

**Decree #92/2002/ND-CP**  
**Passed on November 11<sup>th</sup> 2002 by the Government**  
**On the detailed regulations to implement some articles of**  
**the Law on Cultural Heritage**

**The Government**

Pursuant to the Law on the organization of the Government passed on 25<sup>th</sup> December 2001;

Pursuant to the Law on Cultural Heritage passed on 29<sup>th</sup> June 2001;

At the request of the Minister of Culture and Information,

**Decree**  
**Chapter I**  
**General Provisions**

**Article 1. Scope and object of regulation**

This Decree elaborates on some of the articles of the Law on Cultural Heritage, including: the protection and promotion of both intangible and tangible heritage values; the sales and acquisitions of relics, antiquities and national treasures; the organization and operation of museums; the responsibilities and coordination among ministries, ministerial-level agencies, Government agencies and people's committees at all levels in the implementation of the Law on Cultural Heritage, and; the incentives and rewards for organizations and individuals that discover and hand over relics, antiquities and national treasures.

**Article 2. Intangible and tangible cultural heritage**

1. Intangible cultural heritage consists of:

- a) Languages and inscriptions;
- b) Artistic, literal and scientific works provided for in Article 747 of the Civil Code concerning the forms of protected works of outstanding value from the historical, cultural and scientific point of view;

- c) Oral literature, including myths, proverbs, sayings, idioms, riddles, fables, folk verses, folk poetic stories, epic poems, epic songs, funeral and ritual orations, and other forms of oral literature;
  - d) Folk performance, including music, dances, theatres, imitation games, disguise games, fashion shows, beauty shows, folk duo singing, folk games and other forms of folk performance;
  - e) Life styles and ways of life manifested by codes of conduct, persona and behavior, customary laws, village charters, moral norms, behavioral protocols in the relations with ancestors, grandparents, parents, nature, funerals, weddings, naming ceremonies, actions, greetings, invitations and other customs and habits;
  - f) Traditional festivals, including those that raise patriotism, nature-friendly attitudes, national pride, anti- foreign aggression traditions, the honor for national heroes and heroines, eminent persons of culture, the industriousness and creativity of the people, benevolence, the thirst for freedom and happiness and a sense of community solidarity;
  - g) Traditional handicrafts;
  - h) Traditional knowledge, including that on traditional medicine and pharmacy, culinary art, natural phenomena and production know-how, military methods, (academic) artistic and literal creation, traditional costumes, land, water, weather, climate, resources, rivers, seas, mountains, forests and other forms of knowledge.
2. Tangible cultural heritage consists of historical-cultural sites and scenic landscapes (hereinafter referred to as sites), relics, antiquities and national treasures.
  3. The value of exceptional significance and scarcity of national treasures are demonstrated by the following criteria:
    - a) Bearing the original and the unique testimony to the treasure;
    - b) Bearing a unique form;
    - c) Containing an outstanding value of history, culture, science, and therefore:
      - Bear the testimony to a landmark event, or are associated with the life and career of a national hero/heroine or an eminent person;

- Are an artistic work known for its ideological-human value, aesthetic value and form of expression representative of a trend, a style, an era;
  - Are typical products of invention, creation of high practicality and of great use in boosting the development of society in a given stage in history;
- d) Are recognized by the Prime Minister in a decision that follows the evaluation by the National Council on Cultural Heritage.

### **Article 3. The State's policies on the protection and promotion of cultural heritage values**

The State shall protect and promote the values of cultural heritage through the following policies:

1. Formulating and implementing target programmes to conserve cultural heritage of outstanding value;
2. Providing incentives and rewards to organizations and individuals that record achievements in the protection and promotion of cultural heritage values; adopting preferential policies by both spiritual and material means toward artisans and artists who bear and disseminate traditional arts and professional know-how of special value;
3. Developing studies on the application of scientific and technological achievements through the following activities:
  - a) Exploring and excavating archeological sites; preserving, restoring, rehabilitating and promoting site values;
  - b) Evaluating and preserving exhibits; adapting and renovating collections on display and ways of disseminating museum information;
  - c) Collecting, keeping record of and disseminating the values of intangible cultural heritage; setting up databases on intangible cultural heritage.
4. Training and refreshing experts and specialists in the field of cultural heritage protection and promotion;
5. Providing incentives and enablers for organizations and individuals, both at home and abroad, to make spiritual and material contributions to, or participate directly in, the protection and promotion of cultural heritage;

6. Expanding international cooperation of various forms in the protection and promotion of cultural heritage, and by formulating and implementing international cooperation projects in conformity with the provisions of the law.

#### **Article 4. Violations that distort cultural heritage and illegal excavations of archeological sites**

1. Disseminating, publicizing and displaying in a manner that distorts the contents and values of intangible cultural heritage.
2. Altering the original elements of cultural heritage by adding, relocating and changing exhibits in sites, or restoring and rehabilitating without respecting the original elements of sites and other activities, without the permission of the competent State agency in the field of culture and information; disseminating and presenting in a manner that distorts the contents and values of sites.
3. Altering the landscape environment by cutting trees, quarrying lime stones, excavating, illegally erecting buildings and other activities that cause negative impacts to cultural heritage.
4. The following cases are deemed illegal excavations of archeological sites:
  - a) Excavating, searching for relics, antiquities and national treasures by one's own will within protected areas and archeological sites including residential sites, graves, tool-manufacturing workshops, ramparts and other archeological sites;
  - b) Searching for and lifting by one's one will underwater relics, antiquities and national treasures.

## **Chapter II**

### **Protection and Promotion of Intangible Cultural Heritage Values**

#### **Article 5. Investigation, detection, inventory, classification and documentation intangible cultural heritage**

1. The Director of Culture and Information shall be responsible for the formulation of annual plans on the basis of the local operational budget,

and the organization of Investigation, detection, inventory, classification and documentation of intangible cultural heritage.

2. Chairpersons of the people's committee of provinces and centrally run cities (hereinafter referred to as the chair of provincial-level people's committee), shall guide the documentation of intangible cultural heritage in their respective localities.
3. The Minister of Culture and Information shall enact concrete provisions on the scientific documentation of intangible cultural heritage.

**Article 6. Selection of intangible cultural heritage typical of Vietnam to be proposed to the United Nations Educational, Scientific and Cultural Organization to be inscribed on the World Heritage List**

1. Typical intangible cultural heritage is selected according to the following criteria:
  - a) Exhibiting a special value of history, culture and science;
  - b) Showing a nationwide and worldwide influence in history, culture and science;
  - c) Reflecting the origin and the role of intangible cultural heritage in the community through the past and at present;
  - d) Demonstrating a unique traditional cultural identity and a basis for the creation of new cultural values.
2. Procedures for the documentation of typical intangible cultural heritage:
  - a) Pursuant to Item 1 of this article, the chair of people's provincial-level committee, shall organize the guidance for the documentation of typical intangible cultural heritage following the written request made by the heritage owner and by the director of the department for culture and information;
  - b) The chair of provincial-level people's committee of the locality where the heritage belongs, shall submit the candidature files to the Minister of Culture and Information, in order for the National Council on Cultural Heritage to conduct the evaluation;
  - c) Within 45 days of receipt of the files, the National Council on Cultural Heritage shall conduct the evaluation and produce its comments in writing;

- d) The Minister of Culture and Information shall submit the files to the Prime Minister for consideration and approval.
3. The candidature files of the typical intangible cultural heritage submitted to the Prime Minister shall consist of:
  - a) A letter of request by the owner of the intangible cultural heritage and the letter of agreement by the director of the department of culture and information of the locality where the typical intangible cultural heritage belongs;
  - b) All related documents on the typical intangible cultural heritage in accordance with the regulations of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
  - c) The evaluation report by the National Council on Cultural Heritage;
  - d) The proposal by the Minister of Culture and Information submitted to the Prime Minister.

The Minister of Culture and Information shall provide concrete guidelines for the preparation of the candidature files of the typical intangible cultural heritage.

4. Following a decision by the Prime Minister, the Minister of Culture and Information shall be responsible for: depositing the candidature files on the typical intangible cultural heritage to the United Nations Educational, Scientific and Cultural Organization for inscription on the World Heritage List; reporting to the Prime Minister, the chair of provincial-level people's committee and the owner of the heritage the decision of the United Nations Educational, Scientific and Cultural Organization on the intangible cultural heritage.

#### **Article 7. Necessary measures to protect and promote the values of intangible cultural heritage**

The State shall protect and promote the values of intangible cultural heritage through the following means:

1. Organizing the implementation of the projects on nationwide research, collection, inventory, classification of intangible cultural heritage.
2. Conducting regular and periodical collection, inventory, classification of intangible cultural heritage;

3. Reinforcing training, dissemination, publication, performance and rehabilitation of different forms of intangible cultural heritage;
4. Investing in, and giving financial support to, the protection and promotion of the values of intangible cultural heritage; preventing the risks of deterioration and loss of intangible cultural heritage;
5. Expanding the socialization in the protection and promotion of intangible cultural heritage;
6. Providing free-of-charge evaluation, operational guidelines and support for archiving and preserving intangible cultural heritage at the request of organizations and/or individuals that possess intangible cultural heritage.

**Article 8. Protection and development of intangible cultural heritage in the form of tongues and inscriptions of the ethnic groups in Vietnam**

The State shall protect and develop the languages and inscriptions of the ethnic groups in Vietnam through the following measures:

1. Conducting research, collecting, preserving languages and inscriptions of Vietnamese ethnic groups;
2. Adopting supportive measures for the dissemination and training to preserve and develop the languages and inscriptions of Vietnamese ethnic groups.
3. Conducting research, disseminating information, enacting regulations and other activities in order to preserve and develop the purity of the Vietnamese language.

**Article 9. Encouraging the preservation, restoration and development of traditional handicrafts of typical value.**

The State shall encourage the preservation, restoration and development of traditional handicrafts through the following measures:

1. Investigating and classifying traditional handicrafts nationwide; supporting the preservation and restoration of traditional handicrafts of typical value or those that are at risk of deterioration or loss;
2. Creating enabling conditions for the exploitation and utilization of traditional materials;

3. Adopting incentives and supportive policies for the utilization of traditional handicraft know-how and techniques;
4. Raising the awareness of handicraft products in domestic and foreign markets in various forms;
5. Attaching importance to, and offering enabling conditions for, the spread and transfer of skills, techniques and know-how of traditional handicrafts of typical value;
6. Adopting preferential taxation policies to the activities concerning the preservation, restoration and development of traditional handicrafts of typical value in conformity with the provisions of taxation laws.

**Article 10. Preservation and promotion of the cultural values of traditional festivals**

1. The State shall facilitate the preservation and promotion of the cultural values of traditional festivals through the following measures:
  - a) Creating favorable conditions for the organization of festivals;
  - b) Encouraging the organization of cultural activities and folklore traditions associated with festivals;
  - c) Selectively restoring traditional ceremonies, such as rites, rituals, receptions, processions and other traditional ceremonies;
  - d) Encouraging the widespread presentation and dissemination at home and abroad of the origin and content of the typical and unique values of traditional festival.
2. The following are strictly prohibited in the organization of festivals:
  - a) Taking advantage of traditional festivals to propagate and incite subversive activities against the State of the Socialist Republic of Vietnam; disrupting national solidarity; disturbing social order and security;
  - b) Organizing superstitious activities and restoring backward customs;
  - c) Commercializing traditional festivals in all forms; fabricating, imposing new rituals and elements on traditional festivals; organizing illegal accommodation and belief services in the protected area of sites;
  - d) Gambling in all forms;

- e) Burning paper joss things;
  - f) Other activities in violation of laws.
3. The organization of traditional festivals is conducted in accordance with the Regulation concerning the organization of festivals enacted by the Minister of Culture and Information.

**Article 11. Authority and procedure to issue a license to overseas Vietnamese, foreign organizations and individuals that carry out research and collect intangible cultural heritage in Vietnam**

1. Ministry of Culture and Information, departments of culture and information and State agencies that have the authority to issue licenses for the research and collection of intangible cultural heritage in Vietnam.
2. The procedure of issuing a license for the research and collection of intangible cultural heritage is as follows:
  - a) Overseas Vietnamese, foreign organizations and individuals who make request to conduct research and collect items must submit a letter of request to the Director of Department of Culture and Information, and attach a proposal that states clearly the objectives, location, duration and the Vietnamese partners that will take part in the research and collection of intangible cultural heritage.

If the location of research, collection is in two provinces or in two or more centrally-run cities, the letter of request must be submitted to the Minister of Culture and Information.

- b) Within 30 days since the receipt of the letter of request, the Minister of Culture and Information or The Director of Culture and Information must take the responsibility to consider the issuance of license; if the request is turned down, the reasons must be specified in writing.

**Article 12. Honor and treatment of artisans and artists**

The State shall accord the honor and adopt treatment policies to artisans and artists through the following measures:

1. Conferring and conferring posthumously, orders, decorations, medals, State Titles of honor and other forms of honor to artisans and artists who hold, preserve and spread traditional arts and professional know-how

which are part of the typical intangible cultural heritage in accordance with the provisions of law;

2. Adopting the policy of facilitating and covering part of the costs for activities of creation, performance, display, presentation and product consumption to the artisans and artists who hold, preserve and spread traditional arts and professional know-how which are part of the typical intangible cultural heritage;
3. Providing monthly allowances and other preferences to the artisans and artists who are honored with State Title but have low income, difficult circumstances and those living in difficult areas and particularly difficult areas in accordance with the provisions of law.

### **Chapter III**

#### **Protection and Promotion of the values of intangible cultural heritage**

##### **Article 13. Classification of sites**

Pursuant to the criteria provided for in Article 28 of the Law on Cultural Heritage, sites are classified as follows:

1. Historical sites (sites associated with events and eminent persons)
2. Architectural and artistic works;
3. Archeological sites;
4. Scenic landscapes.

##### **Article 14. Classification of provincial-level sites, national-level sites and special national sites**

Sites specified in Article 29 of the Law on Cultural Heritage that are: historical sites, architectural and artistic works, archeological sites and scenic landscapes, are classified as follows:

1. Provincial-level sites consist of:
  - a) Buildings and sites that mark historical events and milestones of the locality or are associated with the persons who historically, had a positive influence on local development;

- b) Architectural and artistic works, overall urban architectures and towns of significant value within the local territory;
  - c) Archeological sites of significant value within the local territory;
  - d) Natural landscapes or sites that combine natural landscapes with artistic architectures of significant value within the local territory.
2. National-level sites consist of:
- a) Buildings and sites that mark important national historical events and milestones, those that are associated with national heroes/heroines, well-known politicians, cultural activists or artists, and scientists who had an important influence on the historical development of the nation;
  - b) Architectural and artistic works and overall urban architecture and towns of outstanding value in different development periods of national architecture;
  - c) Archeological sites of outstanding value that mark different development periods of archeological culture;
  - d) Beautiful natural landscapes or sites that combine natural landscapes with artistic architectures, natural sites with geological, geomorphological, geographical or ecological bio-diversity features from a scientific standpoint.
3. Special national sites consist of:
- a) Buildings and sites associated with events that mark the nation's important transitions of national history, or are associated with national heroes/heroines or eminent persons who had a great influence on the historical development of the nation;
  - b) Complete original artistic architecture and overall urban architecture and towns of special value that mark different development periods of architectural art and the artistic architecture of Vietnam;
  - c) Archeological sites of outstanding value that mark different development periods of well-known archeological cultures of Vietnam and the world;
  - d) Beautiful natural landscapes or sites that combine natural landscapes with artistic architecture of special value to the nation, or natural sites with geological, geomorphological, geographical or ecological bio-

diversity features of outstanding value from a scientific standpoint and that are well-known in Vietnam and the world.

**Article 15. Provisions on the preparation of site dossiers for classification**

1. The Director of Culture and Information shall be accountable to the chair of provincial people's committee in organizing the inventory and classification of sites in accordance with the criteria provided for in Article 28 of the Law on Cultural Heritage.
2. On the basis of historical, cultural and scientific values of the sites which have inventories, and are classified as provided for in Article 14 of this Decree, the Director of Culture and Information shall be responsible for the preparation of site dossiers to be submitted to the competent State agencies provided for in Article 31 of the Law on Cultural Heritage to be considered for classification.
3. Site dossiers for classification consist of:
  - a) A letter of request for classification made by the organization or individual who possesses or is delegated to take care of the site;
  - b) A site profile;
  - c) A map that indicates the site location and the routes that lead to the site;
  - d) A layout that shows the overall plan of the site, the horizontal and vertical cross-section profiles of the site, and a detailed drawing of the architectural members with sculptural features and carvings on the scale of 1:50;
  - e) An album of color photos (9x12) that describe the relics, antiquities and national treasures of the site (if any);
  - f) An inventory of the relics, antiquities and national treasures that belong to the site;
  - g) A copy of the translations of the steles, parallel sentences, inscriptions, Han-Nom documents or documents in other languages about the site;
  - h) Reports and a map that delineates the protected area of the site which is certified and sealed by the people's committees at all levels, by the

Department for Land Management and the Department of Culture and Information;

- i) Submission paper on site classification as provided for in Item 1, Article 31 of the Law on Cultural Heritage.

The Minister of Culture and Information enacts concrete regulations on the form and content of site dossiers.

### **Article 16. Principles to delineate of the protected zones of sites**

1. The delineation of protected zone I provided for in Item 1, Article 32 of the Law on Cultural Heritage is carried out according to the following principles:
  - a) At sites such as buildings and places associated with historical events and the life and career of eminent persons, the delineation of protected zone I must ensure the reflection of outstanding developments of historical events and the keepsakes of the eminent persons associated with those sites;
  - b) At archeological sites, the delineation of protected zone I must ensure the status quo of the boundary of the zone where relics are found, and the topographic and landscape features are directly linked to the habitat of the creators of that archeological site;
  - c) At sites such as artistic architectural complexes or individual architectures, the delineation must ensure the status quo of the integrals of the sites, including yards, gardens, ponds, lakes and other elements which are linked to the sites;
  - d) At scenic landscapes, the delineation of protected zone I, must ensure the integrity of the natural landscape, topographic and geographic features that contain the bio-diversity and the typical ecosystem or physical traces of stages in the earth's history.
2. Protected zone II constitutes the buffer zone, which surrounds or stands adjacent to zone I, in order to protect the landscape and the ecological environment of sites, and where the construction of facilities is permitted to serve the restoration, exploitation and promotion of the values of the sites.

The determination that a site consists of only zone I, applies when the site is located in a residential area or adjacent to buildings that cannot be relocated. In the case of a site, which consists of a number of buildings and is located in a large area, protected zone I must be defined for each component of the site.

**Article 17. Authority to approve projects on the preservation, restoration and rehabilitation of sites**

The authority to approve projects on the preservation, restoration and rehabilitation of sites is provided for as follows:

1. The chair of provincial-level people's committee shall approve projects for the preservation, restoration and rehabilitation of provincial-level sites at the request of The Director of Culture and Information; approved projects on the preservation, restoration and rehabilitation of national-level sites and special national sites that belong to group B and group C in accordance with the provisions of law concerning construction investment following the written evaluation by the Minister of Culture and Information;
2. The Minister of Culture and Information shall approve projects on the preservation, restoration and rehabilitation of national-level sites and special national sites that belong to group B and group C in accordance with the provisions of law.

Where the preservation, restoration and rehabilitation of sites are deemed irrelevant to the content of the approved project, the Minister of Culture and Information shall decide on the suspension of the project;

3. The Prime Minister shall approve projects on the preservation, restoration and rehabilitation of sites that belong to Group A, in accordance with the provisions of law concerning construction investment applied to the projects referred to in Item 1 and Item 2 of this article.

**Article 18. Authority to appraise restoration and construction projects that might have negative impacts on sites**

1. The Director of Culture and Information shall appraise the projects on the restoration and construction of buildings, which are located outside the protected zones of a provincial-level site and might have negative impacts on the site.

2. The Minister of Culture and Information shall appraise the projects on the restoration and construction of buildings which are located outside the protected zones of a national-level site or a special national site and might have negative impacts on the site.

**Article 19. Organizations that have the function to explore and excavate archeological site**

1. State bodies for archeological studies.
2. Universities in which archeology is taught as a subject.
3. Museums and site management departments that undertake archaeological studies.
4. Associations that undertake archaeological studies.

