

**MEMORIAL TO THE
WORLD HERITAGE COMMITTEE
UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

by

**TUATHA: CARAD an hEIREANN
THE PEOPLE: FRIENDS OF IRELAND**

ENDANGERED HERITAGE SITES IN IRELAND

Introduction

This communication to The World Heritage Committee of UNESCO is submitted by Tuatha: Carad an hEireann, an international non-Governmental organization (NGO) that is concerned with the protection of the Tara-Skryne Valley of Ireland as one of the most valuable (and vulnerable) Irish cultural sites and part of the cultural heritage of the world. The valley is presently endangered by an ill-considered scheme (the statutory term in the Roads Act of Ireland, 1993) to construct a four-lane highway or motorway through its center, between the Hills of Tara and Skryne. The scheme also contemplates building an interchange immediately north of the Hill of Tara, with all the destructive impacts that interchanges cause when they are put in a heritage area. We contend that the proposed motorway violates both the letter and spirit of the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), and other relevant international conventions that supplement both the 1972 Convention and the international customary law right to culture. This memorial is pertinent to the work of The World Heritage Committee because of its authority, under Article 11 of the Convention, to inventory cultural and natural heritage, work with states in the submission of heritage sites for inclusion in the inventory, list endangered heritage sites, and otherwise serve as a guardian and protector of the world's cultural and natural heritage.

This memorial will (1) identify the nature and interests of Tuatha: Carad an hEireann as a non-governmental organization; (2) give an overview of the situation showing the danger to the world cultural heritage of the Tara-Skryne Valley; (3) review Ireland's compliance *vel non* with the Convention; (4) discuss compliance with complementary conventions and requirements for the protection of cultural heritage; and (5) provide recommendations to the Committee and its staff.

Nature and Interests of the NGO

Tuatha: Carad an hEireann was formed as an international non-governmental organization in the spirit of Article 2 of the Constitution of Ireland which states, in pertinent part, that "the Irish

nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.” It is historically documented during the colonial history of Ireland, its indigenous (native born Gaelic speaking) people were forced by: slavery deportation, displacement, famine, poverty, and other socio-economic forces, to migrate across the globe. These people and their descendants are known as the Irish Diaspora. Consequently, there are many individuals of Irish ancestry who share the affinity with the Irish Nation mentioned above and who wish to exercise their human right to culture in this memorial to UNESCO to petition it to take affirmative action to protect the Tara-Skryne Valley of Ireland.

Overview of the Situation

There is an extensive bibliography on the Hill of Tara in Ireland. *See Tara: A Select Bibliography*, in two Discovery Programme Reports 68-73 (1995); *see also* Conor Newman, Tara Archaeological Survey (Royal Irish Academy, 1997). While Tara is an archaeological site, it is unique as a cultural site. Professors Edel Bhreathnach and Conor Newman, who have both done extensive work at Tara, sum up its significance, saying: “The symbolic importance of Tara and its fascination for early chroniclers has meant that there is a huge body of documentary material associated with it in the medieval period. This material combines myth, legend and historical fact, strands which are not always easily separated.” Edel Bhreathnach & Conor Newman, Tara 7 (Govt. of Ireland, 1995). They elaborate on the pre-historic and pre-Christian significance of the place throughout their monograph: It is the mythical abode of the god Lug and the goddess Medb. *Id.* at 15. Lug “is the greatest of the Celtic gods,” the manifestation of the kingship of Tara, and he is a *samildanach* or omnipotent God. *Id.* Medb is the female manifestation of the sovereignty of Tara. *Id.* Given that it is the situs of the deities of governance, there were “inaugurations” of kings at Tara and assemblies, *Feis Temro*, that may have been a fertility rite to mark a successful king’s reign. *Id.* at 19. In popular belief, Tara is the seat of the high-kings of Ireland, and kings who held the title *ri Temro* or “king of Tara” had a special status that implied dominance over other kings (although the title did not necessarily imply a territorial claim over the whole island). *Id.* at 20. Tara was primarily a ritual site, surviving the coming of Christianity to Ireland (*Id.* at 22), and eventually the title of “king of Tara” became the title *ri Erenn* or “king of Ireland.” *Id.* at 23. Tara is “chief among the best known ‘royal’ sites of Ireland,” (*Id.* at 30), and “From the early medieval period, Tara’s potency as a political symbol developed to the extent that by the seventeenth century its central position in Ireland is not alone emphasized, but is proclaimed as one of the basic concepts of the nation.” *Id.* at 28.

