

Challenges of Vietnamese archaeological heritage management: A Case Study of the Vuon Chuoi site, Hoai Duc, Hanoi

Những thách thức trong quản lý di sản khảo cổ học ở Việt Nam: nghiên cứu từ trường hợp di chỉ khảo cổ học Vườn Chuối, Hoài Đức, Hà Nội

Huy Nham Nguyen
University of Social Sciences and Humanity,
Vietnam National University

Correspondence

ls.cotrungdai@gmail.com

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Abstract

This paper clarifies and interprets the current problems in Vietnamese heritage management and suggests remedies through the case study at the Vuon Chuoi archaeological site. Through the analysis of the Vietnamese law on cultural heritage as well as examining behaviours of the stakeholders involved in heritage management, three issues that make Vietnamese archaeological heritage management more difficult are defined: (1) the law on cultural heritage is not forceful enough to protect the Vuon Chuoi site under the threat of construction projects; (2) overlapping jurisdictions make the model of cultural heritage in Hanoi inefficient. The authorities responsible for heritage management at all levels have failed to protect the Vuon Chuoi site properly in accordance with the Vietnamese law on cultural heritage and have shown their irresponsibility in the heritage management; and (3) there is a lack of cooperation between stakeholders to balance the need for economic development and the protection of cultural heritage in Vuon Chuoi area.

Bài viết này nhằm mục đích xác định và giải thích một phần các thách thức gặp phải trong quản lý di sản và đề xuất các biện pháp khắc phục thông qua trường hợp nghiên cứu di chỉ khảo cổ Vườn Chuối. Qua phân tích Luật di sản văn hóa, mô hình quản lý di sản của Việt Nam và hành vi của các bên liên quan trong quản lý di sản, có ba thách thức khiến việc quản lý di sản khảo cổ Việt Nam trở nên khó khăn hơn được xác định là: (1) luật di sản văn hóa không đủ mạnh để bảo vệ di chỉ khảo cổ học Vườn

Chuối trước sự đe dọa của các dự án xây dựng; (2) sự phân quyền chồng chéo trong quản lý làm cho mô hình di sản văn hóa ở Hà Nội không hiệu quả. Sự thiếu trách nhiệm của các cấp quản lý đã khiến Vườn Chuối nằm ngoài phạm vi bảo vệ của Luật Di sản Văn hóa; và (3) thiếu sự hợp tác giữa các bên liên quan trong việc cân bằng nhu cầu phát triển kinh tế và bảo vệ di sản văn hóa đã đẩy Vườn Chuối đến nguy cơ bị xóa sổ.

Keywords

Vuon Chuoi, Vietnamese law on cultural heritage, heritage management, the decentralized model Vuon Chuoi, Luật di sản văn hóa Việt Nam, quản lý di sản, mô hình phân quyền

Introduction

Management of archaeological sites represents one of Vietnam's most significant challenges. For a developing country like Vietnam, which is in the process of urbanization, the protection and management of underground heritage from destruction in place of the construction of buildings is a very urgent need. Besides the Vietnamese law on cultural heritage, other promulgated legal documents and heritage management models which are legitimate tools to protect heritage, are works in progress. Because there are many gaps in heritage management instruments, many archaeological sites have been and are still being devastated ruthlessly.

Vietnam's urban areas had initially developed in the 1990s, and its development continued strongly at the beginning of the 21st century (World Bank 2011). Urbanization and its speed are increasing throughout the country in recent years. As the capital, Hanoi is the political, economic and cultural centre of the country, and inevitably, the process of urbanization is speedily taking place. This process of urbanization contributes significantly to the socio-economic growth of the country. However, it causes harm to archaeological heritage, mainly underground sites. Vietnam has more than 8,000 out of a total of 40,000 relics designated as heritage sites with the highest density and number of heritages located in the area of the Red River Delta. Hanoi has the most significant amount of heritage sites with 3,840. Among types of heritage in Vietnam, historical and cultural sites accounted for 51.2%, architectural and artistic monuments accounted for 44.2%, and archaeological sites accounted for only 1.3% of the total number of designated heritages (Vietnam Open Educational Resources-VOER 2010). Due to the pressure of urbanization, the number of archaeological sites recognized as heritage in Vietnam, which accounts for the lowest proportion of the types of inheritance, is declining and giving up space to construction activities. The Vuon Chuoi site in Hoai Duc district, Hanoi are no exceptions to such situations.

