

**LAW ON CULTURAL HERITAGE**

**(No. 28/2001/QH10 of June 29, 2001)**

The Vietnamese cultural heritage is a precious property of the community of Vietnamese nationalities, constitutes part of the mankind's cultural heritage and plays a great role in our people's cause of national construction and defense;

In order to protect and promote the cultural heritage value, meet the people's increasing cultural demands, contribute to the building and development of the progressive Vietnamese culture deeply imbued with national identity and contribute to the world cultural heritage treasure;

In order to enhance the State management effectiveness and raise the people's sense of responsibility for taking part in the protection and promotion of the cultural heritage value;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

This Law provides for cultural heritage,

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.** Cultural heritage provided for in this Law includes intangible and tangible cultural heritages, which are spiritual and material products having historical, cultural or scientific value and handed down from generation to generation in the Socialist Republic of Vietnam.

**Article 2.** This Law provides for activities of protecting and promoting the values of cultural heritages; defines the rights and obligations of organizations and individuals towards the cultural heritages in the Socialist Republic of Vietnam.

**Article 3.** This Law applies to Vietnamese organizations and individuals, foreign organizations and individuals and overseas Vietnamese that operate in Vietnam. In cases where an international treaty, which Vietnam has signed or acceded to, contains provisions different from those of this Law, the provisions of such international treaty shall apply.

**Article 4.** In this Law, the following terms and expressions shall be construed as follows:

1. *Intangible cultural heritages* are spiritual products of historical, cultural or scientific value, being saved in memory or in scripts, handed down orally and through professional teaching, performance and other forms of saving and handing down, including speech, scripts, literary, art or scientific works, oral philology, folk oratorio, life style, way of life, rites, traditional craft know-how, knowledge about traditional medicine and pharmacy, about gastronomic culture,

about traditional costumes, and other folk knowledge.

2. *Tangible cultural heritages* are material products of historical, cultural or scientific value, including historical-cultural relics, famous landscapes and beauty spots, vestiges, antiques and national precious objects.

3. *Historical-cultural relics* are construction works and sites, as well as vestiges, antiques and/or national precious objects pertaining to such works and sites and having historical, cultural and/or scientific value.

4. *Famous landscapes and beauty spots* are natural sceneries or places where exists a combination of natural scenery and architectures with historical, aesthetic and/or scientific value.

5. *Vestiges* are bequeathed objects with historical, cultural and/or scientific value.

6. *Antiques* are bequeathed objects with typically historical, cultural and/or scientific value, and aged one hundred years or more.

7. *National precious objects* are bequeathed objects with extremely precious, rare and typical value in terms of history, culture and/or science.

8. *Duplicates of vestiges, antiques, national precious objects* are products made identical to the originals in shape, size, material, color, ornamentation and other features.

9. *Collection* is a group of vestiges, antiques, national precious objects or intangible cultural heritages, which are gathered, preserved and arranged systematically according to common signs in presentation, content and material so as to meet the demand for inquiry into natural and social history.

10. *Archaeological exploration and excavation* are scientific activities to discover, gather and research into vestiges, antiques, national precious objects and archaeological sites.

11. *Preservation of historical-cultural relics, famous landscapes and beauty spots, vestiges, antiques and national precious objects* is the activity to prevent and minimize dangers of damage without changing inherent original elements of historical-cultural relics, famous landscapes and beauty spots, vestiges, antiques and national precious objects.

12. *Renovation of historical-cultural relics, famous landscapes and beauty spots* is the activity to repair, reinforce and/or embellish historical-cultural relics, famous landscapes and beauty spots.

13. *Restoration of historical-cultural relics, famous landscapes and beauty spots* is the activity to reconstruct ruined historical-cultural relics, famous landscapes and beauty spots, based on scientific data about such historical-cultural relics, famous landscapes and beauty spots.

**Article 5.** The State exercises the unified management over the cultural heritage, which is under the entire population's ownership; recognizes and protects forms of collective ownership, joint

ownership of the community, private ownership and other forms of ownership over cultural heritages according to the provisions of law.

The ownership right and copyright over cultural heritages are defined under the provisions of this Law, the Civil Code and other relevant provisions of law.

**Article 6.** All cultural heritages under the ground, in the mainland, on islands, in the inland waters, territorial waters, exclusive economic zones and continental shelf of the Socialist Republic of Vietnam are under the entire population's ownership.

**Article 7.** Cultural heritages discovered with unidentified owners and recovered in the course of archaeological exploration and excavation, are all under the entire population's ownership.

**Article 8.**

1. All cultural heritages on the Vietnamese territory, which have domestic or foreign origin and are under the ownership in various forms, shall be protected and have their values promoted.
2. Vietnamese cultural heritages in foreign countries shall be protected under the international practices and the provisions of the international treaties which the Socialist Republic of Vietnam has signed or acceded to.

**Article 9.**

1. The State adopts the policy of protecting and promoting the value of cultural heritages in order to raise the people's spiritual life, contributing to the socio-economic development of the country; encourages domestic and foreign organizations and individuals to contribute or provide financial supports to the protection and promotion of the values of cultural heritages
2. The State protects the lawful rights and interests of owners of cultural heritages. Owners of cultural heritages shall be responsible for protecting and promoting the values of such cultural heritages.
3. The State invests in personnel training and fostering, research into and application of sciences and technologies to the protection and promotion of the values of cultural heritages.

**Article 10.** State agencies, political organizations, socio-political organizations, social organizations, socio-professional organizations, economic organizations, people's armed force units (hereinafter referred to as organizations) and individuals have the responsibility to protect and promote the values of cultural heritages.

**Article 11.** The cultural and mass media agencies shall have to widely propagate and disseminate the values of cultural heritages of the community of Vietnamese nationalities at home and abroad, thus contributing to raising the sense of protection and promotion of the values of cultural heritages among the population.

**Article 12.** The Vietnamese cultural heritage shall be used for the following purposes:

1. Promoting their values for the entire society's benefits;
2. Promoting the fine traditions of the community of Vietnamese nationalities;
3. Contributing to the creation of new cultural values, enriching the treasure of Vietnamese cultural heritages and expanding the international cultural exchange.

**Article 13.** The following acts are strictly prohibited:

1. Appropriating or deviating cultural heritages;
2. Ruining or posing a danger of ruining cultural heritages;
3. Conducting illegal excavations at archaeological sites or illegal construction, encroaching upon the land within historical-cultural relics, famous landscapes and beauty spots;
4. Illegally purchasing, selling, exchanging and transporting vestiges, antiques, national precious objects pertaining to historical-cultural relics, famous landscapes and beauty spots; illegally taking abroad vestiges, antiques and national precious objects;
5. Taking advantage of the protection and promotion of the values of cultural heritages to commit law-breaking acts.

## **Chapter II**

### **RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS OVER CULTURAL HERITAGES**

**Article 14.** Organizations and individuals shall have the following rights and obligations:

1. To lawfully own cultural heritages;
2. To visit and study cultural heritages;
3. To respect, protect and promote the values of cultural heritages;
4. To promptly notify places where vestiges, antiques, national precious objects, historical-cultural relics, famous landscapes and beauty spots are discovered; and hand over vestiges, antiques, national precious objects found by themselves to the nearest competent State agencies;
5. To prevent or request the competent State bodies to prevent or promptly handle acts of undermining, appropriating or illegally using cultural heritages.

**Article 15.** Organizations and individuals being owners of cultural heritages shall have the

following rights and obligations:

1. To observe the provisions in Article 14 of this Law;
2. To apply measures for protecting and promoting the values of cultural heritages; to promptly report to the competent State bodies on cases where cultural heritages are in danger of having their values falsified, being ruined or lost;
3. To send collections of intangible cultural heritages, vestiges, antiques, national precious objects to the State museums or the competent State bodies in cases where they lack conditions and capability to protect and promote the values thereof;
4. To create favorable conditions for organizations and individuals to visit, travel to and study cultural heritages;
5. To exercise other rights and perform other obligations provided for by law.

**Article 16.** Organizations and individuals that directly manage cultural heritages shall have the following rights and obligations:

1. To protect and preserve the cultural heritages;
2. To apply measures to promptly prevent or stop acts of infringing upon cultural heritages;
3. To promptly notify the owners or the nearest competent State agencies when cultural heritages are lost or in danger of being ruined;
4. To create favorable conditions for organizations and individuals to visit, travel to and study cultural heritages;
5. To exercise other rights and perform other obligations provided for by law.

### **Chapter III**

#### **PROTECTION AND PROMOTION OF THE VALUES OF INTANGIBLE CULTURAL HERITAGES**

**Article 17.** The State encourages and creates conditions for organizations and individuals to conduct activities of studying, collecting, preserving, teaching and introducing intangible cultural heritages in order to keep and promote the national cultural identity and enrich the treasure of cultural heritages of the Vietnamese nationalities community.

**Article 18.** The presidents of the People's Committees of the provinces and centrally-run cities (hereinafter referred to as the presidents of the provincial-level People's Committees) shall direct the organization of compilation of scientific dossiers on intangible cultural heritages in their

localities in order to protect and promote the values thereof.

The Minister of Culture and Information shall prescribe the procedures for compiling scientific dossiers on intangible cultural heritages.

**Article 19.** The Prime Minister shall consider and decide to propose the United Nations Educational, Scientific and Cultural Organization (UNESCO) to recognize Vietnam's typical intangible cultural heritages as World Cultural Heritages, at the proposals of the Minister of Culture and Information.

Dossiers to be submitted to the Prime Minister must be evaluated in writing by the National Council for Cultural Heritages.

**Article 20.** The competent State agencies shall have to apply necessary measures to protect intangible cultural heritages, prevent the danger of their being falsified, faded out or lost in the course of handing down.

**Article 21.** The State adopts policies and create conditions for protecting and developing the spoken and written languages of the nationalities in Vietnam. All organizations and individuals have the responsibility to preserve the clarity and purity of the Vietnamese language.

**Article 22.** The State and the society protect and promote the fine customs and traditions in the nation's life-style and way of life; do away with bad customs and practices harmful to the people's cultural life.

**Article 23.** The State adopts policies to encourage the collection, compilation, translation, statistics, classification and archival of literary, art and scientific works, oral philology, folk oratorio of the Vietnamese nationalities community for popularization at home and cultural exchange with foreign countries.

**Article 24.** The State adopts policies to encourage the maintenance, restoration and development of traditional handicrafts of typical values; the research into and application of knowledge about traditional medicine and pharmacy; the maintenance and promotion of values of the gastronomy, the nation's traditional costumes and other folk knowledge.

**Article 25.** The State creates conditions for the maintenance and promotion of the cultural value of traditional festivals; gets rid of bad customs and combat negative phenomena and commercialism in ritual organization and activities. The organization of traditional festivals must comply with the provisions of law.

**Article 26.** The State honors and adopts the policy of preferential treatment to artisans and artists, who master and have merits in popularizing traditional arts or professional know-how of special values.

**Article 27.** Overseas Vietnamese, foreign organizations and individuals may conduct research into and collect intangible cultural heritages in Vietnam after obtaining written consents of the

competent State bodies.

## **Chapter IV**

### **PROTECTION AND PROMOTION OF VALUES OF TANGIBLE CULTURAL HERITAGES**

#### **Section 1**

#### **HISTORICAL-CULTURAL RELICS, FAMOUS LANDSCAPES AND BEAUTY SPOTS**

##### ***Article 28.***

1. Historical-cultural relics must attain one of the following criteria:

- a) Construction works and/or places associated with typical historical events in the process of national construction and defense;
- b) Construction works and/or places associated with the life and activities of national heroes, heroines or celebrities;
- c) Construction works and/or places associated with typical historical events in the revolutionary and resistance war periods;
- d) Locations of typical archaeological values;
- e) Architectural works in groups or single with typical architectural and/or artistic values for one or several historical periods.

2. Famous landscapes and beauty spots must attain one of the following criteria:

- a) Natural sceneries or places where exists a combination of natural scenery and architectures with typical aesthetic value;
- b) Natural zones with scientific value in geology, topography, geography, biological diversity, typical ecological system or natural zones, where exist material traces of development stages of the earth.

***Article 29.*** According to their respective historical, cultural and/or scientific values, historical-cultural relics, famous landscapes and beauty spots (hereinafter referred collectively to as relics) shall be classified into:

1. Provincial-level relics, which have typical value of localities;
2. National relics, which have typical value of the nation; and

3. Special national relics, which have extremely typical value of the nation.

**Article 30.**

1. The competence to decide on ranking of relics is specified as follows:

a) The presidents of the provincial-level People's Committees shall decide on the ranking of provincial-level relics;

b) The Minister of Culture and Information shall decide on the ranking of national relics;

c) The Prime Minister shall decide on the ranking of special national relics; and decide to propose the United Nations Educational, Scientific and Cultural Organization to consider and put Vietnam's typical relics on the List of World Heritages.

2. In cases where there are enough grounds to determine that a relic, which has already been ranked, is unqualified or irreparably ruined, the person competent to decide on the ranking of such relic may issue a decision to disregard such relic's ranking.

**Article 31.** The procedures for ranking relics are prescribed as follows:

1. The presidents of the provincial-level People's Committees shall compile dossiers on relics and submit them to the Minister of Culture and Information for decision on ranking of national relics;

2. The Minister of Culture and Information shall compile and submit dossiers on relics to the Prime Minister for decision on ranking of special national relics; compile and submit dossiers on Vietnam's typical relics to the Prime Minister for decision on the proposal to the United Nations Educational, Scientific and Cultural Organization to consider and put them on the List of World Heritages.

Dossiers to be submitted to the Prime Minister must be appraised in writing by the National Council for Cultural Heritages.

**Article 32.**

1. Relic protection zones include:

a) Protection zone I covers the relic and the area(s) determined as the relic's original constituents, which must be protected in original state;

b) Protection zone II is the area surrounding the protection zone I of the relic, where works can be constructed in service of the promotion of the relic's values, provided that they do not affect the architecture, natural scenery and ecological environment of the relic.

In cases where the protection zone II cannot be determined, the determination of the sole



protection zone I shall be decided by the presidents of the provincial-level People's Committees for the provincial-level relics, by the Minister of Culture and Information for the national relics, or by the Prime Minister for the special national relics.

2. The construction of works in the protection zone II as mentioned at Point b, Clause 1 of this Article for national relics and special national relics must be agreed upon in writing by the written consents of the Minister of Culture and Information, or by the presidents of the provincial-level People's Committees for provincial-level relics.

3. Protection zones specified in Clause 1 of this Article shall be delineated on cadastral maps enclosed with records on protection zone marking-off and must be affirmed by competent State agencies in dossiers on relics.

**Article 33.**

1. Organizations and individuals that are relic owners or assigned relics for management and use shall have to protect such relics. In cases where they detect that a relic is encroached upon, ruined or in danger of being ruined, they shall have to promptly take preventive measures and report such to their immediate superior agency, the local People's Committee or the nearest competent State agency in charge of culture and information.

2. The local People's Committees or the competent State agencies in charge of culture and information shall, upon receiving reports on relics being ruined or in danger of being ruined, have to promptly apply preventive and/or protective measures and immediately report such to their immediate superior agencies.

3. The Ministry of Culture and Information shall, upon receiving reports on relics being ruined or in danger of being ruined, have to promptly direct and guide the local competent State agencies and/or owners of such relics to immediately apply preventive and/or protective measures; and report to the Prime Minister, for special national relics.

**Article 34.** The preservation, embellishment and restoration of relics shall be devised into projects to be submitted to the competent State agencies for approval, provided that the relics' original elements are preserved to the utmost.

The Minister of Culture and Information shall promulgate a Regulation on preservation, embellishment and restoration of relics.

**Article 35.** The competence to approve projects on preservation, embellishment and restoration of relics shall comply with this Law and law provisions on construction.

In the course of approving projects on preservation, embellishment and restoration of relics, the written appraisal opinions of the competent State agencies in charge of culture and information are required.

**Article 36.**

1. If before being approved, projects on renovation or construction of works lying outside relics protection zones prescribed in Article 32 of this Law are deemed likely to adversely affect the natural scenery and ecological environment of such relics, there must be written appraisal opinions of the competent State agencies in charge of culture and information.
2. In cases where investors of projects on renovation or construction of works specified in Clause 1 of this Article make any request, the competent State agencies in charge of culture and information shall have to supply relevant documents and make specific proposals on protection of relics so that such investors can select appropriate solutions ensuring the protection and promotion of values of relics.

**Article 37.**

1. Investors of projects on renovation or construction of works at places affecting relics shall have to coordinate with and create conditions for the competent State agencies in charge of culture and information to supervise the process of renovation or construction of such works.
2. In the process of renovation or construction of works, if they realize that there may be relics or vestiges, antiques, national precious objects, the project investors shall have to temporarily stop the construction and promptly notify the competent State agency in charge of culture and information thereof.

Upon receiving the notification, the competent State agency in charge of culture and information shall have to take timely handling measures to ensure the construction tempo. Where it deems necessary to stop the construction of works at such places to protect relics in original state, the competent State agency in charge of culture and information shall have to report such to the competent superior agency(ies) for decision.

3. In cases where it is necessary to organize archaeological exploration and/or excavation, the exploration and excavation funding shall be stipulated by the Government.

**Article 38.** The archaeological exploration and/or excavation shall be conducted only after permits therefore are obtained from the Minister of Culture and Information.

In cases where an archaeological site is ruined or in danger of being ruined, the Minister of Culture and Information shall issue an urgent excavation permit.

**Article 39.**

1. Organizations with the archaeological study function which wish to conduct archaeological exploration and/or excavation shall have to file dossiers of application for archaeological exploration and excavation permits to the Ministry of Culture and Information.
2. The Minister of Culture and Information shall have to issue archaeological exploration and/or

excavation permits within 30 days after receiving the dossiers of application for archaeological exploration and excavation permits. In case of refusal to issue permits, the reasons therefore must be clearly explained in writing.

3. The Minister of Culture and Information shall promulgate a Regulation on archaeological exploration and excavation.

#### ***Article 40.***

1. Persons who assume the prime responsibility for archaeological exploration and/or excavation must satisfy the following conditions:

a/ Possessing the bachelor degree in archaeology or bachelor degree in other specialties relating to archaeology;

b/ Having been directly engaged in archaeological activities for at least 5 years;

c/ Being recommended in writing to the Ministry of Culture and Information by the organizations which apply for archaeological exploration and excavation permits.

In cases where it is necessary to change persons who assume the prime responsibility, the written approval by the Minister of Culture and Information is required.

2. The Vietnamese organizations with the archaeological study function may cooperate with foreign organizations and individuals in conducting archaeological exploration and/or excavation in Vietnam according to the provisions of law.

## **Section 2**

### **VESTIGES, ANTIQUES AND NATIONAL PRECIOUS OBJECTS**

#### ***Article 41.***

1. All vestiges, antiques and national precious objects gathered in the course of archaeological exploration and excavation, as well as those discovered and handed over by organizations and individuals must be temporarily deposited in preservative storage of museums of the provinces, where such vestiges, antiques and national precious objects are discovered. Provincial-level museums shall have to receive and manage them and make reports thereon to the Ministry of Culture and Information.

2. Basing himself on values and requirements of preserving vestiges, antiques or national precious objects prescribed in Clause 1 of this Article, the Minister of Culture and Information shall decide to hand over such vestiges, antiques or national precious objects to State museums with appropriate functions.

3. Organizations and individuals that discover and hand over vestiges, antiques and national

precious objects shall have their discovery and preservation expenses refunded and be rewarded a sum of money according to the provisions of law.

***Article 42.***

1. National precious objects shall be protected and preserved according to a special regime. The State shall earmark an adequate proportion of the State budget to purchase national precious objects.

2. National precious objects shall be registered with the competent State agencies in charge of culture and information. The State encourages organizations and individuals to register vestiges and antiques under their ownership with the competent State agencies in charge of culture and information. The registered vestiges, antiques and national precious objects shall be assessed free of charge by the State, which shall also give instructions on professional preservation and create conditions for the promotion of their values.

The Minister of Culture and Information shall specify the procedures for registering vestiges, antiques and national precious objects.

3. When owners of national precious objects are changed within the country, the former owners shall notify the competent State agencies in charge of culture and information where national precious objects are registered of the full names and addresses of the new owners of such national precious objects within 15 days after the date of owner change.

