

VIETNAM'S CULTURAL HERITAGE PROTECTION
LAW (1900-2023) AND THEIR PROS & CONS
FROM THE POSITION OF VIETNAM'S
NEW GENERATION: CASE STUDIES

1. The developing definition of cultural heritage law (CHL)

The development of the definition of cultural heritage in Vietnam has been dominated by three main periods: the Vietnam War (also known as the Vietnam-America War) (1945–1979), the renovation period (1980–2000), and the international integration period (since 2001). Each period has different legal documents.

Table 1. The comparison of legal acts on cultural heritage law

| Legal milestones | Legal documents of CHL | Definition keyword | Time | Scope of application | Ownership |
|--------------------------|------------------------|---|------|---|---|
| Viet Nam War (1945–1979) | Edict 65 | _Antiques | 1945 | All the area within the Vietnamese borders | Not mentioned |
| | Decree 591 | _Real estate _Movable estate (Both have artistic and historical values) _Famous landscapes and beauty spots containing natural scenery | 1957 | Within the Vietnamese borders. (Including on land and under-water) | _Acceptance of the ownership of an administrative unit, an agency, a union, or a private individual _Government ownership => Under the protection of the government |

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|--|---------------------------------|---|---------------------|----------------------------------|---|
| Renovation period (1980–1986) | Ordinance 14 | _Vestiges (having historical, artistic, and scientific values) _ Famous landscapes and beauty spots (with beautiful scenery or famous ancient and beautiful constructions) | 1984 | Not mentioned | _ Collective ownership _ Individual ownership _ Famous landscapes and beauty spots – ownership of the entire people => Under the protection and management of the government ø |
| | Decree 288 | | 1985 | | |
| International integration period (1987 to present) | CHL 2001 Amended 2009 ... | 1. Intangible cultural heritages | 2001 2009 ... | _under the ground | _ Designated cultural heritage is under the entire population's ownership _ Recognizes and protects forms of collective ownership, joint ownership of the community, private ownership, and other forms of ownership over cultural heritages, according to the provisions of law |
| | | 2. Tangible cultural heritages | | _on the mainland | |
| | | 3. Historical-cultural relics | | _on islands | |
| | | 4. Famous landscapes and beauty spots | | _in inland waters | |
| | | 5. Vestiges | | _in territorial waters | |
| | | 6. Antiques | | _within exclusive economic zones | |
| | | 7. National precious objects | | _on the continental shelf | |

Source: Author's own elaboration.

1.1. The Vietnam War period: Edict 65¹ and Decree 591²

Edict 65 is the first decree issued with the aim of preserving Vietnamese cultural heritage. It is a milestone in the protection of cultural heritage in Vietnam; as a result cultural heritage protection is the responsibility of the state. Edict 65 is concise and focuses only on the fundamental aspects of safeguarding cultural assets. President

¹ Sắc lệnh 65 Việt Nam Dân Chủ Cộng Hòa [Decree] 23 Nov. 1945.

² Nghị Định Quy Định 591: Thể Lệ Về Bảo Tồn Cổ Tích [Decree] 29 Oct. 1957.

Ho Chi Minh included the phrase “antiques” in the Edict, which is supposed to be synonymous with the term “cultural heritage.”³ The decree has no detailed definition of “antiques” and does not give the scope of the term “antiques.” This demonstrates how Edict 65 is vague, overly generalized, and devoid of affirmative ownership of cultural heritage. However, the decree was appropriate to deal with the political instability at that time: Vietnam had to promptly address a more urgent security issue – achieving autonomy from the U.S.A. and reuniting the North and South parts of the country.⁴ In addition, Edict 65 seeks to avoid losing additional national resources (in general) and cultural heritage (specifically) to war and political instability. It is preparation for the country’s complete independence at a later stage.

Decree 591 was updated in 1957. The revised decree demonstrates that after a prolonged period of war, the Vietnamese government highly valued cultural values and was determined to engage with the international community via the establishment of specific policies and regulations on cultural heritage.⁵ Compare Edict 65 with Decree 519: in Edict 65, the document addresses preservation as “essential” via an act of “consideration”; in Decree 519, the Vietnamese Government directly affirms its sovereignty and its protection of cultural assets. In detail, Decree 591 determined that cultural heritage is real estate, movable estate, and famous landscapes and natural beauty spots. Simultaneously, the decree also includes comprehensive explanations for three keywords (art. 1 of Decree 591). The decree also specifies the scope of application in more detail than Edict 65. Decree 591 also gives recognition to cultural heritage on land, under water, and within the Vietnamese borders; these are all specified as government-owned. In terms of ownership, the government accepted the ownership rights over cultural heritage properties of organizations (administrative units, agencies, unions) and private entities. Vietnam established its ownership and acknowledged its duty to safeguard cultural heritage through Decree 591. Nevertheless, the terms “real estate” and “movable estate” remain significant terms with broad connotations that may be mistaken for specific terms in other domains such as economics, land law, and so on. Although Decree 591 clearly defines the two keywords “real estate” and “movable estate,” they have to be accompanied by historical and artistic elements to identify them;

³ T.Y. Nguyen, H. Nguyen, “Heritage protection in international law and national law: insights into the case of Vietnam Proteção do patrimônio no Direito Internacional e no Direito Nacional: percepções no caso do Vietnã”, *Brazilian Journal of International Law* 2020, vol. 17, no. 3, <https://core.ac.uk/download/429340601.pdf> (accessed: 1.06.2024).

⁴ T.K. Phuong, “The Preservation and Management of Monuments of Champa in Central Vietnam: The Example of My Son Sanctuary, A World Cultural Heritage Site” [in:] *Rethinking Cultural Resource Management in Southeast Asia: Preservation, Development, and Neglect*, eds. J.N. Miksic, Geok Yian Goh, S. O’Connor, Anthem Press, London 2011, pp. 235–255.

⁵ W. Chapman, *A heritage of ruins: the ancient sites of Southeast Asia and their conservation*, University of Hawaii Press, Honolulu 2013, pp. 678–680.

however, these still “lack accuracy” and entail a “high level of misunderstanding.” The concept of cultural heritage has to be further edited at later stages.

1.2. The renovation period (1980 to 2000): Ordinance 14⁶ and Decree 288⁷

This time is referred to as “the renovation period.” The challenge for Vietnam at this point was starting a process of integration into the international community. The challenge lay in finding a balance between meeting the demands of the new economic market and preserving and exploiting cultural heritage.⁸ During this phase, emphasis was placed on the restoration and preservation of cultural heritage in Vietnam.

According to Ordinance 14, cultural heritage is defined as “vestiges.” While there are variations in the use of keywords compared to the preceding stage, the criterion for selecting cultural heritage remains consistent in terms of historical and artistic elements. Furthermore, Ordinance 14 acknowledges the significance of scientific values in the identification of cultural heritage. An ethnic element and ancient fame are also listed as among the values that define famous landscapes and beauty spots. In terms of generalization, the term “vestiges” exhibits a broader scope compared to “antiques” and a greater level of precision when compared to “real estate” and “movable estate.” Another advantage to Ordinance 14 is that the state has switched ownership rights from “government ownership” to “owned by the entire people” for famous landscapes and beauty spots. Obviously, the renovation period was really one of renovation and was more democratic.

