

**NATIONAL ASSEMBLY
VIETNAM**

Law #28/2001/QH10

SOCIALIST REPUBLIC OF

Independence-Freedom-Happiness

**NATIONAL ASSEMBLY
OF THE SOCIALIST REPUBLIC OF VIETNAM
10th Term, 9th Session
(May 22-June 28, 2001)**

LAW ON CULTURAL HERITAGE

Vietnam's cultural heritage is a valuable asset of the multiethnic Vietnamese community and a part of the cultural heritage of humanity. It has played a significant role in the national development and preservation of our people.

In order to protect and promote the value of cultural heritage, to meet the increasing cultural needs of the people, to build and develop Vietnam's progressive and unique culture, and to contribute to the treasured cultural heritage of the world;

In order to strengthen state management and to heighten the people's responsibility for and participation in protecting and promoting the value of cultural heritage;

Based on the 1992 Constitution of the Socialist Republic of Vietnam;
This Law regulates cultural heritage.

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Cultural heritage as regulated in this Law includes both intangible and tangible cultural heritage. It comprises intellectual and material products with historical, cultural and scientific value that are passed on from generation to generation in the Socialist Republic of Vietnam.

Article 2

This law regulates conservation and promotion of cultural heritage and identifies the rights and responsibilities of organizations and individuals toward the cultural heritage of the Socialist Republic of Vietnam.

Article 3

This law applies to Vietnamese organizations and individuals and to foreign and overseas Vietnamese organizations and individuals with activities in Vietnam. If international conventions ratified or joined by the Socialist Republic of Vietnam have different provisions, then the provisions of the international convention will be applied.

Article 4

In this Law, the below terms are defined as follows:

1. Intangible cultural heritage consists of intellectual products with historical, cultural or scientific value that have been preserved by memory, writing, passed down through oral tradition, teaching, performance and all other means and forms. It includes language, writing, works of literature, art, science, oral tradition, folklore, ways of life, lifestyles, festivals, secrets of traditional handicrafts, knowledge of traditional medicine, cuisine, ethnic costumes and other forms of traditional knowledge.

2. Tangible cultural heritage consists of material products with historical, cultural or scientific value, including historical-cultural sites, scenic landscapes, relics, antiquities and national treasures.

3. Historical-cultural sites consist of monuments and locales, as well as the relics, antiquities or national treasures at those monuments and locales with historical, cultural or scientific value.

4. Scenic landscapes are spots with natural beauty, or sites including both natural beauty and architectural monuments with historical, aesthetic or scientific value.

5. Relics are objects handed down from the past with historical, cultural or scientific value.

6. Antiquities are objects handed down from the past with significant historical, cultural or scientific value, with an age of one hundred years or more.

7. National treasures are objects handed down from the past with historical, cultural or scientific value of exceptional significance to the country

8. Copies of relics, antiquities, or national treasures are products made to resemble the original in appearance, size, material, decoration, and other features.

9. Collections are sets of relics, antiquities, or national treasures or intangible cultural heritage that have been collected, preserved and classified according to a system of general features of appearance, content or materials in order to meet the needs of understanding natural and social history.

10. Archaeological surveys and excavations are scientific activities to discover, collect and research relics, antiquities or national treasures and to discover and research archaeological sites.

11. Preservation of historical-cultural sites, scenic landscapes, relics, antiquities or national treasures consists of activities to prevent or limit the threat of damage to historical-cultural sites, scenic landscapes, relics, antiquities and national treasures, without changing their original character.

12. Restoration of historical-cultural sites or scenic landscapes consists of activities to repair, reinforce or restore historical-cultural sites or scenic landscapes.

13. Reconstruction of historical-cultural sites or scenic landscapes consists of activities to rehabilitate damaged or destroyed historical-cultural sites or scenic landscapes, based on historical records and scientific data about the historical-cultural site or scenic landscape.

Article 5

The State shall ensure unified management of the people's cultural heritage. The state shall recognize and protect collective, community and private ownership of cultural heritage according to the provisions of the law.

