PROCLAMATION No. 839/2014

A PROCLAMATION TO PROVIDE FOR THE CLASSIFICATION OF CULTURAL HERITAGES INTO NATIONAL AND REGIONAL CULTURAL HERITAGES

WHEREAS, cultural heritage is a testimony of human civilization, culture and history, it has become necessary to define, by law, the body responsible for safeguarding its sustainable continuity;

WHEREAS, it has become necessary to establish a participatory cultural heritage management system, so that cultural heritages provide sustainable social and economic development to the local community, in particular, and to the country, in general;

WHEREAS, the prior classification of cultural heritages has become necessary to undertake background works for the nomination of additional cultural heritages of the country for inscription in the World Heritage List;

WHEREAS, it has become essential to define the role of Federal and Regional organs in the administration of cultural heritages to avoid responsibility overlaps and wastages of resources and to establish speedy administrative and procedural system;

WHEREAS, it is also stipulated, under Article 16 of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000, that classification of cultural heritages at national and regional levels shall be determined by law;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

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6. Short Title

This Proclamation may be cited as the “Classification of Cultural Heritages into National and Regional Cultural Heritages Proclamation No. 839/2014”.

2. Definition

In this Proclamation, unless the context otherwise requires:

1/ “cultural heritage” means any thing tangible or intangible which is the product of creativity and labor of man in the prehistory and history that describes and witnesses to the evolution of nature and which has a major value in scientific, historical, cultural, artistic, and handicraft content.

2/ “oral tradition” means traditional knowledge such as folklore, narration or song that is transmitted from individuals to individuals and from generations to generations by means of oral communication and manifest the culture history, ideology, philosophy and identity of the community who created it;

3/ “performing art” means traditional dance, drama or song performed on cultural occasions;

4/ “social practice or festivity” means a social practice or festivity performed individually or in groups on holidays, festivals or rituals to express the social, religious or economic interests of the community that created it;

5/ “festival” means public celebrations or holidays;

6/ “knowledge about nature and its practices” means an indigenous knowledge and skill created, shared and transmitted from generation to generation as the result of the interaction between humans and nature;

7/ “traditional craftsmanship” means indigenous knowledge and skill acquired through practice with traditional tools and means of production
address the secular and spiritual needs of the society that created them;

8/ “region” means any state referred to in Article 47(1) of the Constitution the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire-Daw city administrations;

9/ “Ministry or Minister” means the Ministry or Minister of Culture and Tourism;

10/ “Authority” means the Authority for Research and Conservation of Cultural Heritage;

11/ “Paleontology” means part of a scientific research and study in the field of biology;

12/ “archaeology” means the study of human prehistory and history;

13/ “cultural heritage site” means a place where one or collective cultural heritage found or kept;

14/ “discovery” means remains of pre human or human or animal or tool or structure or other building fossils related to human being;

15/ “memorial stelae” means a material prepared or stand or set upright in the ground for the purpose of monument or commemorative to a person or group or people or an event;

16/ “structure” means any building or part of a building or fortress or part of a fortress or foundation purposely built by human;

17/ “endangered unique cultural heritage” means cultural heritage which is on risk of disappearing or decreasing or exposed for danger in case of natural or man made activities;

18/ “person” means any natural or legal person;

19/ any expression in the masculine gender includes the feminine.
3. Classification of Cultural Heritages

1/ Cultural heritage that satisfies one or more of the following criteria shall be classified as national cultural heritage:

a) cultural heritage inscribed in the World Heritage List prior to the coming into force of this Proclamation and be inscribed in the World Heritage List here after;

b) paleontological and archaeological site or discovery that represents an evidence of human evolution or lifestyle of ancient human or the process of tool production;

c) archaeological site or discovery that contain evidence resulting from the interaction between humankind and nature having paramount significance for education, history, tourism or scientific research and have outstanding national or universal value;

d) movable heritage associated with the common history and culture of the Ethiopians and having significance to the development of science, technology, literature or arts;

e) place, memorial stelae, structure or other infrastructure associated with major historical or cultural event that represent the Ethiopian peoples;

f) cultural heritage that is associated with the history of a prominent individual, group or institution that made significant contribution in the history of the peoples of Ethiopia;

g) cultural heritage site located in the landscapes of two or more than two regions;

h) oral tradition, performing art, social practice and festivity, knowledge about nature and its practice, or traditional craftsmanship, and the manifestation thereof, that is shared by two or more nations, nationalities and peoples of Ethiopia;
1) cultural heritage falling under the provisions of paragraph (a) of sub-article (1) of Article 3 of this Proclamation shall, without any additional formality, be registered as national cultural heritage.