Decree 288 is clearly defined as a document based on Ordinance 14. The amendment of Decree 288 serves as a complement to Ordinance 14. Thus, basically, the keywords used in both texts are the same. In terms of the detail of the definition, Decree 288 is more detailed about what “vestiges” include. Ordinance 14, as opposed to Decree 288, demonstrated significant progress compared to contemporary documents relating to the preservation of cultural resources. Nevertheless, it is crucial to note that Ordinance 14 and Decree 288 failed to adequately address the

⁶ Pháp Lệnh 14: Bảo Vệ Và Sử Dụng Di Tích Lịch Sử, Văn Hóa Và Danh Lam, Thắng Cảnh [Ordinance] April 4, 1984, <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Phap-lenh-Bao-ve-su-dung-di-tich-lich-su-van-hoa-danh-lam-thang-can-1984-14-LCT-HDNN7-36994.aspx> (accessed: 1.06.2024).

⁷ Nghị Định 288: Quy Định Việc Thi Hành Pháp Lệnh Bảo Vệ Và Sử Dụng Di Tích Lịch Sử, Văn Hóa Và Danh Lam Thắng Cảnh [Decree] Dec. 31, 1985), <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Nghi-dinh-288-HDBT-quy-dinh-viec-thi-hanh-phap-lenh-bao-ve-va-su-dung-di-tich-lich-su-van-hoa-va-danh-lam-thang-can-43640.aspx> (accessed: 1.06.2024).

⁸ A. Galla, “Museums in sustainable heritage development: A case study of Vietnam”, INTERCOM 2006 Conference Paper, p. 5, https://www.academia.edu/3984689/Museums_in_sustainable_heritage_development_A_case_study_of_Vietnam (accessed: 1.06.2024).

crucial aspect of defining their scope of application. That would only be defined later, in the period from 1980 to 2000.

During this period, the Council of Ministers of Vietnam also declared that one of the objectives of Decree 288 was to achieve educational value. One of UNESCO's primary objectives is to educate the community about the protection of cultural heritage. Ordinance 14 and Decree 288 also reinforce Vietnam's future membership in UNESCO. Hence, it can be argued that the definitions provided in Ordinance 14 and Decree 288 exhibit considerable comprehensiveness and alignment with the existing UNESCO definition of cultural heritage.

1.3. International integration period (since 1987)

During this period, Vietnam became a member of UNESCO (in 1987). Its policies have increasingly sought to align themselves with the requirements of UNESCO membership. Vietnam is now governed according to the "rule of law." In the previous period (1980–2000), the Constitution, in particular, and the legal system of Vietnam, in general, were founded on the model of the Soviet Union. (According to some sources, Vietnam, even at this stage, predicted the collapse of the Soviet Union.) In addition, Vietnam's policy orientation after 1975 (a 100% commitment to peace) is to be friends with all countries; Vietnam does not just label itself as friends with socialist countries but rather with all countries. That is why Vietnam's legal system in the international integration period (since 1987) had to revise domestic policies and laws to fit in with international law. The first step was to get involved in NGO organizations, to sign international conventions, etc. Taking international law and international conventions as their starting point, the Cultural Heritage Law of 2001 (CHL)⁹ and amendments and supplements to a number of articles of the Law on Cultural Heritage of 2009¹⁰ (hereinafter: A&D of CHL 2009) are consistent with UNESCO principles. These include the keywords "Tangible Cultural Heritages" and "Intangible Cultural Heritages." In addition, CHL and A&D of CHL 2009 also add a series of definitions. Specifically, these include old definitions from the previous two periods: "antiques," "vestiges," and "famous landscapes and beauty spots"; they also include new definitions such as "historical-cultural relics" and "national precious objects." The concept of this period is closely related to the international concept; this is also true of the broadening of the classification of heritage from local to national.

Furthermore, the scope of application in this phase attained a commendable degree of universality and specificity, covering various areas such as underwater

⁹ Luật Di Sản Văn Hóa 2001 [law] June 29, 2001.

¹⁰ Luật Sửa Đổi, Bổ Sung Một Số Điều Của Luật Di Sản Văn Hóa [Amend Law] June 18, 2009, <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Luat-di-san-van-hoa-2009-sua-doi-32-2009-QH12-90620.aspx> (accessed: 1.06.2024).

areas, islands, inland waters, territorial waters, exclusive economic zones, and the continental shelf. Ownership allocation also improved significantly. Famous landscapes and beauty spots belonging to the entire people were transformed into cultural heritage belonging to the entire people. This definition has remained unchanged and has not undergone any additional additions up to the present time.

In conclusion, keywords to depict cultural heritage across the three stages are obviously different. The differences in language use partly reflect the historical context of Vietnam and the cognitive processes and advancement of Vietnamese legislators in each period. The development and progress of Vietnam's international integration are partially influenced by the length of the documents as well as their horizontal and vertical scope. The definition of cultural heritage in CHL is much broader than in other laws.

2. The development of the legal basics of cultural heritage protection law

2.1. Vietnam War (1945–1979): The 1946 Constitution, The 1959 Constitution & Edict 65, Decree 591

During the Vietnam War (1945–1979), Vietnam had two constitutions (1946 and 1959). The two documents that protect cultural heritage are Edict 65 and Decree 591.

It is distinctive in this period that the constitution did not serve to shape the role of CHL documents, as in Edict 65 and Decree 591. The Vietnam Democratic Republic declared its independence on 9 September 1945. Edict 65 was issued on 23 November 1945. However, the Constitution of the Democratic Republic of Vietnam was adopted in 1946. This suggests that Edict 65 was not founded on the 1946 Constitution. The purpose of Edict 65 was to address promptly the political instability in the early stages of independence. Specifically, Edict 65 recognized the importance of protecting cultural heritage in Vietnam. Decree 591 in 1957 exhibited a deficiency in its legal foundation. The 1946 Constitution was not officially in force due to political events.¹¹ So, the 1946 Constitution was not the legal basis for Decree 591. The second constitution was proclaimed in 1959, after the enactment of Decree 591 in 1957. Hence, it is not appropriate to consider the 1959 Constitution as the legal foundation for Decree 591.

During the Vietnam War (1945–1979), cultural heritage protection documents served a transient purpose in addressing the prevailing political circumstances. The aim was to mitigate the potential depletion of national resources in an era

¹¹ See: Bui S.N., "The Global Origins of Vietnam's Constitutions: Text in Context", *University of Illinois Law Review* 2017, no. 2, p. 528, <https://doi.org/10.2139/ssrn.2934139> (accessed: 1.06.2023).

characterized by precarious security, economic, and social conditions. However, in the legal background, Edict 65 and Decree 591 lacked a formal legal foundation and were only relevant to a specific historical context or event.

2.2. The renovation period (1980–1986)

The 1980 constitution was established during this period. Ordinance 14 (1984) and Decree 288 (1985) are the primary documents under consideration in terms of cultural heritage protection in this period.