Property rights and copyrights regarding cultural heritage shall be regulated according to the provisions of this Law, the Civil Code, and other provisions of related law.

Article 6

All cultural heritage located under the surface of the mainland, on islands, internal waters, territorial waters, areas of special maritime economic rights, or on the ocean floor of the Socialist Republic of Vietnam belongs to the public cultural heritage of the people.

Article 7

Cultural heritage that has been discovered but not yet assigned ownership, as well as that found during archaeological surveys and excavations, belongs to the public cultural heritage of the people.

Article 8

1. All cultural heritage in the territory of Vietnam, whether of domestic or foreign origin or under whichever form of ownership, shall be protected and promoted.

2. Vietnamese cultural heritage abroad shall be protected according to international practice and following the provisions of international conventions ratified or joined by the Socialist Republic of Vietnam.

Article 9

1. The State's policies shall protect and promote cultural heritage in order to heighten the intellectual life of the people, to contribute to the economic and social development of the country, to encourage domestic and foreign organizations and individuals to contribute and donate to the work of protecting and promoting cultural heritage.

2. The State shall protect the legal rights and interests of owners of cultural heritage. Owners of cultural heritage have the obligation to protect and promote cultural heritage.

3. The State shall invest in the training and preparation of cadres and researchers, and in applying science and technology in the work of protecting and promoting cultural heritage.

Article 10

State agencies, political organizations, social-political organizations, social organizations, social-professional organizations, economic organizations and army units (hereafter referred to as "organizations"), and all the people, have the obligation to protect and promote cultural heritage.

Article 11

Cultural agencies and mass media have the obligation to disseminate and publicize widely, both domestically and abroad, the cultural heritage of the multiethnic Vietnamese community. This will contribute to raising public awareness of protecting and promoting cultural heritage.

Article 12

Vietnam's cultural heritage will be used for the following purposes:

1. To promote cultural heritage for the interests of the whole society;
2. To promote positive traditions of the multiethnic Vietnamese community;
3. To contribute to the creation of new cultural works, to enrich Vietnamese cultural heritage, and to develop international cultural exchange.

Article 13

The following are prohibited:

1. The appropriation of cultural heritage for erroneous purposes.
2. Destruction or threatening to destroy cultural heritage.
3. Illegal archaeological excavations; illegal construction or expropriation of land at historical-cultural sites or scenic landscapes;
4. Illegal trading, exchange or transport of relics, antiquities or national treasures from historical-cultural sites or scenic landscapes; illegal shipment of relics, antiquities or national treasures abroad.
5. Taking advantage of protection and promotion of cultural heritage in order to conduct illegal actions.

CHAPTER II

RIGHTS AND RESPONSIBILITIES OF ORGANIZATIONS AND INDIVIDUALS TOWARDS CULTURAL HERITAGE

Article 14

Organizations and individuals have the following rights and responsibilities:

1. Legal ownership of cultural heritage;
2. Visiting and conducting research relating to cultural heritage;
3. Respecting, preserving and promoting cultural heritage;
4. Timely reporting of discoveries of relics, antiquities, national treasures, historical-cultural sites or scenic landscapes; submission of found relics, antiquities or national treasures to the nearest state authority.
5. Prevention or requesting state authorities to prevent and punish damage, expropriation or illegal use of cultural heritage.

Article 15

Organizations and individuals who own cultural heritage have the following rights and responsibilities:

1. Implementation of provisions of Article 14 of this Law;
2. Implementation of measures to protect and promote cultural heritage; timely reporting to state authorities in case cultural heritage is under threat of being abused, damaged or lost;
3. In case of a lack of means and ability to protect or promote intangible cultural heritage, relics, antiquities or national treasures, collections should be sent to a state museum or to other state authorities;

4. Provision of favorable conditions for organizations and individuals to visit, tour or research cultural heritage;
5. Implementation of other rights and responsibilities according to the provisions of law.

