

**THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the June 29, 2001 Law on Cultural Heritage;*

*At the proposal of the Minister of Culture and Information,*

**DECREES:*****Chapter I*****GENERAL PROVISIONS*****Article 1.-*** Governing scope

This Decree provides activities of managing and protecting underwater cultural heritage, including cultural heritage in the inland waters, internal waters, territorial sea contiguous zone, exclusive economic zone and the continental shelf of the Socialist Republic of Vietnam; responsibilities of state bodies, political organizations, socio-political organizations, socio-professional organizations and economic organizations and citizens (hereinafter referred collectively to as agencies, organizations and individuals) and relationships among state bodies in the management and protection of underwater cultural heritage.

***Article 2.-*** Subjects of application

This Decree shall apply to all Vietnamese agencies, organizations and individuals; foreign organizations and individuals and overseas Vietnamese, that are involved in activities of managing and protecting underwater cultural heritage in the territory of the Socialist Republic of

**DECREE No. 86/2005/ND-CP OF JULY 8, 2005  
ON MANAGEMENT AND PROTECTION OF  
UNDERWATER CULTURAL HERITAGE**

Vietnam.

Where the international treaties, to which the Socialist Republic of Vietnam has signed or acceded, contain different provisions, the provisions of such international treaties shall apply.

**Article 3.-** Underwater cultural heritage

1. Underwater cultural heritage means tangible cultural heritage existing under water and having historical, cultural and/or scientific values, including vestiges, antiques, national treasures; relics, construction works, sites; artefacts and human remains, ancient creatures related to human origin together with their natural and archeological context.

2. Underwater pipelines, culverts, cables, equipment and facilities, which are being used in service of human life, are not considered as underwater cultural heritage.

**Article 4.-** Principles for determining the ownership of underwater cultural heritage

The ownership of underwater cultural heritage shall be determined on the following principles:

1. All underwater cultural heritage having different origins and existing in the inland waters, internal waters, territorial sea, contiguous zone, exclusive economic zone and the continental shelf of Vietnam shall belong to the ownership of the Socialist Republic of Vietnam.

2. The determination of ownership of underwater cultural heritage of Vietnamese origin, which lie beyond the areas defined in Clause 1 of this Article, shall be based on the provisions of the Law on Cultural Heritage and international treaties to which the Socialist Republic of Vietnam has signed or

acceded.

**Article 5.-** Forms of ownership and use of underwater cultural heritage

1. The State performs the unified management of underwater cultural heritage under ownership of all the people; recognize and protect forms of collective ownership, common ownership of communities, private ownership and other forms of ownership of underwater cultural heritage under the provisions of law.

2. The use of underwater cultural heritage shall comply with the provisions of the Law on Cultural Heritage.

**Article 6.-** The State's policies on management and protection of underwater cultural heritage

1. To stimulate and encourage in time the application of scientific and technological achievements to activities of managing, protecting and promoting the value of, underwater cultural heritage.

2. To encourage Vietnamese organizations and individuals and foreign organizations and individuals to participate in research into, investigation, exploration, excavation and preservation of, underwater cultural heritage under provisions of law.

3. To build and develop underwater archaeology in Vietnam; to build museum of underwater cultural heritage.

4. To attach importance to training and fostering of the contingent of officials and employees specialized in underwater cultural heritage.

5. To invest or provide financial support for

investment in surveys, research, exploration, excavation, preservation, protection and value-promotion of underwater cultural heritage.

**Article 7.-** Principles on management, protection and value-promotion of underwater cultural heritage

Activities of managing, protecting and promoting the value of, underwater cultural heritage shall be carried out on the following principles:

1. To abide by the provisions of the Law on Cultural Heritage, the provisions of this Decree and other relevant provisions of law.

2. To protect the national sovereignty, the legitimate rights and interests of the State, organizations and individuals.

3. To heighten the responsibilities of competent state bodies in the management, protection and value-promotion of underwater cultural heritage.

**Article 8.-** Responsibilities of agencies, organizations and individuals in management and protection of underwater cultural heritage

1. The state bodies shall base on their respective functions and tasks to manage and protect underwater cultural heritage.