Vietnam's transition from a Democratic Republic to a Socialist Republic is the most notable event of this period. The political situation achieved stability and followed a Soviet model.¹² The political-institutional transformation significantly influenced the formulation of the 1980 Constitution. The 1980 Constitution exhibited a superior level of organization and detail compared to the two Constitutions of 1946 and 1959. The CHL documents are organized more methodically during this period. Ordinance 14 is grounded in the legal framework established by the Constitution of 1980. Decree 288 is grounded in the legal framework established by Ordinance 14 and the Constitution of 1980. The text is consistent and uniform when compared to previous ones.

However, from 1980 to 1986, the impact of international conventions and agreements on local law was negligible. Certain restrictions outlined in Ordinance 14 and Decree 288 were found to be inconsistent with the International Treaty and UNESCO Recommendation.

2.3. International integration period (since 1987)

During this era, an essential change in the global system (the disintegration of the Soviet Union) resulted in the promulgation of the 1992 Constitution of Vietnam, which superseded the 1980 Constitution. There was significant transformation in the realm of cultural heritage protection. The Cultural Heritage Law of 2001 (CHL) and the amendments and supplements made to certain sections of the Law on Cultural Heritages of 2009 (A&D) are of particular significance.

This phase had two main factors that changed the constitution in general and CHL in particular: first, the collapse of the Soviet Union,¹³ and second, the attempt to integrate Vietnam into the international community.¹⁴ For these two reasons,

¹² See: *ibidem*, p. 549.

¹³ See more: N.M. Brooks, "Science in Russia and the Soviet Union: A Short History by Loren R. Graham (review)", *Technology and Culture* 1993, vol. 36, pp. 725–727.

¹⁴ See more: N.K. Tran, H. Yoon, "Doi Moi Policy and Socio-Economic Development in Vietnam, 1986–2005", *International Area Review* 2008, vol. 11, no. 1, pp. 205–232, <https://doi.org/10.1177/223386590801100112> (accessed: 1.06.2024).

the standard of international conventions adopted by the Vietnamese Government became a second legal basis (the first legal basis is the Constitution). The 1992 Constitution was also enacted to support expansion and innovation in many areas. The CHL issued during this period was guaranteed by the Constitution's legal framework and the UNESCO Convention. It was a precondition for the long-term development of the legal system of cultural heritage protection in particular and of the Vietnamese legal system in general.

3. The legal documents of cultural heritage protection today

Recognizing the significance of cultural heritage, the Vietnamese government has established a unified legal framework to preserve and develop the cultural heritage system.¹⁵ The CHL in 2001 (Law No. 28/2001/QH10) is the first legislation on cultural heritage in the history of Vietnam's legislative system. It was later amended and supplemented by the Law on Cultural Heritage in 2009 and Decree No. 98/2010/ND-CP, which provides detailed guidelines for the implementation of amended and supplemented laws.

3.1. First official version: CHL 2001

Cultural heritage is effectively protected under the 2001 Cultural Heritage Legislation. This is superior to the CHLs that were previously enacted. The 2001 legislation is advantageous in that it is grounded within a framework of theory that originated in the 1992 Constitution. Vietnam ratified numerous UNESCO agreements during this period to demonstrate its international commitment.¹⁶ The aforementioned two elements serve as the fundamental basis for the CHL of 2001. Put differently, the legislation enacted in 2001 took precedence over all prior laws (Decree No. 65, Decree No. 591, and Decree No. 288) that were directly associated with CHL prior to 2001. It functions as a mechanism for subsequent progress and signifies a pivotal moment in the evolution of the museum system.¹⁷ The preamble of the CHL of 2001 delineates the objectives of the legislation. These are: "To protect and enhance the value of cultural heritage, meet the increasing cultural needs of the people, contribute to the construction and development of an advanced Vietnamese cul-

¹⁵ H.P. Nguyen, "Hệ thống pháp lý về bảo tồn di sản văn hóa phi vật thể tại Việt Nam – Đòi hỏi điều chỉnh", *Journal of Culture & Resources* 2014, no. 1, <https://www.hcmuc.edu.vn/bolg/he-thong-phap-ly-ve-bao-ton-di-san-van-hoa-phi-vat-the-tai-viet-nam-doi-dieu-ngam-nghi.html> (accessed: 1.06.2024).

¹⁶ T.L. Tu, "Cultural Heritage in Vietnam with the Requirements of Sustainable Development", *International Relations and Diplomacy* 2019, vol. 7, no. 4, pp. 172–187, <https://doi.org/10.17265/2328-2134/2019.04.004> (accessed: 1.06.2024).

¹⁷ A. Galla, "Museums in sustainable heritage development...", p. 5.

ture that is rich in national identity, and contribute to the global cultural heritage; To enhance the effectiveness of state management and increase the responsibility of citizens in participating in the protection and promotion of cultural heritage values...”¹⁸

The phrases “protect and enhance,” “the effectiveness of the state management,” and “increase the responsibility of the citizens” are the focal points of the content of the CHL of 2001. The introductory section of the 2001 version effectively emphasizes the focus on protecting cultural heritage in its textual content. This is also the first official use of the term “cultural heritage” in a document, rather than using synonymous terms as in previous texts. The 2001 version has well-structured content that clearly confirms the roles of various entities in safeguarding and promoting Cultural Heritage. Compared to previous documents, the first version in 2001 not only included the theoretical foundations from two core sources, namely UNESCO treaties and the Vietnam Constitution of 1992, but also strengthened the legal framework, and the protection responsibilities of different entities in relation to cultural heritage and CHL.

3.2. Second version: A&D of CHL 2009

In the second version, the purpose is to improve upon the 2001 version by making modifications and additions in various respects, such as: expanding the definition of Intangible Cultural Heritage; emphasizing the state’s protection of cultural heritage; establishing criteria for evaluating and classifying cultural heritage; setting out the framework for penalties for violators (although not yet detailed); identifying enforcement agencies; and establishing the obligations and responsibilities of cultural heritage management agencies. Additionally, the A&D of CHL 2009, art. 4 point 16 declares: “A museum is a cultural institution that serves the purpose of collecting, preserving, researching, exhibiting, and introducing cultural heritage, material evidence of nature, human beings, and the human living environment, in order to serve the needs of research, learning, visiting, and enjoying culture by the public.”¹⁹

¹⁸ In this article all translations from Vietnamese to English are my own. Original version: “Để bảo vệ và phát huy giá trị di sản văn hoá, đáp ứng nhu cầu về văn hoá ngày càng cao của nhân dân, góp phần xây dựng và phát triển nền văn hoá Việt Nam tiên tiến, đậm đà bản sắc dân tộc và đóng góp vào kho tàng di sản văn hoá thế giới; Để tăng cường hiệu lực quản lý nhà nước, nâng cao trách nhiệm của nhân dân trong việc tham gia bảo vệ và phát huy giá trị di sản văn hoá...”

¹⁹ Original version: “Bảo tàng là thiết chế văn hóa có chức năng sưu tầm, bảo quản, nghiên cứu, trưng bày, giới thiệu di sản văn hóa, bằng chứng vật chất về thiên nhiên, con người và môi trường sống của con người, nhằm phục vụ nhu cầu nghiên cứu, học tập, tham quan và hưởng thụ văn hóa của công chúng.”

The 2009 Supplementary Law defined museums as cultural institutions with the general purpose of education. When comparing the CHL of 2001 to the 2009 version, it is evident that there is a greater emphasis on the implementation of communication and education via the establishment of a museum system. Furthermore, the government also encourages foreign organizations, individuals, and researchers to explore and invest in this field. Based on the above arguments, it can be asserted that the 2009 version identified “museums” as a tool to serve in the field of education on the preservation of cultural heritage. Simultaneously, several methods are advanced to promote awareness of Vietnam’s cultural heritage.

In addition to the CHL (2001) and the A&D of CHL (2009), there appeared also updated and supplemented documents for Cultural Heritage in 2005, 2013, and 2019, as well as the Consolidated Document in 2013 and 2022, which address the protection of CHL from various perspectives. All of the texts were modified, supplemented, and developed in line with “Economic Heritage” in order to fit in with the era of the “Market Economy.” Put simply, the cultural heritage of Vietnam is not only limited to cultural values and their protection by the state (individuals, organizations, agencies); but it also involves the exploitation and use of cultural heritage to generate economic benefits via the development of tourism and services.²⁰ Furthermore: “Heritage protection regulations are also found in numerous other legal documents such as the 2014 Law on Construction, the 2014 Law on Environmental Protection, the 2017 Law on Forestry.”²¹

4. The achievements and challenges of cultural heritage protection law (case studies)

4.1. The efforts and achievements of the Vietnamese government

4.1.1. From “superstitious phenomena” to “intangible cultural heritage”

In 1940, the Vietnam Communist Party achieved a significant victory over France only ten years after it had been established. The Vietnam Communist Party faced the new challenge of “strengthening the culture and national spirit” in reaction to French assimilation policy²² and the occupation of Vietnam by Japanese

²⁰ V.S. Duong, “Sua doi Luat Di San Van Hoa tao dieu Kien Thiet Lap va phat trien „Kinh te Di san” tai Viet Nam”, Quoc Hoi VN, 5 Aug.2022, <https://quochoi.vn/tintuc/Pages/tin-hoat-dong-cua-quoc-hoi.aspx> (accessed: 1.06.2024).

²¹ T.Y. Nguyen, H. Nguyen, “Heritage protection in international law...”, p. 315.

²² See more: J.E. Dreifort, “Japan’s Advance into Indochina, 1940: The French Response”, *Journal of Southeast Asian Studies* 1982, vol. 13, issue 2, pp. 279–295, <https://doi.org/10.1017/s0022463400008705> (accessed: 1.06.2024).

fascists.²³ In response to this situation, the Communist Party implemented a series of innovative policies. One policy that had a significant adverse effect on intangible cultural heritage was the “Cultural Revolution”.²⁴ Specifically, cultural practices linked to indigenous religious convictions were regarded as superstitious phenomena that necessitated control and elimination. The typical case study is the cult of the Mother Goddess.²⁵

The history of Mother Goddess Worship (*Hau Dong*) was intricately intertwined with Vietnam’s cultural identity throughout numerous dynasties.²⁶ Based on the UNESCO definition, the religious worship of Mother Goddesses is a cultural practice within the Vietnamese national community: “To meet spiritual needs, everyday wishes and gain help in achieving good health and success communities in Viet Nam worship the Mother Goddesses of Three Realms: heaven, water, and mountains and forests.”²⁷

The worship of Mother Goddesses is a profoundly religious practice.²⁸ The veneration of Mother Goddess was widespread, encompassing various elements of life, and quickly became an integral part of Vietnamese culture.²⁹

However, Mother Goddess worship was considered a superstitious phenomenon and was subject to social exclusion and ostracism. The main reason for this extreme was a side-effect of two main documents in the Vietnamese Cultural Revolution: “The Outline of Vietnamese Culture 1943” and “Vietnamese National Assembly Documents Volume VI (vol. 2) 1984–1987: Presentation of the National Assembly’s committee on culture and education on the issue of combating superstition,

²³ See more: Ch.W.A. Szpilman, “Fascist and Quasi-Fascist Ideas in Interwar Japan, 1918–1941” [in:] *Japan in the Fascist Era*, ed. E.B. Reynolds, Palgrave Macmillan, New York 2004, pp. 73–106.

²⁴ For more details, see: P. Thu, „Outline of Vietnam culture 1943: Historical documents of special significance to the revolution and the path of movement and development of Vietnam’s new culture”, *Quoc Hoi Viet Nam*, 23.02.2023.

²⁵ K. Fjelstad, T.H. Nguyen, *Spirits without Borders*, Springer, Cham 2011.

²⁶ See more: N.D. Thin, “The Mother Goddess Religion: Its History, Pantheon, and Practices” [in:] *Possessed by the Spirits: Mediumship in Contemporary Vietnamese Communities*, eds. K. Fjelstad, T.H. Nguyen, Cornell University Press, Ithaca, NY 2006, pp. 19–30, <http://www.jstor.org/stable/10.7591/j.ctv1nhk70.4> (accessed: 12.06.2024).

²⁷ UNESCO, “Practices related to the Viet beliefs in the Mother Goddesses of Three Realms”, <https://ich.unesco.org/en/RL/practices-related-to-the-viet-beliefs-in-the-mother-goddesses-of-three-realms-01064> (accessed: 1.06.2024).

²⁸ See more: T.H. Vu, T.H.N. Doan, “Discussion on classification of the motherworship religion”, *Journal of Science and Technology* 2018, vol. 179, no. 3, pp. 25–29, http://tailieudientu.lrc.tnu.edu.vn/Upload/Collection/brief/135890_812020102644CTv178V179S32018025.pdf (accessed: 1.06.2024).

²⁹ T.M. Nguyen, “Taoism with Vietnamese Mother Goddess Worshipping Belief”, *International Journal of Philosophy* 2021, vol. 9, no. 3, pp. 148–153, <https://doi.org/10.11648/j.ijp.20210903.15> (accessed: 1.06.2024).

building a new way of life and the quality of selection and training of cadres.” The Communist Party of Vietnam’s perspective during this period was as follows: there were “Three principles of the movement of the cultural revolution: Ethnicization, massification and scientificization.”³⁰ Further, the Party argued that “There are superstitious phenomena closely tied to age-old customs. (...) There are superstitious phenomena inextricably linked to religion (...) There are superstitious phenomena associated with scientific problems (...) here are superstitious phenomena that are inextricably linked to psychosocial states (...) Superstitious phenomena [are] associated with enemy psychological warfare plots.”³¹

Through the two documents, it can be understood that in the view of the Communist Party of Vietnam at the time, Mother Goddess worship was a controversial, unscientific, and superstitious activity. In addition, there were several objective causes for such hostility, such as political complexity. There was a relatively rapid rate of transformation of Vietnamese political institutions (from 1900 to 1976 institutional change took place on average every twenty-five years), so reform and uniformity of ideology in the community was crucial. The consequence of the Vietnamese Cultural Revolution was similar to that of the Chinese Cultural Revolution (1966–1976).³² As the cultural revolutionary movement was pushed to its extreme, not only were religious activities temporarily stopped (in this case, Mother Goddess worship), but these activities were severely condemned.

However, the government promptly addressed and resolved this situation. In 1945, Vietnam declared independence. At the same time, UNESCO was established. Subsequently, the Vietnamese government enacted a series of decrees and laws and signed treaties for international integration purposes.³³ In 1976, Vietnam joined UNESCO. As a member, Vietnam expeditiously assimilated indigenous prin-

³⁰ “Những giá trị nổi bật của Đề cương về văn hóa Việt Nam năm 1943 – Cương lĩnh đầu tiên của Đảng về văn hóa, định hướng và soi đường cho nền văn hóa Việt Nam phát triển bền vững – Tạp chí Cộng sản” [Outstanding values of the 1943 Outline on Vietnamese culture – The Party’s first platform on culture, orientation and illumination for the sustainable development of Vietnamese culture], *Communist Review*, 12.03.2023, https://www.tapchicongsan.org.vn/web/guest/van_hoa_xa_hoi/-/2018/827143/nhung-gia-tri-noi-bat-cua-de-cuong-ve-van-hoa-viet-nam-1943---cuong-linh-dau-tien-cua-dang-ve-van-hoa%2C-dinh-huong-va-soi-duong-cho-nen-van-hoa-viet-nam-phat-trien-ben-vung-%C2%A0.aspx (accessed: 1.06.2024).

³¹ Văn kiện Quốc hội Việt Nam Tập VI (Vol. 2)1984–1987: Bài trình bày của Ủy ban Văn hóa, Giáo dục của Quốc hội về vấn đề chống mê tín dị đoan, xây dựng nếp sống mới và chất lượng tuyển chọn và đào tạo cán bộ (1987), <https://quochoi.vn/tulieuquochoi/anpham/Pages/anpham.aspx?AnPhamItemID=3675> (accessed: 1.06.2024).

³² See more: T. Tsou, “The Cultural Revolution and the Chinese Political System”, *The China Quarterly* 1969, no. 38, pp. 63–91, doi:10.1017/S0305741000049146 (accessed: 1.06.2024).

³³ N.S. Trung, H.V. Van, “Vietnamese Cultural Identity in the Process of International Integration”, *Journal of Advances in Education and Philosophy* 2020, vol. 4(05), pp. 220–225, <https://doi.org/10.36348/jaep.2020.v04i05.006> (accessed: 1.06.2024).

principles and domestic legislation into global agreements. Specifically, the UNESCO Convention on Intangible Cultural Heritage was adopted in 2006. In 2009, Vietnam officially updated the intangible cultural heritage definition in Vietnamese, amending and supplementing several articles of the Law on Cultural Heritage of 2009. Mother Goddess Worship was made officially free from accusations of superstition, thus opening a new chapter for religious activities and beliefs in general. In 2016, UNESCO officially recognized Mother Goddess Worship as an Intangible Cultural Heritage. This was seen as an achievement in overcoming the side-effects of old policies and as a positive innovation for the future.

4.1.2. The history of the museum system and education in territorial sovereignty offered by it

In 2014, the Ministry of Culture, Sports and Tourism reported that Vietnam had a total network of 161 museums, which was initially formed during the Resistance War against the French and expanded over time to the present day. Not only has The Vietnam Museum of Ethnology significantly contributed to the conservation of the diverse cultures of the fifty-four ethnic groups within Vietnam's borders,³⁴ but the museum network is the most successful of the two case studies on history education and on education related to national territorial sovereignty.

First case study: history education – from general information to information regarding war crimes that are not extensively known within the global community.

The term “general information” refers to information that has gained significant international recognition through the Vietnamese government's efforts. A particular example is the War Remnants Museum. The War Remnants Museum is an exhibition of Vietnam War relics in particular, and it is further focussed on World War I and World War II events in general. In addition, this is also the place where evidence is stored relating to “Agent Orange”³⁵ – that is, information on war crimes involving environmental destruction and destruction of the DNA of the Vietnamese generation whose parents lived in the “Agent Orange” zone.

In addition, local authorities and the Vietnamese government have built and established museums and historical records of genocidal crimes that have not been widely publicized in the international community. These include: first, the Ba Chuc Tomb House – the home of evidence relating to and a memorial to 3,157 Vietnamese victims of Pol Pot's genocidal policies on Vietnamese territory;³⁶ and second,

³⁴ See more: A. Galla, „Museums in sustainable heritage development...”, p. 5.

³⁵ See more: J.M. Stellman, S.D. Stellman, “Agent Orange During the Vietnam War: The Lingering Issue of Its Civilian and Military Health Impact”, *American Journal of Public Health* 2018, vol. 108, no. 6, pp. 726–728, <https://doi.org/10.2105/ajph.2018.304426> (accessed: 1.06.2024).

³⁶ For more, see: T.H. Pham, H.M.P. Tran, “International Obligations Performance of An Giang's Military Forces in Ta Keo Province (1979–1989)”, *TNU Journal of Science and*

the monument to the Ha My and My Lai villages massacres in Quang Nam province. The Ha My massacre was carried out by South Korean troops in support of U.S. troops in 1968; the My lai massacre was carried out by U.S. troops in the same year.³⁷

Second case study: National territorial sovereignty

In Vietnam's museum system, the Truong Sa Museum and Hoang Sa Gallery are dedicated museums. They show that the functions of a museum are not only to store historical monuments, to promote education, visits, and cultural enjoyment on the part of the public, but also include political purposes related to international legal issues concerning Vietnamese territorial sovereignty. The Truong Sa Museum and Hoang Sa Gallery provide a home for all the evidence of Vietnam's territorial sovereignty that historically obtained over the area of the Truong Sa and the Hoang Sa islands. In other words, this is a measure taken by Vietnam to counter China's nine-dash line policy.

4.1.3. The application of technology to historical relics

According to the latest updates, the Vietnamese government has implemented advanced technologies (LED light, AI, leap motion, mapping 3D, and VR) at historical sites such as the Complex of Hue Monuments (1993) and The Temple of Literature. Furthermore, Hoi An Ancient Town (1999) – another UNESCO-recognized heritage site – is now hosting the “Hoi An Memories” event, incorporating modern techniques into the ancient site. The purpose of using technology in historical sites is not only to provide a fresh perspective to the field but also to attract attention and interest from both the domestic and international communities. The process of education is complexly integrated. All the aforementioned events were organized toward the evening, at the end of the year 2023.

The use of modern technologies on historical sites is no longer a novelty for countries all over the world. However, for Vietnam, this represents a significant advancement and an impressive achievement in the integration of modernization and historical heritage for the purposes of promotion, propaganda, and education. Furthermore, this also demonstrates that the implementation of the Cultural Heritage Protection Law is not limited to traditional methods of preservation and restoration, but also encourages openness and innovation.

Technology 2020, vol. 225, no. 10, pp 24–30, http://thuvienlamdong.org.vn:81/bitstream/DL_134679/24250/1/50997-1297-154986-1-10-20201008.pdf (accessed: 1.06.2024).