Article 16

Organizations and individuals directly managing cultural heritage have the following rights and responsibilities:

1. Preservation and protection of cultural heritage;
2. Implementation of measures to prevent damage to cultural heritage;
3. Timely reporting to the owners or to the nearest state authorities in case of loss or threat of destruction of cultural heritage;
4. Provision of favorable conditions for organizations and individuals to visit, tour or research cultural heritage;
5. Implementation of other rights and responsibilities according to the provisions of law.

CHAPTER III

PROTECTION AND PROMOTION OF INTANGIBLE CULTURAL HERITAGE

Article 17

The State shall encourage and create the conditions for organizations and individuals to carry out activities of research, collection, maintenance, communication and introduction of intangible cultural heritage in order to care for and promote the national cultural character and to enrich the treasured cultural heritage of the multiethnic Vietnamese community.

Article 18

The Chairs of Provincial People's Committees and centrally-administered cities (hereafter termed Provincial-Level People's Committee Chairs) shall provide guidance in establishing local technical files on intangible cultural heritage, its protection and promotion.

The Minister of Culture and Information shall regulate the procedures for establishing technical files on intangible cultural heritage.

Article 19

Following recommendations of the Minister of Culture and Information, the Prime Minister shall consider proposals to the United Nations Educational,

Scientific and Cultural Organization (UNESCO) to recognize the intangible cultural heritage of Vietnam as representing part of the world's cultural heritage.

Files submitted to the Prime Minister must have the written comments and evaluation of the National Council on Cultural Heritage.

Article 20

Responsible state authorities must apply necessary measures to preserve intangible cultural heritage and prevent threats of its misuse, loss or dying out.

Article 21

The State shall create policies and conditions to preserve and develop the spoken and written languages of all ethnicities in Vietnam. Every organization and individual has the obligation to maintain the purity of the Vietnamese language.

Article 22

The State and society shall preserve and promote the positive customs, ways of life and lifestyles of the nation. Outdated customs that harm the people's cultural life shall be abolished.

Article 23

The State's policies shall encourage work to survey, compile, translate, collect, classify and preserve works of literature, art, science, oral tradition and folklore of the multiethnic Vietnamese community. These shall be disseminated domestically as well as through foreign cultural exchange.

Article 24

The State's policies shall encourage work to preserve, restore and develop traditional handicrafts with particular value; research and apply knowledge of traditional medicine; preserve and promote Vietnamese cuisine; and promote traditional ethnic costumes and other forms of traditional knowledge.

Article 25

The State shall create the conditions to preserve and promote the culture of traditional festivals. Outdated practices and manifestations of negativity and commercialization in the organization and activities of festivals shall be abolished and opposed. The organizing of traditional festivals must follow the provisions of law.

Article 26

The State shall show respect and preferential treatment towards artists and artisans who master and disseminate traditional arts or trade secrets of special value.

Article 27

Overseas Vietnamese, foreign organizations and individuals may carry out research and surveys of intangible cultural heritage in Vietnam once they have the agreement in writing of the responsible state authorities.

CHAPTER IV PROTECTION AND PROMOTION OF TANGIBLE CULTURAL HERITAGE

SECTION I HISTORICAL-CULTURAL SITES AND SCENIC LANDSCAPES

Article 28

1. Historical-cultural sites must meet at least one of the following criteria:
 - a. A structure or place connected to a historical event representing the process of establishing and preserving the nation;
 - b. A structure or place connected to the life and work of a national hero or famous person;
 - c. A structure or place connected to a historical event representing the period of revolution or the war of resistance;
 - d. A place with particular archaeological value;
 - e. An assembly of architectural structures or a single architectural structure with particular architectural or artistic value from one or several historical periods.
2. Scenic landscapes must meet at least one of the following criteria:
 - a. A site with natural beauty or a place with both natural beauty and architectural structures with particular aesthetic value.
 - b. A natural area with scientific value relating to geology, geomorphology, geography, biodiversity, or a specific ecological system; or a natural area filled with material vestiges of earlier stages of the earth's development.