2. All organizations and individuals have the responsibility to participate in the management and protection of underwater cultural heritage; propagate and disseminate legislation on underwater cultural heritage; apply scientific-technological achievements to the research into, exploration, excavation and preservation of underwater cultural heritage.

**Article 9.-** Prohibited acts

The following acts are strictly prohibited:

1. Illegally exploring, excavating, trading in, transporting underwater cultural heritage.

2. Searching and salvaging without permission, thus causing misplacement or possible damage to underwater cultural heritage.

3. Abusing activities of researching into, exploring, excavating underwater cultural heritage to infringe upon the interests of the State; the legitimate rights and interests of organizations, individuals; causing damage to natural resources, environment and/or human health.

4. Obstructing activities of managing and protecting underwater cultural heritage of agencies, organizations and/or individuals.

5. Other acts defined in Article 13 of the Law on Cultural Heritage.

## **Chapter II**

### **MANAGEMENT OF UNDERWATER CULTURAL HERITAGE**

**Article 10.-** Contents of State management over underwater cultural heritage

1. Managing activities of research into underwater cultural heritage; receiving information on underwater cultural heritage; receiving or recovering and preserving underwater cultural heritage discovered or searched for by organizations or individuals at their own will.

2. Granting permits for exploration, excavation of underwater cultural heritage under the provisions

of law.

3. Organizing and conducting exploration and excavation of underwater cultural heritage under the provisions of this Decree; managing the expertise, valuation of recovered or excavated underwater cultural heritage and making reports on excavation; settling disputes in discovery, exploration or excavation of underwater cultural heritage.

4. Settling the interests of concerned parties regarding underwater cultural heritage after exploration and excavation by mode of joint venture, contract, business cooperation under the provisions of law.

5. Managing other activities related to underwater cultural heritage under provisions of law.

**Article 11.-** Management of discovery of underwater cultural heritage

1. Organizations and individuals, when discovering underwater cultural heritage, shall have to keep intact the sites where exists the underwater cultural heritage and promptly notify such to the nearest local administrations, state bodies in charge of culture and information or state agencies in charge of communications and transport.

2. When individuals or organization representatives come to notify the discovery of underwater cultural heritage, the concerned state agencies must promptly nominate officials to receive them and receive fully the information and at the same time immediately report thereon to competent state agencies in charge of culture and information for organizing the protection of such

underwater cultural heritage.

**Article 12.-** Conditions for participation in exploration, excavation of underwater cultural heritage

1. Vietnamese agencies and organizations satisfying the conditions for exploration and/or excavation of underwater cultural heritage as defined in the Law on Cultural Heritage and the Government's Decree No. 92/2002/ND-CP of November 11, 2002, detailing the implementation of a number of articles of the Law on Cultural Heritage (hereinafter called Decree No. 92/2002/ND-CP) shall be given priority in consideration and selection for taking charge of exploration and excavation of underwater cultural heritage.

Where many Vietnamese agencies and/or organizations, which satisfy the conditions as provided for in Clause 2 of this Article, wish to participate in exploration and excavation of underwater cultural heritage, tender must be held.

Tendering order and procedures shall comply with the provisions of law.

2. Vietnamese agencies, organizations and individuals participating in exploration, excavation of underwater cultural heritage must satisfy the following conditions:

a) Being subjects that satisfy the requirements defined in Articles 39 and 40 of the Law on Cultural Heritage and Article 19 of Decree No. 92/2002/ND-CP;

b) Having experience in exploration and excavation of underwater cultural heritage;

c) Having a contingent of personnel, equipment and facilities and financial capability meeting the

requirements of activities of exploration and excavation of underwater cultural heritage according to the scale of each project;

d) Having projects on exploration, excavation of underwater cultural heritage approved by competent state agencies.

3. Foreign organizations and individuals entering into cooperation on exploration and excavation of underwater cultural heritage must satisfy the following conditions:

a) Having the function of operating in the field of exploration, excavation of underwater cultural heritage under the provisions of Vietnamese law;

b) Having experience in exploration and excavation of underwater cultural heritage, having world professional prestige in these operations;

c) Having a contingent of experts, equipment and facilities, financial capability meeting the requirements and scale of exploration and excavation activities for each specific project;

d) Being sponsored by Vietnamese agencies or organizations as provided for in Clause 2 of this Article for each specific project;

e) Being granted permits by competent Vietnamese agencies for participation in activities of exploration and excavation of underwater cultural heritage in Vietnam.

**Article 13.-** Management in activities of exploration and excavation of underwater cultural heritage

1. The exploration and excavation of underwater cultural heritage must strictly comply with the contents of projects approved by competent state agencies; in case of changes in the approved

projects, there must be written consents of competent state agencies defined in Clause 2 of this Article.

Contents and scale of projects on exploration, excavation of underwater cultural heritage shall be stipulated by Minister of Culture and Information.

2. Minister of Culture and Information shall approve or appraise projects on exploration and excavation of water cultural heritage under the provisions of law on investment and construction management.

3. Organizations wishing to conduct exploration, excavation of underwater cultural heritage must file their dossiers of application for permit with the Ministry of Culture and Information.

**Article 14.-** Handling results of exploration, excavation of underwater cultural heritage

1. The results of exploration, excavation of underwater cultural heritage must be handled immediately after the termination of exploration, excavation.

2. Contents of handling results of exploration, excavation shall cover:

a) Inventory, classification and preliminary evaluation of underwater cultural heritage, including cultural heritage received in the course of discovery.

b) Archive and preservation of underwater cultural heritage strictly according to procedures and regulations;

c) Formation of scheme for protection, use and value promotion of underwater cultural heritage after exploration, excavation according to the provisions of law.

3. The handling of results of exploration and excavation shall be carried out according to the following principles:

- a) All water cultural heritages collected in the course of exploration, excavation must be handled under the provisions in Clause 2 of this Article;
- b) Objectivity, accuracy, defined order and procedures must be ensured;
- c) The handling must be recorded and reported in writing to competent state agencies in charge of culture and information and relevant competent state bodies.

4. Reports on results of handling after exploration and excavation must comply with the contents defined by the Minister of Culture and Information.

Reports must be addressed to the Ministry of Culture and Information and the provincial-level People's Committee of the locality where underwater cultural heritage is explored, excavated. Where the exploration, excavation relates any ministry or branch, such report shall be sent to such ministry or branch.

The Minister of Culture and Information shall handle according to competence the proposals and suggestions mentioned in the reports.

**Article 15.-** Expertising water cultural heritages after exploration, excavation

1. Water cultural heritages gathered after exploration, excavation must be expertised in terms of origin, historical, cultural, scientific and economic values.

2. The Antique Expertising Council of the Ministry of Culture and Information shall conduct

the expertise of underwater cultural heritage. The Council shall invite representatives of the concerned parties to join in expertise on a case-by-case basis.

3. The Antique Expertising Council of the Ministry of Culture and Information expertising underwater cultural heritage shall have the following tasks and powers:

- a) Conducting the expertise, assessment of historical, cultural, scientific and economic values of underwater cultural heritage;
- b) Making statistics on, classifying underwater cultural heritage already expertised, assessed;
- c) Proposing necessary protective measures and the handling of underwater cultural heritage.

4 Based on reports of the Antique Expertising Council, the Minister of Culture and Information shall consider and decide on measures to protect and promote the values of underwater cultural heritage and settle disputes related to underwater cultural heritage.

**Article 16.-** Management of underwater cultural heritage after exploration, excavation

1. Explored, excavated exhibits shall be assigned for management and use only after such exhibits are evaluated and expertised according to the provisions of Article 15 of this Decree and the Minister of Culture and Information has issued decision on handling of underwater cultural heritage after exploration, excavation.

2. The assignment of explored, excavated exhibits for management and use shall be carried out under the following principles:

- a) The unique exhibits determined according to

set criteria shall belong to the Vietnamese State;

b) The remainder shall be assigned for management and use according to the ratios approved in the projects on exploration, excavation of underwater cultural heritage and in a public, fair and objective manner.

The Minister of Culture and Information shall guide in detail the classification criteria and mode of assigning explored, excavated exhibits for management and use.

**Article 17.-** Reception, keeping and preservation of underwater cultural heritage managed by the State after the exploration, excavation

1. The Minister of Culture and Information shall decide on places for keeping underwater cultural heritage managed by the State after exploration, excavation.

2. Within 30 days after receiving decisions of the Minister of Culture and Information on management of explored, excavated underwater cultural heritages, the agencies or organizations keeping them and the agencies or organizations permitted to keep them shall have to hand over, receive such underwater cultural heritages strictly according to the order and procedures stipulated by law.

### *Chapter III*

## **PROTECTION OF UNDERWATER CULTURAL HERITAGE**

**Article 18.-** Protection of underwater cultural heritage after discovery

Provincial-level People's Committees, after receiving notices or reports on discovery of underwater cultural heritage, must promptly perform the following jobs:

1. Verifying the accuracy of the information notified by organizations or individuals on location of underwater cultural heritages and signs of underwater cultural heritages.

2 Promptly drawing up plans for protection of the areas where exist underwater cultural heritages; direct and mobilize the armed forces in the provinces for protection of the safety, order and security in areas where underwater cultural heritages are discovered; preventing and handling in time all acts of catching aquatic and marine animals, causing explosions, causing harms to the safety of underwater cultural heritages.

3. Within 15 days after receiving information on discovery of underwater cultural heritages, reporting such to the Ministry of Culture and Information; assuming the prime responsibility for, and coordinating with the Ministry of Culture and Information in, conducting the preliminary assessment of the newly discovered underwater cultural heritages and taking appropriate managerial and protective measure; if underwater cultural heritages are determined as being of big size, of important historical, cultural and/or scientific values, reporting them in time to the Prime Minister.

4. Directing provincial/municipal Culture and Information Services to organize the reception and preservation of the submitted and handed underwater cultural heritages; and police forces to recover illegally found or excavated underwater cultural heritages; implementing plans on protection

and management of underwater cultural heritages

**Article 19.-** Protection of underwater cultural heritage when conditions do not permit the excavation thereof

Provincial-level People's Committees shall have to protect underwater cultural heritages when conditions do not permit, or preparations are underway for, excavation, covering the following contents:

1. Ensuring safety for areas where underwater cultural heritages exist under the provisions of Clause 2, Article 18 of this Decree; promptly notifying areas to be protected and encroachments thereupon; handling violating organizations and individuals according to the provisions of law.

2. Ensuring normal operation of traffic means.

**Article 20.-** Protection of underwater cultural heritage in excavation process

The contents of protection of underwater cultural heritage in excavation process shall include:

1. Ensuring safety for areas where underwater cultural heritages exist.

2. Ensuring safety for underwater cultural heritages at sites and in the course of transportation to preservation storehouses; excavation sites; equipment and water facilities.

3. Ensuring the compliance with underwater archeological process; combating water environment pollution; protecting living resources and other natural resources.

**Article 21.-** Protection of underwater cultural heritage managed by two or more provinces

Where the location of discovered underwater cultural heritage is managed by two or more provinces, the provincial-level People's Committee of the locality where the underwater cultural heritage is discovered first shall assume the prime responsibility for, and coordinate with the concerned provincial-level People's Committees in, organizing the protection of the underwater cultural heritage under the provisions of this Decree.

**Article 22.-** Preservation of underwater cultural heritage

Underwater cultural heritages gathered in the course of illegal exploration, excavation or salvage must be expertised under the provisions of Article 15 of this Decree, conserved with compiled dossiers and handed to museums of the Ministry of Culture and Information or of provincial/municipal Service of Culture and Information of the locality where the underwater cultural heritage is discovered for preservation according to the provisions of law.

**Article 23.-** Funding for protection, exploration, excavation, preservation of underwater cultural heritage

Funding for activities of protecting underwater cultural heritage shall include:

1. Funding for protection of underwater cultural heritage upon or after discovery where conditions do not permit the excavation thereof shall be ensured by local budget of the locality where exists the underwater cultural heritage.

2. Funding for protection in the course of exploration and excavation; funding for exploration and excavation activities; funding for compilation

of scientific dossiers and research into, transportation and preservation of underwater cultural heritage, which shall be calculated into underwater cultural heritage-exploring or -excavating projects approved by competent authorities.

