

Appendices

The Protection and Promotion of Musical Diversity

CONSULTANTS' REPORTS

Appendix 6

The Protection and Promotion of Musical Diversity

Arab World:

ALGERIA

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The complementarity or reciprocity between the protection of musical diversity and that of human rights

- Cite examples where music expression or music diversity have been repressed by direct action of government or action by others directed by government, or by others acting to pre-empt direction by government.
- Depuis les années 80, nous n'avons pas eu à déplorer de répressions ou aucune exaction par action directe ou indirecte du gouvernement ou autre instrument du pouvoir politique en Algérie. Antérieurement à cette époque toute expression ou production musicale dites engagées étaient soumises à surveillance et censure, voir répression des auteurs et interprètes (emprisonnement pour délit d'opinion ou pour intelligence contre l'intérêt de la nation).
Since the 1980s, we had no repressions or any exaction by direct or indirect action of the government or another instrument of the political power in Algeria. Before that period, any so-called "committed/engaged" musical expression or production subject to monitoring and censorship, even to repression of authors and performers (imprisonment for offence of opinion or intelligence against the nation's interest).
- In the countries where there is such repression of musical expression or diversity, are there other notable breaches of human rights?
- **Aucune infraction notable des droits de l'homme.**
- **No notable breach of the human rights.**

1. The links between musical diversity and economic development and the fight against poverty

- Cite examples of the use of music to assist in non-music economic development.
 - **Par tradition la musique est étroitement liée à la vie socio-économique des régions d'Algérie, rurales pour la plupart. Elle accompagne toute manifestation saisonnière de collecte de la dattes dans le Sahara, de la fête du mouton dans les hauts plateaux, la fête de la cerise en Kabylie etc. Depuis une récente volonté de relance du secteur touristique algérien, la musique traditionnelle s'est vue impliquée comme vecteur essentiel de promotion et de valorisation du tourisme. C'est ainsi que des artistes et troupes de musique et de chant traditionnels sont souvent associés aux manifestations touristiques (salons professionnels, festivals).**
 - **By tradition, music is closely related to the socio-economic life of the Algeria's regions, rural in most cases. Music accompanies every season-related event, linked to the collection of dates in the Sahara, the sheep feast in the high plateaus, the cherry feast in Kabylie etc. In light of a recently expressed will to revitalise the Algerian tourist sector, the traditional music has been involved as an essential vector of promotion and valorization of tourism. Thus artists and ensembles of traditional music and chant are often associated to touristic events (professional fairs, festivals).**
- Cite examples of government or agency action to develop aspects of the music industry or the music industry as a whole
 - **Les actions gouvernementales en faveur du développement de l'industrie musicale sont minces :**
 - **Une exonération partielle des droits et taxes sur l'importation d'instruments de musique et équipements de pédagogie musicale,**

- Un allégement fiscal qui se traduit par l'application d'un taux réduit de TVA de 7% accordé aux artisans fabricants d'instruments de musique,
- Une subvention annuelle du Fonds National de promotion de la culture, d'un montant variant de 40 à 70.000 DA, accordée aux associations artistiques et culturelles opérant dans les secteurs de la musique, du chant, de la danse, et du théâtre.

There is very little government action to develop the music industry:

- partial exemption of customs and taxation on the import of music instruments and equipment for music pedagogy,
- tax relief: application of a reduced rate of VAT of 7% granted to the craftsmen who manufacture music instruments
- an annual subsidy of the National Fund for the promotion of culture, with an amount between 40 and 70.000 DA, granted to artistic and cultural associations operating in the field of music, chant, dance, and theatre.

- Cite examples of the use of music to alleviate poverty or the conditions contributing to poverty.

- **Le Téléthon annuel institué par l'Entreprise Nationale de Télévision est une des occasions dédiées à la lutte contre la pauvreté et en faveur des démunis, durant laquelle des artistes musiciens et chanteurs interprètes se produisent. Un nombre important d'associations et d'ONG nationales trouvent également un précieux soutien auprès des artistes, lors de galas et de manifestations culturelles aidant la lutte contre la pauvreté et l'exclusion.**
- **The annual Telethon instituted by the National Television Company is one of the occasions dedicated to the fight against poverty and to the support of poor, during which artists musicians and singers perform. A significant number of associations and national NGO also receive an invaluable support from the artists, on the occasion of gala evenings and cultural events in support of the fight against poverty and exclusion.**

2. *The links between musical diversity and the promotion of peace*

- Cite examples of the use of musical diversity to promote peace.
- **L'exemple le plus frappant de l'utilisation de la diversité musicale en faveur de la paix, a très certainement été la rencontre d'artistes et de troupes venus de toutes les régions d'Algérie, se produire à l'unisson, lors de l'évènement organisé à l'occasion de la promulgation par le président de la république, monsieur A.Bouteflika, de la loi sur la concorde civile. Des artistes se sont produits en duplexe à partir de plusieurs villes, Alger, Oran, Constantine, Batna, Annaba, Bejaia. La musique aura encore joué le rôle de lien fédérateur du peuple, même dans des circonstances pas toujours évidentes ni confortables. Après ce qu'a enduré le peuple algérien, ce fut une belle leçon de maturité et de sagesse.**
- **the most striking example of the use of musical diversity in favour of peace was no doubt the meeting of artists and ensembles who came together from all parts of Algeria, to perform with one voice, during an event organized on the occasion of the promulgation - by the president of the republic, Mr A.Bouteflika - of the law on the civil harmony. Artists performances occurred at the same time in several cities, Algiers, Oran, Constantine, Batna, Annaba, Bejaia Music again played the role of a federating link among the people, even in circumstances that were not always obvious nor comfortable. After what the Algerian people had endured, it was a beautiful lesson of maturity and wisdom.**
- Can you cite instances where musical diversity has caused or been strongly associated with social disharmony?

- La diversité musicale n'a, à ma connaissance, jamais été à l'origine d'aucun désaccord social.
 - **Musical diversity has, to my knowledge, never caused any social disharmony.**
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3. *The standards regulating musical diversity*

- Cite examples of government or government-induced regulations intended to promote musical diversity or freedom of musical expressions OR to limit them. Refer to the fields shown below. In each case, if possible, give briefly the rationale for the regulation. In each case, are the regulations enforced?

- **Il n'y a à proprement dire pas de réglementations introduites par le gouvernement quant à la diversité musicale. En dépit de l'immense territoire qu'occupe l'Algérie, la diversité ethnique constitue un ensemble homogène vivant en total harmonie. Reste les impératifs d'ordres régionaux auxquels s'appliquent des habitudes et coutumes propres. Il n'y a pas de politique de quotas des grilles de programmation tant au niveau des radios nationales que régionales. Une ligne directrice régleme toute fois la diffusion de musique en observance et respect des usages et coutumes liées à la société musulmane (évitant des musiques dites vulgaires à connotation sexuelle, ou encourageant à la consommation de drogues et alcools). Une réglementation régisant davantage l'aspect moral que politique de la diversité musicale.**

- **There aren't any proper regulations introduced by the government related to musical diversity. In spite of the immense territory which Algeria occupies, ethnic diversity constitutes a homogeneous ensemble living in total harmonizes. What remains are the requirements of regional nature to which habits and customs relate. There is no quota policy in program grids of national or regional radios. There is, however, a directive which rules upon the broadcast of music so to observe the respect of customs and habits of the Muslim society (by avoiding musics known as vulgar with sexual connotations, or encouraging the consumption of drugs and alcohol). A regulation that is governing rather the moral aspect than the political of musical diversity.**

- Broadcasting. For instance, are there examples of the use of regulations to require the broadcast of local music, or regulations to require the broadcast of some forms of music but not others, or regulations to prohibit the broadcast of some forms of music?
- o **En terme de radiodiffusion, une programmation est établie par la direction de la radio concernée sans répondre à une autre tutelle que la sienne. Les programmes régionaux occupent un espace important dans la grille de programmation, tenant compte essentiellement des auditeurs locaux. Radio Tassili (grand sud algérien) favorisera a fortiori la musique Targui plutôt qu'un autre genre musical, répondant aux aspirations et à la demande (chants en tfinagh, imzad, tindé etc.) de ses auditeurs. Aucune exigence en terme de diffusion de musique n'est exprimée à l'avantage ou au désavantage d'un genre musical. Comme aucune forme de musique ne s'est vue interdite de diffusion.**
- o **In terms of broadcasting, programming is established by the management of the radio concerned which does not have to report to any other authority. The regional programs occupy an important space in the program grid, and have primarily local listeners. Radio Tassili (greater south of Algeria) would a fortiori give emphasis to the Targui music rather than another musical genre, thus answering to the aspirations and the request of its listeners (songs in tfinagh, imzad, tindé etc.). No requirement in term of diffusion of music is expressed putting a certain musical genre at advantage or to disadvantage. Such as no form of music is prohibited from dissemination.**

- New media. Are there parallel requirements in the regulation of new media that would favour or disfavour some forms of music? (New media: for instance, the internet.)
 - **Encore moins en ce qui concerne les nouveaux médias, puisqu'ils constituent de toutes nouvelles technologies en Algérie, faisant l'objet d'un usage peu répandu et par conséquent d'une absence totale de législation et de réglementation.**
 - **Even less with regard to the new media, since they constitute completely new technologies in Algeria, the use of which is rather limited and consequently, there is a total absence of legislation and regulation.**

- E-commerce. Are there parallel requirements in the regulation of e-commerce that would favour or disfavour some forms of music? (E-commerce in music: trade in music digitally embodied or delivered. Overlaps with new media.)
 - **Il n'y a pas encore d'annonceurs algériens opérant de manière régulière dans le secteur de la musique. Quelques grandes enseignes, tels que Mondomix, Amazon, Virgin et Fnac distribuent des artistes algériens à partir de l'Europe. Par conséquent aucune répercussion favorable ni défavorable à aucune forme de musique.**
 - **There aren't yet any Algerian advertisers operating regularly in the sector of the music. Some big labels, such as Mondomix, Amazon, Virgin and Fnac distribute Algerian artists from their European base. Consequently no favorable nor unfavourable repercussion to any form of music.**

- Education. Are there regulations requiring education in local music traditions, or in a diversity of musical genres?
 - **Aucun règlement quant à l'éducation dans les traditions musicales locales, ni dans une diversité d'aucun genre musicale. Les associations à caractère artistique et culturel s'efforcent toutefois de perpétuer ces traditions, malgré les difficultés qu'elles rencontrent, en formant des jeunes à ces arts.**
 - **No regulation requiring education in the local musical traditions, nor in a diversity of musical genres. Associations of artistic and cultural nature endeavour however to perpetuate these traditions, in spite of the difficulties which they encounter, while forming the young people to these arts.**

- Subsidy. Are there regulations that require that government subsidy should be given to, or withheld from specific musical genres, or to a diversity of musical genres? Are there regulations that require that government subsidy can only be given to citizens of the particular country, or regulations along those lines? Are there regulations that require that all applicants for subsidy must be considered equally, whether citizens or foreigners? Or are there variants on any of the above?
 - **Toute association statutaire, domiciliée en Algérie, à caractère artistique et culturelle a, à sa demande, droit à une subvention annuelle du fond national de promotion de la culture, quelque soit l'origine de ses membres, le genre musical qu'elle produit. A ce titre un seul texte de loi régit le fonctionnement des associations à caractère culturel.**
 - **Any legal association of artistic and cultural nature, domiciled in Algeria, is entitled, upon request, to an annual subsidy granted by the National Fund for the promotion of culture, regardless of the origin of its members and the**

musical genre it is concerned with. There is only one legal text to rule the functioning of cultural associations.

- Other. Are there similar regulations in areas of activity not mentioned above?
 - o **Non. NO**
- What is the situation of copyright law in the countries in this region? Has it been enacted? Is it enforced?
 - **La situation de la loi sur les droits d'auteurs est indescriptible. Les artistes algériens souffrent d'un vide juridique et législatif total en ce qui concerne leur protection et celle de leurs oeuvres. Les droits de propriété intellectuelle, d'auteurs, de télédiffusion, d'interprétation de production, d'édition et droits voisins sont gérés de manière archaïque par un seul organisme appelé ONDA (Office National des Droits d'Auteurs). Dépassés par la seule gestion de collecte de droit de production phonographique auprès des éditeurs, les responsables de cet office public n'ont d'autre ambition que de percevoir leur droit de diffusion. Il arrive souvent que les droits perçus par l'ONDA pour une œuvre donnée ne soient reversés que des années plus tard à l'auteur. Le code civil Algérien fait bien état de textes de loi sur la propriété privée et individuelle, mais n'intègre pas dans celui-ci la protection de la propriété intellectuelle. Peu de cas de jurisprudence ont été traités par les tribunaux algériens dans ce domaine. Des propositions en la matière font l'objet d'une étude au sein du Conseil Algérien de la Musique. Législation insuffisante et non respectée.**
 - **The situation of the law on authors' rights law is indescribable. The Algerian artists suffer from a gap in law and legislation with regard to their protection and that of their works. The intellectual property rights, authors rights, tele-dissemination, performing rights, production, edition and neighboring rights are handled in an archaic way by one single organism called ONDA (Office national des droits d'auteurs). Exceeded by the only management of the collecting of phonographic rights from the publishers, the persons in charge at this public office have no other ambition than to perceive the right of diffusion. It often happens that the rights perceived by ONDA for a given work are only transferred to the author years later. The Algerian civil code does include legal texts about private and individual property, but does not integrate the protection of intellectual property. Only very few cases of jurisprudence were handled by Algerian law courts in this field. Proposals on the matter are the subject of a study carried within the Algerian Music Council. Insufficient and not-respected legislation.**

4. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

- Cite examples of government promulgation of a single musical or cultural identity and any associated constraint on other musical or cultural identities.
 - **Quand en 1962 fut instaurée la république algérienne démocratique, l'état a institué l'arabe langue nationale, et l'islam religion d'état. Plus tard dans les années 90, le tamazight fut promulgué seconde langue nationale, et intégré dans le programme de l'éducation nationale et de l'enseignement supérieur. Aucune promulgation d'une seule identité musicale et culturelle n'a jamais été faite par aucun gouvernement algérien.**
 - **When the democratic Algerian republic was founded in 1962, the State has instaured Arabic as national language, and Islam as State religion. Later on, in the 1990s, the tamazight was promulgated second national language, and integrated into the curriculum of national education and higher education. Not a single musical or cultural identity has ever been promulgated by any Algerian government.**

- Cite examples of similar promulgation by the citizenry or sections of the citizenry.
 - **Aucun exemple de promulgation semblable n'a été exprimé par aucun citoyen, habitant ou groupe ethnique quelconque en Algérie.**
 - **No similar example of promulgation expressed by a citizen, inhabitant or an ethnic group in Algeria.**
- Does it appear that in your region there are some states that are less likely to ratify the UNESCO Convention for cultural diversity if issues of internal cultural diversity or open cultural borders are pressed?
 - **L'Algérie a ratifié la convention de l'UNESCO pour la diversité culturelle.**
 - **Algeria has ratified the UNESCO convention on cultural diversity.**

5. *The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity*

- Cite examples of cultures in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical diversity – in the sense of the simultaneous practice or presentation within a society of many forms of music.
 - **S'il est une terre dans le monde Arabo-musulman où la diversité musicale trouverait son essence, ce serait l'Algérie. Toute tradition s'y exprime au moyen de son propre langage, le kabyle, le chaoui, le mouzabit, le chaambi, le zénète, le targui, le saouri, le abbassi, le tijani, le r'guibat, le jakana etc. Fréquemment de grosses productions sont réalisées pour couvrir l'animation de fêtes nationales ou de manifestations culturelles d'envergure. Cela a été le cas pour le festival Panafricain de 1969, Le Sommet de l'Union Africaine en 2001, Les Jeux Panarabes en 2004, outre les 5 juillet date de l'indépendance algérienne, des milliers de musiciens de tous horizons confondus passent en revue dans des adaptations hétéroclites d'une complète harmonie.**
 - **If there is a place in the Arabo-Muslim world where musical diversity would find its essence, it would be Algeria. Any tradition is expressed there by means of its own language, the kabyle, the chaoui, the mouzabit, the chaambi, the zénète, the targui, the saouri, the abbassi, the tijani, the r'guibat, jakana etc. Frequently, large productions are realized to provide a frame for national feasts or important cultural events. This was the case for the Panafrican Festival of 1969, the Summit of the African Union in 2001, the Pan-Arab Games in 2004, next to the celebrations of July 5 - Algerian Independence Day. Thousands of musicians of all horizons are gathered in heteroclite adaptations marked by complete harmony.**
- Cite examples where they are averse to musical diversity.
 - **Pas d'opposition à la diversité musicale observée.**
 - **No opposition to musical diversity were noted.**
- Cite examples where they support, or weaken, the practice of local traditional or indigenous music.
 - **Des producteurs éditeurs de musique soutiennent la pratique, la promotion et la diffusion de la musique locale traditionnelle. Parmi eux Les éditions Atlas, Belda, Dounia, Soli, Tourath, et autres.**
 - **Music producers and publishers support the practice, promotion and dissemination of local traditional music. Among these: Atlas, Belda, Dounia, Soli, Tourath and others.**

- Cite examples where they are interested in developing hybrid musical forms – e.g. music that combines two or more ethnic musical genres, or combines an ethnic music with say, western popular music, or combines various forms of non-ethnic music.
 - **Plusieurs expériences de métissage de musiques d'origines différentes ont été menées. On peut noter à ce titre plusieurs rencontres qui ont eu lieu en Algérie:**
 - Gaada diwan de Béchar avec le percussionniste belge Michel Seba et Moustapha Fayé du Sénégal,
 - Athmane Bali et le groupe de jazz Vincenti,
 - Idir et Alan Steevel,
 - Aliwen et le Triskèle.
 - **Several experiments to mix musics from different origins were carried out. In this respect, some encounters were held in Algeria:**
 - Gaada diwan from Béchar with the Belgian percussionist Michel Seba and Moustapha Fayé from Senegal,
 - Athmane Bali and the Jazz ensemble Vincenti,
 - Idir and Alan Steevel,
 - Aliwen and the Triskèle.
- Cite examples of the expression of personal or community identity through music, and especially through musical diversity.
 - **L'identité personnelle ou communautaire passe par la communion d'un peuple partageant une même mémoire et s'exprimant dans un langage commun. Il est difficile de se reconnaître une identité qu'au travers du statut civil qui fait de l'individu le citoyen d'une nation ou d'un peuple. Une dimension bien plus ancrée en chacun de nous fait notre personnalité, nos préférences, nos aspirations et revêt un aspect plus profond et plus convivial de notre identité que celle que nous portons sur nos documents officiels. La musique «où que l'on soit en Algérie» exprime cette identité. Toutes les musiques nous touchent autant que la nôtre, nous transmettent leurs histoires nous rapprochent de leurs peuples et nous apparentent à elles. Je n'ai pas d'exemples particuliers à citer quant à l'expression de l'identité personnelle ou communautaire à travers la musique.**
 - **personal or community identity comes through the communion of one people sharing the same memory and expressing themselves in a common language. It is difficult to recognize an identity only through the civil status that makes an individual be the citizen of a nation or a people. It is another dimension – much more anchored in each one of us – that makes our personality, our preferences, our aspirations and represents a much deeper and convivial aspect of our identity than the one we carry on our official documents. Music "wherever you are in Algeria" expresses this identity. All the musics affect us as much as ours, transmit stories, bring their people closer to us and connect us with them. I do not have particular examples to quote as for the expression of personal or Community identity through music.**

6. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity

- On an analysis of the situation as you discover it in responding to previous questions, how would you define these obstacles and challenges, and by what methods do you envision them being overcome?

- Les obstacles auxquels sont soumis les artistes musiciens et chanteurs sont essentiellement d'ordre organisationnel et financier. Afin d'assurer une meilleure promotion et protection de diversité musicale, il suffirait de:
 - Un soutien financier et moral plus conséquent des autorités compétentes
 - Organisation d'évènements rencontres et festivals de musique et de chant nationaux et internationaux)
 - Favoriser l'apprentissage et l'enseignement de la musique, mais également des métiers de la musique et du spectacle, au niveau de l'éducation nationale, de la formation professionnelle à travers la création d'écoles spécialisées, conservatoires de musique et instituts de formation professionnelle publics et privés
 - Combler le vide législatif concernant la protection des oeuvres et les droits des artistes
- The obstacles which artists musicians and singers are subject to, are primarily of organisational and financial nature. In order to ensure a better promotion and protection of musical diversity, it would be enough to: -
 - have a stronger financial and moral support from competent authorities
 - organise music and song events, meetings and festivals on national and international level
 - support music education and training, but also the music and performing arts professions, on the level of national education, vocational training through the creation of specialized schools, academies of music and institutes for vocational training, both in the public and private sector
 - fill the legislative vacuum concerning the protection of works and the rights of the artists

Consider both the international and national spheres.

International issues include the challenges posed by trade liberalisation agreements. For instance, does a particular agreement limit a country's:

- right to subsidise music production, but not to offer national treatment to foreign applicants -- e.g. provide subsidy only to locally based music producers
- **Aucun droit de subvention ou de financement ne favorise ni les productions locales ni étrangères, puisqu'à ce niveau aucune politique de soutien n'est apportée aux productions musicales. La libéralisation de ce secteur a induit une déresponsabilisation totale de l'état tant en terme de financement qu'en terme de gestion et de réglementation.**
- **There is no right to subsidize or finance neither the local productions nor foreign, since at this level, there is no policy of support to music productions. The liberalization of this sector induced a total withdrawal from responsibilities on the part of the State in terms of financing as well as in terms of management and regulation.**
- right to fund state music institutions even though this gives them a competitive advantage over foreign providers
- **Au regard de la situation qu'a vécu l'Algérie durant la dernière décennie d'instabilité politique et sécuritaire, seuls certains établissements publics ont continué à fonctionner de manière épisodique. Les fournisseurs étrangers ont été longtemps absents du secteur.**
- **In light of the situation which Algeria has gone through during the last decade of political and security instability, only certain public establishments continued to function in an episodic way. Foreign providers had been absent from the sector for a long period of time.**

- right to fund national broadcasters even though this gives them a competitive advantage over foreign providers -- e.g. when broadcaster does not give national treatment to foreign music producers
- **Sur le point de la radiodiffusion, un vide juridique, du essentiellement à l'isolement qu'a vécu l'Algérie durant cette décennie noire, période pendant laquelle peu de programmations musicales ont pu être diffusées sur des réseaux autres qu'algériens. Toutefois les radios nationales ont toujours opté pour une orientation internationale dans le choix de leurs radiodiffusions.**
- **As far as broadcasting is concerned, there is a gap in the law, primarily due to Algeria's isolation during this black decade, during which very few musical programmes were broadcast on networks other than Algerian. However the national radios always chose an international orientation in their programme choice.**
- right to limit or direct foreign investment -- e.g. so that the music broadcast industry remains under local control and demonstrates a greater commitment to local music than might a foreign owned industry
- **Un effort considérable est fait par les autorités algériennes en terme d'encouragement de projets d'investissement. Des avantages économiques et fiscaux sont accordés aux investisseurs étrangers, afin de rendre le secteur plus attractif. Par ailleurs une loi sur l'ouverture de l'espace hertzien algérien de radio émission doit voir le jour très prochainement, invitant des opérateurs étrangers (radios libres essentiellement) à émettre à partir d'Alger.**
- **A considerable effort is undertaken by Algerian authorities to encourage investment projects. Foreign investors are being granted economical and fiscal advantages, so to make the sector more attractive. By the way, a law on the opening of the Algerian radio relay system is about to be adopted; it will invite foreign operators (primarily free radios) to send from Algiers.**
- the right to regulate in favour of the local cultural sector.
- **Par l'avènement des technologies nouvelles, Internet, télévision par satellites et câble, l'environnement culturel est devenu quasi incontrôlable. Les pouvoirs publics le savent bien, et ne disposent malheureusement ni de moyens techniques ni législatifs pour imposer d'aucune sorte des réglementations en faveur du secteur culturel local, si toutefois cela avait été envisagé. Ce qui n'est vraisemblablement pas le cas.**
- **With the introduction of new technologies, Internet, satellite television and cable, the cultural environment became nearly uncontrollable. The authorities know this situation well, but unfortunately they do not have neither the technical nor the legal means to impose regulations of any kind in favour of the local cultural sector, should such regulations had been considered which is probably not the case.**

There are special issues concerning the protection and promotion of traditional musics as the societal contexts from which they arose dissipate or evolve. Challenges include the attitudes of younger generations, the opportunities for musical evolution or innovation, the adequacy and structure of music education, the presence or absence of an economic basis for survival.

These suggestions are intended only as guidance and do not exhaust the possibilities.

Les musiques traditionnelles algériennes souffrent en grande partie de l'éloignement et de l'enclavement qu'est le leur. L'étendue du territoire algérien est telle qu'il faudrait des

décennies entières pour y découvrir la richesse patrimoniale des musiques et chants populaires algériens. Des villes comme Alger, Oran ou Constantine sont des centres économiques et stratégiques importants, mais ne comptent vraisemblablement qu'un dixième de ce que représentent en terme de potentiel musical des localités comme Abadla, Kerzaz, Iherir, Temacine et beaucoup d'autres. Ces contrées éloignée de toute civilisation moderne ont malgré elles su garder l'authenticité de la tradition musicale. Peu confrontés aux technologies et instruments modernes, aux nouvelles sonorités et tendances, les artistes de ces régions nous révèlent une musique totalement humaine sans aucun artifice. En dépit des difficultés que rencontrent ces musiciens et chanteurs, gardiens de notre patrimoine musical (méconnaissance du public, manque de considération totale des autorités, absence de moyens, éloignement géographique des centres d'intérêt, des écoles de musique, conservatoires etc.), ceux-ci continuent de pratiquer, de répéter, et de perpétuer des musiques ancestrales, transmises de génération en génération. On note, en règle générale, un vif intérêt et de fortes implications des jeunes lors de cérémonies d'initiation ou d'occasions festives. Si l'on devait dresser un bilan de l'état de santé de la musique traditionnelle algérienne, il serait le suivant :

- a) Hormis l'ANART (Agence Nationale des Arts Traditionnels), dont les prérogatives actuelles tiennent davantage de celles d'une chambre de l'artisanat que d'une agence à vocation culturelle et artistique, le secteur de la musique et du chant traditionnels manque d'une structure nationale organisationnelle et de tutelle.
- b) Désintérêt total du gouvernement et du ministère de la culture.
- c) Soutiens financier et moral insignifiant quand on sait la paupérisation dont ces artistes sont victimes.
- d) Absence de moyens d'initiation et de formation.
- e) Absence d'une politique de promotion.
- f) Absence de manifestations culturelles dédiées exclusivement aux musiques traditionnelles (notamment les plus éloignées géographiquement)
- g) Absence d'un fond national conséquent dédié au développement et à la promotion des musiques et chants traditionnels.
- h) Intérêt naissant des opérateurs locaux de la musique (producteurs, éditeurs, entrepreneurs du spectacle), car longtemps considérées comme étant non commerciales.
- i) Absence d'un cadre réglementaire protégeant les œuvres et artistes de la musique traditionnelle, (sous prétexte d'être tombées dans le domaine du patrimoine public les droits des auteurs et interprètes sont bafoués).

Algerian traditional musics suffer to great extent from the distance and the enclavement which is theirs. The size of the Algerian territory is such big that it would take whole decades to discover the richness of the heritage with regard to Algerian popular musics and songs. Cities like Algiers, Oran or Constantine are major economic and strategic centers, but represent probably only one tenth of the musical potential that can be found in localities like Abadla, Kerzaz, Iherir, Temacine and many others. These remote regions that are far away from any modern civilization have been able to keep – in spite of their own - the authenticity of the musical tradition. Since they were only to a small extent confronted with modern technologies and instruments, with new sonorities and tendencies, the artists of these areas reveal to us a genuine human music without any artifice. In spite of the difficulties which these musicians and singers (guards of our musical heritage) encounter – ignored by the public, total lack of consideration by the authorities, lack of means, geographical distance from interest centers, music schools, academies etc -, they continue to practise, repeat, and to perpetuate ancestral musics, transmitted from generation to generation. One notes, in general, a keen interest and strong implications of young people on the occasion of initiation ceremonies or festive occasions. If one was to assess the state of health of the Algerian traditional music, the picture would be as follows:

- a) Apart from ANART (National Agency for Traditional Arts), whose current prerogatives seem to be more those of a chamber of craftsmanship than of an agency with a cultural and artistic agenda, the sector of traditional music and chant lacks a national structure to become organised and supervised.
- b) Complete desinterest on behalf of the government and the Ministry of Culture
- c) Insignificant financial and moral support in view of the impoverishment from which those artists suffer
- d) lack of means for initiation and training
- e) lack of promotion policy
- f) absence of cultural events dedicated exclusively to traditional musics (in particular those from the most remote areas)
- g) absence of a substantial national fund for the development and the promotion of traditional musics and chants
- h) growing interest from local music operators (producers, publishers, event organisers), as for a long time they were considered as being non-commercial
- i) lack of regulation framework protecting the works and the artists in the field of traditional music (under the pretext of having fallen into the public domain, the rights of authors and performers are flouted)

7. Bring to light those good practices and actions that need to be strengthened and widely practised in this field.

This will follow from the previous analysis. Please write this section according to your perceptions of the situation. The following ideas are intended only as suggestions.

The study could list the states that actively support musical diversity within their own borders. It might develop a typology of approaches, considering *inter alia* support to musical diversity within the school music education curriculum, in music subsidies, in music broadcasting, in special support to indigenous music, in measures to encourage cultural production by non-profit and for-profit organisations, in support to public cultural institutions and broadcasters?

You might seek examples of initiatives such as these:

- programs to support local at-risk indigenous musics
- state support for local participation in internationally viable genres – e.g. western popular music, western classical music
- state encouragement for free exchange of music across their borders
- state encouragement for importation of music from developing countries
 - **créer une institution qui aurait pour mission unique la protection et la promotion de la musique traditionnelle.**
 - **found an institution whose unique mission would be the protection and the promotion of traditional music**
 - **Créer un fonds national dédié au financement des troupes et artistes pratiquant la musique traditionnelle.**
 - **create a national fund dedicated to the funding of traditional music ensembles and artists**
 - **Créer un observatoire national qui aurait pour vocation d'encourager tout artiste et initiative musical et du chant (orientations et bourses d'études).**

- create a national observatory whose objectif would be to encourage any artist or initiative related to music and song (guidance and bursaries)
- Revaloriser dans le budget du ministère de la culture la part destinée à la musique traditionnelle.
- re-evaluate the Ministry of culture budget for the part concerning traditional music
- Améliorer les conditions matérielles et logistiques des artistes et associations (mise à disposition de locaux pour répéter, etc.).
- improve the material and logistic conditions for artists and associations (availability of rehearsal venues, etc.)
- Impliquer davantage les autorités et collectivités locales et régional (wilayas, dairas, communes, entreprises) dans le développement et la promotion de la musique traditionnelle.
- Involve to greater extent local and regional authorities and communities (wilayas, dairas, municipalities, companies) in the development and the promotion of traditional music
- Regrouper les artistes en sociétés et syndicats d'auteurs, compositeurs, et interprètes représentatifs de la corporation, afin de mieux défendre leurs intérêts (étude et mise en place d'une législation plus adaptée, perception et restitution des droits, conseil et information juridique, etc.),
- group artists in societies and trade unions of authors, composers, performers - representatives of the profession, in order to better defend their interests (research and introduction of a better adapted legislation, collection and restitution of the rights, legal counsel, etc),
- Remettre en place un festival biennal des Arts Populaires Algériens, des rencontres inter régions de musique et chant traditionnels.
- revitalise a biennial festival of Algerian Popular Arts, inter-regional encounters of traditional music and chant
- Instituer les différents genres musicaux traditionnels, Musiques du Patrimoine National (label) et encourager ceux qui les maintiennent.
- institutionalise the various traditional music genres, Musics of National Heritage (label) and encourage those who keep them alive
- Créer un répertoire de la musique traditionnelle.
- Create an repertory/inventory of traditional music
- Définir et mettre en œuvre une politique de promotion nationale et internationale de la musique traditionnelle (festivals, salons professionnels, semaines culturelles).
- Define and introduce a policy for the promotion of traditional music at national and international level (festivals, professional fairs, cultural weeks)
- Produire ces artistes le plus possible pour qu'ils rencontrent, connaissent et entretiennent leurs publics.
- Offer regular performance opportunities for these artists so that they can meet, know and maintain their publics.
- En matière d'initiatives de soutien aux musiques traditionnelles en danger, nous pouvons saluer l'action d'un collectif de bénévoles qui a créé en 1998 un mouvement associatif dédié à la sauvegarde d'un genre musical dit « Imzad ». L'association les amis de l'imzad basée à Tamanrasset a pour principale vocation, la sauvegarde de cet ancien instrument monocorde exclusivement joué par des femmes touaregs. Une école de formation dispense des cours de fabrication, de solfège et de pratique de l'imzad. Cette association fonctionne sur des fonds publics (fonds national de promotion de la culture), fonds propres (vente d'instruments, édition de cassettes et CD audio), et donations privées. En

- Algérie, il ne reste plus que sept musiciennes ayant la maîtrise totale de cet instrument.
- Concerning initiatives of support for endangered traditional musics, we note the action of a collective of volunteers which created in 1998 an associative movement dedicated to the safeguarding of a musical genre called "Imzad". The principle objective of the association "Friends of the imzad" based in Tamanrasset is the safeguarding of this old monocorde instrument, which is exclusively played by Tuaregs women. A school offers courses in instrument making, musical theory and practice of the imzad. This association functions with public funds (National fund for the promotion of culture), with its own capital (sale of instruments, publishing of cassettes and CD), and private donations. There are only 7 musicians left in Algeria who have a complete knowledge of this instrument.
 - Le soutien de l'état à la participation locale dans les genres musicaux internationalement viables, se limite au soutien apporté (subvention annuelle) à l'orchestre symphonique algérien, à la délivrance de bourses d'études de musique effectuées dans des instituts principalement européens, au financement et à l'entretien des conservatoires et écoles de musiques publiques qui dispensent des cours de solfège et de musique universelle.
 - State support to local participation in internationally viable genres is limited to support granted (annual subsidy) to the Algerian symphonic orchestra, to the granting of bursaries for studies in institutes mainly in Europe, to the funding and maintenance of conservatoires and public music schools that provide courses in musical theory and universal music.
 - En dehors du festival panafricain organisé et accueilli par l'Algérie en 1969, et l'année de l'Algérie en France en 2003, aucune action n'a été menée par l'état quant au libre échange de la musique au-delà des frontières.
 - Apart from the Panafrican Festival which Algeria organised and hosted in 1969, and the year of Algeria in France in 2003, no action was undertaken by the State with regard to the free exchange of music across borders.
 - L'Office National de la Culture organise fréquemment des concerts, récitals galas et représentations d'artistes Africains, Européens, Proche et Moyen-orientaux, d'Américains du nord et du sud. En ce qui concerne l'industrie phonographique, une anarchie réglementaire indispose les producteurs, éditeurs et masters internationaux à investir le marché du disque algérien. Donc pas d'importations de disques.
 - the National Cultural Office organises frequently concerts, gala recitals and performances of artists from Africa, Europe, Middle East, North and South America. With regard to the phonographic industry, anarchy of regulations prevents international producers, publishers, and masters to invest into the Algerian records market. Thus, no imports of records.

Which states would more actively promote musical diversity were funds available?

L'Algérie sort d'un marasme culturel sans précédent. Les autorités sont toutes disposées à participer activement à toute action en faveur de l'ouverture de la culture algérienne en l'occurrence de sa musique à d'autres. Il suffirait qu'elle s'en donne les moyens. Pour cela il faudrait sensibiliser les autorités compétentes.

Algeria emerges from an unprecedented cultural slump. Authorities are inclined to participate actively in any action that supports the opening up of Algerian culture, in this case of its music, to others. All that is needed is that Algeria gives itself the means for it. This implies a need to sensitize the competent authorities.

Which states intend to or are likely to contribute to the International Fund for Cultural Diversity?

L'Algérie pourrait contribuer aux fonds International pour la Diversité Culturelle, à plus d'un titre, puisque elle-même représente un continent de culture et de tradition musicale plurielle.

Algeria could contribute to the International Fund for Cultural Diversity, in more than one aspect, since it represents itself a continent of plural culture and musical tradition.

Appendix 7

The Protection and Promotion of Musical Diversity

Arab World:

MOROCCO

Hassan Mégri

MOROCCO: Arguments for sustaining musical and cultural diversity

The Kingdom of Morocco, situated in the West of the Maghreb and the Near East and at the epicentre of two diametrically opposite continents (Black Africa and Europe), is the Amazigh (Berber) country par excellence. It is a multicultural society with several ethnic groups: Arab-Muslim, Judeo-Christian, African and Andalusian, allowing cultural and ethnic mixing because of its geo-strategic position on the one hand, and, on the other, its millennial history marked by the ancient masters of the world, i.e. the Phoenicians, the Carthaginians, the Romans and, in the more recent past, the Arabs who shaped the country clearly according to their values as far as civilisation, politics, arts, language and culture were concerned.

Today, the 'country of the setting sun', steeped in history, offers a very rich and most interesting musical diversity: a great variety of rhythms, traditional instruments remarkable by their originality and extraordinary musicality, musical genres and styles like the Amazigh song in all its aspects, the Arab music with its Egyptian influence, Andalusian, Gharnati and Melhun music, the mystic music of the brotherhoods and that of the Gnawas of African origin, the typically Moroccan Aïta, as well as the folklore and traditional and popular music passed on from generation to generation. UNESCO wants to protect this centuries-old heritage of blending and intercultural mixtures and save it from the menacing phenomenon of globalisation which has already begun its hegemony several decades ago through the extensive introduction of certain types of music characteristic of the West, e.g. American jazz, blues, dance and variety music, classical music, pop music, rap and techno which have had a snowball effect throughout the world thanks to the big companies who make the most of this music with their powerful high-budget marketing instruments to the detriment of musical minorities, traditional music, folklore, popular, mystic, sacred, Sufic and other musics.

There are of course numerous arguments to sustain cultural and musical diversity, and the situation seems alarming as to the survival and continuity of the rich treasures of our ancestral musical heritage which could get lost in the dark of times or be literally engulfed by the tsunami of modern musics which all of a sudden emerged in this rapidly changing world. This modern world has created a new human being endowed with high technology who looks at galaxies, the universe and space.

In the face of this reality and this new order, the changing societies have opted for one or the other alternative, torn between a nostalgic instinct of conservation and preservation of the ethnic and social identity, and the desire of a headlong rush forward with all risks and positive or negative surprises involved.

Progressively a new music culture has developed in certain emancipated countries and leaderships aware of the stakes at issue in a near or far-away future.

Indeed, other genres of contemporary music have emerged out of the rich pool of folklore and popular music, like the paso doble which took root in the flamenco and other sources. This proves that it is critically important for humanity to look after its universal heritage on a world-wide basis, as is UNESCO's wish.

As for Morocco, its musical experience is rather delicate and very complex because of politics, ethnic diversity and the great variety of musical genres which are impossible to associate or unify for linguistic, regional and temporal reasons. However, certain styles can change and profit from globalisation by grafting themselves on to fashionable music styles or merging with them. The experience has been conclusive for the Maghrebin (Moroccan

and Algerian) ra'i which goes well and harmoniously with rock and roll, reggae, rap and pop music in general.

Indeed, ra'i, has become one of the big musical movements of our modern world, by developing artistically and technically with an innovating vision as far as creativity was concerned, but in doing so, keeping its intrinsic originality and its traditional sources based on the popular music of the Alawi and the Reggadas of the city of Oudja, where it survives globalisation with success. This shows that musical minorities are able to develop rapidly and to conquer other parts of the world. Other attempts were also successful; e.g. a fusion between European jazz and the Moroccan trance music of the Gnawas as featured during the "Essaouria Festival of the Gnawas", or the festival "Jazz aux Oudayas" (Rabat) organised by the European Commission. These are generous and well-intended gestures making it possible to mix music of European jazzmen and virtuosic Moroccan musicians performing music from Moroccan minorities, like the Aissawas, the Hmadchas, the Dergawas or other mystic or Sufic groups and brotherhoods. This annual festival demonstrates that the European Commission makes sure that musical diversity is perpetuated by transplants to occidental modes of international reach which result in hybrid music styles.

Certain Moroccan music styles, however, commonly become identified with the flamenco of the Iberian Peninsula, e.g. the Andalusian music and gharnati. A number of meetings resulted in musical partnerships or international encounters all over the world between virtuoso flamenco musicians and traditional Moroccan groups.

Some traditional music styles present in Morocco will certainly not have to fear globalisation, because they are rooted for ever in the customs and the imagination of the Moroccan people, e.g. the Andalusian music, which is considered to be the classical music representative of Morocco, the aïta, the gharnati and the melhun, the guedra typical of the Sahara, the Taktouka (north-western Morocco); and also the very diverse Arab-Amazigh folklore, ever-present on radio and TV, in thematic festivals like the Gharnati Festival in Oujda, the Andalusian Festival in Tetuan, the Melhun Festival in Fes, the Agadir Festival (of Berber music) and the National Festival of Popular Arts in Marrakech, aimed at transforming these popular arts - an intangible heritage as defined by UNESCO in 2001- into effective/genuine cultural products enabling the artists to make a living by preserving their right to the artistic property.

In its diversity of musics and collective dances, Moroccan folklore shows choreographic figures developed during many centuries of artistic practice in the villages; these provide a cultural potential to be exploited in accordance with a tradition called to change and yet to remain in contact with its millennial history by constantly reviving its spontaneous oral character and popular creativity: the ahaidous, the aglagal, the ahouash, the deqqa, the gnawas, the guedra, the hawzi, the hiti, the reggada, the alawi, the qelâat mgouna (bee's dance), mizane houara, the rokba, the taskwin, all of them Arab and Amazigh dances and songs.

The challenge now is not only to exploit the choreographic potential of each dance, but also to abolish the divisions between them occasionally without affecting their essence and authenticity.

As to the Festival of Sacred Music of Fes, it offers especially Sufic mystic music and that of the brotherhoods of Moroccan heritage together with sacred music from other parts of the world. Great stars of this most precious musical universe are invited to perform, like Ravi Shankar, the whirling dervishes, Sabah Fakhri, the Gospels, etc.

The Tetuan Lute Festival is aimed at highlighting the great lute virtuosi of the Maghreb and the Arab world.

However, in order to be in harmony with the rest of the Western world, the Moroccan Philharmonic Orchestra was created with the objective to popularize Western classical music, presenting it as a universal culture to the Moroccan public.

Today, Morocco can show a number of achievements in the richest and most varied musical trends, above all in the field of poetic songs which reflect the soul and the spirit of the multi-ethnic Moroccan people.

Amazigh Song has been present always and everywhere; in a way it crystallizes the heritage of the Berber people who for many years were dominated by the Arab-Muslim authorities; the Berbers now are searching for their cultural identity in terms of language and civilization, and they do this through the renaissance of their sleeping/dormant – or for political and social reasons, passive - traditional arts. Amazigh Song is starting to bloom thanks to the opening and tolerance by the others who accept it as such.

The Akkaf group e.g. distinguished itself through its research of the Amazigh music heritage, by using instruments of popular and brotherhood music: guenbri, hajhuj gnawi, rabab, small lute, darbuqa, tambourine, taârije and tbal (the Aîswas' tambourine), rattles, together with Western and oriental instruments, e.g. guitar, piano, ney and ūd.

The popular Arab song appeared in the 1940s with the remarkable artistic creativity of the famous Houssine Slaoui (an engaged and satirical author, composer and performer) who introduced this very Maghrebin musical genre. Since then, in the contact of the Moroccan society in quest of independence and liberation from the colonial yoke, this new style has developed into a typical Moroccan song, called “modern, of Egyptian tendency”. It was preferred (or rather, imposed) for reasons of nationalism and cultural identity as was the case of Andalusian music. For a long time, both musical styles were favoured in radio and television programmes, Independence Day, galas and big festivals, like the Rabat International Festival, the Mawazine Festival, “World Rhythms”, the Casablanca Festival of Arab Song, the Marrakech Spring Festival and the Volubilis Festival. But this style will disappear or at least suffer from globalization and from the new music trends which embrace the Arab world and stifle those who try to keep it alive. The Megri music movement, which in a way created the Arab World Music in the 1960s, used the Moroccan ra'i rhythms, Arab melodies, and traditional instruments together with Western ones, in order to obtain harmonious but universal music liked by Westerners and Arab youth alike. Thus they put an end to the hegemony of the Egyptian pharaohs. The latter opted for a different music inspired by “the Megri experience” (prestige oblige!) and reinforced in particular by the style of the Nass El Ghiwane and the fast-expanding Maghrebin ra'i, in order to respond to the aspiration of the new generations of the Arab countries subjugated by the big Western stars.

The Nass El Ghiwane musicians drew on the traditional heritage of the popular arts of Morocco, offering a musical genre sometimes entrancing and pleasing to Western ears while playing on traditional instruments only: bendir, hajhuj, sentir and tbila (tambourine).

Finally, the Maghrebin ra'i is rising from its ashes like the Phoenix of Ancient Greece; it is reviving the noble past of an exceptionally ‘hard’ music style, with its remarkable artistic and literary reputation as to the frenetic, entrancing and bewitching rhythms of the Reggadas; its very special, sincere and poetic expressions reflecting the imagination of a people thirsty for liberty; its much appreciated Alawi war dances; and finally its charismatic, pleasant and captivating popular songs and melodies which have

their source in the centuries-old traditional music which have enlivened the long evenings and torrid nights of Oujda, Morocco's Eastern capital and indisputable stronghold of this musical movement which literally surprised and subjugated thousands of fans throughout the world, just like rock and roll in the USA.

The Moroccan and Algerian ra'i is now reaching the most far-away regions of the planet after having conquered the Maghrebin youth; it is particularly popular with the emigrants to Europe and the West in general and there is also a relative breakthrough in the Near and Middle East: proof of the very powerful and ambitious reach of the raï which wreaks havoc among millions of followers of all ages wherever it is heard.

Due to a cultural injustice, the ra'i survived in relative lethargy in Oujda and Oran for many years. But then it started to spread into the region. It also found refuge with the European emigrants who were homesick and nostalgic: the phenomenon of immigration being the evil of our century.

By way of a multitude of big stars of Maghrebin song, e.g. Cheikha Rimiti, Cheb Khaled, Cheb Mami and the Megri, the ra'i took off from Paris, promoted by the big music industries; it became the ambassador par excellence of transcultural Maghrebin music with an Arab leaning; it conquered the hearts and spirits of the West and created a real musical dialogue between the peoples of the Earth.

In this perspective and with a vision of communication with each other the Moroccan and Algerian artists and creators (from Oujda and Oran) work together with the sole objective to enrich the heritage of the Maghrebin ra'i and to see to its cultural and artistic spreading in the world.

The ra'i is preferred to other music styles of the Arab countries and therefore imposes itself on the world's big stages, the important festivals which attract large crowds, and above all, on the market (CDs, clips ...), and on radio and television.

As ra'i is listened to very much nowadays, we ought to create a proper choreographic dance for it on the basis of the original traditional dance in order to make it universal, like rock and roll, reggae, paso doble, rap and other academic dances.

This is the present landscape of musical currents or movements which form the mosaic of the cultural musical diversity of the Kingdom of Morocco.

8. The complementarity or reciprocity between the protection of musical diversity and that of human rights

At present, the Kingdom of Morocco sees itself as a country of civil rights and democracy based on its constitutional monarchy which emphasizes individual liberties and equal chances on the basis of the moral principles of human rights and by refusing racial discrimination of any kind within a multicultural community comprising several ethnic groups (Berbers, Africans, Arabs, Saharawis, Andalusians, Jews and Christians) who live together in a climate of tolerance, solidarity and mutual respect.

But if today Morocco favours cultural diversity for reasons of cultural identity, cohabitation and regional stability, it is certain that with the beginning of the Arab-Islamic conquest of this "Country of the setting sun" certain important parts were unjustly highlighted whereas others were marginalized for political, governmental or hegemonic reasons.

Thus, Arab-Muslim art and Arab language were introduced to the detriment of other Amazigh dialects and to the detriment of a rich and varied Berber culture (in popular traditional or folk arts, in customs, literature, poetry, song, dance, choreography and music).

Since that time, all the treasure of the Amazigh heritage have lived in lethargy during centuries, but transmitted by the Berber tribes from generation to generation. With Morocco's independence in 1956, some cultural and artistic reforms were introduced; the creation of a Berber radio station practically completely devoted to Berber culture gave new impetus to the Amazigh culture.

The government encouraged however the Arab spirit by creating national orchestras and music schools with the aim of improving the play of the musicians and performers for the development of the Moroccan Arab song and in particular, the Andalusian music, which at that time was considered the only classical music to be representative of Morocco.

Other anomalies were observed in the course of the last fifty years of independence concerning sectarianism and regionalism. Thus, for a long time, alawi and reggada music (ingredients of the ra'i) was marginalized in Eastern Morocco, a region which as we now know gave birth to the ra'i movement with its international impact. This was a costly error for Morocco, for Algeria was faster in exploiting this movement..

Certain musical innovating currents (that of the Megri, the Nass El Ghiwane and ra'i) which had been stifled during the last few decades by the government or associations supporting Arab Moroccan song and Andalusian music have been able to survive this form of discrimination, just like all the Arab-Amazigh folklore, aïta, melhun, alawi, the brotherhoods' gnawas and the Saharan guedra. This was possible thanks to their strong will and spirit to preserve their ethnic or regional identity. They are so many musical sources which will never run dry; it is to be believed that they do not fear neither decisions of the governments or of those who support these, nor the dangers of globalization.

9. The links between musical diversity and economic development and the fight against poverty

- *The use of music in order to assist in non-music economic development is rather limited in Morocco because only tourism profits from it through the artistic and cultural festivals created in order to attract tourists to Morocco.*
- *The music industry remains very small-scale, traditional music instruments are made for popular music and for the Moroccan brotherhoods, e.g. the Andalusian lute, the Benherbit lute, the small lute, the oriental lute, the four-string lute, the rabab (or rebec), the darbuqa, the tambourine (small tar) the big tar, the taârija, the agoucil, the hmadcha, the tbila, the Aissawa's drum (tbal), the daff, the ghaïta, the Moroccan oboe, the bendir or tara, the Aissawa's wind instrument, the guenbri, the hajhuj, the rattle or qraqeb, the neffar, the mizmar et the gasba. Other Western instruments, electric, acoustic or wind instruments, are mostly imported.*
- *Music to alleviate poverty is offered in galas or parties, the outcome of which are given to charities. The National Music Committee of Morocco has also taken part in this kind of activity and offered the revenue of the "Golden*

Rabab” ceremonies to charities fighting against poverty and helping needy handicapped people.

10. The links between musical diversity and the promotion of peace

- *Morocco is known for its option for peace in the world, in particular between the monotheistic religions (Islam, Judaism and Christianity). Proof of this are a number of artistic and cultural events where musicians or singers of the three religions are frequently grouped together in one piece.*
- *Cohabitation between Berbers and Arabs might have created social conflicts on a linguistic or cultural level, if there had not been this spirit of nationalism, solidarity and respect strengthened by Islam.*

11. The standards regulating musical diversity

- *There are neither legal texts nor regulations favouring or penalizing certain musical forms. However there are three kinds of specific national satellite radio broadcasts which are centralized in Rabat with regional stations spread all over the country:*
 - a. *Arab-language broadcasts (Arab music, Moroccan or Andalusian songs, melhun, gharnati, Arab folklore etc.*
 - b. *Berber-language broadcasts (Berber music, songs and folklore in the Tachelhit, Tarifit, Tamazight dialects). Tassani (Saharawi) is tolerated by these stations.*
 - c. *French, Spanish and English language broadcasts (Western, classical, jazz music, international varieties, Arab world music)*

There is however a listening commission for “Arabity” (created in March 1965); consisting of members of the Authors Association acting on behalf of the BMDA (BMDA: Bureau Marocain des Droits d’Auteurs). Its role is to monitor plagiarism or pirating in new compositions.

But if these national radio stations were created in order to promote Moroccan music in all its diversity, it must be said that they are “too” open to other musics and that they favour Egyptian and Western styles. This sometimes obstructs the national production claimed by Morocco’s musicians unions, without apparent result however as written rules have never existed in Morocco’s entire history; there is a kind of “mafia” managing music programmes according to their own wishes, humour, tastes and preference for one kind of music or another. Luckily, there is a local music distribution industry which allows creative artists of all styles to communicate with their public.

- *As far as the Internet is concerned, Morocco is practically absent. This opportunity is not much or badly used. Therefore the Moroccan artist is limited as far as worldwide promotion is concerned, except if he or she is attached to a big company (Philips, Barclay or Polydor), as was the case for the Megri and the Nass El Ghiwane.*
- *As for the teaching of local music traditions or different genres of music, it must be noted that music and dance schools were created by the Ministry of Culture (in Rabat and Salé) or by City Councils (Tetuan, El Jeddida, Casablanca,*

Oujda) with the aim of protecting Arab music, Andalusian music, melhun, mouachah and gharnati.

- *The Ministry of Culture grants subsidies to music associations in order to promote certain musical genres and provides material support for the realisation of big thematic festivals (as do also the wilayas and the City Councils).*
- *A copyright law has been in existence since 1916. As a member of WIPO (World Intellectual Property Organisation) and of UNESCO, Morocco ratified all international treaties (Bern Treaty, GATT Treaty of Marrakech in 1984). The July 1970 law was modified (with effect as of 16 November 2000); it stipulates that copyright must be managed by a committee of authors; this committee does not exist yet however, and the national Moroccan heritage is still managed by SACEM in Paris. The “status of artist” has been voted by Parliament but is not in force yet.*

12. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

- *In Morocco, the Arab character (‘Arabity’) has been preferred to the Berber one throughout the centuries. This was a historic mistake which has been addressed; it resulted in reforms to the advantage of the Berbers as to equality and human rights; the Tifinaqh dialect has been introduced in a few primary schools. This is a positive step towards the recognition of the Berber identity. At present we are witnessing a true artistic and cultural Amazigh revolution which enriches the Moroccan heritage and its cultural diversity in all its aspects.*
- *For many reasons and for major economic and geopolitical arguments, Morocco can only accept to ratify the UNESCO Convention for Cultural Diversity, and this all the more as the country has opted for the creation of the Maghreb Union, which is possible only in a climate of tolerance towards other cultural identities. This is why we think that all Maghreb countries ought to ratify the UNESCO Convention.*

13. The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity

The cohabitation of Arabs, Berbers, Jews, Andalusians and Africans made it possible to develop hybrid musical forms which have enriched the contemporary Moroccan heritage. Whereas a great number of artists combine ethnic music and Western pop, as shown e.g. by the experience of the African gnawa Blues, the ra’i, the chaâbi, etc., these musical styles are rooted in their original identity.

14. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity

- *Morocco is one of the countries with the highest musical diversity. But it is also the country with the greatest experience as far as multicultural cohabitation in a spirit of tolerance, solidarity and peace among the ethnic groups is concerned. However, it is not possible to prevent the direct or indirect influence of powerful musical genres from the West or the emancipated Arab countries (Egypt, Lebanon) which can more or less affect the development and natural blooming of its musical diversity composed of minority styles; some of these might become extinguished or disappear forever, unless government and citizens protect and promote them properly (at mass media level) by distributing them nationally (through recordings, thematic festivals typical of one style or the other, cultural weeks abroad, documentaries, publications and print). Up to now this musical diversity has survived against all the odds. However, how much longer will it be able to survive in the face of globalization? This is a true 'Sword of Damocles' which can strike at any moment.*
- *In order to safeguard Morocco's musical diversity it is absolutely necessary:*
 1. *To create a true infrastructure for the musical sector (construction of adequate theatres for all genres of music and choreographic dance, creation of state and private music schools in order to protect and perpetuate disappearing genres, creation of quality studios and radio stations which broadcast typical traditional music, creation of youth and cultural centres containing discotheques, audio-visual documentaries of national and foreign traditional music, transformation of the cottage industry of building traditional music instruments into a true industry headed by national and foreign specialists)*
 2. *To invest seriously in the exploitation of music of all kinds*
 3. *To subsidize music projects which improve or protect the musical heritage in all its diversity.*
 4. *To create international forums and meetings of all cultures of the world, with a view to communicating and to exploiting the knowledge about protection and the enhancement of folklore (music, song and choreographic dance), taking as an example the Festival des cultures du monde (festival of the cultures of the world) in Gannan, France, or by asking advice from the CIOFF (International council of the organisation of folklore festivals)*
 5. *To organise artistic and technical training courses abroad and music workshops with national and foreign musicians.*
 6. *To commit to memory the traditional music and dance heritage in audio-visual recordings and a classification of musical genres and styles together with a detailed historic*

study for possible publication or distribution (mass media, books, documentation, etc.)

7. *To encourage interested NGOs to preserve certain traditional musical genres (andalusian, melhun and gharnati)*
8. *To grant the right: to finance state music institutions; to subsidize any national music production; to finance national radios (a decree provides for radio broadcasters to broadcast in Morocco after agreement by the national agency for the regulation of telecoms, a public authority under the presidency of the prime minister)*
9. *To create commemorative events and to pay tribute to the rouayes (leaders) of folklore and traditional musics or creators of new musical movements based on Morocco's artistic and cultural heritage as marks of history. Examples: the "Golden Rabab", the "Virtuosi Ziryab", the "Golden Fibula" created and awarded by the National Music Committee under the patronage of the IMC.*

- Certain countries, like Morocco, Algeria, Tunisia and Egypt, are aware of the vital role music can play politically, economically, artistically or culturally, whether for tourism – through festivals – or in the field of musical and cinematographic operations – in particular in Egypt. For all those countries, musical diversity is more or less desired, and moreover they seem to be in favour of free trade of music beyond their borders; these governments would encourage the import of music from developing countries and local participation can be envisaged in musical genres which are internationally viable as far as popular and Western classical music is concerned. It is even possible that these countries might contribute to the International Fund for Cultural Diversity.

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Founding President
of the
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Appendix 8

The Protection and Promotion of Musical Diversity

Asia:

CHINA

Zhang Xian

Situation and Responses: A Survey on “Music Diversity” in China

General Introduction

China, a country with a long history and a multitude of ethnic groups, enjoys a tremendously rich music history of eight thousand years, which has been proved by discovered evidences. The representative genres and classics of the traditional Chinese music are the “cultural soul” that dominate and influence the modern spiritual and material civilization of the Chinese nation.

The rapid development of the economic globalization has brought overwhelming and drastic changes in the lifestyle and production mode of the Chinese people. Social and cultural changes happen around us every moment in every day. Farmers have left the villages and mountain villagers have walked out of the mountains. They take off their traditional front opening jackets and put on western suits; they take off their head scarves and put on ties. They no longer sing at the singing contests of their villages but change their interests to pop music and Kara ok. All these changes pose strong challenges and big threats to the Chinese cultural tradition.

“Music Diversity” Policy A: Programs of Rescuing the Chinese National Cultural Heritages

Our notion is: economic globalization should coexist with multiculturalism. Music diversity must be respected and protected. To protect the traditional music culture is the responsibility of music workers.

In line with this idea, the Chinese Ministry of Culture initiated in 1979 the grand program of rescuing the ethnic cultural heritage, which is called as “the Great Wall of the Chinese Culture”.

The program undertakes the collection, assorting, protection and development of the Chinese ethnic and folk literature and arts, and the result is the compilation of ten anthologies books of literature and arts. Among them are *Anthology of the Chinese Folk Songs*, *Anthology of the Chinese Traditional Operas Music*, *Anthology of the Ethic and Folk Instrumental Music* and *Anthology of the Chinese Quyi Music*.

The program lasts for 26 years and thousands of music workers and culture workers of different provinces have dedicated themselves earnestly to it. They started from the most basic “field work” and have accomplished such jobs as collection, assorting, documentation and recording. To date, most manuscripts have been completed and are ready to be published successively. These four immense volumes of music are a great contribution to the rescue work of the Chinese ethnic cultural heritage and are a huge wealth added to the music treasury of the human race.

After the survey, collection and classification work done by the scholars, experts and the local art workers, the Chinese cultural heritage is classified into 9 categories. The music category itself covers 71 items and over 40 national and folk genres.

Another important project with the purpose of rescuing the ethnic cultural heritage is to apply for the “Masterpieces of the Oral and Intangible Heritage of Humanity” of the UNESCO. Since 2001, the “Kunqu Opera Art”, the “Guqin Art”, the “Art of Uyghur

Muqam of Xinjiang” and the “Mongolian Traditional Folk Long Song” have been enlisted by the UNESCO as “Masterpiece of the Human Oral and Intangible Heritage”. This project gives great encouragement and enthusiasm to the Chinese music workers, in particular, those who are engaged in ethnic minorities’ music work, making them quicken their steps in searching and collecting music genres that are scattered among the ethnic communities.

In addition to the support of the Chinese government and international organizations, there are also numerous music workers in the Chinese music field who are involved in the collection, assorting and research work. They work very hard for the cause and their ideal regardless of the remuneration.

Take the Huan Xian County of Gansu Province as an example. The shadow play, which has been performed for more than one hundred years among the local people, is a genre with very strong local characteristics and is called “the art of cave house”(because the shows are performed in cave houses that are dwellings for most of the local people.). The form of its playing is: accompanied by a 6/ 7-person band, a single player tells folk tales and stories by singing and manipulating, behind the curtain, human, animal or other figures made of donkey skin, whose shadows are projected onto the curtain with special lighting. Even in Huan Xian County alone there are over 30 “*banshes*” (“*banshe*”, a de facto troupe in a small size). Among them, “the Banshe of the Shi family” possesses 40-50 trunks of shadow play instruments, which are enough for more than 20 programs of over 100 hours. At present, the local government is organizing music workers and staff of the local cultural offices to make all around investigation on and register over 3000 shadow play programs that have been found completely or partially since the Qing Dynasty, and they have already discovered 400 to 500 trunks of instruments containing tens of thousands of leather pieces. While doing the researches, they also adopt such measures as finding successors of the shadow play and giving training courses aimed to rescue the ancient folk arts that are in the danger of extinction.

Recently there is an excellent example of individually initiated program of music diversity protection in China. That is the “*Tufeng* (Originality) Plan” proposed by Mr. Chen Zhe. This program, formally launched in October 2004, is aimed at “inheriting while keeping alive”. It takes the inheritance of the ethnic culture as its core task with the main focus on the construction of the system and environment. The significance of this program lies in the “keeping alive” and “inheriting”, which are distinct from the usually called “rescue”, which is static (only aimed at preserving them in the form of characters, audio and video).

The place that Mr. Chen Zhe chose is the Pumi people’s village of the Lanping County in Nujianzhou Municipality, Yunnan province. It is a small ethnic group with a population of 32,700, who have remained isolated from the mainstream culture for a long time. Thanks to the special geographical location—lying beside the Lancang River and surrounded by mountains, the economy of the area is not well developed but the ecological environment is fairly preserved. Against such a background, their traditional culture is almost completely preserved and the customs and humanities are considerably rich.

At present, Mr. Chen and his colleagues have formed an educational group named “Pumi People’s Traditional Culture Learning Group”, with the aim to inherit the whole traditional culture while focusing on music and dance. The group organizes the young people in the village to learn the traditional culture and performing skills with the senior artists. It is expected that the ethnic culture now facing extinction can be carried forward in this way.

Currently, this program has drawn attention from the related authorities and has gained financial support from the Ford Foundation, the Yunnan Provincial government, and the

Ministry of Culture (the Pumi People's Traditional Culture Learning Group was listed as an experimental spot of the "China Ethnic and Folk Culture Protection Project" and was also the first civic spot specially approved by the authority.)

In October 2005, the UNESCO approved the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. The Chinese government has subsequently strengthened its protection on traditional culture by altering the previous disordered situation of unorganized, scrappy and intermittent culture protections in many places. The cultural and art workers, and in particular, music workers of the whole country, are working with more active attitudes.

There are many other examples of the music diversity protection in China. If this mode can be further developed, our thousands of years old traditional music culture will be much better preserved and developed.

"Music Diversity" Policy B: Broadcasting on Radio and TV

In China, radio and TV are the most powerful media and publicity force, which play a far more important role than any magazines or newspapers. As the national TV station, the China Central Television (CCTV), which has a nationwide coverage, enjoys an advantage that no other TV stations have. In the past, the CCTV broadcast a very limited number of music programs, which were shown in its different channels. Particularly, there was hardly any place for excellent Chinese national and folk music. Under the initiative and care by Mr. Li Lanqing, then the Vice-Premier, the Music Channel of CCTV was created.

The Music Channel of CCTV (CCTV-16) went on the air on March 29 2003. Based on the function of music appreciation, the Music Channel puts more efforts into the popularization of music knowledge, guiding the citizens in increasing their music knowledge and appreciation ability by providing the TV audience with a platform to access and understand music. The Channel's broadcast time per day is 18 hours and 10 minutes, of which 70% is for Chinese music while foreign music programs take up 30%. The representative programs introducing Chinese traditional music and national music include "Excellent National Music Works", "Folk Songs in China", etc. Over the past two years, these Chinese music programs have been well acclaimed and appreciated by both the music circles and the ordinary audience. They have played a very active role in popularizing, promoting and enhancing music diversity. Among them, "Folk Songs in China" is a very successful program.

"Folk Songs in China" is program of the Music Channel, which started on March 27, 2004. It has such columns as the *Map of Folk Songs*, *Local Folk Songs*, *Folk Song Stories*, *Folk Songs Museum* and so on. This program mainly introduces the inheriting of folk songs, the stories of the successors, the original folk songs, etc. The program is committed to introducing real Chinese folk songs exclusive of the created songs and instrumental music. In consultation with music experts, the chief of the program organizes trips to the plateaus, prairies, mountains and villages to make on-spot interviews, and record a large amount of live and diverse folk songs and music materials.

Let's take the already recorded and broadcast folk song *Dong People's Da Ge* (big song of the Tong People) as an example. In 1952, many musicians went to the countryside with the "Land Reform" work group and lived there with the farmers. In the Liping County of Guizhou Province, Mr. Xue Liang (now deceased), together with other Chinese musicians, found the multi-part Dong People's Da Ge, which altered the previous documentary record

and opinion in the world that the Chinese music has only one single voice part. Over the past decades, particularly after the Cultural Revolution, the local government has come to realize that the Dong People's Da Ge, is such an invaluable cultural heritage that it must take measures to rescue. Therefore, they invested a huge amount of human resources and material resources (Particularly, they invest 100,000RMB each year into the protection project of the Dong People's Da Ge. This is not an easy job for a still poor region of the ethnic minorities) to ensure the inheriting of the Dong People's Da Ge. They have also made great efforts to educate the young people to love their own cultural wealth and have provided, in the teaching scheme, courses to teach the students to sing the songs. Moreover, thanks to the implementation of the protection and inheriting plans, the Dong People's Da Ge attracted domestic and foreign tourists with its performance in both dancing and singing and has promoted the cultural and economic development.

However, the Music Channel is also confronted with severe difficulties. First, it can not be watched in many provinces of China. Second, as it doesn't play pop music, it is less attractive to advertising agents, leading to its limited sources of incomes. Under such situation, the Channel often suffers from shortage of programs. The editors of the Music Channel have to either replay the old programs or simply to rearrange and edit the existing materials and broadcast them in other forms.

The Beijing Music Radio, one of the seven professional radio stations of the Beijing People's Radio Company, which started broadcasting in January 1993, is the only radio station that is exclusively dedicated to music. Its programs include the coverage of big international music events, e.g. the Grammy Awarding Ceremony, the Salzburg Music Festival, the Berlin Forest Concerts, etc. For the Chinese music, it offers such programs as the Ranking List of the Chinese Songs, the Ranking List of the Global Chinese Songs, the Radio Arena for the Chinese Folk Songs, the Songs You Love, the Everlasting Charm, and Records in Memory..

The audience of the Beijing Music Radio is mainly composed of young people aged between 15 and 34. Among them, 56% have received senior middle school education and 18% have college and university education. The Music Radio ranked 19 among the mainstream Beijing media and possesses an audience of 1,105,000.

Nevertheless, the focus of the Beijing Music Radio is foreign music and pop music. Even in the Chinese music programs, there are mostly newly created songs. There are few folk songs and even fewer original folk songs. This is very disadvantageous to the protection and promotion of music heritage. Especially for the young audience, this important radio media has closed the window for them to access and to understand the brilliant Chinese musical culture.

The FM90.00 Channel of the Central People's Radio is also a music channel. For decades, it mainly broadcast classic music and was very influential among the music circles and music lovers. But in recent years, it has become a channel playing exclusively pop music. It is said that they have received a very large amount of fund from a Taiwan merchant, at whose request they abandoned the good reputation enjoyed for many years.

“Music Diversity” Policy C: Education

For China, a heavily populated country, education is the footstone for its development and progress. In the teaching schemes of middle schools and primary schools, there are specific items indicating music teaching contents and time of music courses. The music courses

include singing and music appreciation. Chinese national and folk music take up 60% of the courses.

The Central Conservatory of Music in Beijing, a specialized music conservatory of China, can serve as another example. Except for the department of Chinese music, other departments such as the department of composition, the department of piano, the department of orchestral music, the department of vocal music and opera, the department of conducting and the department of music theory, all focus on western music. However, it is stipulated in the teaching scheme of the conservatory that two courses of the Chinese music, *the History of the Chinese Music and the General Introduction to the Chinese National Music*, are compulsory courses. The grades of the two courses take up 30% of the total grades (There is slight difference between the departments.) According to the rules of the conservatory, if students couldn't pass the examination of the two courses, they must take the examination for a second time. And if they failed twice, they are not eligible to graduate. This kind of compulsory stipulations concerning the courses ensure that the students of the conservatories have a systematic knowledge of their own country's traditional music culture, which is beneficial to both their music career and them as Chinese citizens.

Examples of using music to promote the economic development in other sectors

China has a long tradition of organizing art festivals and music festivals. Especially since the beginning of the reforms and opening up in late 1970's, the boom of economy has boosted the development of culture. More and more art festivals and music festivals have been created, which have contributed greatly to the prosperity of economy.

The Nanning International Folk Song Art Festival in Guangxi Province, which has been held for 6 consecutive years, is a good example. The festival is aimed to promote the national culture and to expand the exchanges between Chinese and foreign cultures. This event attracts a large number of Chinese and foreign audiences, provides a platform for the communication and development of the Chinese folk songs, introduces many folk song singers with both national and modern characteristics, and promotes the creation of a lot of new folk songs combining strong countryside tinges and modern music elements.

Focusing on the folk music, the Nanning Folk Song Art Festival has been expanded with the creation of many relative cultural and economic programs. Since 2004, the Festival has been held simultaneously with the China-ASEAN Expo and has therefore become an important platform for the cultural and art exchanges with the ASEAN nations. The Festival has created such programs as the Charming South East Asia, the Fashion Show of South East Asia, the International Travel to South East Asia, the Festival of Foods, the International Dragon Boat Contest, the China-ASEAN International Modern Dance Culture Development Symposium, the Nanning Trade Fair, which have greatly propelled the economic development of the city and the province at large. At the first China-ASEAN Expo, the Guangxi Province had 100 programs contracted with a total value of 30 billion RMB. To attract businesses and investments, Nanning offered 248 projects at the 2004 Folk Song Art Festival. Among them, there are 100 key projects worth 12.6 billion RMB and 148 major projects worth 8.55 billion RMB. These projects cover a wide range of fields from infrastructure, industry, agriculture, and real estate to tourism, public health, sports, industrial parks and trade items. Among these projects, the largest has a total investment of 2.184 billion RMB. At the contracts signing ceremony of the 2003 Guangxi Investment and

Trade Fair, 21 foreign investment projects and 23 domestic investment projects concluded with signature of contracts, with total contractual funds reaching 731.34 million USD and 13.866 billion RMB, respectively.

Other Issues

1. Copyright law

The Copyright Law of the People's Republic of China went into effect on Sep. 7 1990 and was amended on Oct. 27 2001. The Chinese Copyright Law is an authoritative document for the Chinese government to protect intellectual properties. It provides legal stipulations for copyright and copyright-related publication, performance, audio-visual products, books, newspapers radio and TV. Although as demanded by people of the music circle for many years, the Article 43 (a radio station or a TV station may not pay remuneration to the copyright owners for using their music works for non-commercial purposes.) was revised as "A radio station and a TV station may broadcast a published sound recording without seeking permission from the copyright owner, but should pay remuneration to the owner. It is not applicable if otherwise contracted by the parties. The measures thereof will be developed by the State Council," nevertheless, up to now, the copyright owners have not received any remunerations as the concrete measures to be issued by the State Council have not come out yet. The amended Copyright Law has not been actually put into force.

2. Examples of the creations of "inter-discipline" music

Recently, many young people are chasing the world trend and are fanatic for pop music but few have interests in classic or national music. This phenomenon worries some composers and performers. Inspired by the combination of instrumental music and vocal music in the international sphere, they have made some experiments on national instrumental music. Typical examples include:

1) "**The Twelve Girls Band**". Twelve young girls in fashionable dresses play national instruments and dance against the stage lighting and settings. It is an imitation of the four-girl band Bond, also called "classic spice girls", which is now popular throughout the whole world.

2) "**National Music in Costumes**". It is an innovation both in the content and design of performances by the Central National Music Orchestra. There are tremendous changes in both costumes and instruments. The costumes are no longer the conventional unified dresses and meanwhile some instruments have even been changed from wooden ones into fashionable transparent ones.

The above-mentioned changes of the traditional national music instrument playing have won high acclaims from the foreign audience and the young people in China. The "Twelve Girl Band" was fervently acclaimed in Japan, where the sales volume of its first record reached 2 million while the total sales volume reached 3.7 million.

However, these subversive changes to the national music have prompted doubts and critiques from the music circle and scholars of national music. They pointed out that these forms of performances are merely changes in the packing, whereas the essence and verve of the Chinese national music has been deserted.

3. An example of financial support for music diversity

In 2005, the Chinese Ministry of Culture established a "human oral and intangible heritage protection office" and earmarked 400 million RMB required to invest solely into this

program within 5 years. To start up this program, the office first furnished relative facilities (audio/video recorders, computers, photocopy machines, etc.) for all the local governments, then developed a series of concrete programs specially designed for all local government and finally granted the necessary fund for each program accordingly.

Challenges

In China, a country with a population of 1.3 billion, these measures concerning music diversity protection is far from enough. Even those actions that have been taken so far are facing lots of challenges.

The first challenge is the acquisition of the government's support. In China, there are still a large number of poverty-stricken mountainous areas and rural areas, where the priority of living is not yet resolved. Without the financial and intellectual support of the concerned governmental bodies, the music traditions that have been passed down by many generations in these areas will gradually disappear along with the constant changes of the lifestyle.

Fully realizing the importance of rescuing the national heritage, the Chinese government and the relative local departments have taken a range of measures involving human and financial resources and have made great efforts at different levels. However, the situation still remains critical with serious problems existing. The fundamental causes are the change and vanish of the productive style and lifestyle that the Chinese people have depended on over thousands of years. Large-scale collective labor has disappeared, hence the extinction of the folk songs that were associated with those productive modes, e.g. work song (boat trackers' work, transplanting rice seedlings, ramming), sacrifice ceremony music (sacrifice ceremony), etc. The deaths of the old people who were engaged in these labors have caused the disappearance of most of the music, too. Pessimistically speaking, I think it still remains questionable whether we can keep the tradition and culture (including those enlisted by the UNESCO) alive in China through the programs that have already been carried out or just put them into the museums.

How to protect cultural heritages? How to promote music diversity? Regarding this issue, there are quite a lot of questions to be answered both in theory and in practice. The significance of real protection and inheriting lies in keeping them alive and in ensuring that the later generations are able to access these splendid heritages. Therefore, the successors of the traditions, who are in a small number and live mostly in poor life, must be first protected. Their life quality should be improved with much better life conditions so that they can teach orally the cultural heritage to the young people. In this respect, Japan and the South Korea have effective and successful experience and measures. We should learn from them and should make our own contribution to the protection of our brilliant music cultural heritage.

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Appendix 9

The Protection and Promotion of Musical Diversity

Asia:

INDONESIA

Santosa Soewarlan

MUSICAL DIVERSITY PROJECT -- INDONESIA.

15. The complementarity or reciprocity between the protection of musical diversity and that of human rights

- Cite examples where music expression or music diversity have been repressed by direct action of government or action by others directed by government, or by others acting to pre-empt direction by government.

In the New Order period (from 1965 to 1997), even though the diversity of music in Indonesia was officially maintained, there were times in which repression from government could happen especially when musician sang songs with critical views. As a whole musicians and singers are free to express their ideas through music performances, traditional, popular, classical, jazz, hybrid music, *dangdut*, ethnic music, etc. However, musical performances were not totally free from political domination because the government wanted that performances should follow their regulations. So, the government assigned some people to observe performances with potential critical views. Especially when the lyric criticized an important figures in government offices the musician will be investigated (musical performances with no words, or if the words were not understood clearly, would not get such irritating surveillance, however). *Tokohindonesia.com* cited that Iwan Fals, a singer musician who was thought of as the representative of common people because of his critical views on behalf of populace, was arrested when he sang a song telling the story that according to government agency associated with the life of important figures. Soon after the performance he was arrested and put in jail. He was often banned to perform in many regions in Indonesia due to his strong power to influence people's idea and movements. Iwan Fals is until now a well-known singer musician who consistently put his critical views about political figures, social criticism, and the voice of the common people in his songs. However, because the new government (established only two years ago) wants to promote democracy in all aspects of life in Indonesia there is less investigation upon such performances.

- In the countries where there is such repression of musical expression or diversity, are there other notable breaches of human rights?

See the above examples.

16. The links between musical diversity and economic development and the fight against poverty

- Cite examples of the use of music to assist in non-music economic development.

Music programs in television is now becoming "more visual" in the sense there is hardly any music without dancers as background. There are many cases in which visual image is more dominant than the sound of music itself. It is often that the dance is not composed for the music rather it is for the sake of visual image. This image is often not related to the music presented at that time. When we see the show it is as if the music that accompanies the dance. This is perhaps the "rule" of the television program that require visual presentation more rather than the auditive one. I believe

that this is because the dance producers intend to show their composition without thinking of the overall effects from the audiences' perspective.

- Cite examples of government or agency action to develop aspects of the music industry or the music industry as a whole

The government of Indonesia founded a recording industry, called Lokananta (literally: "the sound from heaven") in 1961 that was meant for documenting the music from all over Indonesia. Since the outset the company had recorded ethnic music from most parts of the nation, ethnic music, classical music, regional songs, storytelling, popular music, and hybrid music. Above all the major music and songs were represented in the recordings. This recording portrayed the diversity of the richness of the nation and using the recordings people could get the overall "pictures" of musical expression of the country. Thus, the diversity of music was well represented. Renewal of the recent repertoires and styles was also recorded in newer albums resulting in better representation of the musical expression of the state. At that time Lokananta was so powerful in documenting musical examples because it was the only recording company in the nation.

In 1993 (May 5th), however, the government of Indonesia thought that the company should change the status from government-run company to private company (called Persero, still under government control) assuming that by using the new status the company can get more benefit. There was reason behind the change of the status that was Lokananta got financial lost in making recordings of the music. The budget for the production of recordings was high especially when the company had to pay for musicians who had to come to Surakarta, Central Java due to the recording appliances that were not portable. The government saw this as material and budget lost rather than for musical and cultural investment. As a result, Lokananta company now does not have authority to disseminate the diversity of music, and people now cannot listen to music of the nation. The company used to be the only recording industry and it played significant role in the formation of musical and cultural perspectives and tastes of people in the country. Recently, the company's responsibility is to produce music that was ordered by other company. According to the assigned duty from the government the Lokananta company is to "to produce audio and video recordings to preserve and to develop nation culture." But, because it has no right to decide what music to document and to record we do not have musical materials for constructing cultural perspectives of Indonesia. Instead, now other companies - that have different vision and mission about overall musical culture - replace Lokananta position as the "guide to overview" the life of music in Indonesia. Because most of the companies, if not all, do not have good perspective as Lokananta in thinking of the diversity of music in the nation, this becomes one of the factors that weaken the strategy to promote the diversity of music in Indonesia. Consequently, now people tend to listen to popular music, the genres with which the company favor and prefer to promote and produce. Now, due to the "popular values" that are offered by the recording companies people own the "instant values" and lost the taste of the diversity in Indonesian music.

- Cite examples of the use of music to alleviate poverty or the conditions contributing to poverty.

Groups of musicians are among those who are concerned with the victims of tsunami disaster in December last year. Some efforts had been done to help them by using music. Among them were musicians including Lauryn Hill and Boyz II Man who performed at March tsunami benefit concert. The concert was used to soothe the trauma caused by December's natural disaster. The concert was held by The Force of Nature Aid Foundation, a non-profit organization in Kuala Lumpur dedicated to raising money to rebuild communities devastated by the tsunami in Indonesia, Thailand, Sri Langka and India (boston.com).

The government worked from other aspect that was the recovery of tangible culture especially for kids and school children. They asked them to gather and played music with their own instruments (that were still available).

17. The links between musical diversity and the promotion of peace

- Cite examples of the use of musical diversity to promote peace.

Music can attract imagination that represents the “real situation” among audiences. Group of musicians can send messages to their listeners to achieve ideas prosperity, solidarity, humanity, and peace. When music is performed audiences perceive the message and experience both in real or in figurative situation. A good example was Slank and God Bless, among the best music group in Indonesia, when they “hypnotize” 15.000 audiences in Pekan Raya Jakarta on 18th December 2004. In the huge performance top government officers of Indonesia and ambassadors from foreign countries also attended. The Canada ambassador to Indonesia who also attended the performance said in his press release that he was proud of the music groups who presented the “Peace Theme” especially because one of the best bands came from his country. He said: “Music is a alternative medium to promote peace for everyone in the world.”

Another example would be Mangkunegara, the minor King of Surakarta, Central Java, who commissioned *dangdut* (hybrid music for youth) music performance for promoting peace in the square in front of the palace on 5th and 6th June, 2004. The performance was free-of-charge and everyone could come to listen and dance with the music, the common practice when the music was performed. It was a kind of social music. In that event the music was meant to keep the people in the region intact and to maintain solidarities among them. In his speech in front of audiences the prince said: “Even if now we are in the rivalry condition to vote President and the Vice President and we have different views to win our candidate, we should not fight one another. I hope that everyone can keep his/her head cool and the peace should be kept.” The performance featured noted singers from surrounding areas.

- Can you cite instances where musical diversity has caused or been strongly associated with social disharmony?

We have no sample.

18. The standards regulating musical diversity

- Cite examples of government or government-induced regulations intended to promote musical diversity or freedom of musical expressions OR to limit them. Refer to the fields shown below. In each case, if possible, give briefly the rationale for the regulation. In each case, are the regulations enforced?
 - Broadcasting. For instance, are there examples of the use of regulations to require the broadcast of local music, or regulations to require the broadcast of some forms of music but not others, or regulations to prohibit the broadcast of some forms of music?

Broadcasting music is problematic. The reason is that there is no “standard regulation” as to which music should be promoted. National policy intends to keep all of the music alive, so ideally government should provide equal chance to group of music to perform in public radio or television. However, in reality government officials often find difficulty to manage the goal. Because budget for music is limited (most likely that the budget is for cultural or art performance, not for music performance) and yet there are many music to promote at one occasion, he/she tends to prefer the music that is familiar to his/her ears. Local radio (owned by the government) in Surakarta, Central Java, for example, prefers to broadcast traditional music (*gamelan* music) that people think to represent the image of “classical culture” assuming that this policy expresses the mission of the regent. Solo (the popular name for Surakarta) is one of the cultural centers originated from the courts must keep the classical music. This is to emphasize and to promote the image of Solo as “The Cultural City” (Kota Budaya). By broadcasting such music the listeners also can keep the identity of their town. In this example, the radio officer ignores other kinds of music (folk music, traditional singing, etc) assuming that the music are not relevant to represent the regent symbol: classical culture.

The private radio and television, on the other hand, has more freedom to choose what music to show for audiences. Because this stations rely their budget on their own income, and they do not get financial assistance from the government, they intend to get as much as profit possible by presenting music that most audiences (especially youth) like to listen (even if they are aware that they should have given chance to native music to be aired). Thus, they tend to air popular music and ignore traditional music in their program, creating distance between youth and local and native music.

- New media. Are there parallel requirements in the regulation of new media that would favour or disfavour some forms of music? (New media: for instance, the internet.)
- E-commerce. Are there parallel requirements in the regulation of e-commerce that would favour or disfavour some forms of music? (E-commerce in music: trade in music digitally embodied or delivered. Overlaps with new media.)

Internet and digital technology are new so there is no regulation yet as to how to use it yet. Like in television program where one can

develop programs for his/her own advantages, in internet and digital technologies one can have personal and groups' interest. They most likely orient themselves on financial benefit. Internet advertising tends to favor popular music (the local dialect of western popular music) or music that can provide instant benefit. Digital production has the same tendency that are market and financial benefits resulting in the alienation of music that has values in community contexts. Only some educational institutions, such as Smithsonian Institute above, that orient themselves on the cultural, social values, and educational purposes.

- Education. Are there regulations requiring education in local music traditions, or in a diversity of musical genres?

Musical expression among students of senior high school (and lower level) as well as academic level is dependent upon policy of the officers in the national level. However, the availability of program and qualified teachers also become factor to decide which music to study. Whereas in national level the policy relies on the concept of "Unity in Diversity" mentioned before, not all of the ethnic music in Indonesia (whose numbers are thousands) have qualified teachers to teach music from elementary to university levels. Among the small number of teachers are those with Western musical educational training, causing the system of music education orient itself on Western music.