³⁷ For more, see: H. Kwon, “Massacres in the year of the monkey, 1968” [in:] *idem, After the Massacre: Commemoration and Consolation in Ha My and My Lai*, University of California Press, Berkeley – Los Angeles 2006, pp. 28–59.

4.2. The success of promotion of heritage and education – the position of the Vietnamese new generation

4.2.1. The effect of Gen Z on cultural heritage protection

Promoting and disseminating knowledge are recognized as primary goals in the effort to protect cultural assets, as is stated in dedicated cultural heritage legislation and broader cultural heritage initiatives following UNESCO recommendations. The younger generation of Vietnam is responsible for a remarkable accomplishment in promoting knowledge and educating the country. The age of the individuals participating in the study and gathering cultural assets in many sectors in Vietnam is currently falling. Currently, specific sectors of the younger generation are using resources derived from the country's historical cultural heritage (including tangible and intangible elements) to make goods that capture the interest of the national community.

One of the most influential individuals in the field of academic research and collecting is La Quoc Bao (羅國寶)³⁸ – an antiquarian, heritage-inspired artist, textile researcher, and entrepreneur from Vietnam. He was born in 1997. Despite being relatively young, La Quoc Bao has a strong passion for cultural heritage and has achieved notable accomplishments in the field of Cultural Heritage Protection. In 2023, he collaborated with a representative from UNESCO on the Nguyễn-dynasty clothing restoration project, known as the Hoa Quan Lê Phục (華冠麗服) project, directed by La Quoc Bao himself. La Quoc Bao has achieved a great deal in the cultural heritage protection campaign. This includes promoting Vietnamese cultural heritage through collaborations with globally recognized companies such as Sulwhasso (Beauty brand), Valentino, and Converse (Fashion brand); repatriating antiquities from countries like America, the Netherlands, and France through artifact collection efforts; and influencing the younger generation through community cultural projects.³⁹

4.2.2. Cultural heritage – economic exploitation potential realized by the Vietnamese Gen Z

Gen Z's achievements come not only from representative individuals but also from an engagement in business and in producing materials derived from Vietnamese cultural heritages. Moreover, Gen Z plays an essential role in the process of revival of traditional values, popularisation of heritage, and creation of heritage-related products.

³⁸ La Quoc Bao Facebook profile: <https://www.facebook.com/baroluo> (accessed: 9.06.2024).

³⁹ T. Nguyen, “Đam mê kỳ lạ của nhà sưu tập cổ vật 9x”, *VietNamNet News; VietNam-Net*, 19.02.2023, <https://vietnamnet.vn/dam-me-ky-la-cua-nha-suu-tap-co-vat-sinh-nam-1997-2109603.html> (accessed: 1.06.2024).

Case Study: Vietnamese traditional clothes – economic development potential on the part of Gen Z

Costumes are widely recognized as significant in manifesting cultural values and heritage within ethnic communities.⁴⁰ Hence, in contemporary times, several Asian nations promote traditional attire through various means such as entertainment, services, and tourism, thereby contributing to the preservation of cultural heritage. Examples are Chinese traditional costumes such as Hanfu (漢服), the Kimono (着物) from Japan, and the Hanbok (한복) from Korea. Traditional costumes have shown and still show multi-faceted business potential.

Following this trend, Vietnamese Gen Z has not only promoted Ao Dai costumes, a traditional Vietnamese costume that is internationally popular, but also has also revived and redistributed traditional Vietnamese costumes from different dynasties, those preserved by older Vietnamese generations in historical records. This is one of the most successful (so far) trends, for the Vietnamese Gen Z customer interest in traditional fashions supports Vietnamese cultural heritage. This is because the trend has helped distinguish the characteristics of traditional Vietnamese clothes from traditional Chinese dress and other traditional Asian costumes. Furthermore, Gen Z has played a prominent role in the renaissance of Vietnamese traditions and has served as a source of inspiration for adopting traditional costumes in contemporary Vietnamese society.

After restoring the costumes of the former Vietnamese dynasties, many members of Gen Z began to open their own Vietnamese traditional clothes businesses and quickly received a welcome from the local community. Such shops are: Great Vietnam 大越南, Ý VÂN HIÊN 倚雲軒, Đa La Xước Phục 多羅綽服, Hoa Niên, and V'style—Việt Cổ Phục Cách Tân. All of the above shops draw their founders, co-founders, and researchers from Gen Z.

The promotion and distribution of Vietnamese culture, including Vietnamese traditional costumes, through various businesses such as trade, clothing rental, and studios, with the aim of attracting both domestic and international tourism, is highly commendable. Given the fervor exhibited by Generation Z and the favorable reception of the movement within the populace, Vietnam can anticipate heightened prospects for profit generation through the commercialization of traditional costumes, which represent the intangible cultural heritage of the Vietnamese people.

⁴⁰ H.S. Tran, “Thực trạng nghiên cứu và vấn đề tiếp cận lý thuyết trong nghiên cứu trang phục các dân tộc ở Việt Nam”, *Journal of Ethnic Minorities Research* 2023, no. 1, pp. 108–117, <https://nsti.vista.gov.vn/publication/download/hE/qFIDhEPbGhE.html> (accessed: 1.06.2024).

4.3. The issue of theft and illegal trafficking of antiquities (domestic and international)

The issue of theft and illegal trade of antiquities in Vietnam is complex. Various ancient artifacts have been lost or taken out of the country for a multitude of reasons. One of the main reasons is war, especially during the French colonial period. Following the withdrawal of French forces, several French researchers (or French soldiers) brought back a number of Vietnamese artifacts to their country. Currently, the artifacts are on show in the Louvre in Paris.⁴¹ Several antiquities have been repatriated through three main channels: through negotiations between the Vietnamese government and the organizations holding the antiquities; through financial support from private individuals in repatriating the antiquities; and through free auctions by private individuals and organizations abroad.⁴² According to the periodic report on Vietnam by UNESCO in 2011, Vietnam is still facing difficulties in “The lack of legislative basis and information about the artifacts and shortage of international collaboration and willingness of the countries that imported these artifacts.”⁴³

Regarding the issue of theft and illicit trade within the country, Damien Huffer and Duncan Chappell note that such robbery can occur anywhere in Vietnam. The illicit trading of antiquities is highly complex due to the difficulty in determining the “provenance” of artifacts on the market. Not all antiques on the market are of illegal origin. Among these are hereditary legacies, belonging to traditional families. The ultimate destination of these antique items is typically a private collector or a private trader (or both) with a family-scale operation. Both the terrestrial and underwater heritage share the same current condition as mentioned by Huffer and Chappell.⁴⁴ Moreover, archaeologist number 6 (one of the interviewees in Huffer and Chappell’s study) made the following observation: “At the time (2008) I wondered how a private individual managed to have a better collection of Đông Sơn drums (many of which still had dirt stuck to them) than the ones I had seen in the Vietnamese Museum of History.”⁴⁵

⁴¹ D. Huffer, D. Chappell, “Local and International Illicit Traffic in Vietnamese Cultural Property: A Preliminary Investigation”, *Journal of Heritage and Identity* 2017, vol. 3: *Cultural Property Crime: An Overview and Analysis of Contemporary Perspectives and Trends*, pp. 266.