Article 29

Based on their historical, cultural or scientific value, historical-cultural sites and scenic landscapes (hereafter termed "sites") may be divided into:

- a. Provincial-level sites with representative local value;
- b. National-level sites with representative national value;
- c. Special national-level sites with particular symbolic national value.

Article 30

1. Responsibility for determining the classification of sites shall be regulated as follows:

- a. Provincial-level People's Committee Chairs may classify provincial-level sites;
- b. The Minister of Culture and Information may classify national-level sites;
- c. The Prime Minister may classify special national sites and consider proposals to UNESCO to include representative Vietnamese sites as World Heritage Sites.

2. In the case of sites that have already been classified but are clearly determined not to meet the standards, or have been damaged without possibility of restoration, the responsible authorities shall have the right to cancel the status of that site.

Article 31

The procedures to classify sites shall be regulated as follows:

1. Provincial-level People's Committee Chairs may submit a file on a site to the Minister of Culture and Information for classification as a national-level site;
2. The Minister of Culture and Information may submit a file on a site to the Prime Minister for classification as a special national site; or may submit a file on a nationally symbolic site to the Prime Minister, who may consider proposing to UNESCO that it be included as a World Heritage Site.

Files submitted to the Prime Minister must have the written comments and evaluation of the National Council on Cultural Heritage.

Article 32

1. Protected cultural areas shall include:

- a. Protected areas type I include cultural sites and zones determined to contain principal elements of a cultural site. These areas should be preserved in their original condition;
- b. Protected areas type II are zones surrounding protected areas type I. Structures may be built in these areas that serve the purpose of promoting the cultural site and do not infringe upon the architecture, natural beauty, environment, or ecology of the site.

In the case that a protected area II can not be clearly determined, then the determination that there is only a protected area type I shall be decided by the provincial-level People's Committee chair regarding a provincial-level site, by the Minister of Culture and Information regarding a national-level site, or by the Prime Minister regarding a special national site.

2. The construction of any structures in protected areas type II determined according to point 1b of this Article must have the written agreement of the Minister of Culture and Information regarding national and special national-level sites, or the written agreement of the provincial-level People's Committee chair regarding provincial-level sites.
3. Protected areas determined according to point 1 of this Article shall be marked on official maps, attached to surveyors' reports and confirmed by the responsible state authorities in files of cultural sites.

Article 33

1. Organizations and individuals who are the owners, managers or administrators of cultural sites have the obligation to protect that site. In case it is discovered that the site has been violated, damaged or threatened with damage, they must undertake timely preventative measures and inform the next level of authorities directly in charge, the local People's Committee, or the nearest state authorities responsible for culture and information.
2. Local People's Committees or state authorities responsible for culture and information who receive reports of damage or threats of damage to a cultural site must apply timely preventative and protective measures and make an immediate report to the authorities directly above them.
3. When the Ministry of Culture and Information receives reports of damage or threats of damage to a cultural site, it must supply timely guidance and direction to responsible state authorities on the local level and to the owners of the cultural site to apply immediate preventative

and protective measures. Regarding special national-level sites the Ministry must report to the Prime Minister.

Article 34

Preservation, restoration and reconstruction of cultural sites must be submitted as projects for approval of the responsible state authorities and must guarantee the optimal preservation of the principal original elements of the site.

The Minister of Culture and Information shall issue regulations for the preservation, restoration and reconstruction of cultural sites.

Article 35

The responsibility for approval of projects to preserve, restore or reconstruct cultural sites shall be implemented according to this Law and other provisions of law relating to construction.

The approval of projects to preserve, restore or reconstruct cultural sites must be done with the comments and evaluation of state authorities responsible for culture and information.