***Article 43.***

Vestiges, antiques and national precious objects under the ownership of the entire population, political organizations or socio-political organizations must be managed in museums and must not be sold, purchased, donated nor presented as gifts. Vestiges and antiques under other ownership forms may be purchased, sold, exchanged, donated or bequeathed as inheritance at home and abroad according to the provisions of law. National precious objects under other ownership forms may only be purchased, sold, exchanged, donated and bequeathed as inheritance in the country under the provisions of law.

The bringing of vestiges and antiques abroad must be permitted by the competent State agencies in charge of culture and information.

2. The purchase and sale of vestiges, antiques and national precious objects shall be effected at agreed prices or in auctions. The State shall be given priority to purchase vestiges, antiques and national precious objects.

***Article 44.*** The bringing of vestiges, antiques, national precious objects abroad for display, exhibition, research or preservation must satisfy the following conditions:

1. Getting insured by recipients of vestiges, antiques and national precious objects;

2. Obtaining the Prime Minister's decisions permitting the bringing of national precious objects abroad; or the Culture and Information Minister's decisions permitting the bringing of vestiges and antiques abroad.

**Article 45.** The competent State agencies shall have to report to the Ministry of Culture and Information on vestiges, antiques, national precious objects confiscated from the illegal search, purchase, sale, transportation, export and import, so that the Minister of Culture and Information shall decide on the hand-over of such vestiges, antiques and national precious objects to agencies with appropriate functions.

**Article 46.** The duplication of vestiges, antiques and/or national precious objects must satisfy the following conditions:

1. For clear purposes;
2. Having the originals for comparison;
3. Putting specific marks on duplicates for distinguishing them from their originals;
4. Obtaining consents of owners of vestiges, antiques and national precious objects;
5. Obtaining permits from the competent State agencies in charge of culture and information.

### **Section 3**

#### **MUSEUMS**

**Article 47.** Museums are places where collections on natural and social history (hereinafter referred to as collections) are preserved and displayed in service of the people's needs for research, education, visit and cultural enjoyment.

Vietnamese museums include:

1. National museums, which are places where collections with national typical values are preserved and displayed;
2. Specialized museums, which are places where collections with typical values in particular specialties are preserved and displayed;
3. Provincial-level museums, which are places where collections with typical values within localities are preserved and displayed;
4. Private museums, which are places where collections on one or several themes are preserved and displayed.

**Article 48.** Museums have the following tasks and powers:

1. To collect, inventory, preserve and display collections;
2. To conduct scientific researches into cultural heritages;
3. To organize the promotion of cultural heritages ♦ values for the interest of the entire society;
4. To build up the contingent of professional personnel;
5. To manage the material foundations and technical facilities and equipment;
6. To undertake international cooperation according to the provisions of law;
7. To perform other tasks and exercise other powers according to the provisions of law.

**Article 49.** Conditions for the establishment of a museum include:

1. Possessing collection(s) on one or several themes;
2. Having a display area, storage and preservation means;
3. Having personnel mastering professional knowledge and techniques for museological activities.

**Article 50.**

1. The competence to decide on the establishment of museums is defined as follows:

a/ The Prime Minister shall decide on the establishment of national museums and specialized museums;

b/ The presidents of the provincial-level People's Committees shall decide on the establishment of provincial-level museums and private museums.

2. The procedures for establishing museums are prescribed as follows:

a/ Organizations and individuals wishing to establish museums shall have to send dossiers of establishment request to the competent persons specified in Clause 1 of this Article. A dossier of museum establishment request includes a written establishment request and the competent State agency's certification of the conditions prescribed in Article 49 of this Law;

b/ Within 30 days after receiving the dossiers, persons competent to decide on the establishment of museums shall have to consider and make decisions. In case of refusal, the reasons therefore

must be clearly stated in writing.

**Article 51.**

1. The ranking of museums shall be based on the following criteria:

- a/ The quality and value of collections;
- b/ The quality of the preservation and display of collections;
- c/ Their material foundations and technical facilities and equipment;
- d/ The standardization level of the professional personnel contingent.

2. Basing itself on the extent of satisfaction of the conditions prescribed in Clause 1 of this Article, the Government shall specify the museum ranking.

**Article 52.** Cultural heritages available in tradition houses and memorial houses shall be protected and have their values promoted under the provisions of this Law.