The members of the communities, on the other hand, due to the lack of knowledge and understanding of local music, they think that their music is old-fashioned and not up-to date, and some of them say that their music is not relevant to the contemporary life. As a result, they orient themselves on "foreign music," the music that is originated from other countries. There is underlying concepts by which they infer conclusion: they think everything comes from the West (technology, science, laws, economy and political systems, etc. are thought of as more valuable and they have higher status than the similar concepts from their country. As a result they underestimate local products and cultures. With similar rationale they also think that local music is also lower in status. This issue eventually becomes serious when youth construct ideas emphasizing the "dichotomy" of West and East where West is thought of as "superior" and East is "inferior." This situation affect the way they think of local music and eventually also influences their taste of music. I was told that in west Java youth are ashamed of listening to traditional music like *Degung*, they prefer to listen to (and play) popular music, the hybrid between Western element and the local music. They are proud of being able to play western instruments and are reluctant to play traditional instruments. Ironically, in our campus at STSI Surakarta, when I asked the new ethnomusicology students whose interest is to study and to keep the traditional alive, none of them said that he/she had ever played traditional instruments or sang a traditional songs before they entered the school. The reason was like the one mentioned before, they are ashamed of being able to play traditional music.

- Subsidy. Are there regulations that require that government subsidy should be given to, or withheld from specific musical genres, or to a diversity of musical genres? Are there regulations that require that government subsidy can only be given to citizens of the particular country, or regulations along those lines? Are there regulations that require that all applicants for subsidy must be considered equally, whether citizens or foreigners? Or are there variants on any of the above?

There is no strict regulation as to what kinds of music should be kept. Every music is given chance to survive, and anyone may supports any music he/she wants to do. Because every group of people intends to promote his/her own music, only the music that has strong support from audiences and mass media can survive in the contemporary life. Now, popular music owns the strongest position and status among other kinds of music (traditional, classical, ethnic, folk music). This makes traditional and ethnic music suffer the domination from the music with strong sponsors and audiences. According to a local newspaper in West Java *Pikiran Rakyat*, in West Java alone about 132 kinds of traditional arts die out and only 78 can stay alive in different levels. In order to stay alive some musicians in Solo, Yogya, Klaten, and in many cities in Central Java and East Java, adjust their music with the “instant taste” sacrificing the values of the music. This situation occurs because there is no sufficient subsidy given to local groups of music (usually foreign groups are supposed to be able to support their own budget) to practice and create works in their own communities. As a result, only music that has strong supporters can survive culturally and economically. Because musicians need money to survive they should find a strategy to reach the goal.

- Other. Are there similar regulations in areas of activity not mentioned above?
- What is the situation of copyright law in the countries in this region? Has it been enacted? Is it enforced?

Copyright law is new for Indonesian society. The government introduced it since 1980s and until at present many musicians do not really understand what the law really is. For that reason people do not know how to value intellectual rights. In addition, because law enforcement is weak in many aspects of life in Indonesia, even people who understand it would break the law for personal benefit. So, the practice of piracy is commonly done among people in music industry. According to Jakarta Post (March 17, 2003) Indonesia was said to become the Southeast Asia’s principal digital piracy center, the second after China. ASIRI (The Sound Recording Industry Association of Indonesia) reported that the percentage of pirated CD’s in Indonesia compared to originals amounted to 600 percent causing The United States warns Indonesia. This warning could be followed by economic sanctions. The ASIRI itself seems not effectively to work but since the US warned Indonesia on the case the illegal copying had been drastically reduced. The 105-member organization has since

1985 been responsible for collecting the government-authorized levy on each unit sold, known as the PPN tax. Some of the income goes towards the fight against piracy and as a result of several successful prosecutions the piracy rate of local music has fallen from a high of 90% in the mid 80's to the current figure of 9% (<http://ww.globalmusic.ti/garnews/colors.html/>).

Another association Karya Cipta Indonesia (KCI, the Indonesian Composer Association) also works on the collection of royalty for their members. Founded in 1990 this Association owns an important figure as a patron Murdiono (the former Secretary of State) who became the key player in the Modernization of the Indonesian Music Business. KCI admits the difficulties of introducing the concepts of intellectual property but it is now collecting performances royalties from all TV and Radio stations and is concentrating on increasing revenues from restaurants, discotheques, karaoke bars, concert promoters, airlines, shops, supermarkets and franchise chains. As for mechanical rights royalties – the system whereby the record company pays a sum based on the number of unit printed to the copyright society for distribution to the composers – KCI agreed on a rate with ASIRI in 1995. But this is only for foreign composers and their publishers. Although KCI has 180 Indonesian composer members they have not yet been able to make an agreement to collect mechanical royalties for local product. KCI suggests that this situation is comparable to Europe thirty years ago. For most business is still done on a flat-fee basis. The record companies pay the singers, composers and musicians a one-off payment. The record companies take the risks and the profits or losses.

19. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

- Cite examples of government promulgation of a single musical or cultural identity and any associated constraint on other musical or cultural identities.

The formal art schools that have high authority in the performance of styles and repertoires of music play important role in the creation, the development of and the life of music in the communities. This is so because the choice of the genre of the music (court music) by the government (I believe this is for the sake of preserving the identity of the nation among other nations in the world, thus it is often contradicted with the ideal situation) implies that the music is superior to others. Consequently, musicians in local areas think to be inferior to the musicians from the formal schools. This is so because of the lack of knowledge and experiences in music performance and composition. They tend to imitate strategy and method of composition and performances from the schools. As a result, they cannot develop their own ideas and in the long run they lost their competence to create music from their own vocabularies. This happens in areas where art schools of higher learning such as Denpasar (Bali), Surakarta (Central Java), and Bandung (West Java) exist. The communities use styles and methods originated from the schools and this makes the life of music in these area tend to be uniform. There is no instruction formally or personally to follow the strategy and methods of composition, the local musicians do this because they think that the strategy and the methods are the most proper way to do. They prefer to choose them only because of misconception among people who believe that people from academy have higher status so that they have to

follow whatever the people do. They think that the method used by “academic musicians” should be kept even by those outside of the campuses. Thus, the free expression of music and songs lessen and if this occurs continuously they may lose their indigenous skills to create and compose music.

- Cite examples of similar promulgation by the citizenry or sections of the citizenry.

See the above examples.

- Does it appear that in your region there are some states that are less likely to ratify the UNESCO Convention for cultural diversity if issues of internal cultural diversity or open cultural borders are pressed?

Cultural and musical repression occurs because of the domination of local groups or by groups of music that get better position due to the mass media and popular supporters. It is likely that they will accept the UNESCO Convention because in principle the Convention is in line with the state policy. According to bilaterals.org 148 countries approved to protect diversity (USA and Israel against it, and four abstain) in October 2005 in a meeting in Paris. Perhaps, one of the countries that approved the convention was Indonesia (there is no list of which countries approved it). But, Indonesia got ratification for Wayang Kulit (shadow puppet show) as the world recognized intangible culture from UNESCO, signifying that Indonesia would ratify the convention.

The domination of one genre of music over another also happens but it is not part of the policy of the state as such but because people choose the genre that they think to be appropriate to their life. Nowadays, when democracy in many aspects of life is encouraged, musical repression is much lessened.

6. The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity

- Cite examples of cultures in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical diversity – in the sense of the simultaneous practice or presentation within a society of many forms of music.

- Cite examples where they are averse to musical diversity.

Since Lokananta was not active in documenting and collecting music from ethnic groups in Indonesia, only Smithsonian Institution (USA) that supports efforts to record the diversity of Indonesian music. Similar efforts to compile the diversity of music – like the 20 volumes of Series of Indonesian Music by Smithsonian Institution – is now decreasing. Since the 1990s when Lokananta changed its status to be “passively to develop culture” by reproducing the previous music recordings and recording music selected by other companies, the production of ethnic recordings from live performances was much lessened. Several recording companies in Central Java, for example, that used to make recording of traditional music (IRA Record, Kusuma Record, etc) did not actively make live recordings. Some of the companies did not want to take risk of their business. Nowadays, it is difficult to find the recordings of ethnic music, especially the most recent live recordings. Local recordings are now flourishing and they feature new

genre of hybrid music “campursari.” With the more production of popular music the diversity of music is now lessened and in the long run many music will die out resulting in a “uniformity in music.”

- Cite examples where they support, or weaken, the practice of local traditional or indigenous music.

The policy of the government that had impact on the weakening the taste of listeners to the indigenous music (see example in no: 2) along with the policy of radio and television companies cause traditional music have even less chance to perform. The television programs broadcast only popular music that intends to cover as many audiences as possible. To reach the goal television programs should carry the “popular taste” and ignore “the diversity of taste and values” originated in the proper communities. With this movement, many people who still have their own ethnic values and those who have conception of the diversity of values in music do not have chance to express their ideas in mass media.

In local environments, because the strong penetration of mass media in the people’s values and tastes they also tend to follow the popular trend to appreciate the values originated in “popular taste.” Local musicians are now doubt if their music is still relevant to their communities (only because mass media does not broadcast their music, newspapers do not write about the music, and less people are interested in the values expressed in the music) and some of musicians even start to think of participating in the “mainstream” hoping to get the financial benefit from the “chaos situation.” Some singers also follow the movement singing the style that he himself/she herself does not necessarily like only because of feeling uneasy or doubt of the values of the indigenous music. In spite of the “Broadcast Regulations” (Undang-Undang Penyiaran No. 24/1997, September 1997 that regulates all of the radio and television programs), profit benefit now dominates their orientation sacrificing the proper values that they may still believe to be relevant in the communities. Radio and television stations owned by the government do not “break the regulations” as much as the private ones due to the budget they receive from the government.

- Cite examples where they are interested in developing hybrid musical forms – e.g. music that combines two or more ethnic musical genres, or combines an ethnic music with say, western popular music, or combines various forms of non-ethnic music.

The diversity of music also makes people think about combining elements of a specific music with another. This is “natural” because musical ideas and values are always interacting one another in the minds of musicians and composers (at the same time audiences also develop taste that is based on the perception of the diversity of music). This occurs frequently, if not always, among the composers because many of them say that “there is no such new creation in the world except the process of re-composition of the old elements.” These musicians works with elements of music hoping that they can have “power” as materials for their compositions. In Masters Program at Sekolah Tinggi Seni Indonesia (STSI) Surakarta it is common that students take materials from the indigenous music and combined with other element of neighboring music to compose a new piece for their recitals. This method is now flourishing among other people in communities especially to fulfill new expectations

and values in music. Some people in communities, however, think superficially the process of composition such as combining elements of music without considering that the elements should blend into a totality of musical expression. Thus, they want to put elements together without thinking compositional concepts behind the works. This is just like putting “salad and candy together” and blend them to get new taste of food. This happens in Central Java recently due to the misunderstanding about the concept of composition among musicians in local areas. The genre is called “Campursari” (literally, “mixed of everything”) which now widely performed among people who do not think of values of music. This situation occurs because the musicians, who do not have good understanding of what really music is, want to participate in global changes. They think that global culture is the one that combines what they think to be modern (that is, the western elements) and the local ones, without necessarily think about the composition more seriously. There are criticisms from experts on this genre due to the superficial understanding of the musicians on the concept of music.

- Cite examples of the expression of personal or community identity through music, and especially through musical diversity.

Personal and community identity arise when there is music festival where group of music come together in a specific events to show their skills and musical creations. In this event musicians have freedom to express musical ideas, thus diversity of music is maintained. Because musical composition of one group is challenged by other groups to win the festival, the composition should be unique and strong. This uniqueness represents the personal or community identity in the process of creation and composition of music.

Traditional settings of gamelan also provide space for musicians to express identity in expressing personal interpretation of the “main melodic line” provided in the performances. Musicians are aware of their duty to play different interpretation so that his identity, and the group identity, arises in the performance. This method of playing and interpreting the music are perceived as “natural” and musicians are supposed to get involved in the “healthy competition.” In another words, personal or communal interpretation is required to represent the identity of a group of music.

Another example is when music is used for strengthening the group of people or to raise the identity of local governments. Until the last five years local regency governments were supposed to compete one another especially to get an “award” from national government in keeping the area clean, in holding neat administration, and in keeping local identity. To achieve this goal each local government creates new musical composition based on the local motto that they want to promote. There are music that express prosperity, solidarity, friendships, etc. Some examples of the music are: “Solo Berseri” (The Beauty of Solo City), “Karanganyar Tenteram” (The Peacefulness of Karanganyar; it also an acronym for “Quiet, Shaded, Neat, and Safe). Music is thus explicitly used to express identity of the group of people and government to achieve their goal.

7. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity

- On an analysis of the situation as you discover it in responding to previous questions, how would you define these obstacles and challenges, and by what methods do you envision them being overcome?

Consider both the international and national spheres.

International issues include the challenges posed by trade liberalisation agreements. For instance, does a particular agreement limit a country's:

- right to subsidise music production, but not to offer national treatment to foreign applicants -- e.g. provide subsidy only to locally based music producers

Groups of music from native people ideally, and show signs of doing so, have more right to receive funds due to the position and status or keep the nationality and identity. They consequently believe that foreign groups cannot express the proper values or they can only manifest the "superficial" values if they play music that is based on the local conceptions and values. The state may develop similar ideas claiming that the priority should be given to native groups of music.
- right to fund state music institutions even though this gives them a competitive advantage over foreign providers

The policy to give an equal opportunity required by the liberation agreement will theoretically affect the right to fund state music institutions. This is because local and national institutions are now still in the process of adjusting to international values that are "foreign" to the institutions.
- right to fund national broadcasters even though this gives them a competitive advantage over foreign providers -- e.g. when broadcaster does not give national treatment to foreign music producers

Foreign music producers may be thought of as rivals to national producers assuming that they are financially stronger than the national ones. Because they believe that music values are relative, in the sense that there is no higher value of music over other music, financial aspect can be a factor in the consideration to protect the life of music.
- right to limit or direct foreign investment -- e.g. so that the music broadcast industry remains under local control and demonstrates a greater commitment to local music than might a foreign owned industry

The reason to maintain a greater commitment to keep music industry under local control is perhaps based on the consideration that government income (taxes, etc), and local musician benefit will lessen and this will affect the community prosperity. For further illustration see also the arguments in the following item.

- the right to regulate in favour of the local cultural sector.

The agreement regulates the free competition in which all groups of music and people must be ready to “fight” with other groups that were likely to have better quality and competence. The government may have better interest in local cultural sector because they want to protect the local and national groups of music and people. This is because the principle of protecting local and national cultural sectors is strong and it is the policy of national government. Also, there is no such universal values of music and ideally there is no such “true competition” to define which music is better than others.

There are special issues concerning the protection and promotion of traditional musics as the societal contexts from which they arose dissipate or evolve. Challenges include the attitudes of younger generations, the opportunities for musical evolution or innovation, the adequacy and structure of music education, the presence or absence of an economic basis for survival.

These suggestions are intended only as guidance and do not exhaust the possibilities.

8. *Bring to light those good practices and actions that need to be strengthened and widely practised in this field.*

This will follow from the previous analysis. Please write this section according to your perceptions of the situation. The following ideas are intended only as suggestions.

The study could list the states that actively support musical diversity within their own borders. It might develop a typology of approaches, considering *inter alia* support to musical diversity within the school music education curriculum, in music subsidies, in music broadcasting, in special support to indigenous music, in measures to encourage cultural production by non-profit and for-profit organisations, in support to public cultural institutions and broadcasters?

You might seek examples of initiatives such as these:

- programs to support local at-risk indigenous musics
 - Indigenous music should be kept alive by letting experts, singers, and musicians to develop their own music in the proper contexts such as ceremonies, rituals, schools, and community’s events. These artists should be given enough space and chance to work internally without being bothered by “hegemonized ideas” from other places especially institutions of higher learning that may indirectly dictate strategies and methods to work in their indigenous communities.
- state support for local participation in internationally viable genres – e.g. western popular music, western classical music

Local participation in national and international level to get better perspectives is necessarily because this will help the local musicians to perceive concepts, values, and methods of preserving, making, promoting music in the proper contexts. This should be done carefully because it may result in the wrong direction in which musicians take the elements of foreign music physically rather than taking the spirit of the music. Musical life is not only the physical materials but rather more

importantly the “conceptual statement” of what musicians think about the life in the communities and the values behind them. Perhaps, conducting workshops is a good method to understand the underlying concepts in other music. When they get the “deep concepts” I believe that they will not make mistake such as the one mentioned in no. 6 item 3.

- state encouragement for free exchange of music across their borders

Free exchange of music across borders should be done to provide more perspectives of the format of other musical styles. Without pretending to penetrate and “teach” local musicians this method will give chance to the musicians to form thoughts that may be useful in the development of creative process among them. The introduction of other “contradictory” styles (the style that is really foreign such as “rock music” for indigenous people) to the local styles may also be beneficial to form “musical constructs” with proper values that can benefit to the life of the people and communities. In sum, we should let local people to develop imagination based on their own creation, not from other perspectives and traditions.

- state encouragement for importation of music from developing countries

Which states would more actively promote musical diversity were funds available?

Which states intend to or are likely to contribute to the International Fund for Cultural Diversity?

Importation of music from developing countries may stimulate fresh ideas among musicians, as long as it does not interfere and dominate the local ideas. The foreign and local ideas should be given chance to interact in the minds of musicians and audiences so that they may result in the formation of new ideas based on the “contradictory concepts.” There will be serious problems if other countries like USA, now it does not seem to happen in Indonesia, take out the whole market because we cannot compete with the capitalist culture. Even if the ideas from USA like the use of idioms and techniques – such as in “rock music” – seems strong but it is still minor to Indonesian culture. Thus, to let USA music and at the same time make room for other countries music, if that should happen, is not an easy problem to solve. We have to think more in terms of what should we do to adopt the “proper” ideas and to ignore the “improper” ones.

Appendix 10

The Protection and Promotion of Musical Diversity

Asia:

SINGAPORE

Joyce Teo

MUSICAL DIVERSITY QUESTIONNAIRE: SINGAPORE

20. The complementarity or reciprocity between the protection of musical diversity and that of human rights

- **Cite examples where music expression or music diversity have been repressed by direct action of government or action by others directed by government, or by others acting to pre-empt direction by government.**

RESPONSE: Singapore has the Internal Security Act which allows the authorities to arrest and hold a person without trial for a length of time, if that person is considered to be a threat to national security. While this Act has been enforced from time to time for various reasons, there has been, so far, no direct relationship to suppression of any musical activity.

Singapore also has the Religious Harmony Bill, where people are not allowed to conduct religious activity or evangelistic activity which may offend those from another religion. This law could have the impact of restricting those musical activities which have a religious purpose or content.

There are also censorship laws which forbid the broadcast and performance of music which has lewd or abusive lyrics, lyrics which are defamatory and lyrics promoting socially unacceptable or illegal activity such as drug taking, etc. Some songs have been banned over the years because of this problem with content. Generally, music is the least censored of all the art forms in Singapore.

All organisers of public music performances need to apply for a Public Entertainment License before being allowed to hold the performance. Normally, music performances have no problem obtaining such a license, although in the past year, there was a case of a concert being organised by the Falungong movement being rejected and another of the annual rave party for gays called “The Nation Party” being rejected as well.

- **In the countries where there is such repression of musical expression or diversity, are there other notable breaches of human rights?**

RESPONSE: Singapore’s Internal Security Act which allows for imprisonment without trial and the death penalty for drug trafficking is considered by some people as breach of human rights. There were the well-known cases of the imprisonment without trial of a political prisoner (Dr Chia Thye Poh) many years ago, followed by the controversial arrest and detention of a group of suspected “Marxists” and most recently, of a group of 40 men who were considered terrorist threats. These few cases were seen as breaches of human rights by some people. However, as far as we know, there are no other publicised cases of breaches of human rights in Singapore.

21. The links between musical diversity and economic development and the fight against poverty

- **Cite examples of the use of music to assist in non-music economic development.**

RESPONSE: The Singapore Tourism Board uses musical activity as part of their efforts to develop tourism. Some cultural groups such as the local Malay cultural troupe, Sri Warisan, have performed at various events which promote tourism, such as the World Expo in Japan. For many arts and cultural organisations in Singapore, there is always the option to do performances which contribute to the tourism industry, but also for most groups, there is the fear that this may affect their artistic integrity and so they do not actively participate.

- **Cite examples of government or agency action to develop aspects of the music industry or the music industry as a whole**

RESPONSE: The Singapore Government funds the 2 national orchestras, The Singapore Symphony and Singapore Chinese Orchestra. A capital sum was given to each orchestra as an endowment to generate income.

There are also various tax incentives and seed funding for new companies and this encompasses companies engaged in the music business such as recording companies and entertainment companies. MTV Asia for example, has chosen Singapore to be its operations base.

The National Arts Council of Singapore also provides grants for non-profit music organisations embarking on recording, publishing or performance projects. The arts council also provides training grants and scholarships for those seeking higher education in the field of music.

Under the Ministry of Information Communication and the Arts, there is the Creative Community Singapore fund, which is an attempt to encourage arts companies to develop viable businesses.

- **Cite examples of the use of music to alleviate poverty or the conditions contributing to poverty.**

RESPONSE: Singapore has an interesting approach to busking on the streets by musicians, where the proceeds have to go to charity. Some of these musicians are charity cases themselves, and there is some flexibility where they are allowed to pay themselves and then give the excess to charity (if there is any excess).

Many charities in Singapore also organise TV variety shows where all kinds of music is performed as a way of raising funds for the selected charity.

There are also various philanthropic foundations which would sponsor musicians and other artists for further education or for projects.

22. The links between musical diversity and the promotion of peace

- **Cite examples of the use of musical diversity to promote peace.**

RESPONSE: In Singapore schools, there is a component called National Education which is meant to inculcate in students national pride and unity. Annual activities to promote peace and harmony among the different ethnic communities in Singapore include performances of music from the many communities in Singapore.

There is also a concerted effort to celebrate International Friendship Day in the schools and again music performances form a major part of these celebrations.

- **Can you cite instances where musical diversity has caused or been strongly associated with social disharmony?**

RESPONSE: No public records available on that issue.

23. The standards regulating musical diversity

- **Cite examples of government or government-induced regulations intended to promote musical diversity or freedom of musical expressions OR to limit them. Refer to the fields shown below. In each case, if possible, give briefly the rationale for the regulation. In each case, are the regulations enforced?**

- **Broadcasting. For instance, are there examples of the use of regulations to require the broadcast of local music, or regulations to require the broadcast of some forms of music but not others, or regulations to prohibit the broadcast of some forms of music?**

RESPONSE: No official government policy to regulate broadcast of some form of music but not others, however, the lack of regulation means that broadcasters are driven by market forces to broadcast only music that appeals to the masses, ie, popular music, and the total disregard to broadcast any traditional music of the country. A radio station formerly run by the National Arts Council was closed down due to low audience numbers and lack of funding.

- **New media. Are there parallel requirements in the regulation of new media that would favour or disfavour some forms of music? (New media: for instance, the internet.)**

RESPONSE: No official government policy on this either.

- **E-commerce. Are there parallel requirements in the regulation of e-commerce that would favour or disfavour some forms of music? (E-commerce in music: trade in music digitally embodied or delivered. Overlaps with new media.)**

RESPONSE: No official government policy.

- **Education. Are there regulations requiring education in local music traditions, or in a diversity of musical genres?**

RESPONSE: About 4 years ago, there was a change in the music curriculum in schools to include music of the main ethnic communities in Singapore – Chinese, Malay and Indian as well as World Music, focusing on the music of China, Japan, Africa, Indonesia, Latin America and India. As such, students in our schools have the opportunity to be exposed to a variety of music, when in the past, it was only western classical music.

- **Subsidy. Are there regulations that require that government subsidy should be given to, or withheld from specific musical genres, or to a diversity of musical genres? Are there regulations that require that government subsidy can only be given to citizens of the particular country, or regulations along those lines? Are there regulations that**

require that all applicants for subsidy must be considered equally, whether citizens or foreigners? Or are there variants on any of the above?

RESPONSE: Generally government subsidies for the arts are only given to citizens and permanent residents. In terms of genres, there is no specific regulation favouring one genre above the other, although pop, jazz and rock music is seen as more commercial activity and so do not get as much subsidy as compared to other more ‘cultural’ genres of music.

- **Other. Are there similar regulations in areas of activity not mentioned above?**

RESPONSE: No.

- **What is the situation of copyright law in the countries in this region? Has it been enacted? Is it enforced?**

RESPONSE: Singapore has a NGO called COMPASS that registers local and international composers and publishers and administers the collection and distribution of royalties.

There are copyright laws but have not been enforced so strictly, until recently. The government has set up an Intellectual Property Office to advice and regulate matters pertaining to IP. Now, there are frequent raids on shops and individuals who infringe copyrights by selling copied music and distributing music online illegally.

24. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

- **Cite examples of government promulgation of a single musical or cultural identity and any associated constraint on other musical or cultural identities.**

RESPONSE: Singapore is in a unique situation where we have 4 official languages of which English is the official working language. In the same way, our population is classified as – Chinese, Malay, Indian and Others. Since independence, there is a recognition of our cultural diversity, but also there is the ongoing search for a Singaporean identity.

- **Cite examples of similar promulgation by the citizenry or sections of the citizenry.**

RESPONSE: No cases in Singapore.

- **Does it appear that in your region there are some states that are less likely to ratify the UNESCO Convention for cultural diversity if issues of internal cultural diversity or open cultural borders are pressed?**

RESPONSE: No

25. The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity

- **Cite examples of cultures in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical**

diversity – in the sense of the simultaneous practice or presentation within a society of many forms of music.

RESPONSE: In Singapore, many of the ethnic communities take an active role in performing and preserving their own music. The Indian community, for example, has several cultural organisations, all dedicated to educating and performing of Indian music and dance, similarly, the various Malay cultural organisations and the Chinese cultural organisations. The Eurasian community and Peranakan community, are also active in promoting, performing and preserving their traditional music on a smaller scale.

Independent arts companies, for example Gamelan Asmaradana (dedicated to promoting all forms of gamelan music and other SEAsian music) have been active in running educational activities and performances to achieve this aim.

Among the private sector, international organisations such as WOMAD have based themselves in Singapore and organise the annual WOMAD festival celebrating world music.

In the recording business, composers such as Dick Lee and Andrew Lum are active in attempting to create musical styles that are unique to Singapore and express the Singaporean identity.

- **Cite examples where they are averse to musical diversity.**

RESPONSE: Many presenters in the local radio stations would tend to present pop or rock music but no other genres of music. This is one of the biggest problems in our broadcast industry, the focus is too narrow, only on entertainment, and there is no recognition of the value musical diversity, and hence the willingness to broadcast music that is not in the mainstream. There are also not enough avenues for local musicians to get their music heard in the mass media, unless they go down the road of creating only music for entertainment.

- **Cite examples where they support, or weaken, the practice of local traditional or indigenous music.**

RESPONSE: Local traditional music is not supported by the music business in general, so many local groups specialising in such music have to find their own ways of recording and distributing their music.

- **Cite examples where they are interested in developing hybrid musical forms – e.g. music that combines two or more ethnic musical genres, or combines an ethnic music with say, western popular music, or combines various forms of non-ethnic music.**

RESPONSE: There are several music groups in Singapore that develop hybrid forms of music. One the most active is Gamelan Asmaradana, a group that specialises in the performance of traditional gamelan music but now also does performances of gamelan with a western-style jazz combo. The group also has developed repertoire which feature a combination of various Asian instruments with the gamelan, which we call Sounds of New Asia.

Andrew Lum, Singaporean composer based in Taiwan but has a big following here, is also active in developing this hybrid music.

- **Cite examples of the expression of personal or community identity through music, and especially through musical diversity.**

RESPONSE: This is certainly done within the various ethnic communities, in particular, during festive and celebratory occasions. Among the Malay and Indian communities, events such as weddings and temple ceremonies for the Hindus would include the performance of traditional music.

26. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity

- **On an analysis of the situation as you discover it in responding to previous questions, how would you define these obstacles and challenges, and by what methods do you envision them being overcome?**

Consider both the international and national spheres.

International issues include the challenges posed by trade liberalisation agreements. For instance, does a particular agreement limit a country's:

- **right to subsidise music production, but not to offer national treatment to foreign applicants -- e.g. provide subsidy only to locally based music producers**

RESPONSE:

- **right to fund state music institutions even though this gives them a competitive advantage over foreign providers**

RESPONSE:

- **right to fund national broadcasters even though this gives them a competitive advantage over foreign providers -- e.g. when broadcaster does not give national treatment to foreign music producers**

RESPONSE:

- **right to limit or direct foreign investment -- e.g. so that the music broadcast industry remains under local control and demonstrates a greater commitment to local music than might a foreign owned industry**

RESPONSE:

- **the right to regulate in favour of the local cultural sector.**

RESPONSE:

There are special issues concerning the protection and promotion of traditional musics as the societal contexts from which they arose dissipate or evolve. Challenges include the attitudes of younger generations, the opportunities for musical evolution or innovation, the adequacy and structure of music education, the presence or absence of an economic basis for survival.

These suggestions are intended only as guidance and do not exhaust the possibilities.

27. Bring to light those good practices and actions that need to be strengthened and widely practised in this field.

This will follow from the previous analysis. Please write this section according to your perceptions of the situation. The following ideas are intended only as suggestions.

The study could list the states that actively support musical diversity within their own borders. It might develop a typology of approaches, considering *inter alia* support to musical diversity within the school music education curriculum, in music subsidies, in music broadcasting, in special support to indigenous music, in measures to encourage cultural production by non-profit and for-profit organisations, in support to public cultural institutions and broadcasters?

RESPONSE: Within the school system, schools are now encouraged to offer within the music curriculum the traditional music of Singapore and other music of the world.

The National Arts Council is able to provide project grants for local arts companies for various projects and this include music ensembles.

You might seek examples of initiatives such as these:

- **programs to support local at-risk indigenous musics**
- **state support for local participation in internationally viable genres – e.g. western popular music, western classical music**
- **state encouragement for free exchange of music across their borders**
- **state encouragement for importation of music from developing countries**

Which states would more actively promote musical diversity were funds available?

Which states intend to or are likely to contribute to the International Fund for Cultural Diversity?

Appendix 11

The Protection and Promotion of Musical Diversity

Asia:

VIETNAM

To Ngoc Thanh

Recent situation of Vietnamese national music

By Dr. To Ngoc Thanh
Vietnam Musicologist

1. General historical background

1.1. Vietnam is a multiethnic nation composed by 54 ethnicities each from which has own unique traditional culture. That is our cultural diversity. The languages of these 54 ethnicities are belonging to some big and typical linguistic families of South-East Asia. They are as follow: (Dang Ngiem Van, Chu Thai Son, Luu Hung : "***Ethnic minorities in Vietnam.***" The Gioi Publishers. Hanoi.1993.Page 8)

i. Austroasiatic language family, including

- The ***Viet-Muong*** group comprised of the Muong, Tho, Chut, Viet ethnicities.

- The ***Mon-Kh'mer*** group comprised of the Kh'muh,,Bahnar, Se Dang, Hre, K'Ho, M'Nong, Stieng, Bru-Van Kieu, K'Tu, Zie-Trieng, Ta Oi, Ma, Kor, Chraw Chro, K'Sing Mul, Khang, Mang, Braw, R'Mam, O Du.

- The ***Thai- Kadai*** group comprised of the Tai, Thai, Nung, San Chay, Lao, Lu, Pu Y, Zay, La Chi, K'Lao, La Ha, Pou Piew

- The ***H'Mong-Zao*** group comprised of the H'Mong, Zao and the Pa Then

ii. Austronesian language family,including

- The ***Malayo-Polinesian*** group comprised of Jo Rai, Rhade, Champa, Rakglei, Chu Ru.

iii. Sino-Tibetan language family including

- The ***Han*** group comprised of the Hwa, ,San Ziu, Ngai

- The ***Tibeto-Birman*** group comprised of the Ha Nhi, Phu La , Lo Lo, La Hu, Kong, Si La

Hundreds of small sub-ethnicity are incorporated into these fifty four ethnicities with different names and dialects. Besides the Viet who is the majority occupying 80% national population and having settled mainly in the plains of the Red River Delta in the North and of the Me Kong (Cuu Long in vietnamese) River Delta in the South, there are fifty three ethnic minorities located by contrast mainly in mountain areas, not divided into isolated territories.

1.2. The Mon-Kh'mer ethnic groups' culture is considered by Vietnamese archaeologists, ethnographers, and folklorists (Dang Ngiem Van...quoted book, page 11) as the ***substratum-indigenous source of whole Vietnamese culture***. The culture of Thai-Kadai, Hmong-Zao, Tibeto-Birman immigrated from other areas, among which the Thai was present in the present location since the beginning of 2nd millennium, and the Hmong -Zao, Tibeto-Birman came to Vietnam's territory 500 years ago. The Malayo-Polynesian ethnic group's culture has existed in Central part of country and mainly in Central Highland since the beginning of our era.

1.3. Although the immigrated ethnic minorities came into Vietnam in different historical periods, the common historical destiny, the alternately cohabitation, the sharing common natural ecological environment, the closeness in race and

cultural characteristics: all those factors have helped to shape and develop several common cultural features which are the demonstration of Vietnamese cultural identity. These features found their manifestations in the culture of all Vietnamese ethnic groups. Nevertheless, these common features have not driven out the unique characteristics of each minority; on contrary, they have contributed to enrich it

1.4. In the past, the traditional professional music existed only in the culture of the Viet majority and a part but under the "germ" form in the culture of the Champa and the Kh'Mer of the South. The culture of the fifty one remaining ethnic minorities is a folk culture, which has been always materialized in the form of various syncretical kinds of folk performances consisting of different expressive components including folk-music. Among various components comprising the syncretical entity of folk cultural expressions or activities, **music often plays a nuclear role.** All folk cultural performances and activities were born and closely linked with productive and everyday life activities of people and of community. For that reason, more or less, **each folk performance and its musical component has its own social significance and function.** Therefore, the traditional music is itself a diversity because **however many cultural activities and performances we have in the culture of each ethnic group, that many different musical genres we can enjoy.** As a result, if we take a panoramic view on the whole Vietnamese traditional culture and music, we **find a great multicolour cultural diversity.**

The diversity of traditional musics of Vietnamese ethnicities also expressed commonly in the richness of different musical genres which we can find in the culture of each ethnicity. According to the social-artistic function of musical genres, we can classify them into some systems as follows:

i. The musical genres marking different stages of a human being's life from his/her birthday until death such as – Lullaby used in ceremony for fetching new-born baby and for lulling baby to sleep. – The children's songs, dances and games performed together as different components of a same activity. – Alternating love songs sung between girls and boys in courtship activity. – Marriage process and wedding ceremony. – Building a new house for a newly-married couple. – Celebrating birth day of the old people at the age of 60,70,80,90, 100, and finally the funeral ceremony.

ii. The musical genres relate to and are expressed in various kinds of belief and religious activities demonstrating the relation between people and deities and all the forces in the invisible world to ask their support for prosperity of plants, domestic animals, peaceful life of the community; for instance: – Springtime ceremony with the cult to ancestors of descents and to village tutelary genie, and praying for prosperity, asking for good crops and good harvest. – Ceremony with cult to Rice Mother and to Earth Mother. Ceremony is held at night of 15th day of the August month of the lunar calendar. Under the lunar light the children sing, dance and eat the grilled-green rice and ripen fruits to realise the belief that they eat the milk of Rice Mother and the fruits of Earth Mother. – Shamanic worship curing the ill people. – Music for ecstatically falling into a trance

iii. The musical genres performed together with any kind of work such as: - Ploughing song and songs sung on the rice field. - Songs sung in pounding something (rice, corn, bean or even lime). - Rowing songs of rowers. - Hauling wood from high mountains.

iv. The musical genres used in entertainment and everyday life activities such as the music for traditional singing theatres (Cheo, Tuong, Cai luong of Viet majority; Za hai of Nung minority; Ro Bam and Zi Ke of Kh'Mer minority in the south of the country). - Music for various kinds of puppetry (string, stick, mask, dollish and especially the water one). - Music for several different sorts of dance.

v. We can see all above-mentioned **"folk" musical genres** in any traditional music of any Vietnamese ethnic group. Hereafter are some **"professional" musical genres** which we can find out only in the culture of the Viet majority and of the Champa minority. They are as follow:

- The court music used in the royal palace to serve both ceremonial and everyday activities of the Court, the King and his family.(Viet)

- The Ca tru singing which is a kind of musicalisation of the poetry composed by the Confucian scholars. (Viet)

- The musical cycle of the blind-beggars-travellers. (Viet)

- The musical systems used in various ceremonies in and in front of the Hindu and Brahman temples.(Champa)

vi. At the beginning of XX century (1920-1945) among Vietnamese intellectuals who settled in cities and had opportunities for contact with the European civilization, and who graduated from colonial secondary schools, there appeared a movement of "Renovation" of the national literature and arts following the aesthetic thinking and artistic methods of European classical school, including music. Consequently, gradually a new sort of Vietnamese music was shaped, firstly including the songs-chansons composed following the theoretical principles of French chansons. A small number of Vietnamese trained by foreigners became instrumentalists playing on Jazz musical instruments in Bar Dancing.

Since the year 1955 after liberation of Northern Vietnam, we have conditions to send our students to Conservatories of Soviet Union and some Eastern-European countries such as Czeckoslovakia, Hungary, Bulgaria etc...Therefore we have some kinds of symphonic music composed by Vietnamese composers. Nowadays we have three national conservatories in Hanoi, Hue and Hochiminh city where we teach mainly the classical European music. We have also in conservatories the faculty for playing on traditional musical instruments and the faculty for Ethnomusicology.

2. The policies of Government

2.1. During the ruling time of feudal dynasties. (938-1884)

This period occupied near thousand years and passed eight different feudal dynasties the King of which always was the Viet majority people. Vietnam is a small country, having a modest territory (more of 300,000 km²) and population (17 millions at 1945 year, 82 millions at 2004). But this country located as neibourg of very bigger country. During own history, Vietnam was forced to organize several patriotical resistances against the invasion wars of

aggressors. At that situation, all vietnamese ethnic groups both majority and minorities have united in an unity, fighting for independence of own homeland. ***This was a very important social-historical bases to shape and develop the respectful behaviour among people between different ethnic groups.*** According to historical records (Ngo Sy Lien: "Dai Viet su ky toan thu" – "The complete book of history of Dai Viet" Translated to contemporary vietnamese and published 1993.Hanoi) under the ruling of Le dynasty (1427-1788) all different areas where the minorities habited were received the regime of autonomy. The King often given own daughter (princess) to marry the leaders of ethnic minorities ***created a blood descent relation between leadership of ethnic groups and the King.*** Thank to that policy, the minority were entirely free to preserve and develop own ethnic culture. That is why nowadays we can see the existence of minorities' ethnic culture which we have the happiness to inherit and continue to develop. ***That is why the diversity of culture generally and of traditional music of each vietnamese ethnic group particularly, could developed and existed until our time.***

2.2. ***Policies of recent Government*** (1945-now 2006)

During the period of 1884-1945 Vietnam was a French colony and only was liberated since Revolution of August,1945. Right after the Independence we must to organize the patriotic resistance against French colonisers (1946-1954) and then American (1954-1975). Actually, we have only 30 years of peaceful life to restore all destroyed things in the war and begin to build all necessary things for development and global integration.

Nowadays Vietnam is led by the Communist Party (CP). In the cultural sphere, the CP advocates to ***"Build an advanced culture with a bold national identity"*** Continuing the traditional equal and respectful relationship between ethnic groups during history, the CP and Government has given the people the freedom to inherit and express their traditional ethnic cultures. The CP and Government also encourage professional artists to learn and use the material from traditional culture including all kinds of arts such as music, dance, theatre, fine arts, architecture and decorative arts to create new works.

The national ***"Law for safeguarding cultural heritage"*** was adopted on 29, June, 2001 by the National Assembly. The objects which are protected by the law is ***both tangible and intangible cultural heritage of all Vietnam's ethnic groups.***

The national ***"Law for protection of intellectual property"*** was adopted by the National Assembly on November 29, 2005. The objects which are protected by the law are all kinds of artistic creations including various sorts of folklore and all kinds of technological patents.

Since 1950 in the North, the Section for collection, study and popularisation of traditional folk music of Vietnamese ethnic groups of both majority and minorities was established. The Section belonged to the Department for Music and Dance, Ministry of Culture. In 1968, based in this Section, the Researching Institute of Musicology was established and it has existed until now (2006) After fifty years of work we have in our archives 25,872 music works collected which now we begin to translate to DVD and

VCD in our recently established DATABANK, a part of which can be found on our website. (Please visit website <http://vn-style.com/vim/>) or e-mail <musicology@hn.vnn.vn>

Not all of the above historical background is directly concerned with the topic which I must discuss. But I hope the background will be useful to help those who are foreigners and are not familiar with Vietnam.

2.3. Recent situation of Vietnamese indigenous music

Despite all the attention which the Vietnam Government has paid the Vietnamese indigenous music, both traditional folk and European style new composed works, it is in danger of disappearance. What are the causes?

i. The biggest part of traditional music is the folk music. This music was created and existed closely with everyday life of the people, 95% of whom are farmers living in rural self-sufficient communities. Now the economy in the country is moving toward industrialising and modernising, the life of these people fundamentally changes. Many social-cultural activities occupied a very important role in the former society; now they lost the social bases for which they were created and existed. ***They are no longer unseparated from the everyday life of the people.*** The music which is a component of those activities is sharing such common destiny and it is also at the edge of destruction. For example: In the past, the rowers sang rowing songs to support their rowing rhythm when they row the boat. Now, all kinds of boat are motorized, the rowers do not need to sing the rowing songs and the songs lost their former social function and basis. The song is remaining only as an artistic item if it has such value and it will be used occasionally as an item in musical festivals or in radio and TV programs. It might be forgotten after a time and we can find it in archives only as a memory of the past.

The European-style composed music, especially the songs-chansons, are considered by young people as ***“out of date”***. These songs are used only in the celebrations for commemoration of historical events.

The symphonic music has its own separate audience which consists of mainly elderly people.

Meanwhile, all kinds of Rock, Rap and so on ***“come to the throne”***. On behalf of ***“meeting the demands of the young audience”***, this music occupies some of the biggest programs of radio and TV and other spaces in city life and a part of the life of the countryside. Lately, the Hip-Hop was imported and right away it is considered by the young generation as a most modern fashionable rhythmic music.

ii. Moreover, during 30 years of war, we have had neither the time nor conditions to practise and transmit our traditional culture including the musical culture. Actually, there has been an interruption in transmission and continuity of the cultural-musical tradition among the Vietnamese generation which was born and grew up in this time period.

Apart from that, during the same period, we have had a misunderstanding about the role and values of the traditional culture and music – that the culture and music of the past cannot respond to and supply

the demands and rhythm of modern society. In order to become a part of recent society *they have passed a process of so-called improvement, modernisation and theatricalisation* which in fact is *a process of Europeanisation using traditional culture and music*. For example, for modernisation of national traditional orchestras, we organized a “*national symphonic orchestra*” consisting of all kinds of musical traditional instruments grouped following the model of the symphony orchestra. As a result, we have a disorderly orchestra because we cannot justify the pitches of strings of instruments. By nature, the strings are always used to create not fundamental pitches, but “*ornamented*” pitches created by various kinds of finger pressure or beating on the different string points.

2.4. Necessary measures

We have considered those negative traits in policies and necessary measures are taken. Some most important means are as follows:

i. Encouraging and supporting the provincial and national musical troupes and theatres to perform traditional items

ii. Encouraging to restore, revitalise traditional musical genres in community where they are created and developed in the past because they are historical evidence of creative talent of the Vietnamese people.

iii. Enforce and realise the paragraph number 14 of the *Law for protection of intellectual ownership* which states that the law protects “*all kinds of folk literature and folk arts*”

iv. The radio and TV must have a permanent program to introduce traditional cultural expressions of ethnic groups.

v. Ratify as soon as possible the UNESCO Convention for safeguarding the cultural diversity of Humanity

Music Diversity Questionnaire

1. The complementarity or reciprocity between the protection of musical diversity and that of human rights.

** Cite examples where music expressions or music diversity have been repressed by direct action of government or actions by others directed by government, or by others acting to preempt direction by government.*

RESPONSE: The people and artists have complete freedom to express their own conception of culture art excepting where the content of works destroys the solidarity between ethnic groups or damages the independence and the unity of the country or are against the recent political regime or cause disorder in society or encourage violence, illegal sexuality, or use dirty language. They have also the freedom to choose any artistic style or artistic tools and method. The people have the right to choose and participate in any cultural or artistic activity, even the ceremonial-religious ones which 30 years ago were forbidden (National Constitution adopted 1992 defined that “*The Vietnamese have the right to believe or not believe any religion or belief*”) excepting if it causes the above-named prohibited things.

The artists, especially those who are singers, dancers, players etc. are advised to have good behaviour in performing style that corresponds with the traditional moral criteria of national and communities' culture.

** In the countries where there is such repression of musical expression or diversity, are there notable breaches of human rights?*

RESPONSE: We have not such events

2. The links between musical diversity and economic development and the fight against poverty:

** Cite examples of the use of music to assist in non-music economic development*

RESPONSE: There is some use of music by tourist destinations as an attractive element of "**cultural ecological tourism**". For example: The traditional chamber music of the former aristocratic sphere now is performed by musicians and singers on the tourism boat flowing on the Parfum River, Hue city, Central Vietnam. The Nha Nhac-former Hue court music is now performed in the former royal hall for tourists. The music called "Of Amateurs" in the Southern area often attracts the tourists.

** Cite examples of government or agency action to develop aspects of the music industry or the music industry as a whole*

RESPONSE: The music industry in our country is still weak. There are two big music industrial companies who receive the State funding and tax supporting to produce mainly all kinds of VCD, DVD, books.

- *Cite examples of the use of music to alleviate poverty or the contributions to poverty.*

Performing traditional music in tourist hotels, resorts, in tourist villages is used as a measure to give jobs to unemployed people.

3. The links between musical diversity and the promotion of peace

** Cite examples of the use of musical diversity to promote peace*

RESPONSE: We have not any example

4. The standards regulating musical diversity

** Cite examples of government or government-induced regulations intended to promote musical diversity or freedom of musical expressions OR to limit them. Refer to the field shown below. In each case, if possible, give briefly the rationale for the regulation. In each case, are the regulations enforce ?*

RESPONSE: We have not signed the WTO agreement. We have not also the economic competition because the music industries, radios, TV, publishers are still in the hands of the State.

- *New media: Are there parallel requirements in the regulation of new media that would favour or disfavour some forms of music ?*

This might happen after trade agreement between our country and USA.

- *E-commerce: Are there parallel requirements in the regulation of e-commerce that would favour or disfavour some forms of music (E-commerce: trade music digitally embodied or delivered.Overlaps with new media)*

RESPONSE: No such requirements we have.

- *Education: Are there regulations requiring education in local music tradition or in a diversity of musical genres*

RESPONSE: Besides the common-official part of primary and secondary schools' music curriculum, an additional part consisting of knowledge of local-ethnic music is obligatory. The content of this part will be chosen by the Teachers-Committee of each school and it can include some non-formal activities.

The local music is also included in the curriculum of the High College of Arts in each province as official content.

- *Subsidy: Are there regulations that require that government subsidy should be given to or withheld from specific musical genres, or to a diversity of musical genres? Are there regulations that require that government subsidy can only be given to a country's own citizens? Are there regulations that require that all applicants for subsidy must be considered equally, whether citizens or foreigners? Or are there variants on any of above?*

RESPONSE: Subsidy for preservation and promotion of folk culture generally and for folk arts such as music, dance, etc...particularly is one of the substantial key policies of Vietnam's Government. It was created on the bases of awareness that, ***the Vietnamese traditional culture is a multicolor diversity crystalised through many thousands of years of creative activities of all ethnic groups*** (Extract from "Declaration and Decision of Fifth Meeting of CP's Standing and Executive Boards adopted on 10/1998"). The subsidy was used for activities of some main aspects as follows:

i. There was a National Researching Program for "Collection, Preservation and Promotion of traditional intangible heritage of 54 ethnic groups". The program is operating from 1998 until 2010. The Vietnam Institute of Culture and Arts Studies (VICAS) was appointed to be the key body of program with an annual subsidy around 200,000 USD (equivalent).

ii. Since 1993 the Association of Vietnamese Folklorists received annually subsidy around 100,000 USD (equivalent) for the same aim.

iii. Special funding of around 250,000 USD (equivalent) was assigned annually for collecting and preserving traditional music and installing the collected materials in DATABANK.

iv. Special funding for National Program "Collection, Preservation, Publishing all Epics of minorities living in the Highland of Central Vietnam." The Epics always are performed by using the traditional musical tunes of each ethnic group. The Research Institute of Folklore from the National Academy of Social and Human Sciences was appointed as the key body for realising the Program with the total subsidy around 1,500,000 USD (equivalent) in the term of 1995-2005 years.

v. Funding for all activities of Minorities Regional Music and Dance troupes and Minorities Regional High Schools of Music and Dance in three minorities' regions such as Western-North, Northern and Highland of Central Vietnam. The funding is given also to Music and Dance troupes and Secondary schools of Music and Dance of 18 provinces where the minorities occupy a main part of provincial population.

vi. The festivals of traditional music and dances are organized biennially in each of the three above minorities' regions. Such festivals are organized annually at provincial level and each five years at national level. All such activities are organized with the State funding.

vii. According to the Clause 26 of the "**Law for safeguarding cultural heritages**" (cited material), and according to its own Rules, the Association of Vietnamese Folklorists (AVF) has implemented the regulation for "**awarding the honour title Master of Folklore**" to the most famous folklore masters-bearers of certain folklore knowledge or genres including music. The rewarded Masters receive annually a modest honorarium and medicinal insurance from the State subsidy which Government gives for all activities of AVF.

viii. The subsidy is available only to indigenous people. As a poor country, we have no ability to subsidise foreigners.

- *Other: Are there similar regulations in areas of activity not mentioned above*

RESPONSE: We have not such regulations.

- *What is the situation of copyright law in the countries in this region? Has it been enacted? Is it enforced?*

RESPONSE: The "**Law for protection of intellect ownership**" was enforced. But we must create additional decrees and regulations for concrete clauses and mechanisms for realisation of the law in reality.

5. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity.

** Cite examples of Government promulgation of single musical or cultural identity and any associated constraint on other musical or cultural identity.*

RESPONSE: We have not such policy.

- *Cite examples of similar promulgation by the citizenry or sections of the citizenry*

RESPONSE: We have not such policy

6. The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity.

** Cite examples of culture in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical diversity-in the sense of the simultaneous practice or presentation within a society of many forms of music*

RESPONSE: As I have said above, the Vietnamese people are entirely free to choose their own musical "hobby" genres or styles. One can at the same time enjoy different musical genres. A "fan" of symphonic music could be simultaneously a "fan" of one or several other musics whether they are traditional, or indigenous composed, or from ethnic minorities, or all such musical styles.

Therefore, in order to supply such demands of different hobbies, the record companies, the producers of DVD, VCD, the radio or TV programmers,

the festival organizers endeavour to present as great a variety as possible in their production. For example: Entering a VCD, DVD shop in cities we can find all kinds of music: classical European, rock-pop-rap, Vietnamese indigenous composed, folk music of ethnic groups both of majority and of minorities. Of course, the biggest desk is always given to rock-pop-rap music including the popular music of XX century such as music of ABBA, Rolling Stone bands and so on

- *Cite examples where they are averse to musical diversity.*

RESPONSE: The expression of aversion is not policy of State. It could be an individual problem.

- *Cite examples where they support, or weaken, the practice of local traditional or indigenous music*

RESPONSE: As I have said above, all kinds of music, not differentiating between indigenous, ethnic, traditional or imported are "equal" in interest of people. The role and the proportion which each musical kind occupies in commercial activities depends only on the choice of the people

- *Cite examples where they are interested in developing hybrid musical forms - e.g. music that combines two or more ethnic musical genres or combines an ethnic music with say, western popular music or combines various forms of non-ethnic music*

RESPONSE: Yes, we can find out some different kinds as follow:

i. A number of new songs, both popular or romantic, were composed by our composers on the themes of ethnic music. In the same way the contemporary composers compose new symphonies, all kinds of European style chamber music (duo, trio, quartet, quintet, etc)

ii. But there is not any combination of music from different ethnic groups.

iii. We have some cases that the contemporary composers used the materials of ethnic music to create new Rock style songs which are considered as "Ethnic Rock" such as the Rhade Rock, the Southern Rock etc.

- *Cite examples of the expression of personal or community identity through music, and especially through musical diversity*

RESPONSE: For people, both as individuals or communities, ethnic music always is recognised as their "logo". But they are proud in their knowledge of the musical diversity of Vietnam's ethnic groups, especially in the Karaoke or festivals in which they are participants.

7. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity.

i. We have not had the challenges caused by international trade agreements. But now we must pay attention to this problem which we could face in near future when we affiliate in WTO.

ii. For us, on the first importance is the danger of disappearance of traditional ethnic music by the rapid changes in society and of a vast musical sphere already opening for free choice of people.

iii. As I have said, in the conditions of recent society, all most traditional musical genres lost own former inherent social "environment" from which they were born and for which they have existed and developed. The young generations, therefore, have not opportunities *to practise traditional music in its living forms and social contexts*

8. Bring to light those good practices and actions that need to be strengthened and widely practised in this field.

RESPONSE: I am sorry that I have not such international view. I can give only some events in my country:

i. There is in the curriculum of musical educational institutions a section for the traditional music of Asian countries.

ii. We send teachers of Vietnamese traditional music to teach in conservatories of some countries such as Thailand, Laos, Sweden.

iii. I have presented the traditional music of Vietnam's ethnic groups in some international musical workshops held in Thailand, Japan, Southern Korea, China, Cambodia, Laos, Philippines, India, USA and mainly held by ICM, ICTM, APSE (Asian-Pacific Society for Ethnomusicologists) and participated in long term (1989-1997) Music Program held by the ACCU (Asian-Pacific Cultural Centre for UNESCO-Japan) .

iv. Now Vietnam's Government subsidises the "Comparing Musical Program" between Vietnam and Laos for collection, comparing studies on traditional musics of ethnic minorities living on each side of the borders of our two countries.

In order to overcome this challenge, we applied some solutions as follow:

+ Restore and turn into recent life some selected available cultural activities or expressions in which musical genre is unseparated component to create socio-musical environment .For example: Restore the competition boat race by rowing which before was a cultural activity in village's springtime ceremony for praying prosperity. At rowing the rowers which are the young people sing traditional rowing song cycle. By that manner, the traditional rowing song was revitalized and came to the young people not only like an artistic-musical item performed on the stage but also appeared as a real image of a living tradition. Other example: In the past, the courtship love song alternating singing between girls and boys was often used in springtime ceremonies as *a symbol of combination between male and female elements* made as a magical action. Now we restore the springtime ceremony which we realize mainly as a cultural festivity (before this was sacred-religious action to pray for prosperity). And the alternating competition singing between girls and boys also takes place. In our experiences these forms of activity attracted the young people and create them the excitement.

+ Using the artistic nature of traditional musical genres as an attractive factor to encourage the young people learn and take part into the competitions of traditional musics organized annually in the village, between two neighbouring villages, in district and provincial levels. The Union of Vietnamese Women has organized a campaign among its members to use lullaby in lulling own baby to

sleep. After the events that our former Court Music (The Nha Nhạc) and the Gong ensemble's music of Highlanders were awarded the title "Master pieces of oral and intangible cultural heritage of Humanity", now among our young citizens appeared a new "fashion" for studying to become "competent man" of own traditional music. Even a number of them began to learn to play these music.

Above is all what I can answer and submit you. I am ready to add some additional informations if it is needed for the study.

Dr. To Ngoc Thanh – Vietnam Musicologist

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Appendix 12

The Protection and Promotion of Musical Diversity

Australasia:

AUSTRALIA

Richard Letts

MUSIC DIVERSITY QUESTIONNAIRE: AUSTRALIA

Response for the research project investigating the situation of musical diversity globally

International Music Council

Richard Letts, March 2005

28. The complementarity or reciprocity between the protection of musical diversity and that of human rights

- Cite examples where music expression or music diversity have been repressed by direct action of government or action by others directed by government, or by others acting to pre-empt direction by government.

RESPONSE. a) 'Anti-sedition' legislation has been passed recently that many fear will interfere with free artistic expression. So far, the legislation has not been used to inhibit any artistic expression, so far as is known. But people can be arrested and held and forbidden to inform anyone, and it is an offence for the media to report on such arrests. So it is possible that the legislation could be used without any public knowledge. And indeed the prohibition on public reporting of these arrests severely limits freedom of expression whether artistic or not.

The anti-sedition laws are being reviewed by the Australian Law Reform Commission, a government body. Such a review is to be welcomed but might have greater credibility were the government not reviewing itself. (See <http://www.alrc.gov.au/inquiries/current/sedition/index.htm>)

Criticisms of the legislation can be found at www.ozsedition.blogspot.com The legislation itself can also be found through that site.

b) A panel was set up two years ago to review and classify sound recordings for objectionable content. The process is one of self-regulation by the recording industry but occurs only because the government let it be known that if the industry did not take this initiative, the government would impose censorship. The purpose is to assess the verbal content for 'unacceptable' expressions of violence, sexuality and 'bad' language. The purpose is not at this time one of political censorship but rather a matter of preserving perceived 'community standards'. The record jackets carry a classification where required. Record companies are occasionally denied permission to release tracks assessed as too objectionable.

- In the countries where there is such repression of musical expression or diversity, are there other notable breaches of human rights?

RESPONSE. In recent times, there has been objectionable treatment of unauthorised refugees – i.e. refugees who are not selected by government officers from e.g. foreign refugee camps, but arrive by boat under their own arrangements. Possibly the treatment of some refugees breaches their human rights.

The anti-sedition legislation, a response to the threat of terrorism similar to legislation in some other countries such as the UK, may well breach human rights. Australia does not

have a Bill of Rights, so there is not that clear formal standard against which to assess the legislation.

29. The links between musical diversity and economic development and the fight against poverty

- Cite examples of the use of music to assist in non-music economic development.

RESPONSE. There is some use of music by tourist authorities as one of the attractions to build tourism.

The Department of Foreign Affairs and Trade uses music and arts companies to attract attendees to Australian trade exhibits at foreign trade fairs, and also supports some international touring by music and arts groups as part of the diplomatic/trade presence.

Arts festivals are presented, often with government subsidy, mainly for arts purposes. However, the arguments for subsidy often include evidence for a ‘multiplier effect’ – the financial benefit to the host community lies not only in box office receipts but in all the other expenditures by people from outside the community on accommodation, travel, food, gifts and so on.

- Cite examples of government or agency action to develop aspects of the music industry or the music industry as a whole

RESPONSE. Governments give support to music for one of two reasons: to support the development of culture or to support economic development.

Say that a subsidy is given to a symphony orchestra. This support is needed because the orchestra’s performances are deemed to be of cultural value, but because of the economics of our era, a symphony orchestra could not survive as a fully professional entity producing performances of high standard simply from the income it could earn from the box office. In order for it to exist and create high quality of performances, it must have financial assistance. The financial intervention will be counted as successful if the orchestra survives and its work is considered as of high standard. It can be expected that if this happens, the subsidy will continue so that the orchestra can continue to survive.

On the other hand, say that a subsidy is given to assist a number of popular music groups to market themselves internationally. Success here would not be the production of high class rock music so much as the sale of many recordings or live performances overseas and the realisation of a profit. If a music group achieves a profit, there is no need for continuing subsidy. If the profit is not achieved, there probably also is little reason for a continuing subsidy because the music group has not succeeded in its purpose – attracting sales. The purpose is not cultural, but to give assistance to move to a level of profitability. We might call it the industry assistance model.

It could be argued that support for cultural development, as with the symphony orchestra example, is not support for economic development inasmuch as the recipients probably cannot become financially self-sustaining. Nevertheless, they do create employment and economic activity and in that sense cultural subsidies assist the economy. Also in some cases, there are flow-on effects that are economically valuable. For instance, a festival may require subsidy, but if it attracts audience from outside the area, hotels and restaurants may see increased activity and profits.

Australian governments do provide cultural subsidies of the type described.

There are two ways in which such subsidies assist in sustaining musical diversity. Firstly, although most of the subsidy goes to sustaining western classical music (because orchestras and opera companies need a lot of money by virtue of their size), an array of other musical styles also receive cultural subsidies on their own merits. Secondly, there has long been a specific policy for support to a diversity of ethnic and indigenous musics and to further diversity arising from hybridisation.

However, the question is more directly addressed by the industry assistance model. There is some Australian government support for this type of development.

There is in recent years a lot of emphasis on training artists to run small businesses in order to become more financially self-reliant. Governments give subsidies to such programs. There are also subsidies to such things as record production. In commercial music, probably such production assistance goes mostly to artists at the beginning of their careers. There is support for domestic and international touring.

There are moves towards development of the 'creative industries', including music. For instance, there is a lot of government and education investment in creative industries. In music, this probably would translate especially into digitally produced and distributed music.

A section of the Department of Trade assists in export promotions by subsidising music companies that commit specified minimum sums from their own resources. It also gives some support to the appearance of Australian musicians at showcases such as the annual South by Southwest event in Austin, Texas. It employs a full time music officer based in Los Angeles, with the objective of opening up the US market.

The Australia Council organises regular artists' showcases to which it invites foreign entrepreneurs and critics. An objective is to build international touring for the showcased groups.

Some Australian governments give grants in support of technological research or innovation and such grants are available to the music sector.

There is some national investment in collecting statistical data on the music sector.

A coalition of music industry associations is about to apply to the government to carry out an economic analysis of the industry, possibly followed by a joint industry/government development program to address problems discovered by the analysis. There probably would be an emphasis on export but other issues could also be taken up.

While the government would contribute financially to the industry action agenda, it is an initiative of a private sector coalition. There are various other initiatives by industry trade associations, such as artist awards. The largest of these is organised by the Australian Record Industry Association, the ARIA Awards. These may have the effect of increasing consumption of Australian music as opposed to foreign music. AIR, the association of independent record labels, produces a set of showcase compilations annually and uses them for local and especially international promotion. Various associations attend international music trade fairs such as MIDEM to build the Australian sector. Some collect statistics simply as part of their business, but with potential value to the entire sector.

- Cite examples of the use of music to alleviate poverty or the conditions contributing to poverty.

RESPONSE. Some local authorities use music as an element in programs to assist at-risk youth, drug dependency, prison rehabilitation, the ageing and so on. Music can be used as a lure to participate. Musical skills may be taught as an option in employment programs, as may other skills that support musical activity.

30. The links between musical diversity and the promotion of peace

- Cite examples of the use of musical diversity to promote peace.

RESPONSE. None at official level in Australia – although perhaps we could say that the polity of multiculturalism serves to promote peace insofar as it ameliorates internal divisions in the population based on cultural difference or ethnicity.

There have been some responses from the music community to the plight of ‘illegal’ refugees– e.g. concerts in their support, and a conference on music and justice.

31. The standards regulating musical diversity

- Cite examples of government or government-induced regulations intended to promote musical diversity or freedom of musical expressions OR to limit them. Refer to the fields shown below. In each case, if possible, give briefly the rationale for the regulation. In each case, are the regulations enforced?

GENERAL RESPONSE It is government regulations especially that can be the target of free trade agreements, especially regulations that favour local production over the productions of trading partners. In the cultural field, it is Australia’s experience that the USA seeks to remove or limit regulations intended to protect or promote Australian audio and audiovisual content. The terms of the trade agreement become regulations that limit the prerogative to impose other regulations. There is additional comment below.

- Broadcasting. For instance, are there examples of the use of regulations to require the broadcast of local music, or regulations to require the broadcast of some forms of music but not others, or regulations to prohibit the broadcast of some forms of music?

RESPONSE. Australia has three broadcasting systems: commercial, community, and public or state owned.

Commercial radio. There has been national government legislation to require minimum local music content levels from commercial and community broadcasters. Under the current Broadcasting Services Act, these subsequently have become self-regulatory by the industry. (See <http://www.mca.org.au/intnat.htm>) The maximum requirement is for 25% of the number of tracks broadcast, for specified genres. The minimum is 5%. At the 25% level, 25% of that (or 6.25%) must be of tracks first released in the previous 12 months.

These requirements say nothing about musical diversity, and it is a cause of some dissatisfaction with commercial radio that the range of music genres it broadcasts is narrow, confined to those that are the most commercially successful. Since commercial success in the form of record sales depends strongly on broadcast exposure, the circle is closed. (See <http://www.mca.org.au/masonmusicimpact.htm>)

Diversity is served inasmuch as a space is reserved for Australian artists and the airspace is not totally filled with foreign artists. There is pressure, nevertheless, for Australian artists not to depart very far from the stylistic characteristics that achieve international success and sales.

Presumably the requirements were introduced because left to their own devices, the commercial stations were happy to broadcast mostly imported music, which is heavily supported by the marketing budgets of the major record companies.

Community radio. Compliance by commercial stations is monitored and on the evidence, is satisfactory. Compliance by community stations is not monitored, although it is supposed that they are in fact more strongly committed to local music than are the commercial stations. There is little objective evidence one way or the other.

There is competition for the award of community radio licences and an application is probably assisted by demonstration that the nature of a service will not duplicate an existing service. In addition, licensees need to demonstrate that they are serving the needs of their communities. Both of these factors tend to produce much greater programming diversity than is found on the commercial stations. (See Community Broadcasting Association of Australia: <http://www.cbaa.org.au/>)

There is a large number of community stations based in small indigenous communities in outback Australia. They serve the interests of local communities and broadcast music by indigenous performers. An Alice Springs based organisation, CAAMA, not only broadcasts but also produces recordings of indigenous performers. (See www.caama.com.au/caama/a8_publish/modules/publish/content.asp?navgrp=music) These recordings are less, however, of traditional tribal music than of rock music and country music, the two genres that have attracted the most interest from Aboriginal musicians. Curiously, some of this music is treated as 'world music' by the international market.

Public radio. The public, or nationally owned broadcasters are governed by a charter, one clause of which gives them the responsibility to support the development of Australian culture. They are not legally obliged to meet any numerical local content quota, however. In the 1980s, it was discovered that one of the public broadcast networks broadcast hardly any locally composed music. It succumbed to a noisy campaign and since then has set its own quotas and monitored compliance. This has worked well.

The main broadcaster is the Australian Broadcasting Corporation (ABC). It maintains a number of radio networks and two of them are specifically devoted to music. ABC Classic FM broadcasts 'art music'. In addition to setting a general objective for Australian content, it offers a number of programs that present Australian music only, (See <http://www.abc.net.au/classic/australianmusic/>). Triple J specialises in contemporary music, attempting to broadcast greater genre diversity and good but lesser known artists. It has projects designed to unearth young local talent. (<http://www.abc.net.au/triplej/>)

The Special Broadcasting Service was created to serve the interests of immigrant communities as an aspect of the policy of multiculturalism and its charter requires multicultural programming. There is a national television network and a national radio network, both free to air. The radio network especially broadcasts almost entirely in foreign languages and many of the programs for different cultural groups include the relevant

music. Much of the television programming is also in foreign languages although little of it is about music. (See www.sbs.com.au/)

With a planned shift to digital broadcasting, there are issues around the allocation of broadcast spectrum. Analogue spectrum has been auctioned to the existing broadcasters by the government, in some cases for very large amounts of money. Consequently, they want a simple allocation of digital spectrum to the existing players.

However, on their preferred scheme, they would take up all the available spectrum and there would be no room for new players. The Music Council of Australia would prefer a solution that admits new players and encourages more music genre diversity.

It is intended that the local content requirements for free to air analogue radio broadcasters will be shifted unchanged to digital broadcasters.

Television. Australian commercial free to air television has to meet local content requirements, although not for music. The implications for music are clearest with the requirements for locally produced drama (normally incorporating a music soundtrack) but nevertheless the use of local music is not required and would be only an incidental albeit usual consequence.

Digital television is slowly taking hold. In the event that broadcasters use multichanneling, it is probable that they will have to meet local content requirements on only a small percentage of the channels.

Local cable television broadcasters do not have to meet local content requirements but do have to invest 10% of total receipts in local production. It is conceivable that this requirement could be extended to cable television broadcasters specialising in music programming, although to date this has not happened.

Australian US Free Trade Agreement. Essentially, the agreement has allowed the present quota regulations to continue on analogue or digital media, but has capped them so that they can never be raised higher, and any reduction in quotas becomes irreversible. No new regulations concerning cultural production of any sort can be introduced unless specifically allowed by the agreement. The present regulations were not devised in a context in which it was understood that they were the only regulations that ever would be permitted and for the cultural sector, the trade agreement stipulations are totally unsatisfactory. They were imposed by the USA, not initiated by the Australian government.

- New media. Are there parallel requirements in the regulation of new media that would favour or disfavour some forms of music? (New media: for instance, the internet.)

RESPONSE. To my knowledge, there is no relevant regulation of new media, although this has been foreseen in the Australian US Free Trade Agreement (see below).

The requirements in the trade agreement give Australia a very weak prerogative to introduce regulations to protect or promote local content and it is difficult to see how effective regulations could be introduced against almost guaranteed US opposition. The situation is alarming.

- E-commerce. Are there parallel requirements in the regulation of e-commerce that would favour or disfavour some forms of music? (E-

commerce in music: trade in music digitally embodied or delivered.
(Overlaps with new media.)

RESPONSE. No relevant regulations known to us.

Again, although the existing local content provisions are exempt from the e-commerce articles in the US trade agreement, it forestalls any new regulations that might be found desirable as this still infant industry develops.

- Education. Are there regulations requiring education in local music traditions, or in a diversity of musical genres.

RESPONSE. Each of the eight Australian states or territories runs its own school education system. In addition, there are state Catholic school systems and many private independent schools which may associate in some way but are not organised into a 'system'. There is at this time no national music curriculum. The state authorities set the curriculum requirements for level 12 graduation, and these apply to students in all systems. That must influence the curriculum for the preceding years.

To our knowledge, no system requires study of locally created music, nor of a culturally diverse range of musics. However, there is encouragement for the study of a diversity of genres and systems may facilitate this by, for instance, specifying skills that the students must be able to demonstrate but not attaching them to any particular genre. There is also encouragement for students to create music, and this in due course could increase the production of locally invented music at the professional level.

- Subsidy. Are there regulations that require that government subsidy should be given to, or withheld from specific musical genres, or to a diversity of musical genres? Are there regulations that require that government subsidy can only be given to a country's own citizens? Are there regulations that require that all applicants for subsidy must be considered equally, whether citizens or foreigners? Or are there variants on any of the above?

RESPONSE. *Subsidies to music genres.* National and state arts funding authorities have gradually moved from funding mainly classical music to funding a wide variety of genres. Pressure from the popular music industry, using the argument that 80% of the population listens to popular music and therefore it should be subsidised, has led to more subsidy to these musicians, especially early in their professional lives. Industry assistance from the Department of Trade, directed to building exports, also goes mainly to popular music because of its commercial advantages. Probably, there is no genre barred from receiving subsidies.

Special initiatives have been taken in support of multicultural music and indigenous music. The Australia Council, the national arts funding body, has an Aboriginal Arts Board with funds to support the work of Aboriginal artists in all artistic forms and genres. Cultural production also benefits from other policies intended to support economic development for Aboriginal communities.

The Australia Council policy initiative, Multicultural Arts Australia, has precursors going back to the early 1980s. Early in its history, the various art form boards were required to meet financial targets for the support of multicultural arts (i.e. artworks from ethnic groups or ethnic artists, and hybrid art). This is no longer considered necessary and the policy

works in more subtle ways. For more information, see http://www.ozco.gov.au/council_priorities/multicultural/ama_policy/

Eligibility. Generally, Australian government arts subsidies are given only to Australian citizens or to immigrants who are not citizens but who have taken up permanent residence in Australia. To my knowledge, all are treated equally.

Foreign artists. Some subsidies are given for the general support of organisations which may include in their activities Australian tours by foreign artists (e.g. the orchestras, opera companies, chamber music presenters, festivals.) Such subsidies therefore indirectly support these foreign artists.

There are no requirements nor any pressure that foreign artists should be eligible for subsidies. It is conceivable but perhaps unlikely that this could occur under ‘national treatment’ provisions of a free trade agreement. Cultural subsidies are not forbidden by the Australian US Free Trade Agreement.

- Other. Are there similar regulations in areas of activity not mentioned above?

RESPONSE. We have not thought of any.

- What is the situation of copyright law in the countries in this region? Has it been enacted? Is it enforced?

RESPONSE. Australia is fairly up to date on copyright law. A new performers’ rights law was introduced in 2005. It is not very satisfactory and shows signs of being drafted to suit the needs of record companies rather than artists.

Copyright law is enforced.

The Australian Record Industry Association (ARIA), the association controlled by the majors, has a division that works along similar lines to the Record Industry Association of America, bringing legal charges against those responsible for record piracy, whether of physical recordings or unauthorised online downloading.

The Australasian Performing Right Association (APRA) proposed a levy on the sale of blank audio recording devices, with the proceeds to be used to reimburse copyright owners for the loss of income through illegal online file-swapping. ARIA, however, has opposed this, arguing that it legitimises illegal use of copyright material and that effective Digital Rights Management (DRM), anti-copying technology, will be available soon and will be capable of preventing the illegal activity. With the industry divided, the government is unlikely to take any action – which is to say that ARIA’s view wins by default.

The library sector is not so happy with DRM because it can prevent access to copyright material that otherwise would be available under what is known in the USA as ‘fair use’ provisions (e.g. allowing copying free or charge of a percentage of a copyright production for purposes of study or research). US trade agreements are signing countries up to adopt DRM technology and to make it a criminal offence to attempt to bypass it.

32. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

- Cite examples of government promulgation of a single musical or cultural identity and any associated constraint on other musical or cultural identities.

RESPONSE. There is no official Australian policy of this type.

- Cite examples of similar promulgation by the citizenry or sections of the citizenry.

RESPONSE. There are those opposed to the policy of multiculturalism. As we understand it, they believe that its consequence is to create permanent ethnic divisions within Australian society. The present conservative government is not enthusiastic about multiculturalism. However, these concerns fall far short of attempting to enforce a uniform cultural identity.

33. The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity

- Cite examples of cultures in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical diversity – in the sense of the simultaneous practice or presentation within a society of many forms of music.

RESPONSE. Music in Australia includes a very broad range of popular music genres – rock, dance music, electronica, hip hop etc etc, jazz, country, folk (the term used to be applied to what was regarded as ‘Australian’ folk music from the Anglo-Celtic tradition, but now covers all manner of traditions from the immigrant populations), a multitude of ethnic musics both folk and classical, indigenous music whether traditional or contemporary, the various forms of classical music...

The force behind these various musics is the commitment of the musicians, to which is appended the energies of teachers, managers, producers etc. Some musics are further encouraged by government support. Classical music is highly dependent upon such support, as noted above. Other genres favoured by governments include to a lesser extent jazz, multicultural and indigenous.

The genres tend to be vertically organised. For instance, classical music has its own performers and performing organisations, but also its own educational institutions, record companies, broadcasters, venues. These are not exclusively devoted to classical music – the borders are very blurred, but on the other hand they might never include hip hop, and classical music will never be heard in many venues, radio stations and so on, even at the point of a gun.

That said, it is widely thought that both musicians and audiences no longer seal the musical genres off from each other, but routinely cross musical borders. A classical music enthusiast or musician may well also listen to or play jazz or some forms of pop music (although most probably not country music!). A country music lover may also listen to rock or folk but is unlikely to be found at the opera.

‘Multicultural’ music perhaps is a special case. Australia relatively suddenly welcomed immigrants from many cultures, and some brought their music with them. However, in the early days of assimilation, the emphasis was on leaving the old ways behind them and joining their new society. Instruments were put into closets and musical skills went unused and unheard. Then multiculturalist policies took over and there were moves to bring these

musics into the open. Many musicians took an interest, both the immigrants, and Australians who decided they wanted to learn to play these styles. The interest was variously musical/aesthetic, or socially idealistic – wanting to bridge cultural divides, or political – wanting to give a voice to the underdog. Similarly, some musicians experimented with fusion or hybrid forms, because this was of interest musically and/or because it represented a reconciliation between cultures. There was a lot of idealism.

The process continues. Ethnic musics can be heard in ethnic communities. But there also are attempts to bring them before broader audiences. This has never grown into a strong movement. Nevertheless, there are venues in the major cities that are committed to programming for a mainstream audience the musics of a variety of cultures. The best known are Kulcha (Perth), Nexus (Adelaide), The Boite (Melbourne), Eastside Café (run by Musica Viva, Sydney), BEMAC – Brisbane Ethnic Music and Arts Centre.

In Adelaide each year there is a large world music festival, Womadelaide (one of the Womad festivals). Many folk music festivals that formerly would have programmed only ‘Australian’ folk music now include an enormous variety of traditional musics. Example: Port Fairy Festival, Woodford Festival.

- Cite examples where they are averse to musical diversity.

RESPONSE. Individuals in Australia may be averse, but the society as a whole is inclusive and tolerant.

Musical taste is of course very personal. For the most part, it probably is not dictated by politics, one way or the other. People know what they like and what they like is probably familiar rather than challenging. Most people (80% or so) choose to listen to pop music, the Top 100. That’s how the Top 100 gets to be top. People do not necessarily choose to go beyond the familiar, beyond their comfort zone. In this sense, they may be averse to diversity.

Musicians probably are mostly similarly or even more intensely committed to the music with which they identify.

- Cite examples where they support, or weaken, the practice of local traditional or indigenous music.

RESPONSE. Aboriginal traditional music is regarded as the property of the Aborigines. It probably is not very accessible to others, whether culturally, musically, or geographically. Overall, it seems unlikely to have a place commercially in the music world. If there is support to its practice, it would come from Aboriginal funding bodies such as the Aboriginal Arts Board.

This music is nevertheless used as an element or a colouring in the Aboriginal performances in more contemporary forms such as rock or country. The music scores of the Bangarra Dance Company, an Aboriginal dance company, typically set a traditional Aboriginal song into an electronic music work, to striking effect.

Aboriginal musicians and bands have had some good commercial success in rock or country. However, there is some racially related resistance by some venue managers to some live performers. There are also impediments to commercial success faced by all

players in the commercial industry. These tend to be attributed by Aborigines to racial factors, but more likely they have to do with lack of commercial skills and savvy.

- Cite examples where they are interested in developing hybrid musical forms – e.g. music that combines two or more ethnic musical genres, or combines an ethnic music with say, western popular music, or combines various forms of non-ethnic music.

RESPONSE. As noted already, some musicians experiment with hybrid forms based on ethnic musics. Indigenous music is combined with western forms. Examples:

A number of works by classical composer Peter Sculthorpe utilising the Aboriginal didgeridoo.

Works by Stephen Page for Bangarra Dance Company, combining traditional Aboriginal song with computer generated music.

Recording by Joseph Tawadros and Bobby Singh, for Egyptian oud and Indian tabla.

Recording by the ensemble Waratah, combining koto, percussion, saxophone.

Recording by Taiko, Australian taiko drummers, plus Aboriginal didgeridoo.

Recording by Australian rock group Not Drowning, Waving, with Papua/NewGuinea group Telek.

Aboriginal rock group Yothu Yindi combining rock and traditional elements.

There is no shortage of examples.

- Cite examples of the expression of personal or community identity through music, and especially through musical diversity.

RESPONSE. Music is so strongly bound up with identity. There is little doubt that indigenous musicians express their identity through their music. The music of immigrant groups becomes all the more powerful as a statement of identity when they are far from their origins. Most teenagers use music as an identity and bond with their cohort.

The definition of a national identity is an issue that seems to have troubled non-indigenous Australians throughout their 200 year history in the country – and indigenous Australians too, for the opposite reasons. One group came here and did not know any more who they were. The other group was here, and had its identity plundered.

When white Australia was almost totally of British stock, and had established a way of life here, there was a startling homogeneity of culture and belief and whether or not the people realised it, there was probably a fairly clear identity. The problem is perhaps demonstrated by the fact that many people still called England ‘home’ – even when they had not set foot there. Then came post-WW2 immigration and hundreds of other cultures and beliefs. That homogeneity disappeared.

‘Identity’ is a noun, singular. The idea of identity is more easily satisfied, the more characteristics we can feel we share. What we experience in the new Australian culture is diversity. Our identity is in part that we are diverse. But that is a much more difficult idea to live with.

In a way, music is an easy test of identity. Unless we have a professional obligation otherwise, we can decide quite simply whether we like a music or we don’t. If we like it, it

in some way becomes ‘our’ music. If our friends like it too, this is a bond between us. If it’s ‘their’ music – e.g. the music of another ethnicity, but we like it, we are apt to like them too. If it’s ‘their’ music and we don’t like it, the gulf is deepened.

So exposure to greater musical diversity does not automatically make friends and placate enemies. But acquiring an ability to cope with the differences could move people from the enemies list to something more positive.

34. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity

This term can be addressed in large measure by summarising the findings under previous terms.

International issues

There are risks from agreements under GATS and through bilateral or regional agreements.

GATS is a positive list agreement, so cultural transactions are included only if a signatory specifically takes that action. The Australian government articulated a policy some years ago which argued the necessity for its intervention in support of Australian culture:

Australia has long recognised the essential role of creative artists and cultural organisations in reflecting the intrinsic values and characteristics of our society, and is committed to sustaining our cultural policy objectives with the context of multilateral trade negotiations...

As reflected in the proposals, there are factors which distinguish cultural goods and services from other goods and services. Cultural activities make a unique contribution to the social, economic and political fabric of any country.

Market forces alone are rarely sufficient to allow cultural organisations and individuals to be fully self-supporting. This is true for the cultural sector worldwide, but in Australia’s demographic and geographic circumstances it is particularly the case... The important mix of subsidy, regulation and tax concessions ...(is) a necessary subvention in the national interest to sustain Australian creative resources... (Australian Intervention on Negotiating Proposal on Audiovisual Services, CTS Special Session, Geneva, July 2001)

It has adhered to this position in the GATS negotiations and made no offers concerning culture.

However, this position was abandoned under pressure in the bilateral agreement struck with the USA. Given the dominating position of the US in the world cultural market, agreements to surrender cultural sovereignty to the US are so pervasive that it may almost be irrelevant that this sovereignty is not threatened under GATS.

Specifically, as has been stated already in section 4 above, Australia’s ability to regulate audio and audiovisual media in favour of Australian content is

quite specifically limited by the Australian US Free Trade Agreement. The game with existing media is mostly forfeited. The only regulations that can obtain are those already in existence and they are mostly capped at their present level.

The challenge therefore moves to 'new media', described in the agreement as 'interactive media', by which it is supposed that 'interactive' means simple customer choice of titles from media on demand offerings but could in future be something much more elaborate. There is in theory a possibility that the Australian government can act to ensure that Australian product is adequately provided and accessible on such services, but the prerogative is so extraordinarily hedged about that it is difficult to see how any government would even dare consider such an initiative.

The lack of availability of Australian content on new media has not so far presented as a problem and may never do so; but if it should, it may well be that the difficulties appear in 5, 10, 15 years, long after the present law-makers have gone fishing.

The other challenge that may arise is that because the US trade agreement is a negative list agreement, unlike the positive list GATS agreement, transactions in every possible class of goods and services must be free of regulation in favour of one or other of the parties, unless the parties have specified otherwise. So all trade in cultural goods and services must be 'free' unless otherwise stated. The regulations concerning audio and audiovisual services may be unsatisfactory to Australians, but if they were not included in the agreement, no regulation would be possible at all. At some time, it may emerge that some other form of Australian cultural activity would newly benefit from government protection or promotion (other than by subsidy, which is permitted by the agreement), but the US agreement will prohibit such government action.

It appears that the US agreement will not threaten the national broadcasters or other state cultural institutions, although opinions about this vary. Foreign corporations already are permitted to hold radio licences but their ownership of television and newspapers is limited by regulation. Of course, radio mostly programs music and we all know that that is not very important in the scheme of things. To be fair, the foreign owned networks are no less supportive of Australian music than the locally owned ones, and all have to meet the local content requirements under their industry self-regulatory regime.

Domestic issues

There is a natural process in which new musical genres emerge and others face extinction. Music hall songs were popular in the early decades of last century but now re-appear only as a curiosity. Popular electronica appeared in the 90s, because new technology made it possible and musicians took the opportunity.

Extinctions reduce musical diversity. No doubt some are underway at this very moment, and probably can be prevented only by public policy initiatives. And such initiatives will appear only because some decision makers decide that despite the natural processes that are removing support for these genres, they have a value that argues for their survival.

There is such diversity in Australian music that it is not easy to see the loss of a genre or two as a crisis. But perhaps we can identify some genres at risk.

Western classical music is perhaps at the top of the list. The core audiences for classical music are those for the large ensembles – the orchestras and opera companies. These 18-19C entities now must live in a 21C economy and they are not suited to it. They cannot do without substantial subsidy, and in Australia that subsidy comes mainly from governments. In the end, the subsidy can be given only with the assent of the governed and the majority of tax payers prefer other, unsubsidised music. The situation is inherently precarious. The challenge is to persuade and maintain a majority of tax payers in the belief that music is good, classical music is good, and it is a good idea for the government to ensure its survival.

The cultural underpinnings of traditional indigenous music weaken and so it must be supposed that the music is at risk. The attention, such as it is, of the broader community is on indigenous musicians' activities in country and rock music. There seems to be some diversity of opinion among indigenous musicians about the value of the original traditions.

The traditions that immigrants have brought with them are also a focus of public policy, again suggesting that survival and/or development is at risk. As with indigenous traditional music, these musics presumably are not supported in their new habitats in the same way that they were in their countries of origin. Public funding however is extremely modest, so their survival is not assured from that source.

35. Bring to light those good practices and actions that need to be strengthened and widely practised in this field.

Many good and important practices are in the hands of private individuals, organisations or companies. These practices can be encouraged, documented and publicised. Private initiatives are appreciated, but if there is to be any sort of concerted action to encourage them it must come mainly from government. And of course, governments also can act directly in pursuit of cultural objectives.

The following suggestions therefore are mostly for action by governments.

International Agreements

Governments should ratify all international declarations, conventions and agreements that define and support human rights and cultural rights. See APPENDIX 1 for the statements about cultural rights in eight of these documents..

Governments should ratify the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and implement its provisions.

Governments should ratify the UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions. They should use this Convention to support their cultural sovereignty in the face of pressures in international trade negotiations to abandon support for local cultures. Furthermore, they should respond to its various invocations to support cultural and therefore musical diversity within their borders and the free exchange of cultural expressions across borders.

Governments should maintain cultural sovereignty in the negotiation of international trade agreements. As a rule, culture should not be included in these agreements. International

cultural agreements can be negotiated independently, in a context that in which cultural vitality is a primary value, and more important than economic issues.