Article 36

1. The approval of projects to improve or construct structures lying outside the protected cultural areas regulated in Article 32 of this Law but considered to have the possibility of negative influence on the natural beauty, ecology or environment of the site must include the written comments and evaluation of state authorities responsible for culture and information.
2. In the case that the principal investor in a project to improve or construct a structure regulated in point 1 of this Article so requests, state authorities responsible for culture and information have the obligation to supply relevant materials and the specific requirements for protecting the site, so that the principal investor can select appropriate measures to guarantee the protection and promotion of the site.

Article 37

1. The principal investor in a project to improve or construct a structure in a place with influence on a cultural site has the obligation to coordinate with state authorities responsible for culture and information and create the conditions allowing them to supervise the construction process.
2. If an object is found during the construction process that may be a cultural site, relic, antiquity or national treasure, the project holder must temporarily stop work and inform state authorities responsible for

culture and information. Upon receiving this report, the state authorities responsible for culture and information must take timely measures to settle the case in order to guarantee the progress of the construction. In cases that are considered to require suspension of construction in that location in order to protect the original condition of the cultural site, the state authorities responsible for culture and information must report up for the next level of authorities to decide.

3. In cases that require organizing archaeological surveys or excavations, expenses for surveying or excavation shall be regulated by the government.

Article 38

Archaeological surveys and excavations may only be carried out with the permission of the Minister of Culture and Information.

In the case that an archaeological site is damaged or at risk of being damaged, the Minister of Culture and Information shall grant emergency permission to excavate.

Article 39

1. Organizations with an archaeological research function who wish to carry out archaeological surveys and excavations must send an application for the archaeological survey or excavation to the Ministry of Culture and Information.
2. The Minister of Culture and Information has the obligation to grant permission for archaeological surveys or excavations within 30 days after receiving an application for the archaeological survey or excavation. In the case that permission is not granted, the reason must be clearly stated in writing.
3. The Minister of Culture and Information shall issue regulations for archaeological surveys and excavations.

Article 40

1. The executor of an archaeological survey or excavation must meet the following conditions:
 - a. Have a bachelor's degree in archaeology or a bachelor's degree in another field related to archaeology;
 - b. Have at least five years' direct experience in archaeological work;
 - c. The organization applying for the archaeological survey or excavation recommends the executor to the Ministry of Culture and Information in writing.

In the case that the executor needs to be replaced, this requires the written agreement of the Minister of Culture and Information.

2. Vietnamese organizations with an archaeological research function may cooperate with foreign organizations and individuals to carry out archaeological surveys and excavations in Vietnam according to provisions of the law.

SECTION II RELICS, ANTIQUITIES, AND NATIONAL TREASURES

Article 41

1. All relics, antiquities and national treasures found in the process of archaeological surveys or excavations, or discovered by organizations or individuals, must be submitted to the provincial-level museum of the place of discovery for temporary storage. The provincial-level museum has the obligation to receive and process the submission and make a report to the Ministry of Culture and Information.
2. According to the value and preservation requirements of a relic, antiquity, or national treasure as regulated in point 1 of this Article, the Minister of Culture and Information shall decide to transfer the relic, antiquity or national treasure to the appropriate state museum.
3. Organizations and individuals who discover and submit a relic, antiquity, or national treasure shall be refunded for the expenses of their discovery and preservation and will receive an additional reward according to the provisions of law.

Article 42

1. National treasures shall be protected and preserved with special care. The State shall allocate a sufficient budget to purchase national treasures.
2. National treasures must be registered with the state authorities responsible for culture and information. The State shall encourage organizations and individuals to register relics and antiquities in their possession to state authorities responsible for culture and information. Relics, antiquities and national treasures that have been registered shall be appraised by the state free of charge. The State shall also provide guidance on preservation techniques and create the conditions for their promotion. The Minister of Culture and Information shall regulate the procedures for registration of relics, antiquities and national treasures.

3. When the ownership of a national treasure is changed within the country, the original owner must notify state authorities responsible for culture and information of the full name and address of the new owner within 15 days of the change in ownership.

