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Reykjavík May 29, 2007
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*Subject: Comments regarding the text required for the implementation of the Convention on Safeguarding of the Intangible Cultural Heritage

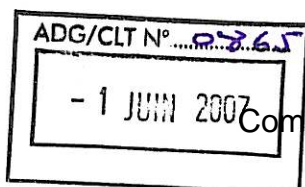
Dear Sir/Madam,

In response to your letter CLT/CH/ITH/06/538 of 3 January 2007, following the first session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage in Algiers on 18 and 19 November 2006 and in anticipation of future meetings, Iceland would like to submit the following comments. These comments outline Iceland's position on some key issues in the documents presented to the meeting and in the draft summary record of the debates. They are presented in a spirit of cooperation and exchange of ideas and we hope they will be considered a constructive contribution to continuing debates within this committee. Although you receive our answers very late, it is our hope that it may be of some use as a contribution to the future work on implementing the convention on Safeguarding the Intangible Cultural Heritage.

Iceland's comments are in four parts, and they concern: 1) communities and groups; 2) term limits on inscriptions on the Representative List; 3) the infusion of expertise into the committee; and 4) a reorientation from threats to value in Unesco's outlook on intangible heritage.

1) Communities and groups

First, we would like to repeat our concern regarding doubts that some states voiced at the first session of the committee concerning the criteria of prior, informed consent of communities and groups. This is a point of principle: the role of communities is stressed in article after article of the convention itself. This is no accident, for it represents a consensus reached after lengthy and highly informed discussions in the committee of experts that drafted the convention. Moreover, along with the convention itself, this central role of communities has already been adopted and ratified by all the States Parties. Communities and groups are absolutely central to its concept of intangible heritage, which is no more nor less than an objectification of the practices of human communities. Its very definition in article 2 (para. 1) of the convention makes this absolutely clear. The commitment of states parties to the full involvement of communities at every stage in the designation and safeguarding of intangible



Comments solicited by the 1st Intangible Heritage Committee:

ICELAND

ITH n° 26
05 JUNN 2007

heritage is a key requirement if, indeed, the convention is going to help safeguard the cultural diversity of humankind.

2) Term limits on inscription on the Representative List

The second point concerns the so-called “sunset clause”, i.e. limitations on the term of inscription of particular items of intangible heritage on the Representative List. Iceland firmly supports the important proposal of Unesco’s preliminary meetings of experts in the fields of intangible heritage that such term limits be imposed. We stress, however, that we do not understand the “sunset clause” to refer to selective delisting of some items, on whatever grounds. Rather, every item inscribed should be on the list for a limited term only – 10, 15 or 20 years. The Representative List would thus be much like representative government and would operate on the time-tested principle of rotation, which is well-established in international cooperation.

There are two main reasons why we believe this is necessary. The first concerns visibility. If we would like the Representative List to give visibility to those items inscribed upon it, it is necessary to limit the number of inscriptions. Telephone directories give those listed very little visibility. The international community has a chance here to learn from the mistakes of the otherwise successful World Heritage List. If the Representative List is to represent humanity in all its glory and diversity, it will be important to have regular rotation among items represented on the list.

The second reason is that in many cases – a minority of cases, we hope, but many cases nevertheless – listing will do more harm than good to the heritage listed and to the practicing communities concerned. This is already evident from scholarly case studies of some Masterpieces of the Oral and Intangible Heritage of Humanity. See, for example, Dorothy Noyes: “The Judgment of Solomon” in the journal *Cultural Analysis*, on the Patum of Berga in Spain: http://socrates.berkeley.edu/~caforum/volume5/vol5_article2.html In such cases, a limited term of inscription is imperative – it will help to prevent the suffocation of intangible heritage at the hands of the convention and its states parties.

3) Infusion of expertise into the committee

In the third place, Iceland believes it is essential for the success of the convention to guarantee an infusion of expertise into its implementation at every level. By expertise, we are referring to scholarly and practical knowledge of the various fields of intangible heritage, its promotion and safeguarding, and explicitly not to expertise in international law (which is certainly necessary, but will just as certainly not be lacking). Article 6 (para. 7) of the convention states quite clearly that “States Members of the Committee shall choose as their representatives persons who are qualified in the various fields of the intangible cultural heritage”. This is one of the obligations undertaken through ratification of the convention. In addition, it is important to give the committee maximum access to relevant NGOs and civil society groups (including, but not limited to, indigenous and traditional communities, scholarly associations, and human rights organizations) and, in turn, to give these maximum access to the committee. The formal requirements that the committee will adopt should not unnecessarily limit such access or the range of potential actors with which the committee is able to consult.

4) Reorientation from threats to value

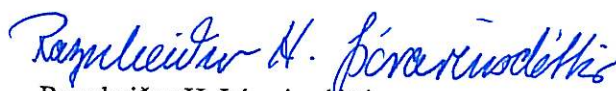
In the fourth place, we are wary of the emphasis on imminent threats, disappearance, endangerment, and vanishing that characterized Unesco’s discourse surrounding the List of Masterpieces of the Oral and Intangible Heritage of Humanity. A description of imminent

threats to continued existence was in fact a requirement for candidature files for the List of Masterpieces, and it is evident from those descriptions that in many cases state experts had to go to great lengths to justify the candidature of cultural practices that in fact enjoy great popularity and are in no conceivable danger of being discontinued.

We believe this emphasis on grave endangerment has been transferred all too easily from the discourse surrounding the World Heritage Convention on crumbling, tangible monuments. It is not a beneficial frame of reference for considering people's cultural practices and expressions, i.e. the intangible heritage. For the purposes of the convention and its implementation, Iceland would suggest that the language of social, ethical and aesthetic value, and plans for promotion and education, will in the long run be far more conducive to the success of humanity's intangible heritage, its continued meaningfulness and transmission through the generations. We are encouraged to see some evidence of such a reorientation in the recent work of Unesco's Intangible Heritage Section and in the discussions of the committee to date.

We thank the committee and the secretariat for the opportunity to comment on this important work being carried out by Unesco and its member states. As the first state in Group 1 to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage, Iceland remains committed to its success and, of course, to the well-being of humanity's heritage. We look forward to continuing this work at the next sessions of the intergovernmental committee.

On behalf of the Minister



Ragnheiður H. Þórarinsdóttir
Adviser



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