Governments could search for ways to support the importation of music and musicians from developing countries. They could consider actions such as facilitation of the provision of temporary work visas, subsidies to presenting organisations, subsidies for the provision of recordings to broadcasters with an interest in programming these genres, cultural exchange programs and agreements, study grants for nationals of developing countries (these obviously would not be for study in Australia of their own music, but might cover issues such as copyright or small business management).

Governments could contribute to the international fund set up under the auspices of the UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions.

Education

Where appropriate, governments can encourage the maintenance of community cultural practices that sustain and develop traditional musics. These practices naturally include instruction to the young. This encouragement can be offered through various means, for instance, assistance to community organizations, to teachers, to festivals where the musics can be seen to be valued outside the local community, through recordings...

Education systems must facilitate the transfer of cultural knowledge and skills to children so that they understand and can participate in their own culture. (*Convention on the Rights of the Child*, Office of the High Commissioner for Human Rights). It must be acknowledged that in many situations, the old customs where cultural transfer occurred in the course of community life have broken down and need to be replaced by other means, one of which is through the formal education system.

Education systems and curricula should offer universal access to a sustained, sequential and effective music education.

Education systems should offer universal access to in-depth education in musical genres of choice, but also to a meaningful experience of a diversity of musical genres and the cultural contexts in which they have their homes.

Cultural regulation and support

Government policies should ensure the rights of all citizens to participate in their own cultures.

Governments should refrain from suppressing any cultures, majority or minority, practised by their own citizens, excepting where they breach the rights guaranteed by the Universal Declaration of Human Rights and other such documents.

Through support both regulatory and financial, governments should foster musical diversity within their borders. Such support can go to local musics of all genres, with emphasis on the genres that are unable to be financially self-sustaining and face market failure. It can also go to facilitate access to music from other countries, whether live or mediated.

Support local enterprise in international pop music. While there is a fear of the domination of local musical cultures by the international Top 100, and of the homogenising effect of

such domination, in many countries it is a *fait accompli* and to reverse it could require remedies worse than the disease. In any case, it can also be accepted that to a degree, this common experience among people of very differing cultures can be a basis for togetherness when so much else is division. What is quite inappropriate is for a country simply to acquiesce to a total take-over of popular music by outside forces. It can field its own team, just as it does in football or tennis. Local musicians and record companies can be supported in their enterprise in popular music, preferably in a local musical dialect. This maintains some level of diversity even in the face of deliberate homogenisation.

Where local traditional musics are at risk, governments can ensure that they are thoroughly recorded and documented both for historical archives and as a source of possible restoration should subsequent generations so desire.

Governments must ensure by one or another means that a diversity of musical genres, especially local genres, is accessible through media known or yet to be invented.

Development of music sectors

Appendix 2?????? describes quite a number of projects to assist development of music sectors in developing countries. This is an activity in which the International Music Council intends to become active. There are many models on display in the Appendix. Most would require some level of government involvement or consent, but some seem to have been carried through with private funds.

Intellectual property rights

Music diversity must have an economic basis to be sustained. Some forms of musical diversity are probably most under threat in developing countries. In some of these countries, IPR law and its enforcement is weak.

Without IPR in music, the income of musicians is limited basically to that derived from direct contact with the public through live performances or face to face sales of recordings. To a great extent, the opportunities for, for instance, record companies would seem to be similarly limited. While music can thrive without IPR law, the foundations for the development of a self-sustaining 'industry' seem to be lacking.

On the other hand, it is conceivable that with the adoption of IPR law and accession to the various international IPR agreements, a country is signing to the immediate export of funds to the dominant international producers of music content, to attracting marketing and sales of international popular music and possibly the establishment of national offices of the major transnational recording companies -- probably at the expense of local musics and even their survival, and other outcomes of questionable benefit.

There is a need for a study to set out alternatives and their advantages and disadvantages for the development of a maximally self-sustaining culture of musical diversity.

- Which states intend to or are likely to contribute to the International Fund for Cultural Diversity?

Since the present Australian government is unlikely to ratify the UNESCO Convention for cultural diversity, it may be unlikely also to contribute to this fund.

However, the writer has had an indication of the government's international aid organisation that it might be willing to support assistance to the development of local music sectors in developing countries in Oceania.

Appendix 13

The Protection and Promotion of Musical Diversity

Australasia:

NEW ZEALAND

Ingrid Kamstra

NEW ZEALAND

UNESCO: INTERNATIONAL MUSIC COUNCIL (IMC) MUSICAL DIVERSITY PROJECT

1. The complementarity or reciprocity between the protection of musical diversity and that of human rights

- Cite examples where music expression or music diversity have been repressed by direct action of government, or action by others directed by government, or by others acting to pre-empt direction by government.
 - *Not identified.*
- In the countries where there is such repression of musical expression or diversity, are there other notable breaches of human rights?
 - *Not identified.*

2. The links between musical diversity and economic development and the fight against poverty

- Cite examples of the use of music to assist in non-music economic development.
 - *Cultural Diplomacy International Programme (CDIP) (administered by the Ministry for Culture and Heritage, in partnership with the Ministry of Foreign Affairs and Trade, New Zealand Trade and Enterprise, and Tourism New Zealand) – using New Zealand cultural activities overseas to advance New Zealand’s diplomatic, trade, tourism and cultural interests in targeted countries, for example the New Zealand Symphony Orchestra, the New Zealand String Quartet, Māori performing arts groups; the production of “Young New Zealand” music DVD for ASEAN countries; for further information about the CDIP, see www.mch.govt.nz/publications/newsletter/july-05/cultural-diplomacy.html.*
 - *Tourism New Zealand – using musicians at events promoting New Zealand internationally and highlighting the achievements of New Zealand artists locally and overseas, in relation to raising awareness of New Zealand itself; see: www.newzealand.com/travel/about-nz/culture/culture-arts.cfm, www.newzealand.com/travel/media/topic-index/art-culture.cfm/topic/0126C3B0-33AF-4EDC-A535-A1ADB17F4304.html, and www.newzealand.com/travel/media/features/art-culture_hayleywestenra_feature.cfm/topic/0126C3B0-33AF-4EDC-A535-A1ADB17F4304.html.*
 - *Partnerships between companies such as Air New Zealand and organisations such as Toi Māori Aotearoa, which include Māori music and performance (as well as other Māori artistic and cultural activities); these partnerships raise the profile of Māori artists, and promote New Zealand as an innovative economy and attractive tourist destination; see www.maoriart.org.nz.*
 - *Film/Television eg the use of New Zealand music on movie and television soundtracks and in advertising; for example, recent popular New Zealand movies such as Sione’s Wedding - see www.sioneswedding.com/, and No:2 www.nativetongue.co.nz/news.asp?newsID=16 and www.varsity.co.nz/music/articles.asp?id=5194.*

- *Government agency, New Zealand Trade and Enterprise (NZTE), is aiming to leverage off New Zealand's high profile in Los Angeles, to get New Zealand music noticed and used by entertainment industry buyers, music supervisors, games developers, media and publishers. Successful placement of music in international feature films, television, television commercials, video games and other digital content can have a significant direct economic benefit for the artist.*
- *Music is regarded as an important future export earner, with exports of around NZ\$5 million annually, which are projected to grow to NZ\$50 million within ten years. In recognition of the music sector's potential, NZTE facilitated a Music Industry Export Development Group which reported to government in 2004. This report was entitled "Creating Heat: Tumata Kia Whita!" – see www.nzte.govt.nz/section/13673/10931.aspx.*
- Cite examples of government or agency action to develop aspects of the music industry or the music industry as a whole
 - *Zealand Trade and Enterprise (NZTE) – recognises New Zealand music as an important future export earner, and leverages off New Zealand's high profile in Los Angeles to increase the use of New Zealand music in the entertainment industry; see above.*
 - *New Zealand On Air – a suite of strategies designed to increase the percentage of local music content on commercial radio; these include potential hit-song CD compilations, promotional campaigns for targeted radio station formats, and funding schemes to assist in the production of CDs and music videos; see www.nzonair.govt.nz/music_detail.php?pid=517&sid=500.*
 - *Te Mangai Pāho (TMP) makes funding available to providers for the production of Māori language television programmes, Māori language music CDs and to the national network of Māori /iwi radio stations. TMP is funded by the government, whose interest in Māori radio is the role it plays in regenerating the Māori language. Māori radio also has a major influence in increasing the amount of popular music in Māori, further heightening the interest of rangatahi (young people) in learning Māori. For more information, see www.tmp.govt.nz.*
 - *The government funds Niu FM, a pilot National Pacific Radio Network. Niu FM was created to help reduce disparities and build the capacity of Pacific communities. It has been instrumental in providing critical exposure for aspiring Pacific musicians. Niu FM's programming is identifiably "Pacific", with Pacific artists and music accounting for 45% of the songs played every day. This music originates from Pacific artists within New Zealand and overseas. While a number of Pacific artists are among New Zealand's most popular "mainstream" artists, the amount of airtime exposure for Pacific artists overall on Niu FM is greater than that of any other national network. See www.niufm.com/.*
 - *New Zealand Music Industry Commission – funded to support the cultural and economic development of the New Zealand music industry; runs advocacy events (eg New Zealand Music Month), professional development (eg for managers), educational programmes, and collates and produces industry resources; see www.nzmusic.org.nz/index.php/pi_pageid/6.*
 - *Outward Sound – a grants scheme to assist in the development of new overseas markets for New Zealand music. Outward Sound arose from the report*

“*Creating Heat: Tumata Kia Whita!*” (see above). It focuses primarily on international music market development and works with individual artists’ business managers. It provides assistance for market development initiatives and encourages the entry of New Zealand music and musicians into global markets. For more information, see www.nzmusic.org.nz/index.php/pi_pageid/38.

- *SOUNZ – the Centre for New Zealand Music – funded to promote and support New Zealand ‘composed’ music (ie non-pop genres) both domestically and overseas, through an extensive resource database / library with scores available for hire and sale; currently developing an on-line service in conjunction with the Australian Music Centre; see www.sounz.org.nz/index.php.*
- *The Australasian Performing Right Association Limited (APRA) – performance rights fee collection agency active in promoting New Zealand composers; see www.apra.co.nz/welcome.htm.*
- *Play It Strange – a charitable trust supporting emerging song writers; see www.playitstrange.co.nz/about and www.playitstrange.co.nz/about/purposes.php*
- Cite examples of the use of music to alleviate poverty or the conditions contributing to poverty
 - *Artists do donate their time and profile to various benefit concerts or causes but this is usually in aid of a particular crisis such as flood relief or a particular issue such as non-discrimination for those with mental health needs.*

3. The links between musical diversity and the promotion of peace

- Cite examples of the use of musical diversity to promote peace.
 - *Artists do donate their time and profile to various benefit concerts or causes; this can include issues such as non-discrimination for those with mental health needs, and a nuclear-free New Zealand; artists also performed at the Parihaka Peace Festival in March 2006 – see www.parihaka.com/event.htm.*
- Can you cite instances where musical diversity has caused or been strongly associated with social disharmony?
 - *Not identified.*

4. The standards regulating musical diversity

- Cite examples of government or government-induced regulations intended to promote musical diversity or freedom of musical expressions OR to limit them. Refer to the fields shown below. In each case, if possible, give briefly the rationale for the regulation. In each case, are the regulations enforced?
 - Broadcasting. For instance, are there examples of the use of regulations to require the broadcast of local music, or regulations to require the broadcast of some forms of music but not others, or regulations to prohibit the broadcast of some forms of music?
 - *Publicly-funded radio broadcaster, Radio New Zealand, operates under a Charter. This includes a requirement to broadcast a range of New Zealand programmes, including information, special interest and entertainment programmes, and programmes which reflect New*

Zealand's cultural diversity, including Māori language and culture. It is also required to broadcast programmes which encourage and promote the musical, dramatic and other performing arts, including programmes featuring New Zealand and international composers, performers and artists. It regularly reports to the Minister of Broadcasting on fulfilling its Charter. See www.radionz.co.nz/about/charter.

- *The Radio Broadcasters' Association's voluntary code sought (and achieved) an increase of local New Zealand music content airplay on commercial radio to over 20% by 2006, up from 2% in 1995; see www.beehive.govt.nz/ViewDocument.aspx?DocumentID=25172.*
 - *Te Mangai Pāho (TMP) makes funding available to providers for the production of Māori language television programmes, Māori language music CDs and to the national network of Māori /iwi radio stations. TMP is funded by the government and requires that the 21 Māori radio stations abide by a stipulation that their Māori language content be at least 50% with an allowance for three English language tracks per hour. For more information, see www.tmp.govt.nz.*
 - *The government funds Niu FM, a pilot National Pacific Radio Network. Niu FM was created to help reduce disparities and build the capacity of Pacific communities. It has been instrumental in providing critical exposure for aspiring Pacific musicians. Niu FM's programming is identifiably "Pacific", with Pacific artists and music accounting for 45% of the songs played every day. This music originates from Pacific artists within New Zealand and overseas. See www.niufm.com/. See also the report entitled "Evaluation of the Impact of the Pilot National Pacific Radio Network – Niu FM" - www.mch.govt.nz/publications/niufm-report/index.html.*
- New media. Are there parallel requirements in the regulation of new media that would favour or disfavour some forms of music? (New media: for instance, the internet).
- *In general, arts funding programmes (such as those operated by Creative New Zealand) do not treat new media, web and/or moving image projects as separate artforms. All of the artforms covered in Creative New Zealand's Funding Guide regularly incorporate new media, moving image and web-based genres. The exception to this is the Screen Innovation Production Fund programme, which funds innovative and experimental moving-image projects. For more information, see www.creativenz.govt.nz/funding/index.html, www.creativenz.govt.nz/funding/other/sipf.html, and www.screeninnovation.govt.nz/.*
 - *The term "new media", as used by Creative New Zealand, describes a variety of artistic practices that use analogue or digital technology within an electronic and/or internet domain. New media projects use new technologies as a tool to explore new modes of artistic expression. These technologies include computers, information and communications technology, virtual or immersive environments or sound engineering to create works of art.*

Types of new media projects include:

- i) *developing a computer programme to make an artwork on the internet;*
 - ii) *working in modes that are not necessarily in a physical space (e.g. an online exhibition);*
 - iii) *internet-driven collaborative projects; and*
 - iv) *time-based art projects.*
- *New Zealand's Ministry of Economic Development is leading a Digital Strategy which includes a raft of measures to ensure New Zealand is a knowledge economy where everyone has access to digital information and communication, including the use of digital technologies to create and access our distinctive cultural content and enhance our identity as New Zealanders; for information on arts initiatives, in particular, see pages 11-15, 33, 40 and 53-56 of the Digital Strategy - www.digitalstrategy.govt.nz/upload/Documents/MED11706_Digital%20Strategy.pdf;*
 - *The Copyright Act 1994 ensures existing performers' rights are technology-neutral so that performers' works are protected irrespective of medium - see www.beehive.govt.nz/ViewDocument.aspx?DocumentID=18878; this amendment followed a review of the impacts of new technology and international developments on copyright and performers' rights – see www.beehive.govt.nz/ViewDocument.aspx?DocumentID=11155.*
- o E-commerce. Are there parallel requirements in the regulation of e-commerce that would favour or disfavour some forms of music? (E-commerce in music: trade in music digitally embodied or delivered. Overlaps with new media.)
 - *See above.*
 - o Education. Are there regulations requiring education in local music traditions, or in a diversity of musical genres?
 - *The arts (including music, dance, drama and visual arts) are included in the curriculum of New Zealand schools. Guidance for programme planning is provided in a document entitled *The Arts in the New Zealand Curriculum*. That statement promotes learning about the musical heritages of New Zealand's many diverse cultures and about the genres and styles of traditional and contemporary Māori music (see page 53 - www.minedu.govt.nz/web/downloadable/dl3519_v1/thearts.pdf.)*
 - o Subsidy. Are there regulations that require government subsidy should be given to, or withheld from specific musical genres, or to a diversity of musical genres? Are there regulations that require that government subsidy can only be given to citizens of the particular country, or regulations along those lines? Are there regulations that require that all applicants for subsidy must be considered equally, whether citizens or foreigners? Or are there variants on any of the above?
 - *Creative New Zealand's funding guide states that if the main focus of a project is to bring an overseas organisation to present work in New Zealand, it would not be eligible for a grant. However, provided that a*

project benefits art in New Zealand, there is no restriction on the citizenship/nationality of applicants. For more information on eligibility, see www.creativenz.govt.nz/funding/overview/step-1.html.

- *The New Zealand Music Industry Commission's Outward Sound scheme has a condition that grant recipients remain resident in New Zealand for five years for tax purposes. This is more about maximising the economic benefits from the scheme than about restricting cultural diversity. See www.nzmusic.org.nz/index.php/pi_pageid/38.*

- *Creative New Zealand offers a number of funding programmes that support musicians, music groups, music practitioners, and musical diversity; these are administered through:*

- i) *the Arts Board;*
- ii) *Te Waka Toi (Māori Arts Board);*
- iii) *the Pacific Arts Committee; and*
- iv) *the Creative Communities Scheme.*

For more information, see Appendix 1, attached to this survey response.

- *New Zealand On Air has a range of strategies designed to increase the percentage of local music content on commercial radio; these include potential hit-song CD compilations, promotional campaigns for targeted radio station formats, and funding schemes to assist in the production of CDs and music videos; see www.nzonair.govt.nz/music_detail.php?pid=517&sid=500.*

- *Te Mangai Pāho (TMP) makes funding available to providers for the production of Māori language television programmes, Māori language music CDs and to the national network of Māori /iwi radio stations. TMP is funded by the government, whose interest in Māori radio is the role it plays in regenerating the Māori language. Māori radio also has a major influence in increasing the amount of popular music in Māori, further heightening the interest of rangatahi (young people) in learning Māori. Māori radio stations were established in the period of 1989-1994 and were originally the responsibility of New Zealand On Air. TMP assumed responsibility for funding all stations in 1995. Currently there are 21 Māori radio stations, and they abide by a stipulation that their Māori language content be at least 50% with an allowance for three English language tracks per hour. For more information, see www.tmp.govt.nz.*

- *A pilot National Pacific Radio Network (Niu FM) was established to help reduce disparities and build the capacity of Pacific communities. As well as having seven evening language programmes which provide the opportunity for people to hear and speak their own Pacific language, Niu FM is actively involved in helping raise the profile of Pacific artists by featuring them heavily in its programming. This includes live to air performances, staging and supporting events, and sponsorship. On average, 244 songs are played per day of which 112 (45%) are a mix of Pacific language songs and Pacific artists' songs in English. The number of Pacific songs played on any particular programme varies from four to*

six songs an hour. Most of the Pacific artists played on Niu FM are New Zealand based, although some also come from within Oceania (including Hawaii) and other parts of the world (including Australia and North America). See www.niufm.com/, and the “Evaluation of the Impact of the Pilot National Pacific Radio Network – Niu FM” - www.mch.govt.nz/publications/niufm-report/index.html.

Other. Are there similar regulations in areas of activity not mentioned above?

- *While not a regulation, Creative New Zealand’s toi iho™ (www.toiho.com) Māori made mark is a registered trade mark denoting authenticity and quality for Māori arts and crafts. It may be used by licensed Māori artists on works they produce for sale. Māori and non-Māori artists working together on a project can apply for the co-production trademark. It may also be used to authenticate exhibitions and performances, and by stockists of Māori arts and crafts. There are five Māori musicians/producers and practitioners of traditional Māori instruments, who are licensed to use the toi iho™ trademark.*
- What is the situation of copyright law in the countries in this region? Has it been enacted? Is it enforced?
 - *Copyright in New Zealand, including performers’ rights, is protected under the Copyright Act 1994.*
 - *The Australasian Performing Right Association Limited (APRA) represents 5,000 New Zealand music writers and publishers and acts as New Zealand’s performance rights fee collection agency; see www.apra.co.nz/welcome.htm.*
 - *There has been an argument that the more permissive legislation with regard to parallel importing affects the viability of specialist music importers thereby restricting the diversity of music available to niche consumers. This has yet to be proven and is probably more than offset by global internet purchasing.*

5. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

- Cite examples of government promulgation of a single musical or cultural identity and any associated constraint on other musical or cultural identities.
 - *Not identified.*
- Cite examples of similar promulgation by the citizenry of sections of the citizenry.
 - *Not identified*
- Does it appear that in your region there are some states that are less likely to ratify the UNESCO Convention for cultural diversity if issues of internal cultural diversity or open cultural borders are pressed?
 - *Not identified*

6. The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity

- Cite examples of cultures in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical

diversity – in the sense of the simultaneous practice or presentation within a society of many forms of music.

- *This is not a conscious phenomenon in the New Zealand music industry. Decisions on which genres and artists that the different businesses in the industry choose to invest in is based on either economics (ie the likelihood of enough sales to generate a profit) or label branding (eg independent companies that specialise in a particular 'sound' and stable of artists). Some specialise in World Music which is of course all about diversity.*
 - Cite examples where they are averse to musical diversity.
 - *See above.*
 - Cite examples where they are interested in developing hybrid musical forms – e.g. music that combines two or more ethnic musical genres, or combines an ethnic music with say, western popular music, or combines various forms of non-ethnic music.
 - *The WOMAD Festival (World of Music, Arts and Dance) is a good example of promoting cultural and ethnic diversity, and performances often reflect hybrid influences. The urban Pacific music scene that is successfully exploited by companies such as "Dawn Raid" is very much the result of hybrid influences, particularly Pacific beats and timbres with US-influenced hip hop and rhythm and blues. See www.womad.co.nz/, and www.dawnraid.co.nz/.*
 - Cite examples of the expression of personal or community identity through music, and especially through musical diversity.
 - *The New Zealand hip hop scene has been largely - but not exclusively - about Pacific and Māori youth identity and with some strong political overtones (eg Dean Hapeta; see www.tekupu.com/UPPERHUTTPOSSE.html). Over the past 3 years, however, this genre has become 'mainstream' with many of New Zealand's top-selling and award winning artists working in the hip hop genre (eg Scribe); see www.fmrecords.co.nz/viewartist.cfm?ArtistId=484.*
 - *The Pasifika Festival is held in Auckland each year in March, and is the South Pacific's largest Pacific community event. It includes a wide range of Pacific artistic and cultural expression, including musical performances. It is an opportunity for New Zealand's large Pacific population to nurture and promote the cultures of individual Pacific nations, and to share this with people from other Pacific nations, and with other ethnicities in New Zealand. See www.aucklandcity.govt.nz/whatson/events/pasifika/default.asp and www.aucklandcity.govt.nz/whatson/events/pasifika/programme.asp*
 - *WOMAD (See above).*
- 7. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity**
- On an analysis of the situation as you discover it in responding to previous questions, how would you define these obstacles and challenges, and by what methods do you envision them being overcome?
 - *There are no obstacles, except for those imposed by economics – ie if a genre is too 'niche', its availability will be restricted because the distributor / promoter has to reach a critical mass / turnover to continue to make a living.*

- *Agencies like Creative New Zealand can ensure that diversity is maintained by funding based on artistic and quality criteria, rather than on commercial viability.*

Consider both the international and national spheres.

- *The New Zealand Music Industry Commission's Outward Sound scheme encourages marketing strategies that work at a niche level (ie small markets in many different countries) as well as mass media level (ie big market in a few countries). See www.nzmusic.org.nz/index.php/pi_pageid/38.*
- *New Zealand On Air has a range of promotional strategies to get more New Zealand music played on commercial radio. It has mostly concentrated on the New Zealand market, but has recently moved into a new phase, with the development of New Zealand music samplers for the international market –five acts, five songs and five music videos. The first of these samplers was released in the US and in Australia earlier this year, while the second Five-by-Five sampler has just been released in the US. This has resulted in airplay on a number of US independent stations, and has raised interest in the United Kingdom and Europe. See www.nzonair.govt.nz/music_detail.php?pid=517&sid=500.*
- International issues include the challenges posed by trade liberalisation agreements. For instance, does a particular agreement limit a country's:
 - right to subsidise music production, but not to offer national treatment to foreign applicants – e.g. provide subsidy only to locally based music producers;
 - right to fund state music institutions even though this gives them a competitive advantage over foreign providers;
 - right to fund national broadcasters even though this gives them a competitive advantage over foreign providers – e.g. when a broadcaster does not give national treatment to foreign music producers;
 - right to limit or direct foreign investment – e.g. so that the music broadcast industry remains under local control and demonstrates a greater commitment to local music than might a foreign owned industry; and
 - the right to regulate in favour of the local cultural sector.
- There are special issues concerning the protection and promotion of traditional music as the societal contexts from which they arose dissipate or evolve. Challenges include the attitudes of younger generations, the opportunities for musical evolution or innovation, the adequacy and structure of music education, the presence or absence of an economic basis for survival.
- These suggestions are intended only as guidance and do not exhaust the possibilities.
 - *It is New Zealand's practice in negotiating trade liberalisation agreements to seek a general exception which enables the New Zealand government to implement policies to protect national works or specific sites of historical or archaeological value, or to support creative arts of national value, without being constrained by FTA commitments.*
 - *New Zealand also seeks to negotiate an exception to ensure that nothing in such agreements shall preclude the adoption by New Zealand of measures it deems*

necessary to accord more favourable treatment to Māori in respect of matters covered by this Agreement including the fulfilment of its obligations under the Treaty of Waitangi.

• **Bring to light those good practices and actions that need to be strengthened and widely practised in this field**

- This will follow from the previous analysis. Please write this section according to your perceptions of the situation. The following ideas are intended only as suggestions.
- The study could list the states that actively support musical diversity within their own borders. It might develop a typology of approaches, considering *inter alia* support to musical diversity within the school music education curriculum, in music subsidies, in music broadcasting, in special support to indigenous music, in measure to encourage cultural production by non-profit and for-profit organisations, in support to public cultural institutions and broadcasters?
- You might seek examples of initiatives such as these:

- programs to support local at-risk indigenous music;

- *See toi iho™; see question 4 above; also www.toiho.com.*

- *Te Waka Toi's Indigenous Links programme; see question 4 above, and Appendix 1, attached to this survey response.*

- *A New Zealand delegation of Māori and New Zealand-based Pacific artists is supported by Creative New Zealand to attend the quadrennial Festival of Pacific Arts (which is held around the Pacific); see www.festival-pacific-arts.org.*

The Festival of Pacific Arts brings peoples of the Pacific together in a welcoming and social gathering to exchange cultures for mutual understanding and appreciation of one another's culture.

The idea of a Festival of Pacific Arts was conceived by the Conference of the Pacific Community in an attempt to combat the erosion of traditional customary practices. This concept was an expression by Pacific leaders for the peoples of their region to share their cultures and establish deeper understanding and friendship between countries.

The traditional arts of each of the participating countries, including music, are represented.

- *New Zealand's attendance at the 2005 Australian International Music Market; see www.creativenz.govt.nz/news/archive.html?record=1716.*

Young New Zealand musicians, an acclaimed singer/songwriter and an exponent of traditional ancient Māori music were showcased at the 2005 Australian International Music Market with Creative New Zealand support.

New Zealand's inaugural presence at the market in Brisbane included performances by Nesian Mystik, Tha Feelstyle, Hinewehi Mohi and James Webster.

New Zealand's participation in the market was part of Creative New Zealand's push to build international audiences and markets for New

Zealand work. The artists' presence was supported by a DVD and catalogue featuring 35 contemporary musicians.

The Australian International Music Market is held in conjunction with the Queensland Music Festival and is attended by delegates from Australia, Asia, the Pacific, Central and South America, Japan, Europe, Canada and the United States.

- *The arts (including music, dance, drama and visual arts) are included in the curriculum of New Zealand schools. Guidance for programme planning is provided in a document entitled *The Arts in the New Zealand Curriculum*. That statement promotes learning about the musical heritages of New Zealand's many diverse cultures and about the genres and styles of traditional and contemporary Māori music (see page 53 - www.minedu.govt.nz/web/downloadable/dl3519_v1/thearts.pdf.)*
- state support for local participation in internationally viable genres – e.g. western popular music, western classical music;
 - *New Zealand On Air has a range of strategies designed to increase the percentage of local music content on commercial radio; these include potential hit-song CD compilations, promotional campaigns for targeted radio station formats, and funding schemes to assist in the production of CDs and music videos; New Zealand On Air has recently begun developing Five-by-Five samplers, specifically for the international market - five acts, five songs and five music videos; it also has a funding scheme for local artists who have been successful in New Zealand to assist them to achieve in international markets; see www.nzonair.govt.nz/music_detail.php?pid=517&sid=500.*
- state encouragement for free exchange of music across their borders; and
 - *Not identified*
- state encouragement for importation of music from developing countries.
 - *Not identified*
- Which states would more actively promote musical diversity were funds available?
 - *Not identified*
- Which states intend to or are likely to contribute to the International Fund for Cultural Diversity?
 - *Not identified*

Appendix One (Additional information, as referred to in Question 4)

Creative New Zealand's Funding Programmes that Support Music and Musical Diversity

- (a) The *Arts Board* supports arts practitioners across all cultures and artforms. Any individual, organisation or group can apply for funding for clearly defined, one-off projects.

The Arts Board has three programmes that music applicants can apply under:

- i) *Creative and Professional Development* to support artists and other arts practitioners to develop their skills, experience, knowledge and networks;
- ii) *New Work* to support the creation of original New Zealand work; and
- iii) *Presentation, Promotion and Audience Development* to support the presentation and promotion of work by New Zealand practitioners, and to develop audiences and markets for New Zealand work.

Priority will be given to strong applications that will deliver at least one of the following benefits or outcomes:

- i) creative and professional development opportunities for individual practitioners where there are likely to be long-term benefits for New Zealand music;
 - ii) sustainable careers for professional composers, musicians and practitioners (emergent, mid-career and senior) through targeted support at key career stages;
 - iii) rewarding careers for professional composers, musicians and practitioners (emergent, mid-career and senior) through the development of high-quality, innovative work in a variety of music genres;
 - iv) the growth of culturally diverse new work;
 - v) thriving and well-resourced professional music organisations;
 - vi) the maintenance and growth of existing audiences for New Zealand-made music;
 - vii) strategically focussed international audience and market development opportunities for New Zealand music with a clear potential for long-term benefits; and
 - viii) publications that focus on high-quality critical discourse on New Zealand music.
- (b) *Te Waka Toi*, the Māori arts board, supports the arts of Māori. Individuals, groups and organisations can apply for funding for clearly defined, one-off projects.

To apply under *Te Waka Toi*'s funding programmes, the following "for Māori by Māori" criteria must be met:

- i) the applicants/s must be of Māori descent;
- ii) the project must be managed and directed by Māori;
- iii) the project must benefit Māori;
- iv) if the applicant is a legal entity, as opposed to an individual or group of individuals, that entity must be owned and managed by people of Māori descent. In addition, if that entity is applying for funding on behalf of another person that person must also be of Māori descent; and
- v) in all cases (except under the Indigenous Links funding programme), the individuals creating the artform or undertaking the work must be of Māori descent.

Māori arts practitioners, groups and organisations meeting the criteria above may apply to either the Arts Board or *Te Waka Toi*.

Te Waka Toi has five programmes that music applicants can apply under, they are:

- i) *Heritage Arts* to support projects that contribute to the maintenance and preservation of the heritage arts of Māori;
 - ii) *Te Reo* to support projects that promote and strengthen the use of Te Reo, oral and written, across artforms;
 - iii) *New Work* to support the creation of original artworks by tāngata whenua across artforms;
 - iv) *Indigenous Links* to support projects that strengthen links between tāngata whenua artists and the indigenous peoples of the Pacific and other nations; and
 - v) *Experiencing Māori Arts* to support projects that provide opportunities to experience Māori arts.
- (c) The ***Pacific Arts Committee*** which supports Pacific arts of New Zealand. Individuals, groups and organisations can apply for funding for projects that meet the aims of the Pacific Arts Committee funding programmes.

Projects funded by the Pacific Arts Committee must:

- i) meet the aim of the relevant Pacific Arts Committee funding programme;
- ii) meet one or more of the specific programme criteria listed under the relevant Pacific Arts Committee funding programme;
- iii) be a national project or of major significance; and
- iv) have Pacific Islands community support and endorsement.

Applicants of Pacific descent may apply to either the Pacific Arts Committee or the Arts Board.

The Pacific Arts Committee has four programmes that music applicants can apply under, they are:

- i) *Heritage Arts* to support the participation of Pacific Islands peoples in their heritage arts;
 - ii) *Pacific Arts Development* to support the development of Pacific Islands arts and artists;
 - iii) *Pacific Arts Promotion* to develop the profile and an awareness of Pacific Islands arts and artists; and
 - iv) *Tāngata Whenua Links* to strengthen links between Pacific Islands artists and tāngata whenua.
- (d) The ***Creative Communities Scheme*** aims to increase participation in the arts at a local level and increase the range and diversity of arts available to communities. Creative Communities Scheme funding (for grants less than \$5,000), is available for community-based arts activities from local cities or district councils.

Appendix Two (Website Links)

- Creative New Zealand www.creativenz.govt.nz
- toi iho™ www.toiho.com
- Ministry for Culture and Heritage www.mch.govt.nz
- New Zealand On Air www.nzonair.govt.nz/index.php
- Te Mangai Paho www.tmp.govt.nz
- Niu FM (National Pacific Network) www.niufm.com/
- Tourism New Zealand www.newzealand.com/travel
- Toi Māori Aotearoa www.maoriart.org.nz
- New Zealand Music Industry Commission www.nzmusic.org.nz/index.php
- Outward Sound www.nzmusic.org.nz/index.php/pi_pageid/38
- The Australasian Performing Right Association Limited (APRA) www.apra.co.nz/welcome.htm
- Play it Strange www.playitstrange.co.nz
- Parihaka Festival of Peace www.parihaka.com/event.htm
- Ministry of Economic Development's Digital Strategy www.digitalstrategy.govt.nz/upload/Documents/MED11706_Digital%20Strategy.pdf
- The Arts in the New Zealand Curriculum (including music, dance, drama and visual arts) www.minedu.govt.nz/web/downloadable/dl3519_v1/thearts.pdf
- Pasifika Festival www.aucklandcity.govt.nz/whatson/events/pasifika/default.asp
- WOMAD (World of Music, Arts and Dance) www.womad.co.nz or www.womad.org
- Festival of Pacific Arts www.festival-pacific-arts.org
- Australian International Music Market www.queenslandmusicfestival.com.au/aimm
- Copyright Council of New Zealand www.copyright.org.nz/home.html
- Broadcasting Standards Authority www.bsa.govt.nz/index.htm
- New Zealand Tourism www.newzealand.com/travel/about-nz/culture/culture-arts.cfm
- Radio New Zealand www.radionz.co.nz/home, Radio New Zealand Charter www.radionz.co.nz/about/charter
- SOUNZ www.sounz.org.nz/index.php
- *The New Zealand Music Industry: A scoping review of the contemporary music industry for Industry New Zealand*, 31 August 2001 www.nzte.govt.nz/common/files/nzmusic-industryreview.pdf and *Creating Heat: Tumata kia Whita!:* A strategy to ignite the economic and cultural potential of the New Zealand Music Industry, 2004 www.nzte.govt.nz/common/files/creating-heat.pdf
- Bands (Independent New Zealand Music) www.bands.co.nz
- Smokefree Rockquest www.theset.co.nz/Main/Home

- Music Managers Forum <http://immf.net/>
- Independent Music New Zealand www.indies.co.nz
- The Recording Industry Association of New Zealand Inc (RIANZ)
www.rianz.org.nz/rianz/homepage.asp

Appendix 14

The Protection and Promotion of Musical Diversity

EUROPE

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Musical Diversity in Europe

A Report for the International Music Council

Polina Proutskova, Mirjam Gericke, Maurice Mengel, Deniza Popova

04/21/06

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Musical Diversity in Europe

Polina Proutskova, Mirjam Gericke, Maurice Mengel, Deniza Popova

Introduction

In this report we describe the current situation of musical diversity in Europe and its regions and answer the questions imposed by the UNESCO. We understand Europe geographically. We do not write a separate report for each country, but attempt to draw a general picture for Europe according to our research and provide examples which either encourage the general picture or constitute important exceptions to it.

The Notion of Musical Diversity

Taking into account that definitions are *per se* arbitrary, it seems easy to define cultural diversity or musical diversity respectively. But any simple definition of diversity risks not to come to terms with the diversity it wants to comprehend, delineate, or describe. This may be one of the reasons why neither UNESCO's *Universal Declaration on Cultural Diversity* nor UNESCO's *Convention on the Protection and the Promotion of the Diversity of Cultural Expressions* attempts such a simple definition. Correspondingly, it is no simple step to determine what musical diversity is and how it can be observed.

To solve this problem we agreed on employing a triple definition of the term. All of the three definitions have their own problems and they all resonate in public discussions as well as in the questions posed to us by the European Music Council or the UNESCO respectively:

1. Musical diversity exists if there is freedom of musical expression. Although freedom of musical expression includes the freedom to refrain from expressing diversity, this understanding of the term is helpful since it is relatively easy to decide what interferes with the freedom of musical expression.
2. Musical diversity exists if there is a pluralism of musical structures (musical repertoires, musical forms, a wealth of traditions, hybrid forms etc.). Although this definition may appear technical in the sense that it employs technical terms of the academic musicological discourse, it does not provide objective means to decide which structures are more diverse than others. Similar concepts have been applied by evolutionist approaches in musicology since Darwin. Such approaches have often been criticized as ethnocentric and, thus, the corresponding criteria seem problematic in the context of the cultural relativism of UNESCO's understanding of cultural diversity. We still use a diversity of musical structures as an indication for diversity.
3. Musical diversity exists if there are different groups of people making music separately or together. To assume that different groups of people *naturally* or *automatically* have different musics seems to be an outdated concept in the academic discourse. This does not say that different groups of people *cannot* have different

musics, of course. But it has been shown that music and people are two different spheres just as languages and the people speaking them. Discussions of musical diversity often treat the fact of coexistence of musics of different populations and social groups as an indication for musical diversity. In fact such a situation refers to diversity, but it is by no means certain, since many groups can make the same uniform kind of music – at least theoretically.

Europe – general situation

Generally, all states in Europe allow the diversity of musical expression, and a great diversity of musical forms is observable everywhere in Europe. There are exceptions: Turkey, where musics of national minorities as well as of some religious groups are restrained, and Belarus, the last totalitarian state in Europe, where some repressions against rock musicians were reported.

The general tendency in all European states is the strong support of classical music as well as other kinds of "serious" musics, e.g. contemporary classical music and medieval music. In many countries jazz has reached the status of "respectability" and is supported by the state. This sort of consciousness of the importance of classical music is typically European and dates back to the 19th century. Today in some countries, about 80% of the state subsidies for music go into the "serious" music sector. Pop and rock music is, in general, much more seen as an economical factor and thus less financially supported by public funding. All other non-mainstream music forms like world music, non-European musics, and musical traditions of minority groups or migrants as well as in some cases jazz are neither generously supported nor broadly represented. There is also a misbalance in the support within the genres, e.g. mainstream forms of classical music are better subsidised than concerts of young contemporary composers.

Also, though there are still noticeable differences between Eastern and Western Europe, we have the clear impression of Eastern Europe (not regarding the CIS for the moment) clearly heading towards the European Community and using it as their model, which is particularly noticeable in the manner of discourse on structure and legislation. Here, Western and Eastern Europe "talk about the same things": subsidiarity and decentralization are part of culture policies everywhere, but their implementation and realization is not on the same level yet.

Main results

1. The highest (musical) diversity results from a balanced collaboration of the free market, governmental regulations and the commitment of the citizen of a functioning civil society. These three principles complete each other.

Because culture/music are market values as well as cultural values, they should not be simply to the principles of the market.

2. Investments in education and infrastructure are essential for the promotion of musical diversity and will produce sustainable results.

Musical diversity is not sufficiently represented in the European school system. Introducing different music forms to children is the best way to create awareness for the subject in the

society aiming long-term perspectives. It also assists developing tolerance and invoking dialogue between different social groups.

Developing infrastructure for musicians and music workers, professionals as well as amateurs, strengthens the core of musical diversity – musical practice, with equal opportunities for everybody. Supporting networks and dialogue encourages those who make things happen independent of individual preferences for single musical styles.

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Prof. Dr. Franz **Niermann**, president of the EAS (European Association for Music in Schools), Wien (music in European schools)

Jens G. **Papenburg**, musicologist, Humboldt University, Berlin (Urheberrecht, Deutschland)

Ole **Reitov**, FREEMUSE, Dänemark, (world music, broadcasters, MD and human rights)

Johannes **Theurer**, European world music charts, Redakteur RBB Radio MultiKulti Berlin (broadcasters)

Sergej **Starostin**, Musician, "Farlanders", "Moscow Art Trio", folklorist, art director of the Moscow music club "Dom". (Russia)

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0 General situation of musical diversity in Europe

Generally, all states in Europe allow the diversity of musical expression, and a great diversity of musical forms is observable everywhere in Europe. There are exceptions: Turkey, where musics of national minorities as well as of some religious groups are restrained, and Belarus, the last totalitarian state in Europe, where some repressions against rock musicians were reported.

The general tendency in all European states is the strong support of classical music as well as other kinds of "serious" musics, e.g. contemporary classical music and medieval music. In some countries jazz has reached the status or "respectability" and is supported by the state. This consciousness of the importance of classical music is typically European and dates back to the 19th century. Today in some countries, about 80% of the state subsidies flow into the "serious" music sector. Pop and rock music is, in general, much more seen as an economical factor and thus less financially supported by public funding. All other non-mainstream music forms like world music, non-European musics, and musical traditions of minority groups or migrants as well as in some cases jazz are neither generously supported nor broadly represented. There is also a misbalance in the support within the genres, e.g. mainstream forms of classical music are better subsidised than concerts of young contemporary composers.

Especially endangered are the rural traditions in the CIS states Russia, Ukraine and Belarus. There is no state support for the recovering of these traditions and only minor efforts are made for their documentation. Because the agricultural environment and rural life has changed significantly, rural musical traditions are seriously endangered in some other European states.

Albania

Albania has lots of different regional musics. A lot of music groups consist of persons of different religions. Albania's music market seems to be dominated by real and quasi folk music while the remaining shelves in the music stores and sidewalk stalls are occupied by Western popular music with dubious compliance with royalties and copyright licences. The most dominant genre appears to be a kind of nostalgic pseudo-national genre, which had a comparable extraordinary career throughout the Balkans – "turbofolk" in former Yugoslav countries, "muzik qytetare" (city music) in Albania. There seems to be no relationship between music production and cultural policy of the government. Classical music CDs are not sold outside the capital Tirana, though interest is there and place is given to concerts of classical music in the media as well as smaller towns have their (amateur) symphony orchestras. Albanian polyphony is recognised as cultural heritage and therefore incorporated into the school curricula.

Austria

In Austria, classical music is intensively promoted, though the country has a legal obligation to promote the diversity of forms of artistic expression. Subsidies on federal level aim on artistic development and long-term effects.

Belgium

Belgium is in a special situation: the country is split-up into three different communities with their own governments: the French-speaking community of Wallonia, the Flemish-speaking community of Flanders and the small German community. Due to its federal structure, Belgium could be seen as a nation with inherent cultural diversity. Culture falls within the competence of the communities' authorities and every community has its own administrative and promotional structure.

Musical diversity seems to be ensured. A broad range of musical genres is practised, presented and broadcasted in Belgium. Exception: there is almost no original traditional

music practice that is still "alive". There are several attempts to revive medieval as well as other musical genres. Concerning the amount subsidy and promotion through the government, classical music is privileged, but there is as well governmental financial support and promotion for contemporary, popular and traditional musics.

Bulgaria

There is musical diversity in Bulgaria on different levels ("authentic" and "national" folk musics, church music, westernized traditional music, popular musics). The Bulgarian cultural policy sets value on democracy and freedom. To avoid censorship of artistic freedom laws and structures of cultural policy have been revised radically, which includes decentralisation of leading commissions as well as subsidies and funding for music. The Bulgarian state emphasizes the protection of its national cultural identity and especially the protection of its cultural heritage without limiting cultural respectively musical diversity. There is high backlog demand, because up to the political turn minority musics of e.g. Turks and Roma were suppressed. Traditional music is only appreciated by a small fraction of society. State policy promotes traditional music through stylizing it to a civilised national art that is educated and brought to market. Since the 1950ies there were foundations of governmentally funded ensembles for national folk music. Authentic and original versions of songs and musics are in danger to be forgotten. Government promotes festivals of traditional art and music.

In former communist times virtually all festivals used to be organised and funded by the government and celebrated under the auspices of "the Party". Unofficial events like religious pilgrimages were firmly discouraged. This has changed radically today, but though there are almost no more ideological constraints, there is little money either. The diversity of festivals is far greater, but there is less certainty of them actually taking place, particularly if they require major funding.

Bulgaria intensively educates and trains musicians, in classical music as well as in traditional music. Because livelihood is hard to gain in Bulgaria, a lot of musicians leave the country. They still support the music industry by coming back, organising concerts, providing musical trainings and workshops and producing in Bulgaria. The privatization of music production and music trade was essential for the development of a free music market in Bulgaria.

Croatia

Croatia has 12 minorities which all have their own music. You find Croatian folk music e.g. numerous amateur folklore groups, ethno music – a branch of world music based on traditional Croatian music, which is linked with ecological consciousness, turbo folk (often perceived as cheap pop music which is associated with the new social elite as well as with violence and shootings). There is classical and contemporary music as well as international pop and rock genres like grunge and death metal and world music. A special case is the existence of Mariachi music, originating from Mexico, in Croatia.

Czech Republic

Czech Republic has a nongovernmental Folklore Association composed of dancers and musicians. It has become a prominent cultural body contributing to the organisation of

many cultural events, in particular 44 folklore festivals and rural celebrations in the Czech Republic. (<http://www.fos.cz/encyklopedie/objekty1.phtml?id=18786&kraj=&lng=2>)

EU

The European Union considers the diversity of cultural expression to be one of its dominant and specific features. There is a current debate on enhancing it within the Union and its member states. The main organisations lobbying music like the national music councils that are traditionally very European and focussed on "serious" music, are willing to put new accents and are increasingly open to support musical diversity.

Preserving and promoting cultural diversity are among the Community's founding principles.

(<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/05/387&format=HTML&aged=1&language=EN&guiLanguage=en>) They are enshrined in the Treaty, under Article 151, and in the Charter of Fundamental Rights of the European Union, under Article 22.3. The Treaty has enabled the development of cultural activity, notably the program "Culture 2000" and its follower "Culture 2007".

(http://ec.europa.eu/culture/eac/culture2007/cult_en.html)

Its main focus lies on cooperation and exchange, in particularly on non-commercial cultural exchange. It also requires the consideration of cultural dimensions in other EU policies such as industrial policy in the case of the program MEDIA Plus and the internal market policy in the context of the Directive "Television Without Frontiers".

(<http://europa.eu/scadplus/leg/en/lvb/l24101.htm>)

The Treaty also applies for external activities, calling upon the EU and its member states to promote in their international relations sustainable development, peaceful coexistence and intercultural dialogue. The EU's policies support and implement specific objectives enshrined in the adopted Convention for the protection and promotion of diversity of forms of cultural expression, such as developing viable local cultural industries and improving the movement of cultural works at global level, especially from developing countries.

There is an ongoing debate about the concept of "cultural diversity" and its implementation into European cultural policy. The most influential document on the debate on cultural policy on EU level is the Ruffolo report. In many parts it is very critical, the report itself is proclaims the "unity of diversities". The report is critical about article 151 of the EU treaty on cultural diversity as it speaks only about THE "culture and history" (in singular) of the European peoples, and thus excludes many people living in Europe or cultural elements of non-European origin that have influenced or intersected with the European cultural field. Clause 4 the Treaty establishes a formal relation between culture and other segments of European policy. The Ruffolo report expresses disappointment about what it delivered in real. (<http://www.budobs.org/eu-documents/eu-documents/ruffolo-report-on-cultural-cooperation-in-europe.html>)

Protection of cultural diversity is invoked in order to prevent the 'loss of identity' either through political harmonisation as in the case of EU policy or through global economic trade developments. The concept of culture identity in general remains largely unchallenged and favours fixity, coherence and binary opposition. Identity and diversity as political concepts, though, can only be employed productively, if they do not refer to diversity of culture(s) and identities as something fixed and separated from others, because

this promotes essentialist and nationalist reasoning. The EU seeks to promote the inclusion of diversity into the national public spheres themselves as well as the questioning of the concept of "national culture" in itself. Diversity, in the EU's perspectives, is to be understood as a matter of continuous processes of intersection, mutual exchange and differentiation. Diversity as opposed to homogeneity implies promotion of the idea of dynamic differences, which are under constant exchange and negotiation. Diversity then should be enacted as a precondition of equality, access to culture and cultural participation rather than as a value itself.

France

The French musical landscape is a very diverse and rich one, also due to major efforts being made by the authorities to promote French music industry and musical life by radio quotas for French language music as well as subsidies and incentive programmes and activities concerning all musical genres and the process of administrative decentralisation. Special efforts are made concerning traditional music. France has a strong world music scene, which also relates to its colonial past.

Germany

Classical music is of major importance for the self-perception of Germany as a "Kulturnation" (nation of culture). Church music builds a major part of musical life as well as public cultural life, especially in smaller towns and communities. Popular music as well as folklore and world music are an important part of musical life. Amateur music plays a major role in the musical landscape of Germany, about 6.869.257 citizens play music in orchestras, ensembles, choirs, fanfares and music schools. There are about 140 orchestras playing classical music at least 10 of which belong to the top orchestras worldwide. One can say, that musical diversity in Germany is very high and the musical life is very well organised. World music and minority musics have their place in the German media world, the existence of foreign language programmes and whole radio stations like *Radio multikulti* and *Funkhaus Europa* that focus on musics of the world, are a creditable exception throughout Europe. Festivals on all types of music particularly on lesser known genres like "Alte Musik" led to an upswing of these sectors of the music industry and musical education. The festival life in the summer season is very vital and often beats the normal "concert" business. Germany is an important centre of the international music scene concerning classical and contemporary classical music

Greece

Greece is characterized by musical richness consisting above all out of the traditional regional styles of music and modern hybrid forms, like variations of Western classical music, blendings with jazz, rock, hip hop etc. that employ musical elements of traditional music or the Greek language. A transregional Ethno-Jazz-Scene developed through the collaboration of Greek musicians with colleagues from other Balkan countries. There are several regional folk music traditions including urban musical traditions like *rebetiko* and urban folk from Osmanian times. There is increasing interest and conscience of the existence of autonomous ethno-linguistical musical traditions with a fashion of conferences. Imported international musical genres like rock, blues, jazz, classical music, reggae or world music are performed by Greek ensembles, but not to an extensive amount.

E.g. Athens only has three major institutions where classical music is performed and one single opera house. Following the statistics of the IFPI record sales show that there is a bigger demand for Greek productions than for foreign productions in the sector of popular music. Greece organises a "Music Day" following the example of the French "Fête de la Musique", but it seems to stay an event being introduced from the authorities.
<http://www.musicday.gr>

Ireland

Ireland's musical landscape shows high cultural diversity. Traditional music is very vital, there are still lots of musicians playing traditional Irish music as well as blending it with all kinds of musical genres from pop to world music. Migration to Ireland is a relatively new phenomenon, but it seems like migrants' musics are welcomed and integrated easily into the musical landscape of Ireland. Classical music does exist and is promoted, but plays a minor role.

Lithuania

Music is strongly controlled and directed by the Lithuanian authorities. Folklore is an important and vital part of Lithuania's musical landscape. After the political turn a decline in vital folklore is noticeable. Young people prefer Lithuanian folk pop and American respectively Western popular music. Classical music is important and perceived by all generations. In public broadcasting service the music of minorities is not very broadly represented. Polish and Russian minorities in Lithuania have their own subsidized radio stations. (<http://www.leidykla.vu.lt/inetleid/inf-m-7/gudauskas.html>) Jews in Lithuania are seen not only as a religious group, but as a people on its own, therefore they are conceded quite some broadcasting time.

Netherlands

Musical diversity in the Netherlands is high in all aspects. All musical styles and forms from classical music, folk and traditional music to all kinds of popular and ethnic music have room in the Dutch musical landscape. This is also represented in the high number of festivals and the plurality of genres being performed in them. Festivals are recognised as a specialty and resource of Dutch economy by cultural workers and the authorities. Big endeavours are made to promote and support popular musics of all genres and to encourage musical talents. The media landscape of the Netherlands is very diverse and rich, minority musics find their niches in local and community radio stations, classical and world music in public broadcasting service, main stream pop music is clearly dominant.

Russia / Ukraine / Belarus

These three countries take part in the global music market. All musical styles and genres are represented, though you cannot speak of a developed music industry. There are many deficits, for example, concerning the enforcement of copyright laws. There is a wealth of rural musical traditions which survived the Second World War as well as the exploitation in the Soviet era and media dissemination of standardized soviet folk music. These traditions are highly endangered: they are rather unknown in the society and ignored by the states. On the other hand there is standardized folklore music and its

derivates, which are often understood as the national music, and they are supported by the state.

Russia still has a worldwide significant school of classical music, though it is less prominent and less state supported than it was during the Soviet era.

From Belarus some restraints against rock musicians have been reported. There have also been repressions against musicians taking part in the political actions of the opposition. The state radio has a 75% quote of Belarusian music.

Slovakia

Up to 1989 Slovakian musical life could rely on generously funded major state institutions that were stable but exercised strict ideological control. Since then, freedom and openness developed, but were accompanied by declining resources and financial insecurity. There are major musical institutions for classical music as well in the capital as in the regions.

Traditional music groups are quite active, and there is a network of elementary music schools. Music life is organised in music association. The audience for classical music is declining.

Slovenia

Slovenia has a plurality of musical forms, styles and structures ranging from international popular music, classical music, and contemporary music to folk music which includes revived folk, so called "authentic" traditional music and folklore groups. Minorities contribute to musical diversity. Officially, there are Hungarian and Italian minorities, whereas Gypsies and Bosnians are not recognised as minorities.

Sweden

Sweden's musical landscape is characterized by cultural richness and diversity. There is a lot of classical music, jazz and pop, but also popular music reaching from folklore to hip hop.

Traditional music still is "alive", but due to its strong link to the agricultural way of living it is only practiced by a very small percentage of the Swedish society. There are hybrid musical forms, which are not promoted purposely. Noteworthy is the high amount of amateur choirs in Sweden.

Turkey

Turkey is a multiethnic country (the major ethno-religious groups are the Turks and Kurds, the most important minorities are Arabs, Cherkessians, Armenians, and Greeks) and the Turkish musical landscape is very diverse and very dynamic. Development of hybrid genres and styles is every day life. Music is hardly funded or subsidized, musicians are often quite poor. Turkish traditional and folk music is deep-seated and often builds the basement for Turkish pop and rock music. Musical diversity is high and ranges from classical Turkish music, Western classical and modern music, pop, rock and jazz to Turkish fusion and Turkish ethnic music.

1 The link between human rights and musical diversity

HUMAN RIGHTS AND PROTECTION OF MUSICAL DIVERSITY

All European countries have a legislation that determines the freedom of opinion and the freedom of cultural expression. In most of the countries these laws are in force and enforced. In some countries laws are not enforced or their enforcement is problematic (Turkey, Belarus). In general, there is hardly any information about limitations on artistic freedom in Europe. Most of the European countries do not have official bans of music, though there may be cases of self censorship. Major violations of Human Rights and freedom of cultural expressions are predominantly found in other parts of the world, though there is a tendency in Western and Middle Europe to increasing police violence, racists' attacks, violence against women and the worsening of the situation of refugees as well as a certain threatening of the protection of Human Rights by anti-terrorism-legislation.

(<http://hrw.org/doc/?t=europe>; <http://web.amnesty.org/report2006/2eu-summary-eng>)

There are restrictions of the freedom of cultural expression and freedom of opinion through policies against harassment and the protection of moral principles. Freedom of speech can be limited by regulations of the protection of minors and personal dignity. Almost all states have titles that are not allowed to be aired. This is mostly due to violation of moral standards concerning sexuality, violence and bad or offensive language. Freedom of speech can also be limited through regulations concerning propaganda especially of the extreme right. This is especially important for Germany and Austria.

In some migrant communities, especially Muslim communities, there seem to be hard debates about the issue, if music is allowed at all. (<http://freemuse.org/>)

Albania

Since 1992, Albania's form of government is officially democratic. Whereas after the Second World War there has been a strong Russian influence, which stopped in 1960 when the alliance with the Soviet Union was breached, today, there are no more strict regulations concerning the musical life. Quite the contrary, Albania has opened itself to the outside world which results in a great cultural and musical diversity. Until 1992 Albania was a strictly secular state, today there are three officially recognised religious groups. The situation appears to be calm, moderate; there are no reports about conflicts. (Report of Peter Inkei)

Balkan

The Balkan countries are multiethnic, multireligious, multicultural and multi-lingual. Though tensions and hostilities still exist, most minorities are able to speak their own languages and express themselves in their own forms of cultural expression largely unchallenged. A lot of them even operate their own media. There are problems concerning education in native languages. All Balkan countries have problems concerning the integration of Roma in their societies.

Because the idea of different Balkan states on their own was launched in 19th century and is based on central-European ideas of "nation", the nationalization was as well accompanied

by the infusion of central European ideas about standards of culture and the arts. That's why there are national musics as well as numerous regional and local musical styles and genres. Media communication still seems to be less widespread and average than in Western Europe except for Slovenia.

Belarus

Belarusian government limits the right of freedom of opinion and freedom of assembly. Some musicians, bands and media are in conflict with the Lukashenko regime after taking part in protest actions. Repressions direct at persons or media, but usually not explicitly at forms of musical expression.

Legal and economic mechanisms like health and safety laws, housing regulation or tax regulations are employed to prevent rock and underground bands from performing. Municipal authorities have to grant special licences for cultural events and frequently revoke them without refund. Artists, not favoured by government – irrespective of their popularity – are often limited to performing concerts with extremely little advertising in small private clubs, which limits their ability to express themselves as well as it severely reduces their earning potential. The biggest problem seems to be self-censorship. Promoters, journalist and private club owners are increasingly unwilling to risk their existence by supporting unfavoured artists.

There are reports about smear campaigns against rock musicians, which portray the artists as "undesirable" elements, while at the same time state funds have been used to organise a series of expensive pro-Lukashenko concerts. There are also reports about radio blacklists, though some DJs on public radio stations continue to play blacklisted artists without repercussion.

See Maya Medich: <http://www.freemuse.org/sw12630.asp>

France

In general, France is protecting Human Rights and freedom of expression. There were reports about police violence and abusive checks of persons, especially concerning foreigners. There were incidents of racists' attacks, vandalism and intimidations against members of Jewish and Muslim communities. In November 2004 there were protests against violence against women. In March 2004 the parliament prohibited to wear conspicuous religious symbols like crosses, scarves, kippas and turbans. There are concerns that this law might intensify tensions between supporters of a uniform national identity and a secular state and those who disapprove this law as violation of the principles of a multicultural society and freedom of expression.

End 2005 French government reacted to the riots in France's poor neighbourhoods.

Measures included a clampdown on French rappers. A conservative lawmaker blamed music groups for stoking the riots. (see e.g. <http://freemuse.org/sw11561.asp>)

In 2005 a Jamaican reggae star's (Capleton) concerts were cancelled by six French music venues because of his lyrics against homosexuality.

Germany

Due to regulations of the protection of minors, in 2004, the "Bundesprüfstelle für jugendgefährdende Medien" (Federal Inspection Authority for youth endangering Media) indicated 368 music titles as morally harmful to young people. These music titles could not

be exhibited publicly in retail, and only sold to customers above the age of 18. They cannot be imported nor exported and cannot be promoted or advertised in media that are accessible to minors. This sort of regulation applies to almost all member states of the EU.

In Germany (and Austria) authorities especially mind music being employed for sedition as well as insulting behaviour against minorities and religious communities. The denegation of Holocaust is a criminal offence, certain national socialist songs are forbidden.

There have been several police actions against people suspected of posting neo-Nazi music files on the internet. Publishing Nazi slogans and materials are crimes punishable by imprisonment under German law.

Some artists publishing on the Hip-hop-Label "Aggro" have been forbidden.

Greece

There is no purposely or intended oppression of musical diversity by the government or the Orthodox Church in Greece. Minority issues are still likely to produce conflicts. Until today some of the hard censorship laws of former (totalitarian) times still exist, but are hardly applied.

In 2005, a private television station censored the performance of the known *rebetiko*-singer Agathonas Jakovidhis by covering "morally dubious" words in the lyrics that were about the smuggling of drugs with whistling sounds. That caused very critical reactions in the daily press, people felt reminded of the times of the Junta (1967-1974), where songs about drugs were forbidden. (report of Daniel Koglin)

Spain

In general, freedom of expression seems to be guaranteed in Spain, though there are reports about Basque musicians, film makers and Basque media being subject to increasing censorship. Basque musicians had to cancel concerts due to pressure by the Association for the Victims of Terrorism (AVT) that complained about the lyrics of some song humiliating the victims. (<http://www.freemuse.org/sw15505.asp>) The famous musician Manu Chao cancelled a show in 2003 because he didn't want to exclude a Basque member of his band with an ETA history. (<http://www.freemuse.org/sw5329.asp>)

Sweden

No reports about violation of Human Rights. Swedish authority is increasingly aware of the fact that there are a lot of music producers producing, selling and exporting neo-Nazi music, but bans contradict the freedom of opinion.

Turkey

The situation of Human Rights in Turkey is disputable. Despite several reforms there are reports about a broad range of restrictions to the freedom of expression and the freedom of press. Government, society and justice still have a tense relation to pluralistic diversity of opinion. The new penal law allows sanctions, e.g. article 305 bans activities against basic national interests, which can be prosecuted with 3 to 10 years of prison. Examples for this kind of activities are the expression of the claim for the pullout of Turkish troops from Cyprus, the diffusion of the idea of genocide on the Armenians and the violation of the memory of Atatürk. This law does in fact censor a critical debate about Turkish history.

The still continuing oppression of Kurds and other minorities in Turkey is based on Atatürk's philosophy of the new Turkish state: "One nation, one language, one culture." There are reports about prosecutions of journalists, musicians and TV producers as well as the ban on journals. RTÜK, the Supreme Institution for Radio and TV has the authority of temporary banning radio or TV transmissions for days, months or years. This results in self-censorship so that direct censorship is not necessary at all. There are newspapers reports about the Gendarmerie having taken people into custody during a wedding because they were singing songs in Kurdish despite the fact, that the Kurdish language is no longer forbidden. There are auditing commissions of the Turkish Ministry of Culture on the phonogram industry. Producers have to acquire a general producer's licence and a permission document for each production. They need a signed document declaring that nothing in the production contradicts the "Rules of Audition" as well as accepting complete legal responsibility for the lyrics, if they are not in Turkish. (Freemuse)

Ukraine

Roma activists employ cultural events like the annual Amala Festival of Roma Culture in Kyiv to resignify representation on their own terms and negotiate publicly historical power relations between Roma and non-Roma in Ukraine. Minorities in Ukraine appear to be parallel universes rather than integrated into the public sphere. The situation of Roma in Ukraine has not improved despite the efforts of Roma NGOs.

(www.ecmi.de/download/report_4.pdf, <http://www.errc.org/cikk.php?cikk=2251>) Roma NGOs provide services that should be in the responsibility of the Ukrainian government, these include protection of Human Rights, access to un-biased media, access to education, social security etc. Ukrainian government has been able to ignore these issues to a certain degree because Western development organizations working through Roma NGOs have been addressing these problems in its place.

United Kingdom

The situation concerning Human Rights the context of anti-terrorism legislation is said to be the worst in whole Europe in: imprisonment without hearing, imprisonment at home without access to mobile phone or internet. (see http://hrw.org/un/chr59/counter-terrorism-bck4.htm#P317_75109)

There are reports about single incidents limiting artistic expression: the British singer Steven Patrick Morrissey, previously lead singer of the rock group The Smiths, criticized the US-led war in Iraq and called the American president George W. Bush a "terrorist". In the end of February 2006, he said that the American the Federal Bureau of Investigation (FBI) and the British intelligence 'Special Branch' have investigated him.

(<http://www.freemuse.org/sw12515.asp>)

28-year-old US-based Deeyah is a Muslim pop singer born in Norway. Her new song "What Will It Be?" centres on women's rights and talks about the death threats she has received. Her video has been taken off air and banned by a British Asian TV channel as they received threats to their staff for airing her music video.

(<http://www.freemuse.org/sw12485.asp>)

The links between musical diversity and economic development and the fight against poverty

2.1 Music Assisting in Non-Musical Development

We understood this question in the following sense: music assisting in non-musical development that means in non-cultural development, ergo economical development. We don't know of any explicit governmental programs in Europe that use music to assist in non-cultural development. Music is, of course, used broadly, in the widest sense "to attract people" – in commercials, advertising campaigns and in tourism. E.g. Festivals form very important attractors of money and dynamic motors for local economies, and are seen as such (we don't report festivals in question 2 in detail, for more information see question 6).

2.2 Government or Agency Action to Develop the Music Industry or Aspects of it

There are several governmental support programs for the music industry throughout Europe. The extension and intensity as well as the financial equipment of these programs differ a lot from country to country.

The general tendency is that there is more awareness of the music industry being an important economical sector in Western and Northern European countries like France, United Kingdom and Sweden.

One of the problems that often obstruct actions and initiatives to develop the music industry is the fact, that the actors – governments, music business, music workers and the economies – do not agree on whether music, particularly non-classical music, is to be seen as cultural expression, or as commodity or service. Whereon depends how the music industry is treated, e.g. if it is seen as part of the "normal economy", which does not need any special support apart from the usual economy policies. The lack of clarity in this question or the unwillingness to agree on the fact, that music can be both – cultural expression AND commodity as well as service - can lead to a standstill or a neglect to deal with the special challenges of the music industry on the part of the national government (as is the case in Germany).

ALBANIA

There is an Albanian music industry since 1992, but no governmental promotion. There are no actions or measures to support tourism or other non-musical economic sectors by the means of music. There is almost no information about the music market. There is no youth work that employs music.

AUSTRIA

IP ImpulsProgramm creativwirtschaft is a recently initiated support program funded with 3.8 million € up to the end of 2005. It focuses on music, multimedia and design. It is part of a national strategy that aims to encourage the innovation potential and competitiveness of Austrian enterprises in the CI-sector as well as increasing the number of enterprises and jobs in this field. (<http://www.impulsprogramm.at/>)

In 2005, the Austrian Fund for Music (Österreichischer Musikfonds) has been funded. This is a public-private partnership initiative between the Arts department of the Federal

Chancellery and main institutions in the music sector. The aim is to promote distribution and marketing of professional Austrian music productions in Austria and abroad with 600.000 € per year. (<http://www.musikfonds.at/>)

The Vienna City Council founded the "Departure wirtschaft, kunst und kultur gmbh" ("departure economy, arts and culture Ltd.") in 2003. This is meant to be an economic support and service office for the approximately 18.000 enterprises in the creative industry in Vienna. "Departure" has been granting subsidies of 7 million € in the period 2004-2005 in the fields of fashion, music, multimedia and design.

(<http://www.departure.at/projects/departure/main.jart?rel=de&reserve-mode=>)

BULGARIA

"In the past few years, the culture industries in Bulgaria have been increasingly perceived as a sector with an important contribution to local, regional and national development, and an impact on the local labour market. A Council of Europe funded pilot project on "Cultural Diversity and Cultural Enterprise" was launched in Bulgaria in 2001. This project implemented in close co-operation with the Euro-Bulgarian Cultural Centre was designed to analyse Bulgaria's potential in the sphere of culture industries and identify possibilities for their development. Culture industries include traditional industries (radio and television, recording industry, filmmaking and publishing), as well as cultural activities which are on the boundary between traditional arts and new flexible forms of creativity in the media, advertising and design. Stage two of this project (carried out in 2002) targeted media and enterprise in this field; developing specific models of funding and, in the longer term, creating an agency for the development of the culture industries. The development of culture industries at the regional and local level is also a priority in projects under the PHARE Economic and Social Integration Program (education and establishment of information centres for the Roma population). In the period 2003-2004, 19 regional projects were implemented under PHARE (BG 0102.03) - "Development of Cultural Tourism in Bulgaria " with a total budget of 4 726 000 euro." (quoted from ericarts Bulgaria p. 13f.)

CROATIA

Tourism is a little bit connected with music, klappa singers are employed for advertising on tourist exhibitions. Music is not valued too the same extent as sports is from an economic perspective.

EU

The European Union supports music networks, especially the networking of national music export offices, which already exist or are about to be set up in a lot of European countries (e.g. France, Finland, Austria, Germany, Hungary, Spain, Norway, Sweden, United Kingdom). These offices are often set up on the initiative of the national music industries and often receive assistance from public bodies. A good example is the FMEO - French Music Export Office, a non-profit organization aiming to promote French music abroad. It coordinates French representation at all the major international tradeshows, helps in creating links between French and international businesses in the music industry in a network of offices in 9 countries worldwide. It provides financial support to record companies for promotion, tours and the production and adaptation of videos for export markets. Funding comes from French record companies, the French government (the

Ministry of Foreign Affairs, the Ministry of Culture and Communication, and the French Association for the Promotion of the Arts), and many professional organizations.

<http://www.french-music.org>

The EU emphasizes especially the trial of new forms of Community action in the field of cultural cooperation (<http://europa.eu/scadplus/leg/en/lvb/l29016.htm>), particularly through experimental projects that are meant to encourage the European music industry in its efforts to promote music produced in Europe.

(ec.europa.eu/culture/eac/archive/pdf/consult_en_fin.pdf)

The EU also supports ECHO, a network of concert organisations. ECHO brings together those in charge of 13 concert organisations and cultural centres in Belgium, France, Germany, the United Kingdom, Greece, Sweden, Austria and the Netherlands. ECHO is a forum for the exchange of ideas and suggestions as well as the conceptualization of international projects.

FRANCE

The growth of domestic sales in France seems to have been the result of large levels of support from the French government. French artists receive social security, unemployment benefits and subsidies for touring and rehearsing spaces. Very important for the development were also the broadcasting quotas of 40% francophone music in French radio in the context of the promotion of the French language. The FMEO, the French Music Export Office, is mentioned above already. Here are some further examples of activities to support the music industry:

MFA - Musique Française d’Aujourd’hui (French Music of Today) - The program MFA was started in 1978 to promote contemporary French composers by encouraging in particular the recording of contemporary music. MFA’s aid is targeted at contemporary music recordings. Initiative for MFA was taken by Ministry of Culture and Communication, Radio France, SACEM (collecting society) and SACD (Société des Auteurs et Compositeurs Dramatiques). (www.musiquefrancaise.net/)

FCM - Le Fonds pour la création musicale (Fund for musical creation) - implements assistance programs for music professionals in all repertoires (Jazz, Classical, Contemporary, Traditional, World Music, and Music for Children). Through these programs different music activities are supported (recording, performing, training, audio-visual presentation, national and international festivals etc.). <http://www.lefcm.org>

IFCIC – L’Institut pour le Financement du Cinéma et des Industries Culturelles (Institute for Financing of Cinema and Culture Industries) - The IFCIC supports the cultural industries (including the music industry), by facilitating financing, by offering guarantees against loans given to the cultural industry. IFCIC also helps very small cultural enterprises by providing assistance in preparing loan demands. These guarantees help to limit the risk by entrepreneurs in the cultural sector. In 2003, 22 loans against risk were guaranteed to enterprises in the music sector, for a value of €1.9 million. The IFCIC is funded by the French Ministry of Culture and Communication. <http://www.ifcic.fr/pc/accueil.htm>

GERMANY

Though music and festivals have multifaceted links to tourism, culture and recreation in Germany, in general, there is no special governmental regulation or funding for the cultural industry that differs from other sectors of the economy, except for a reduced turnover tax rate. Strategic public-private-partnerships between the public and private sector are

increasing on cultural projects. The cultural industry is seen as a factor of growth in times of economical decline. There are governmental efforts to promote the private cultural industry not only by tax relief or similar privileges, but also directly e.g. through the subsidy/support of a music export office "German Sounds" (<http://www.germansounds.de>), though compared with the French Music Export Office, its extension (2,5 employees) and the financial support by the government (that is supposed to be cancelled soon) seems to be quite humble, considering that Germany is one of the biggest music markets in Europe. At the moment, there are efforts being made on the part of the Beauftragte der Bundesregierung für Kultur und Medien (Minister of State in the Federal Chancellery and Commissioner for Cultural and Media Affairs) Bernd Neumann to support the German cinema. Inquiries and claims to install something similar for the German music industry were not yet taken into consideration and seem to stay unheard. There are as well ongoing discussions about the importance of the cultural sector for the job market but with no result and no sustained practical impact.

GREECE

In summer there are lots of festivals in smaller and bigger towns as well as in some villages that are funded by the Greek government. For a list see <http://dir.forthnet.gr/512-0-en.htm>. These festivals address Greek and foreign audiences and are employed to promote tourism in the areas.

IRELAND

There seem to be no special governmental actions or measures to promote the Irish music industry, though the Business Expansion Scheme for Music gives tax relief to investors in new and emerging musical acts or groups.

http://www.arts.gov.ie/arts/music/bes_guidelines.html

Music festivals in Ireland are actively marketed by the national and regional tourist boards. And the Irish Department of Arts, Sports and Tourism also funds the Culture Ireland program which aims to promote all forms of Irish culture and cultural expression to an international audience. http://www.arts.gov.ie/arts/Culture_ireland.html

NETHERLANDS

The Netherlands have several programs and actions to support the Dutch musical industry, and music is seen as an important economical factor. We would like to present some Dutch examples a little more extensively here.

In the Netherlands, the music genre "Dance" is regarded as internationally viable genre and international Dutch success; it is said, that the government is very generous in the permission of licences to venues and events, because supposedly Dance creates about 11.000 jobs and produces a turnover of about 0.5 billion € every year. The minister of finance even speaks about "feest als exportproduct" - the party or event as an export product. The "Belangenvereniging Dance" (<http://www.b-v-d.nl/>) founded in 2003 is the first association of Dance-organizers in Europe and brings together those organizers working in the Netherlands. The association aims particularly on the issues of security, health and professionalization of the sector.

The Fonds voor Podiumprogrammering en Marketing (Fund for programming and marketing of venues)– FPPM – subsidizes since 2001, Dutch venues for theatre, cabaret, jazz, chamber music and pop music. It is a relatively new fund that developed by the

merging of different institutions like the Theater Netwerk or the Nederlands Impressariaat. Its aim is to give impulses to increase quality. The FPPM is the first governmental institution that helps venues and wants to ameliorate the collaboration between them.

(<http://www.fppm.nl/>)

One of the programs of the FPPM is the Nederlands Popmuziek Plan (Dutch Popmusic Plan). The Nationaal Pop Instituut (Dutch Rock and Pop Institute, see below) presented it in 1984. It is a system of subsidies, where venues can be supported in the payback of the losses they make through concerts of newcomers or lesser known Dutch bands. The venue gets subsidy, if the real costs are higher than the income from ticket sales. The FPPM then gives a certain amount of the loss to the venue up to a fixed maximum, so that the financial risk for the venues is smaller. This plan increased the possibilities for bands to develop their performance on stage and contributed to the professionalization of venues. In 2001, the Dutch Pop Music Plan was extended with regulations for small venues, big venues and festivals.

The Nationaal Pop Instituut (Dutch Pop and Rock Institute, DPRI) was established in 1975, and is funded by the Dutch Ministry of Education, Culture and Science. Its mandate is to promote Dutch music in the Netherlands and abroad. The Institute promotes all genres of popular music: pop, rock, hip hop, urban, dance, crossover, roots and world music. The support and subsidy division of DPRI aims to stimulate performances by Dutch artists and bands within the Netherlands. (cit. from "International Review of Support Measures for Sound Recording: 2004" http://www.canadianheritage.gc.ca/pc-ch/pubs/sonore-sound/pb-net_e.cfm) <http://www.hollandrocks.com/>).

"Help Nederlands Pop naar de top!" – In winter 2005/2006, the Dutch pop music sector started the action "Help Nederlandse pop naar de top!" ("Help Dutch Pop to the top!") to support the initiative note "Oorstrelend en Haartveroverend: Kwaliteit en diversiteit in de Nederlandse Popmuziek" ("Earstriking and Heartconquering: Quality and Diversity in the Dutch Popmusic") by the member of the Second Chamber Arda Gerkens. This initiative was organised by the Muziekplatform Nederland (musicplatform Netherlands), which is a collaboration of all important parties in the music sector: music industry, retail, authors, managers, venues and festivals. It was also supported by Musicfrom.nl (<http://www.musicfrom.nl/>) en LiveXS (<http://www.livexs.nl/>), two Dutch online-music-magazines and –platforms.

Ada Gerkens note contained four main points: she claims a new fund similar to the Canadian "New Musical Works Program", which subsidizes recordings of CDs, promotion and marketing of CDs en the production of videoclips. Secondly, she claims an increase of the growth of the percentage of Dutch products in radio and television, and thirdly structural subsidy for "musicXport" - which aims to improve the position of Dutch artists abroad, and more money for "Toursupport" measures. Further on, she demands the decentralized authorities to give money to the development of a new pop administration. Up to now, the results of this note are the following: The state secretary for Culture, Medy van der Laan, reacted positively to it, but does not want to give any extra money to the pop sector. She will research if a new fund could be a senseful addition. Concerning a quota of Dutch music, she said that due to European legislation it is not allowed to have a quota on Dutch products, but indeed for music in Dutch language. Concerning more money there will be no change. There will be extensive discussion with the Association of Dutch Communities about the contribution of decentralized authorities.

<http://www.conamus.nl/page.php?pageAlias=cona.nl.news&newsId=1500>

<http://www.musicfrom.nl/popnaardetop/>

MUSICXPORT.NL - *"MusicXport.nl is an initiative from Conamus and the Dutch Rock And Pop Institute which aims to improve the position of Dutch artists abroad and enhance their possibilities. This happens by means of contact with and giving information to: agents, promoters, festivals, record companies, media and promotion agencies. MusicXport.nl also supports releases and gigs with relevant forms of additional promotion, advice and analysis of plans with regard to the appropriate foreign market. In the period 2001-2004 musicXport.nl's focus was exclusively on Germany.*

In 2005 musicXport.nl will be continued with restricted means. Contrary to previous years there will be no set musicXport.nl selection in 2005. New is the fact that the arrangement not only applies to Germany anymore but also to the rest of the world. Applications can be filed throughout the year and will be attended to as long as there are means. When selecting the applications for support, musicXport.nl bases its case on the following criteria:- The music must have Dutch copyright.- The artist involved must be successful in his/her native country.- The artist involved must have full support of the Dutch company, music publisher and management.- Foreign companies/partners need to be in agreement with the Dutch companies/partners and must commit themselves to musicXport.nl's supporting promotion/marketing plan.- The artist involved must be available for promotion in the designated country. The artist will hand in a long-term promotion/marketing plan on which the support will be based. MusicXport.nl will focus itself on additional support. It has no intention of taking over the job or financial support of existing parties like record companies or management."

(quote from the website: http://www.musicxport.nl/index_en.php)

NORWAY

All Norwegian musical life is sponsored by government. This policy applies since 1974. As Norway is a very small country, the state sees its responsibility in protecting Norwegian culture from the strong influences of bigger nations.

The Norwegian Concert Institute "Rikskonsertene" is the main institution organizing concerts throughout Norway. The very active institute is funded through tax budgets. Rikskonsertene supports regional music and young musicians. Today there is pressure on the institution to become more self-financed (see section 4.3).

Norwegian music is sometimes used to promote Norwegian companies. The Hydro company – one of the world's largest offshore oil companies as well as a big aluminium producer – funds the Oslo Philharmonic Orchestra. <http://www.hydro.oslophil.com>

RUSSIA

An example of music being employed for non-musical development would be the festival Sayan Ring in Krasnojarsk region, which is the only international music festival in Siberia and was designed to develop the region and attract international tourists (s. section 6.2).

SLOVENIA

Music is commercially used in tourism e.g. in the context of the Lent Festival in Maribor which programs Slovenian music and some foreign music.

SWEDEN

As Sweden is the third biggest music exporting country in the world and Swedish pop music is a successful export article, there is no direct governmental subsidy or promotion of the Swedish music industry. It is only indirectly promoted by business development in general. This is an important new notion in the Swedish policy. Swedish "music workers" are integrated in this program, e.g. in the context of advertising.

Export Music Sweden (ExMS), the Swedish music export office, was formed in 1993 by the major bodies within the music industry (IFPI, SOM, SAMI and STIM) who also finance the "every day activities". The office was formed for initiating, assisting and facilitating the promotion and marketing of Swedish popular music world wide.

<http://www.exms.se>

TURKEY

In Turkey, music is as well employed to promote a positive image of the country as to promote tourism. In all provinces and a lot of villages local traditional festivities are celebrated, though they tend to have lost their original sense and are broadly integrated into cultural tourism industry, e.g. in the context of the Istanbul Festival

<http://www.iksv.org/english> Turkish music industry is broadly supported and not very much regulated.

UKRAINE

In the Ukraine the practice of involving musicians in political processes is wide spread. This is an important aspect of the development of the music industry in Ukraine since much money is spent on election campaigns.

In 2005, the Eurovision song contest took place in Kiev. In its context, special Visa regulations were in power as EU and Swiss citizens were allowed to enter the country without visa.

UNITED KINGDOM

UK's music industry is the third largest music market in the world, it is estimated, that British music sales represent 15% of the global music market. The subsidised sector is mainly supported by funding through the Arts Council of England.

There is a government's work program for the music industry which focuses on four key areas: Creative Growth, Increasing Exports and Exploiting World Markets, Finance, and Removing Barriers to Small and Medium-Sized Enterprises. The Department for Culture, Media and Sport (DCMS) works with the industry helping to encourage the development of new talents, which is recognized to be essential for the further development of the music industry. Therefore in 2003, the Live Music Forum was established following the passage of the Licensing Act 2003. The Forum includes representatives from the music industry, the Arts Council, grass roots music organizations, local authorities, small venue operators and Government. It aims to promote the live performance of music and works towards the implementation and monitoring of reforms relating to live music. It will commission and consider research on live music in Great Britain and make recommendations to the British government based on this research and expertise.

http://www.culture.gov.uk/creative_industries/music/livemusicforum.htm The government aims to sustain and develop the country's position in existing and emerging markets

throughout the world. The Music Exports Group (MEG) – a joint cross-Government/Industry Forum - has been established.

http://www.culture.gov.uk/creative_industries/exporting_the_creative_industries/creative_exports_groups.htm

The Department for Culture, Media and Sport has funded a research project, undertaken by Kingston University's Small Business Research Centre, to look at the problems faced by small business in the music industry in accessing finance. The report aims to identify the finance options available, the barriers to accessing these options, and ways in which industry and Government might best overcome these barriers.

http://www.culture.gov.uk/global/publications/archive_2001/banking_on_hit.htm The department maintains a living document that serves as Music Money Map, which can help small and medium enterprises with finding funding.

2.3 Use of music to alleviate poverty or the conditions contributing to poverty (Projects)

In Europe, the use of music to alleviate poverty can mainly be found in single projects and private initiatives of businesses or persons. We didn't find any explicit big governmental projects or actions instrumentalizing music in the fight against poverty in Europe.

The transition between question 2.3 (the use of music to alleviate poverty) and 3 (links between musical diversity and the promotion of peace) is floating. Actually, any evaluation on the impact and the use of music to alleviate poverty and social inequity or injustice should take into consideration church musics, amateur musics as well as music therapy and the integration of music in health care, social and youth work, which is, of course, a wide field and a detailed report of these sectors would take too much space in this report.

There are a lot of tribute concerts for the benefit of the most diverse persons, groups, regions and organizations, and on the most diverse occasions, reaching from tribute concerts for the victims of the Tsunami catastrophe in Asia to the release of CDs for a good purpose at Christmas or on other occasions, or just think about the new edition of "Live Aid" as "Live 8" in July 2005 (s. below).

So, in the following, we present an arbitrarily chosen small selection of very diverse projects that could be seen as typical examples for a lot of similar activities.

HIP HOP MOBIL, GERMANY

Hip Hop Mobil is a youth project of the Arbeitskreis Medienpädagogik e.V. (working group media education) in Berlin, supported by the Berlin City Administration's Education Section for youth and sports, founded in 1993. The Hip Hop Mobil does not make open youth work; the artists pass on their knowledge and skills. They see the advantage of their activities in the fact that they are not social workers, which eases the approach to the youngsters. The artists of the Hip Hop Mobile give workshops in DJ-ing, break-dancing, rap and graffiti arts in public schools. They also provide a small mobile sound studio for recordings of young rappers as well as recordings in schools and youth centers. The Hip Hop mobile cooperates with several crossover projects in- and outside Berlin and on international level, it is led by active performing MDs, DJs and breakers "from the scene". Despite the fact that rap music today is accepted as a contemporary form of black music, hip hop remains a minority culture that attracts particularly youngsters with a foreign or

migrational background as well as socially disadvantaged persons. "Posses" and "crews" form social communities that defy external as well as governmental control.

<http://www.hiphopmobil.de>

OPINION SUR RUE, FRANCE

The French CD-project "Opinion Sur Rue" (opinion on the street) presents "music of the street" like rap, reggae, R'n'B and Raï. It was produced in 2003 in the context of the "International Day of Children's Rights" and features five well known artists as well as nine new talents from all over France, amongst others Cheb Mami and the Saian Supa Crew. The CD was realized by Saiffallah, Saiffédine Ben-Younes and Mahdjoub Keddi from the group K.Libre 13 and was sold for the benefit of the humanitarian associations "Un Regard, un Enfant" that aims to help disadvantaged children in France and worldwide. In France, the association helps with school materials for the poorest families, abroad it helps renovating and constructing schools, e.g. in Morocco. A second volume of "Opinion Sur Rue" was released in 2005. The revenues go to the association "J'ai un rêve" (I have a dream), which aims to accompany youngsters with family or school problems in the context of schools, community houses and other public social structures, provide children with the tools to participate in sports or performing arts to help them to be able to express themselves and develop a vision for their future, encourage cultural exchange between French children and children with different cultural backgrounds by creating, organizing and producing sport and artistic events as well in France as elsewhere, help and accompany village projects in the Third World or developing countries, work for the funding of these projects etc.