Article 43

1. Relics, antiquities and national treasures belonging to the people, to political or socio-political organizations must be stored in museums and may not sold or donated. Relics and antiquities under other ownership may be sold, transferred, donated or inherited domestically and abroad according to the provisions of law. National treasures under other ownership may only be sold, transferred, donated or inherited domestically, according to the provisions of law. Relics and antiquities may only be taken abroad with the permission of state authorities responsible for culture and information.
2. Relics, antiquities and national treasures may be sold at an agreed-upon price or through auction. The State shall have priority in the purchase of relics, antiquities and national treasures.

Article 44

The shipment of relics, antiquities, or national treasures abroad for display, exhibition, research, or preservation must meet the following conditions:

1. The receiving party must have insurance covering the relic, antiquity or national treasure;
2. The Prime Minister must give permission for the shipment of national treasures abroad; the Minister of Culture and Information must give permission for the shipment of relics or antiquities abroad.

Article 45

Responsible state authorities must report to the Ministry of Culture and Information regarding relics, antiquities or national treasures seized from illegal discovery, purchase, transfer, import or export. The Minister of Culture and Information shall decide to transfer the relic, antiquity or national treasure to the appropriate authorities.

Article 46

Copying of relics, antiquities and national treasures must meet the following conditions:

1. Has a well-defined purpose;
2. Has an original for reference purposes;

3. Has a particular marking distinguishing the copy from the original;
4. Has the agreement of the owner of the original relic, antiquity or national treasure;
5. Has permission of state authorities responsible for culture and information.

SECTION III MUSEUMS

Article 47

Museums are places to preserve and display collections regarding natural and social history (hereafter termed "collections"), in order to serve the people's needs of research, education, visiting, and cultural enjoyment.

Vietnamese museums include:

1. National museums, which are places to preserve and display collections with particular national value;
2. Specialized museums, which are places to preserve and display collections with particular value in one discipline;
3. Provincial-level museums, which are places to preserve and display collections with particular local value;
4. Private museums, which are places to preserve and display collections on one or more topics.

Article 48

Museums have the following rights and responsibilities:

1. To collect, classify, preserve and display collections;
2. To conduct scientific research on cultural heritage;
3. To organize the promotion of cultural heritage to serve the interests of society;
4. To develop specialized personnel;
5. To manage facilities and technical equipment;
6. To carry out international cooperation according to the provisions of the law;
7. To carry out other rights and responsibilities according to the provisions of the law.

Article 49

The conditions to establish a museum include:

1. Has a collection on one or more topics;
2. Has a place for display, storage and preservation facilities;

3. Has a person with a specialization appropriate to museum activities.

Article 50

1. Authority to establish a museum shall be regulated as follows:
 - a. The Prime Minister decides to establish a national museum or specialized museum; or
 - b. A provincial-level People's Committee chair decides to establish a provincial-level museum or private museum.
2. Procedures to establish a museum shall be regulated as follows:
 - a. Organizations or individuals with a need to establish a museum must send a file requesting the establishment to the responsible authorities as regulated in point 1 of this Article. The file requesting the establishment of a museum shall include an application and the confirmation of responsible state authorities that the conditions in Article 49 of this Law have been met;
 - b. Within 30 days of receiving the file, the person with responsibility to decide to establish the museum has the obligation to review and determine the case. In case of refusal, the reason must be provided in writing.

Article 51

1. Museums shall be classified based on the following criteria:
 - a. The quantity and value of the collection;
 - b. The quality of preservation and display of the collection;
 - c. The facilities and technical equipment;
 - d. The level of professionalism among the specialized staff.
2. The Government shall issue specific regulations regarding the classification of museums based on the level of attainment of the criteria stated in point 1 of this Article.

Article 52

Cultural heritage within exhibition halls and memorials must be protected and promoted according to the provisions of this Law.

Article 53

The State shall encourage owners of relics, antiquities and national treasures to put their collections on display and introduce them to a wide audience.

When necessary, state authorities responsible for culture and information may negotiate with owners of relics, antiquities and national treasures regarding the use of their collections for research or display in state museums.

