



**unesco**

Protection of  
Cultural Property in  
the Event of Armed Conflict

**Four-year cycle  
2017-2020**

---

**Questionnaire  
National report on the implementation of the 1954 Hague  
Convention and its two (1954 and 1999) Protocols**

## GENERAL INFORMATION

1. Region:

State Party:

Ethiopia

### 2. Submission of previous national reports

Yes

No

2.1. 2013-2016 cycle

### 3. Actors involved in the preparation of the national report

3.1. Government institutions responsible for the protection of cultural property

3.2. National Commission for UNESCO

3.3. Military expert

3.4. Independent experts

If other actors have been involved, please indicate them

### 4. National Focal Point

According to paragraph 120 of the Guidelines for the Implementation of the Second Protocol: "Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO." If you do not consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

Institution: ARCCH	Email: mulugetafyg@gmail.com
Name: Mulugeta Feseha (Ph.D)	Tel.: +251-944335644
Address: Addis Ababa, Ethiopia	Fax: +231-111540033

## I. The Hague Convention of 1954

### 1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- *Has your State undertaken such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Recognizing the necessity to safeguard the cultural property of Ethiopia as per Article 1 of the 1954 Hague convention from man-made and natural disasters. The Federal Democratic Republic of Ethiopia has set up, by the Decree of Proclamation No.209/2000, a special institution, the Authority for Research and Conservation of Cultural Heritage (ARCCH) which is mandated for such purpose.

The Authority is set up with the objectives of;

- (a) Carry out a scientific registration and supervision of cultural heritage, bearing witness to history and science to hand down from generation to generation.
- (b) Protect cultural heritage against man-made and natural disasters
- (c) Discover and study cultural heritages.

Hence the Authority pertaining to this exclusive purpose has carried out intensive inventory of movable, immovable and intangible cultural heritages through out the country in collaboration with heritage experts in the regional tourism offices. Accordingly, tremendous artifacts, historical monuments, manuscripts, and intangible cultural heritage elements including cultural expressions, festivals, traditional events and rituals have been registered and documented. Furthermore, some archival materials and manuscripts have been documented on microfilm taking in to account heritages, consists of just one single original document or materials i.e one of a kind.

Some ir retrievable cultural property including the Fossil of "lucy", the origin of human being and other precious cultural properties are located and placed in a highly secured stainless steel cabinet in the Authority for Research and Conservation of Cultural Heritage (ARCCH). There is also an ongoing project to digitalize the inventory and inspection of both movable and immovable cultural heritages. Thus, important cultural properties in Ethiopia are given special status such as National Treasures in accordance with the Law for the protection of cultural properties or "Cultural Heritage " so as to regulate any harm on these treasures..

### 2. Article 6 - Use of the distinctive emblem for the marking of cultural property

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- *Has your State **marked cultural property** by using the distinctive emblem of the Convention?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Ethiopia hasn't so far use the distinctive emblem to mark the cultural properties (heritage) of the country. However, in Ethiopia the inventory is not finalized and grading of the cultural heritages both at the national and the regional levels is still in the process. Besides, the cultural properties have not been placed under enhanced or special protection; pursuant to Article 16(2) of the Hague Convention since Ethiopia has not ratified the Second Protocol of the Convention, which necessitate the implementation of its provision..

### 3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding such property. These are obligations to be implemented in time of peace.

- *Has your State introduced provisions in the **regulations and instructions for your armed forces** to ensure compliance with the Convention?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Iterative has been started to incorporate the requirements of Article 7 into the military regulation and instruction of the armed forces. Discussions will be continued between ARCCH, the responsible national organization for the execution of the 1954 Convention and its First Protocol, and the Ministry of Defense on the creation of a special unit within the military forces to secure respect for cultural property and co-operate with the civilian Authorities responsible for safeguarding of cultural heritages. Despite the fact, it has no direct link to the 1954 Hague Convention, the Ministry of Defense developed a military operation manual (Article 25) of the national defense force, to guide the members of the military to respect and not to damage public infrastructure and cultural properties. Article 25 states that causing damages on public infrastructure and violation of public cultural properties by members of the military forces results in severe punishment including death penalty in accordance with both domestic law and international humanitarian law. Therefore, the military members are required to respect and not destroy heritage monuments, works of art and culture among others and not to use heritage sites and objects for military purpose during armed conflicts..

- *Has your State established **services** or designated specialist personnel *within your armed forces* to ensure respect for cultural property?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

#### 4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The requirements and safety of heritage have taken due emphasis and for such purpose and promulgation of the Hague convention, trainings have been provided to distinctive stakeholders both at the federal and regional levels that have indispensable role in the implementation of the the 1954 Convention. Accordingly, trainings were given about the provisions of the 1954 convention and the two protocols (the 1954 first protocol and the 1999 second protocol) within the military forces and other relevant target groups such as the Federal police force, Ministry of foreign affairs, Interpole in Addis Ababa office, the Federal Attorney General, religious institutions and regional culture and heritage experts. Furthermore, the process of translation of the Convention the First Protocol into the working language of Ethiopia, Amharic has been started to disseminate the document to members of the military force and other relevant stakeholders as well as to the public in general. The trainings sessions have been organized based on the data collected from the field survey and gap analysis and need assessment were identified to implement the Convention.

#### 5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

**Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat"**

Please annex an *electronic copy of your translation(s) to this report.*

Attach the document

## 6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit or order a breach of the Convention.

- *Has your State introduced in your domestic legislation all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Federal Democratic of Ethiopia has adopted the 1954 Convention and the First Protocol as part of the National Law through the Proclamation No.373/2003. A penal Code was introduced within the framework of ordinary criminal jurisdiction, so as to prosecute and sanctions up on those who commit or order to be committed damage against cultural heritage as per indicated in the Ethiopian heritage protection law. In part two of the the proclamation No.209/2000 of the Federal Democratic Republic of Ethiopia, an act of theft of cultural property, illicit trafficking and exporting of cultural property are prohibited. Article 24(1) of the same chapter states that no person may engage in the purchase and sale of cultural heritage for commercial purpose. Article 26(1) proclaims about the repatriation of cultural heritage, illegally held in other countries. Article 28 of the proclamation explains about foreign cultural heritage, which is brought in to Ethiopia for the purpose of cultural exchange, or exhibition, or other purposes shall be accorded government protection as necessary.

The penal code provides for a more sever penalty for violations of the law as stated below. This includes that any person who

(A) Violations of the provisions of Articles 18,20,23(1) or 42(2) of the proclamation shall be punished with imprisonment not exceeding six months or with fine of up to 1500 birr or with both

(B) Violation of the provisions of Articles 19 (1), 21, 22(2) or 35 of the proclamation shall be punished with imprisonment of not exceeding one year or with fine not exceeding 3000 birr or with both

(C ) Violations of Articles 24 or 27 or 30(1),42(1) or 43(2) of the proclamation shall be punished with rigorous imprisonment from 3 to 5 years or with fine from 10,000 to 15,000 or with both

2.Unless the penal code provides for a more sever penalty, any person who;

(a),commits theft on cultural heritage shall be punished with rigorous imprisonment of not less than 7 years and not exceeding 10 years.

(b).Destroying or damage to cultural heritage intentionally shall be punished with rigorous imprisonment not less than 10 years and not exceeding 12 years.

## II. Resolution II of the 1954 Conference

- *Has your State established a **National Advisory Committee** in accordance with the wish expressed by the Intergovernmental Conference (1954) in [Resolution II](#)?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

The State Party of Ethiopia has just started implementing the Convention and will continue to further implement the Convention and its First Protocol.E

- *In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

### III. 1954 (First) Protocol

*[To be completed only by the High Contracting Parties to the 1954 Protocol]*

The main purpose of the 1954 Protocol is the protection of cultural property in **or stemming from** occupied territory.

- *Has your State undertaken **measures to implement** these international obligations, including the adoption of relevant legislation?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.



## IV. The 1999 Second Protocol

*[To be filled in only by the Parties to the 1999 Second Protocol]*

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

### 1. Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- *Has your State undertaken such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable. As Ethiopia has not signed the second protocol.

### 2. Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- *Do you ensure compliance with the provisions relating to the **protection of cultural property in the context of military occupation?***

YES:  NO:  Not applicable:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

### 3. Article 10 - Enhanced protection

The 1999 Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict (composed of 12 Parties).