As this short review of the Bhreathnach-Newman monograph (sold in souvenir shops in Ireland) shows, Tara has a significant cultural value for Irish throughout the world, along with their descendants. People look to Tara as a symbol of being Irish and the point that it is “one of the basic concepts of the nation” is important. The Constitution of Ireland recognizes the difference between Ireland as a “nation” of Irish people and as a “state” in the international community. Tara is the outstanding symbol of the Irish Nation as a people and of “Irish-ness” itself. The Roads Act of Ireland, 1993, establishes the method for developing a “scheme” for a

motorway and its approval by An Bord Pleanála. It is a governmental body under the Local Government (Planning and Development) Act of 1976, and it was established in 1977 to hear appeals and grant certain approvals, including motorway schemes. See *Functions of the Board*, at www.pleanala.ir/function.html. The An Bord Pleanála conducted a hearing on the “M3 Clonee-North of Kells Motorway Scheme 2002” on 12 September 2002, and one of the organizations that testified against the scheme was the Meath Archaeological and Historical Society. Its submission establishes the cultural heritage of the “archaeologically sensitive landscape” of the valley, and points out that almost 2,000 “field monuments” have been documented in County Meath, but “this ‘visible archaeology’ is only a very small part of the archaeology of Meath.” The Society criticized the definition of “cultural heritage” used in the statutorily required environmental impact statement for the scheme, protesting that the EIS used a limited interpretation of the term as only “archaeology” and “buildings of cultural interest” but did not address cultural issues properly. As the summary history above shows, Tara and its surrounding area is not simply an archaeological site—It was/is the focal point of an extended pre-historic ritual landscape; it is a major world cultural site, a place of origins, and a symbol of the Nation of Ireland.

Conor Newman, cited above as an expert on Tara, also made a submission. In it, he said that “The Hill of Tara is one of the most important and famous archaeological complexes in the world.” He stressed that he did not say “most important in Ireland,” or “most important in Europe,” but “the fact is that Tara commands a place on the world stage.” Professor Newman’s submission has been quoted by others, including his statement, “the valley between Tara and Skreen is chock-a-block with archaeological monuments.”

Both the Meath Archaeological and Historical Society and Conor Newman stressed the relationship of Tara, as an outstanding cultural site, with the valley and area as a whole, and that point has been overlooked. It appears that the government feels that “rescue archaeology” or sending archaeologists to dig as a motorway approaches, is sufficient to address cultural heritage issues. However, aside from the rich treasures of archaeology that lie in the path of the proposed motorway, we must put Tara in context. Nearby, “below Kells” (a community in the area), is Teltown. Bhreathnach & Newman, *supra*, at 8. That is where the kings of Tara presided over *Oenach Tailten*, which was an assembly dedicated to the god Lug, and later became an important harvest festival. *Id.* Tara is part of a “much wider complex of inter-connected ritual and development sites” in the area, including the outlying monuments of Rath Meave and Rath Lugh. *Id.* at 11. Early tales relate that “five great roadways radiated from Tara,” *Id.*, and the myth has not been confirmed by archaeology to date. (That is important, because of the potential of confirming them, as at the heritage site of Chaco Canyon in New Mexico in the United States of America, where the discovery of ancient roadways linked the site with trade routes.) Tara was the center of the medieval kingdom of Brega (*Id.* at 19; map at 21) and it is associated with the coming of St. Patrick, who is said by legend to have lit a Paschal fire on the nearby Hill of Slane to challenge the legitimacy of Druid rule. (*Id.* at 27.) Also significant is the Hill of Skryne or Skreen, which is associated with the Patrick legend and the establishment of Christianity in the area. Bhreathnach and Newman state that “Although the boundary between sacred and profane

is best ill-defined, there can be no doubting the ritual primacy of Tara: it was the focus of collective ritual and ceremony in this area.” (*Id.* at 12.)