**Article 53.** The State encourages owners to organize the wide display and/or introduction of their collections, vestiges, antiques, national precious objects.

When necessary, the competent State agencies in charge of culture and information may reach agreements with owners on the use of their vestiges, antiques and national precious objects to serve the study work or display at the State museums.

The conditions for, content and duration of the use of vestiges, antiques and national precious objects shall be agreed upon in writing by the competent State agencies and their owners.

## **Chapter V**

### **THE STATE MANAGEMENT OVER CULTURAL HERITAGES**

#### **Section 1**

#### **THE CONTENT OF THE STATE MANAGEMENT OVER CULTURAL HERITAGE AND THE STATE MANAGEMENT AGENCIES IN CHARGE OF CULTURAL HERITAGES**

**Article 54.** The content of the State management over cultural heritages includes:

- 1. Elaborating strategies, planning, plans and policies for development of the cause of protection and promotion of the cultural heritage values, and directing the implementation thereof;

2. Promulgating and organizing the implementation of legal documents on cultural heritages;
3. Organizing and directing activities of protecting and promoting the cultural heritage values; propagating, popularizing and educating the legislation on cultural heritages;
4. Organizing and managing scientific research activities; training and fostering the contingent of professional personnel specialized in cultural heritages;
5. Mobilizing, managing and using resources to protect and promote the cultural heritage values;
6. Organizing and directing the commendation and giving of rewards for merits in the protection and promotion of the cultural heritage values;
7. Organizing and managing the international cooperation in the protection and promotion of the cultural heritage values;
8. Inspecting and examining the law observation, settlement of complaints and denunciations and handling of violations of the cultural heritage legislation.

**Article 55.**

1. The Government exercises the unified State management over cultural heritages.
2. The Ministry of Culture and Information is answerable to the Government for exercising the State management over cultural heritage.
3. The ministries, ministerial-level agencies, agencies attached to the Government shall have to exercise the State management over cultural heritages according to the responsibility assignment by the Government.

The Government shall specify the responsibilities of the ministries, ministerial-level agencies and agencies attached to the Government for coordinating with the Ministry of Culture and Information to exercise the unified State management over cultural heritage.

4. The People's Committees of all levels shall, within the ambit of their tasks and powers, exercise the State management over cultural heritages in their respective localities according to the responsibility assignment by the Government.

**Article 56.** The National Council for Cultural Heritages is the Prime Minister's advisory council for cultural heritages.

The Prime Minister shall specify the organization and operation of the National Council for Cultural Heritages.



## **Section 2**

### **RESOURCES FOR ACTIVITIES OF PROTECTING AND PROMOTING VALUES OF CULTURAL HERITAGES**

*Article 57.* The State encourages and creates favorable conditions for associations of literature and arts, science and technology to take part in activities of protecting and promoting the values of cultural heritages.

The State encourages the socialization of activities of protecting and promoting the values of cultural heritages.

*Article 58.* The financial sources for the protection and promotion of the values of cultural heritages include:

1. The State budget;
2. Revenues from activities of using and promoting the values of cultural heritages;
3. Financial assistance and contributions from domestic and foreign organizations and individuals.

*Article 59.* The State prioritizes the State budget's investment in activities of protecting and promoting the values of special national relics, national museums, national precious objects, historical revolutionary relics and intangible cultural heritages with typical values.

*Article 60.* Organizations and individuals that own or manage relics, collections and/or museums as assigned shall be allowed to collect visiting fee and charge for use of such relics, collections and museums according to the provisions of law.

*Article 61.*

1. The State encourages organizations and individuals to contribute or provide financial supports for the protection and promotion of the values of cultural heritages.
2. The contributions and financial supports for activities of protecting and promoting values of cultural heritage, shall be considered and acknowledged in appropriate forms.

*Article 62.* Financial source reserved for the protection and promotion of the values of cultural heritages must be managed and used for the right purposes and with efficiency.

## **Section 3**

### **INTERNATIONAL COOPERATION ON CULTURAL HERITAGES**

*Article 63.* The State adopts policies and measures for boosting cooperative relationship with

foreign countries, organizations and individuals in the protection and promotion of the values of cultural heritage on the basis of respect for each other's independence, national sovereignty, equality and mutual benefit, in compliance with the provisions of Vietnamese laws and international treaties which the Socialist Republic of Vietnam has signed or acceded to, thus contributing to promoting the values of the world cultural heritage and enhancing relations of friendship cooperation and mutual understanding among nations.