2) The Authority shall, on its own initiative or based on the proposal of the concerned regional organ, governmental or non-governmental organization, religious institution or individual, undertake studies regarding a cultural heritage satisfying one or more of the criteria stipulated under paragraphs (b) to (j) of sub-article (1) of Article 3 of this Proclamation and submit the study report to the Cultural Heritages Classification Council established pursuant to Article 6 of this Proclamation.

3) If the Cultural Heritages Classification Council, upon examining the study report submitted to it by the Authority pursuant to sub-article (2) of this Article, believes that the cultural heritage be classified as national cultural heritage, it shall submit its recommendation to the Ministry.

4) If the recommendation submitted pursuant to sub-article (3) of this Article is approved by the Ministry, the Authority shall register the cultural heritage as national cultural heritage.
5. Management of National and Regional Cultural Heritages

1/ The Authority:

a) shall manage cultural heritages registered as national cultural heritages in accordance with the provisions of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000;

b) may open branch office at a place where national cultural heritage is located or gives power of delegation to the relevant regional organ, as may be necessary;

c) shall, in collaboration with the concerned bodies, undertake studies and submit to the World Heritage Committee the nomination of national cultural heritages to be inscribed in the World Heritage List;

d) shall provide professional and technical support with respect to research and conservation of regional cultural heritages as may be necessary.

2/ Cultural heritages classified as regional cultural heritages shall be managed by the concerned regional organs in accordance with the relevant provisions of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000. Regions can establish their own regional cultural heritage classification council.

3/ For the purpose of sub-article (2) of this Article, the powers and duties given to the Authority, the Ministry and the Council of Ministers by the provisions of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000 shall, with respect to regional cultural heritages, be deemed to have been given to the appropriate organs in the corresponding hierarchy of regional governments.

4/ The Authority shall, where it opens a branch office pursuant to paragraph (b) of sub-article (1) of this Article, organize a committee composed of members drawn from the concerned regional government organs and public associations that shall participate in the management of the national cultural heritage in accordance with a directive to be issued by the Ministry.
6. Establishment of Cultural Heritages Classification Council

1/ The Cultural Heritages Classification Council (hereinafter the "Council") having the responsibility to examine nominations and submit recommendations on the classification of cultural heritages as national cultural heritages hereby established.

2/ The Council shall be accountable to the Ministry.

7. Members of the Council

The Council shall have the following members:

1/ a representative of the Ministry of Culture and Tourism —— chairman

2/ a representative of each regional organ in charge of the administration of cultural heritages —— member;

3/ a representative of Cultural heritage Association —— member;

4/ possessor of the cultural heritage under consideration for classification —— member;

5/ Director General of the Authority —— member and secretary.

8. Duties and Responsibilities of Members of the Council

Members of the Council shall have the following duties and responsibilities:

1. to be present on meetings of the council;

2. exert the necessary effort for success of the Council’s objective;

3. perform other duties and responsibilities in matters relating to the regulations and directives to be issued for the implementation of this Proclamation.

9. Meetings of the Council

1/ The Council shall meet as frequently as its function requires.

2/ There shall be a quorum where more than half of the members are present at a meeting of the Council.
3/ decisions of the council shall be passed by majority votes, and in case of tie, the chairperson shall have a casting vote.

4/ without prejudice to the provisions of this Article, the council may adopt its own rules of meeting procedures.

10. Duty to Cooperate

Any person shall have the duty to cooperate in the implementation of this Proclamation and the regulations and directives issued under this Proclamation.

11. Power to Issue Regulation and Directive

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the proper implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

12. Inapplicable Laws

No law or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

13. Effective Date

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 21st day of August, 2014.

MULATU TESHOME (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA