

RESEARCH ARTICLE

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Looking at the cultural heritage proclamations of Ethiopia: conceptualisation and management of cultural heritage

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Abstract

The main purpose of this paper is to explore how the conceptualisation and management of cultural heritage have been treated in the cultural heritage proclamations of Ethiopia. The analysis of the four cultural heritage proclamations reveals that the notion of cultural heritage improves from the first to the fourth proclamation. In the first two proclamations, the term antiquity was employed, and the latter two employed the term of cultural heritage. The 1966 proclamation included antiquities that were dated prior to 1850 EC, while the 1989 proclamation removed this cutoff date and expounded upon the definition of antiquities. The 2000 proclamation replaced the term antiquity with cultural heritage and introduced the concept of intangible cultural heritage. In terms of the management of cultural heritage, the differences between the 1989 and 2000 proclamations are quite minimal. The 2014 proclamation attempted to classify cultural heritage into national and regional cultural heritage. It also defined important components of intangible cultural heritage. The management of cultural heritage exhibits some evolution from the first to the last proclamation. However, due to the diversified nature of cultural heritage conceptualisation and management, it will be important for additional legislation to be issued separately for movable, immovable and intangible cultural heritage, for example. This study argues that strong legal and institutional frameworks should be established to properly protect, conserve and study cultural heritage.

Keywords conceptualisation, management, cultural heritage, proclamations, Ethiopia

1 Introduction

Ethiopia is known for its diverse cultural and natural heritage, some of which has been registered as world heritage by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). Since the first world heritage inscription in 1978, Ethiopia has contributed eleven heritage sites and four types of intangible cultural heritage to the register. The UNESCO-registered Ethiopian heritage sites include Aksum; Fasil Ghebbi; Harar Jugol, the Fortified Historic Town; Konso Cultural

Landscape; Lower Valley of the Awash; Lower Valley of the Omo; Lalibela Rock-Hewn Churches; and Tiya Megaliths. Very recently, in September 2023, the Gedeo Cultural Landscape was inscribed as the ninth world cultural heritage site in Ethiopia. In spite of these myriad heritage resources, Ethiopia 'is not in a position to conserve, study, manage, develop, promote and use for sustainable tourism development' (Gebreegziabher, Getaneh, and Aregu 2019). However, Ethiopia still has the potential to use these ample heritage resources to drive tourism development (Taddese 2023). The factors influencing the poor heritage management system and the subsequent underutilisation of these heritage resources as engines for sustainable development are varied and sophisticated.

One of the main factors, probably a root cause of other factors, is the absence of dedicated institutional

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structures that govern the issue of cultural heritage resources (Gebreegziabher, Getaneh, and Aregu 2019). This inadequacy in institutional structures seems to have emanated from the absence of adequate legal frameworks that can grounded strong institutional structures for the management of the abundant cultural heritage of Ethiopia. The need to conceptualise heritage and pass subsequent legislation to manage the heritage of the country appeared in the mid-1960s. Four cultural heritage proclamations have been enacted by the executive bodies of the state for the identification, conservation, and management of Ethiopian cultural heritage. These cultural heritage proclamations are as follows: *A proclamation to provide for the protection and preservation of antiquities, Proclamation No. 229/1966*; *A proclamation to provide for the study and protection of antiquities, Proclamation No. 36/1989*; *A proclamation to provide for research and conservation of cultural heritage, Proclamation No. 209/2000*; and *A Proclamation to provide for the classification of cultural heritage into national and regional cultural heritage, Proclamation No. 839/2014*. These proclamations were written in both Amharic, the official language of Ethiopia, and English. The analysis of the content of the proclamations was thus relatively easy because the challenges of translation and interpretation were reduced.

According to Bekele, these proclamations are reflections of the 'political philosophy' of the political regimes at the time. As he concluded through his investigations of the first three proclamations, no significant difference was observed between the first and second, or even between the second and third. In looking at the cultural heritage proclamations of Ethiopia, his concern was not showing the development of the concept and management of cultural heritages in these proclamations; rather, his concern was just identifying the legal gaps in using these proclamations for cultural heritage management (Bekele 2018). My paper, on the other hand, endeavours to show the evolution of the concept of cultural heritage from the first to the fourth proclamations. It is also intended to show the historical development of cultural heritage management frameworks in these pieces of cultural heritage legislation in Ethiopia. These cultural heritage proclamations define the concept of cultural heritage and the ways in which cultural heritage can be, albeit potentially inadequately, explored, discovered, and managed.

It has become clear that the concept of heritage is dynamic and 'susceptible to change and is actually changing' (Loulanski 2006). The notion of heritage was originally principally related to inheritance; it was 'something that is inherited from the past, and transferred from the previous generations' (Rouhi 2017). This earlier notion

of heritage comprised physical cultural products with outstanding value, but environmental (in the 1970s), natural (after 1972) and intangible (after 2003) elements were gradually incorporated into the concept of heritage (Ahmed 2006; UNESCO 1972; 2003). Cultural heritage, the dominant category of heritage, has been broadly categorised into tangible and intangible, which in turn also comprise subcategories (Cosovic, Amelio, and Junuz 2019).

Thus, the present article has two important objectives. The first objective is to examine how the concept of cultural heritage is treated in these four cultural heritage proclamations in Ethiopia. Starting with the initial concept of antiquities and the fixed date of interest, this article investigates the widening of the definition and scope of cultural heritage in these proclamations. The second objective is to investigate the issue of cultural heritage management across these four proclamations. The following questions are addressed: What kind of legal frameworks have been set to discover, protect, conserve and manage cultural heritage in Ethiopia? What kinds of developments are observed from the first to the fourth proclamation in dealing with cultural heritage management? By answering these questions, this study shows the insufficiency of these cultural heritage proclamations in conceptualising and managing the abundant and diverse cultural heritage resources of Ethiopia.

This study consists of six sections. The first section, above, has already introduced the concept of cultural heritage and its management. The second section describes the material and methods employed to carry out this study. The third section discusses the historical development of the notion of cultural heritage and its management based on different charters, conventions and recommendations at the global, regional and national levels. The fourth section deeply explores how the concept of cultural heritage has been treated in the four cultural heritage proclamations of Ethiopia. The fifth section addresses how cultural management issues have been discussed in these proclamations. The final section provides concluding remarks about the evolution of the concept of cultural heritage and its management in these proclamations.

2 Materials and methods

This study focuses on the evolution of the notion of cultural heritage and its management issues based on cultural heritage proclamations that have been issued since the 1960s, particularly four such proclamations issued in Ethiopia. Differences in terms of terminology, scope and concepts can be observed in these proclamations, although the variations are not considerable. Globally, the concept of cultural heritage has also been growing in

terms of its definition, scope and typology. Hence, this paper analyses whether the conceptualisation and management of cultural heritage in Ethiopia has evolved in a manner congruent with the global development of cultural heritage management.

Since this study concentrates on the evolution of the conceptualisation and management of cultural heritage in Ethiopia, it principally employs the four cultural heritage proclamations mentioned earlier. In addition, the study employs different UNESCO charters, recommendations and conventions concerning cultural heritage. Furthermore, book chapters, journal articles, conference proceedings and other secondary sources are employed to achieve the objectives of this study.

This article principally uses the content analysis method to examine how the concept and management of cultural heritage have been treated in the four cultural heritage proclamations. Terminology, concepts and management frameworks included in these cultural heritage proclamations are critically examined to trace the developments across the proclamations. In addition, different primary and secondary data collected from the aforementioned data sources are thematically analysed and interpreted. Thus, using a qualitative research approach, the content of the propositions regarding the conceptualisation and management of cultural heritage are discussed in detail.

3 Historical background of the conceptualisation and management of heritage

Although it failed to give a clear definition of the concept of heritage, the Athens Charter provided the first modern legal framework for the conservation and restoration of historic monuments, which are an important concept within cultural heritage. The concept of heritage was first elucidated in the International Charter of Venice (ICOMOS 1964). According to this charter, heritage is something that is 'imbued with a message from the past, the historic monuments of generation of people remain to the present day as living witnesses of their old-age traditions' (ICOMOS 1964). The question of what constitutes a historic monument was not properly discussed in the Venice Charter; the Constitutive Assembly of International Council of Monuments and Sites (ICOMOS), in 1965, redefined historic monuments, and thereby heritage, as monuments and sites (ICOMOS 1965).

These and other conventions, charters, and recommendations used the concept of heritage to describe only cultural productions of human beings throughout history. It was only in 1972 that the notion of heritage was expanded beyond human beings' cultural production to include natural aspects of heritage that have 'outstanding universal value'. At the UNESCO World Heritage

Convention in 1972, the concept of heritage was thus divided into two major categories: cultural heritage, though only in the material sense, and natural heritage (UNESCO 1972). Therefore, the previous definitions of heritage as movable and immovable cultural property, by UNESCO, and as monuments and sites, by the ICOMOS Statutes of 1965, were dropped, and the new definition of heritage as cultural and natural began to serve as a conceptual framework of heritage at the international level.

The definition and typology of heritage into cultural and natural categories, as recognised in the *World Heritage Convention*, were themselves eventually recognised as insufficient to cover different types of heritage of humankind; hence, international organisations, mainly UNESCO, strove to incorporate different types of heritage that did not fit the criteria set for cultural and natural heritage at the time. The appearance of cultural landscapes as a significant heritage of humankind is a good example of this. In turn, this led to the need to revise the *Operational Guidelines of the World Heritage Convention* in 1992 to include cultural landscapes as relevant human heritage (Rössler 2000). Previously confined to only tangible aspects, the scope of cultural heritage was extended to include intangible cultural heritage aspects following the 2003 UNESCO Convention (UNESCO 2003). In line with the definitions given by different conventions, charters, and recommendations, the necessity of protecting and preserving these cultural heritage resources and methods of doing so had also gained international attention.

Most African countries were under European colonial control from the late 19th century to the 1960s and 1970s. Although there were various pragmatic problems, the colonial period also decisively ushered in the first cultural heritage legislation in the region. Indeed, it was thus during this period that most African countries enacted heritage legislation and made this legislation part of their legal frameworks. However, the definitions and typologies of heritage were greatly influenced by their colonial experiences. Owing to the nature of the colonial administrations that the Europeans used to control Africans, as Ndoro stated, 'It is not surprising that the definition of heritage and its categories were influenced by the colonial experience' (Ndoro 2008).

Most of these heritage legislations, which did not consider the realities in Africa at the time, have remained unchanged. Even though some attempts have been undertaken to revise this heritage legislation, the colonial legislation is still highly influential, from the indigenisation of the concept of cultural heritage and its management to the African context. 'In a few cases where legislation has been revised', Munjeri remarks, 'new wine is put into old skins' (Munjeri 2008). Most African

cultural heritage legislation thus fails to include cultural landscapes and various living traditions, which are the principal type of intangible cultural heritage of Africans.

Europeans' understanding of heritage at the time was highly focused on ancient historic places, objects, and buildings. It was thus common to use terms such as historic monuments, relics, and antiquities to expound the notion of heritage. Given the great influence of this conception of heritage, as overviewed above, most of the heritage legislation that was enacted in colonial and even postcolonial Africa used titles such as 'Historic Monuments, Relic and Antiquities Act'.

According to Reap (2022), Sub-Saharan Africa has a long history of 'protecting sacred places through customary laws, taboos and traditional regulatory practices'. Reap further added that formal heritage legislation that has been enacted since the 1960s reflects 'the laws of colonial powers and UNESCO Conventions' (Reap 2022). This implies that the understanding of African cultural heritage under the European cultural heritage prism has also impacted the management of African heritage.

Throughout its long history, Ethiopia has, through religious institutions, used traditional management systems to protect and preserve different cultural heritage resources. The Ethiopian emperors also provided patronage for the protection and preservation of different movable and immovable types of cultural heritage of the state, particularly relics and monuments of the Ethiopian Orthodox Church. For instance, the attempt of Emperor Tewodros II (r. 1855–1868) to collect and preserve different relics and literary heritage of the country in the mid-19th century was highly impactful. Furthermore, museums at different monasteries and churches of the Ethiopian Orthodox Tewahido Church (EOTC) have also played a significant role in collecting and preserving different parchment manuscripts that were primarily written in the Geez language, a language that previously served as a liturgical language of the church and still does so today.

However, it was not until in the mid-20th century that institutional and, subsequently, legal frameworks began to appear in Ethiopia. The establishment of the National Museum of Ethiopia as part of the National Library in 1944 and the Ethiopian Institute of Archaeology in 1952 paved the way for the exploration and collection of cultural heritage. The earliest collections primarily consisted of royal objects and relics of the EOTC with ancient origins (Tarsitani 2011). Once archaeological investigations began and various archaeological objects and fossils were subsequently acquired, the concept of heritage began expanding to include such archaeological objects.

Starting in the 1950s, along with archaeological activities and local movements to preserve the cultural

heritage of the country, there has been growing international interest in cultural heritage. This interest was principally linked with the advent of UNESCO, an organisation that strives for the protection and preservation of cultural heritage at the global level, and Ethiopia gained membership in it in 1955. Ethiopia's membership in UNESCO, in the words of Marie Huber, 'marked a turning point in Ethiopian heritage making, as existing efforts and expertise could successfully be channelled both into projects that benefited enormously from the increased international attention, and into new funding possibilities opened up via UNESCO' (Huber 2016). It was during this time that the need to enact legislation concerning the cultural heritage of Ethiopia became apparent because the country had never had a modern legal framework for the protection and preservation of its rich cultural heritage.

Consequently, the initiation of a legal framework for the protection and preservation of Ethiopian cultural heritage was prompted by Emperor Haile Selassie I (r. 1930–1974), and the first cultural heritage-related legislation of Ethiopia was proclaimed in 1966. This marked the beginning of a formal legal framework focused on the cultural heritage of Ethiopia, defining its meaning and scope and setting a mechanism to protect, preserve and study the cultural heritage of the country. Although not perfect, this move of the imperial regime to protect and preserve the cultural heritage of Ethiopia continued during the subsequent regimes of the Derg (r. 1974–1991) and the Ethiopian People's Revolutionary Democratic Party (EPRDF) (r. 1991–2018). Concerning the protection and preservation of cultural heritage, three additional pieces of legislation (proclamations) have been enacted, one each in 1989, 2000, and 2014. This is where the emphasis of this article rests, since this article endeavours to show the conceptualisation and management of cultural heritage under these cultural heritage proclamations.

4 Conceptualisation of cultural heritage according to ethiopian cultural heritage legislations

As stated above, the first formal legal provision concerning the cultural heritage of Ethiopia was introduced in 1966. This legislation was entitled *A Proclamation to provide for the Protection and Protection of Antiquities*, which is often cited as the 1996 Antiquities Proclamation. This proclamation was based on articles 34 and 88 of the 1955 revised Ethiopian constitution, which provided initial instructions regarding the protection and preservation of historical objects and monuments (Negarit Gazette 1966).

According to this proclamation, Antiquities Proclamation No 229/1966, the conceptualisation of heritage, as the name indicates, was elucidated with a focus on

antiquity. The term antiquity has a European origin and concerns ancient objects from the classical antiquarian perspective (Nair 2016). As discussed above, the concept of antiquity was brought to and imposed on Africans, and Africans' understanding of heritage has been warped by this European notion of antiquity, which ignores the existing realities in Africa. Although it was the only African state that survived European colonialism, Ethiopia could not escape from the European notion of antiquity.

The legal framework for the protection and preservation of cultural heritage under the 1966 Antiquities Proclamation covered heritage produced before the mid-19th century. As stated in this proclamation, antiquity 'shall mean any construction or any production of human activity, or any object of historical or archaeological interest, having its origin before 1850 E.C.' Nevertheless, the notion of antiquity was limited. The international development of the definition and understanding of the need to protect and preserve cultural heritage has given due emphasis to the cultural significance of such heritage. As we can see from the 1966 Antiquities Proclamation, however, the notion of cultural significance or value was not properly formulated beyond the phrase 'any object of historical or archaeological interest' (Negarit Gazette 1966).

Furthermore, as we understand from the definition of antiquity in this proclamation, the antiquities that gained recognition as cultural heritage of the country and thus attention in terms of protection and preservation were those produced before 1850 EC. However, no justification was given for why this date was taken as the cutoff for determining which cultural resources would be eligible for protection and preservation in the subsequent legal framework. This was probably linked to the periodisation of Ethiopian history because the mid-19th century was taken as the beginning of modern Ethiopian history. The intention in this proclamation seems to have been protecting 'any construction or any production of human activity, or any object of historical or archaeological interest' that was produced or constructed during the ancient (up to 1270 EC) and medieval (1270 to 1855 EC) period in Ethiopian history. Fixing the cutoff date of antiquities as 1850 directly ignored cultural production after the mid-19th century.

This tradition of fixing the date of antiquities was also common in the cultural heritage legislation of other African countries. As Ndoro stated, different African countries, such as Ghana, Sudan, Tanzania, Botswana, Gambia, Nigeria, and Zambia, have used cutoff dates in defining, protecting and preserving their cultural heritage (Ndoro 2008). Most of them have used the beginning of their colonisation as a cutoff date, and the notion of

the cultural heritage of these countries has been narrowed to heritage produced in precolonial times.

The second proclamation concerning the protection and preservation of cultural heritage in Ethiopia was enacted in the late 1980s. This proclamation was entitled *A Proclamation to Provide for the Study and Protection of Antiquities*, and it was issued under Proclamation No 36/1989. The preamble shows that just as the 1966 Antiquities Proclamation was based on the 1955 Revised Constitution, the new proclamation was based on article 63(1) (a) of the 1987 Ethiopian Constitution, and it was issued upon the expiry of the 1966 Antiquities Proclamation (Negarit Gazette 1989).

Like the 1966 Antiquities Proclamation, this proclamation also used the concept of antiquity to explicate the notion of cultural heritage. Unlike the former, however, it gave a detailed definition of antiquity. According to this proclamation (Negarit Gazette 1989), 'antiquity' means any:

- a) Human, faunal, or floral remains;
- b) Buildings, memorial places, or monuments;
- c) Remains of ancient towns, ancient burial places, cave paintings, parchment manuscripts, stone inscriptions, sculptures, paintings, and statues made of gold, silver, bronze, or iron or alloys of these, or of wood, stone, skin, ivory, horn, bone or earth;
- d) Written or graphic documents or cinematographic and photographic documents or sound and video recordings;
- e) Gold, silver, bronze, or copper coins;
- f) Church, monastery, mosque, or any other place of worship;
- g) Ethnographic elements, ornaments, or any other cultural object;
- h) Structures or object which are the products of labour or the creations of man; having a major artistic, scientific, cultural, or historical value with regard to the pre-history and history of Ethiopia.

This proclamation showed improvements upon the 1966 Antiquities Proclamation. First, this proclamation described the notion of antiquity in depth. It classified antiquity into, as listed above, eight subdivisions. This proclamation provided deeper insight into the state of cultural heritage preservation in Ethiopia. Second, unlike the 1966 Antiquities Proclamation, this proclamation did not set a cutoff date for the age of antiquities. The absence of a cutoff date widened the scope of the term antiquities, meaning that any of the aforementioned cultural productions in the ancient, medieval, or modern period could be considered antiquities. Last, this proclamation also better conveyed the cultural significance of

the antiquities. Although the antiquities value lists were not exhaustive, some types of value – for example, ‘artistic, scientific, cultural or historical value’ – were specifically mentioned. Currently, the concept of cultural significance or the value of heritage is at the heart of the conceptualisation of heritage, and the motive for heritage conservation is even derived from this essence. Hence, this proclamation should be appreciated for its introduction of the notion of heritage value.

Following the regime change in 1991, the 1989 proclamation was repealed and replaced by another proclamation in 2000. This proclamation was titled *A Proclamation to Provide for Research and Conservation of Cultural Heritage*, which was enacted under Proclamation No. 209/2000. This proclamation dropped the concept of antiquity and employed the term cultural heritage in its proper form for the first time. Unlike the former proclamations, it clearly defined the notion of cultural heritage. The innovation of this proclamation was its introduction of the concept of intangible cultural heritage. The preceding proclamations, in their conceptualisation of cultural heritage in terms of antiquity, exclusively emphasised tangible cultural heritage. According to the new proclamation, intangible cultural heritage refers to ‘any cultural heritage that cannot be felt by hands but can be seen or heard and includes different kinds of performances and show, folklore, religious, belief, wedding and mourning ceremonies, music, drama, literature and similar other cultural values, traditions and customs of nations, nationalities, and peoples’ (Negarit Gazette 2000).

In this respect, this proclamation is appreciable for its move to incorporate the intangible aspects of cultural heritage even ahead of the global initiative to address intangible cultural heritage with outstanding universal value. It was in 2003, three years after this proclamation was made, that the *Convention for the Safeguarding of the Intangible Cultural Heritage* was endorsed by UNESCO at the global level (UNESCO 2003). This implies that until the early 21st century, the international conception of cultural heritage was limited to tangible cultural heritage only.

Another significant achievement of this proclamation was its introduction of cultural heritage typology. Under this proclamation, with the introduction of intangible cultural heritage, cultural heritage was classified into tangible cultural heritage and intangible cultural heritage. The former was further classified into movable and immovable cultural heritage. Furthermore, the types of cultural heritage that comprise movable and immovable cultural heritage were also clearly stated (Negarit Gazette 2000).

Under article 16 of the 2000 Proclamation, it was declared that ‘the classification of cultural heritage at national and regional levels shall be determined by law’ (Negarit Gazette 2000). The need to classify cultural heritage into national and regional cultural heritage began to grow, and based on article 16, the fourth and last cultural heritage legislation was enacted in 2014. This proclamation was entitled *Classification of Cultural Heritage into National and Regional Cultural Heritage Proclamation*, and it was issued under Proclamation No. 839/2014 (Negarit Gazette 2014).

Following the 1995 constitution, Ethiopia was reorganised into a federal state structure comprising two levels: federal (national) and regional states. The reorganisation of the former unitary state into a two-level state structure with federal and regional states warranted the reclassification of cultural heritage based on these two state levels. Since the main concern of this proclamation was the classification of cultural heritage into national and regional cultural heritage, nothing was changed about the definition of cultural heritage from that given in the 2000 proclamation.

However, some intangible cultural heritage is given increased attention. The two consecutive proclamations of 2000 and 2014 were enacted under the EPRDF regime, and the ethnographic objects and associated intangible cultural heritage of diverse nations, nationalities, and peoples of Ethiopia gained additional emphasis because the current regime considers itself a guardian of the ‘nations, nationalities, and peoples of Ethiopia.’ The cultural knowledge and cultural activities of these ‘nations, nationalities and people’ are thus naturally emphasised and conceptualised in the 2014 proclamation. ‘Oral tradition’, ‘performing art’, ‘social practice or festivity’, ‘festival’, ‘knowledge about nature and its practices’, and ‘traditional craftsmanship’ are among the types of intangible cultural heritage defined and conceptualised in the latest proclamation (Negarit Gazette 2014).

In its long history, Ethiopia has developed different types of cultural heritage having with strong cultural significance. Since Ethiopia has been a multiethnic state and a centre of both new and indigenous religions, the conceptualisation of cultural heritage in the country is inextricably linked to ethnicity and religion. It seems that, however, ethnic affiliations are mainly associated with intangible heritage. It is worth citing Nair’s statement here:

The meaning of cultural heritage in Ethiopia is highly deceptive and inherently linked to religion and ethnicity. Through the powerful network of the Ethiopian Orthodox Church, the country has preserved one of the oldest forms of Christianity. Simi-

larly, Muslim populations in Argoba, Afar, Harar, and other lowland areas have also tried to preserve their cultural heritage in the form of religious monuments, literary works, oral traditions, and symbolic materials. Except for the archaeological sites, all other cultural heritage has been attributed variously to pagan, Christian, Muslim, or Judean traditions and practices (Nair 2016).

This contested and biased understanding of cultural heritage is likely to influence the protection and preservation of cultural heritage. It will be important to harmonise the understanding of cultural heritage and create a common heritage 'meta-narrative'. Possibly due to the introduction of the ethnic-based federal state structure in Ethiopia after the 1991 regime change, the 'meta-narrative' of Ethiopia's heritage has been fracturing, and the development of multiple micronarratives of heritage has become evident (Finneran 2012). The emergence of a 'micronarrative' of heritage by itself does not spell catastrophe for the development of a common heritage 'meta-narrative', but there is the risk that these 'micronarratives' will be created at the expense of the 'meta-narrative' of heritage.

5 Management of cultural heritage according to the proclamations

Although modern and formal legal frameworks and institutions to manage cultural heritage are 20th-century phenomena, the management of cultural heritage has a long history in Ethiopia. This traditional management system was principally carried out under the patronage of religious institutions. Ethiopian emperors who had strong ties with the church also made some contributions to safeguarding different royal and sacred objects (Nair 2016).

In the mid-20th century, a modern heritage management system was introduced in Ethiopia. It was after this period that different legislation concerning cultural heritage conservation and management began to appear. Citing the speech of Kassaye Begashaw, Bekele notes that Ethiopia has had '12 legal instruments, 3 constitutions, 1 cultural policy, 3 proclamations [1 proclamation was issued in 2014, after Bekele's publication], and 1 order were issued to document, conserve researching and promotion our national heritage' (Bekele 2018). In this section, the current paper discusses how the issue of cultural heritage management has been addressed in these four cultural heritage proclamations of Ethiopia.

Although some differences among these cultural heritage proclamations are to be expected and the proclamations' continued suitability is questionable, the legislation surrounding these proclamations eventually established

a legal framework for modern cultural heritage management. One of the important developments following these cultural heritage proclamations was the reinforcement of the idea that institutions should be the ones carrying out cultural heritage management, as the proclamations gave the responsibility for managing the issue of cultural heritage to the certain government organs. For instance, the 1966 proclamation assigned the management of cultural heritage to the Antiquities Administration, which was established by Order No. 45 of 1966 to carry out the task of heritage management and conservation in consultation with the Ministry of Public Works (Negarit Gazette 1966). In 1979, five years after the regime change, the Antiquities Administration was replaced by the Centre for the Research and Conservation of Cultural Heritage (CRCCH) under the Ministry of Culture and Sport. Similarly, the 2000 proclamation was followed by the founding of the Authority for Research and Conservation of Cultural Heritage (ARCCH) under the Ministry of Information and Culture. The 2014 proclamation, which is a continuation of the 2000 proclamation, was also on the ARCCH, allowing the authority to open branch offices at the regional level. This separate assignment of tasks to these institutions seems to have simplified the task of cultural heritage management.

One of the vital issues in cultural heritage management in these proclamations is that of the ownership of cultural heritage. The first three proclamations clearly stated that cultural heritage belongs to the country as a whole. Since it is an extension of the third proclamation, the fourth proclamation, *Classification of Cultural Heritage into National and Regional Cultural Heritage Proclamation* of 2014, issued under Proclamation No. 839/2014, addresses the issue of cultural heritage ownership under the third proclamation's ownership framework.

The 1966 Antiquities Proclamation decisively granted the possession of antiquities (cultural heritage) to the state. As article 3(a) of that proclamation declared, 'all antiquities whether movable or immovable, existing within Ethiopia on the date of coming into force of this proclamation, are hereby declared to be the property of the state' (Negarit Gazette 1966). Unlike the first proclamation, the second and third proclamations widened the ownership base of the cultural heritage because they allowed private ownership. With little difference in wording, these proclamations stated that 'antiquities [cultural heritage] may be owned by the state or any person', in which person denotes 'any physical or judicial person' (Negarit Gazette 1989; 2000). What we can see from this is that most Ethiopian heritage proclamations have recognised that cultural heritage can be owned by the state, individuals, or private institutions.

However, the personal ownership of cultural heritage comes with certain duties and responsibilities. Concerning this, there were a few differences between the second and the third proclamations. According to article 5 of the 1989 proclamation and article 18 of the 2000 proclamation, the duties expected from cultural heritage owners were 'a) protecting and preserving the cultural heritage properly at their own expense; b) permitting the use of cultural heritage for exhibition or public works; and c) respecting the provisions of the [respective] proclamations' (Negarit Gazette 1989; 2000). Furthermore, the owners of cultural heritage were also required to register their cultural heritage per the ministry's directives; to conserve and restore the cultural heritage under their ownership (unless the expenses are beyond their means); and to ensure the preservation of cultural heritage situated on the land given to them in usufruct (Negarit Gazette 2000; 2014).

Furthermore, these proclamations also placed some restrictions on the use and possession of cultural heritage. These restrictions were specifically stated in the second (1989) and the third (2000) proclamations. For instance, the 1989 proclamation required the owner of antiquities to notify and obtain approval from the Ministry of Culture and Sport before removing an antiquity from its original site (article 8), transferring the ownership of antiquities (article 10), or recording or using cultural heritage for commercial purposes (article 13). Above all, the approval of the Council of Ministers was required to take cultural heritage out of Ethiopia (article 14). These restrictions were also stated under the 2000 cultural heritage proclamation (Negarit Gazette 1989; 2000).

In all of the proclamations, trading in antiquities or cultural heritage has been strictly forbidden. As declared in the first (1966) proclamation, for instance, 'no antiquity may be sold, bartered, transferred or exported as a gift or otherwise, except under a permit issued by the administering authority or a subordinate authority or office established pursuant to regulations issued in accordance with article 10 hereof' (Negarit Gazette 1966). Similarly, the second and third proclamations also prohibited the use of antiquities or cultural heritage for commercial purposes. In addition, these proclamations established what measures must be taken by those who engage in the trading of cultural heritage (Negarit Gazette 1989; 2000).

The exploration and discovery of cultural heritage are other important themes given due attention in these cultural heritage proclamations. Each of the proclamations discusses the exploration and discovery of cultural heritage (Negarit Gazette 1966; 1989; 2000; 2014). For instance, the 1966 proclamation declared the necessity of having an official permit to carry out archaeological

exploration in Ethiopia. However, except for mentioning the tasks involved in the Office of Archaeology granting a permit to those who want to conduct an archaeological exploration, the 1966 proclamation did not state the particulars of giving permits for archaeological exploration. Unlike the 1966 proclamation, the 1989 and 2000 proclamations gave, as remarked by Bekele, 'disproportionate emphases' to the exploration and discovery of cultural heritage (Bekele 2018). A simple observation of the articles of the 1989 and 2000 proclamations reveals that nearly 25 to 30 percent of each of these proclamations was devoted to the exploration, discovery, and study of cultural heritage.