**Article 20. Funding archaeological exploration and excavation during the restoration or construction of buildings**

During the restoration and construction of buildings, if relics, antiquities and national treasures are discovered and if archaeological explorations and excavations are deemed necessary, the following provisions on archaeological exploration and excavation shall be applied:

1. In the case of state-funded projects, the fund for exploration and excavation shall be included in the total investment fund for those projects;
2. In the case of projects funded by sources other than the state budget, the funding for exploration and excavation shall be covered by the state.

The Minister of Finance shall be responsible for the consideration of funding archaeological exploration and excavation at the requests of the Minister of Culture and Information and the Chair of the provincial-level people's committee.

The Minister of Finance shall lead the coordination with the Minister of Culture and Information in enacting concrete guidelines for the procedure of supplementing and providing fund for the exploration and excavation work for the cases described in this article.

## **Chapter IV**

### **Relics, Antiquities and National Treasures**

#### **Article 21. The reception of relics, antiquities and national treasures discovered during the exploration and excavation or discovered and submitted by organizations and individuals**

1. All the relics, antiquities and national treasures located underground on the mainland, islands, internal waters, territorial waters, exclusive economic zones and continental shelf as provided for in Article 6 of the Law on Cultural Heritage, when discovered or found, belong to the State as provided for in Article 248 of the Civil Code.
2. The Director of Culture and Information shall be responsible for the reception of relics, antiquities and national treasures and for the temporary storage in the preservation area of the museum in the province where the relics, antiquities or national treasures are discovered as provided for in Item 1, Article 41 of the Law on Cultural Heritage.
3. Organizations and individuals that submit relics, antiquities and national treasures shall be commended and rewarded with an amount of money as provided for in Article 52 and 43 of this Decree.

#### **Article 22. Sale, acquisition, protection and preservation of national treasures**

National treasures discovered and submitted by organizations and individuals, must be given priority and favorable conditions of reception, protection and preservation in state museums, state banks, or state treasuries with equipment that ensure their safety.

Where national treasures are subject to auction sales, the State shall be given the favor.

The State shall guarantee the funding for the acquisition, protection and preservation of national treasures.

#### **Article 23. Registration of relics, antiquities, national treasures**

1. The Director of Culture and Information shall be responsible for organizing the registration of relics, antiquities and national treasures within their provincial territory.

2. The owner of a national treasure must fulfil all registration procedures with the Department of Culture and Information of the province where he/she resides. Where the owner of a national treasure is changed, within 15 days since the change of the owner, the old owner must notify the change to the Department of Culture and Information where the national treasure is registered and provide to the authority, the first name, family name and address of the new owner.

Following the registration of the national treasure, The Director of Culture and Information must make a timely notification to the Minister of Culture and Information.

3. Rights of the owner of the registered relics, antiquities and national treasures:
  - a) To be presented with a certificate on the registration of relics, antiquities and national treasures;
  - b) To be given free-of-charge appraisal;
  - c) To be given advice on the best practices concerning the preservation of relics, antiquities and national treasures belonging to his/her ownership;
  - d) To be facilitated in the promotion of the values of relics, antiquities and national treasures.
4. The Minister of Culture and Information shall enact the regulations on the order and procedure for the registration of relics antiquities and national treasures.

#### **Article 24. Shipment of relics, antiquities and national treasures abroad for display, exhibition, research or preservation**

The procedures for the shipment of relics, antiquities and national treasures abroad for display, exhibition, research or preservation shall be regulated as follows:

1. Relics and antiquities:
  - a) Relics and antiquities belonging to national museums, with the permission of the Minister of Culture and Information, at the written request of the director of the museum concerned;
  - b) Relics and antiquities belonging to specialized museums, with the permission of the Minister for Culture and Information, at the written

- request of the head of the jurisdiction body or organization of the museum concerned;
- c) Relics and antiquities belonging to provincial-level museums, with the permission of the Minister of Culture and Information, at the written request of the chair of the provincial people's committee concerned;
  - d) Relics, antiquities under private ownership, with the permission of the Minister of Culture and Information, at the written request of the owner of the relics or antiquities concerned.
2. National treasures:
- a) National treasures belonging to national museums, with the permission of the Prime Minister, at the written request of the Minister of Culture and Information;
  - b) National treasures belonging to specialized museums, with the permission of the Prime Minister, at the written request of the head of the jurisdiction body or organization of the museum concerned, following a letter of accord by the Minister of Culture and Information;
  - c) National treasures belonging to provincial-level museums and national treasures under private ownership, with the permission of the Prime Minister, at the written request of the chair of the provincial people's committee concerned, following a letter of accord by the Minister of Culture and Information;
3. The insurance of relics, antiquities, national treasures shipped abroad for displays, exhibitions, research or preservation is arranged by the parties concerned, according to international practices and international conventions and treaties ratified or joined by the Socialist Republic of Vietnam.
4. The shipment, temporary export and re-import and temporary import and re-export of relics and antiquities must abide by the provisions of law on customs and other related provisions of laws.

**Article 25. Issuing a license for the shipment of relics and antiquities abroad.**

1. The Minister of Culture and Information shall issue regulations on the types of relics and antiquities to be shipped abroad.

2. The purchase, exchange, grant and inheritance of relics and antiquities that do not belong to the public, political organizations, or socio-political organizations, could be conducted abroad only with a license issued by the Minister of Culture and Information.
3. The Minister of Culture and Information shall issue the license for the shipment of relics and antiquities abroad.

Within 30 days of receipt of the letter of request and other related documents, the Minister of Culture and Information shall issue the license. If the request is turned down, reasons must be specified in writing.

4. The procedures for issuing a license for the shipment of relics, antiquities abroad:
  - a) A letter of request submitted to the Minister of Culture and Information;
  - b) A certificate that certifies the transfer of ownership by the former owner;
  - c) Relic and antiquity registration dossiers.
5. The Minister of Culture and Information shall enact regulations on the purchase, exchange, grant and inheritance at home and abroad of relics and antiquities provided for in Item 2 of this article.

#### **Article 26. Complaints and petitions concerning the procedures for the shipment of relics and antiquities abroad**

If the license for the shipment of relics and antiquities is being processed when the organization or individual, who is shipping the relics and antiquities abroad and who is not the legal owner, has a complaint made against them, is petitioned, or if the relics and antiquities are under dispute, the shipment of the relics and antiquities shall be subject to a moratorium pending a settlement according to the provisions of law concerning complaints and petitions.

Within 30 days since the receipt of the complaint or petition, if no evidence is found about the illegal ownership of or the dispute over the relics, antiquities, the relics and antiquities will be permitted to be shipped abroad upon the completion of the procedures of asking for permission.

## **Article 27. Authority to issue licenses for the duplication of relics, antiquities and national treasures**

The authority to issue the license for the duplication of relics, antiquities and national treasures shall be regulated as follows:

1. The Minister of Culture and Information shall issue the license for the duplication of relics, antiquities and national treasures belonging to national museums and specialized museums.
2. The Director of Culture and Information shall issue the license for the duplication of relics, antiquities and national treasures belonging to provincial-museums and for those in private ownership.

## **Chapter V**

### **Sales and acquisitions of relics, antiquities and national treasures**

## **Article 28. Management of the sales and acquisitions of relics, antiquities and national treasures**

1. The State shall ensure the unified management of the sales and acquisitions of relics, antiquities and national treasures and facilitate organizations and individuals in trading, selling and acquiring relics, antiquities and national treasures.

The trading of relics, antiquities and national treasures must comply with the provisions of the Laws on Enterprises, Taxation, Cultural Heritage, and other related provisions of laws.

2. The State shall protect the sales and acquisitions of the relics, antiquities and national treasures that have been registered in accordance with the provisions of the Law on Cultural Heritage; facilitate organizations and individuals in their transfer of ownership of relics, antiquities and national treasures that have been registered, and in the registration of the relics, antiquities and national treasures that have been acquired and sold from legal sources and have not been registered.
3. The sales and acquisitions of relics, antiquities and national treasures from illegal sources shall be strictly prohibited.
4. The sales and acquisitions of relics, antiquities and national treasures for the purpose of shipment abroad shall be strictly prohibited.

## **Article 29. Organization and operation of relic, antiquity and national treasure shops**

1. Owners of relic, antiquity and national treasure shops must meet the following conditions:
  - a) Be a Vietnamese citizen with a permanent address in Vietnam;
  - b) Hold a certificate to undertake business dealings with relics, antiquities and national treasures;
  - c) Own a shop with adequate space to display the relics, antiquities and national treasures;
  - d) Own adequate facilities for the display, preservation and protection of relics, antiquities and national treasures.
2. The operation of relic, antiquity and national treasure shops must comply with the following regulations:
  - a) Only acquire and sell relics, antiquities and national treasures from and to legal sources;
  - b) Only acquire and sell copies of relics, antiquities and national treasures from and to bodies, organizations and individuals with a license to make copies issued by competent state bodies as provided for in Article 27 of this Decree;
  - c) Copies of relics, antiquities and national treasures on display must have signs that clearly indicate that these are copies; differentiate these copies from the originals;
  - d) Fulfilling necessary procedures so that the state bodies provided for in Article 23 of this Decree could transfer the ownership to the acquirer of relics, antiquities and national treasures or fulfilling the procedures of asking for permission so that the acquirer could ship abroad the relics, antiquities and national treasures which belong to the category specified in Item 1 of Article 25 of this Decree;
  - e) Implementing the provisions of law concerning the books on the registration, sales and purchase and accountancy of relics, antiquities and national treasures as well as the obligation to pay taxes.

**Article 30. Conditions, authority and procedures to grant certificates for the practice of the profession of selling and purchasing relics, antiquities and national treasures.**

1. The conditions for granting a certificate for the practice of the profession of selling and purchasing relics, antiquities and national treasures shall include:
  - a) Having a command of the expertise and knowledge about relics, antiquities and national treasures;
  - b) Not banned from the practice of the profession or activities related to cultural heritage, according to the ruling of the court; not being under criminal liability or in the term of penal arrest or administrative arrest.

2. Cadres, civil servants and officers who are working in the sector of conservation and museology shall not be permitted to open shops that sell and purchase relics, antiquities and national treasures.

3. The authority to grant a certificate for the practice of the profession of selling and purchasing relics, antiquities and national treasures shall be regulated as follows:

The Director of Culture and Information shall grant the certificate for the practice of the profession of selling and purchasing relics, antiquities and national treasures to the owner of the shop that sells and purchases relics, antiquities and national treasures following the receipt of the written evaluation report by the Director General of the Department for Conservation and Museology.

Within 30 days of receipt of the required dossiers requesting for the grant of the certificate for the practice of the profession of selling and purchasing relics, antiquities and national treasures, The Director of Culture and Information must consider the grant of the certificate. If the request is turned down, reasons must be specified in writing.

4. The procedures for the grant of certificate for the practice of the profession of selling and purchasing relics, antiquities and national treasures shall be regulated as follows:

- a) The owner of the shop must deposit the dossiers to the Department for Culture and Information;
- b) The dossiers on the practice of the profession of selling and purchasing relics, antiquities and national treasures shall include;
  - A request for the grant of certificate;
  - Certified copies of related diplomas and certificates;
  - A curriculum vitae certified by the people's committee of the commune, ward or township (hereafter referred to as commune-level people's committee) in the place of the applicants residence.

### **Article 31. Auction of relics, antiquities and national treasures**

1. Organizations and individuals who sell relics, antiquities and national treasures at auction, must fulfill the procedures of registering the list of the sales to the Department for Culture and Information and must get permission from the Chair of the Provincial-level People's Committee.
2. The auction of relics, antiquities and national treasures must be conducted in conformity with the provisions specified in articles 452 to 458 of the Civil Code.

## **Chapter VI**

### **Organization and operation of museums**

#### **Article 32. Authority to define conditions for the establishment of museums**

1. The Minister of Culture and Information shall define conditions for the establishment of national museums and specialized museums.
2. The Director of Culture and Information shall define conditions for the establishment of provincial-level museums and private museums.
3. Within 30 days of receipt of the required dossiers, the Minister of Culture and Information, or the Director of Culture and Information shall have the duty to define the conditions for the establishment of museums.

#### **Article 33. Classification of museums in Vietnam**

Museums in Vietnam are classified as follows:

- a) Museums Class I;
- b) Museums Class II;
- c) Museums Class III.

### **Article 34. Criteria for classification of museums**

1. A museum Class I must meet the following criteria:

- a) Have at least 20,000 items consisting of original documents and exhibits, of which at least 5 collections are classified as precious documents and exhibits, and at least 90% have been inventoried;
- b) Have the documents and exhibits preserved and displayed by 100% modern equipment, facilities, techniques and technologies;
- c) Be of solid and durable architecture, and have a reliable space, surroundings and technical infrastructure that could accommodate the regular operations of a museum; a showroom of at least 2,500 square meters; a system of preservation houses of at least 1,500 square meters that are classified according to materials;
- d) Have all civil servants, officials and officers directly involved in the professional work holding a BA degree, of which at least 40% hold a BA degree in museology;
- e) Have the number of visitors reach at least 300,000 persons per annum; have the capacity to organize exhibitions and symposiums at home and abroad at least twice a year; have the capacity to conduct ministerial-level research works and participate in state-level research works; have at least 2 publications per annum.