#### *Chapter IV*

### RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS IN PROTECTION OF UNDERWATER CULTURAL HERITAGE

**Article 24.-** Responsibilities of organizations and individuals that discover underwater cultural heritage

1. When detecting underwater cultural heritage, organizations and individuals are obliged to promptly and accurately notify the discovery locations and must, within 3 days at most, deposit the *underwater cultural heritage* acquired in any form to one of the following nearest local state agencies:

- a) People's Committees at different levels;
- b) State management agencies in charge of culture and information;
- c) Armed force units.

2. To notify the discovery of underwater cultural heritage only to competent state management agencies in charge of culture and information, defined in Clause 1 of this Article.

**Article 25.-** Responsibilities of agencies, organizations and individuals upon receipt of information on, and acceptance of handover of,

*underwater cultural heritage*

1. The receipt of information on, and handover of, underwater cultural heritages must be made in writing, covering the following contents:

a) Names, addresses of agencies, organizations or individuals, that provide information on and deposit underwater cultural heritages; names and addresses of agencies, organizations or individuals, that receive the information and the underwater cultural heritage;

b) Description of locations, time, circumstances of discovering the underwater cultural heritages; types, materials, sizes, features and properties of, and other information on, the deposited underwater cultural heritages.

2. To promptly organize or coordinate with functional agencies in organizing the protection of sites of discovery of underwater cultural heritages, prevent in time violation acts defined in Article 9 of this Decree.

3. In cases where conditions do not permit the performance of tasks provided in Clause 2 of this Article, such should be reported to the concerned provincial-level People's Committees and the immediate superior agencies or organizations.

4. Within 24 hours after the receipt of information on underwater cultural heritages, the agency or organization heads must report thereon to provincial-level People's Committees and the immediate superior agencies or organizations.

**Article 26.-** Responsibilities of People's Committees of all levels

1. Responsibilities of commune-level People's Committees

a) To receive information on the discovery of underwater cultural heritage and immediately report thereon to the superior People's Committees and state management agencies in charge of culture and information as provided for in Articles 24 and 25 of this Decree;

b) To organize the protection, recovery and preservation of underwater cultural heritage;

c) To propagate on the interests, obligations and responsibilities of agencies, organizations and individuals in the protection of underwater cultural heritage;

d) To create conditions for, and coordinate with functional agencies in, managing, protecting and organizing other activities related to, underwater cultural heritage.

### 2. Responsibilities of district-level People's Committees

a) To direct the relevant professional agencies and commune-level People's Committees in their respective districts to disseminate, propagate and implement the regulations on management and protection of underwater cultural heritage;

b) To direct the management, protection of underwater cultural heritage;

c) To promptly notify provincial-level People's Committees and state management agencies in charge of culture and information thereof.

### 3. Responsibilities of provincial-level People's Committees

Upon receiving information or reports on the discovery of underwater cultural heritage, provincial-level People's Committees have the responsibilities:

a) To promptly report such to the Ministry of

Culture and Information;

b) To organize the verification of the accuracy of the information on underwater cultural heritage;

c) To direct the protection of location where exists the underwater cultural heritage;

d) To direct the provincial/municipal Services of Culture and Information to organize the protection, preservation and preliminary expertise of the deposited underwater cultural heritage;

e) To assume the prime responsibility for, and coordinate with relevant agencies or organizations in, formulating projects for excavation of underwater cultural heritage and direct activities of exploring and/or excavating underwater cultural heritage;

f) To organize the preservation and protection of, and draw up plans for, use of underwater cultural heritage after the excavation thereof.

**Article 27.-** Responsibilities of agencies, organizations and individuals, that are allowed to conduct exploration and/or excavation of underwater cultural heritage

Agencies, organizations and individuals, that are allowed to conduct the exploration and/or excavation of underwater cultural heritage, have the responsibilities:

1. To protect the national sovereignty.

2. To keep secret the coordinates of the underwater cultural heritage-exploring or -excavating location.

3. To ensure absolute safety in the course of exploration, excavation of underwater cultural heritage.

4. To protect the ecological environment, aquatic creatures and other natural resources.

5. To abide by the provisions of law on archeological exploration and excavation.

**Article 28.-** Responsibilities of the Ministry of Culture and Information

The Ministry of Culture and Information, apart from performing the tasks and exercising the powers under the provisions of law on cultural heritage, shall have the responsibilities:

1. To be answerable to the Government for the management, protection and value-promotion of underwater cultural heritage.

2. To elaborate and submit to the Government, the Prime Minister for promulgation or to promulgate according to its competence legal documents on underwater cultural heritage.

3. To assume the prime responsibility for, and coordinate with the Ministry of Education and Training and/or Vietnam Institute of Social Sciences in, organizing the training and fostering of the contingent of officials performing the work of managing, preserving and/or excavating underwater cultural heritage with a view to raising their knowledge about skills of preserving underwater cultural heritage.

4. To manage, organize activities of scientific and technological research and application to the protection and value-promotion of underwater cultural heritage.

5. To assume the prime responsibility for, and coordinate with relevant agencies and/or organizations in, appraising projects on exploration and/or excavation of underwater cultural heritage.

6. To assume the prime responsibility for, and coordinate with the provincial-level People's

Committees of the localities where exists underwater cultural heritage in, exploring and/or excavating underwater cultural heritage.

**Article 29.-** Responsibilities of the Ministry of Planning and Investment

1. To sum up and balance investment capital for projects on management, protection, exploration and/or excavation of underwater cultural heritage.

2. To assume the prime responsibility for, and coordinate with the Ministry of Culture and Information, relevant ministries, branches and provincial-level People's Committees in, appraising projects on exploration and/or excavation of underwater cultural heritage according to its competence and with foreign investment capital.

**Article 30.-** Responsibilities of the Ministry of Finance

1. To assume the prime responsibility for, and coordinate with relevant ministries and branches in, formulating mechanisms and financial policies in the management, protection, exploration, excavation, preservation, use, transfer, reception, assignment and liquidation of water cultural heritages.

2. To assume the prime responsibility for, and coordinate with the Ministry of Culture and Information, the Ministry of Planning and Investment in, financial expertise of projects on management, protection, exploration and/or excavation of underwater cultural heritage.

3. To allocate, examine and inspect the use of, funding for management, protection, exploration and/or excavation of underwater cultural heritage under the provisions of law.

4. To prevent and handle the illegal export and/or import of underwater cultural heritage.

**Article 31.-** Responsibilities of the Ministry of Public Security

1. To assume the prime responsibility for, and coordinate with the Ministry of Culture and Information, relevant ministries, branches and provincial-level People's Committees in, ensuring security and order in areas where exists underwater cultural heritage and protecting the excavated underwater cultural heritage.

2. To coordinate with the Ministry of Finance and relevant agencies in preventing and handling illegal acts of prospecting for, exploring, salvaging, trading in, transporting, exporting, importing, transferring the ownership of, underwater cultural heritage.

3. To direct the public-security forces under its management, coordinate with the provincial-level People's Committees in directing the local public-security forces in protecting underwater cultural heritage; to ensure security and order for areas being under underwater cultural heritage exploration and/or excavation.

**Article 32.-** Responsibilities of the Ministry of Defense

To assume the prime responsibility for, and coordinate with the provincial-level People's Committees as well as relevant ministries and branches in, directing the armed forces under its management to ensure security and order for areas where exists underwater cultural heritage; to protect the national security sovereignty; to inspect, handle and prevent illegal acts of salvaging, transporting, exporting and/or importing underwater cultural

heritage.

**Article 33.-** Responsibilities of the Ministry of Transport

1. To prioritize the supply of transport means at the request of ministries, branches and/or provincial-level People's Committees for ensuring activities of exploring, excavating and transporting underwater cultural heritage.

2. To guide and arrange traffic routes, ensuring safety for underwater cultural heritage and traffic safety in areas where underwater cultural heritage exists.

**Article 34.-** Responsibilities of the Ministry of Natural Resources and Environment

To coordinate with the Ministry of Culture and Information, the provincial-level People's Committees in expertising and assessing the environmental impacts of projects on exploration and/or excavation of underwater cultural heritage.

**Article 35.-** Responsibilities of Vietnam Institute of Social Sciences

1. To organize research and make suggestions on schemes for exploration, excavation of underwater cultural heritage; to build up organization models for underwater archeology.