There is no significant difference on this matter between the 1989 and 2000 proclamations; the only change is that the latter added the term 'study of cultural heritage,' having directly adopted, with slight modifications, the particulars of the former. The requirement to obtain a permit, the particulars of the permit, the duration of validity of the permit, the fees for the issuance and renewal of the permit, the duties of the permit holder, the suspension and revocation of the permit, the supervision of the permit holder, the publication of reports, the results of studies, ownership over results of studies, and the fortuitous discovery of cultural heritage are important concepts legislated under the heading of 'exploration and discovery' in the two proclamations, albeit with some phrasing differences (Negarit Gazette 1989; 2000).

Another important issue that warrants discussion here is the classification of cultural heritage. Although the 1966 proclamation said nothing about such classification, the later proclamations declared the need to categorise cultural heritage. For instance, the 1989 proclamation gave the power to classify antiquities in grades to a government ministry (Negarit Gazette 1989), but it did not clearly state the parameters for grading antiquities that already existed. Similarly, the 2000 proclamation declared that cultural heritage would be classified at the national and regional levels (Negarit Gazette 2000).

Based on article 16 of the 2000 proclamation, as noted previously, the 2014 proclamation classifies cultural heritage into national and regional cultural heritage. The proclamation sets rational goals such as facilitating the registration of Ethiopian heritage to the world heritage list, reducing responsibility overlaps between the federal and regional governments, and creating a framework to involve the local community in the cultural heritage management system (Negarit Gazette 2014).

According to article 4(1) of this proclamation, national cultural heritage includes:

- a) cultural heritage inscribed or to be inscribed in the world heritage list;

- b) paleontological or archaeological sites or discoveries;
 - c) movable and immovable cultural heritage that represent the common history of Ethiopian people;
 - d) cultural heritage sites located in the landscapes of two or more than two regions;
 - e) intangible cultural heritage that are shared by two or more nations, nationalities or peoples of Ethiopia, and
 - f) endangered unique cultural heritage. Any cultural heritage that is not included in the national cultural heritage list will become regional heritage by default (Negarit Gazette 2014).
- a) Promoting community engagement in the cultural heritage management system
 - b) Addressing the mechanism for producing skilled cultural heritage practitioners
 - c) Establishing mechanisms to increase society's awareness of heritage management and conservation
 - d) Declaring the necessity of carrying out a heritage impact assessment before any development plan in certain places
 - e) Declaring the need to integrate traditional and modern management and conservation techniques

Nevertheless, the classification of cultural heritage at the national and regional levels seems to have brought a concerning risk for even the mere existence of cultural heritage and its proper management and conservation. The nature of the federal state structure that has been employed in Ethiopia since the 1991 regime change is marked by ethnic federalism, which is principally based on language and ethnicity. Following with the inherent linkage of cultural heritage to ethnicity, regional authorities may have become reluctant to protect, preserve and study different cultural heritage that they do not consider to be part of their ethnic groups' cultural manifestations. Furthermore, beyond their reluctance, these regional authorities may work against cultural heritage that is attributed to another ethnic group with whom they have historical animosity. The recent destruction of the Monument of Ras Mekonnen Woldemichael in Harar City is a good example of this issue. Frequent attempts to vandalise the Monument of Emperor Menilik II (r. 1989–1913), who achieved an astonishing defeat of European colonial forces in Italy and ensured Ethiopian independence, show the harshness of cultural heritage management in Ethiopia. What engenders pessimism in this regard is that even higher government officials are sometimes in favour of this vandalism of cultural heritage and do not attempt to take any legal measures to protect it.

Furthermore, in the war fought from November 2020 to November 2022 between the federal government and the Tigray regional government, different cultural heritage resources were threatened with destruction. Unless the ethnification of politics is rebuffed and the peace of the country is restored, the vulnerability of cultural heritage will undoubtedly increase.

Although these modern cultural heritage proclamations have brought some changes through formal government interventions into the conservation and management of cultural heritage in Ethiopia, these proclamations have failed to address the following relevant issues:

As the above issues illustrate, the current legal frameworks seem insufficient to appropriately manage cultural heritage in Ethiopia. The last two cultural heritage proclamations currently serve as legal bases of cultural heritage management in Ethiopia, as the 1966 and 1989 antiquities proclamations were annulled in 1989 and 2000, respectively. Unfortunately, the history of cultural heritage legislation in Ethiopia reveals that there has never been specialised cultural heritage legislation that separately addresses different groups of cultural heritage in the country. The four cultural heritage proclamations attempted to shed light on the notion and management of diversified cultural heritage resources in Ethiopia in general. However, the magnitude and diversity of the country's cultural heritage have highlighted the negative consequences of the absence of legal frameworks for proper cultural heritage management in the country because these diverse types of cultural heritage seriously require specialised heritage management legislation and institutions.

During the writing of this paper, the ARCCCH prepared a dialogue for comments on a draft to reform the last two cultural heritage proclamations of Ethiopia: Proclamation 209/2000 (*A proclamation to provide for research and conservation of cultural heritage*) and Proclamation 839/2014 (*A proclamation to provide for the classification of cultural heritage into national and regional cultural heritage*). As revealed in the draft, the last two cultural heritage proclamations are now deemed to have been too limited to address the affluent cultural heritage resources of Ethiopia, and the new proclamation is meant to fill the conceptualisation and management gaps observed in the two most recent cultural heritage proclamations in Ethiopia.