**Article 64.** The State encourages overseas Vietnamese and foreign organizations and individuals to take part in activities of protecting and promoting the values of the Vietnamese cultural heritages according to the provisions of law.

**Article 65.** Contents of international cooperation or cultural heritage

1. Elaboration and implementation of programs and projects for international cooperation on the protection and promotion of the values of cultural heritages;
2. Joining in international organizations and acceding to treaties on the protection and promotion of the values of cultural heritages;
3. Scientific research, application of scientific advances and transfer of modern technologies in the domain of preservation and embellishment of relics, construction of museums and archaeological excavation;
4. Exchange of exhibitions of cultural heritages;
5. Cooperation in the protection of Vietnamese heritages in foreign countries;
6. Training and fostering of personnel, exchange of information and experience in the protection and promotion of the values of cultural heritages.

#### **Section 4**

#### **INSPECTION AND SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS CONCERNING CULTURAL HERITAGE**

**Article 66.** The State culture and information inspectorate, which exercises the function of specialized inspection of cultural heritage, has the following tasks:

1. To inspect the observance of the legislation on cultural heritages;
2. To inspect the implementation of planning and plans on the protection and promotion of the values of cultural heritages;
3. To detect, prevent and handle according to its competence acts of violating the legislation on cultural heritages;

4. To receive and propose the settlement of complaints and denunciations concerning cultural heritage;
5. To propose measures to ensure the enforcement of the legislation on cultural heritages.

**Article 67.** Inspected subjects have the following rights and obligations:

1. To request the inspection delegations to produce inspection decisions, inspectors to produce their inspector's cards and strictly comply with the legislation on inspection;
2. To lodge complaints and denunciations or initiate lawsuits to the competent State agencies about inspection decisions, acts of inspectors or inspection conclusions when they have grounds to believe that such decisions, acts or conclusions are at variance with law;
3. To claim compensations for damage caused by handling measures applied by inspection teams or inspectors not according to law;
4. To satisfy the requests of inspection delegations and inspectors, to create conditions for inspectors to perform their tasks; to abide by handling decisions of inspection delegations and inspectors according to provisions of law.

**Article 68.**

1. Organizations and individuals have the right to lodge complaints or initiate lawsuits about administrative decisions or administrative acts of agencies, organizations and/or individuals competent to enforce the legislation on cultural heritages.
2. Individuals have the right to denounce acts of violating the legislation on cultural heritage to competent agencies, organizations and/or individuals.
3. The competence and procedures for settling complaints and denunciations and handling of lawsuits shall comply with the provisions of law.

## **Chapter VI**

### **COMMENDATION, REWARD AND HANDLING OF VIOLATIONS**

**Article 69.** Organizations and individuals that record achievements in the protection and promotion of the values of cultural heritages shall be commended and/or rewarded according to the provisions of law.

**Article 70.** Those who discover cultural heritages but fail to voluntarily report such or deliberately appropriate or commit acts of damaging or destroying them shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability. If damage is caused, they must make compensations therefore according to the

provisions of law and such cultural heritages shall be recovered by the State.

*Article 71.* Those who violate the provisions of the legislation on cultural heritages shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability. If damage is caused, they must make compensations therefore according to the provisions of law.

*Article 72.* Those who abuse their positions or powers to violate the provisions of the legislation on cultural heritages shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability. If damage is caused, they must make compensations therefore according to the provisions of law.

## **Chapter VII**

### **IMPLEMENTATION PROVISIONS**

*Article 73.* This Law takes effect as from January 1, 2002.

The previous stipulations which are contrary to this Law are now all annulled.

*Article 74.* The Government shall detail and guide the implementation of this Law.

*This Law was passed on June 29, 2001 by the 10<sup>th</sup> National Assembly of the Socialist Republic of Vietnam, at its 9<sup>th</sup> session.*

**THE NATIONAL  
ASSEMBLY  
CHAIRMAN**  
*(signed)*

**Nguyen Van An**