The conditions, scope and duration of the use of relics, antiquities and national treasures shall be negotiated in writing between the owners and the state authorities responsible for culture and information.

CHAPTER V STATE MANAGEMENT OF CULTURAL HERITAGE

SECTION I SCOPE OF STATE MANAGEMENT AND STATE AUTHORITIES MANAGING CULTURAL HERITAGE

Article 54

The scope of state management of cultural heritage shall include:

1. Development and implementation of strategies, plans, frameworks, and policies to further the work of protecting and promoting cultural heritage;
2. Issuance and implementation of legal regulations regarding cultural heritage;
3. Organization and guidance of activities to protect and promote cultural heritage; communication, dissemination and legal education concerning cultural heritage;
4. Organization and management of research activities; training and preparation of specialized staff on cultural heritage;
5. Mobilization, management and use of resources to protect and promote cultural heritage;
6. Organization and provision of incentives and rewards in protection and promotion of cultural heritage;
7. Organization and management of international cooperation in protection and promotion of cultural heritage;
8. Inspection and control of the implementation of the law, settlement of petitions and complaints, and treatment of violations of the law on cultural heritage.

Article 55

1. The Government shall ensure unified state management of cultural heritage.

2. The Ministry of Culture and Information bears the primary responsibility within the Government for implementing state management of cultural heritage.
3. All ministries, ministry-level institutions and committees under the Government have an obligation to manage cultural heritage as assigned by the Government. The Government shall regulate specific responsibilities of ministries, ministry-level institutions and committees under the Government to work in coordination with the Ministry of Culture and Information, in order to ensure unified state management of cultural heritage.
4. People's Committees at all levels shall implement state management of cultural heritage at the local level within the scope of their rights and responsibilities delegated by the Government.

Article 56

The National Council on Cultural Heritage is the consultative council of the Prime Minister on cultural heritage.

The Prime Minister shall regulate the organization and activities of the National Council on Cultural Heritage.

SECTION II

RESOURCES FOR ACTIVITIES TO PROMOTE AND PROTECT CULTURAL HERITAGE

Article 57

The State shall encourage and create the conditions for associations on literature, arts, science and technology to participate in activities to protect and promote cultural heritage.

The State shall encourage participation of society in protection and promotion of cultural heritage.

Article 58

Sources of funding for protection and promotion of cultural heritage shall include:

1. The State budget;
2. Income from the use and promotion of cultural heritage;
3. Funds and donations of domestic and foreign organizations and individuals.

Article 59

The State shall prioritize investment in activities to protect and promote special national cultural sites, national-level museums, national treasures, historic sites of the revolution, and intangible cultural heritage of particular value.

Article 60

Organizations and individuals who are the owners, managers or administrators of cultural sites, collections or museums may collect admission fees and user fees for those sites, collections and museums according to the provisions of law.

Article 61

1. The State shall encourage organizations and individuals to make donations and funding for the protection and promotion of cultural heritage.
2. Donations and funding for the protection and promotion of cultural heritage shall be recognized and acknowledged in an appropriate fashion.

Article 62

Financial resources for the protection and promotion of cultural heritage shall be managed and administered purposefully and effectively.

SECTION III

INTERNATIONAL COOPERATION REGARDING CULTURAL HERITAGE

Article 63

The State shall create policies and measures to promote cooperation with foreign countries, organizations and individuals in protection and promotion of cultural heritage. International cooperation shall be based on respect for national independence and sovereignty, equality and mutual benefit, and compliance with the provisions of Vietnamese law and international conventions ratified or joined by the Socialist Republic of Vietnam. These policies shall contribute to the promotion of the world's cultural heritage and cooperation and understanding among nations.

Article 64

The State shall encourage overseas Vietnamese and foreign organizations and individuals to participate in protection and promotion of Vietnam's cultural heritage according to the provisions of law.