<http://www.opinion-sur-rue.com>

<http://www.jai-un-reve.com>

KINETIKA BLOCO, UNITED KINGDOM

The KINETIKA BLOCO is a group of some very talented and motivated young musicians in London who perform music on the road to accompany the carnival processions Kinetika, a mas(querade) band association. The young people are aged 14 and upwards and come mainly from schools and colleges in the quarters of Southwark and Lambeth. They mostly have a migrational and often disfavored background. The musical quality is very high, though the main demand and objective is to be a social project helping young people to develop self-consciousness, and social as well as musical skills.

Starting from relatively small beginnings for the 2001 Celebrate South Africa project (40 young drummers and brass players) the Bloco has grown into the largest standing youth Bateria in Great Britain.

The Bloco is a group of young people who gather together each summer to take part in a two week summer school. They take part in drumming, brass and dance workshops and make their own costumes to perform in the Thames Festival. The Bloco has also taken part in many other different carnival projects over the last five years from the Isle of Wight Carnival, Canterbury carnival, Brighton Samba Encounter to concerts at the Royal Festival Hall, London.

<http://www.kinetika.co.uk/pages/bloco/bloco.htm>

CHARITY CONCERTS, CROATIA

During the war 1991-1995 all concerts were charity concerts e.g. for the blind, for veterans, the deaf or for children. Today you find charity concerts for invalids and for hospitals.

PARTY AGAINST POVERTY, EUROPE

This is an initiative of different clubs, venues and DJs all over the world in support of the Global Call to Action against Poverty. On 10th September 2005 a party was celebrated in 16 cities across 8 countries in order to bring this movement to the dance floor and encourage activists. The party was celebrated in Amsterdam, Edinburgh, Ibiza, Johannesburg, Lagos, London, New York and Paris.

<http://www.partyagainstpoverity.org.uk>

DOWNLOADDAY, NETHERLANDS

On 29th November 2005, for one single day everyone with access to the internet was able to download music of known Dutch and foreign artist for free. The artists "gave away" their music for a good purpose. This was an initiative of the developing organization Novib and Download.nl, a site of ilse media. Novib does already take action for fair trade relations between rich and poor countries for a long while and has been supported by bands like Coldplay and U2. On the website <http://www.downloadday.nl> music lovers could download their favorite music in exchange for their voice for fair trade. They were able to sign the "Big Noise" petition of Novib. Novib wanted to give in the petition on the top conference of the WTO in Hong Kong.

RHYTHM IS IT, GERMANY

"Rhythm is it" is a project which finally resulted in a film by Thomas Grube and Enrique Sánchez Lansch that documents an ambitious education project of the Berlin Philharmonic Orchestra in 2003. Two hundred and fifty Berlin school children of varying ages, ethnicities and backgrounds with virtually no experience of classical music or modern dance performed to Stravinsky's *Sacre du Printemps*, under the guidance of the British choreographer and Artistic Director of Dance United, Royston Maldoom and accompanied by the Berlin Philharmonic Orchestra under its chief conductor, Sir Simon Rattle participated in the project. The film documents the three-month rehearsal period and culminates in the final performance.

The film opened in September 2004 and has been shown in cinemas all over Germany. It has also been screened at a number of International Festivals including Berlin, Munich, Sydney and Edinburgh.

<http://www.rhythmisit.com/>

UNITED AGAINST MALARIA, SWITZERLAND

The 60th birthday of the United Nations was celebrated with a special concert on October 8th 2005 in Geneva, with many international stars performing like Youssou N'Dour, Gilberto Gil, Tiken Jah Fakoly, Peter Gabriel, Neneh Cherry, Rokia Traore, Anggun and Manu Katche. This action was called "United against malaria". It was also an appeal to end one of the world's worst pandemics. The Radio France International music program World Tracks covered the two-hour exchange and produced a forty-minute, two part special for the occasion.

http://www.unitedagainstmalaria.org/index_e.html

PROFESSIONELE ZORGPEDIA IN OOST-NEDERLAND EN ZEELAND, NEDERLAND

(PROFESSIONAL PERFORMANCES IN FOSTER OR NURSING HOMES IN EAST-NETHERLANDS)

The Stichting Muziek in Huis (Foundation Music in the House) initiates and organizes concerts of classical music, particularly chamber music in foster or nursing homes. The aim is to promote and support musical activities particularly in the health care sector.

<http://www.stichtingmuziekinhuis.nl/>

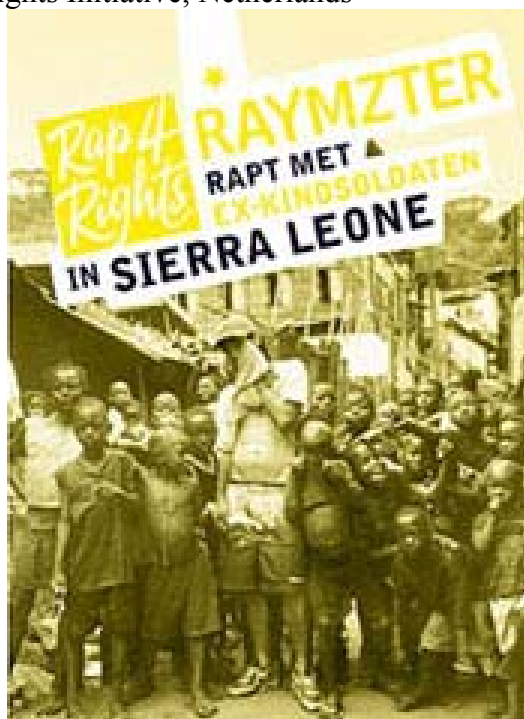
"Wat zou je doen" ("What should you do"), Netherlands.

Marco Borsato, a famous Dutch pop musician, and the rapper Ali B, produced the single 'Wat zou je doen', that came out on 17 september 2004. It has been in the charts in Holland on number 1 for 8 weeks. All proceeds of the single will go to War Child Holland.

<http://www.warchild.org/artists/Music/music.html>

www.borsato.nl or www.alib.nl

Plan Netherlands Rap4Rights Initiative, Netherlands



Rap4Rights is an initiative committed to a global campaign of making the issue of children's rights known. It uses rap music and social activism to speak to politicians and educate them about the sometimes disastrous situation of children and the need to restore their dignity, protect the adherence of their rights. The initiative seeks to empower the participating Dutch rappers to make a difference in the lives of others.

The rap artists travel to Africa, Asia and Latin America and make contact with children living under extreme circumstances, meet youth workers, war affected youngsters, child soldiers and youth gangs. They collaborate, create music and talk about the issues of recovery, rehabilitation, trauma healing, HIV/AIDS, conflict resolution, human rights and

peace building. The tour includes, amongst others, Indonesia, Sierra Leone, Honduras, and Guinea.

<http://www.learnsierraleone.org/pages/partner/partnerships.html>

LIVE 8, G8 NATIONS AND SOUTH AFRICA

Live 8 took place in July 2005, it was a series of benefit concerts, re-using the concept of "Live Aid" in 1985. The concerts took place in the G8 nations and South Africa. The shows aimed to put pressure on world leaders and politicians to drop the debts of the world's poorest nations, negotiate fairer trade rules in the interest of poorer countries, and increase and improve aid. They were running parallel with the Make Poverty History campaign in the UK and timed to precede the G8 Conference and Summit held at the Gleneagles Hotel in Perthshire, Scotland from July 6-8, 2005. More than 1,000 musicians performed at the concerts, which were broadcast on 182 television networks and 2,000 radio networks. There were ten simultaneous concerts held on 2 July and one on 6 July.

<http://www.live8live.com/>

3 The links between musical diversity and the promotion of peace

GENERAL

As the following examples from contemporary Europe show, music can, of course, be associated with both: peace and war, social harmony and social disharmony. For example, the Ukrainian Orange Revolution was associated with music, but the opposite side, the party of Janukovich, employed music as well. Musical diversity (in all our definitions) in contrast to music in general, however, tends to be associated with the promotion of peace and social harmony everywhere in Europe. Apart from the projects mentioned below there are many similar projects which we do not present here. Our focus lies on projects, because here, the association with peace and war, harmony and disharmony is particularly evident. This link between the two spheres becomes most obvious in projects aiming at the integration of people which have been or still are in a conflict situation, such as in former Yugoslavia or in the case of Israel/Palestine. Many projects of this kind are brought into life not by the government, but by NGOs, associations and other private organizations. There is a transitory zone between projects aiming to reduce social disharmony and projects seeking to fight poverty. Therefore, there might be some overlappings with section 2. As well, there is a certain correlation of this section with section 5, which deals with the promotion of non-pluralistic musical identities.

Albania

In 1997 with the collapse of the pyramid scheme many Albanians lost their savings, economy collapsed and riots broke out. Some 2000 people died. The situation was out of control and close to a civil war. An interviewee recalled a scene where music served as a symbol for peace and marked the beginning of normality after the riots had ended. In Vlorë, a city in the south of Albania, and at that time practically a ghost town, normal people of different backgrounds (policemen, a shepherd etc.) joined to perform a concert. The fact, that a concert was held, symbolized the end of the riots for the population of Vlorë. It was a

dramatic event for them, and many people cried. *Jehona Labe*, the performing ensemble, is still known today (personal communication Ardian Ahmenaja)..

Austria

The song contests "Musik gegen Gewalt" (music against violence) could serve as example here. It is organized by Point of Music, an association for the promotion of musically talented children in cooperation with the Austrian Federal Ministry for Education, Science and Culture and other state institutions and private sponsors like a banking house.

For the 2003/2004 edition of the contest Austrian pupils of a certain age (born from 1984 to 1993) were invited to submit a composition, performance, or a video clip etc.

Belgium

FESTIVAL TEN VREDE IN DIKSMUIDE, FLANDERS

The Festival *Ten Vrede*, literally "to peace", is held annually in Diksmuide, Belgium, at the Ijzer Tower. This monument is the symbol of the Flemish struggle for emancipation. It was built after the First World War in memory of the Flemish soldiers resisting the German aggressor in the trench war behind the River Ijzer. During the war, most Flemish soldiers had become advocates of Flemish emancipation. In the army a majority of low rank Flemish soldiers were opposed to a small number of French speaking officers. In this location with its historical meaning the Festival *Ten Vrede* develops a strong pacifist message. The festival also criticizes suppression, oppression and violence in general.

The festival includes a competition wherein the participating young artists and bands have to present at least one song for peace or against war. The finals always take place on Easter Monday in a youth club in Diksmuide. The festival itself is held on three to four days in late spring. There are e.g. performances of Flemish singer-songwriters like Wannas Cappelle with his band Het Zesde Metaal (The Sixth Metal) and songs in West-Flemish, guests like Bob Geldof, cabaret performances, performances of folk and world music, folk dance. (<http://www.tenvrede.be/>)

MUSIQUE ESPÉRANCE

Musique Espérance – Music Hope is an NGO which lobbies music, youth and peace. This organisation works in hospitals, in children's' homes, old people's homes, schools in disadvantaged quarters and in prisons. It organises concerts as well as workshops on music. The organisation stands for music as universal language and for Human Rights and dignity. The organisation was started in France and works amongst others in Belgium and Argentina. (<http://www.musique-esperance.org>)

MUSIC FUND

Music Fund collects playable musical instrument which are not used anymore in Europe and distributes them to support young musicians in areas of conflict and the developing world.

In 2005 300 instruments were brought to schools cities such as Nazareth, Nablus, Ramallah, Bethlehem and Gaza. Music Found cooperates with the Barenboim-Said-Foundation.

Music Fund is an initiative of Belgian NGO Oxfam-Solidarité and the Belgium music ensemble Ictus. It is supported by the Flemish Community, the French Community and the Federal Government of Belgium and other private sponsors.

(<http://paironisrpal.canalblog.com/archives/2007/01/05/3615835.html>;
<http://www.musicfund.be>)

Croatia

At the beginning of the war in the 1990s most repertoires called for peace in official media. On the battle fields, however, they were provocative songs. Later the provocative music was played in the official media because people demanded this music.

In today's Croatia so called "ethno music" or "world music" is associated with peace. (personal communication Grozdana Marosevic)

France

HIP-HOP AND VIOLENCE

In connection with the riots in the French suburbs 201 French members of parliament under the leadership of the conservative François Gosdidier (UMP) called upon the French minister of justice, Pascal Clément, to submit French Hip hoppers to court because of racist attitudes and the glorification of violence in their lyrics. The hip hop Crews *Le 113*, *Ministère Amer* and *Lunatic* as well as the rappers *Smala*, *Dabe*, *Salif* and *Monsieur R* are accused to praise "racism under the disguise of anti-racism" and to agitate their audience to the riots in the suburbs.

Other voices defend French Hip hoppers because they have been criticizing the situation in the suburbs for a long time.

Germany

WEST-EASTERN DIVAN ORCHESTRA

The Israeli conductor Daniel Barenboim has been working in Germany for a long time. He was conductor in the Bayreuth Festival from 1981 to 1999. Since 1992, he is the art director and musical director of the Deutsche Staatsoper Berlin (German State Opera Berlin). He received awards for his political music projects aiming for a better understanding of the Israeli and Palestine population. One of his projects is the *West-Eastern Divan Orchestra*, an orchestra that Barenboim founded together with the Palestinian literary critic Edward Said. It is composed of young musicians from Israel and Arabic states. The project promotes the dialogue between different cultures. (<http://west-easterndivan.artists.warner.de/>)

KREUZBERGER MUSIKALISCHE AKTION

The private association "Kreuzberger Musikalische Aktion" offers music and dance facilities to children and adolescents in a problematic district of Berlin. 700 children and adolescents make use of this offer. Since 2005 the German rock star Marius Müller Westernhagen and an important magazine support the project giving the local project an enormous publicity. The project wants to integrate young people with different backgrounds. (<http://www.buendnis->

toleranz.de/nm_580606/SharedDocs/Publikationen/Anlagen/BotschafteDerToleranz2005.templateId=raw,property=publicationFile.pdf/BotschafteDerToleranz2005.pdf

SACHSEN: NEONAZIS AUSTANZEN

In 2004, a CD sampler was produced in collaboration with the extreme right party NPD (National Party Germany), and distributed in German schools. This project was not illegal and could not be banned by law. In answer to this, several mainly local organizations like the *Netzwerkstelle Döbeln* or the *Amadeu Antonio Foundation* produced CDs or concerts which promote democratic, antiracist and cosmopolitan views. In some cases famous artists were involved; sometimes the project featured local musicians. (<http://www.mut-gegen-rechte-gewalt.de/druckartikel.php?id=5&kat=39&artikelid=1161>)

KARNEVAL DER KULTUREN, BERLIN

The Karneval der Kulturen (Carnival of Cultures) was developed in 1995 as a summer carnival to represent the growing cultural diversity of Germany's capital. It is meant to overcome social problems in a city with a growing number of identities (comp. <http://www.karneval-berlin.de/>, see also section 8).

Ireland (Republic of)

ASH AND U2

An Irish interviewee remembered that two pop music ensembles U2 and Ash coming from the two Irelands performed together to promote peace in 1998 on the occasion of the Good Friday referendum.

Netherlands

Musicians without Borders is an international network of musicians who use the power of music to contribute to building open and peaceful societies. The organisation is based in the Netherlands. The organization runs several projects which promote peace such as the music bus in Srebrenica. A Dutch/Bosnian team of musicians and dancers visits villages and refugee camps in the Tuzla-Srebrenica area and offers children the chance to express and develop themselves by singing and dancing together. (<http://www.musicianswithoutborders.nl/>)

Slovenia

There are a number of charity concerts such as *Klic dobrote* (Call for Good), a big show on television calling for donations.

Sometimes concerts with music associated with former Yugoslavia are seen as an act of overcoming the divisions between the different groups of former Yugoslavia. *Sevdalinka*, for example, is a Bosnian music genre. According to an interviewee in Slovenia, *Sevdalinka* is sometimes supported in order to help Bosnian immigrants. (personal communication Drago Kunej)

Ukraine

Some musicians supported the peaceful Orange Revolution. Although they did not initiate it, their music played an important role in bundling political forces.

(<http://www.ukrweekly.com/Archive/2005/480511.shtml>)

4 The standards regulating musical diversity

INTRODUCTION TO SECTION 4

Definition / Explanation of regulations

This section focuses on regulations and standards created by the state (laws, acts, constitutions etc. and state institutions created by the legislative such as state schools) or which are state-induced (public broadcasting, collecting societies) or other institutions having a national status and cooperating with the state (e.g. music councils). As an alternative to regulations and standards, the term "structure" is used.

This section does not describe all structures influencing a country's music or musical life, but limits itself to structures having an impact on musical diversity (according to the different definitions mentioned earlier).

The structures relevant in this section are diverse in the sense that they are not found in a single act, but in many; there is not only one institutions dealing with musical diversity in each country, but there are many. Accordingly, this report regards many different aspects.

The following subsections have been formed to cover the whole field coherently:

- the media: the sections 4.1 and 4.2 regard broadcasting services and the new domain of the internet; section 4.1 not only discusses structures created by the state, but also private radio in order not to treat different aspects of broadcasting in different sections of this report
- education: section 4.3 analyses the educational system (schools, universities etc.)
- subsidy: section 4.4 looks at subsidies for musical activities, traditionally an important instrument of culture policies;
- copyright: section 4.5 examines copyright legislation and related issues such as the collecting societies involved in the enforcement of copyright legislation;
- others: section 4.6 explores other structures such as the activities of music councils and research institutions.

References to Relevant Material in Other Sections

Some aspects of section 4 have been mentioned already in the section 1, 2 and 3. Section 1 contains information on legal issues. For instance, the question if and how the freedom of musical expression is ensured by law. This information is not repeated in this section.

Section 2 describes economic activities and projects which are partly initiated by the state. As far as they depend on regulations created by the state they are relevant for this section.

Section 3 describes projects related to war and peace. Some of these projects are supported by state programs. Section 4 acts as a counterpoint to section 6 in the sense that both sections deal with complementary domains: while section 4 deals with the regulations

imposed by the state, section 6 asks for the remaining field: actors in the musical field and their opinions and actions concerning musical diversity.

Sources

The information in this section is based on interviews with experts from the cultural field and published material. The *Compendium of Cultural Policies and Trends in Europe* published by the European Institute for Comparative Cultural Research, Germany, was an especially helpful resource of information. The reports from this internet site are quoted in an abbreviated form with the label "ericarts" followed by the name of the respective country. The reports can be found at <http://www.culturalpolicies.net/>. Another set of reports have been from *The Cultural Policy and Cultural Diversity* project. They are referred to by similarly using the label "Ccult" throughout this text (comp. http://www.coe.int/T/E/Cultural_Co-operation/culture/Completed_projects/Transversal).

4.1 Media 1: Broadcasting

This section concentrates on regulations of broadcasting sector by the state. Since concrete information on the musical diversity in the broadcasting sector is difficult to obtain, an emphasis was put on structures generating diversity in general such as measures to ensure cultural and political independence of the program or to improve cultural diversity.

Relation of Radio and Television

While the role of music is probably more important in radio than in television, visual appearance of music in television broadcastings is of considerable relevance to the musical landscape and public awareness. Thus, this reports regards both domains. Both sectors, television and radio, are often structured similarly by the states.

Public and private sector

The broadcasting sector is mainly divided in a private and a public sector everywhere in Europe. Other forms or special subcategories are illegal radio stations, community services and broadcast programs financed by the state for its international representation or for its citizens in other countries, such as the *Deutsche Welle* (DW) in the case of Germany or the *British Forces Broadcast Service* (BFBS).

Private broadcasting generally depends on income generated by advertising revenues in a market situation, i.e. in competition with other services. The public sector is often funded by license fees which are collected in different ways: by a separate organization, such as the GEZ in Germany, or together with other payments, such as electricity as, for example, in Bulgaria or Turkey. Often the income from licenses does not cover the expenses; in this case there is often a direct funding from the state.

Especially the public broadcasting sector engages in a number of musical activities besides broadcasting: they often employ own orchestras, organize concerts and competitions, orders compositions, contribute to the production of records etc.

Independence of Program

Public and private services are generally free to choose their program – limiting factors can be censorship (see section 1), political influence (see the examples from Belarus and Italy below) quotas (see below) and, to varying degrees, the demands of the audience – this accounts especially for the market situation of private broadcasting services. People working in the domain explicitly stress the fact that since the introduction of private radio stations, the demands of the audience have gained in importance for the public sector as well (Interview Theurer March 2006).

Control Structures

In order to guarantee political, cultural and social independence public services are usually supervised by some sort of control structure. Such supervising council and their composition are usually defined by law (see German example below) or determined by the relevant ministry. Similarly, a law often defines the aims of public broadcasting or broadcasting in general.

Sometimes licensing activities of control boards privilege certain values other than financial criteria. For example, in Lithuania licenses are granted by the Lithuanian Radio and Television Commission (RTCL) through a competition; in this competition priority is given to broadcasters pledging to provide original cultural, informative and educational programs. Additionally, Lithuanian broadcasters are placed under restriction concerning erotic or violent content. Still experts criticize licensing activities of the Lithuanian commission (ERICarts Lithuania 2006, p. 21).

Other Political Structures

In countries with several population groups, such as Belgium and Switzerland, this structure is echoed in the organization of the public broadcasting sector, i.e. there are different services for the different population groups. A similar principle can be observed in the case of states with a strong federal organization, such as Germany. In this case public broadcasting is organized separately and independently by the federal states.

Quotas

Many countries have regulations requiring that some minimum percentage of broadcasted music is devoted to local musicians respectively to the domestic music market. France is known as being particularly successful with their quota.

Regulations to promote a specific, usually national, music repertoire can be distinguished as follows:

- voluntary policy of the broadcasting societies
- non-binding agreements
- binding agreements between broadcasters
- binding agreements between broadcasting societies and government
- legal allocation of minimum quotas

(the enumeration is adopted from Capgemini *Music in Europe: Sound or Silence? Study of the position of domestic music repertoire and the impact of the social and cultural policies of collecting societies in the EU 25*, 2nd revised edition 2005 Utrecht,

http://www.soundorsilence.nl/CapGemini_SoS_2005.pdf; henceforth referred to as the Capgemini report 2005)

Only binding agreements and a quota are compulsory measures.

Figure 1: Listing of promotional instruments, content regulations and intended or realized level of airplay (from Capgemini report 2005, p.28).

	Promotion of domestic repertoire by the collecting society	Political content regulation	Instrument	Intended airplay (%)	Realised airplay (average %)	Remark
Austria	yes	no	non-binding agreements	unknown	unknown	
Belgium	yes	yes	legal assigning of minimum quotas	27%	not available	20% Dutch; 50% French
Czech Republic	unknown	unknown	unknown	unknown	unknown	
Denmark	no, but co-funds the Annual Day for Danish Music	yes	partial voluntary and mandatory assigning of minimum quotas	>30%	not available	public broadcasting is voluntary, private broadcasting is mandatory
Estonia	no	yes	legal assigning of minimum quotas	not available	40%	
Finland	yes	no	not applicable	not applicable	>35%	
France	yes	yes	legal assigning of minimum quotas; voluntary policy of broadcasting societies	40%	>40%	radio
Germany	yes	no (intended)	declarations of intend	50%	20-25%	radio
Greece	unknown	unknown	unknown	unknown	unknown	
Hungary	yes	yes	legal assigning of minimum quotas	15-51%	20%	15% for radio; 15-51% for tv
Ireland	no	yes	binding agreements	30%	not available	no inforcement
Italy	yes	no (intended)	not applicable	50%	20-45%	
Latvia	no	no	not applicable	not applicable	not available	
Lithuania	no	yes	legal assigning of minimum quotas; voluntary policy for radio	50%	50%	both domestic and European repertoire
Netherlands	yes	no	agreement with one private broadcaster	35%	not available	applies only for radio RTL-FM
Poland	yes	yes	legal assigning of minimum quotas	30%	35%	
Portugal	yes	yes	legal assigning of minimum quotas; declarations of intend	50%	unknown	
Slovakia	yes	no	voluntary policy	not applicable	not available	
Slovenia	unknown	unknown	unknown	unknown	unknown	
Spain	yes	no	not applicable	not applicable	37%	
Sweden	yes	no	agreements with public radio and television; non-binding for private broadcasters	public channels 35-50%	35% unknown	
United Kingdom	no	no	not applicable	not applicable	unknown	

Promotion of National Culture/Identity and Minority Issues

Implicitly or explicitly (see the Bulgarian, German and Russian examples below) public broadcasting sometimes has the function to promote the national identity of the broadcasting service.

The following list contains examples for the structures explained and exceptions to the general picture outlined above.

EXAMPLE 1: BROADCASTING STRUCTURES IN ALBANIA

Since 1997 there are private TV and radio stations in Albania. Today approximately 20 private radio stations exist throughout Albania and slightly fewer television stations, most of which are regional. There are currently no quotas for nationals or minority programming. Although especially the public radio offers a wide variety of different musical genres (jazz, classical music, folk music, international pop), an interviewee stresses the fact that the media also supersede singing at home and in this sense act against diversity (ERICarts, Compendium of Cultural Policies and Trends in Europe, 7th edition, 2006, henceforth referred to as ERICarts Albania and expert interview).

EXAMPLE 2: BROADCASTING STRUCTURES IN BELGIUM

The General Picture

Broadcasting primarily is a matter of Belgium's three linguistic communities, the Flemish, the francophone and the German speaking community. The communities have different legislation on broadcasting and different public broadcasting services. Public broadcasting is financed by licence fees. Generally, they go back to the general budget of the region where they were levied. In the Flemish region, this fee is abolished, in the region Brussels-Capital, it is integrated into a regional tax, in Wallonia, the French region, the fee has been reduced.

Broadcasting in Flemish Community

The government of the Flemish community functions as a control board for the broadcasting sector by setting standards and regulations for the public and private sector. It attempts to function as an objective and moderate regulator of the broadcasting sector. It aims at providing a balanced and multiform media landscape with a diverse and high quality program and high level of access for all citizens.

The objective of public radio and television (VRT) was determined by a decree of 25 January 1995. It states that the VRT provides a high quality offer in the following sectors: information, culture, education and recreation. The VRT's priority is to bring viewers and listeners focussed information and culture programmes focussing on Flemish community. The VRT and the Flemish government conclude management agreements every five years. These agreements include performance standards for the realisation of the objectives. The

2002-2006 management agreement between the public broadcasting network and the Flemish Community states that television programming must include a varied range of culture, reaching on average 15 % of the population. Another performance standard is that the share of Flemish TV productions and co-productions must be at least 50 % of the total programme offer between 6 pm and 11 pm. (ericarts Belgium, p. 21)

Broadcasting in French Community

The French Community has adopted provisions to regulate concentrations in the broadcasting sector in order to ensure the **pluralism** of the media. **Transparency** in media proprietorship should ensure avoiding a too strong concentration. This in turn should guarantee the pluralism of contents even if powerful operators dominate the market. Several measures have been taken to avoid the interferences of any unspecified public or private authority in the treatment of information, and thus to ensure the **independence**, autonomy and responsibility of broadcasters. Thus, for example, *Article 7, §2 of the 14 July 1997 French Community decree* affecting the French public broadcasting services states that: “the programmes broadcast by the company that contribute to the information or the education of viewers or listeners, are made in a spirit of objectivity, with no prior censorship or interference from any public or private authority” (quoted by ericArts Belgium, p. 22).

The public broadcasting service of the French Community respects cultural groups regardless of race, sex, ideology, philosophy or religion. Broadcasts are considered as a factor of social cohesion and should therefore not lead to social segregation (ericarts Belgium p. 19). Among the objectives for public broadcasting of the French Community is the aim to reach a large audience, i.e. accessibility.

The French community has created an independent administrative authority: the Superior Council for the Audiovisual Sector (SCA) which is responsible for regulating the radio broadcasting sector. The SCA has a mission set by the Government of the French Community over a five year financial contract period (Ericarts, p.47). The radio services authorised and controlled by the SCA of the French community are obliged to broadcast in French except for prerecorded music. Television broadcasters are obliged to broadcast a certain major proportion of European productions including productions of authors belonging to the French community. 10% of the broadcasting time has to be spent on productions whose original version is in French.

Broadcasting in the German Speaking Community

Structures. The Belgian Radio and Television Centre of the German-speaking Community (BRF), instituted by *Act of 18 July 1979*, has a remit to offer public radio and television broadcasting services in German and currently (2002) has two radio stations and one television channel (since 1999). Legal entities that broadcast radio or television programmes are obliged to ensure protection of and prominence to the German language in their broadcasts by moderating a certain proportion (75%) of their broadcasts in German. The BRF is a service having a management agreement with the government. (ericarts Belgium, p. 17, p.21)

The open channel is under the financial responsibility of the German-speaking Community while the management is the responsibility of a private-sector non-profit association. Program and program regulations. The BRF is responsible for information, education and entertainment of the audience. Additionally, it has the task to make the German-speaking Community known. The are standards of objectivity. The BRF's management board functions as a control structure having supervisory responsibility for the BRF. It strives for freedom of opinion for the various ideological and philosophical tendencies. According to the Media Decree, all television providers must ensure the visibility of the German-speaking Community in their programmes.

Private radio broadcasters are obliged to present balanced information reflecting a multitude of perspectives in their programm. Furthermore, they have to put emphasis on culture and artists from the German-speaking Community and the neighbouring regions. Private individual and legal entities are able under their own responsibility to transmit television programming under certain time limitations. For this purpose, the German speaking Community has set up a public broadcasting channel under private sponsorship, *Belgium* offering free, equal access and free, equal use. Access is denied, *inter alia*, to political parties; sponsored contributions are not permitted. (ericarts Belgium 22f.)

Conclusions: Diversity and Broadcasting in Belgium

Broadcasting in Belgium is organized mainly according to the political entities of the communities and according to the principle of subsidiarity. As a result the system is open to diversity and even actively supports diversity of many kinds (propriety, contents, language).

There is sparse direct information on the concrete situation of musical diversity in Belgium, but the structures outlined above indicate the cultural diversity in general is highly esteemed by the political organization of broadcasting in Belgium.

That the organization of Belgium broadcasting system according to the devision in three main communities leads to an adequate representation of these groups in the broadcasting structures has been shown. A question still remaining open is, if the emphasis put on this distinction disfavors other distinctions such as the representation of other minorities. From the available information this does not seem to be the case. Although migrant workers, for example, do not have the status of one or more separate community, they are represented in the broadcasting program.

EXAMPLE 3: BROADCASTING STRUCTURES IN GERMANY

Political Competencies and Financing

Broadcasting in Germany is mainly regulated by the federal states (*Länder*). The statutory basis for the public and the private sector is the *Interstate Broadcasting Agreement* concluded among the *Länder*. On the basis of this agreement and of their competencies for broadcasting, the *Länder* have enacted detailed provisions in their respective *Land Broadcasting Acts*. The legal framework for the new information and communications technologies is defined by the *Telecommunications Act* (August 1st, 1996), the *Federal Information and Communication Services Act* (August 1st, 1997), and the essentially

identically worded *Interstate Agreement on Media Services* concluded among the *Länder*. (ericarts Germany, p.28).

Private broadcasting was introduced in Germany in the 1980s. Since then the system has been often referred to as the "dual system" consisting of a public and private sectors. The private (commercial) sector is financed mainly by advertising revenues. Public broadcasting services has two main sources of income: levies and commercials. The financing through levies is explained as strengthening the public broadcastings political independence.

Only the *Deutsche Welle*, representing Germany internationally, is paid from taxes.

In 2000, a breakdown of viewing television habits by category yielded the following percentages for public versus private broadcasters respectively: information 84:16; sports 23:77; entertainment 58:42; feature films (fiction) 32:68, and advertising 2:98 (ericarts, p.36).

Control Structures

The broadcasting council (Rundfunkrat) consists of representatives of the relevant social groups and stands for the interest of the public. The council supervises the observance of the broadcasting laws and regulations and advises the managers (Intendanten) of the broadcasting services. The member's of the broadcasting council are either elected by the parliaments of the federal states or sent by the groups they represent such as political parties, unions, churches etc. Political parties usually do not make out more than 30% of the council.

These regulations demand that the services provide a comprehensive and balanced program consisting of information, education, culture and entertainment, and requires that the public services follow journalistic and ethical values.

Discussions about Quotas

Germany has no broadcasting quotas in support of the domestic music market although periodically these quotas are discussed in public. In 2003 only 1,2 % of the music transmitted via radio was of German language. In these discussions the overwhelming dominance of popular music of Anglo-American origin is often criticized, for example by Julian Nida-Rümelin in 2002, then state minister for culture (Kulturstaatsminister), referring to a lack of musical diversity (comp.

<http://www.sueddeutsche.de/kultur/artikel/759/15744/>).

Although the federal parliament advised the introduction of a quota, the states responsible for the broadcasting legislation did not introduce such a system.

Article 6 of the Interstate Broadcasting Agreement of 31st August 1991 (as amended by the *Sixth Act to Amend the Interstate Broadcasting Agreement*) stipulates that television broadcasters shall transmit a greater amount of European works in accordance with European law.

Culture and media policy in the Federal Republic of Germany has thus far reflected the view that the imposition of quotas - also in regard to certain groups - is an unsuitable instrument for the promotion of European films and television productions (ericarts Germany, p.15).

Conclusions on Musical Diversity

There is a general agreement among broadcasters in Germany that the broadcast contents shall promote the cultural diversity of the regions and the country as a whole. State regulations guarantee economic, political and ideological independence of the broadcasting in Germany. Especially the public sector regulations see itself as guaranteeing quality standards promoting cultural diversity by resisting commercialization and market pressures (comp. open letter of the German Music Council, *Deutsche Musik Rat* and the conference of music councils of the federal states, KdLMR, comp. http://www.miz.org/news_3092.html). The state regulations are enforced by the supervision of the broadcasting council.

EXAMPLE 4: BROADCASTING STRUCTURES IN THE CZECH REPUBLIC

The Czech Republic has a dual state and private broadcasting system. At present, the only operators recognised by the law are the publicly owned institutions Czech Radio and Czech Television. They have an close relationship with the government and finance their own activities. These institutions have a specific mission in regard to upholding public interest and they are limited in developing their own business, particularly in terms of advertising. **The Council for Radio and Television Broadcasting** in the Czech Republic administers the licensing policy for broadcasting services. The council is elected by Parliament and is not dependent on the government. At present, over 70 licences for radio broadcasting have been granted, and there are 150 radio stations. 52 television licenses have been granted. There are two state television stations and two private independent stations - Nova and Prima. The state television broadcasting covers the whole area of the Czech Republic. There are 118 television broadcasting stations in the country. (<http://www.czechcentrum.cz/index.php?section=3&menu=138>)

EXAMPLE 5: BROADCASTING STRUCTURES IN BULGARIA

Sectors and Financing

Bulgaria has a public and private broadcasting sector. Cultural events and issues of international, national and local relevance are covered extensively in the program. Broadcasting licenses are collected via payments for electricity. According to *Article 98* of the *Radio and Television Act* The Radio and Television Fund was created. The money made available to the Fund is raised mainly by license fees. The Fund's resources are used for the financing of public broadcasting services, the Council for Electronic Media, and significant cultural and educational projects. (ccult Bulgaria, p. 13)

Control Structures and Independence

The Council for Electronic Media (SEM) is the independent official body to deal with program licensing, program monitoring, sanctioning irregular advertising practices, and appointing the chairpersons of the public Radio and Television. "the Other" control body - the Commission for Regulation of Communications is responsible for the technical

licensing. The SEM shall guarantee political independence of public broadcasting in Bulgaria.

SEM took over the heritage (material such archives, rights and obligations) of the former national (state) broadcasting services. SEM is responsible for the collecting of the broadcasting licences.

Electronic media are not fully free from state influence (according to <http://www.freedomhouse.org/template.cfm?page=47&nit=359&year=2005>). In March 2004, the Council for Electronic Media, which is charged to defend the state media's independence, dismissed the director-general of Bulgarian National Television for mismanagement. Later, this decision was revoked in court, with appeals pending. Journalists were investigated on two occasions in 2004 for the "illegal" use of hidden cameras to collect information. This tense atmosphere may lead to self-censorship as noted by the 2004 regular report on Bulgaria's progress toward EU accession. In November 2004, most major media in the country agreed on a unified code of ethics for journalists, to be enforced by the media and journalists.

Quota

According to the regulations of *Article 71* of the *Radio and Television Act*, Bulgarian National Radio (BNR) and Bulgarian National Television (BNT) shall provide assistance to the creation and dissemination of national audio and audiovisual productions: BNR allocates at least 5% of the subsidy received from the state budget and "Radio and Television" Fund for the creation and performance of Bulgarian musical and radio play productions; and BNT allocates at least 10% from the subsidy received from the state budget and "Radio and Television" Fund for Bulgarian film and television productions.

In relation with aim of supporting Bulgarian language the law recommends to reserve 50% of the broadcasting time for European productions. In practice, most of these productions are Bulgarian.

National Identity and Minority Issues

Promotion of Bulgarian culture and language in Law for Broadcasting for public services. (§7),

- access to national and European cultural heritage
- promotion of intercultural understanding and tolerance

The public and the private sectors have programs for minority groups, for example, the daily Turkish news programme broadcast by the Bulgarian National Television. Nationalistic oriented citizens and media disputed the necessity of news broadcastings in Turkish on BNT, but these voices did not get wide public support (ericarts, p.12f.). The NGO Centre for Social Practices has been working for two years on a project called "Voices of Exclusion: Minority Empowerment Through the Media", which includes a series of training seminars for minority communities – Turks, Roma and Muslim

Bulgarians – that are conducted in the country's mixed regions. The aim of the project is to empower minorities and facilitate dialogue via media programmes, thereby inserting their agendas into the public debate and sensitising decision makers.

EXAMPLE 6: POLITICAL (IN)DEPENDENCE: CENSORSHIP IN BELARUS

A presidential decree from 2005 recommends broadcasting not less than 75% 'music of Belarusian origin' has left radio stations with financial problems because listeners' numbers drop significantly.

There is an unofficial order from the presidential administration effectively banning a number of formations from being played on the radio, television and large-scale live performance in Belarus ever since. Some rock bands such as NRM, Neurodubel, Ulis, Nowaje Nieba and Krama had been 'blacklisted' after a participating in concert protesting ten years of Lukashenko's rule in July 2004. Now the broadcasting stations play officially sanctioned, 'saccharine' Russian language pop music (<http://www.freemuse.org/sw12630.asp>).

EXAMPLE 7: POLITICAL (IN)DEPENDENCE: PROTEST IN ITALY

On the 4th of Mai 2004, Lucia Annunziata, president of Italy's national broadcasting service RAI, resigned in an act of protest against the overwhelming influence of the Berlusconi government. Annunziata resigned after Italy's control council suggested several managers associated with the Berlusconi government for high positions in RAI and associated companies.

EXAMPLE 8: STRUCTURE IN TURKEY AND SITUATION OF MINORITIES

Turkish Radio and Television Corporation (Türkiye Radyo ve Televizyon Kurumu, in short: TRT) is the national broadcasting service for radio and television in Turkey. It had a monopoly in Turkey until 1993. Since then Turkey has private broadcasting services. Public radio is financed mainly by income generated from commercials, taxes on video and TV equipment and levies on electricity (3.5%).

The high council of radio and television (RTÜK) consists of 9 members announced by Parliament. It is responsible for the licenses for broadcasting services and controls if the program of public and private services are according to the law.

Today the Kurdish minority in Turkey has broadcasting program in their own language, but on minimal level - approximately 1 hour per week in public broadcasting.

(http://www.eumap.org/topics/media/television_europe/national/turkey/media_tur1.pdf)

EXAMPLE 9: BROADCASTING IN RUSSIA

Private Sector and Involvement of the State

Experts estimate that in 2003 there were about 3 200 broadcasting services in Russia; 1000 of them are dependent on the state. On the e-media market, the state remains the leading player being the proprietor of 70% of all e-media, of 20% in the national and of 80% of the regional press. The *State Russian Television and Radio Broadcasting Company (RTR)* includes 83 regional branches (ericarts Russia, p.13).

State TV and radio have a fundamental position: In 1999 programs of the state radio companies reached 96% of the population and 93% in 2001; whereas only 43.6% and 52.1% of the population had access to commercial stations in the same period.

Identity and subsidy

Despite the withdrawal of direct state support to the media, the state provides funds for the production of cultural programmes, fostering cultural diversity. Particular broadcasting companies with cultural channels are supported, e.g. the radio station *Orpheus* transmitting classical music and reaching 8.6% of the population.

The promotion of Russian culture is one of the explicit objectives of cultural policy (ericArts Russia, p.14)

Control Structures and Political Independence

There are control structures for the broadcasting sector, such as *The Federal Service for Supervising Observance of the Law in Mass Communications and Preservation of Cultural Heritage*. It has regional branches and implements state control over juridical issues in the fields of mass media, export and import of cultural goods, heritage, museum collections and all sorts of archives. It is also responsible for privatising heritage items, city planning, authors' rights and neighbouring rights. The Federal Service is in charge of licensing in broadcasting, audiovisual production, public screening, and restoration of cultural objects. It provides cultural expertise, and supervises restoration works. Together with its territorial branches, it acts as a registrar of media organisations (ericarts Russia, p.6).

In spite of the existence of control structures serious doubts about political and economic independence of the broadcasting sector in Russia exist. There are complaints that the government has utilized the Ministry of the Russian Federation for Press, Broadcasting and Mass Media as a political instrument, especially in times of elections (ericarts, p.13, comp. http://www.rsf.org/article.php3?id_article=8247; <http://www.freemedia.at/wpfr/Europe/russia.htm>).

Minority Issues

The legal instrument for independent cultural organisations is the "National Cultural Autonomy" which was introduced by the relevant law in 1996. It supported 578 bodies in 2004. These organisations are encouraged and supported by regional administration and also by federal funds. The most popular activities among the associations are amateur performing arts, establishment of libraries and audio archives in mother tongues, and organisation of courses for their study. Positive cultural presentation of diversity in the mass media, especially in broadcasting is supported by the state as a means of social integration and overcoming ethnic barriers (Ericarts Russia, p.12). Within Russia there are radio programs in dozens of languages next Russian such as Abazin, Avar, Adygei, Azeri, Altay (comp. CCult Russia),

EXAMPLE 10: COMMUNITY RADIOS IN EUROPE AND PUBLIC PROGRAMS FOR COMMUNITIES

The term "community radio" is used differently in different countries. It has a long tradition in the UK where it used to refer to illegal pirate radio stations in the 1970s. Initially, these community radios often were run by Afro-Caribbean migrants and provided a specific program for their community. In other areas of the world, "community radio" became synonymous with small scale non-profit radio stations. In the German speaking areas a similar approach became known under the expression "open channel" (offener Kanal) where citizens run their own programs covering a small area and using the technology of existing broadcasting services. In Germany open channel programs are sometimes financed by broadcasting levies.

Community radios often contribute to diversity of the broadcasting programs since they address a small and specialized audience with specific contents. Community radios are particularly strong in some countries such as the UK and France.

Examples

The UK based New Style Radio (<http://www.newstyleradio.co.uk/>). It features Afro Caribbean Music

BEUR FM <http://www.beurfm.net>. "Beur" refers to Arab or Maghreb. BeurFM plays music of the Maghreb, popular and world music mostly from the oriental region. e.g. Rai

Next to community radios where communities provide a program for their community there are attempts from the public broadcasting sector to create a program for these communities. The emission *Le Monde est un village* by the Belgium service RTBF or the German channel RBB MultiKulti serve as examples for this development. As Johannes Theurer, RBB, explains the difference between RBB MultiKulti and community radios, he emphasises that the public service attempts to provide objective information for the communities instead of the view of communities (see section 6.1).

CONCLUSIONS: BROADCASTING AND MUSICAL DIVERSITY

Since the fall of the Iron Curtain and the transitional process, the broadcasting sector in Central and Eastern Europe has adopted, by and large, the structures implemented in Western Europe. Today, nearly everywhere in Europe there is a dual structure of public and private broadcasting as well as state regulations aiming at the independence of broadcasting. Russia and other successors to the USSR form partial exceptions to the general picture.

Although there is a general agreement about the general political structures concerning broadcasting the concrete situation in the different countries is different. Some countries, especially in Eastern Europe, have not yet implemented the same level of decentralization, political and economic independence nor the participation of their citizens in the broadcast. It is often acknowledged that through its independent funding the public sector is able to provide high quality programs sometimes transmitting music that is not profitable for commercial stations, such as classical music, jazz, contemporary music or world music. Thereby public radio strengthens musical diversity. This evaluation is confirmed by specialists working in that domain (Interview Theurer, March 2006).

On "the Other" hand, another interviewee underlined the fact that broadcasting services replaces personal singing and music making at home. This process can presently be observed in Albania, for example. In this example broadcasting appears as a unifying and often nation wide influence reducing existing diversity compared to the many regional characteristics of local music making.

There are also examples where private broadcasting enriches the diversity represented in public sector. In case of the Romanian broadcasting an interviewee stressed the fact that a certain popular musical style, *manele*, is almost exclusively transmitted by private services since this music is regarded as low quality.

The proponents of free trade often argue that public broadcasting contradicts the principles of free trade since they distort the market. These arguments are discussed in section 7.

4.2 Media 2: Digital services and the Internet

The introduction and success of the internet and other new technologies as well as related topics such as digitalization already lead to a considerable change in state regulations whose effects on musical diversity are difficult to evaluate at this point of time. The significance of many developments, both technological and legal, are not yet fully understood or only known to a small community of specialists in the respective fields of expertise.

Correspondingly, many of the cultural experts interviewed for this report were not informed about state regulations concerning new media although such regulations exist.

The following listing enumerates some programs relevant for the field. They are symptomatic for the activities in this field in many states in Europe. Five areas of activities can be distinguished:

1. The adoption and development of the legislative sector.
2. Increasing accessibility by making use of new technologies. Projects like virtual library networks make use of new technologies such as the world wide web to increase accessibility of existing cultural data and metadata.
3. Digitalization. The digitalization of existing cultural products and information on cultural heritage and corresponding attempts of increasing access to this digitalized information such as eMuseums.
4. Digital Art. The inclusion of works of art making use of new technologies and demanding new technologies for a proper preservation in the established institutions.
5. Stipulation of appropriate media competencies. In order to make use of the new technologies citizens need to have a general knowledge about these media. Many state supported projects in the field of new technologies aim at the development of this prerequisite.

Several of these objectives have been formulated in the Lund principles. The Lund Principles are a recommendation of an expert meeting in Lund, Sweden, which took place at the 4th of April 2001. It stresses the fact that "Europe's cultural and scientific knowledge resources are a unique public asset forming the collective and evolving memory of our diverse societies and providing a solid basis for the development of our digital content industries in a sustainable knowledge society." (Lund principles, <http://eprints.erpanet.org/49/>)

The following list provides examples for projects from these domains.

EXAMPLE 1: BELGIUM

Digitalization efforts of Belgium's Flemish Community

In the domain of new media the Minister of Culture of Belgium's Flemish Community emphasises long term engagement in the digitalization efforts in the cultural heritage sector. The administration has created a website on digital culture in order to help the coordination of different ongoing programs (<http://www.vlaanderen.be/cultuurdigitaal>) with the aim of disseminating information on digitization in Europe and Flanders (ericarts Belgium, p. 25).

Belgium's French Community improving citizens' media Competencies

Besides digitalization projects and activities in the domain of digital art, Belgium's French Community puts an emphasis on the providing citizens with the competencies to make use of the new media and supports activities of libraries, for example, aiming at improving the media competencies of the citizens. Activities in the domain of e-administration can be evaluated in the same line since these activities publicly underline the use and value of new technologies (ericarts Belgium,p. 25).

Belgium's German speaking Community improving accessibility

German speaking Community emphasis several projects aiming at the improvement of accessibility of existing cultural information such as a the expansion of a virtual library network. Another focal point is the development of an eMuseum with the Community's art collection (Ericarts Belgium,p. 25).

EXAMPLE 2: AUSTRIAN INITIATIVE FOR DIGITAL CULTURAL HERITAGE

The goal of the Austrian Initiative for Digital Cultural Heritage is the promotion and implementation of the Lund principles such as the promotion of international, national and regional exchange of information and the access to digital cultural and economic resources (<http://www.digital-heritage.at>). It functions as a platform for the coordination of digitizing projects. Since the project includes information on digitalization projects in the audiovisual sector, it directly supports musical diversity.

EXAMPLE 3: ECONTENTPLUS

The objective of the EU program eContentPlus is to increase accessibility, usability and exploitation of digital content in Europe. It supports the development of multi-lingual content for innovative, online services.

The Program addresses specific market areas where development has been slow: geographic, educational, cultural, scientific and academic content. It also supports EU-wide co-ordination of collections in libraries, museums and archives and the preservation of digital collections to ensure availability of these contents for the future.

Previous digitalization projects revealed that the mere technical realization of the digitalization process is not the main problem, but a lack of accessibility of digital

resources restricts usability and exploitation. Therefore, eContentPlus tackles key issues in the digitalization of European heritage with its budget of € 149 million (http://europa.eu.int/information_society/activities/econtentplus/index_en.htm).

EXAMPLE 4: IST

In the 6th framework of the Information Society Technologies (IST) program IST contributes to the realization of European policies for the knowledge society as agreed at the Lisbon Council of 2000, the Stockholm Council of 2001, the Seville Council of 2002, and as reflected in the e-Europe Action Plan and in the i2010 initiative. Objectives are among others:

- an accelerated transition to a competitive and dynamic knowledge economy capable of sustainable growth, with more and better jobs and greater social cohesion.
- broader availability and an extension of IST applications and services in all economic and public sectors and in society as a whole.
- ensuring European leadership in generic and applied technologies at the heart of the knowledge economy.
- increasing innovation and competitiveness in European businesses and industry and to contribute to greater benefits for all European citizens.

The focus of IST is currently on the future generation of technologies in which computers and networks will be integrated into the everyday environment, rendering accessible a multitude of services and applications through easy-to-use human interfaces. This vision of 'ambient intelligence' places the user, the individual, at the centre of future developments for an inclusive knowledge-based society for all (<http://www.cordis.lu/ist/>).

CONCLUSION: NEW TECHNOLOGIES AND MUSICAL DIVERSITY

The internet and new digital technologies are new and highly successful. They change and replace old channels of communication and trade. Possibly conventional analog broadcasting services will be affected or even abolished by this technology generation in the near future. The sudden success of services such as Voice-Over-IP shows how fast conventional media can be replaced by the new technologies. If one takes such drastic changes into account it is paramount that the same regulations and standards are applied to the new media as to the old ones. Else one has to suspect the effective ablishment of the old structures by the replacement of new technologies (comp. discussion about GATS and the audiovisual sector in section 7).

Insisting on the principle of technological neutrality laid down, for example in the GATS, the European Community defends the concept that all products delivered electronically should be classified as services. With this argument the Community accounts for the definition and implementation of cultural and audio-visual policies for the purpose of preserving cultural diversity. This is an argument in favour of the existing system of public broadcasting services aiming for the preservation of this system in the digital age.

The first observation in this context is that most of experts interviewed for this report did not know about developments in the domain of the new media.

Without the support of the European Union in the domain of the new technologies with programs such as Information Society Technologies (<http://www.cordis.lu/ist/>)

and eContentPlus (<http://www.econtentplus.net/>), many ongoing projects would not be possible

4.3 Education

In terms of education, regulations, standards and structures refer to music in the state's educational system typically comprising of kindergarden, different school types, universities and other educational institutions of the state such as adult education centers. What musics are taught in the educational sector and how is musical diversity dealt within the education?

Practical and theoretical training

It is a useful distinction to differentiate between practical music lessons - teaching to sing or to play an instrument – and non-practical lessons about music. For reasons of simplicity the latter are henceforth referred to as "theoretical" training in this report although they deal with a diverse field of knowledge on music which is not limited to music theory in the strict sense of the word.

Music and Social Values

Music education usually differentiates between the teaching of music typically referring to field, such as music theory, music history, musical periods and genres etc., and teaching of social values through music, such as dealing with "the Other" in order to reduce tensions between different groups within the population or the creation of an atmosphere of respect and tolerance.

Existing projects suggest that music compared to other domains of culture is particularly suited to make the opposing concepts, such as "the Other" and "the Own", perceivable - not only in rational terms, but also on an emotional level. In this context music education can stipulate growing cultural competencies.

In this domain Dr. Franz Niermann, president the European Association of Music Schools (<http://www.mdw.ac.at/eas/>), sees several partly successful projects, but demands more sustainable initiatives.

Schools

Everywhere in Europe music is taught in schools with a focus on music theory as developed in the context of 'classical' music or, for that purpose, with a strong focus on academic music theory. Similarly, the spectrum of musics dealt with in schools focusses on the repertoire of European art music. Ubiquitous, however, other musical genres are taught as well, such as popular music genres and national folk song.

The tendency to favour national repertoire in European countries is often counterbalanced by the study of other traditions and, therefore, far from nationalism. For example, in Romania the Romanian repertoire receives greater attention than in other countries, but other traditions of music, mostly European traditions of art music, are dealt with as well. The degree in which national musics stand in the center of attention varies. In some countries this national tendency is strongly developed.

In many countries there are explicit attempts to foster musical diversity and to integrate a multitude of musical genres in the curricula as for example in Germany.

World music and traditional musics of the world are particularly strong in some parts of Scandinavia, such as Sweden, and in other countries, such as the Netherlands. Interestingly enough, interest in world music and the musics of "the Other" is particularly strong in cities (according to Franz Niermann). Perhaps this is due to fact that in the urban situations tend to favor the encounter of many musical identities.

Sometimes the focus on the musics of "the Other" is explained with a colonial past of some countries, but this explanation cannot cover all the cases, since some of the countries developing such a focus, like Sweden, do not have a distinct colonial past.

Musical diversity is explicitly mentioned in many curricula, for example in those of Niedersachsen, one of Germany's federal states (see example below). Pupils are supposed to be made acquainted with a multiplicity musical forms and styles.

Universities and Conservatories

Music education in universities and conservatories mostly mirrors the situation in schools – at least as far as the musical practice is concerned. There is a clear concentration on classical music in most of Europe's countries. But other music genres are taught as well. They mainly come from the broad and economically relevant field of popular music such as jazz, musical and rock and pop. In some countries with a strong identification on folk music, such as Bulgaria, there are possibilities to study folk music and related styles. Non-western musical genres are taught more rarely in practice, for example at the SOAS in London and the World Music and Dance Centre of Codarts, University of Professional Arts Education in Rotterdam (comp. <http://www.hmd.nl/>). There have also been some promising pilot projects searching for approaches to multiculturalism e.g. through introducing conservatory students to world music practices (www.aecinfo.org/connect).

In field of musicology, used here as an umbrella term for all activities in the domain of music research, classical music and music history prevail all over Europe, especially in countries with a strong tradition of art music, such as Austria and Germany. There are other domains of research such as ethnomusicology and popular music studies, but they are rarely represented by specialists in the universities.

Public und private music schools

Many countries provide facilities for a optional music education next to the music lessons in the school system or the framework of universities. Usually, the services of such music schools address young people. Today, many of Europe's countries have private and public institutions offering practical music lessons. More rarely, such institutions also provide theoretical information from the musicological domain.

Usually, the music dealt with in such institutions concentrates on Western art music, i.e. 'classical' music. Sometimes other musical genres, for example popular music, are dealt with as well. In countries strongly identifying with their folk culture there is also a considerable amount lesson devoted music styles associated with folk music.

In this context it has to be stressed that there are situations in which the private sector, i.e. private music schools, promote musics not being dealt with by the state educational system. Such is the case in Slovenia where private music schools offer courses in folk music instruments which are rarely taught in public music schools.

The education of music teachers is not homogeneous in Europe. In some countries, such as Spain and France, music teachers are not specially trained in music pedagogy like in other European countries (see reports on Music Education in the various School Systems of Europe on the EAS website <http://www.eas-music.net>)

The following list contains examples underlining the statements above and instances displaying important exceptions to the general principles outlined above.

EXAMPLE 1: ALBANIA

Musical education from schools to universities concentrates on classical music. There is now an ongoing discussion whether the local tradition of multi-part singing style should be introduced in the curriculum for schools. Our Albanian interviewee disapproves this measure for several reasons:

1. it would change the tradition
2. it would impose a tradition from a certain part of Albania to pupils all over Albania
3. it would be a measure taken by the state in order to influence people's attitudes and limiting their own free choices– a principle reminiscent of the authoritarian cultural policy of the former communist regime.

It is not possible to study other music than classical in state conservatories, and classical music in this context is limited to a small set of important composers.

The general state of musical education is judged as low; as the main reason the state's economical situation is mentioned (ERICarts Albania)

EXAMPLE 2: CHEMIN DE TRAVERSE IN BELGIUM

The programme *Chemin de traverse* (the traverse way) is a programme of the Ministry of the French Community of Belgium and other Ministries of the government of the French Community concerning culture, youth, and education. The program aims at developing a critical spirit and deepened understanding of the world in which the pupils live, encouraging their cultural integration in society and developing their artistic senses. The cultural influence being looked for by the institutions of the projects is to establish interfaces between the environment of the showcase and the school, to make the pupils more sensitive concerning different techniques of cultural expression (theatre, dance, music, cinema, painting) through the creation of spectacles. Another aim of the project is to fight against violence through integration into the artistic creations that strengthen personal self-confidence.

La culture est une danse (The culture is a dance) may serve as an example for one of the projects of *Chemin de traverse*. Pupils are taught different dance traditions from different cultures. Through this activity they are supposed to develop respect for other cultures.

EXAMPLE 3: BULGARIA

Music is a subject in elementary and secondary schools. There are secondary schools offering a specialised course on music and there are secondary schools specialised on music and providing a greater diversity (more teachers and more specialized teachers, more instruments that can be studied etc.). Usually there is a focus on classical music, but there are also secondary schools specialising on folk music.

According to the curricula a plurality of musics is taught in Bulgarian schools including folk songs from Bulgaria and elsewhere.

House of Culture [Chitalishta]

A system of houses of Culture, called Chitalishta in Bulgarian, play an important role. They can be found in almost every village. They are subsidised by the state. After 1989 their subsidies were drastically reduced. They promote cultural life, preservation of customs and traditions of the Bulgarian people, education of the citizenry, education of "national sentiment" (according to law for the cultural houses) in the domain of amateur art. Most of the ensembles for Bulgarian folk music are related to cultural houses.

EXAMPLE 4: MUSIC EDUCATION IN GERMANY

Education in general, and consequently music education in German schools and universities, lies in the competencies of the federal states (Länder). Regulation, therefore, varies according to the federal states. There are, however, attempts to create a homogenous and compatible system and thus it is possible to outline a general picture.

For music schools, the state's supervision of educational matters is based on a general legal guideline, with special definitions existing in six of the Länder. Only Brandenburg has a special law for music schools. (ericarts, p. 25).

As a general rule curricula put an emphasis on musical diversity, often explicitly. Since practical music teaching is not guaranteed by the state it varies in different schools and with the pupil's abilities. Accordingly, the diversity of practical lessons varies immensely between different schools. (Carola Schormann: Music Education in the various School Systems of Europe. Germany)

There are 23 colleges of music, drama and dance operated by the Länder as well as the four federal academies jointly funded by the Federal Government and the Länder (ericarts Germany).

EXAMPLE 5: MUSIC SCHOOLS IN GREECE

In Greece there are 28 special music schools for grades 7 to 12. The curriculum for these includes practical and individual performance lessons for classical as well as traditional instruments, such as *kanonaki*, *santouri*, *oud*, *lute*. In the theoretical lessons pupil study theory, harmony, analysis, morphology, history of music, solfeggio, counterpoint and byzantine music.

Especially in the towns, there are a lot of small wind and percussion orchestras offering instrumental lessons for free. These orchestras perform mostly patriotic and traditional music on different occasions in the community life. In rural areas the old generation teaches the traditional music by ear to the young generation. (Polyvios Androutsos: Music Education in the various School Systems of Europe. Greece)

The University of Macedonia in Thessaloniki offers courses on folk music. Thessaloniki also has a private music school offering courses in folk music and Ottoman art music. According to the newspaper Apojevmatini from 10/25/2005 informing about music education in Greece there are 650 private music schools, 34 special music schools usually for grades 7 to 12 and some courses on Instrumentenbau and musicology. (Koglin)

EXAMPLE 6: LATVIA

Music teaching in Latvia has a special place because of Latvians are especially proud of their rich folklore tradition, choir singing, and song festivals; these are all important parts of Latvian culture and identity.

With the general introduction of new state curricula for subjects of Latvia's schools in the 1990's music education emphasized a new methodical approach. These curricula strengthened the understanding of music in the context of culture, drawing attention to musical phenomena previously ignored, like sacred, popular and traditional music. The new curriculum emphasizes that in modern life music has not only the 'absolute function' as in high art; instead music is understood more complex. Musical meaning is bound to a particular culture, a particular social group, whether it is within a church congregation or youth group. Therefore, it is important to introduce the students not only to the music in the form sound recordings, scores, musical instruments, but also to the contexts which gives it meaning. (Irena Nelsone: Music Education in the various School Systems of Europe. <http://www.mdw.ac.at/eas/english/music/latvia.html>)

EXAMPLE 7: RIKSKONSERTENE: NORWEGIAN SCHOOL PROJECTS

Rikskonsertene (<http://www.rikskonsertene.no/rk/0109.html>), a private concert agency in Norway, organizes several concerts in schools. Two programs are presented here:

The *Klangrikt Felleskab* Project (Sonorous Fellowship)

In the 1980s Scandinavia experienced a new right wing movement and racist attacks against immigrants. In reaction Norway financed several large projects featuring world music to Norwegian schools. One of these programs, *klangrikt felleskab* (sonorous fellowship) project, took place from 1989 to 1992 and was implemented by Rikskonsertene.

During a three year period music and dance from Asia, Africa and Latin America was introduced to 750 school classes at the 4th grade (age group 10-12) in 18 schools in Oslo. The clearly defined goal for the project was to change attitudes towards immigrants amongst the pupils. A comparative evaluation concluded after the project, that the participating children had a more friendly attitude towards immigrants. The evaluation also concluded that the amount of ethnic confrontations diminished in the schools taking part. Additionally, the evaluation demonstrated that the immigrant pupil taking part in the project had a strengthened sense of their own cultural identity (Ole Reitov "The politics of world music in Scandinavia: One step forward - two steps backward")

Concerts in Schools

Rikskonsertene organizes concerts in schools specially designed for specific age groups. Usually, concerts take place during school hours and last 40 minutes. Concerts are explained by a moderator. Prior to the concert, schools receive detailed information, which helps teachers to prepare the concert in class and discuss it afterwards. Sometimes pupils participate in the music making. At times, there is a music festival for children. There is also a similar program for younger children.

EXAMPLE 8: GREAT BRITAIN

There is no single education system for music in the UK this each nation control its own educational system. There are, however, similarities. The National Curriculum for England established in 1990 is a legal document and its implementation is rigorously inspected by government through the Office for Standards in Education (OFSTED). Still the quality of music education depends greatly on the abilities of individual schools.

In the domain of practical music lessons the **private sector serves as a significant factor**, especially in large cities.

The general structure and content of the curriculum for schools in all nations is largely shared (comp. www.nc.uk.net, www.ltscotland.org.uk/5to14/guidelines/index.asp, www.accac.org.uk, www.ccea.org.uk)

Nursery

Music from 3-5 in nursery education is part of 'creative development' (see www.qca.org.uk/ages3-14/downloads/fs_cg_creative.pdf). Schooling is not compulsory for this age group but increasingly encouraged. Nurseries are regulated as part of the school system and can be either private or attached to state schools.

Primary schools

In primary schools music is compulsory for all children from 5–14. The focus is on creative, practical music making taught in mixed ability classes, including students with special educational needs. The expectation is of approximately one hour of music per week, and teaching is organised on the principle of the class teacher who teaches the whole curriculum. As a result, most music teaching in primary schools is provided by non specialist teachers. Individual schools may employ a specialist to lead the subject. The same teachers are also responsible for the extended curriculum which takes place in and around the normal timetable: e.g. choir, recorder groups, orchestra, drumming groups, steel pans. These activities may be entirely voluntary, but there is increasing support and funding for musical activity of this kind as it is recognised that music can raise confidence, engage disaffected students, increase motivation and enhance behaviour and achievement

Secondary schools

Secondary schools have specialist teachers. They can apply to be music specialist schools in order to obtain extra resources. Music is an optional subject after the age of 14. The courses are based on an equal balance of performing, composing and listening. A wide repertoire is encouraged including classical, world musics, rock and pop, and jazz. Students can also specialise in music technology and are encouraged to study for higher level qualifications.

Instrumental teaching

Until the late 1980s there was a tradition of instrumental tuition managed by local education authorities. Teachers gave individual and group tuition mainly on orchestral instruments. A structure of ensembles and youth orchestras provided progression and challenge for young players. Since 1988 instrumental tuition has no longer been free although there remains some subsidy for poorer children. There are wide local variations and in some areas tuition of this kind disappeared altogether, in others the service became a commercial service. These changes had a gradual impact on provision and opportunity – although the numbers of those learning instruments did not change fundamentally, it became a middle class occupation.

Extra funding for musical activity out of school is generated through the National Lottery (see www.youthmusic.org.uk). There is a diverse and active community music sector working both in and out of school. (XY: Music Education in the various School Systems of Europe. Great Britain)

CONCLUSION: MUSICAL DIVERSITY AND EDUCATION IN EUROPE

Most curricula all over Europe emphasise musical diversity and often explicitly name a large array of musical genres that shall be taught. Although there is no concrete information about the actual situation, there are indications that these requirements are not realized in actual circumstances in the schools. One of the reasons for this shortage might be that teachers lack the appropriate skills. If this problem does not account for individual teachers, but is a more regular problem, it points to structural problem in the education of music teachers.

Comparing theoretical and practical training there are indications that practical training resists attempts of diversification even more than theoretical training.

4.4 Subsidy

Definition

This section considers subsidies of the state for music. Subsidies are only a part of all the governmental measures related to music and musical diversity. Subsidies as understood here are financial contributions. Typically they take the form of direct financial aid or as tax exemptions.

References to other sections

This section covers cultural subsidies only. Programs focussing on the economic development and not on cultural aspects are dealt with in section 2. Whether a certain activity falls in the economic or in the cultural domain can usually be judged by analyzing the success criteria applied to the activity: a cultural program is successful, if the outcome is a highly valued cultural product, i.e. a result of high quality; an economic program is successful if it generates economic value, i.e. typically gainings. Quality standards in the cultural field are often debated and, to a varying degree, contested. Nevertheless, quality standards do exist. This distinction between culture and economy is widely spread and often employed in the context of cultural policies. This is the reason why it is taken over in this report. Yet, it is an inadequate distinction since cultural services often have an economic dimension, and many, if not all, economic activities have a cultural dimension. Consequently, it would be more appropriate regarding the cultural domain simultaneously from a cultural and an economical perspective. The suggestion to define culture as a complex whole not being limited only to the arts and related domains echoes definitions of the notion of culture from the academic fields of Cultural Anthropology and Cultural Studies.

Subsidies for programs in the field of musical education are covered in section 4.3. Similarly, the funding of research activities are discussed in in section 4.6. Sometimes subsidies in general are regarded as distorting the free market. Therefore, proponents of the free trade system sometimes criticize systems of cultural subsidies. This discussion is postponed (s. section 7).

Subsidies' Relation to Cultural Policies

Subsidies are generally distributed according to the often explicit aims of cultural policy; sometimes the promotion of musical diversity is recognized as an aim of cultural policy as such. In other cases the specific aims have to be interpreted according to their relation to musical diversity for this report.

Sometimes, cultural subsidies are not distributed directly for certain projects, but in the form of tax exemptions etc. Prominent examples of this form are a reduced VAT rate (value added tax rate) or a special social security system for artists (comp. Belgium and German examples below). Concerning musical diversity the implied categories for art and culture are interesting. All of these systems have to determine what or who receives support, i.e. they have to include mechanisms of how to decide what is a cultural product, a work of art respectively an artist. If these terms are interpreted in a rather limited and strict way, for instance, if one kind of music were exaggerately promoted, subsidies could weaken musical diversity instead of strengthening it. For the promotion of musical diversity it is paramount that these mechanisms are not limited to specific kinds of music. Instead, they have to be open to a wide range of musics and musicians. Therefore, this report scrutinizes the mechanisms determining who and what receives support.

The Position of Music in Cultural Policies

Cultural subsidies are given to several fields such as theater, cinema and music etc.; music is only one of these domains. For the purpose of this report on musical diversity, however, the budgets explicitly allocated for music are not the only ones relevant. Sometimes general measures for all the arts apply for music and musical diversity, and sometimes measures beyond arts in a strict sense, for instance folklore and amateur arts, apply for music and musical diversity.

Competencies on Different Levels

In the countries of Europe cultural subsidies are not distributed by a single institution of the state, but by a decentralized system of state institutions. Typically these institutions are found on a federal level, the level of districts or federal states and the local level (municipalities etc.). Often all of these levels have separate cultural departments. Although everywhere in Europe there are decentralized states, the level of decentralization can be very varying. In Belgium, for example, the expenditures for culture of the federal state are only 2,7% whereas in Eastern Europe central government bodies often spend more than 50% of all expenditures on culture (Albania 98% in 2000, Bulgaria 74,7% in 2003, Estonia 60% in 2003, Lithuania 56,7 % in 2003, all figures according to the relevant Ericart reports, see section 4).

EXAMPLE 1: ALBANIA

In 1999, Albania's Ministry of Culture, Youth and Sports supported over 100 arts projects amounting to approximately ALL 60 million. Artists' grants for large scale events and individual projects are decided upon by the Minister following advice from an ad hoc group which he appoints.

The President of the Republic grants pension supplements to artists who have been recommended by a body of experts from the Ministry of Culture. In addition to project grants, the Ministry of Culture, Youth and Sports issues awards for literature.

The Ministry of Culture finances the nation-wide folk festival in Gjirokastra. It takes place every 4 years. Nowadays minority groups can also participate in it (ericarts Albania, p.19).

EXAMPLE 2: BELGIUM

Belgium has several measures such as a social security for artists, a reduced VAT rate for cultural products and tax shelters for audiovisual works that support music and musical diversity. The new VAT system introduced 1993 has a high rate of 21% and low rate of 6%. The low rate applies to most cultural objects (books, magazines, original works of art, etc.) and services (tickets for productions, copyright). There are exemptions from VAT e.g. for the services by performing artists for organisers and companies, leaders of orchestras, musicians etc. and the organization of theatre, ballet or film productions as well as concerts or conferences by institutions recognised by the competent authorities, if the income they gain from these activities is used exclusively to cover the costs.

The Belgium cultural legislative promotes equality. The Cultural Pact Act passed in 1973 prescribes that government aid – in whatever form– must guarantee the equality of rights between citizens, regardless of their conviction. The Cultural Pact Act also obliges every of

Belgium's government to set up participation or advisory structures and to involve these in the preparation and implementation of the cultural policy. (ericarts, p.29).

Under certain conditions the Flemish Community provides commissions in the fields of music and the performing arts, for compositions and theatre plays. Bursaries are awarded to creative artists. The Flemish Community purchases works of art for the collection of the Flemish museums of contemporary art and for its own collection. Provinces and municipalities also award prizes.

Scholarships are available from the French Community for individual artists in the fields of the visual arts, contemporary literature and music. The Ministry of the French Community has an acquisition programme for works of art.

Associations from different fields, such as performing arts, theatre for children and youth, jazz, rock, choreography, receive benefits from the French Community. In addition to the main institutions in the field of music, individual practitioners receive specific grants for composing work.

The German-speaking Community has initiated several awards for the cultural domain. Most arts groups are amateur arts associations, only few of which have achieved a semi-professional status. Most of the cultural players in the German-speaking Community operate in a non profit sector. Organisations that operate full time are mainly to be found in the area of organising cultural events and museums, but many still rely on financial support from the German-speaking Community.

EXAMPLE 3: GERMANY

According to the federal organization of Germany and the principle of subsidiarity there are many institutions responsible for cultural subsidies. For some years there was an increasing influence of the federal level which finds its expression in the creation of a new function: the Minister of State of the Federal Chancellery and Commissioner for Cultural and Media Affairs.

In general, indirect cultural subsidies are favoured. There are different tax models, such as a special social security model for artists and related occupations, a reduced VAT rate and tax exemptions for some cultural workers (see below). Additionally, the cultural sector receives state support through educational and other infrastructural measures. Support for individual art forms and individual artists in the various artistic fields are likewise important.

At the federal level, support to artists is provided through special artists funds, artists organisations and bodies, as the *Federal Foundation for the Performing Arts*, as well as projects implemented by the *German Music Council*. This support encompasses nationally prominent competitions, scholarships and prizes, for example. Resources are also provided by the Federal Government via the *Cultural Foundation of the Länder*. Federal funding is also available for German artists' residencies abroad at facilities such as the *German Academy* at the *Villa Massimo* in Rome. Support for artists is provided mainly by the municipalities and the *Länder* through a wide variety of instruments. Widespread forms of support at Land and municipal level include financial assistance for art projects, the purchase of works of art, the commissioning of artworks, the awarding of scholarships, the

provision of facilities for exhibitions and performances as well as studios and workshops, the awarding of monetary prizes and the granting of publication subsidies. An additional support instrument for the eastern *Länder* is provided via the *Cultural Fund Foundation*. Six expert commissions decide on the allocation of project funds, work placements, continuing education opportunities etc.

Cultural awards and art prizes are a noteworthy support instrument and have increased both in number and importance in recent years. The latest edition of the compendium "*Handbuch der Kulturpreise*" (Handbook of Cultural Awards) lists 2 400 prizes with 3 100 individual awards for the year 2000. General cultural awards account for 23% of these, followed by the visual arts and music with 15% each, literature with 13% and film with 9%. Recent years have also seen an increase in scholarships and prizes endowed by private individuals and firms. (ericarts, p. 35)

Support to professional artists associations or unions. In addition to the support provided via artists associations, funds are made available to bodies like the German Arts Council and the German Music Council. A portion of these funds is assigned to assist these associations and to support individual projects.

In Germany, the cultural field is enriched by amateur arts. Cultural institutions in smaller municipalities are frequently organised as associations and depend on the voluntary engagement of their members showing civic commitment and involvement. According to the "Volunteers' Survey", about 2.1 million persons volunteer in associations and cultural institutions, thus contributing towards the supply of cultural programmes and broadening the opportunities to participate in various cultural activities. Cultural associations are the main providers of amateur arts. 4.6 million persons in Germany are active in the area of amateur music alone.

Tax laws

Indirect state support for the arts and culture in the form of tax breaks is not laid down in a separate legislation but consists of a multitude of regulations contained in various specialised acts instead. Under certain conditions, public cultural operations and non-profit activities (e.g. theatre performances) are exempt from VAT and corporate tax altogether. Since *January 1st, 2000*, an *Act on the Taxation of Foundations* is in force, including tax incentives for the establishment of and donations to foundations. In recent years, additional tax breaks have been incorporated into the law governing donations, and the tax exempt limit for income from voluntary activity has been raised and extended to apply to other groups.

Social security frameworks

In Germany self-employed artists and journalists enjoy comprehensive social security coverage through the *Artists' Social Insurance Fund* (KSK). The special protection for this group is provided under the *Artists' Social Insurance Act* and encompasses statutory health, long-term or old age care and pension insurance. Like employees, the artists and journalists must only pay half of the social insurance contribution. The rest is paid by the firms that regularly exploit and market the work of artists and journalists in the form of an artists' social insurance levy on all fees and royalties paid (5.5% in 2006). In addition, the Federal

Government provides a subsidy currently covering 20% of the expenditures to help the fund (ericarts, p.21).

Recent Re-Allocation of Public Responsibilities

Contributions by the citizens and their local communities are encouraged. Over the past years, the Federal Government, the federal states and the municipalities have increasingly handed over direct responsibility for running cultural facilities and programs. This organisational restructuring of the cultural sector is favoured by representatives of the business sector and other groups in society, provided it does not result in reduction of the state's financing. Institutional reforms now reflect a growing preference for new sponsorship models. Two strategies can be distinguished in this context: the partial liberation of cultural institutions from the confines of budgetary and public service law and from municipal and other administrative structures through choice of another legal form such as a limited liability company or a foundation and the transfer of tasks to institutions in civil society. (ericArts, p. 33)

Problems of Statistics

The municipalities, the Federal States and the Federal Government operate on the basis of different definitions of the term "culture". As a result, public cultural expenditure statistics often vary considerably. EU cultural statistics with yet differing definitions and the very broad UNESCO statistical framework add to these various definitions of cultural statistics. Furthermore, other state activities, for instance measures for job promotion affect the cultural sector, but are rarely included in the statistics for culture.

Overall development of funds

Cultural expenditure increased disproportionately in comparison to other areas of public expenditure in the 1970s and 1980s. In the 1990s, however, leaving the effects of unification aside public expenditure declined (Ericarts Germany p.30).

EXAMPLE 4: LITHUANIA

Promotion of creativity, i.e. of artists, has been an important policy issue. In the 1990s, a system of state support for artists (scholarships, grants, awards, etc.) was established along with other forms of financial and social aid. The Culture and Sports Support Fund (established in 1998) is one example of such a measure. Furthermore, a legal basis is being developed to address the status of artists (ERICarts).

4. Lithuania has special regulations concerning social security for artists (e.g. payment of state pensions) and a tax exemption from personal income tax.
5. Financing of third sector (non-governmental institution) comes from a variety of sources. State funding is generally allocated upon expert evaluation of candidate projects or programs submitted for competition.

Subsidies through Funds

There are funds for the cultural field: the Media Support Foundation and the Culture and Sport Support Fund. Both are directly financed from the state budget; decisions on financing priorities are formulated by the boards and experts of the funds. Intervention by the Ministry is rare. The Media Support Foundation aims at dissemination of regional and ethnic culture, the development of cultural awareness of society, and unique cultural aspects of national communities. These two fund and support festivals, performances, international cooperations etc. Nine annual awards are provided financing. An artists' support program has been elaborated at the national level. Money is also allocated to the Lithuanian Art Creators Association, which is composed of 11 individual artists' unions (in 2002).

Amateur arts

Traditionally amateur arts associations play an important role in the cultural life of Lithuania. In 2001 there were 947 cultural centres with 59 100 active participants organised in various groups of art amateurs. Due to a legal reform of the status of cultural centres, the number of registered cultural centres decreased to 99 with 369 branch institutions in 2003. Access to culture for the rural population is restricted due to low household incomes. Expanded international links in the field of amateur artistic activity have become more prominent. Lithuania hosts a variety of international amateur art events among others for sectors such as orchestras, choirs, dance, folklore, etc. The World Lithuanian Song Festival, organised every four years, plays an important role in the development of amateur art in the country (the last one was held in 2003). The Lithuanian Folk Culture Centre, which functions under the Ministry of Culture, is the main state institution responsible for amateur art activity in the country.

Minority Policies

Main minorities in Lithuania are Polish and Russian (each about 6% of population). There are also about 3000 gypsies. The Law on National Minorities (1989, amended in 1991) guarantees the rights of national minorities to receive state support for fostering of their national culture, access to information and press in their native language and to establish cultural and educational organisations. The state provides financial support for institutions such as the Russian Drama Theatre of Lithuania and the Vilnius Faon Jewish State Museum of Lithuania. There are many NGOs working in the cultural field.

EXAMPLE 5: NETHERLANDS

The Ministry of Education, Culture and Science provides funding for orchestras and large ensembles, as well as subsidizes domestic and international touring, and also administers the Creative Music Fund (Fonds voor de Scheppende Toonkunst) to which over 400 composers apply annually.

The Ministry has considered imposing a Dutch content quota as a condition of subsidy for the orchestras and ensembles that benefit from federal funding. There was lots of protest in

public. The idea was changed into an additional funding programme for programming Dutch and modern repertoire.

EXAMPLE 6: SLOVAKIA

The rural areas receive special attention by the Ministry of Culture, which has set up its own Council for Traditional and Popular Culture. A significant part of the Pro Slovakia Programme is reserved for it. There is a strong tendency to ethnic and cultural attachment, which is centred to the body of ULUV (Centre for Folk Art Production).

It seems that governmental activities have built a balance between heritage and conservation and creative activities on the major fields of theatre and music.

There is an overall decline in funding for culture with no real provision of alternative funding. There is also less financial security, resulting from administrative decentralisation, uneven regional development and the priority given to the social and educational sector.

The Pro Slovakia Fund became, after long years of independence, a ministry-controlled programme in 2002. It supports a variety of structures and projects, but the objectives are not very clear. Matica Slovenska is a very old foundation with its own almost exclusive cultural activities, responsibilities and funds which effectively acted as the real Ministry of Culture in the time from 1992 to 1998. Now it serves national political interests and is no longer funded by the state since 2000. Funding in Slovakia is currently in an extremely weak position: culture is solely state-funded and funds are centrally managed and subject to continual cut-backs. Our informant said that they are channelled through intermediate agencies and simply intended to cover operational deficits without any defined programme being there while the country is making transition to decentralisation.

Funds draw on sources that are not directly state-controlled (fiscal measures, private donations, patrons, sponsors etc.)

CONCLUSIONS: SUBSIDY AND MUSICAL DIVERSITY

Reports on cultural subsidies in the countries of Europe rarely mention musical diversity explicitly. Instead the reports focus on subsidies in a more general context. The same holds true for most of the legal documents (decrees, acts etc.) in which the state regulations themselves are formulated and since these are the original text containing the official regulations and standards the problem of interpreting these texts is inevitable.

Another problem is that there is hardly sufficient information on the selection of people and institutions who are to receive subsidies – are subsidies provided only to citizens of the respective state or are they potentially provided to anybody? A rare exception is the example from Belgium.

In many cases the regulations do not contain such information since the distribution of subsidies is left to special advisory boards. Such a structure is potentially open to diversity as far as the regulations are concerned, but if it actually operates like this the mode of regulation is highly dependent on the composition of the respective board – an aspect which has not been regarded here.

From what has been shown above, it seems that there is a tendency of structures favouring musical diversity, such as decentralization, a subsidiarian system, and the development of third sector, which is developed stronger in Western Europe than in other areas of Europe.

4.5 Copyright

In 1996 WIPO adopted two treaties which aim at modernizing the national copyright laws in the light of new technical developments, such as the internet: the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). Both are concerned with in the protection intellectual property rights in the information society. In accordance with the WIPO treaties, the European Union passed the EU Directive 2001/29/EC on intellectual property in 22 May 2001. The member states have to implement this directive. The EU directive accounts not only for EU states, but also for members of the European Economic Area (EEA).

The following sections describe the implementation process and related discussion of the EU directive in two countries, Germany and France.

EXAMPLE 1: GERMANY

In Germany the First Law for the Regulation of Copyright in the Information Society became effective in September 2003. With this step, the so called "first basket", the legislator realized the imperative aspects of the EU directive. Other aspects of the EU directive that are not compelling for the member states were left for a second step, the so called "second basket". The federal Ministry of Justice presented a draft for the second basket in January 2006 and a slightly revised version was on the 22th March 2006. According to the relevant minister, the bill aims at a fair exchange of interests between creators, users, industry, cultural sector and science.

Controversial aspects in the discussion of the amendment of the copyright are:

6. copying for private use
7. technical systems for copy protection and digital rights management (DRM)
8. flatrate levies
9. a new regulation of the so called unknown possibilities of use (unbekannte Nutzungsarten).
10. the regulation of copyright for science and research

The EU directive determines that the circumvention of technical protection mechanisms to create private copies is illegal. Through the "first basket" the German legislator has implemented this allegation by forbidding the circumvention of "effective technical measures" for the protection of a copyright protected works without the approval of right's owner (§95a Abs. 1 UrhG). The phonographic industry, especially the German section of IFPI e. V. and the *Bundesverband der Phonographischen Wirtschaft e. V.* demand more restrictions for the private copy in the "second basket". The German Ministry for Justice (BMJ) introduced a bagatelle clause (Bagatellklausel) according to which the private users are not prosecuted for violating the copyrights by making private copies. The ministry does not want a "criminalization of the school yards" was an argument in the public discussion. The association of the phonographic industry, however, demands a deletion of this clause and is supported by the Minister of State in the Federal Chancellery and Commissioner for Cultural and Media Affairs, Bernd Neumann (CDU). Thus, the bagatelle clause is a

controversial point in the government. In the revised version of the bill, the bagatelle clause has been deleted.

Furthermore, the first basket introduced a flat rate levy to compensate copyright owners for the losses from the private copy remains in the second basket. This levy accounts for copy devices and storage media that can be used for private copies. Since there is a flatrate levy and an individual mode of payoff by the DRM systems parallel to each other the Ministry of Justice introduced a new principle in the second basket: "the more [individual] copy protection, the less levies".

Representatives of the consumer protection criticize that the "first basket" of the amendments of the copyright resulted in an extensive improvement of the protection of the right's owner since the private copy was restricted considerably by the new law. From this perspective the amendments appear to improve the position of the industry. Inasmuch, the critics demand that the second basket improves the position of the users.

EXAMPLE 2: FRANCE

For the implementation of the EU directive in national law, France takes its time. Like in Germany, the private copy and flat rate levies stand in the center of attention. The government's bill for the amendment of the copyright (DADVSI – „Droits d’auteurs, droits voisins dans la société de l’information“) shipwrecked at the end of 2005 because of parliament's resistance. The draft contained the prohibition of software for the transfer of files that does not verify violations of copyrights by DRM. The bill also provisions considerable penalties for copyright violations.

The debate for the amendments of the copyright was taken up in national assembly in March 2006. Since the decision of the parliament from December 2005 a discussion about a cultural flat rate has developed. It plans legalizing of file sharing for copyright protected works for private ends in the context of a global licence with a flat rate levy. The French government regards these plans extremely critically.

The lower house voted in favor of the draft law in March 2006. The upper house is expected to vote in May, and if the bill is approved, it will take effect in 2007.

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CONCLUSION: MUSICAL DIVERSITY AND COPYRIGHT

In the current situation where music is often experienced in a market situation, changes in the copyright legislation have the potential to change every day experience of music fundamentally. Therefore, it is clearly a important topic to discuss the relation of copyright and musical diversity. So far it seems that three parties dominate the discussions about copyright: the industry producing equipment, the music industry or more broadly, the content industry, and the consumer. Seemingly, the position of the copyright owners are underrepresented. It has to be stressed that without their innovative input musical diversity is clearly in danger.

