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THE NATIONAL ASSEMBLY

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SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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LAW
AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE LAW ON CULTURAL HERITAGES
(No. 32/2009/QH12)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Law No. 28/2001/QH10 on Cultural Heritages.

Article 1. To amend and supplement a number of articles of the Law on Cultural Heritages.

1. To amend and supplement Clause 1, Article 4 as follows:

"1. Intangible cultural heritage means spiritual products associated with related communities, individuals, objects and cultural spaces, which are of historical, cultural or scientific value, express the identity of communities, are constantly recreated and transmitted from generation to generation orally, through craft teaching, performing arts or in other forms."

2. To add the following Clauses 14,15 and 16 to Article 4:

"14. Inventory of cultured heritages means the identification, valuation and listing of cultural heritages.

15. Relics' original constituents means elements which are of historical, cultural, scientific or aesthetic value and express the peculiarities of historical-cultural relics, spots of beauty or scenic places.

16. Museum means a cultural institution with the function of collecting, preserving, researching, displaying and introducing cultural heritages and physical evidences of the nature, humans and their living environment, to meet public research, study, sightseeing and cultural enjoyment needs."

3. To amend and supplement Clauses 1, 4 and 5, Article 13 as follows:

"1. Appropriating or improperly altering historical-cultural relics, spots of beauty or scenic places.

4. Illegally trading, exchanging or transporting vestiges, antiques or national precious objects pertaining to historical-cultural relics, spots of beauty or scenic places, or vestiges, antiques or national precious objects of illegal origin; illegally carrying abroad vestiges, antiques or national precious objects.

5. Taking advantage of the protection and promotion of the values of cultural heritages to seek illicit profits, carry out superstitious activities or commit other illegal acts."

4. To amend and supplement Article 17 as follows:

"Article 17.

The State protects and promotes the values of intangible cultural heritages through the following measures:

1. To study, collect, inventory and classify intangible cultural heritages;

2. To transmit, disseminate, publish, perform and revive intangible cultural heritages;

3. To encourage and create conditions for organizations and individuals to research, collect, store, transmit and introduce intangible cultural heritages;

4. To provide professional guidance on protecting and promoting the values of intangible cultural heritages at the request of holders of intangible cultural heritages.

5. To finance the protection and promotion of the values of intangible cultural heritages and the prevention of the danger of deterioration and disappearance of intangible cultural heritages."

5. To amend and supplement Article 18 as follows:

“Article 18.

1. Chairpersons of People's Committees of provinces and centrally run cities (below collectively referred to as provincial-level) shall organize the inventory of intangible cultural heritages in their localities and select intangible cultural heritages and make scientific dossiers thereof to propose the Minister of Culture. Sports and Tourism to include them in the national list of intangible cultural heritages.

2. The Minister of Culture. Sports and Tourism shall decide to publicize the national list of intangible cultural heritages and issue certificates of intangible cultural heritages in this list.

In case there are grounds to believe that intangible cultural heritages which have been included in the national list of intangible cultural heritages are ineligible for inclusion in this list, the Minister of Culture. Spoils and Tourism shall decide to remove those heritages from the national list of intangible cultural heritages.

3. The Minister of Culture, Sports and Tourism shall detail Clause 1 of this Article."

6. To amend and supplement Article 21 as follows:

“Article 21.

The State protects and develops spoken and written languages of Vietnamese ethnic groups through the following measures:

1. To study, collect and store spoken and written languages of ethnic groups: to promulgate rules on transcribing spoken languages of ethnic groups without written languages: to take special measures to protect spoken and written languages which are at risk of disappearance;

2. To teach spoken and written languages of ethnic minority groups for cadres, civil servants and employees as well as officers and soldiers of people's armed forces working in ethnic minority areas to meet their work requirements; to teach spoken and written languages of ethnic minority groups for ethnic minority pupils in accordance with the Education Law; to publish books and newspapers and perform radio, television and stage programs in ethnic minority languages;

3. To issue legal documents and organize public information activities to preserve the clarity and purity of the Vietnamese language and develop the Vietnamese language."

7. To amend and supplement Article 25 as follows:

"Article 25.

The State facilitates the preservation and promotion of the cultural values of traditional festivals through the following measures:

1. To facilitate the organization of festivals:

2. To encourage the organization of traditional cultural and art-performance activities in association with festivals;

3. To selectively revive rites of traditional festivals;

4. To encourage the guidance on and public information of the origin and contents of the typical and unique values of festivals at home and abroad."

8. To amend and supplement Article 26 as follows:

"Article 26.

1. The State honors and adopts policies of preferential treatment towards craftspeople who have outstanding talents, hold, and have made meritorious services in protecting and promoting, the values of intangible cultural heritages, through the following measures:

a/ To award or posthumously award orders or state honorable titles or apply other forms of honoring;

b/ To facilitate and finance the creation, performance, display and introduction of products of craftspeople;

c/ To provide monthly cost-of-living allowances and other preferential treatment to craftspeople who have been awarded state honorable titles but earn low incomes and meet with difficulties.

2. The Government shall promulgate policies of preferential treatment towards craftspeople as specified at Points b and c. Clause 1 of this Article."

9. To amend and supplement Clause 1, Article 28 as follows:

"1.A historical-cultural relic must satisfy any of the following criteria:

a/ A construction work or place is associated with a typical national or local historical or cultural event;

b/ A construction work or place is associated with the life and career of a national hero, personality or historical figure who has positive influence on the national or local development in different historical periods;

c/ An archaeological site has a typical value;

d/ An architectural or artistic work, architectural complex, overall urban architecture and place of residence has a typical value for one or more than one architectural or artistic development period."

10. To amend and supplement Article 29 as follows:

"Article 29.

Cultural-historical relics, spots of beauty and scenic places (below collectively referred to as relics) shall be ranked as follows:

1. Provincial-level relics are relics of typical local value, including:

a/ Construction works, places marking important local historical events or milestones or associated with personalities who have positive influence on the local development in different historical periods;

b/ Architectural or artistic works, architectural complexes, overall urban architecture and places of residence of local value:

c/ Archaeological sites of local value;

d/ Natural landscapes or places with a combination of natural landscape and architectural or artistic works of local value.

2. National relics are relics of typical national value, including:

a/ Construction works, places marking important national historical events or milestones or associated with national heroes, personalities or famous political, cultural, artistic or scientific activists, who have important influence on the nation's history;

b/ Architectural or artistic works, architectural complexes, overall urban architecture and places of residence of typical value in Vietnam's architectural and artistic development periods;

c/ Archaeological sites of outstanding value marking different development periods of the archaeological culture;

d/ Beautiful natural landscapes or places with a combination of natural landscapes and architectural or artistic works or natural zones of scientific value in terms of geology, geomorphology, geography, biodiversity or specific eco-systems.

3. Special national relics are relics of particularly typical national value, including:

a/ Construction works and places associated with events marking specially important developments of the nation's history or with national heroes or typical personalities who have great influence on the nation's history;

b/ Architectural or artistic works, architectural complexes, overall urban architecture and places of residence of special value marking Vietnam's different architectural and artistic development periods;

c/ Archaeological sites of outstanding value marking Vietnam's and world's important development periods of the archaeological culture;

d/ Famous natural landscapes or places with a combination of national natural landscapes and architectural or artistic works of special value, or Vietnam's and world's natural zones of value in terms of geology, geomorphology. Geography, biodiversity or famous specific eco-systems."

11. To amend and supplement Clause 1, Article 30 as follows:

"1. Competence to decide on the ranking of relics is specified as follows:

a/ Provincial-level People's Committee chairpersons may decide on the ranking of provincial-level relics and issue provincial-level relic-ranking certificates;

b/ The Minister of Culture, Sports and Tourism may decide on the ranking of national relics and issue national relic-ranking certificates;

c/ The Prime Minister may decide on the ranking of special national relics and issue special national relic-ranking certificates; decide to propose the United Nations Educational. Scientific and Cultural Organization to consider and include Vietnam's typical relics in the list of world heritages."

12. To amend and supplement Article 31 as follows:

"Article 31.

Relic-ranking procedures are specified as follows:

1. Provincial-level People's Committee chairpersons shall organize the inventory of relics in their localities, select relics and make scientific dossiers thereof in order to decide on their ranking as provincial-level relics; and submit scientific dossiers of national relics to the Minister of Culture. Sports and Tourism for decision on their ranking.

