative employment which could be given to creative artists or performers without prejudice to their talent, vocation and freedom of expression and communication, and in particular to fit certain categories of artists into the educational system at different levels, and in conditions which would protect their creativity.

B. Within the context of a general policy for the encouragement of artistic creativity, cultural development and the promotion and improvement of conditions of employment, Member States should:

(Employment standards)

(ILO)

(Hours of work)

(Place of work)

- (i) take steps to encourage and facilitate the application of the standards adopted for other occupational categories comparable with that of creative artists and performers, and ensure that they enjoy all the rights accorded to other workers in respect of working conditions;
  - (ii) seek means of extending to creative artists and performers the legal protection concerning conditions of work and employment defined by the standards of the International Labour Organisation, in particular the standards relating to:
    - (a) hours of work, weekly rest and leave in all fields or activities where such regulation can be effective and significant, more particularly, in the case of performers, taking into consideration the hours spent in rehearsal as well as those spent in public performance or appearances;
    - (b) places of work, including - where the place of work is also the domicile or residence of the artist - the granting of facilities for alterations to the premises;
  - (iii) grant exceptions to building regulations and obligations, especially for the benefit of sculptors and painters;
  - (iv) when for reasons connected with the nature of the artistic activity undertaken or the artist's employment status, the standards relating to the matters referred to cannot be observed, provision should be made for appropriate forms of compensation for artists, preferably in consultation with organizations representing artists and their employers.
- C. Recognizing the part played by professional organizations in the protection of the employment and working conditions of all categories, Member States should, wherever necessary, take appropriate steps to:
- (i) observe and secure observance of the standards relating to freedom of association and the right to organize, set forth in the conventions of the International Labour Organisation listed in the appendix so that these standards and the general principles on which they are founded may apply to all artists, whether or not they are employed persons;
  - (ii) encourage the establishment of such organizations in disciplines where they do not yet exist;
  - (iii) encourage artists to join professional organizations;
  - (iv) enable organizations to strengthen their status and representativity so that they may carry out their role to the full;
  - (v) ensure adequate application of national and international standards relating to the rights of authors and performers for all categories of cultural workers, creative artists and performers.
- D. Recognizing that artists, as "cultural workers", can lay claim, like all other workers, to adequate social security protection, Member States should endeavour to provide such protection for the different categories of artists, including self-employed artists, so far as it is reasonably possible to do so. Efforts should be directed primarily to the provision of medical care and old-age benefits. In addition, provision should be made for benefits giving the persons concerned appropriate compensation when they are unable to work, for example in the event of sickness, employment injury, unemployment or invalidity. Provision should likewise be made for measures to extend social protection to dependent members of the family. The social security system which Member States may find it well to adopt,

improve or supplement should take into consideration the special features of artistic activity and the sharp variations in the incomes of many artists. In this context, Member States should consider the adoption of special means of financing social security for artists, for example by resorting to new forms of financial participation either by the public authorities or by the business undertakings marketing or using the services or works of artists.

E. Recognizing in general that national and international legislation concerning the status of creative artists and performers, is lagging behind the general advances in technology, the development of the media of mass communication and of means of mechanical reproduction of works of art and of performances, the education of the public, and the decisive part played by the cultural industries, Member States should, wherever necessary, take appropriate measures to:

- (i) compensate as far as possible for any unfavourable effects of technological advances on the employment of creative artists and performers and on artistic activity as a whole;
- (ii) provide in particular for a system of equitable compensation for artists in respect of any prejudice they might suffer in consequence of such technical development of new communication and reproduction media and cultural industries; this might take the form of the creation of posts for artists, the provision of publicity for them or for their works, dissemination of their works by the undertakings and institutions to which the damage suffered could be attributed, or any other form of compensation judged equitable;
- (iii) ensure that cultural industries benefiting from technological changes, including radio and television organizations and technical reproduction undertakings, play their proper part in the effort to encourage and stimulate artistic creation, for instance by providing new employment opportunities, by publicity, by the dissemination of works, payment of royalties or by any other means judged equitable, for the benefit of creative artists and performers;
- (iv) study the possibility of ensuring that the artist can rely on remuneration proportional to the extent of the commercial exploitation of his work.

(Compensation)

F. Convinced of the uncertainty of artists' incomes and their sudden fluctuations, of the special features of artistic activity, and of the fact that talent may fairly rapidly be exhausted and that many artistic callings can be followed only for a relatively short period of life, Member States should revise the taxation system applicable to creative artists and performers and to their works or performances, so as to take into account the particular conditions of their work and activity.

G. In view of the growing importance of international exchanges of works of art and the cultural need to encourage them, Member States should arrange for freer circulation of such works, in accordance with the Florence Agreement (17 June 1950), in particular through tax exemptions, more flexible customs inspection arrangements and insurance systems available to creative artists.