- Do you **intend to request the granting** of enhanced protection for cultural property within the next four years or, if appropriate, to submit a **national tentative list** under Article 11 (1) of the 1999 Second Protocol?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

#### MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

*[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].*

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- Is a **specific mechanism for monitoring cultural property under enhanced protection** in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- Has your State **marked with the distinctive emblem** cultural property under enhanced protection?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

#### 4. Article 15 - Serious violations of the 1999 Second Protocol

“Article 15 obliges Parties to **establish as criminal** offences in their domestic law offences constituting serious breaches of the Second Protocol, **and to make such offences punishable by** appropriate penalties”.

- *Has your State implemented this obligation?* If yes, what measures have been undertaken?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

#### 5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- *Has your State implemented this obligation?* If yes, what measures have been undertaken **to grant jurisdiction to your courts** over serious offences under the 1999 Second Protocol?

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

#### 6. Article 21 - Measures regarding other violations

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to **suppress certain other violations of the Second Protocol**:

a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;

b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- *Has your State implemented such measures?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

## 7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations' guidelines and instructions for the protection of cultural property.

- *Has your State disseminated the provisions of the Convention and the Second Protocol within the armed forces as well as to target groups and the general public?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

## 8. Article 33—Assistance of UNESCO

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- *Has your State shared, in particular through the Secretariat of UNESCO, your experiences and good practices in implementation of the 1954 Hague Convention and / or its Protocols?*

YES:  NO:

You can complete your answer below, taking into account the guidelines in the model report.

Not Applicable.

## 9. Article 37 - Official translation of the 1999 Second Protocol to the 1954 Hague Convention

Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

**Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.**

Please annex an *electronic copy of your translation(s) to this report.*

## **V. Other questions relating to the 1954 Hague Convention and its two Protocols**

### **1. Ratification of / accession to other international treaties having provisions of the protection of cultural property**

- Can you indicate the other international instruments to which your State is a party?

<b>International instruments</b>	<b>Ratification/Accession</b>
1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	Ratification
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	Ratification
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	.....

2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	Ratification
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	Ratification
Additional Protocol (I) to the Geneva Conventions, 1977	Ratification
Additional Protocol (II) to the Geneva Conventions, 1977	Ratification
Additional Protocol (III) to the Geneva Conventions, 2005	Ratification

## 2. National practice relating to the implementation of the Hague Convention and its two Protocols

The Secretariat would be grateful if you could annex a copy of the following documents in French and/or English:

- Relevant **civil and military administrative regulations**:

PDF Document                      Website

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

PDF Document                      Website

- Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

PDF Document                      Website

## 3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

There is no cooperation between the different authorities	<input type="checkbox"/>
There is limited cooperation between the different authorities	<input type="checkbox"/>
There is cooperation between the various authorities, but there are still improvements to be made	<input checked="" type="checkbox"/>
There is a perfectly functional cooperation between the different authorities	<input type="checkbox"/>
Other (specify)	

## VI. Self-assessment forms

In order to reflect in the synthesis document of the national reports the status of implementation of the 1954 Hague Convention and its 1999 Second Protocol in key areas, please fill in the two tables below.

### 1. Assessment of the degree of implementation

*[To do this, please use the following rating scale]*

1. Not at all implemented;
2. Partially implemented and the process is at standstill;
3. Partially implemented, the process following its course; and
4. Fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	3
Military training on regulations for the protection of cultural property	3
Use of the distinctive emblem to mark cultural property	1
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	3
Adoption of relevant criminal legislation	3
<i>For Parties with cultural property under enhanced protection only.</i>	<i>.....</i>

Establishment of a monitoring system for cultural property under enhanced protection at the national level	
--	--

## 2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
5. No difficulties were encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	2
Military training on regulations for the protection of cultural property	2
Use of the distinctive emblem to mark cultural property	2
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	4
Adoption of relevant criminal legislation	2
<i>For Parties with cultural property under enhanced protection only.</i>	.....
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

## VII. Enhanced protection mechanism – Opinion survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three criteria are cumulatively met:

- ✓ Cultural property is of the greatest importance to humanity;
- ✓ Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
- ✓ Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

*For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.*



- Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

No Applicable since the Federal Democratic Republic of Ethiopia has not ratified the second protocol

- Article 10, paragraph (b) - "The highest level of protection"

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?

No Applicable

- Article 10, paragraph (c) - "Not-used for military purposes"

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?

NA.