As discussed above, the way that these proclamations have attempted to conceptualise and establish management frameworks has presented unique challenges for sustainable heritage management in Ethiopia. Above all, the applicability of these cultural heritage proclamations has also been limited at lower administrative levels. Financial constraints, a lack of trained heritage

conservation and management professionals, and limited infrastructure have greatly affected cultural heritage management in Ethiopia.

In addition to this fundamental challenge – the absence of compelling legal and institutional frameworks to conceptualise and manage the cultural heritage of Ethiopia – different factors have caused bottlenecks in heritage conservation and the subsequent economic development that could be achieved through tourism in Ethiopia. As Habtamu et al., in a study conducted in the North Shoa Zone of the Amhara Regional State, noted:

The principal factors affecting heritage conservation are lack of proper management, monitoring and evaluation, lack of funds and stakeholder involvement, urbanization, settlement programs and agricultural practice, poor government concern and professional commitment, poor attitude towards cultural heritage and low level of community concern, vandalism and illicit trafficking, low promotions of cultural heritage, and natural catastrophes such as invasive intervention, climate change (humidity and frost, excessive rainfall and flood, heat from the sun) (Mekonnen, Bires, and Berhanu 2022).

Ethiopia has rich cultural heritage assets that could be used to drive economic development (Taddese 2023). To utilise these numerous cultural heritage resources to boost sustainable economic development through heritage tourism, heritage conservation should be integrated into sustainable economic development (Mekonnen, Bires, and Berhanu 2022). However, studies on the integration of heritage conservation and heritage tourism are rare, and as Asefa stated, ‘The paucity of studies in this area makes the task of integration between heritage tourism and cultural heritage conservation more challenging’. Harmonising cultural heritage conservation and heritage tourism requires ‘hard political choices, the collaboration of stakeholders, and an understanding of the local communities’ attitude towards both heritage conservation and tourism issues’ (Assefa 2013).

The Ethiopian government should strive to use the country’s rich cultural heritage resources to boost sustainable economic development. This could be materialised by setting legal and institutional frameworks that enhance the conceptualisation and management of cultural heritage resources of the country. Furthermore, the government should endeavour to alleviate cultural heritage management and conservation challenges to increase the income generated from the heritage tourism sector. To achieve this, cultural heritage management and conservation should be harmonised and integrated with heritage tourism, which could enhance the share of the heritage tourism sector in Ethiopia’s national GDP.

6 Conclusion

One of the economic sectors that could contribute to the country’s economic growth is the tourism sector. However, the share of the tourism sector in the country’s GDP has thus far been insignificant. This may be partly due to the absence of legal frameworks and institutions that could conceptualise the notion of cultural heritage resources of the country, establish efficient management of these heritage resources, and promote cultural heritage resources to draw tourists to the country. Above all, due to the inadequacy of the legal and institutional frameworks and the failure to build up shared meaning for the cultural heritage of the country, myriad priceless cultural heritage resources have been exposed to vandalism, illicit trafficking and improper management.

For better protection and preservation of priceless cultural heritage resources, strong cultural heritage legislation and institutions are indispensable. The establishment of such modern institutional and legal frameworks in Ethiopia dates back to the mid-20th century. Since the 1960s, four proclamations (Proclamation No. 229/1966, Proclamation No. 36/1989, Proclamation No. 209/2000 and Proclamation No. 839/2014) concerning cultural heritage resources of Ethiopia have been enacted. The first two proclamations used the concept of antiquity to explicate the notion of cultural heritage. The second proclamation, unlike the first, clearly defined the notion of antiquity. In addition, the second proclamation established a detailed management framework for the protection and preservation of cultural heritage resources in the country. Abandoning the notion of antiquity, the third and fourth proclamations employed the term cultural heritage. The second and third proclamations set relatively similar frameworks for the exploration, discovery and management of cultural heritage. Although its applicability has been limited, the fourth proclamation attempted to classify cultural heritage at the national and regional levels. In addition, this proclamation clearly mentions and explains the basic components of intangible cultural heritage. Generally, the conceptualisation and management of cultural heritage in Ethiopia have undergone some evolution and become more in line with the global development of the concept and management of cultural heritage.

Although the main challenges of conceptualising and managing cultural heritage arise in practice, legislation regarding cultural heritage should be both diverse and specialised in order to cover the rich cultural resources of Ethiopia. Cultural heritage legislation should help increase the awareness of society about cultural heritage and engage various stakeholders in cultural heritage. By creating strong institutional and legal frameworks for cultural heritage, Ethiopia can protect and preserve

its rich cultural heritage resources, which will inevitably boost income from the tourism sector and thereby the country's economic development.

Abbreviations

ARCCH	The Authority for Research and Conservation of Cultural Heritage
CRCCH	The Centre for the Research and Conservation of Cultural Heritage
EC	Ethiopian Calendar
EOTC	The Ethiopian Orthodox Tewahido Church
EPRDF	The Ethiopian People's Revolutionary Democratic Front
GDP	Gross Domestic Product
ICOMOS	The International Council on Monuments and Sites
UNESCO	The United Nations Educational, Scientific and Cultural Organisation

Acknowledgements

Not applicable.

Author's contributions

The author read and approved the final manuscript.

Funding

Not applicable.

Availability of data and materials

Not applicable.

Declarations

Competing interests

The author declares that there are no competing interests to this manuscript.

Received: 15 August 2023 Accepted: 16 December 2023

Published online: 23 January 2024

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