Concerning the enforcement of copyrights and related rights it is evident that piracy is especially strong in countries with a relatively poor population such as in Eastern Europe. Besides the content industry's plausible claims that piracy reduces their profits, it can also be discussed as a form of cultural subsidy or development program. It supports the consumer industry since it helps introducing new media. The investment in a CD player in a poor country would not be reasonable if CDs had to be bought at a regular price. Due to this condition an effective distribution of media is based. Furthermore, piracy enables the audience to participate in the diversity of music available on the market and makes them acquainted with the market.

4.6 Others

In section 4 most of the domains through which the state regulates musical diversity have been discussed already. What has not been dealt with so far, is the domain of research. Since it is regarded as domain of cultural subsidy sometimes and as part of education in other cases, it is reserved for this section.

Research on the multiplicity of musics is not necessary - neither for musical practice, nor for obtaining musical diversity. The proof for this thesis is simple: there are musics that are not researched. Still research is a condition for many other "uses" of music besides practice, and these uses tend to be important in the highly diversified world of present day Europe. The examination of musical diversity in education is a good case in point. In spite of the fact that many curricula explicitly demand the teaching of musical diversity, this requirement is often not fulfilled satisfactorily. Among the reasons for this, is a lack of adequate material for teachers or an adequate formation for teachers respectively. The problem is related to the fact that musical diversity still is a new topic and in many cases academic research on this topic has not yet reached the class rooms.

Research on musical diversity is not only a condition for the educational sector. It can also act as a catalyst for other sectors such as the field of journalism. It is usually easier for a journalists to produce an contribution about a certain music or musical phenomenon if it is dealt with in academic literature. Hence, the relation of research on musical diversity is an indirect one: research is not necessary for musical diversity, but it helps to come to terms with it.

A classical function of research in the context of musical diversity is the preservation of music, and a classical device of storing music is the music archive. Music archives have been established in various forms all over Europe, especially since the 19th century. Today, there are archives specialising on certain media such as scores or sound recordings. Maybe even museums of musical instruments can be regarded as music archives in this context as

well. There are scientific and other archives, but in the present context, it may be allowed to concentrate on scientific archives.

For musical diversity, archives of traditional music are of special interest, since – at least in Europe – they are often linked with national identities. Examples can be found in almost every European country, such as the Volksliedarchiv, Freiburg i. Br. in Germany, to give just one example. Among others, these archives tend to preserve musics from the past. Since musical realities often changed over time, the archives preserve musical situations that do not exist anymore. Therefore, they act as a memory. Concerning musical diversity, this function is vital, especially regarding the fact that national identities are of special importance to the inhabitants of present day Europe.

5. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

Generally all states in Europe allow the diversity of musical expression and one can observe a great diversity of musical forms everywhere in Europe. Exceptions are Turkey, where musics of national minorities as well as of some religious groups are restrained and Belarus, the last totalitarian state in Europe, where some repressions against Rock musicians could be observed.

The general tendency in all European states is the strong support of classical music and other kinds of "serious" music, like contemporary and medieval music. In some countries jazz has reached the status of "serious" music and is also supported by the state. This consciousness of the importance of classical music is typically European and dates back to the 19th century. Today in some countries, about 80% of the state subsidies flow into the "serious" music sector.

Some European countries also support different kinds of "national" music, that are specific for each state. In Norway, this is a living tradition of rural music. In the Ukraine, it is rather a music which is a product of the transformation of a number of living rural traditions into one single musical standard, which has been exploited during the soviet era and still is associated with the Ukrainian national identity. In Bulgaria, there is a rich rural tradition alongside the arranged folklore à la *Bulgarian Voices*. (More on national identity can be found in section 6.3.)

The involvement of the state with national music culture might not be predisposedly judged as non-pluralistic. In the most European countries today this involvement can be seen as balanced promotion, which restrains no other musical forms and often helps protecting and maintaining local traditions and counteracting international tendencies of globalisation in music. An example of this trend might be the Netherlands where the authorities have considered to impose a Dutch content quota as a precondition for subsidizing orchestras and ensembles that benefit from public funding. This idea caused a lot of public protest. The idea has been changed into an additional funding program for programming Dutch and modern repertoire.

An opposite trend can be observed only in Belarusian state radio, where a 75% quota for Belarusian music has been introduced by the state (s. Section 4.1)

Cultural and musical disbalances often take place in nations which are in the state of war. An example could be the use of the instrument *tambura* in Croatia. *Tambura* is traditionally associated with Northern Croatia whilst *mandolina* with Southern Croatia. During the war 1991 – 1995 when homogeneity was required, *tamburitza* was used to represent all Croatia, north and south. After the war, there was a trend against *tamburitza*, which enforced the *mandolina* (source Grozdana Marosevic).

Musical diversity and the EU:

The European Union considers the diversity of cultural expression to be one of its main focusses. There is a current debate on enhancing it within the Union and its member states. The main lobby organisations for music like the national music councils, which traditionally are very focussed on European and "serious" music, are now willing to put new accents and to promote musical diversity.

Debate on "Leitkultur" (leading or hegemonic culture):

In October 2000, the leader of the German Christian Democratic Union/Christian Social Union (CDU/CSU) parliamentary group in the Bundestag (the lower chamber of the German parliament), used the term "Leitkultur von Deutschland" (leading, or hegemonic, culture of Germany) to describe what immigrants coming to Germany might aspire to. The debate and controversy surrounding this term has been enormous, it produced a broad public discussion about what this German "Leitkultur" and the cultural core values are. To this day the debate still re-inflames regularly in the media.

The Term "European Leitkultur" originates from Bassam Tibi, who describes the values of "cultural modernity" in his book "Europe without Identity" (1988): Democracy is based on the separation of religion and politics, rationality is the governing principle and tolerance and pluralism are basic values. Thus cultural pluralism is not an arbitrary multiculturalism.

One argument in the European debate about "Leitkultur" is, that on the one hand national cultural identities in Europe should be maintained, while on the other hand, Europe needs a joint cultural identity and a consensus about its cultural values which still needs to be developed. In the political debate on immigration policies, controlled "immigration" (Einwanderung) is seen as the opposite to the wild "migration" (Zuwanderung). The suggested rules for "immigration" and integration of immigrants often mean assimilation of the core cultural values which can be seen as danger or even prevention of cultural pluralism.

In Netherlands, when immigrants are to obtain the Netherlands citizenship, special naturalization feasts are held, at which the still immigrants and the future citizens are asked to sing Dutch songs (as a part of a sort of language test).

Some social players such as the churches, e.g. the Romanian Orthodox Church, strengthen the unification of the musical repertoire, but they do this within democratic limits, respecting the individual freedom of expression.

6 The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity

6.1 Broadcasters

Western Europe

In Western Europe public sector broadcasters play an important role in maintaining musical diversity in public life: this is one of their main tasks which is absolutely crucial for their self-conception.

Johannes Theurer, editorial journalist at the German public broadcasting company *Radio Berlin-Brandenburg*, says:

“Public sector broadcasters are guarantors of the representation of musical diversity in public life. They have the clear task to represent diversity, and they follow it. But the dedication to the diversity ends, when the listeners doesn’t want to have it.”

The diversity of musical forms being represented in the play-lists has been decreasing, since the notion of radio format has been introduced by the public sector broadcasters. Today, prime time gives space to musical mainstream like pop music (mainly US-American) and classical music, or to the main profile of the station. This policy has been chosen to attract more listeners to these stations and to make them more profitable.

Ole Reitov, who has been working for public broadcasters in Denmark, describes the current situation with world music on Scandinavian public radios:

World music had become a broadcasting phenomenon, something that was considered worth dealing with giving it an internal status similar to jazz and folk music.

But then “format radio” set in heavily in European Radio. The idea was to streamline the channel structure and the program profiles, thus giving less influence to the music presenters and the producers and more power to “middlemen” and channel editors. Several of the new bosses had no musical background and seldom any music policy ambitions that went further than mainstream. Music magazines (specialist programmes as they were called) were out. Music controllers were in and that trend is still dominating European Radio.

Most programmers have no freedom to choose the music they want. They are given a selection of tracks to choose from that has been pre-selected by various controllers and programme committees.

So whereas you could sneak in world music here and there in other programmes in the eighties and the first part of the 90’s you can now hardly find world music in prime time radio, and several of the specialist world music programmes have been removed from the popular music channels.

Thus neither Denmark nor Sweden has featured regular world music programmes on the P.3 channels for several years.

Examples of radio stations explicitly claiming to promote musical diversity:

France

BEUR FM <http://beurfm.net>

("Beur" means Arab or Maghreb.) Beur FM is a community based radio station that plays music of the Maghreb, popular and world music mostly from the oriental region, e.g. lots of Raï.

Germany

radio MultiKulti – is a radio station of the public broadcaster RBB (Radio Berlin-Brandenburg). Its broadcasting time consists of two parts: the prime time is given to programmes in languages of immigrant communities: Turkish, Russian, Polish, Italian, etc. The rest of the broadcasting time is in German language, with news and popular music from all over the world.

As a public sector radio radio MultiKulti has the task to report objectively and to represent cultural diversity, which makes it different from private and community broadcasters sending in languages of immigrant communities.

Netherlands

Young people and migrants' broadcasting company *Stanvaste* is made for the target group of the younger generation of migrants, a big multicultural, multi-ethnic bilingual target group with special needs, talents and problems. The station also aims to make contact with newcomers (refugees) that cannot be contacted by the authorities. They can satisfy their need for information and music. *Stanvaste* is specially meant for the multicultural city of Rotterdam. The Foundation *Stanvaste Jongeren en Migranten Omroep* developed together with the SBAW, office for project development, a concept for a multicultural radio via the channels of SLOR (Stichting Lokale Omroep Rotterdam - Foundation of the Public Broadcast Rotterdam). Its main goal is to reach youngster of the migrant communities and let them know about the possibilities they have in Dutch society.

Mira Media association - Mira Media's main goal is to achieve more diversity and 'ethnic' pluralism by supporting the participation of immigrants in radio, television and the interactive media. Mira Media has no broadcasting time, but closely co-operates with Dutch national and local (public and commercial) broadcasters. Mira Media is an independent co-operative body founded in 1986 by the major national migrant organisations in the Netherlands. <http://www.miramedia.nl/uk/index.htm>

6.2 Festivals/Music contests

6.2.1 Festivals

There is a great number of music Festivals in Europe, which are an important factor concerning musical diversity. In this section we will give some examples of important European festivals that explicitly claim to contribute to musical diversity.

Though Festivals are musical events in nature, they have also to be seen as an economical factor for the venues or cities where they take place. The best example here is the Tanz&Folk Fest Rudolstadt, the biggest folk music festival in Germany. Rudolstadt is a small sleepy town in Thuringia, with the population of about 26.000. On the first weekend of July, 65.000 visitors fill the streets of the old town, enjoying the great atmosphere of the festival and spending their money for meals and accommodation.

FETE DE LA MUSIQUE (France, Europe, worldwide)

The Fête de la Musique was launched on June 21 1982, the day of summer solstice, a pagan night which recalls the ancient tradition of Saint John's feasts.

The idea was to bring professionals and amateurs musicians together. The focus was on all kinds of music, was the incarnation of a policy striving to give an equal place to amateur musicians, to rock, jazz, singing and traditional music, all of which were given a chance to be heard alongside so-called "serious" music.

The free concerts, the media's help, support from territorial municipalities, and participation of an ever increasing share of the population...made it one of the major French cultural events, in only a few years.

It began to be "exported" in 1985 (the European Year of Music). In fifteen years, the Fête de la Musique would be taken up in over one hundred countries throughout the five continents.

Though the European dimension remains the most visible one, now that Berlin, Budapest, Barcelona, Istanbul, Liverpool, Luxemburg, Rome, Naples, Prague and the French Community of Belgium, Santa Maria da Feira have signed the "Charter of the partners of the European Festival of Music", the Fête has also taken root in San Francisco, in New York this year, in Manila, and has practically become the national feast in many African countries, not to mention Brazil and Colombia.

The **Zinnekeparade** in Brussels, Belgium, is a bi-annual street festival with a big parade. It brings together citizens of Brussels with all imaginable cultural backgrounds. The participating groups work together on their performance with the assistance of local artists: musicians, choreographers, dancers, musicians, sculptures, designers, painters etc. Most of the performances integrate music, mostly migrants' musics or music with a strong percussive component. "Zinneke" is a word from the special dialect in Brussels, meaning

"bastard". This identity of being a "bastard", having roots everywhere, being a mixture, is also represented in the participants' performances and the presented music.

Colora Festival (Leuven, Belgium), is an "intercultural festival". It sees world music as nice and low-threshold means to enjoy multiculturalism. Belgian and foreign bands perform on four Saturdays in July. Migrant communities have the possibility to present themselves and their culture with stalls.

Mano Mundo Festival (Belgium): an intercultural festival "for everyone". Aim: Together with NGOs Mano Mundo wants to sensitize and make aware of the north-south-problematic and the Millennium Development Goals of the UN. The festival aims to be a sustainable festival with the background of sustainable development. The festival is for free and wants to be family- and child-friendly.

Festival Interceltique of Lorient (France)

The Festival Interceltique de Lorient (fr) or Gouelioù Etrekeltiek An Oriant (br) was founded in Lorient, Brittany in 1971. This annual gathering takes place in the heart of the city every August and features Celtic traditional, classical, folk, jazz and rock musicians, singers, dancers, painters, sculptors, writers, etc. They come from Brittany, Cornwall, Wales, Ireland, Scotland, the Isle of Man, Cape Breton Island, Galicia, Asturias, in fact the entire Celtic diaspora. Each year a Celtic nation is the country of honour and puts forward its artists, culture, gastronomy and tourism.

2005 the ten-days festival brought 4500 musicians on 20 stages and 650.000 visitors together. A network of correspondents in all the countries that are concerned (400 persons) help to organize the event. This is the biggest music festival in France.

Karneval der Kulturen (Berlin, Germany) – is a multicultural mammoth event in Berlin/Germany, which takes place annually since 1996. Berlin as an international metropolis with the highest number of migrants in Germany has established this "Carnival of Cultures" to promote the social integration of immigrants and reduce xenophobia. The tradition of a big colourful parade and numerous music and theatre events serve the idea of the carnival: to show how peaceful and tolerant cultural diversity can be. "Clones" or events similar to this are growing in several other German cities (Hamburg, Bielefeld, Essen, Frankfurt ...).

Tanz&FolkFest Rudolstadt (Germany) – Germany's biggest folk festival, at the same time one of the most important folk festivals in Europe. All music styles, which use elements of traditional music are staged here.

FALUN FOLKMUSIK FESTIVAL (Sweden)

Falun Folkmusik Festival started in 1986. This festival was the first to present Swedish and Nordic traditional music parallel to locally rooted music from other countries and continents. Over the years the event grew rapidly and by the mid-nineties was firmly established as the major Nordic folk and world music event.

Paléo Festival (Switzerland) - the biggest open-air music event in Switzerland. The festival line-up represents a balance between established stars and new talents, and includes rock, French chanson, world music, reggae, hip hop, classical music and street theatre.

SKIF (Saint-Petersburg, Russia)

Sergey Kuryokhin International Festival (SKIF) is a festival of modern art, based on the concept of Pop Mekhanica, the multicultural project of the outstanding Russian pianist, composer, writer and public figure who died untimely in 1996 – Sergey Kuryokhin. The festival features more than 1000 musicians, DJs, visual artists, photographers, dancers, movie-makers, authors, art critics and philosophers from all the world. The music performed defies stylistic and aesthetic boundaries. It both draws upon and challenges accepted notions of jazz, rock, classical, ethnic, world music etc. SKIF also performed in New York City and in Berlin.

Sajan Ring (Krasnojarsk region, Siberia, Russia) – a festival of world music with strong presence of Tuvian musicians. This festival goes back to a private initiative of a Siberian businessman, and seems to be the only music festival of international scope in Siberia. The goals of the festival include propaganda, support, preservation and development of national culture of peoples of Siberia, but also the strengthening of cultural contacts with regions of Russia and the world.

The Programme of the festival includes following musical events: Competition on nominations: folklore and ethnography, folklore and scenic skills, folklore and experiment among bands from Siberian region, Mongolia, China, and also Moscow, ethno-experimental music and performance, and ethno-jazz-rock laboratory.

6.2.2 Music Prizes/Contests

Music contests play an important role in developing different kinds of music forms in Europe. They are especially important for classical music. At the same time they are also very helpful in promoting new and non-mainstream music forms like traditional and world music. Music competitions give orientation to music labels and managers in identifying new marketable talents. They are also a publicity instrument for promoting young talented musicians.

Tchaikovsky-Prize - Founded in 1958 and held every four years since, the competition remains the most important contest for classical music worldwide. But it no longer seems to hold the same prestige it once did internationally. The reason is the collapse of the Soviet Union and the emigration of many of Russia's most rigorous teachers to Western academies. The contest has failed to present new charismatic winners in the last years, which would attract the attention of the media. The loss of significance of the most important contest will have an impact on the status of classical music as such in the media, in the recording industry and as consequence in the society. (See <http://www.scena.org/columns/lebrecht/020703-NL-competitions.html>)

WOMAD is the most influential world music contest today.

WOMAD stands for World of Music, Arts and Dance, expressing the central aim of the WOMAD festival - to bring together and to celebrate many forms of music, arts and dance drawn from countries and cultures all over the world.

WOMAD was originally inspired by Peter Gabriel: "Pure enthusiasm for music from around the world led us to the idea of WOMAD in 1980 and thus to the first WOMAD festival in 1982. The festivals have always been wonderful and unique occasions and have succeeded in introducing an international audience to many talented artists.

"Equally important, the festivals have also allowed many different audiences to gain an insight into cultures other than their own through the enjoyment of music. Music is a universal language, it draws people together and proves, as well as anything, the stupidity of racism."

As an organisation, WOMAD now works in many different ways, but our aims are always the same - at festivals, performance events, through recorded releases and through educational projects, we aim to excite, to inform, and to create awareness of the worth and potential of a multicultural society.“ (Source: <http://womad.org/>)

Creole is a German national world music contest for newcomer bands and musicians. The goal of the contest is to promote global sounds from and in Germany, challenging mixtures of traditional music cultures on the one hand and pop, jazz and contemporary music on the other hand. A network of experienced culture agencies and organisations has come together, in order to help these new music forms to become more popular and present in the society, to bring the makers from all over in Germany together and to award the best bands and bring them to the listeners. The contest is open to all groups, whose work is dedicated to crossing borders, transcultural links and intercultural encounter. The contest is open equally to adaptations of European and non-European music. The first level of the contest is regional, and their winners meet for nation-wide contest round.

6.3 Identity

Very often music styles and forms are related to identity, either for a single musician or for a particular social group. In this section we will consider some examples where music or musical identity is explicitly seen as an expression of identity of a social group.

6.3.1. National musics

Western European self-conception as "nations of culture" is strongly linked to the tradition of European classical music. Particularly in Germany and Austria this musical style is seen as national tradition. This tradition historically grew to an aesthetic tradition of the upper classes, especially the "Bildungsbürgertum" (traditionally educated middle-class intellectual). Due to the comprehensive introduction of its canon in the public education system in Europe, it is often understood as THE model for all music.

Russia, Belarus, Ukraine – narodnaja muzyka – national music style, were formed on the basis of local musical traditions during the soviet era. These music standards were formed as a kind of "comfortable" folk music and were exploited to praise the magnificence of the Soviet way of life. An official "folklore sound" was imposed, a regime-friendly repertoire sanctioned, a training network for 'culture workers' created. The difference to the original musics of local traditions grew. National music styles were heavily promoted by the state media, whereas local musical traditions were generally ignored. As a result, these local traditions are nearly totally unknown in the society today. Though there is a growing

interest to national roots, the majority only seems to know products of the Soviet musical policy. In opposition to the variety of local musical traditions the national music style is highly standardised and thus counterproductive to musical diversity.

In Ireland, the Scandinavian countries, the Balkan and Caucasian states traditional music is quite vital and therefore often seen as national music. For example in Bulgaria: Local music traditions have been crucial for the national identity in Bulgaria for many centuries. Besides the orthodox Christian church, Bulgarian folklore was the only way to retain the own national identity during Turkish occupation. In the Soviet era the local musical traditions were also considered as an instrument for maintaining national identity. Music scholars went to the villages, recorded the local tradition, then cultivated it, making "better" arrangements by using Western European elements or writing new songs in the same style. Then these new songs and arrangements were performed by professional ensembles of national folk music, then played in the radio and so brought back to the places, where the original songs were recorded. People then learned the new versions, so what remained was a mixture of the original tradition and its "cultivated" version. Different to Russia, there is no such big difference between the living musical tradition and the adapted one. Both are known in the society and crucial for the national identity.

6.3.2. Local traditional musics

Until recently the vast majority of music traditions were local musical traditions. Today this situation is changing as a result of the dissemination of music through the media. Certain music styles once having been local traditions in some regions, are spread worldwide today, like jazz, pop or classical music. People are much more attached to listening to the media than to making music or visiting concerts of local musicians. The extinction of musical contexts, in which traditional musics are performed, and the dissemination of some global music styles by the media endanger local musical traditions, which at the same time means the loss of parts of local identity.

There are still many regions in Europe where local musical traditions are vital and quite intact, like in Ireland and the Scandinavian, Balkan, Caucasian and the Alps regions. In Russia, Belarus and Ukraine there are some traces of once rich local musical traditions, which are now highly endangered. As well, you find revival movements for traditional musics in many regions in Europe. In Eastern Europe they result from the strength regaining national identities after the collapse of the Eastern block and the Soviet Union. In Western European countries like the UK, France or Scandinavian countries these movements have rather cultural roots, but are also associated with national/local identity. A great number of festivals for traditional musics took place in the last 15 years, with their number increasing. This tendency has led to a noticeable revival of local musical traditions.

6.3.3. Musics of migrants communities

Asian Underground is a term associated with various British musicians of South-Asian (mostly Indian or Pakistani) origin which blend elements of Western underground dance music and the traditional music of their home countries. The first well-known example was the compilation album *Anokha - Soundz of the Asian Underground* released in 1997 and masterminded by Talvin Singh. It is not a strict musical genre per se, since the specific sounds can vary wildly (from Cornershop's Britpop to Panjabi MCs' jungle). Most of these

artists are the children or grandchildren of immigrants and have grown up in Western culture, but still have a strong Asiatic background through their families.

In the late 1990s, Asian Underground was considered hip, and broke through to the mainstream, with Talvin Singh winning a Mercury Music Prize for his Album OK in 1999. (Source: Wikipedia)

Turkish hip hop emerged from the break-dance, graffiti und DJ movement within the Turkish community in Germany in the middle of 1980s. Bands like Fresh Familee, Microphone Mafia, Islamic Force and Cribb 199 were the first to spread their message in Turkish. The band Cartel achieved the breakthrough of Turkish rap in Turkey and in whole Europe.

Many Turkish texts talk about living between two cultures, about the lack of acceptance in both societies and problems within the own tradition. After the assaults against immigrants in Mölln and Solingen the texts became more aggressive, the topics like revenge and retaliation came to the fore: „We are Turks, and if you don't want us, then we don't want you, too.“ Because of their texts Cartel were abused for he right as well as for left wing propaganda. Cartel filled stadions and was celebrated by the media. They were the "heroes" of the rapper scene in Turkey, the first, who won the "fight" against pop.

Today there are artists like Nefret, OndaOn, Ceza, Maho B, Hedef 12 and others, who point in their texts to social injustice and grievances. They tour through Europe and work with bands from Germany, France, Switzerland, etc. together. A network has been developed, within which concerts and jam sessions are organised and albums are produced.

6.3.4. Jewish music/Roma music

Roma and Jews play a special role among European nations, because they are intrinsically European, but do not form a state in Europe. Both nations, living in Europe for centuries, have contributed enormously to other European cultures. Both nations have been subjects to assimilation and to genocide.

There is no single phenomenon like Jewish or Roma music. Since these peoples live among different cultures and underwent assimilation in these cultures to a certain degree, the music is always a mixture of the own tradition with the local music forms.

There are some living music traditions within Roma communities, one example would be Romania. I don't know about any living musical tradition among Sephardic Jewish communities in Europe, though the traces of these traditions surely can be found. Klezmer music (Ashkenasim Jewish) has stopped its existence as a living tradition after the Holocaust. Later, it was revived in the USA and brought back to Europe, where it has become one of the popular world music styles performed on stage by professional ensembles.

Nevertheless music traditions of Jew and Roma have played a significant role for many European music cultures in the past centuries, e.g. their influence can be traced in most East European musics.

In today's music scene Jewish and Roma music are hip, probably the most successful world music styles, and in this quality they continue to influence many other music forms, producing mixtures and hybrid forms, or giving other styles just a shadow, an accent.

One Example could be the **Taraf de Haidouks**: *Taraf de Haidouks, a "band of brigands," includes up to a dozen musicians ranging from 20 to 80 years in age, performing an enormous and diverse repertoire appropriate to their many audiences, from fellow villages*

in rural southern Romania to connoisseurs of nearly obsolete folk genres and fans of global music.

Across Europe, Gypsies constitute very diverse peoples following many ways of life. Even in Romania, Gypsies are far from a homogeneous group. Members of Taraf come from Muntenia, the southern region of Romania located in the Danube Plain. The village of Clejani became home to Gypsies in the 19th century after their emancipation from surrounding monasteries. During the 1960s, when they first came to the attention of Romanian ethnomusicologists, there were perhaps a hundred men earning their living as professional musicians, or lautari. The Taraf found their way to such prominence partly through the work of ethnomusicologists who were responsible for releasing their first album in France [Ocora C559036 1988] and arranging their first tours. Opportunities for appearances throughout Europe soon followed. Most American enthusiasts of the band probably know them from their appearance in the film Latcho Drom which tells a story of Gypsy migration across Europe in a sequence of wonderfully shot musical scenes. During the 1990s they established relationships with other musicians and promoters who have continued to facilitate their international career.

Meanwhile, while the number of musicians in Clejani has greatly decreased, every musical child is practicing harder than ever in the hopes of a similar career. Lautar such as the members of Taraf de Haiduks, are called upon to play a wide variety of music for their patrons. The most popular music in Romania today, for example, is known as manele. Its sounds fill the air of the common outdoor markets blaring from the stands of vendors selling inexpensive music cassettes. It is the music of everyday urban and town neighbourhoods across the country. Manele has been excoriated by Romanian cultural critics for polluting the wellsprings of Romanian music. The lautars of Clejani, like many professional musicians who serve more rural regions, must incorporate elements of this music for their local audiences. On stage at Royce, the Taraf are likely to perform pieces that share in the quintessentially contemporary, hybrid, popular, made-for-media character of the manele music. The Taraf will also play some of the oldest traditional Romanian song genres in the most conservative traditional style.“

(Source: Folkworks, by Colin Quigley,

<http://www.folkworks.org/FWIssues/FWv05n03/FWv05n03.pdf>)

6.3.5. Youth cultures

Examples of youth cultures, in which identity is expressed through musical diversity would be Asian Underground and Turkish Rap (s. 6.3.3)

6.4 The Phenomenon of “world music”

World music as term and movement has its origins in England. The movement originally masked an economic concept, a marketing operation led by record companies that were determined to open up and protect a new market. "World music" refers to ethnic and traditional music, it learned traditional music from outside Europe, genres derived from traditional forms, popular urban music from all over the world, light music and songs

coloured by local traditions. All of this musical mixture was arranged according to geographical origin. Traditional musics form the core of this wave, and remain a source of inspiration.

There have been some prominent musicians, like Paul Simon or Joe Zawimul who gave way to the creation of music styles using non-European music traditions. The most important propagator of the world music was Peter Gabriel with his music label Real World (UK), today still number one of the sector.

The main meeting point for all involved in world music is WOMEX, the international but European dominated World Music Exposition organized by the music label Piranha (Germany), taking place annually in a chosen European city. The WOMEX 2005 in Newcastle, UK, has brought more than 2000 world music makers together.

The World Music Charts Europe plays an important role in consolidation and promotion of this music genre.

In the Western European countries world music is underrepresented and remains rather a market niche.

In the countries with strong local music traditions, e.g. Balkan countries, these local traditions are mixed with all possible music styles. These musical mixes sometimes play an important role on the music market, for example *chalga* in Bulgaria – a mix of oriental tunes with club dance music.

In the last years, there is a tendency in Europe to link the governmental promotion of world music with political "themes".

Two arbitrarily chosen examples:

La Fanfare du Belgistan – Belgian band founded in 2001. Combines gypsy rhythms, Balkan and afro-American sounds. Is known for playing on the road, on festivities and marriages, played with Les Ogres de Barback. Integrates electric guitars and bass, piano and drum set into their music.

Karde Türküler (Songs of Brotherhood) is a folk music group from Turkey. Since 1990 the group has a fixed order of its programme: first they sing international folklore, then Anatolian pop, then in Turkish, Kurdish, Azeri and Armenian language, later songs of the Lase, Cherkessians, Georgians, Gypsies, Makedonians and above all Alevites. Today the twenty members of *Karde Türküler* are seen as the precursors of the Turkish neo folk scene.

6.5 Networks

Networks provide communication structures for people with similar interests, usually private initiatives, often non-commercial and non-governmental. Typically they bundle the interests of their members and constitute a point of contact for politics, institutions and other networks. Networks connect people from different fields, different countries or different social structures according to their common interest. They are usually a result of personal engagements and long term development.

The outcomes of networks in the musical field are quite diverse. Most festivals, music labels, community radios, etc. started as private initiatives of enthusiastic people. For instance, a group of people interested in the emerging world music market formed a network in the 1980s in order to support themselves mutually. Since the network grew rapidly, a trade fair for world music, WOMEX, was organized in Berlin in 1994. Since then it has grown to be the worlds' largest trade fair for world music, including a music prize, band showcases, conferences, film screenings and other events.

Folk Arts Network (UK)

- is a powerful networking organisation for all those involved with folk development projects across the country. FAN works to publicise and lobby on behalf of its members and their activities. FAN also has continuing and developing links with similar European organisations. FAN was established in the 1990's with funding support from Arts Council England in order to bring together the small but growing number of organisations and individuals dedicated to folk development in England.

The members of FAN are involved in a huge range of activities and programmes from residential weekend courses to regular weekly classes, from primary school resources to undergraduate degrees. FAN is working throughout the country to raise awareness and involvement in all aspects of the development of folk arts.

The Annual FAN Conference has seminars, sessions, presentations, debates, networking opportunities and is a great social occasion! The Conference is usually held in early February. Training Days are also organised regularly.

The Folk Arts Network exists and works in order to:

- ~ co-ordinate and enhance the efforts of organisations and established professional individuals committed to folk development in England;
- ~ raise awareness of the existence and activities of these organisations and individuals, and of the Network itself;
- ~ help in the initiation of organisations and activities in parts of England where none currently exist.

(Source: <http://www.folkarts-england.org/>)

VUT (Germany) – a network of small and medium size music labels acting as a counterbalance to the major labels. VUT (German Association of Independent Labels, Publishers and Producers) was founded in 1993 to react on changes in the music industry and to help small companies deal with today's tough competition. The purpose of VUT, according to its articles of association, is to connect, to protect and to support its members in taking care of their cultural and business tasks.

Actually VUT has got almost 900 members, mostly small and medium companies working in the music business: Labels, Music Publishers and Producers. April 2004 VUT moved from Hamburg to Berlin.

Aims and objectives of the Association

- representation of its members' interests regarding music industry in the public
- dealing with institutions, governmental authorities and associations
- education and counselling its members
- stimulating cooperation among its members
- improvement of economic conditions on the basis of framework agreements

- contacting associations and institutions worldwide
(Source: <http://www.vut-online.de/>)

6.6 Music labels

Music labels are in general private and commercial. Each label has its own musical profile, which makes it different from other labels. Thus labels are generally not committed to promote diversity. But since they are numerous, the final picture is, in fact, diverse.

Here we name some labels, claiming to contribute to musical diversity:

11. *Real World – founded by Peter Gabriel, to create and to promote music of non-western musicians and of collaboration projects with non-western musicians. Today Real World is still number one worldwide in the genre of world music*
12. Piranha
13. Network Medien
14. Connecting Cultures

6.7 Venues

There are some subsidised venues in European cities, which have been founded to promote diversity. In the private sector there are almost no venues seeing musical diversity as their task, they have first of all to be commercial, it means, that they have to have their special profile. In the cities where there are many venues of different sizes and profiles, one might speak of diversity. In smaller towns or in rural areas some few venues often have a kind of monopoly position and do not provide or even limit the musical diversity.

What we do not consider at this point are private space where non-concert music making takes place, be it a pub, a yarnning room or a village celebration.

Here again is a list of some venues that see the promotion of musical diversity as their goal.

Centre Mandapa, Paris: open scene for Indian and other traditional arts. Provides courses of Bharata Natyam and Katak.

Maison des Cultures du Monde (House of the World of Cultures), Paris: founded 1982, answer to France's growing need to develop a certain reciprocity in its cultural ties with the world (text on own website). Hosts foreign performances from everywhere Aims to develop tools of distribution, documentation and preservation of culture, especially through the edition of books and the journal "L'International de L'Imaginaire", the label INEDIT for traditional music, European network of programmers of performing arts and exhibitions, a Resource Centre on world performing arts at Vitré in Brittany. Organises encounters and symposiums of artists, writers and researchers.

Its counterpart in Berlin, Germany: **Haus der Kulturen der Welt**

Maison des Musiques, Brussels: is related to the Conservatory in Brussels, organizes the Fête de la Musique of the French Community, under the management of the Music Council and the region Brussels-Capital. It hosts several organisations like "Jeunesse Musicale de Bruxelles et de la Communauté Française", Printemps Baroque, Mons-Musique, Festival de

Wallonie, Festival d'Été de Bruxelles. Citizens of Brussels can spend their lunch break in the House of Musics and visit concerts and conferences for free. The House of Musics documents musical activities and lets space for musical activity.

Folk Experience Museum, Belgium: music museum about folk, traditional music in Flanders and in the world. Interactive parcours, information about history, instruments, song books, dances, musicians, festivals etc. computers with touch screens, lots of film- and audio-fragments, dance floor where you can try out the steps, statements of musicians. <http://www.folkdranouter.be/folkexperience/index.htm>

Wereldculturencentrum Zuiderpershuis in Antwerp, Belgium: *The Centre for World Cultures Zuiderpershuis is an Art Center which presents artists from all over the world. Our goal is to contribute to the artistic communication between different cultures and communities and to benefit the cultural exchange south-north-south.* <http://www.zuiderpershuis.be>

De Krijtkring, Brussels: music centre that hosts six ensembles that play hybrid musics on high quality level.

"DOM", Moscow – Moscows most prominent club of alternative music. This is a private initiative, the goal is to bring non-mainstream high quality music from abroad to Moscow and to open the stage for promising Russian musicians. There is no explicit commitment to diversity, but there is also no limitation to any certain music styles, and the idea is to give place to different genres. Every non-mainstream Russian band considers it as an honour to play in DOM, so the pool of creative projects is big enough to present a multicoloured picture.

6.8 Musicians

Musicians are usually specialised in a certain music genre, but they are free to create hybrid music forms or to turn to other music forms or traditions. Describing their own music, many bands use combinations of music styles like “punk folk rock”, which shows that the idea of diversity is often important for their musical identity.

6.9 Music critics

There is a public discourse about music and musical diversity in the media: feature pages, radio programs, music magazines. The existence of this discourse is crucial for creating awareness and the forming of an opinion about the subject in the society. In some countries, e.g. Russia, music review is not so developed, and musical diversity is hardly discussed. Even in Western Europe, where music journalism functions well, musical diversity rarely makes headlines.

6.10 Research about music and musical diversity

Research on music provides expertise in reflection about the historical development and the current state of music in society, methodic instruments for, e.g. quality comparisons, predictions for the future and recommendations.

There is a significant research deficit on musical diversity in Europe, (s. 7.1), in musicology as well as in the social sciences. Western Europe has lost its leading position in musicology to the USA, ethnomusicology as the main research field for musics of the world is rather neglected.

An example would be the music cultures of migrant communities: *We know very little about the music of migrants in Germany, especially of the music culture of the young generation. I don't know about any study on music cultures and music preferences of 10-11 class pupils of Turkish heritage.* (Raimund Vogels, Professor for Ethnomusicology, Vice President of the Hochschule für Musik und Theater Hannover, Germany).

7: Problems and challenges

NEED FOR MORE RESEARCH AND REPORTS

Musical diversity as a term, that can be employed strategically, still needs to be specified and defined, in our view. Beyond all academic debate, a public discourse needs to be held about what musical diversity is in fact.

There is neither an overall agreement about that, nor about the criteria how to measure the existence and the extent of musical diversity. Although there are a lot of substantial and valuable reports about culture in Europe, many of them do not deliver clear statements about music and musical diversity, but rather provide more general information (about cultural policy, music as art, etc.). These reports also work with such diverse criteria, that they are quite difficult to compare.

Additionally, many reports (especially those by reporters close to the government or the ministry dealing with the matter) describe, how things SHOULD be, and do not deliver a critical analysis of the existing situation, or they are openly judging and not objective. As well, the usually employed units of measurement concerning musical activities are money, sales or turnover figures, numbers of participants etc. But these only depict musical diversity indirectly, and are not necessarily proper to measure it, e.g. concerning existing (non-commercial) musical practice. Another problem in this context is the customary classification of musical styles and genres: it often follows arbitrarily set classifications of music industry and retail; it is not standardized, and thus problematic.

Musical practice (in the non-commercial sector) is generally difficult to measure (only indirectly e.g. by analysing music and instrument retail figures or participant numbers of music schools etc.). In existing reports, non-commercial musical practice is often neglected or treated very insufficiently. This is very unfortunate, as musical practice is an essential part of musical diversity, if not to say, its very prerequisite.

Talking about musical diversity we mean all forms of musical expression, and they are not only determined by the form of their sound(s), but also by their contexts. This applies particularly for traditional musics, e.g. in rituals, where the context is often prominent, as well as certain life styles (rural, marine etc.), which used to build the context for e.g. work songs and have changed radically or even disappeared today. Statistics often reduce music

on particular forms of sound and exclude its context, which is essential. This kind of exclusion urgently needs to be reconsidered: Successful protection of musical diversity is not only dependent on the preservation of musics, but also on the awareness of the contexts and the way they actually change.

Another problem is the missing evaluation of support measures of all kind, of completed or running projects promoting musics and musical diversity. To assess, what kind of impact a given action has had on musical diversity, there need to be regular evaluations respectively reports and assessments of projects and measures. This part of work is often neglected, thus very little is known about a real success of many so well minded political instruments.

This shows the necessity for more reports, research and evaluation. There is a need for

- a proper definition of musical diversity
- operational criteria for measurement and comparison of musical diversity
- regular iterative analyses of the status of musical diversity
- objective criteria for reports respectively independent reporters

Music creates, presents and strengthens individual as well as collective identity. (The connection of music to particular spaces and cultures goes beyond symbolic representation by sounds, e.g. national anthems, songs, instruments or key systems, and includes situations of making or experiencing music, that are culturally specific.) Music as a media of creation and representation of identity underlies constant and radical changes by globalisation, migration and progressing medialisation. Identities are constantly challenged, negotiated, mixed or defined in a new way.

This constant change calls for constant reports and research, otherwise the danger is increasing, that political or economic instruments and measures outdate and stay behind current developments.

(UN-)CONCIOUS EDUCATION AND (UN-)EDUCATED CONSCIOUSNESS

1. **Lack of music education:** The ability to perceive and value musical diversity is based on musical skills, knowledge and understanding as well as knowledge about different forms of music and musical traditions. Too little music education in school, shortage of professional training of teachers in the subject "music", scarce or no support and subsidy of music schools and private music lessons thus contribute to endangering musical diversity.

2. **No musical diversity in school:** There is a significant deficite in introducing musical diversity in schools. European classical music dominates the picture and is seen as a model for all music. Even when curricula provide plans for introducing other music cultures, they are often not implemented. Main reason for this is the lack of teachers educated in this field. Raimund Vogels, vice president of the University of Music and Drama Hannover says: "Musical diversity is a Terra Incognita within the German school system today. Eurocentrism is being taught." He plans to establish a new school teacher education in music with emphasis on intercultural competencies and musical diversity.

Introducing diversity of music to all students in public schools is the best way to achieve awareness and acceptance of musical and cultural diversity in the society on the long terms. Educational sector is essential for protection and promotion of cultural diversity and thus needs more attention. There are noticable deficites in Europe - musical diversity is not adequately taught (s. section 4). This is regrettable, as music can assist solving urgent

political problems. It can easily and successfully be employed (in school) to diminish xenophobia, promote tolerance to strangers and ease social integration of immigrants.

PROBLEMS OF ACCESSIBILITY:

1. **Music archives as memories:** music archives (scientific, broadcast, etc.) document and preserve a variety of music forms in their historical development, in particular those musical traditions that are no longer practiced. They, too, are part of musical diversity. The archives' successful function as memory though is dependent on their accessibility. As long as their content is not really open to all public groups (musicians, journalists, broadcasters, teachers), this is a waste of governmental resources as well as academic work: diversity is stored then, but only poorly or selectively retrievable. Unfortunately this is the usual case in music archives today. Example would be Berliner Phonogrammarchiv, one of the most significant collections of traditional music worldwide, which has no online catalogue, its database can be only used by the staff of the archive.

A single gateway to stored recordings and corresponding information would be the best solution: it will make the use of archives easy and transparent for the public. An interesting EU project DISMARC (Discovering Music Archives) is working in this direction: it will create an online public access to all metadata about the recordings stored in leading european scientific and radio music archives.

2. **Legal rights and status of recordings of traditional musics** are very often unclear, which prevents their dissemination and further use. They cannot be licensed and employed in any audiovisual productions, neither can they be published nor copied for academic or educational purposes and private use.
3. **Public sector broadcasters** must create opportunities for featuring musical diversity to all listeners, not only in late night programs. It may be short sequences in the prime time, but those, that will give many people a chance to experience diversity.
4. **A lot of musics are not to be found on the internet**, though this would make the most diverse musics accessible to a broad public globally. Bureau Européen des Unions de Consommateurs has tested the diversity of musics offered by the leading download platforms. And this is the result:
 - Two thirds of current “popular” music albums requested are not available.
 - Up to 90% of requested classical music albums could not be found.
 - This lack of diversity is mainly linked to the record companies represented on these websites: if you want to find your favourite music that was published for example by Sony records, you will not be able to find it on a website where this record company is not represented. Smaller and specialized labels are generally absent.
 - The search engines used by most of these websites performed poorly and it was sometimes difficult to find a desired album or track. This was true for classical music in particular.
 - In summary, these websites display a very low level of “cultural diversity” and the music download retail industry doesn’t seem to be committed to cultural

diversity. This is all the more worrying as these websites can potentially ‘tie-in’ consumers to their music file format. In the longer term, consumers could restrict themselves to that choice of music. Specialized musicians and record companies could be squeezed out of the market.

Furthermore, the content of these websites is not selected primarily for its musical diversity but drawn from record company catalogues. Online distribution lends itself to buying ‘complete catalogues’ and in this way limits consumers’ musical choice. Another problem which curbs cultural diversity is that many of the smaller labels, particularly those dealing with back-catalogues (i.e. older recordings that the record company does not actively promote but is still in their catalogue of sales – like the Beatles recording for example), may not be readily available in digital form. Some of these labels may also be licensing music from other sources but do not have permission to distribute them to online music-download websites.

It is clear that online music business models are designed in a way that restricts rather than promotes cultural diversity. In the area of digital content, much remains to be done: more content needs to be made available.”

(Source: Bureau Européen des Unions de Consommateurs, Test on cultural diversity of online music distribution, 07 November, 2005) http://www.consumersdigitalrights.org/mdoc/x044cku2005e_75885.pdf

PROBLEMS OF EXISTING SUBSIDIES AND PROMOTIONAL MEASURES:

1. Tendency to support "light houses"

There is a tendency to subsidize big events to the disadvantage of long term detailed work of building networks and maintaining infrastructure for small initiatives, which are the core and the substance of the diversity of music praxis.

Nordic Council reorganises its cultural policy

The Nordic Council in 2005 decided to re-organise its cultural policy and to focus on (politician driven) “actions/cultural presentations”. This new tendency can easily lead to huge international manifestations, which very seldom lead to long term effects and have a tendency to be driven by “themes”. The risk is that a few project makers will get all the money for “actions” that attract political interests and media coverage. What is needed – however – is the hard and not very glorifying work of establishing and committing networks, influencing educational institutions, lobbying the media and initiating relevant research.

(Source: Ole Reitov "The politics of world music in Scandinavia: One step forward – two steps backward")

2. Intransparency of cultural policy

We state a lack of public discourse on the adequacy and fair and democratic balance of promotional measures and subsidies of (often) privileged musics like classical music as well as the attention that is paid to them in education (on school as well as university level) and broadcasting.

This is our personal opinion. We emphasize, that we do NOT think, that classical music should NOT be subsidized. It is a long-grown succesful tradition, and a lot of ensembles

and venues could not survive without support and would no longer be accessible, because they would have to sell incredibly expensive tickets. It is also a fact, that the training in classical music is very demanding concerning time and money! The loss or decrease of classical music being practiced would be a hard loss for musical diversity.

MARKET AND QUALITY: EU, GATS AND CULTURAL DIVERSITY

Throughout Europe, the implementation of the GATS-agreements is often seen as a problem. A very good description of the problematic can be found in a text about the meaning of the UNESCO-Convention of the protection and preservation of the diversity of cultural expressions for the media, written by Dr. Verena Wiedemann. We would like to insert a detailed quote here:

The European Union and its member states consider cultural goods and services to be unlike any other commodities, because of the fact, that they play a unique role in their societies for cultural identity and diversity. The Community and its member states have developed a great number of measures and policies protecting and promoting its national and local cultures and the diversity of cultural expressions (s. Section 4). Thus the EU is against trade liberalisation in the cultural sector, because such liberalisation would endanger cultural diversity, which is crucial for the European identity.

The EU argues against the WTO negotiations, that the European markets are open and its policies in the cultural sector and in the audiovisual services in particular are not protectionist. The Community is pointing at the high market share of US audiovisual productions in Europe. In 2000, the overall market share of US audiovisual programmes on European TV channels amounted to 69%. In the same year, the EU trade deficit with the United States in the audiovisual sector amounted to 8.2 billion US \$. This evidences that the lack of liberalisation commitments of the Community under GATS does not represent a market barrier for foreign audiovisual service suppliers in Europe. If the liberalisation in the cultural sector would be enforced, following limitations of the nation's rights to promote local and national culture sector would arise:

- 1. Because of the Most Favoured Nation clause of the GATS all EU subsidy programs for the inner European cooperations in culture and the promotion of European cultural products would become meaningless.*
- 2. The National Treatment Principle would force national quota regulations (e.g. in France) to be dropped.*
- 3. The Subsidies Clause, if adopted, might lead to the extinction of public service broadcasters as such, since they might be considered as distorting trade in services*
- 4. Once European regulations of the audio-visual media will be subject to the test of transparency and proportionality of domestic regulation in the GATS, all regulations, including measures safeguarding media pluralism would in principle be subject to the scrutiny of a GATS dispute settlement body.*

The European Community is also against the proposal brought up by the United States at the present round of the WTO trade negotiations to liberalise all new audio-visual services delivered on-demand as well as all multimedia content delivered over the Internet. This approach would make all EU regulatory framework for culture irrelevant, since in a few years all audiovisual services will be produced in digital and delivered electronically on-demand. The Community insists on the principle of technological neutrality, which means that the technology used to transmit an audio-visual programme does not make any difference with respect to the content and the rules governing this content.

The European Community will make no liberalisation commitments on audiovisual services in the present WTO round. The Commission has recently confirmed this view explicitly in a public statement.

On the other side, the EU Community law prohibits any state aid (subsidies), unless they can be justified, for example, if they serve to provide services of general interest, such as public service broadcasting. This legal framework routinely invites commercial media companies to challenge the activities and the financing of public service broadcasters on European level. Consequently, there is a growing case law on the decisions of the European Commission scrutinising the funding schemes of public service broadcasters in the Member States, and, lately, a tendency by the Commission to limit the activities of public service broadcasters, in particular in the new on-demand media. The Commission's increasingly critical approach to public service broadcasting in the digital environment reflects its general emphasis on free markets in the information and communication sectors (ICT), an emphasis also evident in the decision taken by the Barroso Commission in late 2004 to deal with media policy issues in the context of the Communities ICT policies instead of, as had been the case in the past, in the context of the Community's cultural policies.

(Source: Dr. Verena Wiedemann, LL.M., Brussels, „What the UNESCO Convention “Protection and Promotion of the Diversity of Cultural Expressions” means for the media”)

The clearest example for the problems caused by GATS are the public broadcasters. In many government budgets for culture, they are the biggest posts, which means, that the public broadcasting companies receive money past the market. "Free traders" see this as a distortion of economical competition. To follow their demands could mean to abolish public broadcasters (that are the main providers for broadcasted musical diversity) or reset on the principles of the free market. From their perspective, everything hindering free trade needs to be abolished. The sharpest counter-argument is, that we would all "be struck dead by stupid us-american pop music" and all high quality culture like e.g. classical music or traditional music will decline or become homogenous and uniform, because the principles of a free market seem to support the big and destroy the small and marginal. Implementation of GATS letterly could result in all orchestras (of classical music) having to finance themselves, all governmental financing and subsidizing needing to be abolished, the domestic music market (above all smaller music publishers and record companies) being destroyed - which would not only mean a loss of jobs, but also loss of musical diversity -, promotion of export being cancelled, the public cultural landscape (orchestras, theatres etc.) as well as networks like the national music councils not receiving any money any more, the authorities not being allowed to call any prizes. It could also mean to abolish promotional measures like social security insurance for artists and reduced tax rates.

NATIONSPECIFIC PROBLEMS:

1. Lack of resources and economical stagnation or even decline force some nations like e.g. Albania, to offer their cultural goods and products to private investors or foreign institutions.
2. The ignorance of the state in Russia, Belarus and Ukraine to the forthcoming extinction of local music traditions. (S. 6.3)
3. Nationalism or dictatorship endangers musical diversity (S. 1 und 4.1)
4. In Germany the collection Society GEMA has a monopoly status, which is seen as an obstacle hindering diversity. The point system used by the GEMA to collect fees

for copyrights and to distribute money among the owners encourages the major players in the market .

5. In Germany and other European countries the strong individual rights are also seen as an obstacle especially for small events. If neighbours of a pub or a small street fest feel disturbed, the police stands at the door right away and the concert has to be canceled. This is a reason for many small venues and events not to offer music concerts.

8: Best Practices and Next Steps

CENTRE AND ARCHIVE FOR THE PROMOTION OF MUSICAL DIVERSITY IN EUROPE

Considering the lack of research on musical diversity, of evaluation and coordination of promotional measures, of public discourse on the subject, we recommend a European centre for the promotion of musical diversity. This institution will effectively

- observe the development of musical diversity, produce reports on the regular basis
- conduct academic research
- evaluate programmes and measures directed to promote musical diversity
- give recommendations to politics, amongst others by developing European cultural politics through coordinating national programmes
- create and promote political as well as social awareness, and stimulate a public discourse about the issue
- make information on the subject available online in different languages for different user groups

The scope of research should be set to Europe as a whole as well as to European cultural regions crossing national borders. There are already music research centres in Europe, but they either focus on a particular musical genre or research field or are national institutions. An European institution could transcend the restrictions of national orientation, and cover all the issues, this report has in mind.

Having a constant attention on the issue of musical diversity in Europe, particularly making long-term observations of the implications of legal and economical measures, will create the basis for an effective and sustainable promotion and establish a best practice in the field.

CONSCIOUS EDUCATION AND EDUCATED CONSCIOUSNESS

1. Music (in as well as outside school) can be employed to convey social values, and help to fight intolerance and promote integration in the sense of respect for and positive awareness and handling of differences. This is already done in projects like the Norwegian "Klangrikt Felleskab"-Projekt (Sonorous Fellowship) and the Belgian "Chemin de traverse", that we also described in section 4.3.

Klangrikt Felleskab <http://www.rikskonsertene.no/rk/0109.html>

In the eighties Scandinavia experienced a new right wing movement and racist attacks against immigrants. In reaction Norway financed several large-scale projects, which introduced world music to Norwegian schools. One of the more spectacular took place from 1989 to 1992 when Rikskonsertene – the National Norwegian Concert

Organisation, implemented the “klangrikt felleskab” (sonorous fellowship) project. 750 school classes at class level 4 (age group 10-12) in 18 schools in Oslo were during a three year period introduced to music and dance from Asia, Africa and Latin America.

There was a very clearly defined goal for the project. That goal was to “change attitudes towards immigrants amongst children and youngsters”.

A comparative evaluation concluded after the project, “children that had taken part in the project now had a more “friendly attitude towards immigrants than those who didn’t” The report also concluded that the amount of “ethnic confrontations” diminished in those schools that took part in the project. And finally the project according to the evaluation showed that “the immigrant kids got their cultural identity strengthened and dared to stand forward with their own culture”.

The project inspired Danish world music organisations to introduce a similar project in Denmark called World.dk and again development money was an essential part of the financing and the conclusions of the project were similar to those in Norway.

(Source: Ole Reitov "The politics of world music in Scandinavia: One step forward – two steps backward")

Projects like these should be extended.

2. The dialogue between different social groups should be promoted, migrants' musics could play a major role here.

The programm ExTra! - Exchange Traditions principally forms a good example: *The aim of ExTra! is to stimulate the exchange between different music traditions present in today's multicultural Europe. The main focus is the integration of musical traditions of immigrants and cultural minorities in Europe with those already existing in the European countries.*

<http://www.imc-emc.org>

"Intergovernmental cooperation in the field of music shows a lingering emphasis on the styles, institutions and composers of the 19th century. When forms of cooperation are analysed, it becomes visible that there remains an importexport mentality towards music in many countries, with the inclusion of many events that are purely about the transference of national image rather than the exploration involved in true collaboration. Where cooperation can be seen to be most stimulated by governmental policy is in the area of youth schemes and events. Another relevant form of intergovernmental cooperation happens in the field of broadcasting, particularly through the work of the European Broadcasting Union. Some relevant patterns appear in the approach followed by different countries. France, the UK, Germany, the Netherlands and Italy are the main generators of collaborative events, whereas most countries in Eastern and Central and some in Western Europe are net receivers of events, “cultural cooperation” being often understood there as hosting the presentation of foreign works and companies. Governments often count as action under their cultural agreements appearances, festivals and productions that would probably happen in any case. Formal exchanges under bilateral cultural cooperation agreements are going out of fashion. While the agreements may still be in force, the use made of them directly by governments is moderate, compared to the general volume of internationally driven activity. Increasingly the real impetus comes from devolved agencies, networks or individual promoters. As the system becomes inevitably more multilateral in its operations, professional networks will increasingly become the most

effective deliverers of activity. It is therefore in the interest of governments to use the networks to forge mutually-beneficial partnerships, even where there is no direct national link. This can be done both through direct support (whether at national or EU level) and by enabling their own music organisations to participate and to contribute a realistic sum to working costs. Although cooperation among professional music training institutions is one dynamic area, with a particularly strong development in some regions such as the Baltic countries, the individual character of the training and the long developmental process which are vital characteristics of professional music training complicate a more active approach to European cooperation in this field. It would be important for governments to realise that new music and new ways of presenting music and imaginative programming that takes musical life beyond the routine and the expected will pay greater dividends to both audiences and governments. (Source: Report on the state of cultural cooperation in Europe von EFAH/FEAP, 3.10.03)

3. We recommend that the existing music education in school (not only the curricula, but also its realisation) should at least teach that much musical diversity, that pupils are capable to move and orientate themselves in the musical landscape that surrounds them as "conscious musical citizens" of the society.
4. A project which monitors music education in Europe would be very advisable to get a better overview of the status, the shortages and lacks as well as the possibility to constitute a platform for exchange, and support the coordination of initiatives in music education on a European level. As we know, a project like this is already planned by the EAS – Europäische Arbeitsgemeinschaft für Schulmusik (European European Association for Music in Schools). <http://www.eas-music.net>
5. A very good possibility to create awareness of musical diversity in a positive way to bring people into touch with diverse musics are festivals, that either present music for free, or that integrate people into the event by participation. This is currently as well a very popular and successful type of celebration, as far as we know, all over the world, but especially in Europe.

Here are two very good examples:

Fête de la Musique, France:

The Fete de la Musique was launched in 1982 by the French Ministry for culture, and started to be exported in 1985 (the European Year of Music). Today it is held in more than hundred countries in Europe and over the world. It takes place every 21st June, the day of the summer solstice in the northern hemisphere. The idea and aim is *to give an equal place to amateur musicians, to rock, jazz, singing and traditional music, all of which were given a chance to be heard alongside so-called "serious" music.* (website of Fete de la Musique)

It is a free event, open to any participant who wants to perform, be it amateur or professional musician. The musicians are asked to perform for free, all concerts are free for the public. This is why they often play in open air areas like streets and parks or in public buildings like museums, train stations, castles etc. The Fête de la Musique also encourages major music institutions (orchestra, operas, choirs, etc.) to perform outside their usual locations.

http://fetedelamusique.culture.fr/86_2005_Edition_in_the_world.html

Karneval der Kulturen (Carnival of Cultures), Berlin:

The Karneval der Kulturen is held annually in May on the weekend of pentecoste. It was initiated by a group of artists, social workers and people working in artistic or social education and had the London *Notting Hill Carnival* as its model. From about 50.000 spectators and participants in the beginning, it grew into a very big street event which attracts now up to 1.000.000 spectators. It is held on four days in the form of a streetfestival with stalls and stages. Around 4.500 participants perform in about 70 different groups and bands. The route leads right through the "multicultural" quarter Kreuzberg, an area with a highly mixed population. The bands and their members come from the most diverse cultural backgrounds. There are professional artists and musicians performing as well as amateurs, you find folklore dance groups, school projects, NGOs like *amnesty international* and *Greenpeace*, discos and dance clubs, percussion classes, samba schools and friends who formed a band. A wide range of styles and genres is presented as well in costumes and performances as in music. Though there is a clear emphasis on latin-american-derived cultures that are presented - salsa, tango, Bolivian carnival elements as well as Brazilian carnival expressions (Samba, Bomba Meo Boi, Afoxé, Maracatú) -, there are also presentations of European folklore - Hungarian, Polish and Sorbic folk dances, Guggemusik ("crazy" brassbands from Southern Germany); karate and kung fu clubs perform – and you will find African percussion and traditional costumes and dances as well.

<http://www.karneval-berlin.de/>

POSITIVE TENDENCIES OF PROMOTION AND SUPPORT

Generally, guaranteeing freedom of musical expression and not restricting it, creating space for music, this is the most positive way to promote musical diversity.

1. Promotion of infrastructure and accessibility

Promotion of musical infrastructure can be seen in analogy to the "normal" market of commodities and services. Promotion of infrastructure is not simply to cover the participants in the market with subsidies, but to provide infrastructure, so that they can act. Infrastructural measures work like catalysts, they increase and accelerate development. Musical infrastructure can be promoted amongst others by supporting smaller and middle venues, rehearsal rooms and studios, mobility (toursupport).

Above all we recommend all kinds of supportive measures that promote and preseve access and accessibility (to fair conditions): access to media, access to archives, access to education, access to concerts, access to musical practice etc.

A very good example for maintaining accessibility to musical practice and education is to be found in Belgium: as far as we know, in Belgium, children of jobless parents and those who receive welfare, do not need to pay any fees for attending classes and training in public music schools. As well, the common fees for public music schools in Belgium are generally quite low.

Another important motor for a healthy and diverse musical landscape would, from our perspective, be the promotion of an edaquate, sufficient and proactive information policy concerning legal requirements, social security laws and regulations, royalties, subsidies, promotional programs, grants, prizes etc.- in short: the financial situation of musicians and

music workers, as well as the promotion of trainings in self-management and –marketing for musicians and music workers.

We also recommend to support free Festivals, that promote musical diversity, as well as all measures and activities that seek to maintain the free flow of information.

Good examples for the promotion of infrastructure:

Musiques cachées, Brussels, is a project of the Belgian association "Muziekpublique". Its aim is to support traditional musicians, that are present and active in Brussels and Belgium. Often these musicians have to work "in the shadow" due to lack of funding or means to produce a performance that can be appreciated to open the doors to the Belgian music scene. "Hidden Musics" wants to support them through assisting them with organisational and technical issues to help them to leave anonymity. This project is in collaboration with the Intercultureel Centrum voor Migranten (Intercultural Centre for Migrants), the Centre Bruxellois d'action interculturelle (the Brussels Centre for intercultural action) and the association Le Foyer. It is supported by Fondation Roi Baudouin, the National Lottery, Le Ministère de la Communauté flamande (the Ministry of the french Community), and the cultural administration of the Flemish Community (VGC).

www.muziekpublique.be

Nederlands Popmuziek Plan (Dutch Popmusic Plan), Netherlands, supports venues in the payback of the losses they make through concerts of newcomers or lesser known Dutch bands. (s. section 2)

ORWOhaus, Berlin:

The ORWOhaus is an industrial building built from the 1980ies, in the Eastern part of Berlin, which hosted the film company ORWO until the decline of the former GDR. After having been empty long time, many music bands nested themselves here, using it as rehearsing space, illegally. The building should have been cleared in 2004, but protests and the foundation of the association "ORWOhaus e.V." got a lot of awareness in the Berlin public, so that in 2005 could be bought. Currently, the association is working out a concept in collaboration with the authorities of the Berlin district of Marzahn-Hellersdorf, the senate's administration for culture and economy and the Gesellschaft für Stadtentwicklung GmbH (society for urban development) and the Stiftung SPI (foundation SPI). A lot of known musicians support the project. It created a lot of awareness in the media and collaborates with the radio station MotorFM.

Plans seek to secure the ORWOhaus for bands on a longterm base and to extend the capacities for rehearsing space, so that finally about 200 bands with about 800 musicians can rehearse. "Musical" services like studios, agencies for booking, event-management and promotion, labels, designers, equipment-hiring and music retailers are planned to be settled here to create synergies. The big warehouses of the building are planned to be used for concerts, workshops and tour-preparations. The square in front of the building is a good place for open air concerts, because it is one of the few innercity spaces where no neighbours might be bothered.

<http://www.community.orwohaus.de>

2. Promotion of networks and civil society

We recommend to support networks, as structures that create contacts between individuals or institutions and promote exchange. Networks are a special form of infrastructure. If networks are strengthened and extended, then the commitment of the citizens (in the state) is promoted.

We see the promotion of exchanges and cooperation as best practice:

- exchange of young people, pupils or students in the context of musical activity,
- conferences, festivals or trade fairs like the WOMEX,
- communities of interest, societies and associations bundling the work of enthusiasts
- lobby networks like music export offices like German Sounds or the French Music Export Office (s. section 2).

We recommend to introduce “network therapists”, who would coach networks in finding their position in the market or in the politics.

To achieve the plurality and diversity of music, the way seems to be in promoting the margins instead of the mainstream, so that a plurality of unities will evolve.

Red House Center for Culture and Debate, Sofia <http://www.redhouse-sofia.org>

The Red House Centre for Culture and Debate (Sofia) provides an opportunity for the youngest generation to participate in public life, brings together young artists who are ready to question the prevailing perceptions and offers them a place to realise and present their projects. Through its socio-political programmes, the Red House Centre for Culture and Debate creates a forum which stimulates public debate, brings new ideas into public politics, educates a new generation of political leaders and brings together the cultural and political elite of the nation. The Red House Centre for Culture and Debate organises and presents socio-political as well as artistic, cultural and training programmes.

(http://www.redhouse-sofia.org/index_e.html)

3. Sustainability.

That could be misunderstood: the promotion of sustainability does not result in musical diversity, but the promotion and investment in musical diversity should be sustainable. The commitment and promotion has to operate sustainably and on a longterm basis to have positive and lasting effects at all. As we look at education and the forming of awareness – a changed formation of teachers does only have effects on a longterm base. Longterm commitment should be the principle for the investment in music schools, the subsidy of smaller and middle venues and festivals to create and sustain the possibilities for young average and local musicians, the encouragement of the broadcasting of diverse musics (the unusual and the non-mainstream) at nearly prime time (and not only at three o'clock in the night) in public radio and television.

Example of a contribution to the long term promotion of musical diversity would be a new school teacher education in music with emphasis on intercultural competencies and musical diversity, planned as a cooperation of three German Universities in Hannover, Hildesheim and Göttingen.

4. Promotion of musical practice:

Musical Practice (making music) is the prerequisite of the diversity and plurality of musical creation. Only when a lot of music is made, you can assume that musical diversity will emerge.

To prevent the drying out of the pool of music making, it is necessary to support amateurs making music. It is no use here, to select projects following criteria of quality, therefore the infrastructure for amateur associations, orchestras, choirs, exchanges of ensembles should be promoted.

Learning and training musical skills needs a lot of time. So the ideal situation is, if children already grow up in an atmosphere of making music. Kindergarden could be a place, where measures and projects could start.

Musical practice is automatically promoted by all kinds of activities and events that require musical participation. So prizes and competition, not only on professional, but also on lower levels, stimulate activity and practice.

A good example is the German **Creole-Wettbewerb** (s. section 6) and its regional edition **Musica Vitale** in Berlin, a competition for newcomer bands in traditional and world musics.

This also applies for all kinds of festivals that provide the option of participation like the Fete de la Musique (s. above), the Karneval der Kulturen (s. above) and others.

5. Promotion of democratic structures of decision-making

Instead of totalitarian decision-makers, who arbitrarily decide following their own estimation and then recommend, what they themselves prefer and like, structures should be promoted and subsidized, that allow to make these decisions more democratic. This can be achieved by e.g.

- building expert committees, that represent also the society and not only "the chosen club of decent and mighty musicologists"
- pay heed to the plural composition of these expert committees, the competence of their members, if music is to be judged by quality criteria or judged at all, and if this decides about subsidies and promotional measures.
- stimulating and permitting a public discourse about this issue and take it into account during the decisionmaking-process

6. Preserving and promoting local music traditions

The wealth of local musical traditions together with musical practice forms the core and the very substance of the diversity of music forms. The manifold of local musics constitutes the real diversity of our cultural environment. To bring an analogy, think of visiting a main street in any European city: you will find many different shops there – but you will find the same shops in any other European city. To avoid such a "homogenous diversity" in music, we have to strengthen local music traditions!

Local traditions are also essential for maintaining local identity. It is the task of local authorities, to protect and to promote these traditions.

One of the instruments for protecting and promoting local musical traditions is the UNESCO convention on intangible heritage. We bring here the „Living Human Treasure“ programme realisation in Bulgaria as an example of a best practice. From the official website www.treasures.eubcc.bg :

„Many nations promote immaterial cultural heritage as an identity source deeply imbedded in their historical fate. Unfortunately, a lot of cultural activities such as music, dance, narration, rites, fairs and application of other traditional skills are threatened with extinction. This is mainly caused by the globalization of the world culture resulting from technical and information progress. It is further enhanced by the fragile and perennial nature of the immaterial culture transmitted directly as living human experience and sometimes existing only in the moment of transmission or performance.

UNESCO's program "Living Human Treasures" and its Bulgarian part "Living Human Treasures - Bulgaria" are aimed at avoiding future extinction. It is considered extremely important to encourage the bearers of immaterial cultural heritage to practice and to transmit their knowledge and skills to the next generations. Bulgaria is a country which is lucky to have preserved its folklore culture in an ancient syncretic state - as an immanent unity of sounds, movements, verbal creativity, rites, etc.”

The project “Living Human Treasures – Bulgaria” is carried out by the experts of the Ministry of Culture and of the Folklore Institute of the Academy of Sciences. They have produced descriptions of local folklore arts like music, rituals, dances, crafts, medicine, etc. They have completed a calendar with the most important celebrations and rituals. They have researched and published examples of folklore from different regions (villages). Music plays an essential role in these local traditions and thus in the research carried out by the members of the programme. The results of the research and examples can be found online (unfortunately very few music examples).

A project like this contributes to the appreciation of the local culture and tradition in the society and provides access to it outside of state structures like state archives.

Example: promotion of local music culture in France.

France implements probably the most successful cultural policy promoting local music culture(s) within the country as well as abroad. It includes a complex of promoting measures based on a rather high budget for culture. The measures include:

- A great number of music festivals and other musical events with high participation
- Radio quota for French language
- A powerful music export office
- Subsidies for music productions from France

In 1985, the Federation of Traditional Music Associations (FTMA, today FTMDA) was founded and traditional music centres were built in the regions. The latter came into existence by relying on structures that already existed and were labelled by the Ministry and signed an "objectives agreement" with the State. Research, training and distribution are all part of the regional centres' programme of activities. The creation, in 1992, of the Traditional Music Information Centre completes the picture.

Little by little, the network was built up on French territory, directed according to a north-west / south-west axis and determined by the regions that had kept up a strong practice of traditional music and dance. The most urban regions have also seen a fast development of musical practices. The Rhône-Alpes region, but in particular the Ile de France (Paris region) have the strongest concentrations of artists devoted to world-music and intense distribution, thanks to both the large cultural facilities and the smaller places. It may be said that this is the result of a deliberate policy "of territorial development" through a network

that is unique in Europe and that continues to pursue its actions today. (Source: “The traditional musics in Europe” by Jany Rouger and Jean-François Dutertre http://www.icce.rug.nl/~soundscapes/DATABASES/MIE/Part2_chapter11.shtml)

Promoting local music cultures in the new media environment could include

- Incorporation of local and traditional musics in advertisement
- Employment of traditional songs as ring tones for mobile phones
- Putting playlists with local music into new mobile phones and mp3-players

7. Market, Quality and GATS

The highest (musical) diversity results from a balanced collaboration of the free market, governmental regulations and the commitment of the citizen of a functioning civil society (s. Introduction). These three principles complete each other.

Because culture/music are a market value as well as a cultural value, it should not be simply left handed over to the principles of a free market.

Broadcasting in Western Europe form a good example of a functioning balanced cooperation between market, state and civil society – here we have public broadcasters, private radio station and the third tier like community radio, open channels and all the projects that are based on the commitment of the citizen. The result is a broadcasting market, that shows a high degree of diversity and quality, there is supply for everyone. The principle of pluralism seem to be realised here.

8. Other best practices:

FREEMUSE - THE WORLD FORUM ON MUSIC AND CENSORSHIP "is an independent international organization advocating freedom of expression for musicians and composers worldwide. FREEMUSE (since 1998) is a membership organization with its secretariat based in Copenhagen, Denmark. For the establishment of a secretariat, FREEMUSE receives core funding from the Danish Ministry of Foreign Affairs and SIDA, the Swedish International Development Cooperation Agency. *The alarmingly widespread nature of censorship in music prompted to initiate the creation of a new organization, FREEMUSE. As its guide are the principles outlined in the United Nations Declaration of Human Rights as they apply specifically to musicians and composers.*

Our objectives are to: document violations and discuss their effects on music life, inform media, human rights organisations and the public, support musicians in need and observe at their trials, and develop a global network in support of threatened musicians and composers.

www.freemuse.org

community radio Stanvaste

The young people and migrants' broadcasting company Stanvaste radio is made for the target group of the younger generation of migrants, a big multicultural, multi-ethnic bilingual target group with special needs, talents and problems. The station also aims to make contact with newcomers (refugees) that cannot be contacted by the authorities. They

can satisfy their need for information and music. Specially meant for the multicultural city of Rotterdam.

The Foundation Stanvaste Jongeren en Migranten Omroep developed together with the SBAW, office for project development, a better concept for a multicultural radio via the channels of SLOR (Stichting Lokale Omroep Rotterdam) Foundation of the Public Broadcast Rotterdam. The main goal is to reach youngster of the migrant communities and let them know about the possibilities they have in Dutch society.

Appendix 15

The Protection and Promotion of Musical Diversity

LATIN AMERICA

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Argentina

Chile

Colombia

Costa Rica

Dominican Republic

Guatemala

Mexico

Paraguay

Venezuela

RESEARCH MUSICAL DIVERSITY LATIN AMERICA

INTRODUCTION

Latin American countries are located in the three main regions in which the continent is divided: North America (just Mexico), Central America/Caribbean Islands and South America.

During the 16th, 17th and 18th centuries, most of its countries were Spanish colonies. Some of them were Portuguese and French, and in few cases British and Dutch, and although its origins are not Latin, they belong to the Latin American concept because of its geographical location and its mixed culture.

As a Spanish-speaking region, Latin America is the most populated in the world and has an abundant cultural diversity.

More than 513 million people are descendants of an ethnic plurality, a mixture of three main races: American Indian aborigines, European immigrants and African commercialized slaves. Percentages vary from one country to another; the one called “*mestiza*”, with American Indian and European parentage, is predominant.

Between the 19th and 20th centuries, lots of other immigrants found in these territories a place to work and live – for instance, Italians, Jewish, Russians, Chinese, Japanese, etc., as well as Mormon and Mennonite communities.

People from this region praise highly their ethnic and historic similarity, and due to their cultural and political identity, recognize themselves as Latin-Americans, but actually they are Americans, this is, natives of a continent called América. The misunderstood use of this genitive makes many Latin American people feel negatively affected by the modern colonialism of the United States, because the use of the term “American” has helped it to be invasive culturally, economically and socially to the other countries sharing the same land. This is not just about geography or genitive, it reaches as far as identity and culture.

The historical phenomenon of a growing population influenced by the occidental culture increases the consumption of commercial musical expressions (most of all Saxon influence), supported by the industries of television and spectacle, where the tendency persists to privilege white skin concepts.

As a heritage of colonial lifestyle, high and low socioeconomic classes frequently have drastic differences in their musical preferences: In general terms, imported commercial music is preferred by the upper classes; on the other hand, native and African-Caribbean music (genuine and/or commercial) is consumed by low socioeconomic classes, and played by local groups.

MUSIC DIVERSITY QUESTIONNAIRE

1. The complementarity or reciprocity between the protection of musical diversity and that of human rights.

- **Cite examples where music expression or music diversity have been repressed by direct action of government or action by others directed by government, or by others acting to pre-empt direction by government.**

As far as this investigation allows us to know, it seems that there is not any kind of repression of musical diversity by direct action of government in any of the Latin American countries. Nevertheless, not all musical expressions are treated with equality and not all styles have the same privileges. The result is a non-official but clear censorship from the media, and a violation of natural forms and contexts of musical expression. Generally, these breaches are not sanctioned or emended by government.

Frequently, governmental authorities and cultural institutions commit different kinds of mistreatment and violations to everyday, common and logical rights:

Certain live musical performances on stage which are not supported by media events, for instance, some classical music, some ethnic music, bohemian singers, not famous groups, do not receive fair payment and in some cases, adjoining activities to the same presentation are not considered in the budget, like the one that occurred in Argentina in which the organizers of a concert didn't want to pay the expenses of a piano transportation, because transport is not a cultural activity! Quiero un país con dignidad. La Cultura otra vez al cadalso. Cristina Castello. <http://www.paginadigital.com.ar> It should be noted that in many countries in Latin America, the government is often responsible for the support both economical and promotional of musicians and music.

On the other hand, there was a case in Mexico in which certain songs belonging to an ancient traditional music genre named “*corrido*” –which narrates real rural and urban stories- was considered objectionable and broadcast was forbidden because its content was about drug dealers' financial profit and their triumphs in incidents with the police.

En México prohíben en las radios los narcocorridos. <http://www.chalino.com/noticias/prohiben-narcocorridos.asp>

- **In the countries where there is such repression of musical expression or diversity, are there other notable breaches of human rights?**

Some people do not have the opportunity to participate in the education in their own culture; music education generally is deficient, with the exception of Cuba.

FUENTE: Forum Panamericano sobre educación musical. Memoria. Consejo de la Música en México/CIM

2. The links between musical diversity and economic development and the fight against poverty.

- **Cite examples of the use of music to assist in non-music economic development.**

The tourist industry uses music in most of the cities of the continent: *Feria Internacional de Turismo de Caracas*, **Venezuela** (International Tourist Fair), is an important exhibition of music, dance, gastronomy, handcraft and visual arts. *Festival Internacional de Música del Caribe*, Cartagena de Indias, **Colombia** (International Festival of Caribbean Music) gathers the best musicians of the Caribbean islands and other countries of the continent, and also African music is performed. At the **Brazilian, Cuban and Uruguayan** Carnivals, music is the main activity. In **Ecuador**, as in many other countries, traditional music is performed in tourist areas. **Bolivia** is planning to establish *Misiones de Chiquitos* (a city declared Cultural Patrimony of Humanity), a tourist destination, adding a wide artistic and cultural schedule. The International Festival *Viña del Mar*, **Chile**, although it privileges commercial music, has been established to attract tourism. In **México**, the *Festival Internacional Cervantino* is a forum open to classic and popular arts, and it is an instrument to attract tourists. In Mexico, the national music is particularly used to promote tourism, and it is also used in commercial and governmental advertising. **Guatemala** celebrates the *Festival Internacional de Cultura*, sponsored by *Fundación País para la Educación y la Cultura* (an educational and cultural foundation), and presents important music, dance and visual expressions; literature, theater; spectacle and popular arts. **República Dominicana's** *Festival del Merengue* is organized by the Tourism Secretary, and is a plentiful tourist attraction.

Ministerio de Relaciones Exteriores de Venezuela – <http://www.mre.gob.ve/>;
http://www.colombia.com/turismo/ferias_fiestas/; Ministerio do Turismo –
<http://www.turismo.gov.br/>; Intendencia Municipal de Montevideo –
http://www.montevideo.gub.uy/cultura/c_turismoyeventos.htm; Fundación PAIZ para la
Educación y la Cultura – <http://www.fundacionpaiz.org/>;
<http://www.dominicana.com.do/festival-merengue.html>

- **Cite examples of government or agency action to develop aspects of the music industry or the music industry as a whole.**

Governmental action:

Colombia: Through government agencies and institutes, the *Alcaldía Mayor de Bogotá* (Mayoral Residence of Bogotá), organizes diverse festivals like *Festival de Música Colombiana*, *Festival Colombia al Parque* which aids the diffusion and preservation of traditional music and dance, as well as opera, salsa, jazz, *ranchera*, rock and hip hop. Instituto Distrital de Cultura y Turismo – http://www.culturayturismo.gov.co/festivales/al_parque/

The **Brazilian** government and the music industry want to join efforts to increase music exports. In January, at the Midem international music trade fair in Cannes, as a result of agreements reached, emerged the opportunity to achieve trade of 2.6 million dollars in foreign countries. Music managers and government authorities are conscious of the great demand in the world for Brazilian music, so they trust in its capacity to aid economic development and social inclusion.

§ In pursuit of the objective of increasing Brazilian music into the international market, in June 2005 the program *Musica do Brasil* was opened by the Ministry of Culture to independent recording initiatives and exporting organizations.

Brasil desarrolla la exportación de su música al mundo entero. Caracas, 12 de febrero, 2006. – <http://tiempolibre.eluniversal.com>

Argentina: In Buenos Aires activities from cultural industries contribute 6% of production and 4% of employment. The government Sub Secretary has as a main interest the injection of an ethos of promotion and development in cultural and design enterprises. The objective is to contribute to culture's strength as a productive sector (especially small and medium business) as a decisive and dynamic factor in the development of the city. This initiative is aided by the Secretary of Culture in the program *Ejes Estratégicos de Gestión 2003 / 2007*.

§ Some examples are:

- a) *Discográficas de Buenos Aires*: This is intended to strengthen the local independent recording companies. It provides policies to favor their presence in the national and international market, financial assistance and support to new recordings.
- b) *Cultura Exporta*: This is a program to promote cultural small industry into foreign countries.

Gobierno de Buenos Aires – Cultura – Industrias Culturales. – <http://cultura.buenosaires.gov.ar/areas/cultura/industrias/>

§ **México:** *Puerta de las Américas, Fondo Nacional para la Cultura y las Artes - FONCA (America's Gate)* was created to generate political and social consciousness about the importance of performing arts and social improvement. This initiative is promoted by governmental and non governmental institutions. This effort would bring employment opportunities, promote more presentations and thus it will increase the audience.

<http://fonca.conaculta.gob.mx/index.html>

Private action:

Central American music is exceptionally rich, inasmuch as it concentrates Indigenous, Spanish, African and British heritage.

§ *Papaya Music de Centroamérica* is an independent record label, which brings to light the musical memory and identity of this region. In February 2006, it organized the Papaya Fest, running over five days and bringing together the best and varied musicians, the native instruments, the small independent recording labels and the more representative recordings. Another important activity of this festival is a meeting between musicians and producers to analyze the reasons why music of those seven countries has no chance in the international market for what is called world music. <http://www.papayamusic.com/>

Ediciones Pentagrama is a **Mexican** editorial house that enables composers and musicians to edit their own material, such as books, CDs, DVDs, recordings, etc. Its catalog includes more than 600 titles. Produces and distributes Mexican and Afro-Antillean music, bolero,

tango, jazz, rock, ballads, and music for children, etc. It organizes co-productions and international interchanges with public and private cultural institutions.

www.pentagrama.com.mx

In **Paraguay** there are private music labels operating as follows: they distribute and commercialize the material provided by musicians. Musicians and groups with a high commercial impact are brought to national festivals. There are also international non lucrative cultural co-operations (French, German, North American and Brazilian). [Consejo Paraguayo de la Música / CIM](#).

Belize: Stonetree Records is a Belizean label which promotes the preservation of traditional music arising from *Garifuna*, *Creole*, *Maya* and *Mestizo* cultures; in addition they support the development of new music styles, and promote creativity and experimentation.

<http://www.stonetreerecords.com>

- **Cite examples of the use of music to alleviate poverty or the conditions contributing to poverty.**

§ **Paraguay:** The project *Vida y Comunidad* intends to improve the situation of street-children at the city Coronel Oviedo. This is directed by the town council, aided by social sectors, all of them supported and technically advised by the UNICEF. These children can take music lessons, they learn to play instruments and participate in other educative and cultural activities.

This project started in 2002, and since then 63% of the participating children decreased their work schedule, and 41 children could definitely stop working.

http://www.unicef.org/spanish/infobycountry/paraguay_24037.html

República Dominicana: Thanks to the participation of various national entertainment stars, *La Música se pinta de solidaridad y esperanza* is a great concert inspired by the music of Juan Luis Guerra. The intention is to collect monetary aid (given to the first Lady) to instigate the development of social projects in diverse towns, satisfying basic necessities of the poorest populations. [Presidencia de la República Dominicana –](#)

http://www.primeradama.gov.do/galeria/rueda_de_prensa_concierto_de_navidad_2005/galeria.html

Argentina: To improve the socio-cultural integration of youth and children in vulnerable situations the *Secretaría de Cultura de la Nación* (Secretary of Culture) has created a youth and children's orchestras program. Some examples are: *Orquesta Juvenil del Consejo de Niñez, Adolescencia y Familia* and *Orquesta Escuela de Chascomús*. Similar activity is a part of the program *Zonas de Acción Prioritaria*, organized by the Secretary of Education.

[Secretaría de Cultura de la Nación. República Argentina - http://www.cultura.gov.ar;](http://www.cultura.gov.ar)

<http://www.orquestra-escuela.chascomus.com.ar>

In Latin America the illegal music market is one of the greatest in the world. **Paraguay, Ecuador, México** and **Brasil** figure in the “black list” of the International Federation of Phonograph Industries, because those countries are assiduous producers, distributors and

consumers of piracy. [Blanco y Negro. Periodismo de Investigación. Quito, julio 2 de 2005. http://www.hoy.com.ec/suplemen/blan352/negro1.htm](http://www.hoy.com.ec/suplemen/blan352/negro1.htm)

In a desperate and spontaneous self adjustment of the social economy and as a consequence of a high incidence of unemployment, this activity benefits a wide percentage of the marginalized communities.

See also the Venezuelan orchestras program (and those in the other countries) in the next paragraph.

3. The links between musical diversity and the promotion of peace.

- **Cite examples of the use of musical diversity to promote peace.**

§ **Venezuela:** In a program to encourage peace and tolerance, since 1975 the *Fundación del Estado para el Sistema Nacional de Orquestas Juveniles e Infantiles de Venezuela* promotes the creation of symphonic orchestras (for youth and children) throughout the country. The same model is followed now by **Argentina, Brasil, Chile, Ecuador, El Salvador, México, Perú** and various Caribbean islands. The ideal of this program is to use music to integrate young people of low social and economical status, or to rescue them from delinquency and drugs. To fulfill this project 400,000 fringe children have been trained. [Federación de Asociaciones Americanas en Catalunya \(FASMCA\) – http://www.fasamcat.com/proyectos](http://www.fasamcat.com/proyectos)

Colombia: Concerning the peace process, combat groups are using a peculiar “musical-weapon” called *escopetarra* (a term that uses the first part of the word *escopeta*, which means rifle, together with the second part of the word *guitarra*, which means guitar). It is a guitar that instead of the fingerboard has a 16 mm diameter barrel. The government supports the fabricant with the construction of 100 of his *escopetarras*, and includes its symbol in promoting a campaign to end 41 years of armed conflict. Therefore, this instrument is donated in an exchange for a musician’s commitment to demonstrate themselves against violence and as promoters of good will for peace.

César López, inventor of this *escopetarra*, is a musician from Bogotá who also presents a show called *La Resistencia* (The Resistance). Its songs are testimonies collected in trips around Colombian villages; their texts are about fear, dignity, memory, team-work, forgiveness.

Another one of his ideas is a Neutral Orchestra, which was proposed as a musician collective which arrives immediately in the zones where there is a violent situation or any type of aggression.

The experience is described by him: “*We used to round the place, make a sort of a vigil and play. We discovered a beautiful impact in the victims. It was like an opportunity for them to exorcize their feelings of fear and indignation*”. “[Escopetarra” que dispara música por la paz en Colombia – Yahoo Argentina – Noticias – http://ar.news.yahoo.com/06125/4/o994.html](http://ar.news.yahoo.com/06125/4/o994.html); César López: “Un nuevo símbolo de paz” – www.colombia.com

Argentina: The musician Miguel Angel Estrella aids the diffusion of music in the most marginalized sectors and out of big concert halls. He is opposed to the use of music just to make money. One of his activities is a non-governmental organization: *Música Esperanza* which has branches in Algeria, **Chile**, Ethiopia, **Guatemala**, Poland, Rwanda, Morocco, Rumania and **Uruguay**.

Universidad de Alicante –
<http://www.ua.es/es/servicios/comunicacion/notas/05121204.html>

§ **Argentina, Bolivia and Chile:** *Talleres Musicales de Integración Andina* (Music Workshop for Andean Integration), congregates young people from those countries to perform Andean folklore, popular and traditional music and American baroque. With native and classical instruments they present themselves as a symbol of fraternity, peace and tolerance respecting their cultural heritage as part of a shared region. *Diario “El Pregón”*. San Salvador de Jujuy. <http://jujuy.com.ar/turismo/asociacion/esperanza/embajada.htm>

Uruguay: The *Pro-tempore* chairmanship of MERCOSUR in August 2005 celebrated the 60th anniversary of the end of 2nd World War, the dropping of the atomic bomb and the creation of the UNESCO with music, poetry and dance for peace, in which artists demonstrated pacific ideals. *Boletín de la Oficina Regional de Ciencia para América Latina y el Caribe*. Representación de la UNESCO ante el MERCOSUR. <http://www.unesco.org.uy/newsletter/SEGNAL04-oct05.pdf>

- **Can you cite instances where musical diversity has caused or been strongly associated with social disharmony?**

We have no knowledge of any.

4. The standards regulating musical diversity.

- **Cite examples of government or government-induced regulations intended to promote musical diversity or freedom of musical expressions OR to limit them. Refer to the fields shown below. In each case, if possible, give briefly the rationale for the regulation. In each case, are the regulations enforced?**

- **Broadcasting.** For instance, are there examples of the use of regulations to require the broadcast of local music, or regulations to require the broadcast of some forms of music but not others, or regulations to prohibit the broadcast of some forms of music?

In what follows, there are descriptions of regulations in support of the broadcast of local music. As a general comment, in many cases they are not enforced. We are not able to know the specific cases in which they are enforced.

Venezuela: TV Channel ViVe was founded by the government in 2003, in order to rescue Venezuelan culture. Together with **Argentina, Uruguay and Cuba**, the channel Telesur was created, as an integration among Latin-American countries.

<http://es.wikipedia.org/wiki/Venezuela>

§ There is a law titled *Ley de Responsabilidad Social en Radio y Televisión* (Radio and Television Social Responsibility Law) which legislates the daily percentage of Venezuelan music diffusion according to the broadcaster's schedule and location, and depending on its administration: independent or governmental. This percentage shall be at least a 50%, and 70% in frontier areas. The diffusion of traditional music must have as a priority the following: music genres coming from different geographical zones of the country; the use of Spanish language and Indigenous official languages; main values of Venezuelan culture, Venezuelan copyright creation; Venezuelan performers. This regulation also promotes the diffusion of Latin American and Caribbean authorship. <http://www.leyresorte.gob.ve>

§ **Colombia:** The Minister of Culture has provided 100 channels for local and community television (*Maleta de Programación Cultural*), with 100 hours of cultural and educative programming supported by DVD material. A variety of Colombian cultural diversity, art and music is included. [Ministerio de Cultura de Colombia. Prensa Mincultura. http://www.mincultura.gov.co](http://www.mincultura.gov.co)

§ **Brasil:** The Brazilian constitution, in article 221, mentions that broadcasting and television production and programming must follow these principles:

- a) Preference for educative, artistic, cultural and informative objectives.
- b) National and regional culture promotion and stimulation of independent production directed towards the same objective.
- c) Regionalization of the artistic, cultural and press production, according to the percentages established by the law.

[Sociedad Interamericana de Prensa. Banco de Datos de Leyes de Prensa.](http://www.sipiapa.org/espanol/projects/laws-bra3.cfm)

<http://www.sipiapa.org/espanol/projects/laws-bra3.cfm>

Concerning national production, Brazilian FM band is the main broadcaster of national culture, which market arises up to the 63%. Although you can listen to the Rolling Stones' last hit, this kind of music is not a priority.

<http://www.mre.gov.br/cdbrasil/itamaraty/web/espanhol/comunica/radio/fm/apresent.htm>

§ **Ecuador:** The law (*Ley de Radiodifusión y Televisión - 1975*) establishes that radio and TV license holders must be Ecuadorian. Broadcasting legal entities must be Ecuadorian and no more than the 25% may be foreign investment.

It establishes that music programming must include national music in a 25% proportion and 5% of universal classical music.

http://www.supertel.gov.ec/PDF/ley_radiodifusion.pdf

§ **Perú:** The Artists and Performers Law in Perú requires broadcast of no less than 30% of daily programming devoted to national music and to programs related to Peruvian history and literature.

http://www.minedu.gob.pe/normatividad/leyes/ley_del_artista.doc

§ **Bolivia:** "Art expressions and popular industries concerned with national culture must be specially protected by the government, with the objective to preserve its authenticity and

increase its production and diffusion”, Law 2650, *Constitución Política del Estado*, promulgated February 2nd, 1967, article 192. <http://www.minedu.gov.bo>

Chile: Law No. 19,928 about Chilean Music Promotion (published in the official diary No. 37.774 in January 31, 2004), article 15: “The *Consejo de Fomento de la Música Nacional* shall hold agreements with broadcasting, television and other entities, with the objective to include in their programs and in the territory a certain percentage of national music.”

[Biblioteca del Congreso Nacional.](http://www.bibliotecacongreso.cl)

http://sdi.bcn.cl/bcn/boletin/publicadores/legislacion_tematica/archivos/Ley19928-9.pdf

§ **Argentina:** *Ley Nacional de Radiodifusión* (National Broadcasting Law), promulgated in 1980, Article 60: “Broadcasting services must obey the following demands: a) To transmit a minimum of 70% of national production, which must include in its program at least a 35% of music composed, and performed by Argentinean musicians or residents in the Argentinean Republic”. The Application Authority is able to modify or exclude a minimum limit of national music for those broadcasters with an exclusive or main dedication to an audience integrated in collectives, to specific groups of population or to the diffusion of erudite music. **COMFER – Comité Federal de Radiodifusión.**

<http://www.comfer.gov.ar/leyderadiodifusion22285.php>

Paraguay: Previously there was a law that demanded broadcast stations to transmit national music. Broadcasters –in order to avoid the loss of audience- decided to transmit this kind of programs at 4 or 5 o’clock in the morning while most of people are asleep. Nowadays there is no legislation about this fact. **Consejo Paraguayo de la Música / CIM.**

Uruguay: Law N. 16.624. Fondo Nacional de Música (National Funds for Music), Article 19.- “Broadcast and television stations must include in their musical programs at least 30% of national music”. **República Oriental del Uruguay. Poder Legislativo.**

<http://www.parlamento.gub.uy/leyes/ley16624.htm>

México:

Although the Mexican office of the United Nations High Commissioner for Human Rights urged lawmakers to keep in mind the fact that Mexico has signed international conventions opposed to monopolies and that promote democratic access to the airwaves; and even the United Nations called for the reform bill, which made it through Congress unusually fast, to be voted down or modified, the Mexican Senate gave in to the pressure of media giants *Televisa* and *TV Azteca*, approving reforms to the country's broadcasting laws that will strengthen these broadcasters' influence. *Televisa* and *TV Azteca* stations that have already been assigned a frequency will be able to branch out into digital services of all kinds, simply by notifying the government, while potential new competitors will have to participate in public tenders to obtain additional spectrum.

The bill passed the lower house in December, and was approved on March 30th by the Senate, in the midst of the campaign for the Jul. 2nd presidential elections. *Televisa* and *TV Azteca*, which dominate the airwaves with more than 95 percent of the viewing audience, carry virtually all of the candidates' campaign spots. The lawmakers, who asked not to be identified, said the media giants threatened to stop carrying the presidential candidates' campaign spots if Congress failed to pass the new law; so new frequencies will go to the highest bidder.

The autonomous Federal Electoral Institute (IFE) also criticized the new legislation. Under the law, candidates running in any election will be able to directly hire airtime for their campaign publicity, which runs counter to electoral laws which stipulate that only political parties can do so, under IFE's supervision.

Sources cited by the local press stated earlier that part of the bill was actually drafted in *Televisa's* law offices, and that from there it was submitted to the Chamber of Deputies.

First it sailed through the lower house committees without debate, before reaching the plenary session in December, where it was approved unanimously, without discussion, in a mere seven minutes.

Educational and community media which are sponsored by the government, municipalities and public universities, as well as independent community radio stations, are not even mentioned by the new law. The government's Indigenous

Peoples Commissioner said that among the bill's serious shortcomings was the fact that it neglects indigenous and community radio stations.

Media expert Néstor Cortés said to IPS*: "There is evidence as well as several 'coincidences' that indicate that all of the political parties and the government bowed their heads to allow the 'Televisa law' to pass, which demonstrates that the TV stations have power that goes beyond the state which relinquished its control to the broadcasting powers-that-be, which must now be celebrating, sure that no one can stop them or their interests."

In response to the consequences that this law will bring against diversity, the day before it was approved, public radio stations played the same song over and over again, interspersed with messages like "to live in a country without pluralistic media would be like listening to the same song all day long."

The Fox administration kept mum on the congressional debate on the bill. And while the political parties were split internally, a majority of their legislators voted in favour of the reforms, without reading them.

*IPS – International Press Service News Agency. **MEXICO: New Law to Benefit Media Giants. Diego Cevallos.**
<http://www.ipsnews.net/news.asp?idnews=32727>

Finally, after being ratified by President Vicente Fox, the law came into force in April 12th, 2006.

Guatemala: There is no legislation. Each broadcast station applies its own criterion for its programming; therefore broadcasting is dominated by commercial globalized music. [Consejo Guatemalteco de la Música/CIM.](#)

Nicaragua: Law N. 215, February 28th, 1996. *Ley de Promoción a las Expresiones Artísticas Nacionales y de Protección.* This law establishes that broadcasting industry must include in its program a daily minimum of 10% of diverse national music (including Indigenous and Afro-Caribbean music), progressively increasing year by year.

Obviously, these legislations, in general, arose due to four main historic facts:

- a) The almost total annihilation of native music by Spaniard conquerors.
- b) Almost 300 years of European colonization.
- c) The hegemony of occidental music imposed in these lands since the discovery of America.
- d) The commercialization of media communication and its mercantile products.

As we can see, public television and state radios offer special programs to show cultural diversity as a richness of the respective countries. Unfortunately, in Latin America it happens that laws are not totally observed and communication grants are given to private companies, who induce people from all ages to consume commercial music –with immediate lucrative interests- supported by big investments in promotion. These companies own record corporations and also schools for what they call “new talents” (focusing on young people) who are quickly over and done with, so another “talent” comes out and the cycle of lucrative activity continues its manipulative way. In consequence, other kinds of music –mainly ethnic and actual classical - remain dramatically on the fringe of society.

- **New media. Are there parallel requirements in the regulation of new media that would favour or disfavour some forms of music? (New media: for instance, the internet.)**

- **E-commerce. Are there parallel requirements in the regulation of e-commerce that would favour or disfavour some forms of music? (E-commerce in music: trade in music digitally embodied or delivered. Overlaps with new media.)**

There is no information found.

Complicated matters about internet copyrights or digital labels or infantile pornography are not solved yet. Forbidden and allowed aspects vary among countries. Anyone who wants to install, for instance, an infantile pornographic page in a country where it is forbidden, is able to do it through an internet domain of a country where it is allowed.

Considering this fact, it seems impossible to anybody to legislate about favoring or disfavoring any kind of music. Nevertheless, since the United States is the main controller of the internet, their music is predominant in the network.

- **Education. Are there regulations requiring education in local music traditions, or in a diversity of musical genres.**

In almost all of the Latin American countries is to the community knowledge, that musical programs at school are scanty. There are some references concerning tradition, identity and cultural self-expression. There is not any legislation about musical education itself; nevertheless it is mentioned in arts education programs.

Concerning musical education at primary scholar level, classical music is the most ignored.

§ Colombia: Within artistic education, the music and rhythms of communities of Indigenous, Afro-Colombian and Mestizo background must be studied.

It is the objective to affirm the Colombian cultural, musical, traditional and ethnic patrimony as well as the Latin American and universal music environment. Teachers and pupils are required to travel around and carry out researching activities concerning with composers, repertoires, oral traditions of diverse cultural expression and the history of the technological transformation of music. They are asked to make recordings, interviews, and also to observe directly the work of non academic poets and composers, and finally to contrast and evaluate their investigation. There is still a need to rescue the musical repertoire of children, such as contemporary classical music and traditional songs. Nevertheless, music education is not an obligatory subject at school.

[Colombia Aprende. La red del conocimiento Mediateca.](http://www.colombiaaprende.edu.com/html/mediateca/1607/article-92746.html)

<http://www.colombiaaprende.edu.com/html/mediateca/1607/article-92746.html>

§ Chile: In the Musical Arts Curriculum it is required to give primacy to: a) music from all strata: concert, popular urban and oral traditional; b) national and Latin American music and music from other regions and cultures; c) music composed in the past and in the present. The development of the program is very similar to the Colombian one.

[Chile. Ministerio de Educación. Sector Curricular. Educación Artística.](http://www.eduteka.org/pdfdir/LineamientosEducaciónArtísticaChile.pdf)

<http://www.eduteka.org/pdfdir/LineamientosEducaciónArtísticaChile.pdf>

México: Artistic Education at the basic level has been traditionally considered insignificant to the formative process of childhood and youth. [Hablemos de la profesionalización de la educación artística de México. Observatorio Ciudadano de la Educación.](http://www.observatorio.org/comunicados/comun112.html)

<http://www.observatorio.org/comunicados/comun112.html>

In a new elementary education reform program (*Reforma Integral de Educación Secundaria*) for basic school, it is stipulated as follows: “It is important to manifest that the music subject, as part of basic education, do not intend to provide a professional artistic education; instead, pupils must intentionally apply the language of an artistic discipline to express and communicate themselves, and to establish links between an artistic manifestation and esthetic, social and cultural criteria. [Secretaría de Educación Pública. Reforma integral de la educación secundaria. Programas de estudio. http://ries.dgme.sep.gob.mx/](http://ries.dgme.sep.gob.mx/)

Obviously, this educational criterion does not favor the knowledge of music nor musical diversity.

Guatemala: There is no educational legislation concerning to musical diversity. [Consejo Guatemalteco de la Música/CIM.](#)

El Salvador: Intends to develop musical education through folk song accompanied by native instruments. [Ministerio de Educación. http://www.edured.sv](http://www.edured.sv)

On the other hand, the *Conferencia Regional de América Latina y el Caribe Latino* (Latin American and Latin Caribbean Regional Conference) within the *Declaración de Bogotá sobre Educación Artística* (Bogotá Declaration for Artistic Education), and supported by Cultural and Educational Agencies belonging to UNESCO, considering that the common region’s musical diversity politics are not properly applied, carried out an initiative to promote the improvement of education and artists’ participation.

§ Item number 3 of that Declaration recommends the creation of Latin American collections and repertoires improving education in music, visual and stage arts. http://www.lacult.org/docc/Declaration_Bogota_Educ_Art_esp.doc

§ A very important project called *Tejiendo Redes*, (*Sewing nets*) belonging to the *Consejo de la Música de las Tres Américas* (Three Americas Music Council/IMC) made two interesting proposals:

- a) An interactive CD – “Latin American Musical Forms”: the creation of a CD set comprising a compilation of traditional music forms from each of its member countries, to be distributed for free in educational and musical institutions. Observations about traditional forms, recordings and music scores would be included.
- b) A book – “America Sings its Music”: This would be a traditional music anthology, focused on youth and children’s choruses, to be distributed for free in educational and musical institutions.

In spite of its progress, this project –educative and impellor of musical diversity- could not be financially supported by the International Music Council nor UNESCO in despite the small amount requested. [Consejo de la Música de las Tres Américas \(COMTA/CIM\).](#)

- **Subsidy. Are there regulations that require that government subsidy should be given to, or withheld from specific musical genres, or to a diversity of musical genres? Are there regulations that require that government subsidy can only**

be given to citizens of the particular country, or regulations along those lines? Are there regulations that require that all applicants for subsidy must be considered equally, whether citizens or foreigners? Or are there variants on any of the above?

In general, information about subsidies is restricted.

Venezuela, Brasil, Chile, Argentina, Paraguay, México and **Honduras**, although national projects have priority, subsidy is available to nationals and non-nationals alike.

Argentina: As for the countries mentioned above, but Argentina gives primacy to classical music. [Secretaría de Cultura. Presidencia de la Nación - http://www.cultura.gov.ar](http://www.cultura.gov.ar)

Uruguay: Gives primacy to national musicians. <http://www.fonam.org.uy>

Paraguay: The National Fund for Culture and Arts promotes equality of opportunities in access to diverse cultural manifestations. Subsidies are given to national projects, even if the artists are foreigners. <http://www.fondec.gov.py> / Consejo Paraguayo de la Música / CIM.

México: The National Fund for Culture and Arts (FONCA) has an organized program to encourage diverse music genres, such as traditional genres and classical music. This program is open to Mexican citizens and in some cases to foreigners with a legal migratory status. <http://www.conaculta.gob.mx> /CONACULTA.

Guatemala: There is legislation that stipulates that governmental subsidies must be given only to Guatemalan citizens. [Consejo Guatemalteco de la Música/CIM](http://www.consejoguatemalteco.org).

- **What is the situation of copyright law in the countries in this region? Has it been enacted? Is it enforced?**

Copyright laws have been decreed in most of the countries. Some examples are: **Nicaragua, Honduras, El Salvador, Costa Rica, Guatemala, Cuba, México, Colombia, Venezuela, República Dominicana, Paraguay, Uruguay, Argentina, Chile, Perú, Ecuador, Bolivia** and **Brasil**.

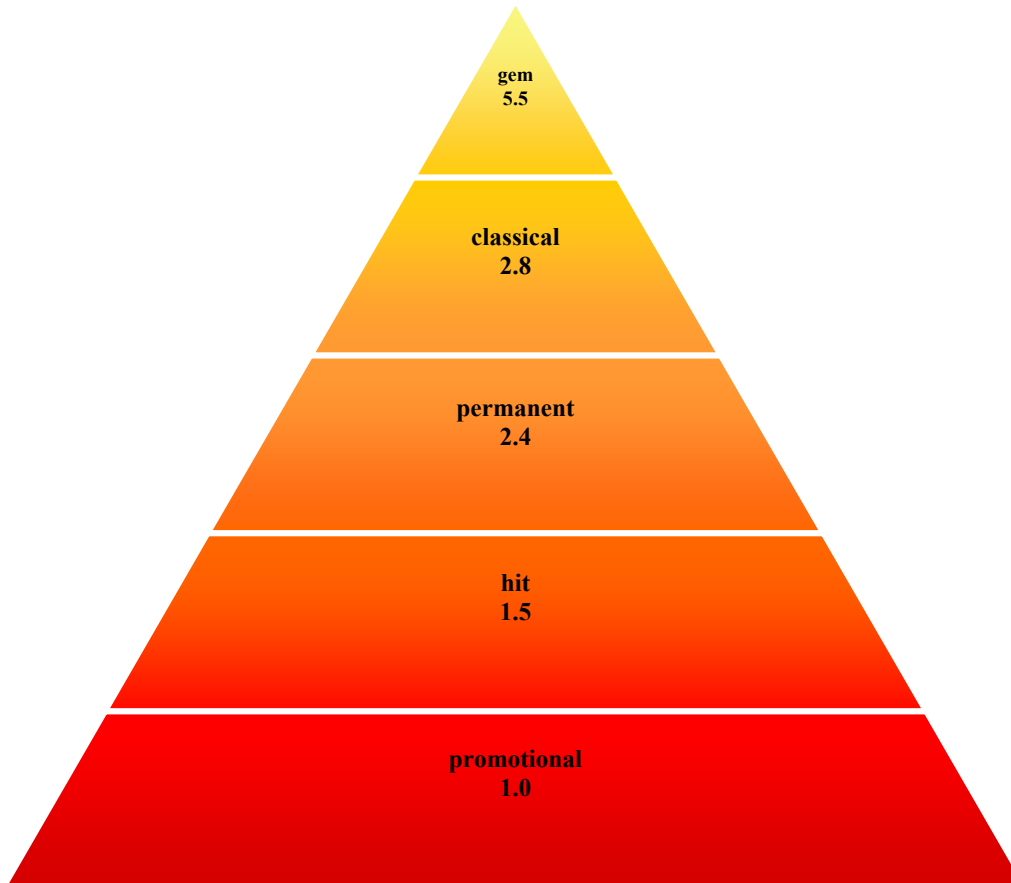
Perú: The directory of authors and composers includes creators of diverse Creole genres like waltzes, mariner music, black music, tropical, rock/ballads, boleros, fusion. Nevertheless, according to internet information, it does not have classical music members registered. <http://www.apdayc.org.pe>

México: The Authors and Composers Society has a strongly commercial criterion to the payment of royalties, which are given depending on the quantity of sold copies per piece and its popularity on media diffusion companies.

This has led to a problematic consequence for some groups of composers and for composers of academic music, since it is a violation of their basic professional rights; so they have to subscribe to foreign copyright societies, mainly in the United States and Spain.

The following diagram shows the pyramidal system in which music royalties are considered:

SOCIEDAD DE AUTORES Y COMPOSITORES
(Authors and Composers Society)



In cases where no performances of a work are reported during a year, even though public sales were generated, the piece will be removed from the pyramid.

Promotional – Distribution Range 1.0:

It considers pieces which reaches a minimum of three months in the first range of rating.

Hit – Distribution Range 1.5:

The piece must sell a minimum of 100 000 copies and be a rating for more than three months.

Permanent – Distribution Range 2.4:

The piece must sell a minimum of 500 000 copies and remain one year long in recording catalogs.

Classical – Distribution Range 2.8:

10 years of permanence, new versions recorded and reported in most of the items. It must be amply known in all media ambits in which music converges.

Gem – Distribution Range 5.5:

More than 15 years rating, national and international renown, a minimum of 10 recordings in different countries.

[Scheme in the big blackboard at the hall of the Sociedad de Autores y Compositores de Música \(Music Authors and Composers Society\)](#)

This Mexican society gives the following benefits according to the pyramid range: Health and demise expenses, seniority rights, fiscal counseling, discounts, and voting rights in general assemblies.

This regulation discriminates against all non-commercial musical genres.

5. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity.

- **Cite examples of government promulgation of a single musical or cultural identity and any associated constraint on other musical or cultural identities.**

There is not any official promulgation of this type. Instead, the Constitution and Education laws in almost all of the Latin American countries, decree that the State must protect cultural diversity, with a specific emphasis on Indigenous culture, inasmuch as it belongs to a national identity.

- **Cite examples of similar promulgation by the citizenry or sections of the citizenry.**

There are no groups opposed to musical diversity.

- **Does it appear that in your region there are some states that are less likely to ratify the UNESCO Convention for cultural diversity if issues of internal cultural diversity or open cultural borders are pressed?**

There are several evidences which make us think that most of Latin American and Caribbean countries would ratify the Convention. These are the following:

- a) The plentiful cultural diversity that characterize the whole region and the presence of Indigenous groups and other marginalized ethnics.
- b) The United States is the only country in our continent that is strongly opposed to this Convention, so it might be ratified in order to avoid that country's cultural oppression.
- c) There are several civil society organizations against the Free Commerce Agreements.
- d) All Latin American and Caribbean countries attended the UNESCO General Conference and only Honduras and Nicaragua did not vote in favor of the Convention.

Argentina
Bolivia
Brasil
Chile
Colombia
Costa Rica
Cuba
Ecuador
El Salvador
Guatemala
Honduras

México
Nicaragua
Panamá
Paraguay
Perú
República Dominicana
Uruguay
Venezuela
Haití
Belice
Guyana

Surinam
Bahamas
Barbados
Dominica
Granada
Jamaica
Saint Kitts y Nevis
San Vicente y las
Granadinas
Santa Lucía
Trinidad y Tobago

- e) Thirty three countries in the world belong to the Coalition for Cultural Diversity. Nine of them are Latin American: Uruguay, Perú, México, Ecuador, Chile, Colombia, Brazil, Argentina and Venezuela. In Paraguay and Bolivia there are two coalitions about to be formed. [Coaliciones en Movimiento. Un boletín de las coaliciones para la diversidad cultural. Vol. 4, No. 1, Enero 2006.](#)
http://www.cdc-ccd.org/Espagnol/bienvenido_2005.htm

Nicaragua: In opposition to the Nicaraguan abstention from the vote, the Garífuna community from Corn Island asks for the ratification of the Convention to protect the Intangible Cultural Heritage.

[OFRANEH. Organización Fraternal Negra Hondureña.](#)
<http://rds.hn/index.php?documento=4130>

Montevideo, **Uruguay** - 24th MERCOSUR Summit: President Lula da Silva from Brasil, Néstor Kirchner from Argentina, Ricardo Lagos from Chile, Hugo Chávez from Venezuela, and other MERCOSUR's assistants (Paraguay) and Associated States (Bolivia, Chile, Perú, Colombia and Ecuador) announced a Declaration with their promise to ratify and strongly support the Convention. [Coaliciones en Movimiento. Un boletín de las coaliciones para la diversidad cultural. Vol. 3, No. 8, Diciembre 2005.](#)
http://www.cdc-ccd.org/coalition_currents/Dec05/coalition_currents_sp_dec05.html#3

6. *The manner in which musical diversity is addressed by music workers and expressed in various forms or musical creation; the relationship to identity.*

- **Cite examples of cultures in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical diversity – in the sense of the simultaneous practice or presentation within a society of many forms of music.**

§ In general, artists and non-governmental promoters of culture concentrate their efforts within the specific areas of their own interest. Governments, through legislation, intend to sponsor multiple forms of diversity, even though some expressions remain always on the fringe.

Within recording companies there are some interesting proposals, for instance, those concerning alternative music, supporting diverse genres and traditional expressions. An example: in México, Fonarte Latino and Ediciones Pentagrama.

<http://www.fonartelatino.com.mx>; www.pentagrama.com.mx

Samples of musical identity expression through diversity:

Argentina: a) Leon Gieco works with Indigenous and Creole musical instruments, generating fusion music. b) Alejandro Iglesias Rossi and other young composers present a contemporary innovative music language combining ethnic instruments from diverse regions. c) Foreign festivities like “Saint Patrick Party” (emphasis on Celtic music), have a place in performed music. [Consejo Argentino de la Música / CIM.](#)

§ **Venezuela:** Musical Mind is an independent recording label developing creative and technical music of different genres and styles, emphasizing those non-commercial.

www.musicalmind.net

México: Almost all of the Mexico City's classical music orchestras include Mexican composers (contemporary and classical) in their monthly/weekly program.

[Consejo de la Música en México/CIM](#)

Paraguay: René Ayala uses a mixture of indigenous and electro-acoustic instruments.

[Consejo Paraguayo de la Música / CIM](#)

- **Cite examples where they are averse to musical diversity.**

No general aversion to music diversity. Nevertheless it occurs within groups:

- a) Classical music composers and performers demonstrate aversion to commercial and popular music and in some radical cases even to traditional and Indigenous music.
- b) Some singers, composers themselves of their own songs, or rock/pop groups demonstrate aversion to academic musicians, considering they develop an antiquated genre.
- c) Some people think musicians coming from Conservatories or music schools belong to the elite, even when "elite" is not caused by academic knowledge, but when general public feels fear to approach to it.
- d) Music schools and Conservatories' training is based on occidental academic music, excluding traditional/regional genres.
- e) As said before, television, radio and recording companies provoke aversion to non-commercial genres.

[Consejo de la Música en México/CIM](#)

Paraguay: Certain groups, descended from dictatorial models occurring in the past, have the tendency to fanatically promote an exacerbated nationalism against other cultures. However, this is not a massive phenomenon. [Consejo Paraguayo de la Música / CIM](#).

- **Cite examples where they support, or weaken, the practice of local traditional or indigenous music.**

Argentina: Local practices are not supported or weakened, they are ignored.

Miguel Angel Estrella is fulfilling a project *La voz de los sin voz* (the Voice of those with no voice), denouncing the situation of artists who have ideas to express but no place to be heard. [Consejo Argentino de la Música / CIM](#).

§ **Colombia:** The Colombian Musical Foundation organizes an annual vocal duets contest in which there is an obligation to use the *tiple* (regional string instrument) to accompany the singers. Musical genres such as *bambuco*, *pasillo* and *guabina* are performed.

[Fundación Musical de Colombia - http://www.fundacionmusicaldecolombia.com](http://www.fundacionmusicaldecolombia.com)

§ **Bolivia:** The Cochabamba Department convokes an annual competition for *charango* players (a kind of a little guitar made from the armadillo's carapace), to promote new performers of that traditional Bolivian instrument. As soloists, they have to play national themes and to dress in the traditional costume. [El Festival de Intérpretes – http://www.charango-aiguile.com/festival/convocatoriafestival.php](http://www.charango-aiguile.com/festival/convocatoriafestival.php)

§ **Perú, Chile and Bolivia:** In ancient times the Aymara culture occupied common territories of what nowadays are Perú, Chile and Bolivia. In October 2005, at Tiawanaku's sacred hill, these countries celebrated a first re-encounter of Aymara culture, revaluing native dance and music. [Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe. Notiteca Indígena Digital. http://www.fondoindigena.net/noticiero/index.shtml?x=751](http://www.fondoindigena.net/noticiero/index.shtml?x=751)

§ **México:** The National Council for Culture and Arts (CONACULTA) has several effective programs to support traditional genres. One of these programs promotes the creation of music with traditional characteristics. Another one offer grants for composers of national genres. There are workshops to develop performance, traditional techniques and the construction of instruments. [Consejo Nacional para la Cultura y las Artes. http://www.conaculta.com.mx/convocatorias/](http://www.conaculta.com.mx/convocatorias/)

- **Cite examples where they are interested in developing hybrid musical forms – e.g. music that combines two or more ethnic musical genres, or combines an ethnic music with say, western popular music, or combines various forms of non-ethnic music.**

Generally, hybrid and fusion music allows the use of native musical instruments in a modern context; this is an opportunity to rescue those traditional modes and instruments.

Mexico: The National Fusion Festival presents music groups' experiments which mix different traditional instruments and rhythms. It welcomes the idea of connecting cultures and through them generating new sounds.

The group Tribu defines their idea as follows: "We perform Mexican music of the new millennium, ancient alive instruments, and rescued tradition". They sometimes use Japanese instruments like the koto.

Concerning the group Aranda, it places importance on its use of 30 different percussions coming from very diverse regions. Sometimes they use the Tibetan cymbal. There is also an Afro-Mestizo genre. [El Primer Festival Nacional de Fusión, Propuestas Sonoras de México enriquecidas por la aldea global. Georgina Hidalgo. Sala de Prensa CONACULTA. http://www.cnca.gob.mx/cnca/nuevo/2001/diarias/nov/071101/fusion.htm](http://www.cnca.gob.mx/cnca/nuevo/2001/diarias/nov/071101/fusion.htm)

There is support for rock in Nahuatl* and Seri* languages (*territorial native languages); blues played by local bands from Oaxaca; a jazz-influenced territorial music genre named jazztztzil; techno-zapoteco (zapoteco is a territorial ethnic group); rapcumbianchero (mix of rap-cumbia and *ranchera* music). [Consejo de la Música en México/CIM](http://www.consejodemusica.com.mx/)

Paraguay: Diego Sánchez Haase y Luis Szarán mix classical music with local music. Yamil Ríos perform rap in Guaraní language. [Consejo Paraguayo de la Música / CIM](#)

- **Cite examples of the expression of personal or community identity through music, and especially through musical diversity.**

Chile: The so called Andean music has an Aymara origin. During Pinochet's dictatorship, several groups created a kind of "protest songs" named "new song". Gradually, this genre meant a musical identity characterized by an intellectualization and stylization of popular genres of native origins. Because of its success this music is getting some international projection. [Música Andina: quiénes son los Kjarkas? –](#)

<http://www.aymara.org/lista/musica.php>

México: *Norteña* music from México has a notable percentage of the audience in Arizona and California, USA. It's supported by broadcast programming and the production industry.

<http://www.razonypalabra.org.mx/anteriores/n38/mlara.html>

7. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity.

International issues include the challenges posed by trade liberalisation agreements. For instance, does a particular agreement limit a country's:

- **right to subsidies music production, but not to offer national treatment to foreign applicants -- e.g. provide subsidy only to locally based music producers**
- **right to fund state music institutions even though this gives them a competitive advantage over foreign providers**
- **right to fund national broadcasters even though this gives them a competitive advantage over foreign providers -- e.g. when broadcaster does not give national treatment to foreign music producers**
- **right to limit or direct foreign investment -- e.g. so that the music broadcast industry remains under local control and demonstrates a greater commitment to local music than might a foreign owned industry**
- **the right to regulate in favour of the local cultural sector.**

The North American Free Trade Agreement (NAFTA), the Central American Free Trade Agreement (CAFTA) and the Free Trade Area of the Americas (FTAA) include what they refer to as "national treatment" and "most-favored-nation treatment". There are some dangerous politics which affect countries: *"All privileges conceded to national investors must be extended to foreign investors. National investors cannot receive State financial support, inasmuch as this would mean a violation of equality between national/foreign investors"*.

Some of the various bilateral treaties have been furtively made and are not understandable to the general public. They are harmful to the inhabitants' rights.

“To negotiate” actually means to sign a binding contract shaped and presented by the United States. This kind of treatment is the result of its global politico-economic power, and the objective is to “negotiate” one by one with weak or corrupted governments willing to cede. [Los tratados bilaterales de libre comercios. Alejandro Teitelbaum – http://www.choike.org/nuevo/informes/2131.html#Listas%20de%20tratados](#)

One of the challenges to overcome is the treatment that makes culture a victim of commercial negotiation. One of the significant topics in the global commercial liberalization process is that one referred to intellectual property, patents of invention and traditional knowledge. These topics are controversial in the World Trade Organization (WTO) and frequently mentioned in the Free Commerce negotiation. [América Latina: Cuánto vale la cultura. Diego Cevallos. Internet Press Service New Agency \(IPS\) – http://ipsnoticias.net/interna.asp?idnews=31160](#)

The virtual magazine of Colombian music “Laboratorio Cultural” (Cultural Lab) shows a dangerous situation: “Traditional artistic expressions belong to public use and for obvious reasons are not copyright. Let’s bring to light that indigenous knowledge is in old people’s memory and in the nature of their customs. Nevertheless, this circumstance might change according to the free commercial trade’s intentions about the controversial subject of intellectual property, for which the United States wants to impose the property of any invention, not since the moment of its creation, but since it is copyright. How then, could we protect those expressions, property of the inhabitants? How are we going to defend Indigenous culture?”

[La excepción cultural en el TLC. Laboratorio Cultural. Revista Virtual de música colombiana. – http://www.laboratoriocultural.org/revista/articulos/5/tlc.htm](#)

Free commerce trades consign rights to companies and investors, opposed to Human Rights agreements protecting equality and vulnerable groups of society.

Is it possible that limitation on the concept of justice for Human Rights, -especially economical, social and cultural rights- would allow investment companies’ rights to triumph over human rights?

[Los Derechos Humanos en los Procesos de Integración Económica en las Américas. Washington, D.C. Octubre de 2004. http://www.choike.org/documentos/tlc_cidh_ddhh.pdf](#)

- **On an analysis of the situation as you discover it in responding to previous questions, how would you define these obstacles and challenges, and by what methods do you envision them being overcome?**

Consider both the international and national spheres.

There are special issues concerning the protection and promotion of traditional music as the societal contexts from which they arose dissipate or evolve. Challenges

include the attitudes of younger generations, the opportunities for musical evolution or innovation, the adequacy and structure of music education, the presence or absence of an economic basis for survival.

These suggestions are intended only as guidance and do not exhaust the possibilities.

- a) Consolidation and action of diverse national coalitions might be an effective method to overcome obstacles and challenges established in free commercial trade.

Chile is the single country which has introduced exception clauses or cultural reservations in its commercial agreements. *“In the Free Trade Agreement [...] we signed cultural exception and reserve clauses in order to preserve the cultural industry and maintain autonomous development based on a strong identity”*. América Latina: Cuánto vale la cultura. Diego Cevallos. Internet Press Service New Agency (IPS) – <http://ipsnoticias.net/interna.asp?idnews=31160>

- b) That might be a civil victory over unfair clauses favoring owners of the global economic power. Society could establish a single Latin-American Coalition for the Protection of Cultural Diversity and Copyright –included in free commerce trades- putting pressure on governments to exclude popular culture from negotiation.

Rafael Segovia, representing Mexico in the International Network for Cultural Diversity, asks for a revision of the NAFTA, exposing it as follows: “the clause referring to culture is that one about copyright. It is mainly commercial and defends the United States entertainment industry’s interests. Considering a NAFTA review, an exception clause concerning culture should be inserted.”

Mundo: UNESCO aprueba convenio para proteger la Diversidad Cultural. Servicio de Información Indígena (SERVINDI). <http://www.servindi.org/archivo/2005/124rsegovia@colmex.mx>

Miguel Necochea exposes that the North America Free Trade Agreement (Canada, United States and Mexico) has seriously damaged Mexican culture, because of the economic superiority of the USA and Canada and also because the Mexican government, in order to reach a range of competition with them, agreed to transfer to unclear and confusing clauses the obligation to establish cultural policies, taking them out from their natural social environment and placing them in the balance of capital and private commerce.

(Complete reference in: *México en la Cultura: A diez años del Tratado de Libre Comercio de América del Norte*. Miguel Necochea. Representante de la Asociación Mexicana de Productores Independientes y de la Coalición para la Diversidad Cultural de México. – <http://www.artv.art.br/cenal/internacional19.htm>)

8. Bring to light those good practices and actions that need to be strengthened and widely practiced in this field.

This will follow from the previous analysis. Please write this section according to your perceptions of the situation. The following ideas are intended only as suggestions.

The study could list the states that actively support musical diversity within their own borders. It might develop a typology of approaches, considering *inter alia* support to musical diversity within the school music education curriculum, in music subsidies, in music broadcasting, in special support to indigenous music, in measures to encourage cultural production by non-profit and for-profit organisations, in support to public cultural institutions and broadcasters?

You might seek examples of initiatives such as these:

- **programs to support local at-risk indigenous musics**
- **state support for local participation in internationally viable genres – e.g. western popular music, western classical music**
- **state encouragement for free exchange of music across their borders**
- **state encouragement for importation of music from developing countries**

Most of the quotations selected to respond to this questionnaire, from its very beginning, constitute appropriate proposals and suggestions, some of them already practiced in different countries.* We think that the items mentioned in the following list need to be strengthened and urgently practiced:

1. The States ratifying the Convention must establish programs to increase and improve the traditional music knowledge and the actual artistic production. The objective would be the diffusion of this diverse music through media communication, scholarly programs and international Latin American artists' interchange. In that way new generations would have more access to the knowledge of musical diversity and youth would be stimulated to participate in their region.
2. The similar cultural nature of Latin American countries is an important background that needs to be strengthened overall. Coalitions to favor cultural diversity and specific civil associations are suitable instruments to create cultural enterprises in the region. Latin American unity requires urgently to establish cultural regional industries and to generate common productions. The result would be: a) a competitive volume of culture according to the circumstances in Free Trade Agreements; b) an incentive for regional production; c) a protection of Latin American identity, avoiding the possibility to be absorbed by non equal negotiations.
3. To create free trade agreements with the European Community and with countries of other continents, to avoid a single cultural and powerful influence: that of the United States.
4. Protection of musical identity in each region is reached just through education. Music as a scholar assignment and the teaching of musical traditions should become obligatory.

* Paragraphs with the symbol § includes ideas that collide with our suggestions.

5. Governmental projects, civil organizations and international organizations must finance the creation of compilations concerned with culture and diversity.
6. Regional music must be presented through the tourist spaces; it is, not just in festivals and massive performances, but in hotels, restaurants and other similar spaces.
7. A plebiscite must be demanded by governments before they sign a Free Trade Agreement. Concerning music, national music councils and international organizations belonging to IMC/UNESCO would be interested in propagating the information about its status to musical, artistic, and intellectual communities, and to general public.
8. The International Music Council (IMC/UNESCO) might offer its best support to its permanent programs like the Regional Radio Rostra (Arab, Asian, African, Caribbean and Latin American ones), because they are effective forums about musical diversity in the world.
9. To extract from or not include in Free Trade Agreements the clauses concerning culture and copyright. The reason why they shouldn't be included is because "Culture" -as it is treated by markets and free trade agreements and when there is an unequal development among member countries- becomes advantageous to the interests of the rich parties, which impose their dominance. Therefore, the challenge is to repair mistakes from the past and avoid its repetition.

CONCLUSION

The geographical environment and the diverse and slow becoming of history, together with beliefs, costumes, moral wealth, way of living, tradition, religious practices and artistic expression is what constitutes Culture, and as a result it produces the unequivocal identity of each one of the countries that exist in our world. The time and processes taken for every human community to be the dwelling of distinctive cultural expressions can be counted in centuries and millennia.

A deficient educational level in scholar contents; the globally misunderstood concept of culture, confused and mistakenly interpreted and mixed with what actually is commercialized entertainment and show business (both supported in recent years by the media industry), kills in the audience the effort of thinking and discriminating instead of demanding what is important to real Culture, so they become conformist to a standardization of values.

The so called "Cultural Industry" is an activity of great commercial interests and relatively recent. Theodor Adorno and Max Horkheimer were the first to use this definition; the possible esthetic and artistic content of this concept is still under discussion and argument. These philosophers talk about the media industry as definers of

identity in actual societies, and once they become industrialized “*they disturb the production and the nature of the circulation of all cultural expression forms*”.

So Culture, far from arising from its origins and ferment over time, has become a commercial activity of a powerful industry with no human or spiritual interests, confusing and darkened in Free Trade Agreements’ wording.

**GRACIELA AGUDELO
GABRIELA SOTO
LETICIA MONTAÑO**

With special thanks to:
Beatriz Bermudez, Anthropologist, Venezuela.
National Councils members of COMTA/IMC

Appendix 16

The Protection and Promotion of Musical Diversity

Sub-Saharan Africa:

CAMEROUN

Luc Yatchokeu

Questionnaire on music diversity: Cameroon

I. The legislation in Cameroon does not foresee repression against free artistic expression. However, certain musicians who develop immoral texts in their songs are often censored by the CRTV (Cameroon Radio and Television), the national office for radio and television.

In other aspects of human rights, media and journalists who undermine the notoriety of the State are often repressed and even put into jail.

II. International music festivals are vectors for the development of tourism and craft in Cameroon. Many foreign artists and cultural operators use their stay to visit tourist sites and to buy art objects.

Some years ago, the government created a special account for the support of artistic creation and dissemination. Certain projects regarding the production and dissemination of music have received support since.

Some foundations support training projects for music professions, geared towards young unemployed people.

III. In the 1990s, Cameroon went through a period of political trouble during which peace was threatened in the whole country. Some musicians who enjoyed a big audience gave popular concerts in order to convey a message of peace.

IV. Radio broadcast of music: there is a law that imposes a quota for music broadcasts in audiovisual media: 80 % for local musics and 20% for music from abroad. However, this quota is not respected by commercial stations which consider that the musics from Cameroon of the past few years do not find a big audience.

New media and e-commerce: these new technologies are not yet developed in Cameroon.

Education: there is no regulation imposing education in local traditional musics or in a diversity of music genres. However, some operators in the music field are willing to encourage musics that are inspired by heritage, as well as music creations reflecting a mixture of different genres.

Subsidy: Government subsidies are intended to benefit only Cameroon citizens, but the criteria for the granting of these subsidies are not clearly defined and do not necessarily respect current/actual tendencies.

The creation of authors' rights societies was decided by the government, but their functioning has always encountered problems because of the bad management of funds collected. The first society: SOCADRA (Cameroon Society for Authors' Rights) was a state-owned society managed by inexperienced staff who cared little about artists'

interest. Funds collected served more the functioning of the society than the redistribution of rights to artists. That's why SOCADRA was dissolved and replaced by SOCINADA (Civil society of authors' rights) administered by the artists themselves. This second society has faced two problems:

- misappropriation of funds by the administrators and confusion with regard to the various artistic sectors. For the society represented visual arts, music, theatre and dance. In light of this confusion, the government decided to split up this structure and to create several authors' societies according to the artistic sector. The CMC (Cameroon Music Corporation) was founded two years ago but its leadership was kind of fighting each other. Today, however, the governing team seems to wish to put order into it for the benefit of the musicians. The expertise and technical cooperation from European societies and institutions (France and Belgium) has been contributing.

V. In Cameroon, there is no uniform policy concerning music performance. Cameroon is a country with very different cultural and musical streams, taking into account the multiple ethnicities (over 250 dialects), all being equally strong. A policy of limitation to one musical identity would be a threat to peace.

VI. In Cameroon, music has been influenced in many ways throughout generations. Before 1960, musicians expressed themselves in their songs in mother tongues and put forward their respective heritage in the composition of their works. In the years 1960 to 1970, Rumba (music of Latin American origin, performed by very popular Congolese musicians) influences the whole of the Central-African sub-region. 60% of the musics broadcast by national radio stations were influenced by Rumba.

As from the 1970s, there was a true musical revolution in Cameroon. Several artists emigrate towards Europe and go different ways. Some become important thanks to the wealth of Cameroonian heritage, and work on musical fusion by integrating the musics from elsewhere, (e.g. music from the Antilles). The *Makossa* – music of the coastal populations – becomes popular in several countries of Africa.

The producers and labels are not interested in musical diversity. They simply develop a commercial logic, which leads them to invest in what's fashionable at the moment.

The decline in the quality and level of Cameroonian musical works which has been noted for some ten years, has raised awareness among certain artists who understood the need for investing themselves in the musics they have inherited. Unfortunately, it is a difficult step insofar as the producers are not interested in research, preferring to invest rather in consumption-ready products. The Government does not have either any grant scheme for musical research.

Nevertheless, some presenters of radio broadcasts and producers of events encourage the dissemination of the musics of heritage. It is a rather difficult battle. **The Music Council of Cameroon** contributes to these efforts by setting up a project "**Cameroon Music Promotion**" which results in the annual production of a sampler of Cameroun's best

musical works. Particular attention is given to musics inspired by heritage, as well as to hybrid musics.

VI. Cameroun enjoys a very great musical richness. To date, this richness is under-exploited (less than 30%) because musical research is neither encouraged, nor subsidized by the government. However, there are researchers who began to work but cannot complete due to the lack of funding.

The music sector is not organized and does not have recognition as a vector of development in Cameroun. This explains also the weakness of the fight against piracy.

The government must undertake the following efforts:

- organize the musical field in Cameroun such as a branch of economy.
- define clearly the status of the artist
- better direct the use of the special appropriation account
- support musical research
- accompany the cultural operators
- enforce the law on cultural mecenat (patrons)
- offer a showcase to the musics of Cameroun by ensuring a presence at international music events
- ratify the convention of UNESCO on the protection and the promotion of cultural diversity
- accentuate the fight against piracy.

Appendix 17

The Protection and Promotion of Musical Diversity

Sub-Saharan Africa:

CONGO (BRAZZAVILLE)

Ondaye Gervais Hugues

Report on musical diversity in the sub-region:
The case of the Republic of Congo
Presented by the consultant Gervais Hugues ONDAYE

Note

In order to guarantee, to promote and to defend cultural diversity in the world, UNESCO set up an International Convention approved almost unanimously by its members, October 24, 2005 in Paris.

It is thus in support to this initiative that certain institutions and people operating in the musical field, work on this project in order to demonstrate with relevant examples, the state of this diversity or at least the state of this diversity in each country.

INTRODUCTION

This report is the result of surveys carried out on local, national and regional level. One should recall that the immensity of this mission requires an important material time which did not enable us to achieve greater conclusions on the regional level. For these obvious reasons, our conclusions will be the fruit of a local and national investigation supported by the contacts drawn up further to a few seminars organized in Brazzaville by the Panafrican Festival of Music (FESPAM) and A I F in collaboration with WIPO under the patronage of the ministry of justice and human rights of Congo-Brazzaville.

This report divides into the following three periods:

- a) the colonial period
- b) the period of independencies
- c) the period after the fall of the Berlin Wall.

a) The colonial period

During this painful period of the history of Africa, the culture of the colonizers is imposed by force on the natives, thus reducing to silence the local expressions. There was a clear division in two blocks of the metropolises: the centre town was inhabited by the white and their auxiliaries and the popular districts were inhabited by the natives.

This division is also to be noticed at the level of culture and its expressions. The modern music, which is the prerogative of the first block, is protected and promoted while that of the second block - often an expression of suffering and claims - is prohibited of dissemination in the media and in public occasions such as the celebration of the weddings, feasts of independence.

During this period, many traditional musical instruments of Africa are plundered and exported towards the Occident.

b) the period of independencies

This period is marked by with an awakening on the side of the natives with regard to their cultural (musical) heritage.

The colonists are convinced of the need to live in a symbiosis with Africans by showing an interest for the music of the indigenous, but only as simple curiosity, or by adapting it to the Western standards.

This period coincides with the period of the choices between the Marxist ideology embodied by Eastern Europe and the capitalist ideology embodied by the United States. One observes therefore the appearance of the "engaged music"; the creation of various radios in the colonies and the creation of popular bars.

It should be pointed out that until then, cultural expressions remain captive of the ideologies in place.

c) the Period after the fall of Berlin wall

The fall of the Berlin Wall liberates the political space of our respective countries insofar as several political parties are created. With the effect for the music life being that there is no more prohibition (interdiction).

One observes a proliferation of musical groups including within churches. The discs do not suffer anymore from embargoes, the recordings in studios are no longer done

under police monitoring.

Cultural entrepreneurs emerge and organise events which compete with certain other events abroad.

For ex:

- Popular festival of the traditional musics (Fire of Brazza), an initiative of Gervais Hugues ONDAYE.
- The bandza of MFOA, an evening to reward recognised artists, created by Mr YOMBO Beethoven, etc...

In conclusion, the musical situation in the sub-region remains characterized by:

- Lack of cultural policy in the majority of the States
- Weakness and inexistence of the laws on authors' rights
- Weakness and inexistence of cultural industries able to encourage creation.
- Poor living standard of the artists.

1 musical diversity and human rights

The authors' rights and the freedom of expression being among the human rights, their protection encourages the creation in various musical expressions which is likely to generate financial resources in terms of rights and royalties on the production of their musical works.

For the monolithic period before 1990 and the fall of the Berlin wall, any work which was not in conformity with the lines of the ruling party was prohibited and the author put in prison.

Examples:

- Until 1991, works of the artist Franklin BOUKAKA were prohibited of sale in Congo-Brazzaville because they were regarded as being counter-revolutionary.
- FRANCO was one of the greatest musicians of the DRC has been at various times in prison because of his compositions considered as reactionary and counter revolutionary.
- Works of Myriam MAKEBA were prohibited in South Africa during the whole period of Apartheid.
- The embargo imposed on these works represented an enormous loss of income forcing the artists to become beggars. These are serious cases of non-respect of human rights limiting the range of musical diversity since while one observes the persecution of musics known as "engaged", the authorities protect and encourage the musics known as revolutionary that praise the parties and their leaders. Media spaces are guaranteed for the revolutionary musicians, such as in Congo-Brazzaville for the artist musician MANGOUNGOU Cléy.

The analysis of Congo-Brazzaville also applies to the sub-region.

2 musical diversity and economic development

The Congo has no cultural policy.

At present, there is no direct intervention of the government in the development of a music industry in the Republic of Congo. This can be proved by the fact that the African record industry (IAD), the biggest studio in Central Africa destroyed during the repeating wars in our country, never has been rehabilitated. Now there is room for private studios at very high rates that are not at the mercy of small cultural

operators. Consequently, this results in a decrease in album recordings reducing artists to begging.

It is appropriate to remind that our region suffers from a lack of producers. All those who tried this adventure (taken the risk) have been discouraged by piracy or by the high costs of the recording studios. Funding authorities are composed by patrons and only produce artists of their region. Consequently, artists that have no sponsors are doomed to disappearance.

The big cultural events organized in Republic of Congo create a chain effect for other sectors of the economic life. This is the case of the Panafrican Music Festival (FESPAM) organized every two years; the popular festival of the traditional musics (FIRE OF BRAZZA); Mwana MBOKA in Republic of Congo etc.....

These events increase considerably the turnovers of such sectors as: transportation, hotel business, tourism, food, clothing and in particular sectors concerned with the realization of important embellishment works in the cities (recruitment of a great number of workers thus solving the problem of unemployment).

Moreover, these events offer also meeting spaces for producers, tour organisers and artists, resulting in the conclusion of many contracts.

In Congo-Brazzaville, the creation of the African Industry of Disc (IAD) allowed the recruitment of a great number of agents.

This is to say that the music also takes part in the development of our sub-region.

3 musical diversity and the promotion of peace

It should be mentioned that that the Central African sub-region experienced many civil wars which, for some, still persist in certain countries.

In the DRC music as well as musicians are used as elements in the electoral campaign. The fact that we live in societies that are still tribal, results in a splitting up of artists and their fans into different clans.

The political leaders support the groups and musicians of their own tribe provided that they attract masses of people, no matter the music style.

The musicians who are the opinion leaders, have a great role to play. For this reason the topic of music is always taken into account in the elaboration of plans of pacification.

For example, in Congo-Brazzaville, a mega-concert was organised under the title "concert for the national reconciliation" at the end of the war on 5 June 1997 gathering all big orchestras of Brazzaville who appealed to the youth to abandon their weapons.

Other examples:

The pacification of the South of Congo-Brazzaville required the contribution from artists who organised a train caravan "caravan of peace"; each stage was marked by the organization of the events of sensitization.

In Kinshasa (Democratic Republic of Congo), the authorities had recourse to the

artist musician WERRA-SON to stop the rising of thousands of street children called Chégués. The artist created orphanages to house them.

On the other side, musical diversity in Democratic Republic of Congo reinforces the fundamentalism. The political authorities support only the groups of their area, which even gave raise to rumbles and riots in certain cities.

Each leader of a political party has his artist who makes propaganda for him.

4 Standards regulating musical diversity.

The Congolese musical landscape is not regulated yet.

But in light of the invasion of musics from abroad, the persons in charge of the media try to apply a certain percentage of diffusion by supporting much more the local music.

It is an asserted fact that apart from the Republic of Cameroun which has a fund for the support of culture, in all the other States, the music, not to say the culture, does not belong to the priorities, in spite of the creation of ministries in charge.

The law on authors' rights is almost not known. Certain countries are not even equipped with the structures to have these rights observed. Concerning the Republic of Congo, there is the B.C.D.A (Congolese Office for Authors' Rights), a structure entitled to manage the rights of the artists. But, it remains under the control of the Congolese State and therefore, there are always problems in the collection and the payment of the rights to the artists.

It is important to mention the existence of the CICIBA (Center of Bantou Civilization) created in the sub-region in order to encourage the teaching of the musical traditions. But, the lack of funding slows down its ambitions.

5

- No palpable example showing the support by the government of only one identity has been noted yet in the sub-region.
- The UNESCO Convention is still new, therefore all attention of the sub-region remains focused on its ratification by the States.

The Republic of Congo will ratify the Convention. The offices of the Minister for Culture and the Minister for Higher Education have worked on the ratification of the Convention, the technical work is finished and the bill is already on the table of the Council of Ministers in preparation for its adoption before entering the final stage, the vote at the Parliament. The position of our president at the head of the African Union should accelerate the process because his mandate is characterised by an emphasis on culture and education. This means that Congo has to give an example.

6

It is sure that Western music broadly occupies daily life through the zouk; the hip hop; the slow, etc... The local radios strive to reverse the tendency by imposing a good dose of local music, in vain, because the night clubs do the contrary. To be noted, the appearance of other local currents such as religious music and the "coupé décalé" which, as we are sure, could overthrow the dominant currents as they are loved by young people.

The traditional music still lacks visibility in the DRC, just because it lacks room for expression, although every week-end there are no less than 60-80 traditional groups performing in different boroughs of Brazzaville. But this is only seen as a simple curiosity which raises interest among a small category of youngsters returned from their villages.

Young people born in the city consider traditional music as a disgrace while in the villages an opposite tendency can be perceived, especially because a lot of young people are not in direct contact with the exterior. This is one of the reasons that contributed to the creation of the popular festival of traditional music in Brazzaville. Another reason for its creation was to promote traditional music and to enable the groups to travel as do the so-called modern groups.

Hither and yon, people start to produce this traditional music on audio and video support.

Moreover, it is striking that lately the so-called modern groups add traditional music to their repertory. In Congo, this phenomenon is demonstrated by the groups EXTRA MUSICA with its "Roots" and PATROUILLE DES STARS with "Congo", comprising a compilation of songs from the different regions in our country.

This reality makes us believe that traditional music has a better future in our country.

The producers of spectacles in the sub-region gather on stage several forms of musics sometimes mixing groups from several countries. For ex: FESPAM; FIRES OF BRAZZA; the FESPACO; etc...

Certain artists do even what we call the "potpourris", a collection of the best pieces of big musicians of the past.

There aren't yet any examples where people would be opposed to musical diversity. Certain authorities in search of popularity proclaim themselves as producers of certain ensembles in a given locality. However, the cohabitation of several authorities in the same locality has lately led to the division of the groups and sometimes to the disappearance of some of them.

In spite of such regrettable situations, as a whole, all the forms of music are expressed freely. Fusions are perceptible between the Western pop music and the traditional musics.

Examples:

- the festival of Francofolies
- the festival of the Pygme knowledge

7

All these obstacles can be surmounted with the implementation of the convention on the protection and the promotion of the diversity of the cultural expressions. For this reason it is necessary to fight so that the various States of the sub-region ratify it as soon as possible.

Moreover, it is necessary to develop the patronage (mecenat), the civil society and the subsidies from authorities and international organizations

1. At all
2. No
3. No
4. No
5. No

Being understood that the general tendency goes towards the valorization of the local identities,

- The influence of the very powerful foreign media, relegates the local media; this can constitute a restraint for the blooming of the local musics. The radio, for example, in similar circumstance, becomes an element of sovereignty.
- The laws of the WTO which preach the free exchange can be an obstacle for the blooming of the local musics because they do not always benefit from the same conditions and infrastructures as those of the Western countries. One therefore notes the domination of the music of the rich countries over that of the developing countries.

8

The contest of the best song based on the criteria of authenticity and the "Prix Découvertes" of RFI made it possible to discover titles that become classics such as "ancien combattant de Zao", a title conceived on the basis of ZEBOLA.

In DRC, the artist Ray LAMA owes his notoriety to the practice and the use of the traditional musics of his country.

The Congolese State, with its contribution of 90% of the FESPAM budget, supports thus this diversity.

The FESPAD (Panafrikan Festival of Dances) organized in Kigali, is a palpable example of the will of the States to preserve and promote the African traditional cultures.

Many African States do not have a valuable cultural policy - they have almost all the same problems. This is to say that the convention on the protection and the promotion of the diversity of the cultural expressions becomes a palliative, which might result in that questions related to culture are taken into account in the various development plans.

The example of the Republic of Cameroun is to be encouraged; in the same way other countries such as Senegal, Libya, Kenya, Burkina-Faso, Mali (organizing of the festival of the traditional hunters) and many others would be more active. They would make others follow. The contribution to the international fund for cultural diversity would constitute a strong signal of this commitment.

Appendix 18

The Protection and Promotion of Musical Diversity

Sub-Saharan Africa:

SOUTH AFRICA

Caroline Van Niekerk

IMC MUSICAL DIVERSITY PROJECT: SOUTH AFRICA

I. The complementarity or reciprocity between the protection of musical diversity and that of human rights

Under the infamous policy of *Apartheid* of the previous South African government, the following anomaly was found: on the one hand there was a policy of divide and rule, as evidenced for example by homelands for different ethnic groups. In one sense this demonstrated a recognition of diversity. On the other hand there was also repression of diversity, as witnessed by the insistence on the use of the Afrikaans language – this led to the well-known Soweto Riots of 1976. However, all was understandable in the context of the promotion of the position of the then ruling White minority, over, and at the expense of, other citizens of the country.

Against this background it is interesting to read in Manda Tchebwa's 2005 book *African Music: New Challenges, New Vocations*, published by UNESCO, "Generally speaking, almost the whole of this music zone (note: he is referring to Southern Africa, and specifically Angola, Mozambique, South Africa and Zimbabwe) has been dominated and influenced by South African music genres, which in turn have been nurtured by the imaginations of migrant workers who, under apartheid, came from all over the region to work in the mines .. A question, however, arises: how did this music manage to survive for so long in the repressive atmosphere imposed by racial segregation? In Franck Tenaille's opinion, it was 'apartheid, in its obsession to classify, that favoured the preservation of the body of music in the Bantustans and, at the same time, through the mines, the shebeens (clandestine ghetto bars), the churches, and led to the appearance of hybrid genres, such as *marabi*, *kwela*, *mbaquanga*, *mapantsula* and *kwaito*. These genres adapted many of the colonizers' instruments (pennywhistle, organ, accordion, guitar and brass) and went on to develop numerous imitative versions of American styles (from big-band to disco)'" (Tchebwa 2005: 40).

Currently, post-1994 and the country's first democratic elections, there are two points about the so-called 'New South Africa' I would like to reiterate, having made them in a recent paper delivered in London¹. First of all a more appropriate term to describe our country is, I believe, the 'Newer South Africa', as first coined, I believe, by my colleague at the University of Pretoria, the well-known author and music therapist, Mercédès Pavlicevic.² Because, of course, all is not suddenly "new", although we do have excellent policies in place. (And where there is a lack of real legislation this can even be seen as positive, pointing to the fact that we do not regard any of our cultures as being under any threat – this point was made by Ms Marianne Feenstra, current Chair of our Music Standards Generating Body, in response to the point made in the document *The task for*

¹ See paper entitled "Music Education: the *African Patient*", delivered on invitation at a seminar on *What is a National Curriculum?* at the Royal College of Music, London, UK, on 17.02.06.

² "Taking Music Seriously: Sound Thoughts in the Newer South Africa" in *Muziki, Journal of Music Research in Africa*, vol 1:1, 2004, pp. 3-19.

consultants on the IMC musical diversity project, that “the actions of governments or indeed, individuals, that in some way explicitly support musical diversity will tend to be found where some aspect of this diversity is under threat”.) But one of our most prevalent current problems is what I described as “the glaring gap between paper promises and raging realities in civil society which then often does not appear very civil!”³ This critical point applies, like a refrain which can run through virtually all of the questions and their answers below.

It is true that we now have a policy development process that is transparent, predictable and stakeholder-driven, and policies therefore enjoy a high level of legitimacy because they are developed consultatively with stakeholders. The South African context, with its excellent legislation already in place, can be regarded as exemplary, in terms of recent frameworks, if not in practice and in terms of delivery. However, a great deal still needs to be fleshed out, both in terms of governance related to music matters, and the contribution which music can make to issues of governance.

A further point in the South African context specifically relates to issues of affirmative action, and the question asked by some people as to whether what are generally known as the “previously/historically disadvantaged” (i.e. those formerly racially classified as ‘Non-White’) may not now be being specifically ADVANTAGED, at the expense of White South Africans. There is much debate in society as to whether this simply constitutes “levelling the playing field”, or whether it is discrimination in reverse. An example which illustrates this phenomenon is the list of “Investing in Culture Projects for 2004 – 05”, where it was stated that the major focus would be on Black Economic Empowerment (BEE), although the list of selection criteria appears both extensive and justifiable:

1. “Projects must fall into one of the stipulated categories in the national business plan;
2. Projects should be linked to DAC’s core business;
3. There should be good evidence of skills or potential or ability to learn;
4. The quality of the cultural product and services are important;
5. Projects should have the potential to be self sustaining;
6. Objectivity should be applied when determining credibility;
7. Projects must comply with legislation;
8. Projects must engage in fair trade;
9. Cultural projects must have the potential to be marketable;
10. Preference will be given to collective proposals;
11. Located in poverty nodes and provincial priority areas;
12. Community projects should be community driven and owned or directly benefit the community in terms of either jobs, training or partnerships;
13. Raw materials should be eco friendly and environmentally sustainable;
14. Project training aims should be towards the establishment of small businesses or business units and the creation of employment;

³ See paper entitled “Music Education: the *African Patient*”, referred to in footnote 1.

15. Both the capacity and the potential for management and implementation will be considered;
16. Potential to promote tourism;
17. Craft projects where indigenous and unique crafts are produced should be prioritized;
18. Attention will be given to the competition factor;
19. Women, youth and the disabled should be prioritized;
20. Rural and informal communities will be considered;
21. A potential for linkages/partnerships;
22. A potential to grow;
23. Potential to stimulate local and external markets;
24. Good financial systems in place;
25. Good administration systems in place;
26. History of the project;
27. Agents, consultants or any other service provider cannot be the beneficiary;
28. DAC will include an additional fee to the budget to make provision for consultants fees;
 - a. for submitting proposals, agents will not receive more than R3 000 on approval;
 - b. DAC will sanction the service provider after consultation with the provincial/local authority;
 - c. The beneficiary may employ a service provider, if needed;

Allocations for projects will not be liable for any contractual arrangements that were made before the allocation was approved”.

In response to this first term of reference for this study, and in an email received by Caroline van Niekerk from Marianne Feenstra, mentioned above, from her informed position, she noted: “There was an attempt by the DoE (Department of Education) between 1999 and 2001 to determine a ‘Protocol’ whereby no learners at government schools would be allowed to participate in any musical events, including choir competitions and eisteddfodau, other than one officially sanctioned and run by the DoE itself. I supported certain aspects of this protocol – most notably that schools choirs should not be allowed to perform at choir competitions organised by teacher unions, simply because it created conflict within schools, and also because these choir competitions completely disrupted the learning process. There were examples of where choir competitions took up the first 6 months of the school year, and teaching only took place during the third term! An important concern from the white community in particular was the maintenance of the diverse musical practices and styles. An important compromise was reached after months of negotiations: the DoE now runs the “Tirisano” schools choral eisteddfod on an annual basis; it is organised so that schools from all communities can participate; although there are prescribed works in each section, teachers may substitute works; there is now also an ‘own choice’ category. Most importantly, the Protocol only covers choir competitions, and all instrumental music competitions/eisteddfods are run and funded by private organisations (such as the ABSA, Sanlam and ATKV competitions, which at that time were under severe threat)”.

In far more general terms, albeit with a focus on Western art music, informant Shelley Childs of the Performing Musical Arts Association (PMAA – www.pmaa.co.za) noted in an email to the author, and in response to this point: “I do not feel the State has done anything to suppress any music in which we are interested, other than that to end funding. Sound reasons exist for this. These include corruption and mismanagement of funds in the past, but also the need to correct previous skewed funding. I don't interpret this as a policy of suppression. The South African Bill of Rights, Item 31, as set out in our constitution, has built into it my right to practise my culture whatever it may be. It just so happens that what PMAA members may see as their musical culture is of little interest to most South Africans. ... Many of the (white) elderly and of the Afrikaans members of the PMAA tend to see things differently. From time to time, they express the opinion that the absence of funding expensive operas, etc. for the enjoyment of a handful of people, amounts to deprivation of their culture. ... I personally don't believe that the State is depriving me of my music culture or limiting the diversity. Rather, an absence of a supportive target market limits the number of concerts of interest to members, that are presented. Audience support for Western art music is very small. As far as I know, there is no State support for non-African folk music.”

II. The links between musical diversity and economic development and the fight against poverty

Substantial information can be given for South Africa, under this heading, despite the information received that there are “No specific government programs for poverty reduction in the music sector.” Zwelakhe Mbiba of the national Department of Arts and Culture wrote this in a recent email to the author of this report, but did go on to note that “However, DAC, other provincial departments, and local municipalities support live performances as they are a crucial part of economic activities in the music sector. Live performances do not only benefit the performers and the organisers but other people as well, e.g. vendors, security companies, hotels, etc. Live performances are good for Local Economic Development strategies and can be linked to cultural tourism.”

II.1 The Music Industry Task Team (MITT) first met in early 2000, having been appointed by Dr Ben Ngubane, the then Minister of the Department of Arts, Culture, Science and Technology (known by the acronym DACST), in response to an expression of problems within the music industry by musicians and their representative organisations.

The MITT comprised people holding the following positions or representing the following:

Advisor to the Minister (Chair), Ghana National Theatre, Norwegian Traditional Music and Dance Association, ASAMI (Association of South African Music Industry now called RISA, the Recording Industry of South Africa), Professional Musician and composer, Owner of a live music venue, MUSA (Musicians Union of South Africa), SAMRO (South African Music Rights Organisation), Registrar of Patents and Copyright, DTI (Department of Trade and Industry), National Arts Council, Sony Music, Weber, Wentzel & Bowens (legal firm), DACST (Department of Arts, Culture, Science and Technology) and NORRM, the National Organisation of Recording Rights in Music.

The *terms of reference* of the MITT were as follows:

- ✓ To recommend to the Minister strategies to address the problems facing the South African music industry:
 - Recommendations are based on the oral and written submissions both national and provincial – and the experiences of MITT members.
 - Recommendations can be made regarding the interventions of all role-players - government, industry, unions, publishers, etc.
- ✓ To indicate priorities regarding the recommendations.
- ✓ Areas of investigation included the following:
 - The adequacy of the legislative framework governing the industry;

- Contracts – comparison to international best practice and the education of musicians regarding their rights;
- Human resource development – coordination of existing efforts;
- Piracy – possible solutions;
- Distribution and marketing – profile of South African Music, e-commerce and establishing an export council;
- Wholesaling and retailing – concentration of ownership;
- Local content – quota level and monitoring;
- Music publishing – access, control, and copyright;
- Work permits;
- Royalty collection – transparency;
- Historical injustices – redress;
- Recognition of our musical legacy;
- Allegations of racism; and
- Recording – access to facilities, setting up of infrastructure and profit and not-for-profit partnerships.

At the MITT's first meetings, two days were dedicated to public hearings. Individuals and industry organisations from across the country made oral and written submissions. The remaining three days were dedicated to the deliberations of the MITT. In addition, the MITT held five regional hearings in order to ensure that a wide spectrum of South Africans were able to make submissions. The outcomes of these hearings were incorporated into their report.

In the report's introduction MITT noted that "Music is a fast-growing industry with limitless potential. As one of South Africa's most significant cultural industries, the music industry is a powerful means of enhancing the country's identity and distinctiveness, while simultaneously creating employment, developing human skills and generating social capital and cohesion.

The music industry, however, like any South African industry, is infused with the legacy of apartheid's political economy. As a cultural industry, the music industry suffered additional setbacks because indigenous culture was actively suppressed and distorted by the apartheid regime. One of the most devastating aspects of this legacy is that *local* music is not developing as fast as it should. Eighty per cent of the music sold in South Africa is international. While international music is thriving in the South African market, the development of local music is not keeping pace. Likewise, live music venues and productions are not thriving in South Africa.

The MITT attempts to recommend strategies whereby both the cultural and economic potential of music can be realised within this context.

The MITT is part of a wider initiative of the Cultural Industries Growth Strategy (CIGS). The starting point of CIGS is a recognition of the global movement towards an information or knowledge economy. This change has seen a world-wide decline in the job-creating potential of the traditional sectors of the economy - both the primary

industries and manufacturing - and the growth of “value-added” jobs. These “value-added” jobs are created in sectors like advertising, finance, consulting, media, tourism, fashion design, and a range of activities, traditionally classified under “services”. South Africa is fortunate enough to have a strong cultural sector, rich in potential and emerging talent to feed and sustain its further growth. The MITT’s recommendations attempt to harness this extraordinary talent and originality in the South African music industry.

The environment in which the music industry operates is influenced by a number of government departments in addition to DACST (now known only as DAC – Department of Arts and Culture – the Science and Technology aspects having been separated from the Arts and Culture aspects):

- The Department of Trade and Industry (DTI) is responsible for the copyright legislation that governs the cultural industries and for creating the conditions, including incentive packages and export support, that facilitate the growth of these industries.
- The Department of Labour (DoL) is responsible for the legislation regarding human resource development in the cultural industries, most notably the Sector Education and Training Authorities (SETAs), as well as for the legislation that governs labour relations.
- The Department of Education (DoE) is responsible for the provision of in-school music education.
- The Department of Home Affairs is responsible for the issuing of work permits in the cultural industries.
- The Department of Communications (DoC), and the Independent Broadcasting Authority ⁴(IBA) in particular, are responsible for local content regulations that impact on the music industry.

In addition to government, the well-being of the music industry is affected by the record companies, the collecting societies, the unions, relevant NGOs, the state of live music, and so on.

The recommendations of the MITT were made to the Minister of Arts, Culture, Science and Technology (hereafter referred to as “the Minister”), but fall within the domain of all of the above-mentioned ministries and stakeholders. The MITT recognises that the Minister therefore cannot directly implement all of its recommendations. He can play an important role in encouraging his colleagues and the stakeholders in the industry to cooperate in strategies that will enhance the development of South African music.

Based on the written and oral submissions, the MITT identified the major problems in the music industry as follows:

⁴ The Independent Broadcast Association IBA has now been joined with the South African Telecommunications Authority (SATRA) to form Independent Communications Authority of South Africa (ICASA).

- Inadequate and outdated copyright legislation, particularly with regard to needletime.
- Widespread piracy and copyright infringement that disables the growth of the local music industry.
- The ineffectiveness of the IBA's (now called ICASA – Independent Communications Authority of South Africa) local content monitoring system and the low levels of local content in the media.
- The prevalence of unfair contracts - historic and current - leading to a polarised and hostile industrial relations environment.
- A legacy of disempowerment and lack of access to education, training and information about the economics of the industry among musicians and related workers, coupled with a lack of transparency and accountability of key players within the industry.
- An imbalance in power relations in the industry that negatively impacts on its growth - in particular, the inadequate definition of musicians' status as workers in labour legislation which undermines their access to legal protection and other benefits⁵.
- Widespread experience of ongoing racism and sexism within the industry.
- The isolation of aspirant musicians living outside of Gauteng. (Note: Gauteng is South Africa's economic heartland – the smallest but wealthiest of the nine provinces into which the country is divided.)
- Inadequate funding for music development.”

MITT's recommendations then followed and are given under the relevant headings in Addendum 3, at the conclusion of this report.

A very recent development, coming well after MITT's recommendations, has been the establishment of AIRCO – the Association of Independent Record Companies. Their website is not yet even up and running, but they can be contacted via irfaan@chissa.co.za or asstel@worldonline.co.za. AIRCO's focus is on local record companies whereas RISA (mentioned above) focuses on the multi-national record companies in South Africa, and the distribution of their music here locally.

II.2 Informant Marianne Feenstra, under the second term of reference defined for this study, made the following two specific points, related firstly to an educational aspect, and secondly to tourism: “The curricula developed over the past 5 years have included development of the music industry as a prerogative, particularly up to NQF level 4 (Grade 12)”. Also “Many ‘cultural villages’ now also include music groups that perform

⁵ In an email to the author of this report, informant Mbiba noted “power relations could also include market monopoly by the multinational companies – in production and distribution of music. Distribution of SA music abroad and broadcasting of local music in our local stations have been an issue for independent record producers who are on the mercy of the multinational companies for mastering, packaging, warehousing and distribution. In as far as broadcasting is concerned, multinational companies are only interested in giving more play to international artists. In a way SA is being used as a market territory for international music. Monopoly in production and distribution also mean that revenues in the value chain are being leaked out the country through these multinational companies.

for tourists”. (A whole list of such cultural villages and excursions is available in Van Graan and Ballantyne 2002: 409ff.)

II.3 South Africa also has an extensive system of SETAs – Sector Education and Training Authorities. In the arts field the MAPPPSeta (Media, Advertising, Publishing, Printing and Packaging – under which Music falls; consult their website <http://www.mappp-seta.co.za>) has paid for the development of some skills development programmes in music, notably at levels 3 and 4. These are being used (and further developed) by a Mr Garth Farrant, who, together with Feenstra serves on the Music Standards Generating Body (SGB)⁶, as Secretary. The MAPPPSeta’s spin-off CreateSA was a MapppSeta 3 year project started to deal with the Arts programmes/providers given to the Seta to run. These providers/programmes have been incorporated into the Seta as a chapter on its own. “We (note: information obtained directly from Farrant, as informant) have just finished our fourth Mappp-seta funded learnership in Sound Technology (3) and Technical Production (1). These qualifications were developed by the SGB and we are currently finalising NQF 2 & 3”. Van Graan and Ballantyne (2002: 237) note that the MAPPPSeta “will assist organisations, which form part of its constituency, to raise the skills levels of the sector so as to make it more competitive and sustainable in the global market”.

II.4 Mandla Tchebwa (2005: 45) “draw(s) up an inventory of new African music genres from a commercial point of view”, noting that “On the music industry level, one notices the existence of a few CD manufacturers (between five and eight), most of them falling in South Africa, and some fifty-odd recording studios (90 per cent of them falling under the ‘home studio’ category) ... Analysing the figures provided by the International Federation of the Phonographic Industry (IFPI), one also sees that Africa represents 0.4 per cent of the world market for sound media. The few countries that stand out from these statistics are Ghana, South Africa and Zimbabwe”. Tchebwa also gives the average number of ‘internationally recognized celebrities’ per country as in the order of 22 per cent for South Africa, with the next closest competitor being the Democratic Republic of the Congo at only 8 per cent. These music industry aspects are important to this questionnaire, in the light of the statement Tchebwa (2005: 53) makes that “When all is said and done, African music today is made up of a new generation of cultural entrepreneurs who have taken over the reigns of the music industry”. Although many South Africans themselves might dispute Tchebwa’s claim (2005: 52) that “With the exception of South Africa, where the music industry appears to enjoy the best conditions for expansion (virtual absence of piracy, a macroeconomic structure that creates security,

⁶ The Music Standards Generating Body falls under the South African Qualifications Authority (SAQA). The work done there finally becomes legislation. The first qualifications to be registered in music were, in fact, music industry-related, and, being registered on the NLRD (National Learners’ Record Database), could then be funded by the MAPPP-Seta as learnerships.

a large number of quality artists, etc.), the rest of the African music industry is fragmented ...”, the privileged position of our country on the African continent is clear.

Further information on the South African music industry can be obtained from the *Music Africa Directory* (www.pcb.co.za/sun) and from the Moshito organisation, described as a platform for the Business of Music. (See www.moshito.co.za.) The South African Music Industry Cooperation Initiative (SAMICI) is a broad-based alliance of stakeholders in the South African Music Industry, working together with the public sector. Its *raison d’etre* is to maximise the role of the industry in economic development, job creation, poverty alleviation and socio-cultural development within the country. Moshito Music Conference and Exhibition was set up as SAMICI’s first project on its journey to fulfilling its aspirations. All of this is highly positive: nevertheless the criticism is levelled by some that it is indicative of the music industry driving aspects of music which may be extremely important, and yet could be marginalised by those with an industry focus.

III. The links between musical diversity and the promotion of peace

In response to this term of reference, and the question “Can you cite instances where musical diversity has caused or been strongly associated with social disharmony?”, informant Marianne Feenstra wrote “None at all to my knowledge; it is where attempts have been made to stifle musical diversity that the strongest reactions have developed”.

An excellent example of both the promotion of peace and of musical diversity is the work of the Palissander Choir, based in Pretoria, under the leadership of Dr Sarita Hauptfleisch (sari@mweb.co.za). Perhaps the words in choral music are particularly significant, but many musical groups, choral and otherwise, have as an aim to promote peace and reconciliation. Palissander is, however, a notable example, and has had a whole recent year’s programmes specifically dedicated to the theme of Peace, with a wide range of music chosen, according to that theme. Further information on their work, aims and programmes, including the lyrics of many of the most meaningful songs, are found in the Palissander Addendum, at the conclusion of this document.

A further example is the latest CD *Eleven Years, Eleven Languages*⁷ by the University of Pretoria choirs. The university has a multi-choir model, ensuring that all styles and genres of choral singing can be performed and enjoyed. In the message from the Vice-Chancellor and Principal of the University, contained in the CD notes, he writes that the repertoires “concentrate on different genres of choral music, thereby show-casing the cultural diversity that characterizes the University’s campuses ... South Africa’s cultural diversity is portrayed strongly through the eleven languages ... each is a key to unlocking the cultural doors of the peoples of South Africa, doors that open into the common home of the ‘rainbow nation’, a home in which the diverse cultural assets of our nation are to be respected and cherished. One means of encouraging this is through the use of the truly international medium of communication, music. Singing in each other’s languages promotes understanding and appreciation of the traditions of our diverse country, besides conveying beauty and pleasure to the artists and audience alike ... As a visual portrayal of the concept of one home nurturing diverse traditions, the cover of this CD pictures a nest with the eggs of several South African birds in it, each symbolizing the treasure of its species, and all contained in a mutually supportive environment, our South African homeland. Working, playing and singing together, respecting what each has of offer, for the common good, will undoubtedly contribute to the success of the South African nation. I would therefore like to thank those who conceived the idea of this CD and commend it, not only to music lovers, but to all who appreciate crossing cultural boundaries in pursuit of the treasures that are waiting to be found by those who do so”.

⁷ This CD was produced in November 2005, on the eleventh day of the eleventh month of the eleventh year of South Africa’s democratic era, and the title obviously also refers to South Africa’s eleven official languages, according to the country’s Constitution. The sleeve notes urge “Let’s sing the eleven languages of our country as we celebrate eleven years of democracy TOGETHER”.

IV. The standards regulating musical diversity

The term “standards” will be interpreted to include official legislation, i.e. Acts of Parliament/laws passed by the South African government, regulations as well as truly so-called standards, formulated for education by the Standards Generating Bodies and National Standards Bodies.

In very general terms South Africans can take as point of departure that our cultural/language rights are now constitutionally protected (Sections 29-31). The Constitution provides for a Commission to be established to promote and protect the rights of cultural, religious and linguistic communities. This Commission is the last of the independent constitutional institutions to have been established and will play an important role in nation building. In 2002 the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002 (Act 19 of 2002) was passed. This Act came into operation on 30 November 2002.

In addition the Constitution protects the right to privacy (Section 14), as it does the right to freedom of belief and opinion (Section 15), access to information (Section 32) and administrative justice (Section 33).

The Public Finance Management Act of 2000 (PFMA) is the compulsory legal framework for public governance. In addition to the Constitution, we also have a body of laws aimed at consolidating a good governance framework, such as the Promotion of Administrative Justice Act, no 3 of 2000, the Promotion of Access to Information Act, no 2 of 2000 and the Promotion of Equality and Prevention of Discrimination Act, no 4 of 2000, setting out the limitations to the Constitutional rights. The legal frameworks are the Customs and Excise Act, no 91 of 1961, read with the Counterfeit Goods Act, no 37 of 1997.

In general cultural terms we have the Culture Promotion Act 35 of 1983 plus the Culture Promotion Amendment Act 59 of 1998, the purpose of which is “To provide for the preservation, development, fostering and extension of culture in the Republic by planning, organizing, coordinating and providing facilities for the utilization of leisure and for non-formal education; for the development and promotion of cultural relations with other countries; and for the establishment of regional councils for cultural affairs; to confer certain powers upon Ministers in order to achieve those objects; and to provide for matters connected therewith”. In order to achieve such promotion of culture, one point listed in the Act specifically mentions “assist non-formal or community-based arts education projects”; “music” is also specifically mentioned by name – thus not only subsumed under an umbrella term such as “arts” or “culture”.

As regards the media, with their almost overwhelming influence on what happens culturally in societies, we have the Media Development and Diversity Agency Act 14 of 2002, as amended by the Prevention and Combating of Corrupt Activities Act 12 of 2004.

“Media” is specified as meaning “all forms of mass communication, including printed publications, radio, television and new electronic platforms for delivering content” and “media development” is described as meaning “the development of the media environment and infrastructure so that historically disadvantaged communities and persons have access to the media as owners, managers, producers and consumers of media”. The Preamble notes that “it is desirable to ESTABLISH the Media Development and Diversity Agency to help create an enabling environment for media development and diversity that is conducive to public discourse and which reflects the needs and aspirations of all South Africans; REDRESS exclusion and marginalisation of disadvantaged communities and persons from access to the media and the media industry; PROMOTE media development and diversity by providing support primarily to community and small commercial media projects”.

With particular reference to the field of Music, by name, we have the Regulations relating to the imposition of Sound Broadcasting License Conditions regarding South African Music. See Addendum 5 for details.

Furthermore we have specific music content regulation – see Addendum 6 for details.

According to informant Marianne Feenstra, “Currently the music industry is running a web-based petition to have this ratio increased”.

On the point of E-commerce, the answer obtained from a query addressed to a major South African legal firm, was that “Our e-commerce laws are not as developed as those of the more technologically advanced nations, and there certainly have been no regulations that have a direct influence on trade in particular types of music”. Zwelakhe Mbiba, quoted previously, also noted in this regard specifically: “Digital distribution channels not well exploited or regulated (Cell phones and Internet).”

With regard to the field of Education, a point I have frequently made in the past is that, after 1994, when it was announced that we would have two national government departments, both including a brief related to the Arts/Culture/Music, and the educational aspects thereof, we should have been able to feel delighted. However, what often happens in reality is that this area falls between the two stools, figuratively speaking, with the two departments leaving aspects to their counterpart, rather than dealing with it themselves.

Relevant points to be found in the Education and Training White Paper of 6 July 2001 are the following:

“In this White Paper we outline what an inclusive Education and Training system is, and how we intend to build it” (P5).

Note that in Oct 1996, the then Minister of Education had appointed the National Commission on Special Needs in Education and Training and the National Committee on Education Support Services to make recommendations on all aspects of ‘special needs and support services’ in Education and Training in South Africa.

There was a resulting report of November 1997 and then a final report, published in February 1998 for public comment and advice (Report of National Commission on Special Needs in Education and Training and National committee on Education Support, Department of Education 1997). Findings listed included:

1. Specialized Education and support have predominantly been provided for a small percentage of learners with disabilities within special schools and classes
2. Where provided, specialized Education and support were provided on a racial basis, with the best human, physical and material resources reserved for whites
3. Learners with disability have fallen outside the system or were mainstreamed by default
4. The curriculum & education system have generally failed to respond to the diverse needs of the learner population, resulting in massive numbers of dropouts, push-outs and failures, etc.

In the light of these findings, the joint report of the two bodies recommended that the Education and Training system should promote education for all.....

Principles guiding these broad strategies:

1. Human rights & social justice for all learners
2. Participation and social integration
3. Equal access to a single, inclusive education system
4. Access to the curriculum, equity and redress
5. Community responsiveness
6. Cost-effectiveness.