2. The Minister of Culture. Sports and Tourism shall direct the compilation of scientific dossiers of special national relics and submit them to the Prime Minister for decision on their ranking; scientific dossiers of Vietnam's typical relics and submit them to the Prime Minister for decision to propose the United Nations Educational, Scientific and Cultural Organization to consider and include these relics in the list of world heritages.

Dossiers submitted to the Prime Minister must contain written evaluation opinions of the National Council for Cultural Heritages."

13. To amend and supplement Article 32 as follows:

"Article 32.

1. Relic protection zones include:

a/ Protection zones I, covering areas with relics' original constituents;

b/ Protection zones II, covering areas surrounding or adjacent to protection zones I.

In case protection zones II cannot be determined, the determination of only protection zones I shall be decided by provincial-level People's Committee chairpersons, for provincial-level relics; by the Minister of Culture, Sports and Tourism, for national relics; or by the Prime Minister, for special national relics.

2. Protection zones defined in Clause 1 of this Article must be delineated by competent state agencies on cadastral maps and in protection zoning records of relic dossiers and must have boundary markers placed on the field.

3. Protection zones I must have their original ground and space protected. In special cases when the construction of works in these zones is needed for directly protecting and promoting the values of relics, such construction must be approved in writing by persons competent to rank those relics.

The construction of works for protecting and promoting the values of relics in protection zones II must be approved in writing by provincial-level People's Committee chairpersons, for provincial-level relics; or by the Minister of Culture. Sports and Tourism, for national relics and special national relics.

The construction of works specified in this Clause must not affect original constituents, natural landscapes or the eco-environment of relics."

14. To add the following Clause 4 to Article 33:

"4. Construction works, places, natural landscapes or natural zones which satisfy the criteria specified in Article 28 of this Law and have been included in local lists of inventoried relics shall be protected under this Law.

At least once every 5 years, provincial-level People's Committees shall review, and decide to remove from local lists of inventoried relics, construction works, places, natural landscapes or natural zones which are ineligible for ranking as relics."

15. To amend and supplement Article 34 as follows:

"Article 34.

1. The preservation, embellishment and restoration of relics must meet the following requirements:

a/ To preserve to the utmost original constituents of relics;

b/ To work out plans and projects and submit them to competent state agencies for approval, except minor repair not affecting relics' original constituents. The preservation, embellishment and restoration of relics must be approved in writing by provincial-level competent agencies in charge of culture, sports and tourism, for provincial-level relics; or by the Minister of Culture, Sports and Tourism, for national relics and special national relics;

c/ To publicize approved plans and projects in localities where exist relics.

2. Those in charge of working out plans or projects or constructing or supervising construction of projects on the preservation, embellishment and restoration of relics must possess practice eligibility certificates, for organizations, or practice certificates, for individuals.

3. The Government shall specify the competence, order and procedures for working out and approving plans and projects on the preservation, embellishment and restoration of relics.

The Minister of Culture. Sports and Tourism shall promulgate a regulation on preservation, embellishment and restoration of relics and a regulation on issuance of practice eligibility certificates or practice certificates to entities defined in Clause 2 of this Article."

16. To annul Article 35.

17. To add the following Clause 3 to Article 36:

"3. Investors of projects on the renovation or construction of works in places where relics can be affected shall coordinate with and create conditions for competent state agencies in charge of culture, sports and tourism to supervise the renovation and construction of these works."

18. To amend and supplement Article 37 as follows:

"Article 37.

1. Provincial-level People's Committee chairpersons shall organize the formulation of archaeological plannings in their localities and approve and publicize these plannings after obtaining written consent of the Minister of Culture. Sports and Tourism.

2. Investors of projects on renovation or construction of works in places under archaeological planning shall coordinate with and create conditions for competent state agencies in charge of culture, sports and tourism to conduct archaeological exploration and excavation before these projects are implemented and supervise the renovation and construction of these works.

3. In the course of renovation and construction of works, if realizing that there may be relics, vestiges, antiques or national precious objects or discovering relics, vestiges, antiques or national precious objects, project owners shall suspend construction and promptly notify such to competent state agencies in charge of culture, sports and tourism.

Upon receiving notification from project owners, competent state agencies in charge of culture, sports and tourism shall take timely handling measures to ensure construction progress. When finding it necessary to terminate construction of works in those places in order to protect relics, competent state agencies in charge of culture, sports and tourism shall report such to competent superior agencies for decision.