The map on page 12, *Id.*, points out something that is essential to Tara’s status (and that of the entire valley and perhaps beyond): It is close to, and associated with, essential archaeological and cultural sites, including hillforts (medieval Irish settlements and fortified enclosures), ceremonial sites, burial places, and other evidence of the cultural and historical heritage of Ireland and the world. The environmental impact statement (*see* <www.meath.ie/Roads/M3_EIS> for a badly-formatted copy of the EIS) did not adequately address the cultural and historical value of the area, as defined in Article 1 of the Convention Concerning the Protection of the World Cultural and Natural Heritage, and it did not define the heritage site’s boundaries. This omission, and the failure to address the provisions of other international conventions that require a definition of the area, point to fatal flaws in the process.

In sum, Tara, the Tara-Skryne Valley, and associated ringforts, ceremonial places and the entire Tara complex, were not addressed properly, and as a result, a site that should be on the list of world heritage sites as endangered.

The Convention

Before discussing and applying the Convention of 16 November 1972, it is important to frame it in the overall context of international human rights law. One of the customary international human rights is that of individuals, individually and collectively, to enjoy the “right to culture.” Previously that right was reserved for individuals belonging to ethnic, religious and linguistic minorities. *See* Francesco Capotorti, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, E/CN.4/Sub.2/384/Rev. 1 (1979) (survey of the customary law “right to culture”). The Convention Concerning the Protection of the World Cultural and Natural Heritage, and other emerging instruments, declarations and statements on “cultural property,” are concerned with the preservation of material culture. That is “culture” as it is manifested in material places and objects. When viewed as a whole, international and European conventions, declarations, directives, policies, etc. that are designed to protect and preserve heritage sites and cultural property are about preserving cultural property that belongs to distinct groups and to humankind.

Susanne K. Langer is considered one of the major philosophers of the 20th century. Her influential 1942 book, Philosophy in a New Key: A Study in the Symbolism of Reason, Rite, and Art, reviewed the features that distinguish humans from other animals, and she concluded that the distinguishing aspect is that humans are “the ceremonial animal.” That being the case, material culture, and material culture as a symbol of cultural heritage, is vital. The Tara-Skryne complex, which is not yet defined nor protected, has deep symbolic meaning to Ireland, Irish, Irish descendants, and the People of the Irish Diaspora. The issue is whether Ireland and its state agents, the Meath County Council and the An Bord Pleanála, complied with the letter and the

spirit of the 16 November 1972 Convention that Ireland ratified.

Article 1 of the Convention defines “cultural heritage” as monuments and groups of buildings, but what is important to the issue here is its definition of “sites,” which are: “works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.” Ireland had the obligation to “identify and delineate the different properties situated in its territory” that are part of the world’s cultural or natural heritage under Article 3 of the Convention, and the duty to ensure the “identification, protection, conservation, preservation and transmission to future generations” of such sites under Article 4. Article 5 gives more precision to those duties by requiring that state parties take certain steps for identification and preservation.

What has Ireland done to observe the Convention? The UNESCO list of heritage sites nominated by Ireland lists only the “Archaeological Ensemble of the Bend of the Boyne” (1993) and “Skellig Michael” (1996) (as indicated by UNESCO’s list posted on the Internet). Despite the extensive literature that identifies the Tara-Skryne complex as an essential part of Irish nationhood and identity, it has not been so identified, with measures put in place for its protection. Ireland is not in substantial compliance with the Convention, and it has not observed its spirit by identifying and protecting an interconnected series of sites that are essential to Irish identity. Ireland ratified the Convention on 16 September 1991, and although more than ten years has elapsed since then, it failed to address the cultural value of the area.