2. A museum Class II must meet the following criteria:

- a) Have at least 10,000 items consisting of original documents and exhibits, of which at least 3 collections are classified as precious documents and exhibits, and at least 80% have been inventoried;
- b) Have the documents and exhibits preserved and displayed by at least 70% modern equipment, facilities, techniques and technologies;
- c) Be of solid and durable architecture, and have a reliable space, surroundings and technical infrastructure that could accommodate the regular operations of a museum; a showroom of at least 1,500 square

- meters; a system of preservation houses of at least 1,000 square meters that are classified according to materials;
- d) Have 80% of civil servants, officials and officers directly involved in the professional work holding a BA degree, of which at least 30% hold a BA degree in museology;
  - e) Have the number of visitors reach at least 150,000 persons per annum; have the capacity to organize exhibitions and at least twice a year; have the capacity to conduct scientific research works; have at least one publication per annum.
3. A museum Class III must meet the following criteria:
- a) Have at least 5,000 items consisting of original documents and exhibits, of which at least one collection is classified as precious documents and exhibits, and at least 70% have been inventoried;
  - b) Have the documents and exhibits preserved and displayed by at least 50% modern equipment, facilities, techniques and technologies;
  - c) Be of a solid and durable architecture, and have a reliable space, surroundings and technical infrastructure that could accommodate the regular operations of a museum; a showroom of at least 1,000 square meters; a system of preservation houses of at least 500 square meters that are classified according to materials;
  - d) Have 60% of civil servants, officials and officers directly involved in the professional work holding a BA degree, of which at least 25% hold a BA degree in museology;
  - e) Have the number of visitors reach at least 50,000 persons per annum; have the capacity to organize exhibitions and symposiums at least once a year.
4. The Minister of Culture and Information, in collaboration with the Minister of Interior, the Minister of Labor, War Invalids and Social Affairs, the Minister of Finance, the head of the jurisdiction body or organization of the museum concerned, shall run the evaluation and make the decision on the classification of the museum.

### **Article 35. Authority and procedures to classify a museum**

1. The authority to classify a museum shall be regulated as follows:

- a) The Minister of Culture and Information shall decide on the classification of a Class I national museum or specialized museum on the basis of the request of the head of the jurisdiction body or organization of the museum concerned and the written letters of accord by the Minister of Interior, the Minister of Labor, War Invalids and Social Affairs and the Minister of Finance;
  - b) The Minister of Culture and Information shall decide on the classification of a Class I provincial-level museum or private museum on the basis of the request of the head of the museum concerned and the written comments by the Chair of the provincial-level people's committee where the museum is located;
  - c) The head of the jurisdiction body or organization of a museum and the Chair of the provincial-level people's committee, shall issue the decision on the classification of a Class- II or Class- III museum, on the basis of the request of the head of the museum concerned and the written comments of accord by the Minister of Culture and Information.
2. Procedures to classify a museum shall be regulated as follows:
- a) Procedures to classify a Class-I museum.
    - As for a Class- I museum specified in Point A, Item 1 of this article, the head of the jurisdiction body or organization of the museum or the chair of the provincial-level people's committee shall submit a request and classification dossier to the Minister of Culture and Information.
    - As for a Class-I museum specified in Point B, Item 1 of this article, the head of the museum shall submit a request and classification dossier to the chair of the provincial-level people's committee.
    - The chair of the provincial-level people's committee will be given the responsibility to consider and decide on the submission of the dossiers to the Minister of Culture and Information within 30 days. In case of refusal, reasons must be specified in writing.
    - Within 30 days of receipt of the request and the classification dossiers, the Minister of Culture and Information shall evaluate and decide on the classification of the museum. In case of refusal, reasons must be specified in writing.
  - b) Procedures to classify a Class-II, Class-III museum.

- As for a specialized museum, the head of the museum must submit a request and classification dossier to the head of the jurisdiction body or organization of the museum. As for a provincial-level museum or private museum, the head of the museum must submit a request and classification dossier to the Director of Culture and Information.
- Within 30 days of receipt of the request and the classification dossiers, the Director Culture and Information will be given the responsibility to consider and decide on the submission of the dossiers to the chair of the provincial-level people's committee.
- Within 30 days of receipt of the request and the classification dossiers, the head of the jurisdiction body or organization or the chair of the provincial-level people's committee shall evaluate the classification of the museum.
- Within 15 days of the announcement of the evaluation results, the head of the jurisdiction body or organization of the museum or the chair of the provincial-level people's committee shall the take the responsibility to submit the evaluation results to the Minister of Culture and Information. Within 15 of the receipt of the written letter of accord of the Minister of Culture and Information, the head of the jurisdiction body or organization of the museum or the chair of the provincial-level people's committee shall issue the decision on the classification of the museum. In case of refusal, reasons must be specified in writing.

### **Article 36. Organization and operation of private museums**

1. Private museums are those that are under the ownership of one or more individuals or the co-ownership of individuals and non-state-funded organizations.
2. Private museums operate according to the provisions of law and in conformity with the cultural traditions and the morals and customs Vietnamese ethnic groups.
3. The Director of Culture and Information shall be responsible for assisting the chair of the provincial-level people's committee in conducting the state management for the operation of private museums.

4. The Minister of Culture and Information shall enact regulations on the organization and operation of private museums.

### **Article 37. Rights and duties of private museums**

1. Private museums have the following rights:
  - a) To develop collections by means of selling, purchasing, exchanging, granting, inheriting and other means in accordance with the provisions of law;
  - b) To legally own one or more collections;
  - c) To collect an admission fee in accordance with the provisions of law;
  - d) To make arrangements with state museums and other private museums for the use of collections of intangible heritage, relics, antiquities and national treasures that will serve the activities of the museums;
  - e) To exercise other rights in accordance with the provisions of the related laws.
2. Private museums have the following duties:
  - a) To accommodate the demands of research, education, visitation and cultural enjoyment of the people;
  - b) To meet the demands for expertise of museology;
  - c) To cooperate with competent state bodies in the field of culture and information and other museums in order to protect and promote cultural heritage values;
  - d) To fulfill other duties in accordance with the provisions of law.

### **Article 38. Deposit of collections of intangible cultural heritage, relics, antiquities and national treasures to state museums or competent state bodies**

The deposit of the collections of intangible cultural heritage, relics, antiquities and national treasures to state museums or other competent state bodies shall be regulated as follows:

1. The owner of a collection of intangible cultural heritage, relics, antiquities and national treasures shall be considered not to have adequate conditions, capacity to protect and promote the values in the following cases:
  - a) The absence of a preservation house, appropriate technical equipment or facilities, or if the collection of intangible cultural heritage, relics, antiquities and national treasures face the risk of loss or deterioration due to war or natural calamities;
  - b) Insufficient professional knowledge on preservation techniques.
2. If the owner of a collection of intangible cultural heritage, relics, antiquities and national treasures does not have adequate conditions and capacity to organize the presentation and display to the public, the collection should be deposited to state museums in order to promote the values of the collection.
3. The state bodies that have the authority to receive the deposit of collections of intangible cultural heritage, relics, antiquities and national treasures shall include:
  - a) State museums;
  - b) State banks or state treasuries (if relics, antiquities and national treasures are made of gold, silver, precious stone, diamond or ancient coins).
4. State museums and authorized state bodies shall have the responsibility to receive collections in order to protect and promote the values of the intangible heritage, relics, antiquities and national treasures deposited by their owners.