In the Curriculum Adaptation Guidelines of the Revised National Curriculum (RNCS) Statement of June 2005, we find the suggestion that the National Curriculum Statement should be adapted for learners with barriers who cannot achieve NCS outcomes. In Section 1: An Introduction to barriers to learning and development are mentioned

1. Disability as a barrier
2. Language and Communication
3. Lack of parental recognition and involvement
4. Socio-economic barriers
5. Negative attitudes
6. Inadequate Programme-to-work linkages.

Marianne Feenstra notes, in response to the question “Are there regulations requiring education in local music traditions, or in a diversity of musical genres?”, “Yes, clearly spelled out in the FET National Curriculum Statement: Music and also in the Revised National Curriculum Statement: Music Grades 7 – 9 and earlier”. (FET refers to the Further Education and Training Band, the last three years of schooling, corresponding with the internally known system of grades 10-12. GET, prior to FET, is the acronym for the General Education and Training Band.) The Revised National Curriculum Statement for GET and the National Curriculum Statement for FET include assessment standards for indigenous music. The RNCS (GET) for example requires

*for LO (i.e. Learning Outcome) 1 'Blends the styles of own choice from immediate cultural environment and those used in West, East, Central or North Africa'

- *for LO1 'Uses ululation, vocalic liting, crepitation and mouth drumming to create a climax in a musical situation'
- *for LO1 'Identifies the constituent parts of an integrated African art form'
- *for LO3 'Expresses own sense of identity and uniqueness in any art form' (to be read in conjunction with ethnic and cultural definitions in the same LO.

Feenstra subsequently remarks: “there was great emphasis placed on exploring (South) African music and musical styles - many people interpreted this as representing such an emphasis on the indigenous that classical music would disappear completely! ... Added to that there is also the Tirisano Schools Choral Eisteddfod run by the DoE annually which features, as prescribed works, South African compositions for all categories. ... I personally think there is enough emphasis on indigenous art forms, including music, and that we don't need any (further) legislation in this regard. The more we legislate, the less attractive it becomes for anyone to explore what is available. Kids (and teachers!) are funny things - they'll do the exact opposite of what they're ordered to do, but exactly what is suggested ever so subtly...”

The White Paper on Arts, Culture and Heritage, with the emotive title “All our legacies, our common future”, included the following MESSAGE FROM THE MINISTER OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY, DR. BS NGUBANE Department of Arts, Culture, Science and Technology, Pretoria, 4 June 1996:

The role of the State in funding arts, culture and heritage is a complex one. In some countries, no State support is forthcoming; in others the State plays a decisive role. We must be attuned to our own particular situation, and wish to develop exactly that "arms length" relationship which is fundamental to freedom of expression. At the same time, all funding from the public purse carries certain obligations with it, and these obligations of accountability must be applied with due responsibility and creativity. Promotion without undue promulgation would be our ideal.

Points following thereon, relevant in answering this questionnaire, include:

13. The four PACs⁸ have been the primary recipients of national public funding for the performing arts, absorbing 46% of the Department's arts and culture budget. Within the new dispensation, this can no longer be the case as there are now nine provinces as opposed to four, so that the same resources now have to be distributed more widely. Moreover in their present form, given that they are urban-based, heavily resource-consuming structures, they will still be unable significantly to assist in realising the RDP's goals of access and redress.
14. Of the previous Independent States, Bophutatswana was the only entity to develop a Performing Arts Council, with its associated Mmabana Cultural Foundation. The future of these facilities will be considered when addressing the differential development of arts and culture in the country.

⁸ PACs = Performing Arts Councils. Previously there were four such bodies, CAPAB, NAPAC, PACT and PACOFS, corresponding to the then four provinces of South Africa.

15. Within an emerging framework of co-operative governance, the national government will no longer take primary responsibility for funding the PACs and their activities. Provinces and the local municipalities in which they are located should play a more active funding role since it is their inhabitants who benefit most from the presence of the PACs.
16. Accordingly, the PACs need to be restructured in such a way that the infrastructure and skills built up over decades are not lost, but are redirected to serving the artistic and cultural priorities established by the NAC. At base, their activities must align with the general objectives of the Government.
17. In arriving at these policy positions, a detailed study of the PACs was commissioned. This study collected data, provided activity-based costs for each Council, and considered various options for funding allocation.
18. In 1995/96, the PACs operating income was R160m, of which box office receipts accounted for 18%. R112m was granted by the State, which represents a very high level of subsidy.
19. Analysis of box office returns shows these do not even cover administrative costs. The inescapable conclusion is that government is subsidising expensive art forms and infrastructure for a small audience at an unaffordable level. The activity based costing exercise indicates that ballet and opera consume in the order of 30% of the total expenditure. These activities are exclusive to PACT and CAPAB. The community arts development function accounts for approximately 34% of the Playhouse Theatre budget, and 25% for that of PACOFS, whilst the PACT and CAPAB outreach and development component of their ongoing repertoire absorbs about 5% of their budgets.
20. As matters stand, the theatres of the PACs are all rented at zero cost from the Provinces where they are located. It is proposed that the physical infrastructure of these buildings, offices, theatres, etc., should be the joint financial responsibility of the central government, municipality/metropolitan area and Province in which they are located, as is the case with the Johannesburg Civic Theatre. Access to the use of this physical infrastructure should not therefore privilege any one institution of the national arts and culture community.
21. The PACs will receive declining subsidies from central government as transfer payments over the next three years. At the end of this period, government will subsidise the core infrastructure, core staff and essential activities of the PACs. All other allocations will be funded through the National Arts Council. This will require them to diversify their funding base as well as to restructure their ticketing policies. Additionally, the companies associated with performing arts councils, like all other performing arts organisations, will be able to apply to the National Arts Council for grants-in-aid. This shift in funding signals the transformation of the PACs from virtually free-standing production houses to becoming

- infrastructure accessible to all. This process of change will be complete by the year 2000, and will be assisted by the resources of the NAC and Ministry.
22. Concurrent with budgetary rightsizing, and their gearing toward meeting the imperatives of the RDP, the PACs will become playhouses. Their future administration will be negotiated and discussed with the Provinces and NAC. The involvement of the NAC in these negotiations will ensure that the insights of practitioners are brought to bear on the matter.
 23. This strategy involves an immediate cut of 22% in the 1996/97 subsidy to the PACs. A proportion of funding freed from this streamlining process will be channelled by the National Arts Council for distribution to a wider variety of artists, cultural groups and art disciplines.
 24. Eventually, as the PACs are right-sized and more funds are accessed from Treasury through the ongoing efforts of the Ministry, the admittedly limited public resources for the arts will be spread more widely. In this way, the existing performing arts infrastructure is geared toward reconstruction and development, and all forms of dance, music and theatre are recognised as legitimate components of our cultural heritage.
 61. It is impossible for government by itself to achieve the vision outlined in this document. While government accepts that it has a major role to play, it needs to form co-operative alliances with other partners, and facilitate their participation with incentives where possible.
 62. The Department will explore creative inter-departmental co-operation in seeking to unlock potential public resources and expertise for the arts. For example, a relationship with the Department of Trade and Industry may assist in the further development of the cultural industries. Co-operation with the Department of Environmental Affairs and Tourism, particularly in the light of Sator's declaration of 1997 as the year of Culture and Tourism, will help to boost cultural tourism. The advantages of co-operating with the Department of Education in developing human resources and with the RDP in developing human resources and infrastructure, have already been dealt with.
 63. The Ministry will devise national funding policy in consultation with the relevant provincial authorities in order to provide a provincially diverse, yet nationally coherent arts policy. This process should resource infrastructure, projects and practitioners. Provincial and local governments should provide funds on an ongoing basis to ensure sustainability as well as, where possible, additional funds for infrastructure.
 64. It has been suggested that a percentage of funds raised through the proposed state lottery be earmarked for the arts and culture. It is the Ministry's goal to access 5% of the funds distributed through the lottery.

65. Discussions are taking place with the Department of Public Works to develop the possibility for art works to be displayed in public buildings. Agreement on this would open up significant opportunities for the arts community. This initiative exemplifies the commitment of the Ministry toward creating partnerships across the sectors.
66. In some parts of the world, tax incentives are used to induce the private sector to play a major role in developing and promoting the arts. Other measures aimed at enhancing the quality of life for communities include the requirement that large building projects allocate a small percentage of their budgets for the incorporation of artworks into the overall design, for the enjoyment of the general public.
67. Given the absence of specific arts related tax incentives for the private sector, government has to find other means of encouraging private sector involvement in the arts. Under present circumstances, donations made by the general public for arts and culture do not qualify for tax relief unless it can be shown that the donation is in promotion of sales advertising.
68. Existing law does provide some scope for dealing with other situations. Section 18A of the Income Tax Act provides for 5% of taxable income to be regarded as before tax expenditure provided it is made to an "educational fund". Such a fund (in practice frequently a trust fund) must exist for the sole purpose of receiving donations to be used exclusively for education and training purposes by universities, colleges and schools. On the other hand, Section 10(1)(fA) exempts from income tax any charitable, religious or educational institution of a public character. The Ministry will, where possible, assist cultural NGOs to utilise these provisions.
69. Some countries provide for tax exemption in the case of bequests of artistic or heritage items for public benefit. The Ministry will explore how the current frameworks may best be utilised for such tax efficient donations, and at the same time seek to widen tax benefits for the promotion of the arts, culture and heritage.
70. Cultural institutions which are currently publicly-funded would need to become more commercially driven and organised along business lines. The Ministry will seek the co-operation of the private sector in providing assistance to such institutions in their drive towards a more business-like approach.
71. There are numerous examples of high profile private sector involvement in the arts. The Ministry recognises though, that the private sector will become increasingly involved in the arts if they can be convinced that it will impact positively on their profits. Accordingly, the Ministry will facilitate partnerships between the private sector and cultural institutions and NGOs to explore and achieve mutually beneficial relationships. In particular, discussions are underway to establish a National Association for Business Sponsorship of the Arts

74. In the past, publicly-funded cultural institutions and practices allowed, and at times encouraged the exploitation of artists. With the decline in subsidies over the years, the salaries of practitioners, technicians and administrators in arts institutions are unacceptably low.
75. The Ministry will encourage the creation of optimum conditions in which artists may practice their art, and enjoy their right to freedom of expression in a relatively secure working environment and with the same protection enjoyed by other workers.
76. Accordingly, the Ministry will encourage the review of existing legislation, especially the Performers Protection Act No. 11 of 1967 and the Copyright Act No. 11 of 1978 (and amendments). Other Acts relating to labour relations, taxation and social security also require interpretation against the particular working conditions of artists.

With regard to copyright law it can be noted that, although South Africa has not yet acceded to the Berne Convention for the Protection of Literary and Artistic Works, the Copyright Act No 98 of 1978 provides a framework of Copyright protection that is substantially in compliance with the Berne Convention. In terms of the Copyright Act, copyright vests automatically (by operation of the law) in all of the works that are eligible for copyright protection, of which a "musical work" is a specified category. Copyright in a work is infringed when any person, without authorization, does any of the acts reserved for the copyright holder (eg. makes a reproduction of the work).

South African copyright laws are similar to those of most developed nations, and copyright is regularly enforced by South African courts. However, when World Intellectual Property Day was celebrated in 2005, as on 26 April each year, to enhance sensitivity to issues around patents, copyrights, trademarks and designs, and thereby indirectly to promote creativity amongst artists, these celebrations took place in South Africa against a backdrop of serious concerns expressed by SAMRO, the Southern African Music Rights Organization (www.samro.org.za), in relation to the lack of a culture of intellectual property compliance amongst music lovers.

To quantify the problem in just one area of music⁹ in the South African context, it can be noted that Customs authorities have been instrumental in the fight against counterfeit goods, including pirated music DVDs and CDs. So far this year, 1950 pirated music DVDs with a street value of R2.4 million¹⁰ have been seized by authorities at Johannesburg

⁹ It is important that on the website for this conference the following is noted: "The conference is not organized to favour one sort of music over another, but encourages innovations in all areas of music". This paper is also applicable to all areas of music, without any particular bias.

¹⁰ There are approximately 8 South African Rands to a Euro.

International airport. Last year authorities conducted about 300 seizures of counterfeit goods including music dvds worth R220 million¹¹.

We need to work continuously and hard to establish our desired culture of voluntary governance compliance, which can be regarded, in the case of music and other art forms, as constituting respect for the creative effort of others¹². In some ways such an attitude is deduced from our value system and our “culture”, but it can also be instructive/directional/guiding in that it can change our value system, hopefully for the better. Lack of compliance is fuelled inter alia by inadequate understanding of the concept of governance and implementation of governance mechanisms, although here different cultural views also need to be taken into account. Philosophical tensions do exist, and with an issue of such complexity, “one size fits all” approaches are not necessarily appropriate. For example, the Hindu and African views are different to those of Westerners¹³. After all, intellectual property law is a tool of strong Western states trying to protect their turf. Less developed states have just had to fall in – as, for example, in the medicine patent debate¹⁴. Although Western thinking tends to prevail, internationally, there is still room to revisit positions and a sensitivity to alternative points of view which certainly was not found at the height of colonialism. In the meantime, irrespective of philosophical stances, governance issues in relation to music require ongoing attention.

¹¹ Information obtained from the South African Revenue Services (SARS).

¹² What is being suggested is, of course, not a sort of compliance which would obviously be in conflict with the promotion of a questioning, creative attitude.

¹³ The following was gleaned from a Hindu colleague, Dr Chatradari Devroop: “There is an agency that administers the copyright legislation of Indian media. However, there is a fundamental flaw with the process in that the issue of protecting one’s rights conflicts with Indian philosophy. Indian philosophy clearly articulates that we are born into the world with “nothing”, except for certain pieces of data we have brought with us from a previous life. From birth till death the world as we know it provides all our needs - nourishment, education, religion, etc. We therefore inherit a great deal from Mother Earth. All of these needs are given without any conditions/ monetary contribution. Generally there is a pool of data that nobody lays claim to. Upon exit from Earth we do not have the right to lay claim to anything we have contributed to this pool of needs because we have taken more (from Mother Earth) than we could possibly give back. Therefore to copyright one’s contributions for monetary gain is in direct conflict with Indian philosophy”. The African view is related to the underlying sharing principle implied by the philosophy of *Ubuntu* – a whole topic for discussion on its own.

¹⁴ The current South African Minister of Health’s approach to patent medicine has been notable and along the lines of “We will ignore patents in order to manufacture generics to save the lives of the poor”. Interestingly, India is in the forefront of that industry!

V. The tendency to favour a uniform and non-pluralistic interpretation of the notion of identity hindering the manifold and free expression of cultural diversity

See above. In response to two of the points here, the following opinions are offered by Marianne Feenstra:

Point: Cite examples of similar promulgation by the citizenry or sections of the citizenry.

Answer: Do subcultures initiated by youth groups fall into this category? They are transitory, pop-culture manifestations that come and go and probably do not require anything more than acknowledgement. They are certainly (again, only my opinion) a threat to musical diversity or musical practices as a whole.

Point: Does it appear that in your region there are some states that are less likely to ratify the UNESCO Convention for cultural diversity if issues of internal cultural diversity or open cultural borders are pressed?

Answer: No; and I would in SA go so far as to say that we do not need this kind of convention. It would probably cause dissent and resentment rather than anything else. SA in many ways is an example of incredible tolerance and acceptance to the rest of the world.

VI. The manner in which musical diversity is addressed by music workers and expressed in various forms of musical creation; the relationship to identity

See much of what is given above. But also in response to the five points noted here, the following opinions are offered by Marianne Feenstra, emphasising the powerful financial aspects of these matters:

Point: Cite examples of cultures in which musicians and/or the various participants in the music business (producers, presenters, record companies etc) are interested in musical diversity – in the sense of the simultaneous practice or presentation within a society of many forms of music.

Answer: Wherever there is money to be made, the industry will support it.

Point: Cite examples where they are averse to musical diversity.

Answer: The concerns are financial, not philosophical.

Point: Cite examples where they support, or weaken, the practice of local traditional or indigenous music.

Answer: It is supported because of the money involved.

Point: Cite examples where they are interested in developing hybrid musical forms – e.g. music that combines two or more ethnic musical genres, or combines an ethnic music with say, western popular music, or combines various forms of non-ethnic music.

Answer: Most prominent is the development currently of African indigenous in combination with Gospel – a clear blend of different beliefs even, where drums with specific meanings in ancestral worship are incorporated into Christian practices. Gospel is the biggest seller in SA, so this is an important development that socially probably also reflects a development in the perception and practice of Christianity.

Point: Cite examples of the expression of personal or community identity through music, and especially through musical diversity.

Answer: Again, Gospel music and its enormous influence (probably greater than we are aware of). [Feenstra expanded, in later correspondence, “Gospel is performed by disparate singers/groups - don't forget that Ladysmith Black Mambazo falls into this group, as does Rebecca Malope. So I speak under correction, but I'd say yes, local multinational reps are selling local Gospel, because these singers are contracted to and record with them. The white market cannot begin to compete, neither can ordinary good old 'pop'”.]

- Despite the above emphasis on Gospel music, Feenstra did note, in further email correspondence, specifically with regard to examples of musicians' interests in cross-genre experimentation, the specifically South African efforts towards establishing a new opera/musical type: “I think of works such as Hans Huyssen's *Masque* and Brauninger/Dlamini and Brauninger/Plaatjes collaborations”. And in

relation to the point of community identity through music, and whether local people would recognise local music(s) as strong statements of community identity, she concentrated on the so-called 'Coloured' section of the population: "especially with regard to the Coloured community's Kaapse Klopse and Christmas Bands. Apart from this, I hesitate to comment." Here Mbiba made totally different points: "We do have music that can be linked to community identity – Maskandi (Zulu), scathamiya (Zulu), Boeremusiek¹⁵ and certain kinds of gospel, and others. Nonetheless, our music is also dominated by western influences brought by global forces ... However, you should also understand that in South Africa, political conditions (colonialism and apartheid) also necessitated the 'non development' of local content as it was more about doing away with African culture."

¹⁵ A particular genre of Afrikaans music, often derided these days as old-fashioned.

VII. The obstacles or challenges to be overcome in order to ensure better protection and promotion of musical diversity

See above. One point here is obviously that demonstrated so clearly in Tchebwa 2005, when he indicates the small size of the African market, let alone the specifically South African market, in comparison with elsewhere in the developed world. Furthermore, globalisation and urbanisation can even result in shrinking the African market further because of the fact that some urbanised Africans in particular adopt Western customs, losing touch with their own traditions.

Major challenges faced are those to the implementation and enforcement of legislation and regulations – the perennial problem of the gap between the paper promises and the raging realities, referred to previously. As regards the serious problem of music piracy, which of course is a global phenomenon and cuts across SA boundaries, it is a further problem that, in the words of informant Mbiba, it is viewed, comparatively (and no doubt particularly so in a country with such a high crime rate), as “soft-crime” and “as such government prefers putting resources to combating crimes other than piracy”.

Mbiba also noted the specific challenges in implementing the important MITT recommendations (see section II) as the following six points:

- Limited funding for the implementation
- Lack of capacity or lack of knowledge (other government departments don't have officials who understand the cultural sectors, e.g. Home Affairs: work permits, Labour: Labour related issues/contractual issues)
- Government focus on traditional economy makes cultural industries (music) 2nd if not 3rd economy
- Fragmentation within the industry – causes mistrust among players. Not easy to consult or reach consensus
- Monopoly by the majors – in particular multinationals who are comfortable with the situation and as such reluctant to change the status quo
- Modern technology is far beyond our legislation and our understanding of how to deal with the situation – e.g. copyrights and the internet - this is a worldwide phenomenon.

Informant Feenstra concentrated on the challenges within the educational arena, as follows: “Because of weak implementation, educators (and I speak here of educators at all levels) are unsure of what they 'ought' to do. Thus, many are opting not to use the new FET curriculum as they fear that this will not adequately qualify learners to apply successfully for music studies at tertiary level. Universities have not clearly stated that they are satisfied with the new FET curriculum in general, never mind the music curriculum statement, and therefore there is huge confusion and distrust of what the education department has set up. (Incidentally, I attended a colloquium of the 4 tertiary institutions in the Western Cape about a month ago. Not a single department could find fault with the new FET curriculum, or could say that it would not prepare learners as well as, if not better than, the current matric syllabus! In fact, consensus was that learners

would be better prepared for tertiary education, particularly with the compulsory requirement of Life Orientation, which will be regarded as a compulsory subject for university admission for all courses.) The same comments apply to SAQA: because it does not take a clear lead and implement the policy that it is legally bound to do, people are inclined to think that its regulations can simply be ignored”.

VIII. Bring to light those good practices and actions that need to be strengthened and widely practised in this field.

A recent innovation and attempt at encouraging best practice in African music education, continent-wide, was the August 2000 founding of PASME, the Pan African Society for Music Education – subsequently changed to Pasmae, the Pan African Society for Musical Arts Education. This acronym and name change appropriately signified a recognition of the fact that, for Africans, music encompasses more than simply a narrow Western view of “music”. South Africa is the base for, and takes the lead in growing Pasmae as an organization, in the same way that South Africa also takes the lead in many other African initiatives, from its position as the economic powerhouse of the continent, in addition to its new-found status as politically acceptable¹⁶. In this regard, internal South African developments, such as the recent release by our Department of Science and Technology, at the very end of March 2005, of the policy document on Indigenous Knowledge Systems (IKS), should lead to empowerment of other African organizations and states. This was even envisaged from the outset, with internal advances, as suggested by the Minister of Science and Technology, Mr Mosibudi Mangena, in his Foreword to the IKS Policy:

The timing of the IKS policy is good. The activities of the SADC Region and NEPAD projects are gaining momentum, and the new policy provides the framework for collaboration with our counterparts in other parts of Africa. We can present a unified front on problems facing both the region and the continent as a whole, such as biopiracy, benefit sharing and lack of appropriate recognition of knowledge holders. The policy also comes at a time when the debates at the World Intellectual Property Organization (WIPO), the Convention on Biodiversity (CBD) and other international organizations and agencies are coordinating processes and dialogue between developed and developing countries on Intellectual Property and Genetic Resources, and Traditional Knowledge and Folklore. The policy will play an important role in contributing to the integrity of these debates and will help chart the way forward on how South Africa views the interchange in the context of the contribution of knowledge holders to these developments.

The publication of the IKS Policy represents an important achievement in terms of engaging IKS in the drive to eradicate poverty. Whilst many intervention projects are involved in that noble cause, the IKS Policy provides a basis upon which indigenous knowledge can be used to make more appropriate interventions. We have great expectations that the adoption of this policy will lead to substantial improvements in the lives of many citizens and their living conditions.

¹⁶ South Africans have to be sensitive, though, to the perception of a “big brother syndrome”, often resented by other Africans.

Returning to Pasmae, one of its most successful strategies has been the formation of MAT (Musical Arts Education Action Teams) cells, empowering local music educators at grassroots level. For further details see Addendum 7 for a copy of a brochure of MAT Cell Guidelines in this regard. Pasmae obviously emphasizes the African musical arts, and not other musics found in South Africa. Needless to say, though, this emphasis is necessary, as promotion and dissemination of specifically African music is necessary. Other important initiatives in this regard which can be mentioned are, to mention just two, and both based in Grahamstown and involving the Tracey family, famous for their work in the preservation of African Music: ILAM, the International Library of African Music (<http://ilam.ru.ac.za/>) and AMI, the African Musical Instruments factory (see www.kalimba.co.za).

Many universities and their music departments specifically do sterling outreach work. Cases in point (listed alphabetically) are the Nelson Mandela Metropolitan University (the former University of Port Elizabeth), the University of Cape Town, the University of Kwazulu Natal, the University of North West (the former Potchefstroom University for Christian Higher Education, see Addendum 8), the University of Pretoria and the University of South Africa.

Even local schools engage in this kind of work, often in “twinning” type arrangements. See, for example, Addendum 9 on Melodi ya Mamelodi, “Doing hope through music”. And a number of Caucasian composers, often employed at schools and/or universities, have in recent times been particularly inspired in their compositions by African elements. (See Addendum 13, South African composers trained in Western Art Music incorporating/infusing African Music elements in their works.)

Arts/music festivals throughout South Africa have become a notable feature of the cultural landscape, and both promote musical diversity, through the productions they mount, and swell the financial coffers of the largely small towns where they take place. (Other than is the case with these festivals, events and developments worth mentioning are mostly in larger towns and cities.) Examples, listed alphabetically, include Aardklop, the Klein Karoo National Arts Festival, MIAGI (Music Is a Great Investment – www.miagi.co.za), Music in the Mountains, National Arts Festival in Grahamstown, Oppikoppi, Splashy Fen, Standard Bank Jazz Festival and many more.

It is often claimed that black (South) Africans have naturally rich and sonorous singing voices. Be that as it may, it is notable that there are a variety of operatic training programmes, in Cape Town and in Pretoria (the Black Tie Ensemble – see Addendum 10 for detail) and the Sweet Voice Masters (see Addendum 11 for further information). But equally there are instrumental outreach and training projects - eg. STTEP (www.sttep.co.za), Rosemary Nalden’s well-known and internationally acclaimed and funded Buskaid (see www.buskaid.org.za), etc.

Apart from such NGO (non-governmental organisation)-type projects, there are also commendable official initiatives such as the Sector Education and Training Authority (SETA) activities. According to information received from Mr Garth Farrant, Secretary

of the Standards Generating Body (SGB) for Music, “We have just finished our fourth Mappp-seta funded learnership in Sound Technology (3) and Technical Production (1). These qualifications were developed by the SGB and we are currently finalising NQF (note: National Qualifications Framework) 2 & 3”. Such initiatives can be seen as an important link between the music education “side”, largely emphasised in this section, and the industry “side”.

On the negative side, Mbiba notes that “The previous education system was so suppressive to an extent that a lot of our cultural heritage, not only in music, would be hard to be retrieved.” Nevertheless he is also of the opinion that “A lot of music is still untapped”, but that lack of knowledge about the industry has also “impeded the flow of information from creators, as to many people there is ‘nothing enticing’ about the industry.”

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IMC MUSICAL DIVERSITY PROJECT: SOUTH AFRICA

Addendum 1

Information on PALISSANDER



TO WHOM IT MAY CONCERN

BRINGING A MESSAGE OF HOPE TO ITALY AND FRANCE IN JULY 2006

Palissander, one of South Africa's premier chamber choirs, together with four former street children who will perform as African drummers, have been invited back by the Polyphonic Society of Provence to perform in Italy and France during July 2006. Our participation has been endorsed by the national Department of Arts and Culture.

The performances will form part of the Eleventh International Choral Festival organised by the Polyphonic Society on behalf of the municipalities of *Var* and *Bouches du Rhône*. Palissander has been invited back based on its highly successful performances during the Ninth Choral Festival held in 2004. During this festival the choir performed a programme celebrating the tenth anniversary of democracy in South Africa. The choir received standing ovations throughout its tour and was invited by the organisers to do the closing performance during the final gala concert in St Maximin.

A total of nine choirs from countries such as Great Britain, Denmark, Sweden, Greece and Japan are expected to take part in the 2006 festival. Palissander will be the only choir from Africa and will give nine performances. The choir has again compiled a programme that strongly integrates South African music with that of international composers. The working title of the programme is *Vuka: reach for a new life*, and in the African context this refers to the African Renaissance.

Before Palissander's participation in the festival, as well as upon its return to South Africa, opportunities will be created to perform the programme as widely as possible domestically. It is the choir's aim to perform live for at least 12 000 people during

2006. In addition, tracks from its four CDs are expected to be played regularly by a wide range of radio stations.

Palissander – an ambassador for peace and hope

Palissander is an independent chamber choir that was formed in 1992. The choir creates innovative choral experiences that enrich the lives of the choir members and the audience. It has also over the last few years become an ambassador for peace and hope.

2002/2003 - Peace

In 2002 Palissander established a multicultural ensemble including a Zulu praise singer and members of the Soccajasco Kids to perform a Peace programme at the Conference of the International Society for Music Education (ISME) in Bergen, Norway.

The Kids, a group of former street children, are being taught life skills through African drumming by Prof. Meki Nzewi, past President of the Pan African Society for Musical Arts Education (PASMAE) and guest professor at the University of Pretoria. Building on the success with the boys, four girls have also been introduced to the art of African drumming as part of the performance arts empowerment project. The Peace programme was released on CD in 2003.

Since their joint participation in the 2002 ISME Conference, Palissander has continued its co-operation with the Soccajasco Kids (see Annexure A for more details in this regard and Annexure B for a letter of recommendation by Prof. Nzewi.)

2004 – Ten years of democracy

In 2004 Palissander again combined with members of the Soccajasco Kids to take part in the Ninth International Choral Festival of Sainte Baume in Italy and France. During this festival the choir performed a programme celebrating the tenth anniversary of democracy in South Africa. The choir received standing ovations throughout its tour and was invited by the organisers to do the closing performance during the final gala concert in St Maximin. The CD of this programme was released on 6 December 2005 (see Annexure C for the introduction to the CD).

2005 – Time(less)

Palissander's theme for 2005, *Time(less)*, provided hope by contrasting our life on earth in which time and place are important with our timeless existence with God. The programme structure was to a large extent based on the text of the penultimate work, *The present tense*, in which God is thanked for the past, present and future. However, in the end the present is emphasised as the time of our life. This programme deeply affected audiences during the choir's domestic tour to the West Coast and subsequent performances in Vereeniging and Pretoria (see Annexure D for a review of the concert given on 12 November 2005).

2006 – Vuka: reach for a new life

Our 2006 programme for France focuses on a new life. To quote from one of the songs: *“One more day when time is running out for everyone, like a breath I knew would come I reach for a new day. Hope is my philosophy, just needs days in which to be, love of life means hope for me, borne on a new day.”* The programme includes an Easter section that depicts Christ as the new life who has conquered death and has been resurrected.

Impact

Through its peace and democracy programmes Palissander has become an ambassador of hope to both domestic and overseas audiences.

The co-operation between Palissander and the Soccajaso Kids has had a significant impact on the Kids, choir members and audience alike. The trip to Oslo and the Kids’ meeting with the South African ambassador in Copenhagen has given hope to all street children in Pretoria that they can achieve anything they wish. The Kids have also grown markedly in confidence over the period as they have come to realise that their music is appreciated in other countries, even in Europe. The choir members and audiences have in turn benefited from the breaking down of a stereotyped view of street children and of traditional boundaries between people of different cultures and ages.

Palissander’s performances affect the audiences deeply not only through the music, but also through the hope-filled themes. The Peace programme has especially had an overwhelming effect on audience members from conflict-stricken countries such as Israel. The 10-year democracy programme has in turn given audiences the assurance that it is possible to transition successfully from darkness into light. On some occasions audience members have stayed behind in the venues long after the conclusion of the performances to retain the feeling of healing that they experienced during the concerts. Other audience members are known to have returned home to meditate on the theme of the concert for a number of hours. This was again the case with the Time(less) programme of 2005. Audience members reported feeling spiritually uplifted after a concert and encouraged to reach out to a hope-filled future. Many of them have indicated that they would use the programme distributed during concerts for later reflection. During 2006 this theme of hope will be continued.

Please contact us should you require any further information or clarification.

Kind regards

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CO-OPERATION BETWEEN PALISSANDER AND THE SOCCAJASCO KIDS

The co-operation with the Kids was initiated by Palissander in response to a request by the International Music Council to musicians world-wide to initiate projects that would promote peace through music and music through peace. The choir responded by establishing a multicultural ensemble including a Zulu praise singer and members of the Soccajasco Kids to perform a Peace programme at the Conference of the International Society for Music Education in Bergen, Norway in July 2002. The ensemble was the only performing group from Africa to perform at the conference.

Since then members of the Soccajasco Kids have joined Palissander on the following occasions:

- concerts in Oslo and Copenhagen (the latter hosted by the South African embassy) (August 2002)
- a PASMAE benefit concert in Pretoria on International Music Day (October 2002)
- the conference of the Ministers of Correctional Services of the South African Development Co-operation Countries (July 2003)
- the third PASMAE Conference held in Kisumu, Kenya, during which the Peace programme was again performed (July 2003)
- a CD recording of the Peace programme (released in November 2003)
- a PASMAE benefit concert celebrating the strong music education bond between Norway and Africa (October 2003)
- the Ninth International Choral Festival organised by the Polyphonic Society of Provence in Italy and France (July 2004)
- the opening of the Centre for Indigenous African Instrumental Music and Dance Practices (October 2004)
- a CD recording of Palissander's 10-year democracy programme (2005).

LETTER OF RECOMMENDATION BY PROF. MEKI NZEWI

05/12 2005 09:18 FAX 00124202248

MUSIEK DEPARTEMENT

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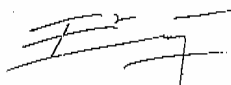
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Recommendation: The Palissander Choir

The Palissander is probably South Africa's most versatile and disciplined choir that performs with flair, a range of choral tributes, from the conventional to the experimental; from the old and faithful to the new and engaging. The choir has been around for sometime, and has also charmed audiences around the world by the sheer recommendation of the quality of its vocal renditions. The Palissander occasionally collaborates in some of its repertory and concerts with a group of young South African boys and girls, the Soccajasco Kids, who were formally in shelters for disprivileged young persons, but who have been trained as accomplished, modern African classical and oral drummers. The choir has the stage presence and vocal aesthetic that is captivating because it is comprises a team of dedicated music lovers as well as performers. Listening to the Palissander will always be a choral music treat to be cherished during and long after the feast.

I highly recommend the Palissander choir as a foremost modern vocal, classical music ambassador of South Africa, with which I have collaborated in creativity and performance ventures.


Professor Meki Nzewi
Professor of African Music, Theory & Practice, University of Pretoria
Centre/Programme Director, Centre for Indigenous African Instrumental Music and
Dance Practices (CIIMDA) for SADC countries, Pretoria. South Africa
1/12/2005

TEXT FROM SIYAHAMBA INLAY

This CD, *Siyahamba*, refers to a different joyful prospect, namely that of a new South Africa in which we will be able to live as one in a brotherhood of man (track 11). The tracks depict South Africa's journey from darkness in which we focused on killing one another (track 2) to a home in which there will be no colour nor race and in which we will be a great happy family of God (track 13). The title track (track 1) refers to the fact that this journey was made possible by the light of God. Even in the darkness we never lost faith: "We've come this far by faith, trusting and leaning on the Lord. He saw us through it all, through affliction and tribulation he never failed us" (track 13).

We are proud to have recorded this CD in the Voortrekker Monument, which has traditionally been associated with strife among South Africans, together with members of the Soccajasco Kids, with whom we have been co-operating since 2002. These homeless black teenagers are being taught life skills through African drumming as part of an outreach project by the University of Pretoria. It is an indication of how far South Africa has come that performers across racial, age and gender divides found it natural to record this CD of hope in the Voortrekker Monument.

Let us all remain one more voice for peace and love (track 7).

Sarita Hauptfleisch
Conductor: Palissander
November 2005

Palissander Samspel

Peace

Programme prepared for the

25th World Conference of the International Society for Music Education

**Bergen, Norway
11-16 August 2002**

Palissander Samspel is one of only 29 out of 76 applying performing groups that have been invited to perform at the International Society for Music Education (ISME) Conference that will take place in Bergen, Norway in August 2002. The bi-annual ISME Conference is the premier international gathering of music educators and is traditionally attended by hundreds of delegates from all continents. Palissander Samspel will be the only performing group from Africa at the conference.

The theme of the 2002 Conference is “SAMSPHEL”—working together across arts disciplines, as well as across cultural and geographical boundaries. Palissander Samspel is an intercultural collaboration initiated by the Palissander Chamber Choir in response to this theme. The ensemble consists of Palissander, four street children performing on African drums, and a Zulu praise singer.

Palissander is one of South Africa’s leading chamber choirs. The choir was formed in January 1992 and currently consists of 19 members.

Palissander’s vision is to distinguish itself as an innovative ensemble that advocates South African culture both nationally and internationally. The choir’s mission is to enrich the lives of the choir members and the audience through choral singing.

Palissander’s brand identity is defined by three core values:

1. An international standard of choral singing
2. Relevance to the African context
3. Transcending of boundaries between people and art forms.

The street children who are Samspel are between the They are members of a part in the continuing



members of Palissander ages of 13 and 16 years. larger group that is taking project of the Faculty of

Humanities of the University of Pretoria with the street children from the Itumeleng shelter. Departments involved include Arts, Communication Pathology, Criminology, Drama, various languages, Psychology, Social Work, Sociology and Music. This co-ordinated approach has even been hailed by the World Health Organisation as a possible model for dealing with street children all over the world. Once a week the boys come to the University of Pretoria campus for a morning of Art, Music as well as other learning or counselling activities in the other involved Departments.

The four street children who are members of Palissander Samspel have been taught to perform as African drummers by Prof. Meki Nzewi, the President of the Pan-African Society for Musical Arts Education, who is currently Professor in African Music—Theory and Practice at the Department of Music, University of Pretoria.

The **praise singer** who is collaborating with Palissander and the street children is Prof. Themba Msimang, who made history in 1992 by becoming the first black person to occupy a position of Head of Department at the University of South Africa (UNISA), and again in March 1997 when he became the first African to be appointed by UNISA as Registrar (Academic), albeit in an acting capacity. He is one of the most prolific African authors and has received numerous prestigious literary awards. Prof. Msimang acts as a praise singer in his free time.

Sponsors

Palissander Samspel's participation in the ISME Conference has largely been made possible through an agreement between the Norwegian Agency for Development Co-operation and the Pan-African Society for Musical Arts Education aimed at achieving an African presence at the conference.



Sikhulekele Ukuthula
(We pray for peace – English translation)
By C. Themba Msimang

It took off and soared away; The magic bird soared away;
The bird that does not flap its wings Where all birds flap their wings.
It flew away with the Palissander choir It soared away and cut through the clouds,
Aiming for the deepest skies Waving a white flag, Which it waved above pools of blood
Which flow down the mountains of Africa. We perceived grief and saw tears.
What has gone wrong Africans of Africa? Till when will we keep killing one another?

It took off and soared away; The magic bird soared away;
Heading towards Norway, The home of peace throughout the world;
It carried a big swarm of doves We threw them down peacefully as we passed the DRC
Saying that the Palissander choir are peace makers, We pray for peace in Congo;
Again we threw them down as we passed Burundi, We pray for peace in Africa;
Again we threw them down as we passed Rwanda; We pray for peace in Africa.
Again we threw them down as we passed Eritrea; We pray for peace in Africa.
Till when will we keep butchering one another?

It took off and soared away; The magic bird flew away;
When we were up in the sky, Coming along with John Monageng;
Coming along with Gert Maree; Coming along with Sarita Hauptfleisch;
We turned our eyes towards the East.
Oh! What affliction is there in Palestine! Oh! What misery is there in Israel!
What is the matter in Jerusalem? Why do we hear cannon rumbling in the holy city?
What is the matter in Bethlehem? Why do we hear cannon rumbling in the holy city?
We pray for peace throughout the world; We pray for peace in Pakistan; We pray for peace in India.
Why do we keep killing one another?

It took off and soared away; The magic bird soared away,
There is ISME coming to welcome it; Responding to the sounds of African drums
Saying that working together is human, Saying that unity is strength
This was echoed by the 'orphans' from Africa; 'Orphans' who have no home in Pretoria;
Children who sleep in the streets of Pretoria; Having come to Europe to appeal for peace;
Appealing for peace as they face Oslo; The capital of peace in the world.

The magic bird took off and then landed! It landed in Bergen and reminded me of Oslo;
I remembered Chief Luthuli of the Madlanduna clan,
I remembered Nelson Mandela of the Thembu clan, I remembered De Klerk among the Whites;
I remembered Tutu among bishops; Peace brokers of South Africa;
Who brokered peace until Oslo noticed, And then honoured them with the Nobel Prize;
The supreme award for peace. In South Africa we all clapped our hands,
Saying liberty has returned to our land, We enjoyed the fruits of democracy,
The government of the people by the people, At our place in South Africa!
GOD SAVE AFRICA!
I have no more words!

The Prayer of St Francis

A. Pote, arr. R. Delgado

Lord, make me an instrument of Thy peace. Where there is hatred, let me sow love,
Where there is injury, your pardon Lord, Where there is doubt, let there be faith.
O, Lord, make me an instrument of Thy peace. Where there's despair, let me bring hope,
Where there is darkness, let there be light, Where there is sadness, let there be joy.

O, Divine Master, grant that I may not seek To be consoled, as to consoled,
To be understood, as to understand, To be loved, as to love.

O Lord, make me an instrument of Thy peace. Where there's despair, let me bring hope,
Where there is hatred, let me sow love. For it is in giving, that we receive,
And it is in pardoning, that we are pardoned, And it is in dying, that we are born to eternal life.

Lord, make me an instrument of Thy peace. Amen.

Hot Gates

Lyrics & Music: Christopher Torr
Arr. Niel van der Watt, 1996
Piano: Liza Joubert

The title of the song "Hot Gates" refers to the Battle of Thermopylae and is taken from a poem from T.S. Eliot called "Gerontion" ("little old man"). The poem apparently describes an old man at the end of his days, realising with anguish and resentment that he has led a rather non-eventful life. His negatives evoke images of "hot spots" of human history; events better forgotten.

The melody of Big Ben in London, indicating the full hour, is broken off just before the final notes and probably represents impending doom. The fiery glow could anticipate the old earth being destroyed by fire as prophesied to Noah after the Great Flood described in Genesis 6-9. The horseman on the run probably represents one of the four horsemen of the Apocalypse mentioned in Revelations, who will come from the four corners of the earth preparing for the final Judgment.

London	Destroyed in 1666 by fire
Paris	Rioting during the French Revolution culminated in the storming and capture of the Bastille on 14 July 1789
Rome	A disastrous fire in AD 64 destroyed much of the centre of the city
Berlin	The Berlin Wall, a barrier separating East and West Berlin, was built by the East Germans in 1961 and blocked free access in both directions until November 1989
Barcelona	Barcelona's Jewish community was massacred in 1391
Washington	On 11 September 2001 a hijacked plane crashed into the Pentagon in the worst terrorist attack ever on American soil
Moscow	In September 1812 Russian patriots set fire to the city soon after occupation by Napoleon
Beijing	On 3-4 June 1989 the People's Liberation Army brutally crushed prodemocracy supporters, killing hundreds of supporters, injuring another 10,000, and arresting hundreds of students and workers
Tokyo	The earthquake and fire of 1923 took more than 100 000 lives and destroyed the greater part of the city
Jerusalem	From 1948 until 1967 Israel controlled West Jerusalem, and Jordan controlled East Jerusalem, including the Old City. In 1967 Israel captured East Jerusalem in the Six-Day War
Jericho	The site of a siege by Joshua and the Israelites (Joshua 6:1-21)
Waco	A 51-day standoff by the Federal Bureau of Investigation ended in an assault on the premises of a religious community on 19 April 1993, and a fire in which 76 of the occupants died, including many women and children
Bethlehem	According to Matthew 2:16, Herod the Great, Roman-backed king of Judea (37-4 BC), tried to kill the infant Jesus by massacring all the male babies in Bethlehem
Srebrenica	In July 1995 Serb forces separated civilian men from women and killed thousands of men <i>en masse</i> , or hunted them down in the forests
Sebokeng	On 23 October 1984, 7 000 troops in armoured vehicles rolled into Sebokeng township near

	Vereeniging and began a door-to-door search of 20 000 houses. This eventually led to the proclamation of a state of emergency in South Africa
Sarajevo	On 28 June 1914 the Archduke Franz Ferdinand and his wife Sophie were assassinated in Sarajevo by Serbian nationalists. This was the spark that triggered World War I
Saigon	On 29 April 1975 America withdrew completely from Saigon, leaving the old noncommunist capital to fall to North Vietnamese tanks
Hiroshima	On 6 August 1945 American forces dropped the first atomic bomb to be used in combat on Hiroshima, Japan, flattening 42 square miles of the city. 80 000 people were killed outright, 10 000 went missing, 37 000 were seriously injured and countless others suffered from radiation sickness
Rubicon	In 49 BC, Julius Caesar made his famous crossing of the Rubicon; as the Roman Senate had forbidden him to enter Italy with an army, this action initiated civil war between his forces and those of Pompey the Great
Dunkirk	In the eight days following 26 May 1940 British, Dutch, Belgian and French ships of all shapes and sizes heroically evacuated 338 226 men to English shores
Dover	The white chalk cliffs of Dover symbolise the English border. It suffered greatly under bombardments and shelling in World War II
Normandy	On 6 June 1944 D-Day dawned and the Allied forces successfully landed on five beaches and consolidated their positions, albeit with incredibly heavy losses
Frankfurt	The point of departure of the PanAm flight that exploded over Lockerbie
New York	The never to be reached destination of the Pan Am flight that exploded over Lockerbie
Lockerbie	On 22 December 1988 a Pan Am jetliner exploded over the Scottish village of Lockerbie, killing all passengers and crew as well as many inhabitants of the village
Amajuba	On 27 February 1881, during the first Anglo-Boer war, a decisive battle between Boer and British forces took place on the mountain Amajuba
Bellevue	On 26 April 1906 the Texas town of Bellevue was destroyed by a cyclone
Chappaquiddick	In 1969 leading American politician Edward Kennedy crashed his car off a bridge in Chappaquiddick, Massachusetts. With him in the car was Mary Jo Kopechne, who drowned as the car sank beneath the water
Waterloo	On 18 June 1815 the Battle of Waterloo was the final and decisive action of the Napoleonic Wars
Bucharest	Following the revolt of the vassal principalities of Walachia and Moldavia against their Ottoman conquerors, the Ottomans burned the city in 1595
St Petersburg	During World War II Leningrad was the centre of heavy fighting during a siege by German forces. About 1,25 million residents died in the fighting and as a result of disease and starvation
Heilbron	One of the concentration camps of the Anglo-Boer war where many Boer women and children died
Hobhouse	Emily Hobhouse's protests against inhuman treatment of Boer women and children in concentration camps saved many lives
Gettysburg	The Battle of Gettysburg, fought from 1-3 July 1863, is considered by most military historians to be the turning point in the American Civil War
Belfast	Beginning in 1969, the city has been the scene of Roman Catholic-Protestant disorders involving civil rights agitation and increased violence
Budapest	In 1956 the city was the focus of an unsuccessful popular uprising against the Soviet-dominated government of the country
Baghdad	The city suffered damage from Allied bombing during the Persian Gulf War
Berchtesgaden	The surrounding countryside of the Bavarian town of Berchtesgaden was the summer residence of Hitler and his high command
Stalingrad	On 2 February 1943 the Sixth German Army surrendered, thus ending the German advance into the USSR. German casualties alone totalled more than 300 000, and the Soviet city was almost completely destroyed
Carthage	In the Third Punic War (149-146 BC), the Romans under Publius Cornelius Scipio Aemilianus Africanus Numantinus destroyed the city of Carthage. In a final gesture of contempt, the Romans spread salt over the ruins
Dresden	In February 1945 Dresden was bombed by Allied forces, killing 40 000 civilians (some claim more than 100 000 were killed)
Babylon	Under the Persians, Babylon for a time served as the official residence of the crown prince, until a local revolt in 482 led Xerxes I to raze the temples and temple tower and to melt down the statue of the patron god Marduk
Sharpeville	In Sharpeville, a Black township near Vereeniging, Blacks protested against the pass laws and about 20 000 marched on the police station on 21 March 1960. The police were heavily outnumbered and nervous about the protesters' intentions. Suddenly the police, believing they were being attacked, opened fire on the crowd to disperse them. The final death toll was 69 dead and 180 injured
My Lai	On 16 March 1968 troops of the US Army's Americal Division combat air assaulted a village in South Vietnam, killing 504 Vietnamese civilians
Boipatong	On 17 June 1992 a mob of about 300 men wearing white headbands and gloves rampaged through the Boipatong township and the adjoining Slovo Park squatter camp indiscriminately hacking and shooting people, breaking windows and looting

Dellville Wood	The 1 st South African Infantry Brigade participated in World War 1 on the English side. On 14-18 July they defended Dellville Wood in Northern France against German advance as part of the Somme offensive. They showed exceptional bravery but sustained heavy losses
El Alamein	Battle in World War II between Montgomery (British forces) and Rommel (German forces) in North Africa, culminating in a great British victory
St Helena	The island of exile of Napoleon, who died there in 1821
Mitchell's Plain	The scene for much of the gang violence that has afflicted the Cape Flats for the past decade
Balaklava	From 1854 to 1856 it served as British headquarters during the Crimean War
Austerlitz	The Battle of Austerlitz was one of the greatest military engagements won by Napoleon. The French lost 9 000 men; the allies about 25 000
Belsen, Buchenwald, Auschwitz	German concentration camps in World War II
Nagasaki	The second atomic bomb was dropped on this Japanese city on 9 August 1945, killing 35 000. 5 000 went missing, and 6 000 were seriously injured
Versailles	In 1789 the Estates-General of France took the famous oath that heralded the beginning of the French Revolution
Armageddon	Battlefield described in the Bible in Revelation 16:16 as the scene of the predicted final struggle between good and evil
Thermopylae	During the Persian Wars, Thermopylae won eternal fame as the scene of the heroic death of Leonidas I and his 1 400 men, 300 of whom were Spartans, in their attempt to stem the tide of Persian invasion

Bawo, Thixo Somandla

Traditional, Arr. J.SM. Khumalo

Bawo, Thixo Somandla,	Father God Omnipotent,
Buyinton' ubugwenxa bam?	What is my transgression,
Kazi senzen' ebusweni beNkosi,	What wrong have we done you, O Lord,
Bawo, Thixo Somandla?	Father, God Omnipotent?
Kazi senzeni na?	What have we done?
Kazi senzeni na?	What have we done?
Kazi senzeni Nkosi yam,	What have we done, my Lord,
Sigqibana nje!	That we kill each other like this!
Emhlaben'	In this world
Sibuthwel' ubunzima,	We are loaded with troubles,
Sibuthwel' ubunzima,	We are loaded with troubles,
Bawo, Thixo Somandla.	Father, God Omnipotent.
Mayedlule lendebe,	Let this cup pass from us,
Mayedlule lendebe,	Let this cup pass from us,
Kazi senzeni Nkosi yam,	What have we done, my Lord,
Sigqibana nje!	That we kill each other like this!
Ndinesingqala	I have an unceasing sob
Enhliziyweni yam,	In my heart,
Ndisolokho ndisitsho "Mngci!	I keep saying "Truly!
Ayidlule lendebe,	May this cup pass from us,
Bawo, Thixo Somandla".	Father, God Omnipotent".

One more voice for peace

Meki Nzewi

Peace anthem

Uwa cholu udo, ma umu made kwenye ka do di.

The world needs peace, if the world peoples agree that peace shall abide.

Kwenyenu ka do di. Allow peace to abide. One more voice for peace and love.

Too much anger, my friend, destroys mankind. We are-One more voice for peace/fellow love.

Too much hatred, my friend, destroys our world. We are-One more voice for together living/tolerance.

What kind of animal is the human person? –

Peoples of the world one day come together and agree to be friends;

Only to disagree, and begin to fight and destroy one another the next days.

Ewo, oh dear! Let us pray for one more voice for peace and love.

A blind person says: all humans are persons; Why treat me as sub-human because I cannot see?
Open the eyes of your mind, and see with the feelings of the blind person.
Speak out and offer one more voice for peace and love.
The human person is so dangerous to fellow person Because we are too blind about others to see that:
Colour or gender, religion or culture, at birth and death we are all the same mankind;
The same feelings and sensations. Ewo, oh dear! Join us with your one more voice for peace and love.

Where there is love there is peace; where there is peace there is love.
We need peace and love; we need love and peace. Join forces with one more voice for peace and love.

The more we see, the more we are blind. Ewo, oh dear!
The more we talk peace, the more we make war. Ewo, oh dear!
What is wrong with one more act of love?
What is wrong with one more stand for peace; one more show of friendship?
Feel some warmth in your soul with one more voice for peace and love.

Sing this chorus to yourself whenever anger begins to control you:
Too much anger, my dear, destroys my soul.
Sing this chorus to any group losing control to hatred:
Too much hatred, my dears, destroys your souls.
Sing this chorus for your loved ones whenever they are possessed by anger:
Too much anger, my dears, destroys your soul.
We all are one more voice for peace and love.

Talismane

Robert Schumann

Text: Johann Wolfgang von Goethe

Sung in German

To God belongs the east; to God belongs the west.
Northern and southern lands rest in the peace of His hands.
He, the only righteous one desires for everyone what is right.
Of his hundred names, let this one be highly praised. Amen.
I am bewildered by the error of my ways, but Thou knowst how to disentangle me.
When I act or when I muse, Thou showst me the right path.
To God belongs the east; to God belongs the west. Amen

Peace I leave with you

Knut Nystedt, 1958

Peace I leave with you, My peace I give unto you:
Not as the world giveth, give I unto you.
Let not your heart be troubled, neither let it be afraid.

Addendum 2

SOUTH AFRICAN MUSIC INDUSTRY (derived from research done by Dr Thulasizwe Nkabinde)

The South African Music Industry is composed of a number of associations, organizations, record companies, the print and electronic media. The primary objective of all these stakeholders is to contribute towards the preservation, development, collection and promotion of South African Music.

In spite of all the music associations and organizations in South Africa, there are a few associations that have achieved outstanding results and have managed to stage the most prestigious music events in the country since democracy in 1994. For this reason they are listed alphabetically and discussed below; also because of the particular co-operation that exists between them and the SABC.

African Cultural Heritage Trust (ACHT)

According to the President of the African Cultural Heritage Trust (ACHT) (Sithole, 2001), it is a national NGO that has a successful track record of over fifteen years. The primary objective of the ACHT is to conserve the rich and diverse indigenous cultural heritage of South Africa (Amasiko/Ditso) (see glossary of terms) through education, promotion and preservation programmes. The ACHT has successfully staged Traditional Music festivals like Tshikombela (Venda), Mukibo (Sotho), Indlamu (Zulu), Iscathamiya and Ukuxhensa (Xhosa) throughout the country.

The ACHT has recently established a partnership with an accomplished multimedia Internet solutions company, Webcast S.A. This partnership developed an Internet site, AfricanHeritage.com (working title), and other vehicles that promote Amasiko/Ditso material to the public via popular and accessible electronic mediums.

The ACHT has consulted with DACST: Living Heritage and the SABC. After initial discussions, all parties agreed in the year 2000 that it would be advisable to establish a cooperative strategy.

Aims and objectives of African Cultural Heritage Trust:

- To create an interactive, multimedia Internet site that provides a hub of Amasiko/Ditso material for information, education, promotion and retail purposes.
- To audit and hi-grade existing Amasiko/Ditso electronic archives.

- To develop information on Amasiko/Ditso and make it more accessible to researchers, students and the general public.
- To raise an awareness of and support for Amasiko/Ditso projects and programmes.
- To develop in and out-of-school Amasiko/Ditso educational programmes that utilise electronic archives as a teaching tool.
- To stimulate discussion on the development of Amasiko/Ditso.
- To develop local and international networks.
- To substantially contribute to the conservation and promotion of Amasiko/Ditso.
- To develop Amasiko/Ditso industries.
- To increase the income producing capacity of Amasiko/Ditso practitioners.

Contact : Bethwell Ngubane
Tel / Fax : (011) 988-7145
 P O Box 841, Johannesburg, 2000.

African Cultural Organization of South Africa (ACOSA)

ACOSA is a non-profit Section 21 company involved in the upgrading of the teaching and performing of the Arts, particularly music. Programmes in the organization are:

- the ACOSA Soweto Music Conservatoire where youth is taught music theory, and instruments such as violin, cello, flute, recorder, bassoon and piano
- the Soweto Symphony Orchestra, Soweto Youth Orchestra and the Soweto Children's Orchestra
- choir training and adult music literacy classes
- conductor workshops
- concert culture nurturing
- Bambanani Programme – an artist exchange and interaction project with overseas and African countries.

Contact : Sheila Masote
Tel: (011) 472-8394
Fax: (011) 472-8395
 P O Box 30253, Wibsey, 1717.

The Arts and Culture Trust is a private sector initiative which aims to provide much-needed financial support for the development, promotion and celebration of South African arts and culture. While maintaining strong links with its private sector founders, the Trust is run by an independent Board of Trustees drawn from the arts and culture community and it is administered by an independent agency. The Trust is a sustainable funding initiative as it is not dependent on annual donations from any party but rather functions and pursues its aims based on ad hoc fund-raising activities.

Aims:

The primary aim of the Trust is to increase the amount of funding available for arts and culture through means such as corporate donations, fundraising events, internal donations, capital investment and income-generating affinity products, and to distribute these funds in support of innovative, sustainable projects which contribute to South African arts and culture. ACT also organises forums, conferences and campaigns around strategic issues. The annual ACT Award recognises the important contributions of players like arts and culture administrators and journalists.

Funding support:

ACT provides funding for all forms of arts and culture including literature, music, visual art, theatre, dance, film, festivals, community art, arts management, arts education, museums and heritage. It also supports training, the creative process and the development of sustainable infrastructure.

ACT provides bursary funds to formal and non-formal educational institutions specializing in arts and culture, and these in turn distribute such funds to individual students at their institutions. ACT does not consider individual bursary applications.

Allocation of funds:

The Board of Trustees meets twice per year – in May and November – to consider applications for funding.

Contact : Nonikiwe Ndebele

Tel : (021) 424-7513

Fax: (021) 424-7517

Postnet Suite 145, Private Bag X335, Cape Town, 8001.

Business and Arts South Africa (BASA)

South African Music Industry Directory 2000 notes that BASA was established in 1997 as a joint initiative between government and the business sector, to secure the future

development of the arts industry in our country. Established as a Section 21 company with President Thabo Mbeki as its patron, BASA is accountable to both government and corporations who have joined it as members.

BASA's aim is to promote and encourage sustainable partnerships between the business sector and the arts sector, to their mutual benefit and to that of the community at large. To this end, BASA's primary initiative is to stimulate sponsorship of the arts by the business sector, encouraging business to see the arts as an opportunity to build brand loyalty, to market or promote their image and products. The BASA matching grant scheme is applied to support existing sponsorship by business of the arts, across all genres.

Contact: Lorraine Sadan
Tel: (011) 784-9994
Fax: (011) 784-9996
Web: www.artslink.co.za/basa/basa.html
P O Box 784481, Sandton 2146.

Music Industry Development Initiative (MIDI) Trust

The MIDI Trust, a Section 21 company, was established after discussions between the Musicians Union of South Africa (MUSA) and Peter Stuyvesant before the Tobacco Law came into effect, about the need for an organization dedicated to the growth of the South African music industry. Since it opened its doors in October 1996, the MIDI Trust has grown into a widely recognized organization.

Highlights of the MIDI Trust's work, since its establishment, include the initiation and national co-ordination of the annual South African Music Week which started as a Music Day in 1999 (the first of which was hosted in partnership with the National Arts Council) and the yearly publication of the South African Music Industry Directory. Both these projects address significant industry development challenges. South African Music Week exposes the wealth and potential of music in South Africa to a large national audience. The South African Music Industry Directory (co-published with Music Africa) provides sought after contact details for archive music industry stakeholders, from musicians, producers and arrangers to record companies, managers, educators and service providers.

The MIDI Trust was awarded the South African license for an Australian Music Education Programme. Currently, this successful programme is taught to over 60,000 Australian students. The MIDI Trust's purchase of the local license will result in this outcomes based education system - teaching skills ranging from music marketing to performance, technology, music business and industry matters – being taught in South Africa. Results are anticipated to be similar to those achieved in Australia: the empowerment of music industry professionals.

The MIDI Trust aligns itself with national government priorities for the South African Music Industry. These include human resources development, access to industry information, the strengthening of networks and enhanced marketing of local sound.

Contact : Rosie Katz
Tel : (011) 482-7037
Fax: (011) 482-7038
P O Box 87, Newtown, 2113.

Musicians Union of South Africa (MUSA)

MUSA was established in 1994 as a representative body for the protection and promotion of musicians' rights and social security. Its members include composers, performers, technicians and music educators.

MUSA's services include:

- Information service and liaison between prospective employers/agents and musicians on their database.
- Lobbying for the creation of a National Social Security Fund.
- Contribution to National Policy on behalf of musicians on matters of local music content, transformation of the music industry, intellectual property rights and general labour rights.

MUSA is a member of the Bargaining Council for the Entertainment Industry, the emerging Sector Education and Training Authorities for entertainment and media industries and the Federation of International Musicians.

Contact : Joe Piyela
Tel : (011) 836-0041
Fax : (011) 836-0043
P O Box 35, Newton, 2113.

National Arts Council of South Africa (NAC)

The NAC was formed on 1 April 1997 as a statutory body. Its vision is to promote, through the Arts, the free expression of South Africa's cultures and its mission is to develop and promote excellence in the Arts.

The NAC is dependent on a budget which is voted annually by parliament and disbursed by the Department of Arts and Culture. It is controlled by a board which consists of 12 nationally elected and nine provincially elected members.

An administrative staff is headed by a chief executive officer who is responsible for implementing decisions made by the board. It offers support in the form of financial assistance to organizations, projects and individuals involved in craft, dance and choreography, literature, music and opera, theatre and musical theatre and visual arts.

Funding criteria:

- The NAC strives to enhance the quality of life of all South Africans, irrespective of gender, race, disability or sexual orientation.
- The NAC's priority is to fund organizations or projects that are of national importance with national implications, or are part of nation building. In order to realize the totality of the NAC's mission, it reserves the right to fund organizations or projects across regional and disciplinary boundaries at its discretion. Grants are made to institutions, organizations and individuals.
- Funding is be subject to those priorities determined solely by the aims and objectives of the NAC.

Contact: Doreen Nteta (should you reflect change here??)
Tel: (011) 838-1383
Fax: (011) 838-6363
P O Box 500, Newtown, 2113.

National Association of Broadcasters (NAB)

According to the Public Relations Officer of the National Association of Broadcasters (Harber, 2000), the NAB is a non-profit organization formed to represent the interests of its members who are part of the broadcasting industry of South Africa. The main objective of the NAB is to foster and promote development of aural and visual broadcasting in all its forms in South Africa, as well as to serve as a forum for sharing information and stimulating discussion on matters affecting the broadcasting industry.

By creating a favourable climate for broadcasting, the NAB promotes a system that respects freedom of choice for viewers, listeners and broadcasters, whether private, community or public. The NAB further supports and fosters the principles of democracy, freedom of expression and multiplicity of voices.

Membership of the NAB is open to all licensed broadcasters, any licensed signal distributor and any person, entity or association conducting a business or profession associated with broadcasting which has an interest in the broadcasting industry.

Contact: David Skhosana
Tel: (011) 886-9560
Fax: (011) 886-9561
P O Box 462, Newtown, 2113.

Recording Industry of South Africa (RISA)

RISA is a voluntary, non-profit making, Section 21 company. One of RISA's objectives is to nurture the growth of its members' business interests as well as to preserve the development and advancement of the unique South African music heritage. The other primary objective of RISA is to combat music piracy in all its forms.

RISA membership comprises more than 140 record companies as well as manufacturers, producers and marketers of records, pre-recorded tapes, compact discs and other sound carrying devices. The Association is funded by a levy on the manufacture or import of music products. RISA is based in Randburg, Johannesburg and comprises a 12 member executive committee and a secretariat. The executive committee is elected annually and is responsible for carrying out RISA's objectives. RISA has successfully staged the South African Music award from 1995, sponsored by First National Bank (FNB).

Contact : Nono Suntele
Tel : (011) 886-1342
Fax : (011) 886-1384
P O Box 566, Newtown, 2113.

South African Blind Musicians Association (SABMA)

SABMA is an association aimed at alleviating the plight of the blind and other disabled musicians by offering recording opportunities as well as training in the fields of record producing, sound engineering and music arrangements. It seeks to create opportunities for blind musicians all over South Africa to come together and discuss problems of mutual concern. Furthermore it provides legal advice, representation and negotiates on behalf of blind musicians in disputes on issues arising from and pertaining to the music industry. SABMA is committed to identifying young and/or up-coming blind musicians and to providing them with necessary training and support to enable them to realize their ultimate goal of turning professional.

Contact : John Mothopen
Tel : (011) 648-4971
Fax: (011) 648-4972
P O Box 93363, Yeoville, 2143.

South African Music Rights Organization (SAMRO)

SAMRO is a non-profit company that represents its composer, lyricist and music publisher members in relation to the Copyright Act of 1978 when work is performed in public, broadcast or transmitted in a diffusion service. It works on behalf of members to license the performance of their copyright musical works, collects the licence fees, assembles the information about the use of that music, computes and then distributes the appropriate royalties.

SAMRO has in excess of 3850 composer members and 41 publisher members. It does not charge a membership fee. The main source of performing royalties paid to SAMRO comes from the following:

Public television (39.50%), public radio (18.50%), private radio (19.40%), private television (9.8%), cinemas (8.1%) and community radio (7.2%) (Morake, 2002).

Contact: Vanessa Perumal (Public Affairs Officer)
Tel: (011) 489-5000
Fax: (011) 403-1934
P O Box 31609, Braamfontein 2017.

South African Music Week

South African Music Week, co-ordinated by the MIDI Trust, started in 1999 as a South African Music Day.

Background of South African Music Week

According to the South African Music Industry Directory (2000), the purpose of the South African Music Week can be summarized as follows:

- A national celebration of South African music.
- A platform to profile and provide opportunities for emerging and established South African music talent, with the intention of increasing sales of domestic recordings and tickets to live performances.
- A campaign dedicated to the promotion and expansion of music and music development in South Africa.
- A time to pay tribute to musicians, recording artists and composers throughout the country.
- An opportunity to build links between various partners of the music and cultural industries, leading to a strengthening of South African economic and cultural growth.

Objectives of South African Music Week

The National Arts Council, a cultural agent of the Department of Arts and Culture, initiated the idea of celebrating South African music after democracy in 1994. The objectives of South African Music Week are:

- To establish a focused media campaign to promote South African music
- To provide extensive broadcast opportunities for all genres of South African music
- To provide live performance opportunities for original artists in rural and urban areas
- To encourage a national retail campaign to promote South African product
- To create an opportunity for previously unrecorded bands to gain access to professional recording studios
- To facilitate a transfer of skills and sharing of knowledge in the music industry.

Funders of South African Music Week

The stakeholders of arts and culture in the country support the idea of celebrating South African music:

- The Arts & Culture Trust of the President
- Business and Arts South Africa (BASA)
- The Department of Arts and Culture
- National Arts Council (NAC)
- Recording Industry of South Africa (RISA)
- The South African Music Rights Organisation (SAMRO).

Promotion of South African Music Week

The success of the South African Music Week depends on aggressive promotion and marketing from various stakeholders. Public Relations, Marketing and Communication are the key to the success of South African Music Week.

The campaign strives to disseminate information about South African Music Week in all major cities of the country, by means of radio, television, press and the internet, to create awareness amongst the general public and industry and to encourage participation

- Marketing is central in raising the public awareness of South African music and South African Music Week
- Marketing is critical to increasing the number of people who listen to radio, watch television, go to live venues and buy music in support of South African musicians

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- Activities taking place in all regions form a major part of South African Music Week. Great emphasis is being placed on education, training and development.

Radio, Television and Print Media

One of the primary aims of the Public Broadcaster and the print media is to stimulate growth in the South African music industry. Electronic and print media have contributed positively towards the success of South African Music Week.

- SABC Radio and Television music programmes support South African Music Week
- Radio community stations and print media participate in the events of South African Music Week
- Radio and television broadcast are critical to ensuring that the majority of South Africans are afforded the opportunity to listen to and watch South African Music
- South African Music Week strives for advertising time and general on-air promotion of the campaign
- Increased broadcast of South African music is a key objective of the media campaign publications
- Exciting advertising opportunities exist with discounted packages being offered by different media and in a special South African Music Week Guide.

Studio Recording Projects and Education

Budding musicians normally pay exorbitant fees to record demonstration tapes in studios before they sign deals with recording companies.

- Previously unrecorded musicians are given the chance to work in professional studios to lay down demo tracks free of charge
- Studios nationwide sponsor time and expertise
- South African Music Week release CD compilations for distribution to record companies scouting for great potential and new local talent
- A career programme for schools around the country takes place during the course of South African Music Week
- Skills Development Workshops for industry practitioners are delivered to enhance music industry skills
- Songwriting Workshops are hosted for musicians and composers
- Live Music shows are staged in all Provinces of the country during South African Music Week.

Retail

The MIDI Trust negotiates with retail chain stores to support South African Music Week.

- Leading retail chain stores are being encouraged to participate in the campaign

- Retail stores are supplied with promotional and other publicity materials to support in-store promotions.
- Effective co-ordination between the organisers of South African Music Week, the record companies and the retail stores strengthens retail activity.

Contact : Steve Wooldridge
Tel / Fax : (011) 834-2761
 P O Box 37, Newtown, 2113.

South African Recording Rights Association Limited (SARRAL)

SARRAL, which has been operating since 1963, is a non-profit Association looking after the rights of composers of musical works, wherever such musical works are recorded.

SARRAL's objective is the protection, enforcement and enhancement of composers' rights, wherever possible. It ensures that when a recording is made, the royalty is collected and distributed to the composer/copyright owner and a proper licence is issued to the person making the recording. Furthermore it provides members with free legal advice pertaining to copyright, assistance with proof of ownership, as well as social and cultural support in the form of a free funeral scheme and free music development courses.

Contact : Daphney Mashaba
Tel : (011) 339-1333
Fax : (011) 339-1403
 P O Box 31091, Braamfontein, 2017.

South African Roadies Association (SARA)

Formed in 1992, SARA is a non-racial, membership driven organization representing various workers in the arts, entertainment and presentation services industries, essentially to look after their interest. All members are employed on either a full time, part time or freelance basis within the music, entertainment and presentation services industries. It has a Code of Conduct that sets the disciplines under which an industry member works.

SARA has also compiled a Guide to Employment that covers every facet of employment and relationship an employer may need to know. It represents the basic standards under which industry members may be employed.

Contact : Freddie Nyathela
Tel / Fax: (011) 834-4134
 P O Box 192, Johannesburg, 2000.

Zakheni Music Trust

The co-founder and Chief Executive Officer of the Zakheni Music Trust, Mr Stanley Nkosi, mentioned that the Trust was established in the first year of the new millennium to provide a voice for musicians in the country (Nkosi, 2001). Its founders are well known players in the music industry with nearly two centuries of combined experience in the industry. The co-founders are Stanley Nkosi, Moses Dlamini, Jimmy Nkosi and Hilda Tloubatla.

The founders have appointed a distinguished group of women and men as trustees for the organization. These people serve on the Board of Trustees because of their respected social standing and the high degree of social responsibility they have demonstrated through their commitment within South Africa.

The Board of Trustees includes the following people:

- Dr Brigalia Bam
- Salukazi Dakile-Hlongwane
- Jonas Gwangwa
- Nomsa Manaka
- Rev. Hawu Mbatha
- Johnny Mhlungu
- Queeneth Ndaba
- Stanley Nkosi
- Tsipane Nkwe
- Thulani Nzimakwe
- Archie Tsoku
- Prof. Herbert Vilakazi.

Zakheni South Africa Music Trust has been established with the following objectives:

- To promote for the benefit of the music communities and artists in the Republic of South Africa and in particular the community and artists of traditional and indigenous musicians of South Africa, the advancement of education, music skills and development of musical talents, the furtherance of

traditional and indigenous music of South Africa and the relief of poverty, distress and exploitation.

- To promote and organise co-operation in the achievement of the above purpose and to this end to bring together representatives of statutory authorities, volunteer organizations and individuals engaged in the furtherance of the above purposes.
- To assist artists/producers in tracing their intellectual rights. To promote the independent historically disadvantaged producers and production companies through empowerment initiatives.
- To obtain and collect royalties and receive money and funds, by way of contributions, donations, affiliation fees, subscriptions, legacies, grants and any other lawful method, and accept and receive gifts of property of any description (whether subject to any special trust or not).
 - To procure and provide information.
- Procure to be written and print, publish, issue and circulate gratuitously or otherwise any report or periodicals, books, pamphlets, leaflets or other documents.
 - To promote, encourage and undertake experimental work.
 - To encourage ownership and control of traditional and indigenous South African music by persons from the historically disadvantaged communities through the provision of education, technical, managerial, business and legal resources.
 - To promote small, medium and micro business within the music industry.
 - To ensure competition within the music industry, for traditional and indigenous South African music, through promoting a larger share of airtime broadcast on the airways in the Republic of South Africa.
 - To ensure that in relation to legislative enactments of the music industry in particular the traditional and indigenous artistes and musicians are duly taken into account.
 - To promote the empowerment and advancement of women in the music industry, in particular the traditional and indigenous women artiste musicians and producers.
 - To promote youth development in the music industry and, in particular, in the areas of traditional and indigenous South Africa music, through programmes, bursaries and scholarship.

With a seed grant from the Department of Arts and Culture, the Trust has been able to establish offices and begin to operationalise its vision and objectives. Zakheni Music Trust started running music workshops in the major cities of the country like Johannesburg, Durban, Port Elizabeth, Cape Town, Bloemfontein, East London and Pretoria from January 2001.

Contact: Stanley Nkosi

Tel: (011) 334-4800

Fax: (011) 334-8039

P O Box 62, Johannesburg, 2000.

Addendum 3

MITT Recommendations

LEGISLATION: COPYRIGHT

Needletime¹⁷

Under the current legislation, performers enjoy no copyright protection – this right is confined to composers and authors. The lack of protection for performers is out of keeping with international trends in which needletime regulations are increasingly the norm. South Africa's non-accession to the Rome Convention is similarly anomalous. The absence of needletime legislation is one of the key obstacles to the development of local music and the music industry.¹⁸

Recommendation 1:

The draft amendment of the Standing Committee on Intellectual Property regarding needletime should be implemented without delay. The MITT has agreed that no further public consultation on the needletime issue is required.

The MITT is unanimous in its concern about the length of time that this issue has been under discussion. It recommends that time frames be incorporated into the amendment of the Act¹⁹, providing for negotiations between the broadcasters on the one hand and the producers and performers on the other hand, regarding the establishment of the appropriate rate. Should agreement not be reached within the stipulated time period, the Minister of Trade and Industry is asked to intervene.

The Minister of Trade and Industry is asked to appoint a permanent Copyright Tribunal that would be essential to the ongoing wellbeing of the industry. The Copyright Tribunal should be asked, if necessary, to arbitrate the initial negotiations between broadcaster and

¹⁷ Needletime is also referred to as the broadcast right. It gives musicians (in their capacity as performers) the right to receive remuneration when their repertoire is either played on radio or performed live amounting to a Public Performance Right. This right can impact on income for musicians and expenditure for broadcasters both domestically and internationally. It was removed from South African Copyright legislation in 1965. Amendments to relevant legislation is currently under review by the Department of Trade and Industry in Government Gazette No.21156, published on 10 May 2000 .

¹⁸ No broadcaster made a submission to the MITT. The National Association of Broadcasters (NAB) was approached to make a written submission or to present at one of the five regional hearings. The NAB declined on the grounds that its views had been communicated through the needletime-related hearings of the DTI.

¹⁹ There is a minority view that the time restriction should be at the discretion of the Minister rather than written into the Act.

producers/performers regarding the rate to ensure that agreement is reached in the stipulated period of time.

The MITT further recommends to the Minister the establishment of a joint performers and producers collecting society to administer the needletime royalty, in order to make the Act functional and in line with international norms.

Extension of the term of copyright

Recommendation 2:

The speedy implementation of the recommendations of the Standing Committee on Intellectual Property regarding the extension of the term of copyright for both composers and performers to 70 and 50 years respectively, in line with international practice.

Implementation and accession to the World Intellectual Property Organisation (WIPO) Treaties

Recommendation 3:

South Africa should implement and accede to the World Copyright Treaty (WCT) and the World Performance and Phonograms Treaty (WPPT) without delay in the interests of protecting South African content in the digital environment and bringing South African copyright legislation in line with international trends.

Broadening the definition of “performer”

The definition of “performer” in the Performers’ Protection Act (Act No.11 of 1967) excludes performances that are not performances of literary or artistic works. As a result, various other types of “un-scripted” performances, which make use of folklore, oral tradition and other forms of indigenous culture, are excluded.

Recommendation 4:

The definition of “performer” in the Performers’ Protection Act should be amended to include artists who perform works of folklore. The revised definition should include not only performances in the recognised performing arts disciplines, but also the wealth of indigenous performance. The definition in the WPPT is a useful guide.

PIRACY

The revenue lost by the industry due to piracy is estimated at R1 billion per year. Tax revenue lost amounts to R140 million per year.²⁰ Piracy in South Africa harms the development of local music, the primary target of the pirates. International research shows that the most effective method of combating piracy is a banderole system. .

The methodology of the banderole system is to mark legitimate product with a label that is impossible to forge. This assists the consumers and the criminal justice system to identify legitimate product and provides the necessary proof of counterfeits, something that is difficult to do at present. Integral to the efficacy of the banderole system, and thus to combating piracy, is effective law enforcement.

Recommendation 5:

The MITT unanimously agrees that the implementation of the banderole system to combat piracy is critical to the growth of South African music, and to the combating of a widespread illegal activity in the country. The Minister is asked to solicit the co-operation of his colleagues responsible for amending the relevant copyright legislation and for law enforcement in this regard.

ASAMI has undertaken to:

- Finance the costs of implementing the application of the banderole to the product; and
- Ensure that the introduction of the banderole will not increase the transfer price of products.

BLANK TAPE LEVY

It is estimated that at least 90% of tapes bought in SA are used for illegal purposes. Value-added Tax (VAT) lost through blank cassette piracy is conservatively estimated at R42 million per annum. Blank tape levies are imposed in many countries throughout the world and often prove to be crucial to growth of music industries.

Recommendation 6:

6. Refer to Annexures A and B for an extract from the ASAMI submissions indicating the impact of piracy on the recording industry and how it affects the revenue of artists

The MITT recommends the implementation of a blank tape levy. The first use of this levy is for law enforcement with regard to piracy²¹. The remaining revenue could be dedicated to kick-starting a social security fund for artists in the music industry²².

Recommendation 7:

It is critical for the South African music industry to keep in touch with trends in the international trade environment. The development of the new technologies brings new challenges for combating piracy.

The MITT therefore recommends that DACST, DTI, MUSA, SAMRO & ASAMI research the issue of piracy in the digital media, making use of international best practice.²³

LOCAL CONTENT

Compliance and monitoring

The public broadcaster is a primary custodian of South African culture. Other broadcasters also have a profound impact on the well being of local culture. Broadcasters thus have a responsibility to mirror the broad range of national and local artistic expressions. International trends indicate that exposure to local music creates a demand for local music products among consumers.

The IBA has the constitutional responsibility to enforce and monitor local content. There is, however, a widespread perception that the IBA is not executing these duties adequately. As a result, many broadcasters are not adhering to the local content quota. The impact of this non-compliance on both the economics of the local music industry and on the development of South African culture is severe.

Recommendation 8:

The Minister should meet with the Chairperson of the IBA in an attempt to ensure that the IBA monitor and enforce local content quotas.

In this regard, the Minister should note that the following assistance is offered:

- In the absence of systematic monitoring by the IBA, SAMRO will attempt to provide some information to indicate trends of local content usage by broadcasters.

²¹ The adoption of a blank tape levy is not a prerequisite for the implementation of the banderole system. Piracy is an illegal activity and the government is therefore responsible for funding law enforcement to prevent it. The blank tape levy is a suggested additional source of revenue.

²² See Recommendation 14.

²³ SAMRO has volunteered to convene this research group.

- The organisations comprising the MITT, notably SAMRO, MUSA and ASAMI, are willing to assist the IBA in researching the appropriate monitoring system for South Africa. In the interim, the MITT suggests that the IBA consider adopting the monitoring system outlined by ASAMI.

Level of quota for local music content

Recommendation 9:

The MITT is of the view that the present local content quota of 20% is too low and recommends a quota of at least 50%.

STATUS OF MUSICIANS

Musicians and related workers are disadvantaged by the lack of clarity regarding their status in labour legislation. At present, they fall outside of the legal ambit of a range of rights, protections and benefits.

Recommendation 10:

Legal advice should be commissioned to find the most advantageous definition for the status of the musician in this industry²⁴.

Work permits: reciprocity

Internationally cultural goods and services are considered exceptions in the trade environment given their dual character of commodity on the one hand, and embodiment of culture, identity and values on the other.

Common international practice with regard to the issuing of work permits in the cultural industries therefore tends towards a system of reciprocity. The MITT notes that the dominant sentiment in the South African industry concurs with this trend.

The MITT appreciates, however, that the government's trade and industrial policy is anti-protectionist, and that the Minister operates within this policy environment.

Recommendation 11:

²⁴ Sony volunteers to pay the expenses of this research.

In this context, the MITT recommends that the Minister explore the viability of a policy of reciprocity²⁵ with regard to the issuing of work permits to non-South Africans. DACST should consult ASAMI and MUSA with regard to the details of a system of reciprocity. DACST should take special note of the written submission of the South African Roadies Association (SARA) in this regard.

Contracts & deeds of assignment

This section refers to all contracts in the music industry but is especially concerned with two types of contracts:

- the agreement between the recording artist and the record company (artist's contract); and
- the agreement between the song writer and music publisher (the deed of assignment).

There is a widespread perception in the industry that the contracts in use disadvantage the artist.

Minimum standards for contracts

Recommendation 12:

The MITT recommends that ASAMI and MUSA develop minimum standards for contracts. It is further recommended that the possibility of enforcing the use of these minimum standards be investigated, with the assistance of DACST.

Renegotiating of contracts

There is general recognition in the industry that many of the contracts between record companies and artists and between music publishers and artists signed in earlier decades were unfair to the artists concerned. This is attributed to the inequitable industrial relations environment of the past. As a result, certain artists are still bound by unfair agreements that were negotiated many years ago, a major cause of the acrimony, mistrust and polarisation that plagues the industry today.

Recommendation 13:

²⁵ Broadly speaking, reciprocity refers to a system in which South Africa would determine the number of permits it grants to nationals of another country on the basis of how many permits that country grants to South Africa.

The MITT recommends that where artists consider contracts to be unfair, record companies and music publishers should renegotiate these contracts with artists in good faith, in line with contemporary industrial relations.

The MITT further recommends that:

- If necessary, the Minister brings the influence of his office to bear on record companies in this regard.
- The cut off point for contracts open to renegotiations in this regard is contracts concluded before 1994.
- This process does not prejudice artists taking whatever action they see fit regarding contracts signed after 1994.

Social security

As freelance workers, the majority of musicians and related workers do not have access to rudimentary social security.

Recommendation 14:

The MITT recommends that DACST work with relevant insurance institutions to pursue the best mechanisms to fund and administer social security within the entertainment industry, in collaboration with MUSA and ASAMI.²⁶

Ombudsman

The music industry suffers from a relatively high number of complaints and disputes. At present, largely because most musicians and related workers fall outside of the ambit of labour legislation and do not have access to legal recourse, adequate arbitration or resolution mechanisms do not exist.

Recommendation 15:

The MITT recommends the establishment of an Ombudsman for the music industry in order to resolve disputes in a manner that promotes self-regulation, entrenches minimum standards and ethical practice, and enforces a code of conduct.

The MITT further recommends that:

- Stakeholders in the music industry jointly fund the office of the Ombudsman;
- DACST drive this initiative;

²⁶ Recommendation 6 suggested that part of the blank tape levy be used to fund this social security for musicians

- The Ombudsman pays special attention to allegations of racism and sexism in the industry;
- The Ombudsman pays special attention to the repeated allegations made at the regional hearings regarding fly-by-night producers and “independent recording studios” that exploit inexperienced musicians by promising marketing, distribution and recording deals that never materialise and producing products of a poor quality.

COLLECTION SOCIETIES

Crisis of Credibility

South Africa is in the fortunate position having three functioning collection societies, namely, SAMRO (South African Music Rights Organisation), SARRAL (South African Recording Rights Association Limited) and NORRM (National Organisation of Reproduction Rights in Music). The hearings of the MITT, however, highlighted a perceived crisis of credibility among some constituencies in the industry of the collection societies. Linked to this is a widespread lack of understanding among performers and composers about their rights, those of record companies, music publishers and collection societies.

Recommendation 16:

The MITT recommends that the Minister commission further investigation into the collection societies regarding their accountability, credibility, transparency and efficiency.

Recommendation 17:

That the record companies, music publishers and collection societies either independently or jointly initiate national information drives to promote and improve awareness and a fundamental knowledge of their businesses as well as their contracts and agreements.

Collection societies in Africa

Most countries in Africa do not enjoy the services of functioning collection societies. This adversely affects both the development of their own music industries and the ability of South African musicians to obtain the royalties due to them when their work is used on the continent.

Recommendation 18:

The MITT recommends that DACST offer assistance to the countries of SADC and the rest of the continent with regard to the development of collecting societies and the concomitant appropriate copyright regimes.²⁷

SPONSORSHIP/FUNDING OF MUSIC DEVELOPMENT

The funding demands for music development far outweigh the resources available within the music industry, government and the NAC. There is a critical need, however, to encourage music that might never generate wealth, both for its own value and because artistic experiment constitutes the research and development necessary for a thriving and competitive music industry.

The MITT is of the opinion that the only viable way of increasing sponsorship for music development is through tax incentives. The MITT notes that this is in keeping with international trends.

Recommendation 19:

The MITT recommends that the Minister continue to pursue the possibility of tax incentives for the arts.

Recommendation 20:

The MITT recommends that DACST explore the possibilities of international aid for music development.

Recommendation 21:

The MITT recommends that the NAC explore ways in which arts NGOs can make better use of existing tax laws in their attempts to secure private sector sponsorship.

INCENTIVES FOR THE MUSIC INDUSTRY

Recommendation 22:

DACST should continue to work with the DTI to ensure that appropriate incentives are made available to the music industry, particularly with regard to export and the establishment of live music venues.

²⁷ It is suggested that DACST solicit SAMRO's assistance in this regard.

Recommendation 23:

The MITT recommends that companies within the music industry use their social responsibility and sponsorship funds primarily to stimulate the development of musicians. To this end, they might consider setting up a foundation or trust.

HRD AND EDUCATION

There is a fundamental problem with regard to the provision of music education in schools. In most cases, no music education – appreciation or learning of instruments – is offered. Where music education is offered, African music is generally not included.