2. To coordinate with relevant ministries, branches and provincial-level People's Committees in exploration and excavation of underwater cultural heritage.

**Article 36.-** Responsibilities of other ministries, branches in management, protection of underwater cultural heritage

The state agencies shall base on their respective functions and tasks to perform the management, protection and value-promotion of underwater cultural heritage under the provisions of law.

#### *Chapter V*

### **INTERNATIONAL COOPERATION ON MANAGEMENT AND PROTECTION OF UNDERWATER CULTURAL HERITAGE**

**Article 37.-** The State's policies for international cooperation on management and protection of underwater cultural heritage

The State encourages the cooperation with foreign organizations and individuals in activities of managing, protecting underwater cultural heritage, study and exchange of experience in management of activities related to underwater cultural heritage; the application of transferred scientific and technical advances to protection and preservation of underwater cultural heritage.

**Article 38.-** Contents of international cooperation on management and protection of underwater cultural heritage

1. Cooperation in the domain of formulating projects on management, preservation and protection of underwater cultural heritage.

2. Cooperation in the domain of scientific research, technological application and transfer in the management, preservation, protection, exploration and excavation of underwater cultural heritage.

3. Cooperation in the domain of fostering and training of the contingent of professionals performing the work of management, preservation;

protection, exploration, excavation of underwater cultural heritage.

4. Exchange of information on underwater cultural heritage.

**Article 39.-** Disputes and settlement of disputes over underwater cultural heritage involving foreign elements

The disputes and settlement of disputes over underwater cultural heritage involving foreign elements shall base on the following principles:

1. Respect for national independence and sovereignty.

2. Agreement and equality.

3. Compliance with provisions of Vietnamese laws and international treaties to which the Socialist Republic of Vietnam has signed or acceded.

#### *Chapter VI*

### **COMMENDATION, HANDLING OF VIOLATIONS, COMPLAINTS, DENUNCIATIONS AND SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS**

**Article 40.-** Commendation, reward

1. Forms of commendation and reward and rewarding levels

Organizations and individuals, that discover and voluntarily deposit underwater cultural heritage to competent state agencies, shall, depending on the value of the cultural heritage, be considered for presentation or posthumous presentation of papers of merits, diplomas of merits or medals or be reimbursed the expenses for discovery, preservation, and be rewarded a sum of money as

provided for in Article 53 of the Government's Decree No. 92/2002/ND-CP.

2. The competence, order and procedures for deciding to commend and reward organizations and individuals that discover and/or deposit underwater cultural heritage shall comply with the provisions of Article 54 of the Government's Decree No. 92/2002/ND-CP.

**Article 41.-** Handling of violations in the management and protection of underwater cultural heritage

1. All acts of violation in the management and protection of underwater cultural heritage shall be handled according to the provisions of law.

2. Organizations and individuals violating the provisions of this Decree and other relevant legal provisions on management and protection of underwater cultural heritage shall, depending on the nature and seriousness of their violations, be administratively sanctioned, examined for penal liability, and, if causing damage, have to pay compensations therefor according to provisions of law.

3. Those competent persons who abuse their positions and powers and violate relevant legal provisions on management and protection of underwater cultural heritage shall, depending on the nature and seriousness of their violations, be disciplined, examined for penal liability, if causing damage, have to pay compensations therefor according to provisions of law.

**Article 42.-** Complaints, denunciations, settlement of complaints and denunciations in management and protection of underwater cultural heritage

1. Organizations and individuals have the right to complain about acts of law violation in the management and protection of underwater cultural heritage.

2. Individuals have the right to denounce acts of law violation in the management and protection of underwater cultural heritage.

3. The competence, order and procedures for settlement of complaints and denunciations shall comply with legal provisions on complaints and denunciations.

### *Chapter VII*

#### **IMPLEMENTATION PROVISIONS**

**Article 43.-** Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO."

The previous regulations of the Government, which are contrary to this Decree, are hereby annulled.

**Article 44.-** Guiding implementation organization

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

The ministers, the heads of ministerial-level agencies, the heads of Government-attached agencies, and the presidents of provincial/municipal People's Committees shall have to implement this Decree.

*On behalf of the Government*

*Prime Minister*

**PHAN VAN KHAI**