Article 65

The scope of international cooperation regarding cultural heritage shall include:

1. Development and implementation of international programs and projects for the protection and promotion of cultural heritage;
2. Participation in international organizations and conventions regarding the protection and promotion of cultural heritage;
3. Research, application of scientific methods, and transfer of advanced technology in preservation and restoration of cultural sites, museum construction and archaeological excavation.
4. Exchange of exhibitions regarding cultural heritage;
5. Cooperation in the safeguarding of Vietnam's cultural heritage abroad;
6. Training and preparation of individual staff and exchanging information and experience regarding the protection and promotion of cultural heritage.

SECTION IV

INSPECTION AND SETTLEMENT OF PETITIONS AND COMPLAINTS REGARDING CULTURAL HERITAGE

Article 66

State inspectors of culture and information who have the function of inspecting the sector of cultural heritage are responsible for:

1. Inspecting compliance of the law regarding cultural heritage;
2. Inspecting implementation of plans and frameworks regarding the protection and promotion of cultural heritage;
3. Discovery, prevention and treatment of violations of law regarding cultural heritage, according to their respective authority;
4. Hearings and recommendations towards the settlement of disputes and complaints regarding cultural heritage;
5. Recommendation of solutions to ensure the enforcement of the law regarding cultural heritage.

Article 67

The party who is inspected has the following rights and responsibilities:

1. Requesting a team of inspectors to provide documentation of inspection warrants and of their inspection license, and to conduct inspections according to the law;
2. Making a petition, complaint or lawsuit to the responsible state authorities regarding inspection warrants, the behavior of inspectors, or the conclusions of an inspection if there is seen to be noncompliance with the law;
3. Requesting compensation for losses caused by conduct or treatment not in accordance with the law on the part of a team of inspectors or an individual inspector;
4. Carrying out the demands of the team of inspectors or an individual inspector; accommodating the inspectors in carrying out their duties; compliance with decisions made by the team of inspectors or an individual inspector according to the provisions of law.

Article 68

1. Organizations and individuals have the right to make petitions and lawsuits against administrative decisions or administrative actions of authorities, organizations and individuals responsible for enforcement of laws regarding cultural heritage.
2. Individuals have the right to make complaints to authorities, organizations and individuals about behavior that violates the laws regarding cultural heritage.
3. Authority and procedures to settle petitions, complaints and lawsuits shall comply with the provisions of law.

CHAPTER VI INCENTIVES, REWARDS AND PUNITIVE MEASURES

Article 69

Organizations and individuals with outstanding achievements in protection and promotion of cultural heritage shall be rewarded according to the provisions of law.

Article 70

Any person who discovers an item of cultural heritage without voluntarily reporting it, deliberately expropriates, harms or damages it, shall be prosecuted under the civil or criminal code according to the nature and severity of the violation. Any material loss must be compensated according to the provisions of law, and the item of cultural heritage shall be confiscated by the State.

Article 71

Any person who violates the provisions of law regarding cultural heritage shall be prosecuted under the civil or criminal code according to the nature and severity of the violation. Any material loss must be compensated according to the provisions of law.

Article 72

Any person who abuses his or her position or authority to violate the provisions of this Law shall be disciplined under internal procedures or prosecuted under criminal law according to the nature and severity of the violation. Any material loss must be compensated according to the provisions of law.

CHAPTER VII ENFORCEMENT PROVISIONS

Article 73

This Law shall enter into effect on January 1, 2002. All previous regulations in contradiction with this Law shall be superseded.

Article 74

The Government shall provide detailed regulations and guidance to implement this Law.

This law was passed by the Ninth Session, Tenth Term of the National Assembly of the Socialist Republic of Vietnam on June 29, 2001.

Assembly

Chairman of the National

signed: Nguyen Van An

OFFICE OF THE PRESIDENT
No. 22/SL

Certified copy of the Original
Hanoi, July 12, 2001
**On Behalf of the Director of the
Office of the President:**
Vice-Director Nguyen Van Bich
(signed and stamped)

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