



Kingdom of the Netherlands

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Our reference

GEV/PA 085/2015

Date 30 March 2015
Re

Dear Mr Ghezraoui,

Thank you for the joint communication, dated 28 January 2015, from the Chair-Rapporteur of the Working Group of Experts on People of African Descent, the Special Rapporteur in the field of cultural rights, the Special Rapporteur on minority issues, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

The answers to the questions raised in the joint communication are given below.

Yours sincerely,

Roderick van Schreven
Permanent Representative of the Netherlands to the United Nations and the World
Trade Organization in Geneva

OHCHR REGISTRY

- 9 AVR. 2015

Recipients :SPD.....

Enclosure

Page 1 of 1

1.

Has the Dutch tradition “Sinterklaas festival and Black Pete” been placed on the National Inventory of Intangible Heritage by the Dutch Center for Folklore Culture and Intangible Heritage?

Yes, the tradition of the Sinterklaas festival was added to the national inventory by the Dutch Centre for Intangible Cultural Heritage (VIE) on 15 January 2015. The nomination was submitted by the *Sint en Pietengilde* Foundation in September 2014.

2.

Were the concerned communities who find the tradition of Black Pete to be offensive informed or consulted about this process?

Yes. Prior to the nomination, the VIE held talks with various groups in society about the different views that exist on the role of Black Pete in the Sinterklaas festival. During these talks the VIE informed the various groups about the UNESCO Convention, the bottom-up procedure of the national inventory and the safeguarding of traditions. Mutual respect among communities, groups and individuals is a requirement of the Convention.

The VIE also commissioned a study which explored the different views on the Sinterklaas tradition, including Black Pete. The findings were set out in a report entitled ‘Black Pete, an exploratory study on a future-proof Sinterklaas festival’ (*Zwarte Piet, verkennend onderzoek naar een toekomstbestendig Sinterklaasfeest*), containing interviews with stakeholders, both supporters and opponents. The VIE presented the results of this study to the UN Working Group of Experts on People of African Descent when they visited the Netherlands in June 2014.

Both the organisations that participated in the Ministry of Social Affairs and Employment’s consultations on the celebration of the Sinterklaas festival and the organisations that were interviewed for the VIE’s report were informed before the VIE placed the Sinterklaas festival on the national inventory. The press release issued by the VIE after the listing mentioned existing sensitivities concerning the Sinterklaas festival and emphasised the importance of respectful dialogue.

3.

Could you give us information on the status of the Dutch Center for Folk Culture and Intangible heritage, the terms of the listing and the procedure that led to the inscription of the Sinterklaas festival on the national inventory, as well as the possible consequences of the listing?

The Dutch Centre for Intangible Cultural Heritage (VIE) is responsible for coordinating the national inventory of intangible heritage. The Centre is part of the Dutch Open Air Museum in Arnhem, which is funded by the government of the Netherlands. Together with the museum, the VIE is tasked with developing a knowledge institute for intangible heritage.

One of the obligations imposed by the UNESCO Convention on the Safeguarding of Intangible Cultural Heritage is to draw up one or more inventories of the intangible cultural heritage present in the territory of the State Party. These inventories are to be regularly updated. The Dutch government facilitates the development of the national inventory, but does not decide which traditions will be included. The government sets criteria to which the inventory must adhere, for instance cultural diversity and accessibility for communities. The development of the inventory is made possible by a financial contribution from the state to the VIE. In line with the UNESCO Convention, the Netherlands has opted for a bottom-up procedure. Communities that safeguard traditions, crafts, rituals and oral expressions are eligible to file a nomination. These communities are the key players in the safeguarding of traditions. In this way the national inventory is for, of and by the tradition bearers themselves.

The inclusion of the Sinterklaas festival in the national inventory does not imply a nomination for inclusion in one of the UNESCO Convention's international lists. The Dutch government has no intention of nominating the festival for any of the UNESCO lists.

Periodically, each State Party has to submit a report to the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, providing information on the inventory and the status of the elements of the intangible heritage listed. Every two years, the VIE monitors the implementation of the safeguarding plans for these elements, which now include the Sinterklaas festival.

In line with the usual procedure, the nomination of the Sinterklaas festival was evaluated by the VIE's independent evaluation committee on the basis of the safeguarding plans criteria, such as: does this tradition meet the definition of intangible heritage? Is it living heritage? Has the community indicated problems of transmission to future generations? What action is

the community taking to solve these problems? On the basis of the submission, the evaluation committee recommended that the VIE place the Sinterklaas festival on the national inventory. This was then confirmed by the VIE's board. The Dutch government was not involved in this process.

4.

A safeguarding plan is an obligatory part of every nomination for the National Inventory. Could you inform us about the opportunities that the listing offers to address, in a constructive manner, the controversial elements of that tradition?

The inclusion of the Sinterklaas festival in the national inventory was possible because the safeguarding plan explicitly mentions the problems relating to Black Pete. The *Sint en Pietengilde* is aware that there are groups of people in the Netherlands who perceive Black Pete as an expression of racism. Other groups enjoy the tradition of the Sinterklaas festival and feel personally offended by the association with racism. The *Sint en Pietengilde* included the importance of this debate in contemporary Dutch society in its safeguarding plan for the Sinterklaas festival. The plan states that the *Sint en Pietengilde* wants to start a respectful dialogue and to gradually make changes in the celebration of the tradition. This is in line with the UNESCO Convention.

The plan also states that challenges with regard to the future transmission of the tradition should be identified. One of the issues highlighted by the *Sint en Pietengilde* in the safeguarding plan is that 'people want to keep the tradition as it is' and 'changes need time'. The safeguarding plan also sets out action that the *Sint en Pietengilde* intends to take, namely 'the organisation of an open dialogue featuring respect for the opinions of supporters and opponents alike and, where possible, mediation between the parties.' The *Sint en Pietengilde* also wishes to advise the supporters of the tradition 'to make the equality of Sinterklaas and Black Pete more visible and to gradually change the offensive elements in Black Pete'.

Furthermore, the joint communication encourages the Dutch Government to support and facilitate an open debate in Dutch society. In 2014 the Dutch Ministry of Social Affairs and Employment facilitated meetings that were attended by both supporters and opponents of Black Pete. The attendees shared their opinions and concerns on the subject of Black Pete while displaying respect for the opposite point of view. The Ministry of Social Affairs and Employment intends to continue to play a unifying role through close contact with both sides and to actively facilitate respectful dialogue where necessary.