

General comments of the Czech Republic on the draft of the Protocol on Carpathian Cultural Heritage and Traditional Knowledge to the Framework Convention on the Protection and Sustainable Development of the Carpathians

These general as well as the detailed comments annexed on the latest draft of the Protocol on Carpathian Cultural Heritage and Traditional Knowledge (as of October 28th 2013), compiled and hereby presented by the Ministry of the Environment, were jointly prepared in December 2013 by six ministries of the Czech Republic. During the consultation process it was identified that the current **scope of the draft Protocol falls under the competency of the following five ministries**: Ministry of Culture, Ministry of Agriculture, Ministry of Regional Development, Ministry of Education, Youth and Sports and Ministry of the Environment. Moreover many of the provisions (not limited to Art. 12 and 13) fall under **the competency of Regional and Local Authorities** (museums, land use planning etc.) yet to be consulted. We believe that thorough consultations engaging the full scope of stakeholders on all the levels are the first step towards the successful implementation of the Protocol. In order to do so **additional time for consultations is indispensable**.

The Czech Republic also lacks an **in depth discussion on rationale of the Protocol** on the level of the Carpathian Convention Parties especially as there is **no explicit mandate for its preparation in the COP3 Decisions**. Moreover some of the Protocol's provisions **overlap with the Convention on Safeguarding Intangible Cultural Heritage (UNESCO, Paris, 2003)**. As all the Parties to the Carpathian Convention are also Parties to the UNESCO Convention (2003), the Czech Republic strongly recommends the Protocol to focus on remaining issues not covered by the UNESCO (2003) or other relevant international agreements. On the other hand, Art. 12 seems to be in contradiction with the **European Landscape Convention** and even with the Czech legislation in force. Moreover, **some of the measures proposed by the draft Protocol are already or shall be in the future covered by other protocols or strategies** under the Carpathian Convention. In its detailed comments, the Czech Republic is therefore focusing on identifying some of the **duplications within the Protocol itself and with other policy documents under the Carpathian Convention** as well as on suggesting **implementation friendly scope and formulation of the Protocol**.

The major overlapping was identified in the following areas:

Sustainable Tourism and cultural heritage issues as well as labels and certifications are already dealt with under the Sustainable Tourism Protocol. Additional sustainable tourism related measures can still be accommodated by the Strategy for Sustainable Tourism Development of the Carpathians being developed.

Sustainable Agriculture Protocol preparation and adoption is one of the strongest COP3 decisions. Thus to ease their implementation the agriculture related issues such as Art. 13, 14, Art. 17 and even Art. 15 should be dealt with under the future Protocol on sustainable agriculture in the Carpathians. Art. 15 on **Sustainable traditional use of wild plants** is also partly covered by the Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity.

While the **complexity** could be an asset under certain circumstances, the **broad approach to culture as well as to the traditional knowledge of the draft Protocol hinders significantly its future effective implementation**. Thus based on the duplication analysis we strongly recommend the Protocol to limit its focus on specific cultural heritage issues such as architecture, monuments, sights, music, etc.

Although the Art. 11 of the Carpathian Convention and its other protocols and documents use „cultural heritage and **traditional knowledge**“, the Czech Republic does not support the application of this approach on Cultural Heritage Protocol. Firstly, traditional knowledge as such is, together with practices, rituals, oral and dance traditions etc., already covered by the “Intangible cultural heritage” definition. **The broad definition of “Carpathian traditional knowledge” does not justify why it should be treated separately.** Secondly, **traditional knowledge has to be defined by its association with specific activities or resources.** As for example the Convention on Biological Diversity defines the traditional knowledge as “knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity”. The Nagoya Protocol refers to “traditional knowledge associated with genetic resources”. „Carpathian traditional knowledge“ as used within the Protocol can apply practically to anything since it is only defined by its geographical delimitation but not by its association to specific activities or resources. **The main objectives and obligations to the Parties to promote, raise awareness on, to conduct research etc. on Carpathian traditional knowledge are then not standing on clearly defined grounds.**

The Czech government’s decision to adopt and ratify the Protocol would have to be supported by the Protocol’s clear content, allowing a thorough **analysis of its benefits, regulatory impact, as well as human and financial resources required for its implementation.** The current draft of the Protocol seems to be **unnecessarily long, often too descriptive and repetitive at the expense of its clarity.** The long enumerations are redundant and should be avoided once the terminology has been defined. Thus the Czech Republic recommends to continue the work on the draft Protocol with the aim of **terminology clarification and enhancement of its overall clarity, focus, purpose, and value-added.** Close attention should also be paid to **harmonisation of the key definitions and aligning them with other international instruments** already implemented by the Parties.

The Czech Republic **acknowledges the need for preservation of the Carpathian cultural heritage and its great potential for sustainable socio-economic development of the Carpathians.** The Czech Republic **appreciates the work done by the WG on Cultural Heritage and Traditional Knowledge but strongly believes that the consultation process on national and all-Carpathian levels shall be pursued.** As it stands now, the draft Protocol is viewed by various Czech stakeholders as unclear, redundant, unnecessarily difficult to implement and even unacceptable.

The Czech Republic also suggests to follow the way chosen by the Alpine Convention and to deal with the Carpathian **cultural heritage using a soft law document**, e.g. strategy or declaration, based on already existing international commitments of the Parties.

The Czech Republic would like to invite the Parties to the Carpathian Convention to **share their views on its comments here presented and to continue their joint efforts in the Protocol preparations.**