In addition, the low level of knowledge among musicians and related workers in the industry with regard to the functioning of the industry, labour relations, contracts, opportunities related to the music business, and so on, is of grave concern. There are currently some training initiatives in this area by NAC, MIDI Trust, NGOs, collection societies, record companies and private education enterprise, These are, however, uncoordinated.

The majority of musicians and related workers are not in full-time employment in the industry and therefore are not automatically the beneficiaries of the training that will be provided by the SETA.

Recommendation 24:

The MITT recommends that DACST establish a team of experts to research a feasible and low cost plan for including music in the school syllabus - on a pilot project basis, if necessary. The research should incorporate international best practice and should emphasise the teaching of African music. The research team should liaise with the Departments of Education and Labour.

The MITT further recommends that DACST approach foreign governments, particularly those with which South Africa has cultural agreements, to resource the work of the team.

Recommendation 25:

The MITT recommends that ASAMI and MUSA, the key parties comprising the SETA, negotiate an agreement whereby the training programmes organised by the SETA will target musicians and related workers who are not necessarily in full time employment in the industry.

The MITT further recommends that the SETA's training programmes include a series of workshops aimed at empowering musicians with regard to their rights in the industry.²⁸

²⁸ The MITT suggests that the Music Development Initiative (MIDI Trust) be requested to co-ordinate this process.

Recommendation 26:

The MITT recommends that MUSA develop a funding proposal for a legal aid facility for musicians and related workers nationally. All stakeholders in the music industry and beyond are encouraged to fund the proposal.

Recommendation 27:

DACST consider facilitating a meeting of above mentioned and other stakeholders, including representatives from the Department of Education to see if greater co-ordination, standardisation and accreditation could not be achieved in respect of these efforts. This should, of course, be linked to the SETA if possible.

INTERNATIONAL TRADE ENVIRONMENT

Recommendation 28:

The MITT recommends that the Minister and the Minister of Trade and Industry agree on a policy that will guide South Africa's negotiations in international trade, recognising the exceptional nature of culture, on the basis of its status as both commodity and as carrier of South African identity and social values.

RESEARCH

The lack of baseline data on the cultural industries hampers efforts to assert their importance in the South African economy.

Recommendation 29:

The MITT recommends that the Minister approach the HSRC to create a unit to establish baseline economic data on an ongoing basis in the cultural industries and to quantify their impact on the South African economy.

Recommendation 30:

The MITT recommends that the proposed Music Industry Cluster develop a longer-term industrial strategy to enhance the growth of the industry. The Cluster should also consider how enhanced growth could be used to fund music development within the non-profit sector of the industry.

RECOGNITION OF THE CONTRIBUTION OF MUSICIANS

Recommendation 31:

The MITT recommends that DACST explore the establishment of an ongoing programme that will recognise and honour significant contributions of artists. Awards should include financial rewards and the appropriate conferring of status to recipients.

Recommendation 32:

The MITT recommends that DACST encourage other government departments to recognise that musicians, like other workers, should be appropriately compensated for their labour when employed by government.

The MITT further recommends that DACST develop guidelines for the employment of musicians by government. The guidelines should include criteria for the selection of artists, including how artists from across the country can be given exposure; and what constitutes appropriate remuneration, particularly where artists are taken abroad to perform. DACST should consult the NAC and MUSA in this regard.

CONCENTRATION OF THE MUSIC INDUSTRY IN GAUTENG

One of the major themes of the provincial hearings was the concentration of the music industry in Gauteng and the concomitant lack of access to the industry by aspiring musicians resident in other parts of the country. The MITT is of the opinion that it is desirable to foster live and recorded music in all of South Africa's regions. However, the MITT is aware that the conglomeration of the music industry in South Africa is in keeping with international trends and tends to aid the growth and competitiveness of a national music industry.

Recommendation 33:

DACST explore the possibility of creating recording infrastructure in areas outside of Gauteng as part of its Cultural Industries Growth Strategy (CIGS).

Recommendation 34:

The NAC actively solicit proposals for music development outside of Gauteng in particular and the major cities in general.

Recommendation 35:

DACST discuss with SABC Radio the possibility of the SABC playing a more active role in recording and broadcasting music in the various provinces.

LIVE MUSIC

The hearings of the MITT highlighted musicians' concern about the state of live music in South Africa. Some the issues repeatedly raised include the importance of live music to the development of local music; the exploitation of artists in live performances; the lack of support for entrepreneurs who establish live music venues; the tendency of promoters to disregard "local" artists in favour of Gauteng-based artists. Live music, especially where it is accessible to the youth, is seen as the basis for building the future musicians and audiences necessary for the growth of the music industry.

Recommendation 36:

That those implementing this report are made aware that many of the central recommendations of this report are applicable to live music. These include:

- Recommendation 10: Status of musicians
- Recommendation 11: Work permits: reciprocity
- Recommendations 12 & 13: Contracts
- Recommendation 14: Social security
- Recommendation 15: Ombudsman
- Recommendations 19, 20 & 21 : Sponsorship and funding
- Recommendations 22 & 23 : Incentives
- Recommendations 24, 25, 26 & 27: HRD and education
- Recommendations 31 & 32: Recognition of the contribution of musicians
- Recommendations 34 & 35: Concentration of musicians in Gauteng

Recommendation 37:

That DACST explore partnerships with local and provincial government and the private sector to link music venues to urban regeneration programmes and tourism initiatives.

Addendum 4

Media Development and Diversity Agency Regulations, published under GN 1460 in the *Government Gazette* 25570 of 10 October 2003.

- “The Board must, when deciding on whether or not to provide or facilitate support to a project as contemplated in section 17 of the Act, take into account the following criteria-
- (a) the extent to which the project promotes media development and diversity;
 - (b) the likely impact of the project on historically disadvantaged communities and persons that are not adequately served by the media;
 - (c) the likely impact of the project on historically diminished indigenous language and cultural groups;
 - (d) the extent to which the project encourages ownership, control, participation and access to media by historically disadvantaged communities and persons that are not adequately served by the media;
 - (e) the extent to which the project encourages ownership, control and participation and access to media by historically diminished indigenous language and cultural groups;
 - (f) the extent to which the project develops human resources, training and capacity building within the media industry, especially amongst historically disadvantaged groups;
 - (g) the quality and innovation of the project;
 - (h) whether the project is likely to promote literacy and a culture of reading;
 - (i) compliance with media laws and codes of conduct applicable to the media industry;
 - (j) the good governance practices of the project, including-
 - (i) sound financial and narrative reporting;
 - (ii) accountability to stakeholders;
 - (iii) adherence to the law, in particular tax and employment equity laws;
 - (iv) sound project management systems;
 - (v) effective use and management of resources;
 - (k) the project must not be owned or controlled by:
 - (i) any media entity which enters into an agreement with the Board as contemplated in section 21 of the Act;
 - (ii) any political party; or
 - (iii) the State;
 - (l) subject to regulation 3(2), the financial sustainability of the project”.

The specific criteria for community media projects note that

- “(1) When deciding whether or not to provide or facilitate support to a community media project, the Board must-
- (a) take into account-
 - (i) the general criteria contemplated in regulation 2;
 - (ii) whether the community is a historically disadvantaged community;
 - (iii) whether the project is likely to build capacity in the community;
 - (iv) the extent of the involvement and participation of the community in the decision-making processes of the project; and
 - (b) be satisfied that any financial surplus generated by the project will be reinvested in the media project.

(2) The Board must, when deciding whether or not to provide or facilitate support to a community project that is not financially sustainable, take into account the following criteria-

- (a) the community's interest in and support for the project;
- (b) the community's capacity to administer any support provided or facilitated by the Board;
- (c) the community's capacity to contribute to the project's sustainability;
- (d) the extent to which the project offers access to information not offered to the community by another media service;
- (e) the extent to which the project contributes towards media diversity;
- (f) the extent to which the project offers social and economic benefits to the community; and
- (g) the project's overall performance”.

Under the specific criteria for research projects it is important that the Regulations refer to “the impact of the research on media development and diversity; and ... the extent to which the project advances and enhances the research skills development of historically disadvantaged persons”.

Addendum 5

**SOUTH AFRICAN MUSIC REGULATIONS, Published under GN R622 in
Government Gazette 17939 of 25 April 1997**

REGULATIONS RELATING TO THE IMPOSITION OF SOUND BROADCASTING LICENCE CONDITIONS REGARDING SOUTH AFRICAN MUSIC

1 Definitions

In these regulations any word to which a meaning has been assigned in the Independent Broadcasting Authority Act, 1993 (Act 153 of 1993), shall have that meaning and, unless the context indicates otherwise-

'Sound broadcasting licence' means a broadcasting licence granted and issued for the purpose of providing a sound broadcasting service;

'the performance period' means the period of 126 hours in one week measured between the hours 05:00 and 23:00 each day.

2 Application of these regulations

These regulations shall apply to the holder of any category of sound broadcasting licence which devotes 15% or more of its broadcasting time during the performance period to the broadcasting of music and shall be incorporated into the licence-

- 2.1 in the case of a licensee holding a valid licence at the date of commencement of these regulations, on the day following the end of the sixth month after the date of commencement of these regulations;
- 2.2 in the case of a licence issued on or after the date of commencement of these regulations, from the date of commencement of broadcasting.
music

3 Imposition of sound broadcasting licence conditions regarding South African music

- 3.1 Every holder of a sound broadcasting licence to which these regulations apply must ensure that at least 20% of the musical works broadcast in the performance period consists of South African music and that such South African music is spread reasonably evenly throughout the said period.
- 3.2 The Authority may, upon written application and good cause shown by the holder of a sound broadcasting licence, grant exemption from any condition imposed by subregulation (1) or vary such condition, if it is satisfied that the exemption or variation is consistent with the objects of the Act and any regulations made thereunder.
- 3.3 The Authority will review these regulations within three years of their coming into effect with the intention of raising the quota for some or all categories of sound broadcasting licensees and reassessing the basis for calculating it.

4 Records

- 4.1 The holder of a sound broadcasting licence must keep and maintain logs, statistical forms and programme records in a format specified by the Authority containing-
- (a) full particulars of-
 - (i) all the musical works broadcast in each hour of each day of the performance period, indicating which are South African music;
 - (ii) each item of South African music identified clearly as required by the Authority.
 - (b) such other particulars as may be required by the Authority.
- 4.2 The logs, statistical forms and records contemplated in subregulation (1) must be preserved in an original form for a period of not less than 12 months after the date of last entry.

5 Short title

These regulations may be cited as the Independent Broadcasting Authority South African Music Regulations, 1997.

Addendum 6

SOUTH AFRICAN MUSIC CONTENT REGULATIONS

Act

Published under

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REGULATIONS RELATING TO THE IMPOSITION OF SOUND BROADCASTING LICENCE CONDITIONS REGARDING SOUTH AFRICAN MUSIC

ICASA SOUTH AFRICAN MUSIC CONTENT REGULATIONS

1 Definitions

In these regulations any word to which a meaning has been assigned to it in the Independent Broadcasting Authority Act, 1993 (Act 153 of 1993) and the Broadcasting Act (Act 4 of 1999), shall have that meaning and, unless the context indicates otherwise-

- 1.1 **'Documentary'** means a factual presentation or analysis of musicians or composers, whether past or present, with a normal minimum duration of five minutes;
- 1.2 **'Interview'** conversation between a radio presenter and musician(s) or composer(s) used as a basis of a broadcast, with a normal minimum duration of five minutes;
- 1.3 **'New Musician'** means a musician whose debut album has been on the market for six months or less;
- 1.4 **'Performance Period'** means the period of 126 hours in one week measured between the hours 05h00 and 23h00 each day;
- 1.5 **'Sound Broadcasting Licence'** means a broadcasting licence granted and issued for the purpose of providing a sound broadcasting service;
- 1.6 **'the Broadcasting Act'** means the Broadcasting Act, 1999 (Act 4 of 1999);
- 1.7 **'the IBA Act'** means the Independent Broadcasting Authority Act, 1993 (Act 153 of 1993).

2 Application of these Regulations

These regulations shall apply to the holder of any category of sound broadcasting licence, which devotes 15% or more of its broadcasting time during the performance period to the broadcasting of music and shall be incorporated in the licence:

- 2.1 In the case of a licensee holding a valid licence at the date of commencement of these regulations.
- 2.2 In the case of a licence issued on or after the date of commencement of these regulations, from the date of commencement of broadcasting.

Music

3 Imposition of Sound Broadcasting Licence Conditions Regarding South African Music

3.1 Public Sound Broadcasting Licensee

Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, at least 40% of the musical works broadcast in the performance period consist of South African music

and that such South African music is spread reasonably evenly throughout the said period.

[Reg. 3.1 amended by GN R1216 of 12 July 2002]

3.2 Public Commercial and Private Commercial Sound Broadcasting Licensee

Every holder of a commercial sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, at least 25% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period.

[Reg. 3.2 amended by GN R1216 of 12 July 2002]

3.3 Community Sound Broadcasting Licensee

Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, at least 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period.

[Reg. 3.3 amended by GN R1216 of 12 July 2002]

3.4 Exemption

The Authority may, upon written application and good cause shown by the holder of a sound broadcasting licence, vary any condition imposed by subregulations (1, 2 and 3), if it is satisfied that the variation is consistent with the objects of the IBA Act, 1993 and the Broadcasting Act, 1999, and any regulations made thereunder.

4 Formulas (Format Factors)

4.1 The Music Points for 4.1(a) are calculated using the following formula: Format Factor (unit) x Duration

(a) for every five minutes of coverage of live music = 2

[Reg. 4(1)(a) amended by GN R1216 of 12 July 2002]

(b) for an interview with South African musician(s) or composer(s) with a normal minimum of five minutes = 2

Ten points are worth 1% towards the South African music content quota on a weekly basis.

[Reg. 4.1 amended by GN R1216 of 12 July 2002]

4.2 The Music Points for 4.2(a) are calculated using the following formula: Format Factor (unit) x number of tracks:

(a) for promoting new musicians whose debut albums have been on the market for six months or less = 1

Ten points are worth 1% towards the South African music content quota on a weekly basis.

5 Records

5.1 The holder of a sound broadcasting licence shall keep and maintain logs, statistical forms and programme records to the satisfaction of the Authority containing:

(a) particulars of-

(i) the percentages of South African music broadcast in the performance period;

(ii) the time and duration of every such broadcast;

(b) such other particulars as may be required by the Authority.

5.2 The logs, statistical forms and records contemplated in subregulation (1) shall be preserved in original for a period of not less than 12 months after the date of last entry.

6 Review of Regulations

- 6.1 The Authority may, three years after these regulations have come into effect, hold an inquiry to review these regulations.
- 6.2 In reviewing the regulations the Authority shall determine the procedure to be followed during the inquiry.
- 6.3 The Authority shall consider submissions made by the licensee and any interested person on its capacity to fulfil the South African content quotas and may make such determination as it considers equitable in the circumstances.

7 Effective Date

The effective date of these regulations shall be 22 August 2003.

8 Short title

These regulations will be called the ICASA South African Music Content Regulations, 2002.

Addendum 7

PAN AFRICAN SOCIETY FOR MUSICAL ARTS EDUCATION

**Guidelines
(MAT)**



**for Musical Arts Education Action Team
Cells**

by

Professor Meki Nzewi

General:

- ◆ The names and school locations as well as types of schools of members are important. Also important is the level of formal/non-formal musical arts education of members of a team, as well as other relevant curriculum vitae. A submission should contain the names and institutions of participating members.
- ◆ What are your experiences of organizing and working with a MAT team? How often can your group meet, and what are the constraints in having regular meetings as well as documenting the outcomes of such meetings? Are meetings and discussions beneficial to members?
- ◆ If the group is enthusiastic, what other kinds of practicable assistance would you need for more effective interactive collaboration as musical arts educators?

Factors that encourage and discourage music instruction/activities in the schools in your area:

- ◆ How much time is allotted to formal music lessons in the school timetable? How adequate is this time allocation, and how is it utilized to best advantage?
- ◆ Describe extra-curricular music activities after formal school periods (in the same way as sports activities happen outside classroom periods). What constraints are experienced in organizing practical extra-curricular music activities?
- ◆ Describe any interference or encouragement from parents/guardians, fellow teachers, school authorities, education departments and any other stakeholders in mounting practical music projects. What strategies have been adopted to capitalize on or contend with such positive or negative factors, respectively?
- ◆ Since participating in public performances stimulates interest as well as generating self-expression/confidence/merit, are opportunities for music presentations by pupils within the school or community pursued?
- ◆ Do you have any inventory of the types and origin of music commonly heard or performed in the school/home/community environment of the learners? Are any learners involved as performers or audience, in the community or in the school? For how many hours, on the average, in the day/week are the learners/teachers involved in practical or listening music experiencing outside the classroom?
- ◆ Are there any constraints to forming music clubs within the school/community? (Such clubs/class-groups could perform during school or community events. The clubs/groups should allocate to the learners/members roles in organization, performance and publicity/promotion/marketing duties, with the teacher as a motivator. School music clubs/groups could generate revenue/material benefits from public performances.) If any attempts have been or are being made, what are problems and benefits?
- ◆ Are the teachers actively involved in any personal music making - what type of music and for what practical or personal objectives?

Classroom music learning activities:

- ◆ Have local musical arts artistes been invited to perform in the school so that learners could observe critically, then discuss as well and write up experiences as part of classroom evaluation exercises? (Outstanding local musical arts personalities, including performing pupils, could be interviewed in the class by the learners as to creative and performance procedures and experiences.) How do such performers create new tunes, work with existing tunes, rehearse and prepare themselves and the musical arts type for public presentations? How do they relate to the audience attitudes/responses during and after performances? How do they feel while and after performing? How do they assess the reception of their presentations? How do they relate with fellow performers during and after performances? What are the joys and problems/expectations of being a performer, and in playing their types of music in the contemporary society?
- ◆ Have practical activities (such as recreating an observed musical arts performance) been adopted in the classroom to illustrate the elements and structural principles of music such as pitch/tone, texture, melody, rhythm, melorhythm, harmony, part-relationships, starting, ending, presentation form, points of climax, and music writing/reproduction, etc.?
- ◆ Have the learners carried out any field research inquiries to find out from members of the immediate community the purposes and values of music in people's personal lives, transacting community living and relationships, also the religious, political, social, business affairs of the society? (Reports of inquiries should be discussed, critiqued and documented as part of classroom learning resource material.)
- ◆ What are the musical arts preferences and dislikes of parents as well as any other members of the community the learners can access for interviews? What are the scales of preference, and for what reasons? In what capacities do or have parents/guardians/others participated in musical arts performances from childhood? How would they like their children to participate in musical arts making, and for what reasons, also what types? Do they encourage the children learning music in the classroom, or taking part in musical arts performances outside the classroom, and for what reasons? What music types would they encourage or discourage their children to participate in within the school learning environment, and for what reasons? Would the parents/guardians/others like to visit the school to watch or interact with the pupils in musical arts rehearsals and presentations? What do they normally pay attention to when participating in, observing or listening to a musical arts performance - melodic interest, harmonic/polyphonic relationships, dance, instruments, solo/group improvisation/extemporisation, singing voice, dramatic actions, costume, audience interaction, etc.? How is a good or poor performer in dance, drama singing, or on instruments assessed, and any specific terms? What musical arts types have disappeared in the community? Would the parents/community members wish them back/recreated, and for what values/virtues? Will they assist in recreating such musical arts type/s with a school group?
- ◆ Have musical arts performances, live or recorded, been useful in any specific instances in the lives of the learners? Are the learners interested in participating in school or community school groups? For what reasons, and in what roles? Would the learners take up music as a career, and what type of music, also for what reasons?

Teaching/Learning Methods:

- ◆ Have the learners observed, as a learning/critical group, any public music event in the community or school with a view to discussing and documenting all aspects of their experiences as a classroom learning activity? Such an exercise should discuss the musicological content, also the theatrical features (dance, drama, sport). How did the actions relate with the music sound? How did the artistes relate with one another structurally and inter-personally? How was the musical arts type relevant to the event/occasion/context? Did any music or movement/dance gesture signal, symbolize or conduct any significant actions/scenario/messages? What are the significant audience responses and relationships with the performers? What indices of evaluation were articulated or demonstrated by interviewed members of the audience as well as performers? What are the personal evaluations of the learners? These should discuss the highlights and the nature as well as the quality of artistic features: instrumental performances, dances, dramatic activities, oratory, singing style and voice, tuning, combination of voices/instruments, improvisation/extemporization. What formal structures were observed, such as types of solo and chorus structures and physical relationships? Where there noticeable leadership structures and roles? Were there extra-musical signals and symbols in instruments, sound and behaviour of all present, and how did these relate to the musical arts presentation? How about the class forming a performance team to re-create excerpts from the observed musical arts event, improvising with body sounds and classroom objects as need be? This exercise will anchor the intellectual (critical) perception of aspects of the music event. (The activity could be tried outside the classroom.)

- ◆ Are any locally available music materials and instruments being used to teach conventional musical concepts and structures? These will include musical arts types/styles performed in the community that demonstrate concepts and theories of melody, harmony, textural relationships, form, creative procedure etc. Local keyboard instruments, for instance, could be used to teach harmonic, melodic and rhythmic principles as well as idioms as applicable to, and present in the music of the learners' culture.
- ◆ How do the other teachers, including the School Head, react to classroom as well as extra-curricular musical arts activities? Learners could be encouraged to interview teachers as well as peers in other class levels. Relate the responses to those obtained from school outsiders/sponsors - leaders in politics, religion, social and business life and policy makers in education. This should be a strategic classroom learning project. How would the persons interviewed like to have music (and what music genres, categories, types, cultures) practiced/learnt or not be studied, in the school/ community? What support are they prepared to give?
- ◆ How does the curriculum/syllabus you are operating make practical sense or otherwise in your school situation, taking into account the practicability, cultural relevance, background of learners, instructional facilities and music available in the school location? Identify what is or is not practicable or applicable in the school situation, given the facilities as well as the learners' attitudes. What measures have been adopted to make sense of or adjust to any shortcomings or non-practicable/applicable curricular recommendations and contents?
- ◆ How does the content of the training received/not received as a music teacher make practical or cultural sense with respect to experience in the teaching field, teaching resources and cultural applicability? What are the advantages or shortcomings deriving from the type of training as a music teacher received? What should be included, omitted, and/or emphasized in the training of music teachers such as received in order to make musical arts teachers more secure, relevant and functional?
- ◆ Has any attempt been made to involve volunteer local musical arts artistes to assist in classroom instruction/demonstrations on instruments, singing, acting, dancing, etc., also to explain the nature, history, context/human meaning, values, effects/affect, organization of musical arts performances in the community?
- ◆ Is there any systematic teaching of the music instruments and performance types in the culture as formal and/or graded study? Can the local specialists be recruited as volunteer instructors, or sponsored by parents/guardians/patrons?

Facilities:

- ◆ **What audio, visual and audiovisual equipment is available for learning purposes? Are they personal property or provided by the school? Are they really any handicap? Can the teacher/learners not use alternative (live) examples/illustrations for specific learning activities and illustrations?**
- ◆ What music instruments, indigenous or foreign, are available for learning and practical music making? Do they belong to the school/teacher/learners? What indigenous instruments could be used for effective teaching of aspects of music theory?
- ◆ What other, teaching aids such as music-writing board/papers, textbooks, costumes etc. are needed and available or improvised?
- ◆ What physical space, within and outside the school buildings, is available and suitable for theoretical and practical music learning?

Addendum 8

MUSIKHANE COMMUNITY PROJECT

The Musikhane Community Project was launched in 1994 by Prof Bertha Spies. Ms Dirkie Nell supervises the Music Education Program. In 1997 Prof Jaco Kruger and Ms Dikonelo Booyesen (teacher at Boitshoko Secondary School in Ikageng) joined the management committee, and in 2003 Ms Annette Massyn became the project's organizer and administrator. At the end of 2003 Prof Spies retired and was no longer director of the project. As director of the School of Music, Mr. Jaco van der Merwe provides venues for the project free of charge. Prof Hetta Potgieter was appointed as lecturer at the School of Music in 2006 and since her field of specialty is music education, she also became part of the governing body of the project.

The Musikhane Community Project is dedicated towards musical training. A number of staff members at the School of Music are working in the project. They are assisted by undergraduate and postgraduate students from various university departments, as well as other volunteers. The project operates on different levels.

The first level involves forty children from Potchefstroom Primary School who take part in a Music Workshop (Music Education Program). The second level continues from the first and provides further musical training to talented and hardworking children in various ensembles (strings, woodwinds, brass, percussion and music theory) or for individual piano tuition.

The third level of the project provides an opportunity for group musical performance in the Musikhane Orchestra, as well as in the Basupi Brass Ensemble and the Senior String Ensemble. The fourth level provides music students with opportunities for practical training and teaching in a multicultural environment under the supervision of education lecturers. Students also learn to function as facilitators within communities. The project serves on the fifth level as facilitator between formal and informal music education structures.

The project consists of the following subprojects :

1 Music Workshop (Music Education Program)

This workshop was established in 1994 and takes the form of practical training at the School of Music of about forty children from Potchefstroom Primary School. It is a weekly two-hour program and it involves singing, African music (xylophones, marimbas, drums, and other indigenous instruments), gumboot dancing and recorder and guitar playing. The basic principles of music notation are also taught.

The aims of the workshop are to :

- expose as many children as possible to music education,
- identify children with potential for further music tuition, and
- offer music students the opportunity to teach in a multicultural environment under the supervision of music education lecturers.

2 Musikhane Orchestra

This is a thirty-member youth orchestra that was started in 1999. Sectional rehearsals are held on a weekly basis and the whole orchestra rehearses once a month. The orchestra

receives intensive practical training, as well as tuition in music theory, with the help of students and other volunteers.

3 Basupi Music Centre

This music centre is located at Basupi Secondary School in Ikageng. It was established in 2001 in response to the need for a training institution in the Ikageng area of Potchefstroom. Children from the project use this centre for rehearsals.

4 Basupi Brass Ensemble

This ensemble was started in 1996 and ten children currently receive instruction in playing the cornet, alto horn, trombone, euphonium and tuba. Group members also receive tuition in music theory. These ten members reside in Ikageng and rehearse at Basupi Music Centre.

The aims of this subproject are to provide :

- group music tuition in instrumental performance,
- opportunities for ensemble and orchestra playing, as well as other public performances, and
- the opportunity to earn pocket money.

5 Mini Maestros Violin Ensemble

This subproject was started in 1997 and is a feeder program for the Musikhane Orchestra. The first group of this violin ensemble forms the backbone of the current Musikhane Orchestra. This ensemble receives tuition on a weekly basis and their activities are enthusiastically supported by the principle and staff of Potchefstroom Primary School where this group is situated.

6 Music Literacy Program

This program is offered to thirty-five learners at the School of Music, North-West University. The aim of this subproject, which was established in 1996, is to provide basic music literacy in order to support and improve practical study. Classes in music theory and aural training are presented at the School of Music. Most of the children have written and passed UNISA music theory examinations.

In 2005 the pass rate for our October theory exams was 73% (11 of the 15 pupils who were enrolled passed). Two pupils are currently working towards writing the grade 6 exam, one pupil is preparing for the grade 5 exam and six pupils are preparing for the grade 4 exam.

7 Senior String Ensemble

During 2005, four members of the Musikhane Orchestra got together to form a string quartet which has already performed at various university functions. The repertoire of this string ensemble will be broadened this year in order for them to perform more widely.

The general aim of Musikhane is to serve local communities by improving the quality of life of their children through music making and by establishing a foundation for possible eventual specialized musical training.

The specific aims are to :

- provide free music education to children living in communities where formal musical training is not available,
- identify talented and dedicated children for further musical training,
- strengthen musical ties between local communities and the North-West University,
- train music students to teach in a multicultural environment, and
- support musicians and promote musical activities in local communities.

The Musikhane Community Project strives to provide its participants with a sense of social belonging and goal-directedness. This it achieves firstly by creating groups of learners with a shared interest in music. These learners work towards a series of goals (performances and examinations). As such they develop self-discipline and interactive social skills. In addition, the performances and tuition that take place beyond their home environment broaden their social horizon, and contribute towards a perception of regional and even national identity.

The project also prepares its participants for economic empowerment. It produces a steady output of learners who enter diploma and degree programmes in the School of Music. These programmes prepare students as teachers and performers. The project also provides an ideal training environment for prospective teachers. Former students in the project now teach at various locations in South Africa.

The Musikhane Orchestra performs widely in the North-West Province and Gauteng. Its activities, as well as those of the entire project, are the subject of ongoing research into music education. For example :

- In 2001 the orchestra performed at the Linder Auditorium in Johannesburg in collaboration with the *Colla Voce* Youth Choir.
- In 2002, 2003, 2004 and 2005 the orchestra performed at the *Orchestra Rave* during Youth Day celebrations.
- The orchestra's performance at the Water Dome during the *World Summit for Sustainable Development* was televised to 119 countries.
- In 2003 the orchestra gave a highly acclaimed concert at UNISA in Pretoria.
- The orchestra received international exposure in a presentation by the former director of the project, Prof Bertha Spies, at a conference of the World Education Fellowship held in April 2001 at Sun City.
- Ms Petri van der Merwe presented the activities of the Musikhane Project at the International Educator's Seminar in Sao Paulo, Brazil, in 2002.

The Musikhane Community Project as a whole (Musikhane Orchestra and Music Education Project) is planning to give two concerts in Potchefstroom this year, as well as two concerts in other cities – one at the North-West University's Mafikeng Campus and one in Pretoria or Johannesburg. No arrangements have been finalized.

MELODI YA MAMELODI

“DOING HOPE THROUGH MUSIC”

C. MCLACHLAN, E. MEYER, G. DIESEL & L. PRUNEAU

**(COMPILED AND EDITED BY DR LYNETTE PRUNEAU,
HEAD OF DEPARTMENT)**

INTRODUCTION

1. **“Doing hope” – This term was coined by Kaethe Weingarten as a way of creating hope instead of despair. “Doing hope” in a community faced with poverty, hunger, violence, AIDS, illnesses and hopelessness is by no means an easy task - how do you teach a hungry, sick, cold, weak child? In an attempt to address these problems we started “doing hope through music”. By giving the children the chance to learn a music instrument, some of the despair has been eased and turned into “hope”.**

Music became the bridge between different cultures, communities and languages, forming a “community of care”. By “doing hope through music” and by caring, we are binding the different communities and disciplines together in the New South Africa.

MELODI YA MAMELODI

Mamelodi Secondary School had been selected as a Magnet School by the Gauteng Department of Education. The music school started on a part-time basis in May 2003 and by January 2004 was functioning on a full-time basis with four educators and more than two hundred learners. In 2005 two additional posts were granted by the Gauteng Department of Education and we have now approximately 380 learners.

Tuition is given on the following instruments:

- **Piano**
- **Recorder**
- **Violin**
- **Clarinet**
- **Trumpet**

- **Voice**

The Gauteng Department of Education provided the school with these instruments:

- **9 full-size violins**
- **9 clarinets**
- **9 trumpets**
- **15 harmonicas**
- **1 electronic piano**

Now we face the daunting task of dividing these relatively few instruments amongst the two hundred-plus learners that we cater for, but we are extremely grateful to the following sponsors for the contributions that they have made to Melodi ya Mamelodi:

- **UNISA Music Foundation (instruments, examination fees and invitations to concerts for our learners)**
- **Waterkloof House Preparatory School (instruments)**
- **Polliacks (instruments)**
- **Notation Music**
- **Musica Instruments**
- **Cornwall Hill College**
- **McCarthy Motors (piano)**
- **Dr Meyer (providing daily food and clothes)**
- **The Embassy of Spain**
- **The Suzuki society in Canada and France**
- **Berit Oogle of Sweden**
- **Other private donors**

AIMS

Our main aim is to provide for the basic needs of all of our learners. We support the notion of Ubuntu, “each child is our child”. We have also set our goals much further and we strive towards:

- **Creating more centres in townships and underprivileged communities where music can be taught and hope can be created**
- **Creating more sponsored teaching and therapy opportunities to enable people to work with these communities**
- **To link different communities and disciplines together in the New South Africa**
- **Bringing children, and adults together from different communities to make music together**

- Working against discrimination and marginalisation and towards equality for all
- Inviting active participation and sponsorship from different benefactors
- Ensuring that each learner will have his/her own instrument
- Establishing scholarships for learners for further studies

ACHIEVEMENTS AND EVENTS DURING 2004/2005

Bearing in mind that the Music school only started functioning on a full-time basis in 2004, the achievements in such a short period of time are quite remarkable.

- Five Grade 12 learners wrote their UNISA Theory of Music Grade 2 examination in June. They all passed and one learner passed with merit.
- Junior learners participated in the Pretoria Eisteddfod and received gold & silver certificates.
- Thato Mampshika, a Grade 12 clarinet player achieved the following in the Pretoria Eisteddfod:
 1. Overall Winner of the woodwind section
 2. Best woodwind player
 3. Most promising student
 4. Best student for Music as a 7th subject.
- Our first concert took place in the school hall on 19 June 2004.
- During the July holidays (2004) we attended the UNISA Music Festival where all our learners participated. We are proud to announce that Mamelodi High School was awarded only gold certificates. The 10 years & under boys' string-ensemble were the winners of their category and received R350 prize money. Thato Mampshika, our star clarinet player, also achieved first place in his category and received R350. In 2005, the string ensemble was the overall winner in the ensemble category at the UNISA Music Festival. They received R4000 prize money.
- In August we had the privilege of a visit from the Head of the Suzuki School in Lyons, France. He gave master classes to the learners and this was an unforgettable experience for them.
- On 15 August the junior strings participated in the Doxa Deo Music Competition and once again won the first prize of R300. We bought strings for the violins with the prize-money.
- In August three of our learners played the Pre-Grade 1 UNISA Practical piano exam. The results were: 81%, 79% and 66%. (One must bear in mind that these students do not have a piano at home on which they can practise.)
- In August we also participated in the GDE Music Festival.

- In September two of the Grade 12 clarinet players, Dikeledi & Thato played their final practical music exam (Music as a 7th subject: Music Performance). Thato obtained a distinction and Dikeledi a B-symbol. These learners started their music tuition in May 2003. This was indeed the first time in the history of Mamelodi High School that any learner has passed a GDE music subject. (Thato has since been appointed as clarinet player in the SA Police Band.)
- October 8: Thato, our clarinet player was invited to play at the Rector's concert at UNISA.
- October 15: Twenty- two students wrote their UNISA Pre-grade 1 Theory of Music examination. Seven learners passed with merit and another passed with distinction.
- November: Three of our ensemble groups played their Trinity College of London exam and the results were: 93% (violins), 87% (recorders) and 84% (recorders). One of the junior learners played the Initial Grade 1 recorder exam and received 77% (merit).
- November 17,18: We were very fortunate to have the world famous violinist, Phillip Graffin from France, visit us. He gave an excellent concert and also gave master classes. The students were even more inspired after this experience.
- December 4: The learners were invited by the Karos & Kambro Youth Development Project to perform at a game park near Bronkhorstspuit.
- We had the privilege of meeting Joan Espine, a well-known violinist from Spain, who gave a concert at the school. The Ambassador of Spain also donated 10 violins.
- We are very grateful to Berit Oogle from Sweden who collected 60 violins for our school. Thirty of these violins have already been delivered through a Youth choir who transported the instruments to South Africa.
- Five (three voice and two recorder) Grade 12 learners played their Music Performance examination in September 2005. Three learners passed with distinction and the other two learners with both a B-symbol. One of the voice students were accepted at the Opera school of the Tshwane University and the recorder student was accepted for BA.Mus at the University of Pretoria.

RECORDER (CHRISTINE McLACHLAN)

Lesson planning

I have taught in townships since 1988. I have experienced the transition from Apartheid to the New South Africa and have used these experiences to the benefit of the learners in Mamelodi. The one thing that is so remarkable in my observations is the children's desire to learn to make music. Their enthusiasm is overwhelming.

What does one do when 40 to 50 learners come streaming into the classroom for a possible chance of having a lesson that afternoon, while others are already practising under the trees? This is the average number of learners who attend the recorder classes daily.

At first I tried to schedule lessons according to a *timetable*, but soon found that it was impossible to follow. The young learners do not have any concept of time. However, a few of the senior learners do have watches and manage to arrive at a specified time for their lessons.

My next attempt was to teach them in *groups*. Although it seemed to be the answer, the fast-learners were soon bored. The other problem was that learners still kept arriving in their own time, for various reasons, and therefore an 18 year old would sometimes attend a group lesson with much younger learners.

I desperately needed some assistance to create order and structure in my classes. I approached some of my advanced music students from the more privileged areas and they willingly agreed to assist me. They are enjoying this challenge and some of them are now working once a week on a regular basis to lighten the workload.

Fortunately we have even come to the stage where the more advanced Mamelodi learners can assist with teaching the less advanced. Currently I work with a *day-by-day timetable* where learners choose a lesson time as they arrive.

Instruments

Another challenge has been to obtain recorders, since the GDE did not provide any. Instruments were donated, but we are still in need of many more. At least some learners are now able to take recorders home to practise while others still need to share instruments. To keep it hygienic, we have to wash the recorders after use. The wear and tear on the instruments is extremely high, and therefore it is part of the educational process to teach the learners to respect their instruments.

Kgotatso and Busisiwe took up the challenge to play the Music Performance examination in September 2005. They only started in July 2004, but with all their diligence and enthusiasm they have managed to advance, in one year, to Grade V level.

PIANO, VOICE TRAINING, TRUMPET AND CHOIR (GRAHAM DIESEL)

Piano

With only one electronic piano on which to teach, and no other piano for the piano students to practise on, my situation looked miserable. Once I started, I was astounded at the pace at which these learners managed to progress. Keeping a close eye on them to find out what their secret was, I came to the knowledge that the following paved the way for these learners to reach their goals:

- Their will to succeed
- Looking beyond the situation and circumstances that they find themselves in
- The ability to channel their dreams and passions into something pleasurable, rewarding, stimulating and yet highly intellectual

I discovered learners drawing the piano keyboard on a piece of paper and practising their pieces in silence on a table. Others were lucky enough to own miniature keyboards to practise on.

After six months of piano lessons, I had three learners who progressed from knowing less-than-nothing about the piano, to playing pieces from the UNISA Pre-grade 1 piano syllabus. They receive only one thirty-minute lesson per week that actually serves as a practise session! Once again the UNISA Music Foundation sponsored these three learners and they passed with flying colours (69%, 79% and 81%).

Choir

When I was appointed in 2004, I was very enthusiastic to start a choir. In the past, Mamelodi High School was always known for its excellent choir. I set things in motion and began with a small vocal ensemble consisting of some of the music students. At the start of the third term, a request came that I involve the whole school, and I set out to start auditioning pupils. About 150 learners turned up for the auditions, and unfortunately this number consisted of approximately 90% girls. The amount of talent I discovered was amazing and it gave birth to the formation of a girls' and boys' choir.

After five weeks of practise, we had our first performance in the ZK Matthew hall at UNISA. It was a stunning performance. After this concert, I was looking forward to starting a Christmas programme that we could perform at various churches. Yet, almost no one came to the rehearsals. The reasons for this, I was told, was that there is a culture in their schools that a choir does not practise continually throughout the year! Practice only starts six weeks before a competition and stops until the next competition.

In the more advantaged schools, awards are offered to learners who participate in cultural activities and are therefore encouraged to join a choir. This statement was confirmed when I saw the entries for the Tirisano Eisteddfod: almost no entries came from Mamelodi or any other township school!

Voice training

On the other hand, there is a great interest in solo singing. Utilising this interest I have started teaching the basic fundamentals of good singing technique to a group of learners. Part of their repertoire will include the singing of duets and trios, with the focus on enjoyment. There are, however, two very talented grade 12 students who are entered for the Music Performance subject in September.

Trumpet

In 2005 I took up the challenge to teach the trumpet. The GDE had supplied the instruments and it was definitely a waste of instruments not to make use of them. I have had only limited tuition on the trumpet, but it gave me a new challenge. The trumpet is proving to be very popular among the learners. Presently I teach in groups and the different groups share the instruments.

Our motto at Melodi ya Mamelodi is “Doing hope through Music”..... I hope that what we are doing will also bring hope to the revival and survival of a culture of making music together!

VIOLIN (BETSIE MEYER)

I joined Melodi ya Mamelodi in January 2004. I received Suzuki training from Christophe Bossuat (France) and Karen Kimmett and thought that with Narrative Therapy and Pastoral care, this would be a winning combination for the township experience. It was like visiting Antarctica in a sundress!

We started with nine violins and seven bows and a *hundred* eager, noisy and excited children who wanted to learn the violin.

Lesson planning

Ideas of name-lists and timetables were immediately eliminated. I took seven learners for 15 minutes who then changed with the next seven learners, who then changed with the next seven, etc. This happened while the other 93 learners were watching in not-such-a-quiet manner. The changing of instruments was a very dangerous event. They stormed the

instruments and it was soon only the “stronger” learners who had a chance to play. I learned about the rules and cruelty of Africa.

Soon the “noise” started to become “music” and the children’s faces lit up. The spirit of Melodi ya Mamelodi was born.

Under such circumstances, how much structure do you need in your daily lessons? Does one need a timetable? I use a very simple planning in the sense that I start everyday with the “new beginners”, then the “little ones” and then the “more advanced” learners. I often ask the question of whether or not we kill creativity and growth with too much structure. Africa makes and enjoys music as a community in an “improvised” manner. This is clearly the situation in Mamelodi: you play violin if there is a violin available!

Since Hans-Jurgens Kruger was appointed in January 2005, our lesson planning has changed and more structure has been given to the lessons. He now tutors the more advanced learners individually.

Teaching Method

Another challenge is to find a teaching method that is workable in our circumstances. There are more questions than answers on this matter, but we are in the process of learning and growing to find the correct method.

I ask myself whether individual lessons will ever be workable for this environment. The energy of the groups is extremely powerful. They learn from each other and inspire each other. Making music is a community event in their culture; shouldn’t we build on this concept? These children thrive on making music together, but will the group not lose this extraordinary energy that they possess if they start with individual tuition? On the other hand, we do realize the necessity of individual tuition and the benefit that the learners have by receiving lessons from two different teachers. We are, in a sense, the mother and father of this violin community and often the only caregivers these children will know.

At first I did not make use of music books – it is expensive and impractical! I often teach under the trees or in the corridor and sheet music would soon have been spread all over Mamelodi. The learners learn everything from memory: I play, they listen and watch, and then they copy. These children are survivors and are used to doing things on their own. If I tell them to watch and listen, they immediately respond. With less “teaching” and more listening and watching, the better the learning and growing.

Eventually the reading of music became essential and I made copies of “I can read Music”. We went through it using two one-hour sessions. The

result – they can read music! My colleague, Hans-Jurgens is now reinforcing sight-reading in the individual lessons.

Sometimes we allow the advanced learners to take the violins home, especially if they have to practise for a concert or examination, but other than that most of my work is “practise sessions”. We cover technique, scales and repertoire. It is impossible to work with each learner everyday, but the learners are always there to watch and listen during somebody’s individual lesson.

I found that the children’s fingers are extremely stiff and inflexible. Even the young ones have “workers” hands. We do many exercises for flexibility, e.g. using elastic bands. The different frames, semitones and whole tones are not only difficult to play because of stiff fingers, but they also find it difficult to hear semitones.

You may be wondering if the learners can play at all? They develop at an extraordinary rate. The first group, which started in 2004 have completed Suzuki Book II. Hans-Jurgens is bringing in extra flavours of Sevcik and Kinsey. Furthermore we are doing duets and trios and are always preparing for concerts, art festivals and examinations. At the last Trinity examination I asked the children what they enjoyed most and they replied: “Sitting in Miss Julia’s lovely chairs in the lounge and next time we would like to climb the lovely big trees in her garden”!

What do I enjoy most in our beloved Mamelodi? I enjoy the lovely wide smiles and wonderful spark in our children’s eyes when we play the Suzuki pieces. I think that God and Dr Suzuki are both smiling down on our lovely children!

MANAGEMENT (LYNETTE PRUNEAU)

Administration

The administration of a Magnet School requires basics such as keeping record of all learners enrolled in the school, what instrument they play and their personal information. I find it very difficult to keep exact records of all learners. Learners can disappear and return after a term. Reasons are often family matters, ill health or just difficult circumstances.

Financial income is also essential in order to run the school and to cover expenses such as photocopying, paying for the repair of instruments, the upgrading of classrooms and offices, paying the telephone account or even paying salaries of part-time teachers etc. This is more or less how the Magnet school would function in the privileged areas.

In Melodi ya Mamelodi we generate no income. We rely heavily on donations and the goodwill of companies to assist us in our various needs, but with the minimum of comfort, facilities and finance, the school is running extremely smoothly. The principal ensures that all our basic needs are catered for in order to ensure that the children receive the best tuition.

My priorities have shifted from expecting the teachers to hand in “perfect files” for inspection, to being concerned that a child has something to eat or to wear. This is about survival and giving hope through music.

Clarinet

I started teaching part-time in Mamelodi in May 2003 to pave the way for the future music school. The first day was any teacher’s nightmare! About 200 learners arrived and wanted to take music. I started teaching them a little Theory of Music and soon some of them disappeared. The remaining learners were serious about their music and I could start with piano and clarinet.

I started with nine clarinet students (there are only nine instruments) and twenty piano students. Very soon I could identify the talented learners. There were two outstanding, hard-working and dedicated clarinet students: Thato and Dikeledi. I realized that with a little more pressure, they could play Music Performance (7th subject) the following year. That would give them approximately 15 months to prepare and to get up to Grade V practical level. I started on the portfolio work that included the History of Music, Form and Analysis. All this information had to be absorbed in less than 15 months...bearing in mind that previously they did not even know what a crotchet was!

To my astonishment, they progressed to Grade VI level for their examination. Thato passed with a distinction and Dikeledi with a B-symbol. Thato has in the meantime played and passed his audition at the SAP-band and will soon take up his post as musician!

CONCLUSION

It takes some magical effort and dedication to be able to teach music under these circumstances that we experience in Mamelodi. As a teacher one must be able to identify with the children’s suffering and understand their basic needs. Listening and counselling often takes priority in a lesson after which music eases the pain.

Our music is intertwined with “doing hope”, and as the months passed, the children’s eyes began to shine and they became more lively. Melodi ya

Mamelodi is now filled with laughter and happiness because the children are focused on making music, which gives them new hope.

I salute the music teachers of Mamelodi!

The Black Tie Ensemble

An Investment for the Future

For the many talented and qualified young singers with a passion to sing opera, as well as seeking a platform to perform, South Africa's diva **Mimi Coertse** and celebrated opera director and costume designer **Neels Hansen** established **The Black Tie Ensemble (BTE)** in 1999.

Apart from ensuring continued live performances of opera and serious music, one of the aims of **BTE** was, and still is, to create a conduit for gifted singers to attain their goals and to nurture and develop their talents, as well as to offer talented artists with no formal training the opportunity to further their studies and to gain experience through the **Incubator Scheme**. **BTE** has been lauded for its developmental work and has also received awards in this regard.

The BTE project was established mainly to create work in order to generate income for the singers on a continuous basis throughout the year and is largely dependant on corporate support for its continued growth.

Now that more opportunities are available to young singers, especially through the past seven years' activities of **BTE**, more facets of the **Ensemble's** activities are being established and must be developed. **The Black Tie Ensemble**, which includes singers from **diverse cultural backgrounds**, has during the last seven years developed into one of the most exciting classical music and singing projects in Gauteng. **BTE** has established its new home at the **State Theatre, Pretoria** and has its offices and rehearsal venues in the same location. **BTE** has performed at concerts, Arts Festivals and corporate functions throughout South Africa, **has successfully staged five opera seasons**, and also performed abroad to great acclaim. **BTE** is a serious developmental project and truly an investment in the future.

Development Programmes:

Incubator Scheme

The **Incubator Scheme**, initiated in 2002, assists young talented artists with no formal singing training or means to acquire such training, to gain experience and possibly become part of **The Black Tie Ensemble** in the future. During their three-year apprenticeship these young artists receive vocal coaching, music theory as well as skills classes, on a daily basis.

Black Tie Ensemble Chorus

In **BTE's** seventh year of existence a **permanent opera chorus** was established as the next step in the **Ensemble's** development. This allows access to a semi professional opera chorus which, with training, would meet the unique demands of an opera chorus. The chorus master is the well-known Chorus Master, **Mathilda Hornsveld**. Whilst earning income through their chorus activities, the choristers receive ongoing training as well.

Adopt an Artist

The **Ristorante Ritrovo** initiated an innovative sponsoring scheme whereby individuals or companies can adopt an artist with the result that the adopted artists receive a monthly allowance which allows them to pay for necessities such as housing in close proximity to The State Theatre, as transport from outlying areas and townships create logistical problems.

Edutainment

In order to bring opera and quality music to a wider audience, **BTE** performs at functions, festivals and concerts, as well as at schools and factories with its edutainment programmes.

Corporate Performances

BTE performs regularly at corporate events to retain sustainability of a monthly income for the singers. **The Ensemble** can be booked for corporate events as a small or large ensemble as required, and have been used during corporate product launches, soirees, movie premieres, international conferences, among others.

Support of The Black Tie Ensemble

None of these successes would have been possible without the proud support of our corporate sponsors, **South African Breweries (North Region)** and **Sappi**, with additional support given by **SASOL**. Support also comes from **The State Theatre**, the **Mazzone** family of **Ristorante Ritrovo**, **The National Arts Council**, **National Lottery Distribution Trust Fund**, **Rapport City Press**, **Classic FM**, **Classic Feel Magazine**, **BASA** and the **SAMRO Endowment for the National Arts**.

Significant support has come from **Sappi**, the sponsors of the 2004 production of *La Bohème* as well as the 2005 production of *Lucia Di Lammermoor*.

The **Department of Arts and Culture** endorses **BTE** and a grant from the **Department** made it possible for **BTE** to perform in China in 2003 as well as a series of concerts in Austria in 2004. In 2005 the **Department** invited **BTE** to perform at the **AICHI World Expo 2005** in Nagoya Japan, as well as at a special **Freedom Day Soiree** at the **South African Embassy** in Tokyo.

The ongoing support of our audiences as well as assistance from numerous other sources enables **BTE** to share the magic of opera with an ever-increasing audience.

Contact us on (012) 322 7944 (Tel) (012) 320 8727 (Fax) or e mail at publicity@blackties.co.za

THE BLACK TIE INCUBATOR SCHEME

1. BACKGROUND

It has become evident, that this scheme has turned out to be a unique and exceptionally valuable project for the **BLACK TIE ENSEMBLE'S** development and future existence.

Young singers from diverse cultural backgrounds are given the opportunity to develop and train their exceptional voices to become professional singers – although they start this development with no background, training or knowledge of music.

During an audition for new members of The Black Tie Ensemble, many candidates auditioned, but the majority of the singers had no formal training and could thus not be considered and because of this it was decided that we consider and devise a system or scheme that would create a possibility for these exceptional voices to develop into prospective **BTE** members. Thus the “**Incubator**” scheme was started.

2. DEVELOPMENT MEANS TRAINING

To absorb the “daily activities” of the **BTE** proved to be very difficult but with the support from the Nedcor Foundation the project could be instituted. Antoinette Olivier, ex-**BTE** member and a B.Mus Wits Graduate, became the project leader.

The members of the scheme for 2003/4 were Sandile Shabalala, ItumelengTladi, Thabang Senekal, Paul Madibeng and Khotso Tsekeletsa.

3. COMPETITIONS & PERFORMANCES

Taking part in competitions is a very important aspect for these singers as it provides them with confidence and exposure.

The ‘**Incubators**’ perform regularly at the **SUNDAY MORNING CONCERTS** but in the ensemble works only. Only during their 3rd year do they venture into the performing arena of solo work at concerts.

4. ENTERING OTHER FIELDS RELATING TO MUSIC

After the first year, Sandile Shabalala decided to enter the field of music administration; a field where there is a great need for young, vibrant administrators. Sandile compiled and

prepared all the scores for the concerts and prepared the music needed for coaching of **BTE** members and “**Incubators**”. He liaised with the State Theatre, The South African Broadcasting Commission (SABC) and Arts Cape librarians. Sandile will continue with theory of music with the “**Incubators**” and concentrate on administrative duties. These duties include compiling, typing and distributing of schedules, handling leave forms for work outside of the **BTE** and his responsibilities inside the **BTE** formation increased. For services rendered, Sandile receives a monthly salary from the **BTE** Administration. Through the Incubator Scheme, an administrator was discovered and within The Black Tie Ensemble, he has developed to take over more and more important administration work.

5. THE “**INCUBATOR**” SCHEME DEVELOPMENT PROGRAMME

This scheme, initiated in 2002, has crystallized into one of the most valuable projects to assist talented young singers without any training, but with the drive, dreams and determination to become opera singers. This truly is a serious investment in the future.

The members of the “**Incubator**” Scheme strive to achieve the following:

- Teach the rudiments for singing (development of the voice and other techniques)
 - good posture and breath control through various exercises to sustain sound
 - scales – agility of the voice is developed through different exercises
 - training to improve pitch
 - when a certain level of understanding of the basic technique of singing is reached, the young singer will start to learn songs in Italian and English. Every voice must be treated individually and on its own merit, as no two voices are alike.
- Music Theory
 - to develop a good reading ability of sheet music and therefore enable the student to sight read music
 - the UNISA and Royal School of Music syllabi are being used as guidelines
 - general background of music history and styles such as opera, lieder and oratorio are being taught
- Skills Classes
 - During weekly skills classes movement, acting, aria analysis, etc. are taught by experts in their fields

- Under the watchful eyes and positive efforts of Neels Hansen, Mimi Coertse, and the coaches, the “**Incubators**” have developed enormously in the past years and proved that they can develop into artists with responsibility, love for the art form they study as well as becoming professional performing artists.

Members of the “**Incubator**” Scheme come from every major centre and are aged between 18 and 22. Besides the voice and other coaches which they work with, on a daily basis, the “**Incubators**” have the senior members of **The Black Tie Ensemble** as role-models to look up to and are able to tap into the resources of the senior members’ collective experience.

6. BEING AN “INCUBATOR” MEANS BEING “ADOPTED”

These young singers receive a small retainer to survive, as they have no other income. In addition, Fortunato Mazzone has agreed to include them in the “Adopt an Artist” scheme, initiated by the Mazzone Family of Restaurante Ritrove. Adopted “**Incubators**” receive an amount of **R1000-00 (One thousand Rands)** per month. They can now afford to share humble accommodation in close proximity to the theatre. “Please bear in mind that the “**Incubators**” come from various major townships and cities from all parts of the country”. All “**Incubators**” for 2006 have been adopted.

Third Year Incubators:

Name & Surname	Original residence		Voice group
Adopter			
Itumeleng Tladi	Township Bloemfontein	<i>baritone</i>	SAPPI
Thabang Senekal	Township Bloemfontein	<i>baritone</i>	SAPPI
Madeleen Engelbrecht	Namibia	<i>soprano</i>	SAPPI
Dikgang Mantoro	Township in Parys, OFS	<i>baritone</i>	SAPPI

Second Year Incubators:

Obakeng Molepe	Township Hebron, Pta	<i>bass</i>	SAPPI
Thabiso Masemene	Township Tembisa, Gauteng	<i>tenor</i>	SAPPI
Delsy Mooki	Township Ekangala	<i>soprano</i>	LAURETTE SCHEFFER EDUCATIONAL TRUST
Goitse mang Lehobye	Township Garankuwa	<i>soprano</i>	LAURETTE SCHEFFER EDUCATIONAL TRUST

First Year Incubators

Werner Bach STADEN	Pretoria	<i>tenor</i>	RI AAN VAN
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7. A VOICE NEEDS REGULAR TRAINING

Through the “**Incubator**” Scheme, incubators are presented with opportunities to learn music theory, -reading, -notation and are introduced to the theatrical skills and responsibilities of performing in the theatre. The training of the voice is the most important facet of this unique training field and singing classes are attended once a week with prominent singing teachers. Some singers, for example Tladi and Madibeng, have to travel to Johannesburg to attend lessons with Emma Renzi. It has to be remembered that transport as well as lesson fees are expensive and good and reliable singing teachers are scarce.

8. REGULAR COACHING IS ESSENTIAL

All “**Incubators**” receive regular coaching and thus develop their repertoire, making it possible for them to perform on a more regular basis. In turn this creates the possibility to earn a small income. “**Incubators**” also receive coaching in French, German, Italian and English as knowledge of these languages are vital in practice of the Opera genre.

9. PARTICIPATION IN THE BLACK TIE CHORUS

All “**Incubator Scheme**” members are obliged to sing in the **BTE** Chorus. Gaining more experience in different facets of theatre including stage work. The renowned Chorus Master, Mathilda Hornsveld, has trained various professional choruses over the past 25 years. **Rapport** and **City Press** support the Chorus.

10. CONCLUSION

The “**Incubator Scheme**” is an achievement which confirms that it is indispensable, not only for the talented singers that profit from it, but also its significance as enhancer of the many facets that make up our unique South African cultural identity.

This scheme is truly an investment for the future and this project is unique not only in South Africa but also globally.

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THE BLACK TIE OPERA CHORUS

The **Black Tie Ensemble (BTE)** has in the past collaborated with township community choirs for all the chorus work in **The Black Tie Ensemble** productions, be they Gala Concerts or Opera productions. The most successful collaboration was most definitely a Gala concert with the Ensemble and the **Gauteng Choristers** – an independent choir under choirmaster **Sidwell Mhlongo**.

For other productions we worked with the **Ga-Rankuwa Community Choir**. Although a successful musical collaboration, the logistical problems were nearly insurmountable. Transport, although arranged with a bus company, was not dependable, affecting rehearsal times and attendance figures as well as budget. Attendance of chorus members was also sporadic because of the distance away from the Theatre, and these circumstances created both an uncongenial and unprofessional rehearsal period (which was not at all acceptable), but we persevered and the final result was satisfactory. The process, though, placed unnecessary stress on all those concerned.

The collaboration with the choir which would have performed with the **BTE** during the 2004 Christmas Concert had to be terminated due to bad rehearsal attendance. **Mathilda Hornsveld**, a highly experienced

professional chorus master, was engaged to assist the choirmasters during the preparation period when we collaborated with choirs and the choir members involved gained valuable experience through this appointment.

During the January 2005 auditions for **The Black Tie Ensemble Incubator Scheme** so many wonderful voices were heard, and out of the nearly 200 young people who auditioned we could only accept three new candidates for the “Incubator Scheme” for 2005.

Says South African Opera Diva **Mimi Coertse**: *“Having had great opportunities during my own career I was distressed to hear so many good singers who might never have the opportunity to perform on stage.”*

To be able to create employment for singers on an ad hoc basis, the **BTE** management decided that a permanent **Black Tie Opera Chorus** had to be established under the leadership of chorus master **Mathilda Hornsveld**. In our seventh year of existence the forming of an ad hoc opera chorus was also the next step in the **Ensemble’s** development. This allowed us to have access to a semi professional opera chorus which, with training, will meet the unique demands of an opera chorus.

On Saturday 22 January auditions were held at the State Theatre and one hundred and fifty candidates auditioned for the **Opera Chorus**. Thirty two candidates were chosen to join the chorus and further auditions were held to fill eight vacant posts of the forty member chorus. A total of 200 singers auditioned for the available positions and the auditions were open to anybody. Most of the chorus members that were accepted into the chorus were unemployed.

During 2005 this chorus performed at all **Black Tie Ensemble** galas, concerts and in opera productions. They will also perform their own concerts in and around Pretoria. Should another performing company need to make use of a professional chorus, the **Black Tie Opera Chorus** will be at liberty to perform for such a company. Enquiries and bookings have already been received for 2006.

Ideal rehearsal venues are available at the **State Theatre in Pretoria** and rehearsals spread evenly throughout the rehearsal period ensured slow but positive development. Possible candidates for the “**Incubator Scheme**” are also being prepared and developed within the chorus. The choristers receive ad hoc fees, tuition, music theory, training in Italian and German pronunciation, and learn performance skills, theatre discipline and theatre etiquette. As these are life skills, they could be used later in other fields as well. Throughout

The **BTE** is aware of the fact that there is a void in properly trained chorus masters among some of the township and community choirs. These leaders will initially be invited to attend accomplished chorus master **Mathilda Hornsveld’s** rehearsals of the **BTE Opera Chorus** to expose them to the training and coaching methods of a professional opera chorus. This will be followed up by workshops

with the chorus masters to ensure a continued transference of skills, another development aspect of the **BTE** activities.

**Contact us on (012) 322 7944 (Tel) (012) 320 8727 (Fax)
or e mail @ info@blackties.co.za**

Addendum 11

Sweet Voice Masters

It was during mid 2005 that Ingrid van Zweel, who has been a long time vocal instructor and performing artist herself, got a call from a school teacher in Shoshanguve, begging her for an audition on behalf of a young classical group who had dubbed themselves 'The Sweet Voice Masters'. It would take several persistent phone calls before she finally agreed to see them in action after having heard such glowing praise from their self appointed spokesperson.

She immediately adopted them as her own personal project, determined to find a way to bring the talent of these 12 artists to light. Ranging in age from 18-23, most of them having only passed their Matric last year- and until they met Ingrid, they had been singing by ear, coaching themselves and going on pure instinct and talent. It was when Ingrid decided to take them under her wing that things started to happen. After only a few short months of hard training, they had already had their first few gigs, performing at elite corporate functions and taking part in musical competitions.

But, as with anything worthwhile, all of this took it's toll. Ingrid had, determined to get the Sweet Voice Masters' foot (or, as the case may be, feet) in the metaphorical show biz door, been paying every fee and expense out of her own- already rather stretched- pocket. Taxi fees to and from Shoshanguve, food and drink and even occasional lodging expenses would take a fair bite out of anyone's budget, but time after time Ingrid had willingly and happily paid, believing with every fibre of her being that the project was worth it, and that all of her efforts would see the group go far.

Struck by the significant lack of decent Opera school's within reasonable distance, a concept Ingrid had long toyed with started making more and more sense. She would start her own Opera school, training the Sweet Voice Masters and one of her most promising students- Soney Böhm, coloratura soprano- in every aspect of their most loved art form. She immediately started scouting for a site to use as school house, but it wasn't easy- considering the requirements and budget constraints- but as with almost every seemingly impossible endeavour she's undertaken in the last 8 months, it miraculously became a reality. Not one of them could possibly even hope to afford a tuition, but that never once put Ingrid off her game. Somewhere, she would find the sponsorship. With such an amazing project, how could she not?

Brenda Meiring took control of teaching them piano, theory and practise as well as musical appreciation and history. Issie Venter, another long time

friend and collaborator, promptly rose to the occasion to teach the students the interpretation and dramatisation.

But for all the good intentions and dreams, there is still one undeniable obstacle in their way.

Funding.

But now the Vocal Excellence Graduate School has reached the point where it is a fruit ripe for the picking, ready for the right investor to claim their share. It's a great initiative, one that has very firm goals that will no doubt reach with as much success as all its past endeavours. All of which hangs on the condition that they find the funding to take it further, to keep it going. But no matter what the obstacle- be it illness, funding, fire, sleet or rain- this is one group that *will* get to the top, and do so singing.

Felix Quinn, 20/1/06

Addendum 12

Alphabetical list of further South African statutes relevant to arts and culture, not referred to in the report

Broadcasting Act No 4 of 1999

Copyright Amendment Act No 9 of 2002

Independent Communications Authority of South Africa Act No 13 of 2000

Lotteries Act No 57 of 1997

Performers' Protection Act No 11 of 1967

Performers' Protection Amendment Act No 8 of 2002

Skills Development Act No 97 of 1998

Skills Development Levies Act No 9 of 1999.

Addendum 13

South African composers trained in Western Art Music incorporating/infusing African Music elements in their works: summary supplied by informant Elma Britz, britz@lantic.net.

Stefans Grové was born on 23 June 1922 in the town of Bethlehem in the Orange Free State. He is one of South Africa's most well-known composers. He spent his childhood in Bloemfontein where he received his first music lessons from his mother, a music teacher

His tuition included lessons in Piano, Organ and Flute. His uncle, Dawid J Roode, later professor at the University of Potchefstroom taught him Piano until 1945, when he was enrolled at the South African College of Music. His teachers at the College were amongst others, William Henry Bell, Cameron Taylor and Erik Chisholm.

From 1950 to 1952 he acted as official accompanist at the SABC in Cape Town. At the same time he often wrote music criticisms for the well-known Afrikaans news paper 'Die Burger'.

In 1953, he became the first South African to be awarded a Fullbright Scholarship. He accordingly moved to the USA, where he studied at Harvard University and the Longy Music School. In America, Grové was taught by Walton Piston and, after winning the Margaret Croft Scholarship, by Aaron Copland at Tanglewood. In 1957 Grové was appointed to a lectureship in music theory and composition at the Peabody Institute in Baltimore, where he remained, with occasional interruptions, until 1972.

He then returned to South Africa, and was appointed to the staff of the University of Pretoria, where he is today Composer-in-Residence. His students have included Jeanne Zaidel-Rudolph, Alexander Johnson and Herman Jordaan.

Early works

Grové's early works betray the influence of the Neo-Classicism of the Hindemith School, though his music is always distinguished by a fine ear for colour.

In 1983, he began incorporating specifically African elements into his music, his first work in this vein being the Violin Sonata on African Motives; Grové was in fact one of the very first composers to engage in a serious creative exploration of indigenous African music, removed from the realm of mere local colour. He is also one of the most prominent writers on music to have emerged from South Africa, working for many years as concert and record reviewer of leading newspapers; the bibliography of his writings includes over a thousand titles. He is also an acknowledged author of fiction, having published many short stories.

Works for orchestra

- Concertato Overture: *Five Salutations on Two Zulu themes*, 1986
- Overture Itubi: A festive dance 1992

- Invocation from the Hills
- Dances in die Plains, 1994

Chamber music

- Kronkelsleepsels in die sand (Winding trails in the sand) for Clarinet and Piano, 1981
- Tribal Dance', for Bassoon and Piano, 1981
- Sonata on African motives, for Violin and Piano, 1984

Organ works:

- Afrika Hymnus I, 1991-3
- Afrika Hymnus II, 1997

Piano music

- Songs and dances from Africa, 1991-2
- Nonyana, the ceremonial dancer, 1994
- 'Images from Africa', 1998-9
- Masks for two Pianos, 1999

Works for choir

- Psalm 150 in Southern Sotho, for double chorus (SATB / SATB), strings and percussion, 1996

Solo vocal music

- 7 Boesman-liedere, for Soprano, String quartet and Piano, 1990
- Zulu Horizons (Benedict Vilakazi), four songs for voice and orchestra, 1992

Niel van der Watt

Gerhardus Daniel van der Watt (Niel) was born on 28 December 1962 in Pretoria. He completed his school career at the Hoërskool Pietersburg in 1980. He has composed and arranged for a variety of vocal and instrumental combinations. Several works have been recorded by well-know choirs in South Africa such as The University of Pretoria choir, UP Camerata, RAU choir, Stellenbosch University choir, Sinkronies chamber choir (*Job* and *Griekwaloflied*), Cantamus Corde (*Liedwerk van Klip* on poems of NP van Wyk Louw). A CD with chamber music works by van der Watt was published during 2005.

Elma Britz noted: *To my question why Niel van der Watt uses African elements in his compositions, he replied, 'because it reflects that which happens around me'.*

23 April 2006

Instrumental	Publisher
Phylomonic (Violin and Piano) Slomo African Carol (Violin and Piano) With African simplicity Punini's Kwêla (Dixieband with Penny whistle)	Prospect Verlag, Germany\ CD00147

Sacred Choir Music	
(Missa de Meridiana Terra) Mass of the Southern Earth	
Secular choir music	
African Dawn SSAA/SATB	Prospect Verlag, Germany
African Noon SATB	Prospect Verlag, Germany
African Dawn SATB African Carol for Violin and Piano	Prospect Verlag, Germany
Jelele SSAA and Piano	
I am the Voice of Africa SATB	Prospect Verlag, Germany
Sing Namakwaland Sing SSAA	

]

In the CD liner for *Missa de Meridiana Terra* are “Composer’s reflections”: I had been thinking about composing an African mass for a long time. The idea was appealing because so many different elements can be strung together, e.g. musical style, cultural aspects and religious experience. The mass as a musical form is centuries old and when it is composed today, it is a new link in a traditional chain that joins many people and cultures together. Over the centuries, the timeless Latin text has been supplemented with new musical content, e.g. Missa Creola, Missa Luba and Missa Kenya. Because the text is so tolerant, the utilization of a new musical style becomes a new cultural expression and a new experience.”

Hendrik Hofmeyr

Hendrik Hofmeyr was born in Cape Town in 1957. He graduated from the University of Cape Town with an MMus before leaving for Italy on an overseas scholarship in 1981. During 10 years of self-imposed exile as a conscientious objector, he obtained Italian State diplomas in composition, piano and conducting.

Lumukanda (3 act opera, libretto by the composer, after Credo Mutwa), 14 soloists, mixed chorus, large orchestra, 1993-96

Umculo Wemvula, 2001; Concerto, flute, violin, 16 strings, 2002

Luamerava, violin, 2000; Marimba, flute, 2000; Scherzetto, alto recorder, 2000

Luanaledi, alto recorder (+ tenor recorder), 2001; Partita, viola, 2001 Arrangements:

Uqongqot?hwane (Xhosa traditional), mixed chorus, 1995

Thula, babana (Xhosa traditional), female chorus, 1999

Jeanne Zaidel-Rudolph (born Pretoria, 1948)

South African composer, pianist and teacher. She studied at the University of Pretoria under Stefans Grové and others. Furthering her studies at the Royal College of Music in London, she

received tuition in composition from John Lambert and Tristram Carey. A meeting with György Ligeti led to an invitation to join his class in Hamburg. His use of contrapuntal devices and tone colour proved a major influence. Zaidel-Rudolph also specialised in piano performance; her teachers included Goldie Zaidel, Philip Levy and Adolph Hallis in South Africa, and John Lill in London. Zaidel-Rudolph returned to South Africa and became the first woman in the country to obtain a Doctorate in Composition, in 1979 at the University of Pretoria under Stefans Grové.

Zaidel-Rudolph's compositional output is considerable, covering most musical genres, ranging from the large scale symphony to chamber, choral, ballet, rock opera, film and solo instrumental music. Her works are regularly performed in Africa, Europe and America.

Zaidel-Rudolph has been the recipient of many awards. In 1974, she was the first South African composer to be awarded the prestigious Cobbett Prize for composition at the Royal College of Music. In 1986 she won the first prize in the first-ever Total Oil (SA) Competition in South Africa. In 1988 the first complete commercial recording of the works of a South African art music composer featured her music on an EMI album. She was also commissioned to write a work (Oratorio for Human Rights) for the Atlanta Olympics in 1996.

In 1995 she arranged a composite version of South Africa's erstwhile and new National Anthems at the request of President Nelson Mandela. She also composed a song (Hewalked to Freedom) for his honorary doctorate ceremony in 1997.

Zaidel-Rudolph has been working at the School of Music of the University of the Witwatersrand since 1975, where she is currently Professor of Composition. She is frequently invited to lecture on indigenous African music at international music festivals.

Roelof Temmingh (born Amsterdam, 28 September 1946)

Roelof Temmingh was born in Amsterdam, and moved to South Africa when his family emigrated there in 1958. He obtained his BMus, BA and MMus at the University of Cape Town between 1965 and 1970, thereafter studied composition in Germany, and was appointed to teach at the University of Stellenbosch in 1973. In 1976, he obtained a PhD in Musicology and in 1979 he studied computer music at the University of Utrecht in the Netherlands. Temmingh has established himself as one of the leading composers in South Africa. Initially he aroused some controversy with a number of experimental works. From circa 1985 onwards, these tendencies became less notable, as may be observed in his three operas:

- EnochProphet of God (premiered in Cape Town in 1995),
- Sacred Bones (Cape Town 1997) and

- Buchuland (Pretoria 1998).
- Lobola (1972).

Hubert Lawrence du Plessis was born on a farm in the Malmesbury district, Cape Province, on 7 June 1922. After passing Matric at Porterville High School, he studied at Stellenbosch University (1940-1943) where he obtained a BA, with Music and English as main subjects. His first composition teacher was William Henry Bell, with whom he studied from 1942 to 1944

KLATZOW, Peter (b. Springs, 14 July, 1945) After matriculating at St Martin's School, Johannesburg, he spent a year teaching music and Afrikaans at the then newly established Waterford School, Swaziland. The award of the South African Music Rights Organisation (SAMRO) scholarship for composers in 1964 took him to the Royal College of Music in London, where he studied composition with Bernard Stevens, piano with Kathleen Long, and orchestration with Gordon Jacob. In that year he won several of the College composition prizes as well as the Royal Philharmonic prize for composition, which was open to any Commonwealth composer under 30. He spent the following years in Italy and Paris, where he studied with Nadia Boulanger. Since returning to South Africa in 1966, he has worked at the SABC in Johannesburg as a music producer, and in 1973 was appointed to the University of Cape Town, where he is presently Associate Professor in Composition.

God Bless Africa (3') Words by Father Trevor Huddleston; SATB and organ, or marimba and strings
 A Mass for Africa (1994) 20' Sung in Xhosa, Greek, Latin, English; solo counter tenor, Baritone, Double chorus, horn, flute, 2 marimbas (4 players), strings; première at St George's Cathedral, Sunday before South African elections.
 Prayers and Dances of Praise from Africa (1996) 14' Words from An African Prayer Book compiled by Desmond Tutu; commissioned by SAMRO; SATB, brass quintet (optional) (1997) 15' Words by Watson; commissioned by Evelyn Glennie and the King Singers; male vocal ensemble, marimba

Bongani Ndodana was born in Queenstown in 1975 and was educated at St Andrews College, then at Rhodes University, where his teachers included Ishbel Sholto-Douglas. He subsequently was awarded a scholarship by the Foundation for the Creative Arts that allowed him to study composition with Roelof Temmingh at the University of Stellenbosch. In 1997, Ndodana was awarded the Standard Bank Young Artist Award for Music, one of South Africa's most prestigious arts prizes. This led to a commission for his opera-oratorio /Uhambo/ that he conducted at the National Arts Festival in Grahamstown in 1998.

Ndodana conducting members of Cape Town Opera orchestra /Symphony No. 2 "Umuntu Wa Bantu" /45 min.; 5 movements. (2+2+2+2;2211;1,2perc,strings); orchestra, soprano, alto and chorus; texts "Veni Creator" and excerpts from the Presidential Inauguration address by Nelson Mandela of May 10, 1994; commissioned by Madam Walker Theater Center for the Indianapolis Chamber Orchestra with funding from Ford Foundation/Africa Xchange and Lilly Endowment; premiered July 1998, Madam Walker Theatre Indianapolis; Stanley de Rusha conducting the ICO /Vela Zulu /Choral-

symphony ca 1h40 min., (2+3+3+;4321;hrp, timp, 4perc, s,a,t,b, chorus,strings); texts by Prof Themba Msimang; commissioned by the Playhouse Company of Durban, November 1999; premiere 2001. /African Kaddish /7 min.; large Orchestra; Commissioned by SAMRO for the National Youth Orchestra of South Africa; Premiere July 2001 /The hero lives again /9 min.; large orchestra and narrator; based on poems by South African writer, Zakes Mda; May 1999 /uNandi /7 min.; soprano and orchestra; text by the composer; premiered at the 1999 Mass Choir Festival, Johannesburg; conducted by Richard Cock /Vespers /Soprano and chamber orchestra (revised version); original version premiered in August 1996 Endler Hall, Stellenbosch; composer conducting; excerpts choreographed by Lindi Raizenburg for Cape Town City Ballet as the ballet piece /Episodes/ /Scenes of Grahamstown /String orchestra; excerpts choreographed by Lindi Raizenburg for Cape Town City Ballet as the ballet piece /Episodes/ /Mass /Ensemble (012+0,0000, perc, 2vln, 11); dance score, choreography by R.Taylor; premiered October 1998 du Maurier Theatre Harbourfront Centre, Toronto; composer conducting /My Granddaddy wore no shoes /Ensemble(1111;0000; 1 perc; strings); dance score, choreography Germaul Barnes; commissioned by Barnes through funding from the City of Phoenix Arts Commission, Arizona; performed TG Barr Elementary, Phoenix AZ, April 1999

Operatic Works: /Themba and Seliba /Chamber opera with libretto by Gwyneth Lloyd; commissioned by Co-Opera with funding from the Grahamstown Foundation and Nedbank Arts & Culture Trust, premiered December 1996, 1820 Settlers Monument Theatre, Grahamstown; also, July 1997 National Arts Festival Fringe /Uhambo -The Pilgrimage /Opera-Oratorio base on Guy Butler's /Pilgrimage to Dias Cross/; members of Cape Town Opera and Orchestra, July 1998 Standard Bank National Arts Festival, Grahamstown Festival, under the direction of the composer; dedicated to Guy Butler /Umuntu: "Threnody and Dances" /Monodrama commissioned by the National Arts Council of South Africa; libretto by the composer; premiered March 2001 with Linda Bukhosini (soprano) at the Auditorium of the SABC Studios in Durban *Chamber music:

*/Three Miniatures on Motherhood /Soprano and string quartet; first performed in Munich and Innsbruck, 2001 /Zulu Dances for Octet /(fl,cl,bsn,trp,trb,perc,vln,cb); written for the Cuttime players of Detroit, MI /An African Rainsong/ Duo for alto saxophone and piano /Rituals for Forgotten Faces - No. 5/ (fl, ob, cl, bsn, hr, tru, tro, perc, mar, 2vln, vla, vc, db); Concerto Grosso in 2 movements for marimba and 13 instruments; an Ensemble Noir commission /Rituals for Forgotten Faces - No. 1/ Solo piano; premiered by Jill Richards in Pittsburgh, October 1999 /Rituals for Forgotten Faces -No. 2 "A joy" /Solo piano; premiered by Jill Richards in Pittsburgh, October 1999 /Rituals for Forgotten Faces - No. 3 /Solo piano /Rituals for Forgotten Faces - No. 4a /String quartet; an Ensemble Noir commission /Rituals for Forgotten Faces - No. 4b /String quartet; an Ensemble Noir commission /Rituals for Forgotten Faces - No. 6/ Sextet /The Lamentations of Jeremiah The Prophet/ Soprano and ensemble; premiered July 1995, Beethoven Auditorium, Fringe Festival of Standard Bank National Arts Festival (score has been withdrawn by the composer) /The Sun, The Moon, The Rain /String quartet; premiered Chicago Cultural Center's Cassidy Theatre, August 1997; dedicated to Ishbel Sholto-Douglas /Ceremonies and Tongues/ Piano, vln, vc. in two movements, commissioned by the National Arts Council for the Egoli trio; dedicated to Jill Richards, February 1998; premiered WITS Hall Johannesburg /Sonatina for Clarinet/ Clarinet and piano; premiered July 1995, Beethoven Auditorium, Fringe Festival of

Standard Bank National Arts Festival /Alleluias /Ensemble; premiered July 1995, Beethoven Auditorium, Fringe Festival of Standard Bank National Arts Festival (score withdrawn by the composer) /Noupoort Fragments/ String quartet, October 1998 /The year of the Famine /Song cycle for Bass Bar and piano (for Abel Motshoadi); written January 1999; premiere August 2001 /Dialogue for Cello and Piano/ Premiered Chicago Cultural Center's Cassidy Theatre, August 1997; dedicated to Itamar Cohen /Jerry and Dirk's Anniversary /Harpichord; March 1998 /Five Preludes after Shakespeare/ Piano; August 1996 Beethoven Auditorium, Grahamstown /Pas de deux sauvage /2 pianos; commissioned by SAMRO for Jill Richards and Michael Blake; premiered on European recital tour, August 1999 /But There Went Up A Mist.../ Organ; premiered by Gerrit Jordaan, 1998; recorded by Obelisk Music /The Garden /Organ; February 1999 (can be performed as 2nd movement to But There Went Up...) /A Mari Usque Ad Mare /Organ; February 1999 (can be performed as 3rd movement to But There Went Up...) /Lives in Letter Beads /Piano; commissioned by SAMRO for the South African Society of Music Teachers; January 2000 /Visions/* *(in 2 parts) Solo flute/violin; written for Wendy Hymes; Feb 2000 /Flowers in Sand/* *(in 2 parts) Piano; written for Lucius Weathersby; February 2000 *Choral Works: */Sharpville Gloria/ Written for Cantata Nova of Hannover, Germany; Matt Schuermann, director /Lamentatio (Part 1) /Written for the choir of Wadham College, Oxford; Lawrence Schaffer, director. /Haec Dies /SATB; written in Jerusalem; 1997 /There is no Rose of such Virtue /SSAATTBB; for the Rhodes Chamber Choir, conducted by Christopher Cockburn; August 1996 /Rain song /SA; commissioned by Juanita Lamprecht; first performed Port Elizabeth UPE Cultura 1996

Daniël Johannes Taljaard (born Soutpansberg district [Siloam], 13 March 1976) Hannes Taljaard was born in Venda, the northernmost part of South Africa. He very soon developed a keen interest in music.

His formal music education began in Potchefstroom at the age of seven, and his first attempts at composition date from the same period. During his school years, he took lessons on the piano, recorder and organ as well as in harmony and counterpoint. Taljaard's BMus degree in Music Theory and Composition was completed in 1993, together with an Honours Degree in French Literature; both degrees were awarded cum laude. He was awarded an MMus (on the teaching of composition and music analysis) cum laude in 1997. He has taught harmony, counterpoint, analysis, aural training, composition and orchestration at Potchefstroom University since 1994. He is currently completing a Doctoral degree in Composition and Musicology, and is editor of the *South African Music Teacher* magazine. His compositions have been awarded numerous South African prizes, as well as a first prize in the international contest Flores Iuventutis in 1994/5.

Taljaard's works have been performed in South Africa and Europe. He is currently working on a number of commissions for European ensembles, and for South African musicians. Taljaard has undertaken various study tours to Europe, and visited a number of colleges and conservatoires in England, Belgium, France, Germany, Switzerland and Bulgaria. In 1996 he attended the Internationale Ferienkurse für Neue Musik in Darmstadt, studying with Stockhausen, Rihm, Lombardi, Pagh-paan, Hosokawa, Klaus

Huber and others. He also attended the International Composers' Workshop in Sofia, Bulgaria (1997), as well as composition masterclasses with George Crumb (1997, 2001). He took private composition lessons with Wim Henderickx in Antwerp from 1996 to 2000. Currently his interests involve composition, music theory, music education and musicology as well as the performance of chamber music.

Taljaard has also read papers at various musicological congresses, including the International Musicological Congress in Leuven in 2002.

Orchestral works:

Sarabande (1996) (Violin and Symphony Orchestra)

Chamber Music:

Komas, 'n Koker en drie Spieëls (1992) (Clarinet, Violoncello/Bassoon, Piano)

Impromptu (1993) (Cello solo)

Nacht und Träume (1993) (Clarinet, Piano) Metaphor I (1996-1998) (Any mixed ensemble with ten performers and conductor/composer)

Introverz (1996-1997) (Cello solo) Movement for String Quartet (1998)

Les Sarabandes (1999-2001) (Piano trio)

For the Erasmus Trio Lullaby (2000-2001) (Bassoon and vibraphone)

For Andrea Bressan and Saverio Tasca Sloka (1999-2001) (Bassoon solo) *Piano Music:*

Fünf zärtliche Bagatellen Fünf zärtliche Bagatellen (1993) (solo) (1993) (solo) Drie Nokturnes 1998 vir Bart se konsert in Lier (solo).

For Bart Meuris Two Lullabies (2001) (solo) En Rêve Rêvant (2003) (two pianos)

Choral Music: Nova Cantica Sacra (1987-1898) SATB, SSAATTBB, SMATbB, some with soloists

Meditation I (1998) SSSS,AAAA,TTTT,BBBB

Uittelrympies (1999) for children's choir with violin, flute, cello and piano

Raaiselrympies en snelsêers (1999) SSATbB (soli)

Thula Sthandwa (2001) SMMA

Rymelary (1999-2001) SSATbB

Thula Sthandwa (2002) SMATbB

***Solo Vocal Works:** ***

A Song for Simeon (1993-1994) (Bariton, Clarinet, Bassoon, Violins I & II, Cello Piano)
Poem by Thomas Stearns Elliot

Drei Gebete (1994-1995) (Bariton, 2 Celli). Texts from the Lutheran Prayer Book

Wiegelielijies (Boek 1) (1999) (Soprano, Clarinet, Bassoon, Piano) For Erica Eloff.
Traditional texts.

Wiegelielijies (Boek 2) (1999-2001) (Soprano, 2 Flutes, 2 Clarinets, Bassoon, Violin, Cello, Harp, Piano Duo) For Erica Eloff.

Traditional texts Easter Hymn STABAT MATER (2002) (Soprano, Clarinet, Bassoon, Piano) For Erica Eloff.

An English text by Hannes Taljaard translated into Latin by Willemien Viljoen and Hannes Taljaard.

In an email to Elma Britz, dated /04/06, Taljaard wrote:

“I find it unsettling that the phrase ‘African elements in music’ usually refers only to those elements that can be found in the music of merely a few cultural groups in Africa. These cultural groups are usually those south of the Sahara (for us looking "up" from the Southern tip), or --in more broadened perspectives-- the music of West Africa. In this limited view of the ‘Africanness’ of certain elements, my music exhibits not much of an African Identity. I have made arrangements of a few African melodies, mainly for vocal groups, but also for instrumental ensembles, voice and piano and piano solo. Some of these were recorded, among which an intriguing commercial recording of *Thula Sthandwa* in 2005 by two Italians: Saverio Tasca on vibraphone and marimba and Andrea Bressan on bassoon for the label *Velut Luna*.

But Africa does include Morocco, and the rest of the Maghreb. It is the music of North Africa, both Arab and Berber, which has fascinated and enchanted me for many years and to which I find myself drawn as if to a kindred language. Many aspects of this music can be found in many of my compositions: modal melodies with pitch inflections and exuberant ornamentation, heterophony, rhythmic cycles with differentiated beats rather than harmony. For me African music must certainly include the music of Indian musicians whose ancestors were born in South Africa. This is a rich source of ideas for me, one that I would like to get to know much better in future.”