⁴² “Những con đường hồi hương cổ vật Việt”, Vnexpress.net, 17.11.2022, <https://vnexpress.net/nhung-con-duong-hoi-huong-co-vat-viet-4536896.html> (accessed: 1.06.2024).

⁴³ UNESCO, National report on the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: Vietnam, 2011, <https://unesdoc.unesco.org/ark:/48223/pf0000388020> (accessed: 1.06.2024).

⁴⁴ D. Huffer, D. Chappell, “Local and International Illicit Traffic...”, pp. 275–277.

⁴⁵ *Ibidem*, p. 276.

In conclusion, this reflects some of the shortcomings in the Vietnam Cultural Heritage Protection Law in terms of the management of collecting and purchasing artifacts, the ownership of heritage by collectors, and the domestic trade in artifacts.⁴⁶

4.4. The awareness of legal aspects among citizens and various levels of government and departments

There is a lack of awareness regarding the significance of cultural heritage, which is shown at many levels. Firstly, at the individual level, the issue of robbery and illicit trading is a menace (as mentioned above). According to one of the interviewees in Huffer and Chappell's research, some people (the research specifically mentions Quang Ngai Province) see cultural heritage that is found "inadvertently" as a "source of personal enrichment."⁴⁷ This means that some individuals sell to private entities at high prices instead of to the government. Thus, the inadequate awareness of the population regarding the value and significance of cultural heritage has detrimental effects on the national cultural heritage.

Regarding the level of management, several agencies in Vietnam lack the necessary vision, awareness, and expertise. This leads to the negative commercialization of heritage.⁴⁸ Specifically, there have been several instances of misconduct in projects involving the combination of heritage and tourism, such as the Spiritual Cultural Ecological Tourism Area in Lung Cu commune, the Dong Van Rock Plateau Park, and the Trang An World Cultural and Natural Heritage Area.⁴⁹ These projects have damaged the environmental landscape and cultural heritage of Vietnam in the implementation process. The scandals directly reflect deficiencies in the perception, vision, and management of the relevant departments and agencies.

In conclusion, offenses against cultural heritage protection laws can be found at many levels. The challenge of protecting cultural assets in Vietnam is evident and urgent. Contemporary individuals suffer from a deficiency in comprehension and foresight regarding the implementation and execution of legal safeguards, resulting in several limitations on their effectiveness.⁵⁰

⁴⁶ *Ibidem*, p. 266.

⁴⁷ *Ibidem*, p. 278.

⁴⁸ T.L. Tu, "Cultural Heritage in Vietnam...", p. 175.

⁴⁹ Bao Nhan Dan, "Xử lý hiệu quả hành vi xâm phạm di sản quốc gia", *Nhan Dan News*, 5.11.2019, <https://nhandan.vn/xu-ly-hieu-qua-hanh-vi-xam-pham-di-san-quoc-gia-post375905.html> (accessed: 1.06.2024).

⁵⁰ T.Y. Nguyen, H. Nguyen, "Heritage protection...", p. 317.

4.5. Case study: The cultural heritage – Complex of Thang Long-Ha Noi

The complex of Thang Long, Ha Noi – cultural heritage located right in the middle of the capital of Vietnam – was recognized by UNESCO as part of the objective heritage of mankind in 2010. This is a heritage that has continued for thirteen centuries, and it has consistently been selected as the focal point of regional political authority.⁵¹ Nevertheless, the process of restoring the heritage has encountered significant challenges. This is so for two main reasons: “Heritage stacking up heritage” and the problem of heritage reconstruction.

The phrase “heritage stacking up heritage” refers to the accumulation and architecture of the cultural traditions from various dynasties built up in a single location. Thang Long-Ha Noi has a complex historical context. In 1010, the king of Ly’s dynasty selected the Thang Long area as its capital and constructed the Thang Long complex. This signified Dai Viet’s attainment of autonomy; Dai Viet is usually seen as the precursor of Vietnam. From 1010 to 2023, the Thang Long complex was consistently selected as the area of political power throughout different dynasties. Specifically, the Thang Long Complex has experienced six feudal Vietnamese dynasties (1009 to 1945). Additionally, Thang Long served as the occupied capital during the French colonial period from 1884 to 1945. Presently, it serves as the capital of the Socialist Republic of Vietnam. During this period, the architectural design of the Thang Long Complex underwent reconstruction and expansion under the influence of the dynasty in power. Moreover, the Thang Long Complex was demolished by war. Furthermore, French-built architecture has been stacked up over the old Vietnamese heritage. For the reasons above, exploiting the heritage and identifying any architectural structure by age is extremely difficult.

Preserving the cultural legacy of the Complex of Thang Long is a subject of considerable controversy. There exist three distinct concerns, namely reconstruction, planning, and finance. The issue of reconstruction is a contentious matter that centers on determining “which dynasty should be chosen to reconstruct our cultural heritage in the six ancient civilizations?” Moreover, “should we undertake the demolition of French-era architectural structures in order to preserve Vietnamese heritage?” Secondly, there is the problem of planning; at present, the Thang Long Complex covers the entire central area of the capital of Vietnam. It includes all of Vietnam’s residential, parliamentary, and administrative districts. The impossibility of relocating and liberating the site poses a significant challenge to its exploitation. Finally, the financial problem of rebuilding the Thang Long complex is enormous.

⁵¹ UNESCO, “Central Sector of the Imperial Citadel of Thang Long – Hanoi”, <https://whc.unesco.org/en/list/1328/> (accessed: 1.06.2024).

The heritage covers 18,395 hectares⁵² and the heritage area is the capital, the most valuable real estate area in Vietnam. The financial challenge associated with reconstructing the Thang Long Complex is clear.

There are currently two schools of thought on the issue within the Vietnamese community. One group advocates the reinstatement of the Thang Long Complex because of its significance in shaping Vietnamese national identity. The reconstruction of the Thang Long Heritage Complex has the potential to not only enhance the historical significance of Vietnam's cultural heritage, but also to establish a basis for making documentary films pertaining to Vietnam, promoting tourism and entertainment. A second faction is not in favor of restoring the Thang Long Complex because the country is still developing, and the economy is volatile because of post-Covid-19 factors. Other aspects are the high cost associated with ground release, lengthy construction time, and challenges in terms of investment return and profit generation.

In conclusion, the good news is that the state of Vietnam has spent 1,800 billion VND to rebuild the Thang Long Heritage Complex.⁵³ The project will be underway in the near future. For the rest of the Thang Long Heritage Complex, Vietnam will use 3D techniques to re-scale the entire monument.⁵⁴ However, the issue remains of collecting historical documents to serve the restoration of heritage.

5. Conclusions

The evolution, augmentations, and endeavors of Vietnam in constructing and implementing CHL have been demonstrated in the period between 1900 and 2023. The definition and legal foundation of CHL have undergone a typical development. Moreover, this article highlights the effective education and dissemination of cultural heritage preservation among the younger generation in Vietnam. Primarily, the Z genes have given rise to unique characteristics that have initiated a period of revitalization in cultural heritage. Nevertheless, a significant limitation lies in the exclusive emphasis on competence in heritage repair while neglecting the legal aspect of the issue. Vietnam is currently striving to achieve more specific goals in the global market than ever before. An instance of this is its selection for the esteemed role of vice-president of the Commission overseeing the Asia-Pacific region. Vietnam is currently demonstrating a proactive approach toward advancing tourism and its associated heritage-related services for forthcoming years. There is

⁵² See more: UNESCO, "Central Sector..."