The owners whose collections of intangible heritage, relics, antiquities and national treasures are deposited to state museums or authorized state bodies must pay a fee in accordance with the provisions of law.
5. State museums or authorized state bodies that receive the collections of intangible cultural heritage, relics, antiquities and national treasures will be responsible to keep the names and addresses of the owners confidential if so requested.
6. The deposit and receipt of collections of intangible cultural heritage, relics, antiquities and national treasures shall be conducted in the fashion of a contract for depositing and safekeeping properties in accordance with the provisions in the Civil Code.

The Minister of Culture and Information shall enact concrete regulations on the dossiers and procedures of depositing collections of intangible cultural heritage, relics, antiquities and national treasures.

## **Chapter VII**

### **Responsibilities of ministries, ministerial bodies, government agencies and people's committees at all levels in the enforcement of the Law on Cultural Heritage**

#### **Article 39. Responsibilities of Ministry of Culture and Information**

1. In order to be accountable to the Government in acting as the state management agency for cultural heritage, the Ministry of Culture and Information shall have the duties and rights specified as follows:

- a) To formulate and organize the implementation of strategies, plans and policies in order to protect and promote cultural heritage values within its authority; submit strategies, plans and policies to competent levels of authorities for approval;
- b) To draft and submit documents to the Government and the Prime Minister for the enactment or enacting within their authority the regulations concerning the protection and promotion of cultural heritage values;
- c) To formulate and enact standards on professionalism and expertise for the protection and promotion of cultural heritage values;
- d) To approve and evaluate projects on the protection and promotion of cultural heritage values;
- e) To classify sites and grant site classification certificates, and to guide the chair of the provincial-level people's committee in classifying sites and granting site classification certificates in accordance with its authority;
- f) To classify museums and guide the chair of the provincial-level people's committee in classifying museums in accordance with its authority;

- g) To train, refresh and improve managerial and professional skills of cadres, civil servants and staff working in the field of protection and promotion of cultural heritage values;
  - h) To organize and manage research works and applications of scientific and technological advances in the protection and promotion of cultural heritage values;
  - i) To perform advocacy, disseminate and educate under the laws on the protection and promotion of cultural heritage values;
  - j) To organize the work relating to the emulation and commendation of the protection and promotion of cultural heritage values;
  - k) To inspect and monitor the observance of the law on cultural heritage; settle disputes, complaints, petitions and handle offenses to the law on cultural heritage;
  - l) To exercise other duties and rights in accordance with other provisions of laws concerning cultural heritage.
2. The Director General of the Department of Conservation and Museology is responsible for assisting the Minister of Culture and Information in fulfilling the duties and rights specified in Item 1 of this article.

#### **Article 40. Responsibilities of Ministry of Planning and Investment**

1. Ministry of Planning and Investment in collaboration with the Ministry of Culture and Information and relevant ministries and agencies shall formulate plans on the protection and promotion of cultural heritage values.
2. Aggregate and balance annual investment capital for projects on the protection and promotion the values of special national sites, national museums, revolutionary-historical sites and intangible cultural heritage of outstanding value.
3. Evaluate projects on the protection and promotion of cultural heritage values in accordance with its authority.

#### **Article 41. Responsibilities of Ministry of Finance**

1. Ministry of Finance shall ensure a regular budget for the protection and promotion of cultural heritage.
2. Inspect the allocation, management and utilization of budget according to the provisions of law.
3. Enact or collaborate with the Ministry of Culture and Information to enact documents that regulate fees, charges and the collection, payment, management and utilization of fees and charges in the protection and promotion of cultural heritage values in accordance with the decentralization of the Government.
4. Contain and address the illicit exports and imports of cultural heritage.

#### **Article 42. Responsibilities of Ministry of Defense, Ministry of Police and Ministry of Trade**

1. Collaborate with the Ministry of Culture and Information and people's committees at all levels to maintain security and order in the protection and promotion of cultural heritage values.
2. Collaborate with relevant ministries, agencies and people's committees at all levels to contain, address the illicit trafficking, exchanges and movements of cultural heritage at home or the illicit shipments of relics, antiquities and national treasures abroad.

#### **Article 43. Responsibilities of Ministry of Education and Training**

1. Ministry of Education and Training shall lead, in collaboration with the Ministry of Culture and Information, the organization of the education on the protection and promotion of cultural heritage values, the incorporation of study visits and the research of cultural heritage to the annual curricula of all schools and levels.
2. Facilitate learners' field trips to heritage sites.

#### **Article 44. Responsibilities of Ministry of Science and Technology**

1. Ministry of Science and Technology shall lead, in collaboration with the Ministry of Culture and Information, the formulation of plans on scientific projects to protect site environment, and formulate and

- guide the implementation of scientific research works on the protection and promotion of cultural heritage values.
2. Collaborate with relevant ministries, agencies and people's committees at all levels in investing advanced sciences and technologies in sustainable environmental protection in localities with sites.

#### **Article 45. Responsibilities of Ministry of Construction**

1. Ministry of Construction shall lead, in collaboration with the Ministry of Culture and Information and relevant ministries and agencies, the formulation of plans on construction that ensure the maintenance and promotion of cultural heritage values; establish and introduce standards and norms for the preservation, restoration and rehabilitation of sites.
2. Collaborate with the Ministry of Culture and Information to enact documents that concretely regulate the evaluation of projects on the construction and upgrading of buildings which are located outside the protected area of sites, but have potentially negative impacts on the sites, or where relics, antiquities and national treasures are found during the construction or upgrading of the buildings.

#### **Article 46. Responsibilities of Ministry of Agriculture and Rural Development and Ministry of Resources and Environment**

1. Ministry of Agriculture and Rural Development shall lead, in collaboration with the Ministry of Culture and Information and other relevant ministries and agencies, in the formulation of plans for the protection and development of classified specialized forests, or on the use of farm lands, forest lands and hydraulic systems in keeping with the demands, maintenance and protection of sites according to the provisions of law.
2. Ministry of Resources and Environment shall lead, in collaboration with the Ministry of Culture and Information and other relevant ministries and agencies, in the formulation of plans on nationwide land use that satisfy the requirements for the protection and promotion of cultural heritage values; collaborate with the Ministry of Culture and Information to draft and submit documents to the

Government for enactment or to enact within its authority regulations concerning the delineation and demarcation of the protected zones of sites; guide the establishment and certification of the delineation map of the protected zones of sites.

#### **Article 47. Responsibilities of Vietnam Tourism Administration**

1. Vietnam Tourism Administration shall lead, in collaboration with the Ministry of Culture and Information and other relevant ministries and agencies and people's committees at all levels, in the organization of incorporating cultural heritage values into sustainable tourism development; the guiding of visitors in upholding regulations of cultural-historical sites and scenic landscapes.
2. Collaborate with the Ministry of Culture and Information and people's committees at all levels to invest in the conservation, restoration of sites, craft villages, traditional festivals in tourism centers and routes; preserve and protect cultural heritage in tourism activities.