Other Conventions

The 1972 UNESCO Convention is a template for other conventions and policy documents that are designed to protect the world’s cultural heritage in general, and specific cultural properties in particular. Ireland ratified the European Convention on the Protection of the Archaeological Heritage (the “Valetta Convention,” 1992), and it too is concerned with the protection of cultural heritage. Among the obligations Ireland has under that convention are the duty to inventory its archaeological heritage for designation and protection (Art. 2(i)); create “archaeological reserves,” whether or not there are “visible remains” (Art. 2(ii)); preserve “the archaeological heritage” (Art. 3); and give a preference to conserving and maintaining the archaeological heritage, “preferably in situ” (Art. 4(ii)).

Ireland ratified the European Landscape Convention in March 2002, prior to the An Bord Pleanála approval of the M3 motorway scheme. The Convention supplements the UNESCO Convention by recognizing the need to identify, preserve and protect another important part of human culture, the “Landscape,” which is defined in Article 1(a) as “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.” The state parties to that convention are required to “recognize” landscapes, identify and assess them, and adopt policies to protect, manage or plan “the landscape.”

Ireland is a member of the European Union, and it is attempting to promote concerted activities among European states to protect heritage. Another part of Europe’s (and the world’s) heritage

is the environment. On 27 June 2001, the European Union adopted “Directive 2001/42/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment.” The directive, which applies to Ireland, has specific limitations on environmental planning and notable requirements for public involvement in such plans.

The instruments reviewed immediately above are relevant to this issue, because in December 2003, the Dublin Regional Authority and Mid East Regional Authority issued important planning documents for consultation that impact the Tara-Skryne Valley. The plans are intended to implement Ireland’s National Spatial Strategy, and among other things, address cultural, heritage, and quality of life issues.

The problem is that County Meath lies close to Greater Dublin. There has been an out-migration of Dublin’s population to the nearby countryside because of a lack of available or affordable housing, and as a result, there are significant adverse impacts on the countryside. The “Part B” plan makes it clear that motorways aggravate rather than alleviate a commuting situation that the plan states is at a “crisis” level, and the plan asserts that the situation must be approached in a “holistic and integrated approach to heritage and protect all relevant aspects of national heritage.” (*Id.* at x.) The plans cite the Landscape Convention and EC Directive 2001/42/EC as documents that drive them. They are clearly recognized as Ireland’s international obligations, but those obligations (which pre-date the plan) have not been observed.

This memorial is a civil society document. Tuatha: Carad an hEireann represents the interests of people of Irish ancestry living abroad who share the cultural identity and heritage of the Irish Nation, as established in Article 2 of Ireland’s Constitution. The Tara-Skryne Valley, and places associated with the Hill of Tara, are part of that cultural identity and heritage, and they are endangered because of non-compliance with Ireland’s international obligations to preserve material culture as part of the right to culture this NGO asserts.

Recommendations

The An Bord Pleanála’s approval of the “M3Clonee-North of Kells Motorway Scheme 2002” was ill-conceived and based upon plans and foundations that are not in compliance with Ireland’s international obligations, as outlined above. The decision failed to recognize the Tara-Skryne Valley as a world heritage site. County Meath failed to adequately consider the true boundaries of the Hill of Tara and associated sites, and there is no definition of the heritage area to be protected and preserved. The An Bord Pleanála failed to consider the importance of the valley in terms of Ireland’s own policies, and that is borne out in the December 2003 plans for the development of the Greater Dublin Area.

The World Heritage Committee of UNESCO, and its staff, should use their good offices to point out these deficiencies to the Government of Ireland. While we recognize that the Committee is not an enforcement agency, and it does not have enforcement authority under the Convention, we

view the Committee as a guardian of the world's heritage that has the responsibility to take note of this situation.

We therefore ask that the Committee give its attention to the situation and implement its mission to educate Ireland and civil society at large on the nature of the danger. We submit that the proper approach to bring Ireland into compliance with its obligations is to abandon the present plan and return to the initial planning stage for a motorway "scheme" that protects the Irish heritage that is inherent in Tara.

Dated this _____ day of January, 2004

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