4. When it is necessary to conduct archaeological exploration and excavation in places where works are renovated or constructed, archaeological exploration and excavation funds are specified as follows:

a/ For a work renovated or constructed with state capital, exploration and excavation funds shall be included in the total investment capital of that work;

b/ For a work renovated or constructed with non-state capital, exploration and excavation funds shall be allocated by the State.

The Minister of Finance shall assume the prime responsibility for. and coordinate with the Minister of Culture. Sports and Tourism in, guiding procedures and allocating funds for exploration and excavation activities in the cases specified in this Clause."

19. To amend and supplement Article 38 as follows:

"Article 38.

1. Archaeological exploitation and excavation may be conducted only after permits of the Minister of Culture. Sports and Tourism are obtained.

2. In case an archaeological site is being ruined or threatened to be ruined, the provincial-level People's Committee chairperson shall issue an urgent excavation permit within 3 days after receiving a written request and immediately report thereon to the Ministry of Culture, Sports and Tourism. In case of refusal, he/she shall state the reason therefor in writing."

20. To amend and supplement Article 41 as follows:

"Article 41.

1. All vestiges and antiques collected in the course of archaeological exploration and excavation or discovered and handed over by organizations or individuals must be temporarily stored in provincial-level museums of localities where they are discovered. Provincial-level museums shall receive, manage and report on vestiges and antiques to the Minister of Culture. Sports and Tourism.

2. Based on the value and requirements of preserving vestiges and antiques specified in Clause 1 of this Article, the Minister of Culture. Sports and Tourism shall decide to hand over vestiges and antiques to public museums with appropriate functions for the protection and promotion of their values.

3. Organizations or individuals that discover and hand over vestiges and antiques will be refunded discovery and preservation expenses and rewarded a sum of money as prescribed by the Government."

21. To add the following Article 41a:

"Article 41a.

1. A national precious object must satisfy the following criteria:

a/ Being the unique original object;

b/ Being an object with a special form;

c/ Being an object of special value related to a great national event or to the career of a national hero or typical personality; or being a famous artistic work of ideological, humane or aesthetic value typical of a trend, style or era; or being a typical invented or created product of high practical value with the effect of promoting social development in a certain historical period; or being a natural specimen evidencing different formation and development periods of the earth's history and nature's history.

2. National precious objects shall be registered with competent state agencies in charge of culture, sports and tourism. Owners of registered national precious objects have the rights defined in Clause 3. Article 42 of this Law. When

transferring the ownership of national precious objects, their owners shall notify competent state agencies in charge of culture, sports and tourism of new owners of these objects within 15 days after the transfer.

3. National precious objects shall be protected and preserved under a special regime.

4. The State shall earmark adequate budgets for purchasing national precious objects.

5. The Prime Minister shall decide to recognize national precious objects after obtaining evaluation opinions of the National Council for Cultural Heritages.

6. The Minister of Culture. Sports and Tourism shall specify the order of and procedures for recognizing national precious objects."

22. To amend and supplement Article 42 as follows:

"Article 42.

1. The State encourages organizations and individuals to register their own vestiges and antiques with competent state agencies in charge of culture, sports and tourism.

2. Vestiges and antiques must be examined at antique examination establishments before registration. Antique examination establishments shall be responsible before law for their examination results.

3. Owners of registered vestiges and antiques have the following rights:

a/ To be issued vestige or antique registration certificates by competent state agencies in charge of culture, sports and tourism; to have information on registered vestiges and antiques kept confidential at their request;

b/To be provided with professional guidance on, and created conditions for protecting and promoting the values of vestiges and antiques, by competent state agencies in charge of culture, sports and tourism.

4. The Minister of Culture. Sports and Tourism shall specify procedures for registration of vestiges and antiques, and conditions for the establishment and operation of antique examination establishments."

23. To amend and supplement Article 47 as follows:

"Article 47.

1. Museums include public museums and non-public museums.

2. Public museums include:

a/ The national museum;

b/ Specialized museums of ministries and central branches, political organizations and socio-political organizations;

c/ Specialized museums of units attached to ministries and central branches, political organizations and socio-political organizations;

d/ Provincial-level museums.

3. The Minister of Culture, Sports and Tourism shall promulgate a regulation on the organization and operation of museums."

24. To amend and supplement Article 48 as follows:

"Article 48.