#### 7. Cultural policy and participation:

(Status of the artist)

A. Each Member State should endeavour to make artistic creativity serve the cultural development of its nationals, and, for this purpose, to associate creative artists and performers, and the professional organizations representing them, as far as possible with the formulation and implementation of its cultural policy, in particular, by making the necessary arrangements for artists or their associations to participate:



- (i) in deliberations and decisions on cultural, communication or other policies which have a bearing on their status, and in the working out and implementation of measures concerning the status and role of the artist in society;
- (ii) in decisions relating to the provision of material and moral support for artistic activities by the public authorities;
- (iii) in the elaboration and implementation of measures for the protection of the environment and the preservation and improvement of the quality of life;
- (iv) in discussions and decisions concerning the organization of cultural development activities and the use of leisure;
- (v) in the elaboration and implementation of measures relating to the protection and effective presentation of the cultural heritage and cultural identity;
- (vi) in the elaboration and execution of any measures relating to international cultural co-operation, including those concerning the dissemination and translation of works, exchanges of works and of persons, and the organization of regional or international cultural enterprises.

8. Utilization and implementation of the present recommendation:

- A. Member States should strive to extend and supplement their own action in respect of the status of the artist by co-operating with all the national or international organizations whose activities are related to the objectives of this recommendation, in particular with National Commissions for Unesco, national and international artists' organizations, and the International Labour Organisation.
- B. Member States should, by the most appropriate means, support the work of the above-mentioned bodies representing artists and enlist their professional co-operation in ensuring that artists may, in a spirit of community service, assume the responsibilities and benefit from the provisions set forth in this recommendation and obtain recognition of the status described herein.

9. Final provision:

Where artists enjoy, in certain respects, a status which is more favourable than that provided for in this recommendation, its terms should not in any case be invoked to diminish the advantages already acquired.

## APPENDIX

### INTERNATIONAL INSTRUMENTS AND OTHER TEXTS CONCERNING WORKERS IN GENERAL OR ARTISTS IN PARTICULAR

#### A. Conventions and recommendations adopted by the International Labour Conference of the International Labour Organisation

1. Instruments applicable to all workers including artists: Freedom of Association and Protection of the Right to Organise Convention (No. 87), 1948; Right to Organise and Collective Bargaining Convention (No. 98), 1949; Discrimination (Employment and Occupation) Convention (No. 111), 1958.
2. Instruments on social security with a general application but providing States with the possibility to limit the scope of application: Social Security (Minimum Standards) Convention (No. 102), 1952; Maternity Protection Convention (Revised) (No. 103), 1952; Equality of Treatment (Social Security) Convention (No. 118), 1962; Employment Injury Benefits Convention (No. 121), 1964; Invalidity, Old-Age and Survivors' Benefits Convention (No. 128), 1967; Medical Care and Sickness Benefits Convention (No. 130), 1969.
3. Instruments applicable to employed workers in general, or to certain sectors or categories of workers, and applicable in principle to employed artists (subject in certain cases to a limitation of the scope of the Convention by a State at the time of ratification):
  - (i) Employment and human resources development: Employment Service Convention (No. 88), 1948; Employment Service Recommendation (No. 83), 1948; Fee-Charging Employment Agencies Convention (Revised) (No. 96), 1949; Employment Policy Convention (No. 122), 1964; Human Resources Development Convention (No. 142), 1975; Human Resources Development Recommendation (No. 150), 1975.
  - (ii) Industrial relations: Collective Agreements Recommendation (No. 91), 1951; Voluntary Conciliation and Arbitration Recommendation (No. 92), 1951; Co-operation at the Level of the Undertaking Recommendation (No. 94), 1952; Consultation (Industrial and National Levels) Recommendation (No. 113), 1960; Communications within the Undertaking Recommendation (No. 129), 1967; Examination of Grievances Recommendation (No. 130), 1967.
  - (iii) Conditions of work: Protection of Wages Convention (No. 95), 1949; Equal Remuneration Convention (No. 100), 1951; Equal Remuneration Recommendation (No. 90), 1951; Termination of Employment Recommendation (No. 119), 1963; Reduction of Hours of Work Recommendation (No. 116), 1962; Weekly Rest (Commerce and Offices) Convention (No. 106), 1957; Holidays with Pay Convention (No. 132), 1970; Paid Educational Leave Convention (No. 140), 1974; Paid Educational Leave Recommendation (No. 148), 1974; Medical Examination of Young Persons (Non-Industrial Occupations) Convention (No. 78), 1946; Night Work of Young Persons (Non-Industrial Occupations) Convention (No. 79), 1946; Hygiene (Commerce and Offices) Convention (No. 120), 1964; Minimum Age Convention (No. 138), 1973.
  - (iv) Migrant workers: Migration for Employment Convention (Revised) (No. 97), 1949; Migrant Workers (Supplementary Provisions) Convention (No. 143), 1975; Migrant Workers Recommendation (No. 151), 1975.

#### B. International Labour Organisation/United Nations Educational, Scientific and Cultural Organization/World Intellectual Property Organization

The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

The Model Law on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.