#### **Article 48. Responsibilities of other ministries and agencies in the enforcement of the Law on Cultural Heritage**

Ministries, ministerial bodies and Government agencies other than those regulated in Article 40, 42, 43, 44, 45, 46 and 47 of this Decree, on the basis of their respective duties and rights, shall be responsible for collaborating with Ministry of Culture and Information to implement the provisions of the Law on Cultural Heritage with regard to matters that fall within the scope of state management of their respective ministries or sectors.

#### **Article 49. Responsibilities of provincial-level people's committee**

Provincial-level people's committee's that are involved in the state management of cultural heritage in their local jurisdiction shall have the following duties and rights:

1. To formulate plans on the protection and promotion of tangible and intangible cultural heritage in its local jurisdiction;

2. To managing the collections and research of tangible and intangible cultural heritage according to the provisions of law;
3. To guide and license the activities on the protection and promotion of cultural heritage within its local jurisdiction;
4. To decide on the establishment and classification of museums in accordance with its authority;
5. To approve projects on the preservation, restoration and rehabilitation of sites in accordance with the provisions of law;
6. To conduct an inventory and registration of sites; decide on the classification and the cancellation of classification of provincial-level sites; prepare and submit to the Minister of Culture and Information scientific dossiers on the classification of national-level sites; guide the preparation of the scientific dossiers of the local intangible cultural heritage;
7. To inspect and monitor the observance of the laws concerning cultural heritage; settle complaints and petitions; commend, reward and deal with offenses to the laws concerning cultural heritage;
8. To fulfill other duties and rights in accordance with other provisions of laws related to cultural heritage.

**Article 50. Responsibilities of district-level people's committee:**

District-level people's committee shall be responsible for the protection and promotion of the values of intangible and tangible cultural heritage in its local jurisdiction; taking preventive and protective measures, dealing with offenses; requesting competent state bodies to classify sites and formulating plans on the protection, preservation, restoration and promotion of the values of sites.

**Article 51. Responsibility of commune-level people's committee:**

1. To conduct the protection and urgent preservation of cultural heritage.
2. To receive declarations and notifications concerning cultural heritage before forwarding to upper-level authorities.
3. To request the classification of sites.

4. To prevent and contain any acts that may threaten the safety of cultural heritage.
5. To contain and deal with superstitious practices in accordance with its authority.

## **Chapter VIII**

### **Rewards for organizations and individuals who discover and hand over relics, antiquities and national treasures**

#### **Article 52. Forms of rewards for organizations and individuals who discover and hand over relics, antiquities and national treasures**

Organizations and individuals who discover relics, antiquities and national treasures and who report in a due course and voluntarily hand them over to competent state agencies of culture and information, shall be presented or posthumously presented with a Letter of Compliment, a Certificate of Compliment or medals or rewards of other forms, depending on the value of relics, antiquities and national treasures and according to the provisions of existing laws.

Depending on the value of the relics, antiquities and national treasures discovered and voluntarily handed over, organizations or individuals shall be rewarded with an amount of money according to the provisions on Article 53 of this Decree.

#### **Article 53. Rates of cash rewards offered to organizations and individuals who discover and voluntarily hand over relics, antiquities and national treasures**

1. The rates of in-cash rewards offered to organizations or individuals who discover and voluntarily hand over relics, antiquities and national treasures shall be regulated as follows:
  - a) From 25% to 30% of the value of relics, antiquities and national treasures which are worth less than 10 million dong;
  - b) From 20 % to 25 % of the value of relics, antiquities and national treasures which are worth from 10 million dong to 20 million dong;

- c) From 15 % to 20 % of the value of relics, antiquities and national treasures which are worth more than 20 million dong to 50 million dong;
  - d) From 10 % to 15 % of the value of relics, antiquities and national treasures which are worth more than 50 million dong to 100 million dong;
  - e) From 7 % to 10 % of the value of relics, antiquities and national treasures which are worth more than 100 million dong to 200 million dong;
  - f) From 5 % to 7 % of the value of relics, antiquities and national treasures which are worth more than 200 million dong to 500 million dong;
  - g) From 2 % to 5 % of the value of relics, antiquities and national treasures which are worth more than 500 million dong to 1 billion dong;
  - h) From 1 % to 2 % of the value of relics, antiquities and national treasures which are worth more than 1 billion dong to 10 billion dong;
  - i) From 0.5 % of the value of relics, antiquities and national treasures which are worth more than 10 billion dong.
2. If organizations or individuals discover relics, antiquities and national treasures and notify in a due course to competent authorities with accurate information, they shall be offered a reward worth 10% to 20% of corresponding rates of rewards specified in Item 1 of this article.
  3. The maximum rate of a reward against the value of relics, antiquities and national treasures specified in Item 1 and Item 2 of this article shall not exceed 200 million dong.

**Article 54. Authority and procedures to decide on the rewards offered to organizations or individuals who discover and hand over relics, antiquities and national treasures**

1. Department of Culture and Information shall set up a council to define the value the relics and antiquities that are returned by organizations or individuals.

The Ministry of Culture and Information shall set up a council to define the value of national treasures that are returned by organizations or individuals.

2. Funding for the compensation of the costs associated with the discovery, preservation and rewards for organizations and individuals who discover and return relics, antiquities and national treasures, shall be allocated from the state budget according to the decision by heads of ministries, sectors and the chair of the provincial-level people's committee of the locality where the relics, antiquities and national treasures are received and preserved.
3. The representative of the state museum that receives and preserves the relics, antiquities and national treasures shall have the responsibility to present the amount of the reward money to the organizations or individuals who discover and hand over the relics, antiquities and national treasures in accordance with the decision of the head of the relevant ministry, sector or the chair of the provincial-level people's committee as specified in Item 2 of this article.
4. Within 30 days of receipt of the relics, antiquities and national treasures handed over by organizations or individuals or at the completion of the archeological search and excavations, the competent agencies for culture and information will set up an evaluation council to define the value of the relics, antiquities and national treasures concerned.

The presentation of the reward money to organizations or individuals who discover and voluntarily hand over relics, antiquities and national treasures shall be done within 30 days of the completion of the evaluation report on the value of the relics, antiquities and national treasures by the evaluation council.

## **Chapter IX**

### **Enforcement Provisions**

#### **Article 55. Time of entry into force**

1. This Decree shall enter into force 15 days after its signing.
2. All previous provisions in contradiction to this Decree shall be superseded.

**Article 56. Guidance and enforcement of the Decree**

The Minister of Culture and Information shall have the responsibility to guide and inspect the enforcement of this Decree.

Ministers, heads of ministerial agencies, Government agencies, the chair of provincial and centrally-run people's committees shall have the responsibility to enforce this Decree.

On behalf of the Government  
Prime Minister  
**Phan Van Khai**

Translated by Tran Manh Ha, Mr. (Hanoi, July, 2003)