⁵³ H. Hong, "Khai quật, khảo..."

⁵⁴ N. Nguyen, "Ung dung congnghe de bao ton va phat huygia tri di san", *Cong An Nhan dan news*, 7.01.2022, <https://cand.com.vn/van-hoa/ung-dung-cong-nghe-de-bao-ton-va-phat-huy-gia-tri-di-san-i640648/> (accessed: 13.12.2023).

widespread incorporation of cultural heritage in commercial exploitation. Nevertheless, a lack of information in the younger generation can readily result in unfavorable outcomes in conserving cultural property. In 2024, a number of promising new projects are set to begin, but they are accompanied by a range of obstacles and intricate challenges. The Vietnamese government should promptly address the situation and provide a legal framework that aligns with Heritage Economy theory.

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SUMMARY

Nguyen Le Uyen Phuong

VIETNAM'S CULTURAL HERITAGE PROTECTION LAWS (1900–2023) AND THEIR PROS & CONS FROM THE POSITION OF VIETNAM'S NEW GENERATION: CASE STUDIES

The article aims, first, to examine the evolution of cultural heritage protection in Vietnam from 1900 to 2023, focusing on the Vietnam War, renovation (1980–2000), and international integration (since 1987). Second, it analyses the Cultural Heritage Law 2001 and the Amending of Cultural Heritage Law 2009, the two main texts governing this field. Third, it presents case studies of the challenges and successes of cultural heritage protection as it is perceived by the Vietnamese new generation and by the Vietnam government as part of the market economy.

The author observe that historical events strongly shaped the Vietnamese Cultural Heritage Law (CHL). Changing definitions of CHL over time reflect citizens' ideology in conserving cultural heritage. Further, the Constitution of Vietnam (1946, 1959, 1980, and 1992) differs in its CHL orientation via three major stages. Every time legal basics and political situations change, CHL documents will serve various interests. Finally, the Vietnamese new generation's cultural heritage education and distribution achievements are discussed.

Author demonstrates that the Vietnam War was the most difficult time for CHL growth. Decree 65 and the 1946 Constitution's generic definitions were responding to complex political conditions and were not intended to promote CHL. Vietnam became a socialist country under Soviet influence during reconstruction (1980–2000). The 1980 Constitution is strong enough to govern historic resource ownership and conservation, as is shown by new cultural heritage documents like Ordinance 14 (1984) and Decree 28 (1985). However, the ability to exploit heritage and obtain worldwide recognition was limited. Vietnamese CHL had access

to international treaties and recommendations when Vietnam joined UNESCO in the international integration period (after 1987). In this period, the 1992 Constitution (internal role) and an international source (external role) inspired the 2001 CHL and 2009 Amendment to CHL. Both documents still play a principal main role in enabling Vietnam to enter the Heritage Economy.

Young Vietnamese citizens' achievements promote cultural values and involvement. However, Vietnamese teens have not paid attention to develop the legal aspects of CHL. Unanswered is the issue of whether Vietnam's legal framework is robust enough to prevent abuses in heritage exploitation.

Keywords: heritage protection law, Vietnam, Vietnam War, renovation period

STRESZCZENIE

Nguyen Le Uyen Phuong

WIETNAMSKIE PRAWO OCHRONY DZIEDZICTWA KULTURY (1900–2023) ORAZ JEGO WADY I ZALETY Z PERSPEKTYWY NOWEGO POKOLENIA WIETNAMCZYKÓW: STUDIA PRZYPADKÓW

Artykuł ma na celu, po pierwsze, zbadanie ewolucji ochrony dziedzictwa kultury w Wietnamie w latach 1900–2023, koncentrując się na wojnie wietnamskiej, okresie renowacji (1980–2000) i integracji międzynarodowej (od 1987 r.). Po drugie, dokonano w nim analizy ustawy o dziedzictwie kultury z 2001 r. i nowelizacji ustawy o dziedzictwie kultury z 2009 r., czyli dwóch głównych tekstów regulujących tę dziedzinę. Po trzecie, zaprezentowano studia przypadków wyzwań i sukcesów ochrony dziedzictwa kultury, ponieważ jest ona postrzegana przez wietnamskie nowe pokolenie i rząd Wietnamu jako część gospodarki rynkowej.

Zauważono, że wydarzenia historyczne silnie ukształtowały wietnamską ustawę o dziedzictwie kultury (CHL). Zmieniające się z czasem definicje dziedzictwa kultury odzwierciedlają ideologię obywateli w zakresie ochrony dziedzictwa kultury. Co więcej, Konstytucja Wietnamu (1946, 1959, 1980 i 1992) różni się pod względem orientacji na CHL na trzech głównych etapach. Za każdym razem, gdy zmieniają się podstawy prawne i sytuacja polityczna, dokumenty CHL będą służyć różnym interesom. Na koniec omówiono edukację nowego pokolenia Wietnamczyków w zakresie dziedzictwa kultury i osiągnięcia w jego dystrybucji.

Autorka wykazuje, że wojna w Wietnamie była najtrudniejszym okresem dla rozwoju CHL. Dekret 65 i ogólne definicje konstytucji z 1946 r. były odpowiedzią na złożone warunki polityczne i nie miały na celu promowania CHL. W okresie renowacji (1980–2000) Wietnam stał się krajem socjalistycznym pod wpływem Związku Radzieckiego. Konstytucja z 1980 r. jest wystarczająco silna, aby regulować własność i ochronę zasobów historycznych, co pokazują nowe dokumenty dotyczące dziedzictwa kultury, takie jak Rozporządzenie 14 (1984) i Dekret 28 (1985). Jednak zdolność do wykorzystywania dziedzictwa i uzyskania światowego uznania była ograniczona. Wietnamskie CHL miało dostęp do międzynarodowych

traktatów i zaleceń, gdy Wietnam dołączył do UNESCO w okresie integracji międzynarodowej (po 1987 r.). W tym okresie konstytucja z 1992 r. (rola wewnętrzna) i międzynarodowe źródło (rola zewnętrzna) zainspirowały CHL z 2001 r. i poprawkę do CHL z 2009 r. Oba dokumenty nadal odgrywają główną rolę w umożliwieniu Wietnamowi wejścia do gospodarki dziedzictwa.

Osiągnięcia młodych obywateli Wietnamu promują wartości kulturowe i zaangażowanie. Jednakże wietnamskie nastolatki nie zwróciły uwagi na rozwój prawnych aspektów CHL. Bez odpowiedzi pozostaje pytanie, czy wietnamskie ramy prawne są wystarczająco solidne, aby zapobiegać nadużyciom w wykorzystywaniu dziedzictwa kultury.

Słowa kluczowe: prawo ochrony dziedzictwa kultury, Wietnam, wojna wietnamska, okres renowacji