A museum has the following tasks:

1. To collect, inventory, preserve and display collections of exhibits;

2. To conduct scientific research for the protection and promotion of the values of cultural heritages;

3. To organize the promotion of the values of cultural heritages in service of society;

4. To build, train and retrain its human resources;

5. To manage its material foundations and technical equipment;

6. To enter into international cooperation in accordance with law;

7. To provide services to visitors according to its tasks:

8. To perform other tasks in accordance with law."

25. To amend and supplement Article 50 as follows:

"Article 50.

1. Competence to decide on the establishment of museums is specified as follows:

a/ The Prime Minister may decide on the establishment of the national museum and specialized museums of ministries and central branches, political organizations and sociopolitical organizations at the proposal of ministers or heads of central branches, political organizations or socio-political organizations;

b/ Ministers or heads of central branches, political organizations or socio-political organizations may decide on the establishment of specialized museums of their attached units at the proposal of heads of their attached units;

c/ Provincial-level People's Committee chairpersons may decide on the establishment of provincial-level museums at the proposal of competent local agencies in charge of culture, sports and tourism; and issue operation permits to non-public museums at the proposal of museum-establishing organizations and individuals.

2. Procedures for establishing, and issuing operation permits to, museums are specified as follows:

a/ Organizations or individuals that wish to establish, or apply for operation permits of. museums shall send dossiers to competent persons defined in Clause 1 of this Article. Such a dossier comprises a written request for establishment or a written application for an operation permit of a museum and a written certification of the Ministry of Culture. Sports and Tourism of the full satisfaction of conditions specified in Article 49 of this Law. for the national museum and specialized museums: or a written certification of the provincial-level competent agency in charge of culture, sports and tourism of the full satisfaction of conditions specified in Article 49 of this Law, for provincial-level museums or non-public museums:

b/ Within 30 days after receiving a dossier, a person competent to decide on the establishment of, or issue an operation permit to, a museum shall examine the dossier and make decision; in case of refusal, he/she shall state the reason therefor in writing."

Article 2.

1. To replace the phrase "Ministry of Culture and Information" in Clause 3. Article 33: Clauses 1, 2 and 3, Article 39; Point c. Clause 1, Article 40; Clause 2, Article 44; Article 45; and Clauses 2 and 3, Article 55, of the Law on Cultural Heritages, with the phrase "Ministry of Culture. Sports and Tourism."

2. To replace the phrase "culture and information" in Clauses 1 and 2, Article 33; Clauses 1 and 2, Article 36: Clause 1,Article 43: Clause 5. Article 46: Article 53; and Article 66. of the Law on Cultural Heritages, with the phrase "culture, sports and tourism."

3. To replace the phrase "all-people ownership" in Articles 5. 6 and 7, and Clause 1. Article 43, of the Law on Cultural Heritages, with the phrase "state ownership."

Article 3.

Article 65 of the Law on Emulation and Commendation is amended and supplemented as follows:

"Article 65.

1. The title "People's Craftsperson" or "Eminent Craftsperson" shall be conferred to an individual with merits in protecting and promoting the values of intangible cultural heritages.

2. The title "People's Craftsperson" shall be conferred to an individual who satisfies the following criteria:

a/ Being loyal to the Socialist Republic of Vietnam fatherland:

b/ Having good moral qualities and exceptionally outstanding talent:

c/ Having great merits in protecting and promoting the values of intangible cultural heritages;

d/ Being admired and respected by colleagues and people; being typical in the cause of protecting and promoting the values of intangible cultural heritages nationwide.

3. The title "Eminent Craftsperson" shall be conferred to an individual who satisfies the following criteria:

a/ Being loyal to the Socialist Republic of Vietnam fatherland;

b/ Having good moral qualities and outstanding talent;

c/ Having merits in protecting and promoting the values of intangible cultural heritages;

d/ Being admired and respected by colleagues and people; being typical in the cause of protecting and promoting the values of local intangible cultural heritages.

4. The titles "People's Craftsperson" and "Eminent Craftsperson" shall be conferred and publicized biennially on the occasion of the National Day - September 2."

Article 4.

1. This Law takes effect on January 1, 2010.

2. The Government shall detail and guide articles and clauses as assigned in the Law, and guide other necessary contents of this Law to meet state management requirements.

This Law was passed on June 18, 2009, by the 12th National Assembly of the Socialist Republic of Vietnam at its 5th session.