This paper takes the Vuon Chuoi site as a case study to clarify the current challenges existing in the Vietnamese system of cultural heritage management. This paper also examines the problems through three elements such as Vietnamese law on cultural heritage, the so-called decentralised model of cultural heritage management, and the behaviours of stakeholders as the research framework. The research methods used in this paper are based on the research question of why the Vuon Chuoi site faces the crisis of being destroyed. To find out the reason why Vietnamese law cannot appropriately protect the Vuon Chuoi site on cultural heritage, the author reviewed and analysed the Vietnamese law on cultural heritage. It provides an analysis and assessment of the effectiveness of the so-called decentralised heritage management model from central to local levels in Vietnam. The interpretation of the Vietnamese law on cultural heritage and its management model may find out the shortcomings that in fact, make the Vuon Chuoi site threatened by

destruction. Furthermore, in-depth interviews and field observation methods within the framework of cultural anthropology have been used in this paper to examine the idea and behaviour of stakeholders concerned with the management and protection of Vuon Chuoi.

The Vuon Chuoi Site: Its Value and the Current Situation

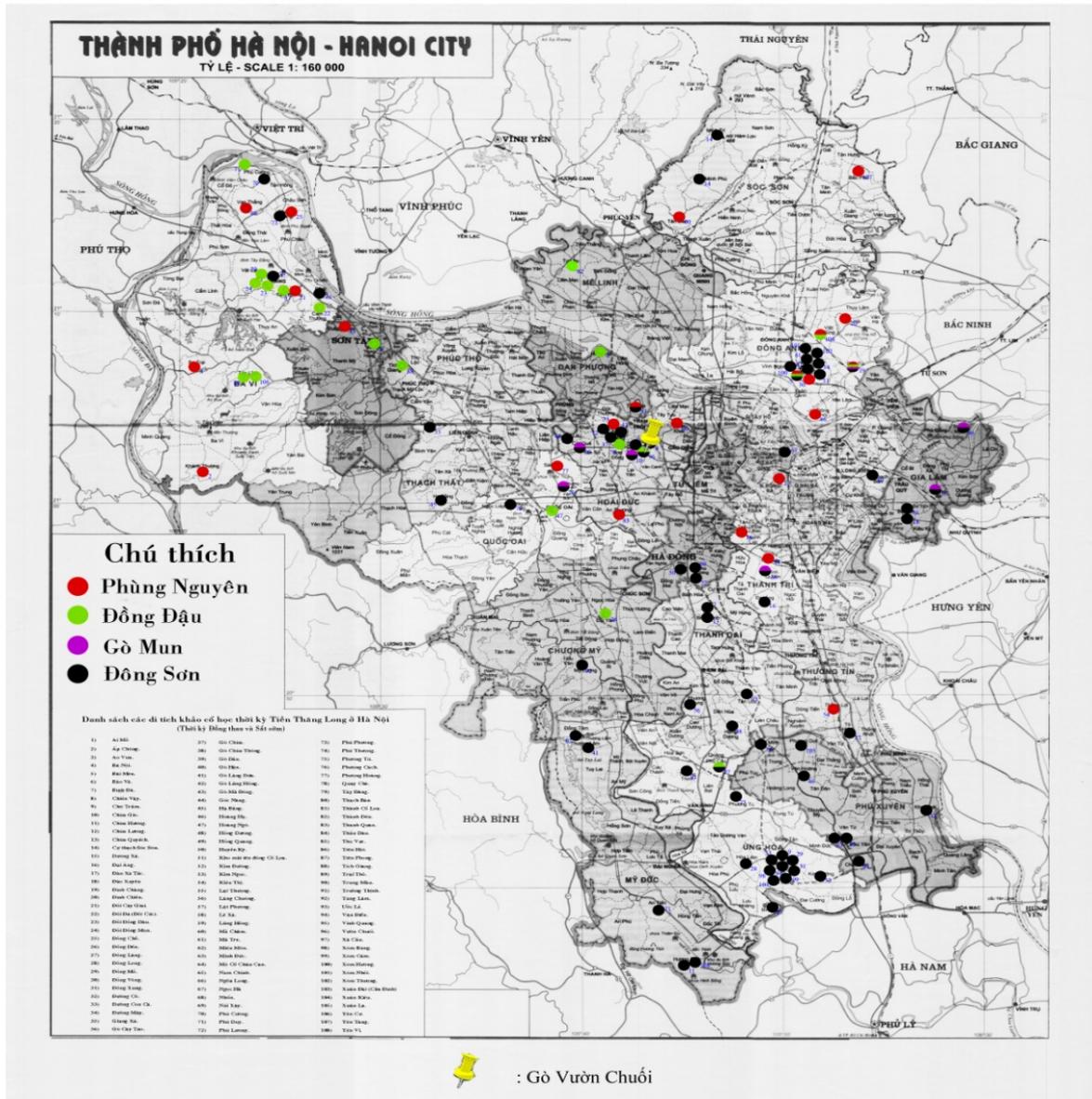


Fig 1 Statistics of the archaeological sites of the metal age in Hanoi. Source: Hanoi management board of historical and cultural sites and scenic landscapes

Vuon Chuoi is the name of an archaeological site located in Lai Xa village, Kim Chung commune, Hoai Duc district, Hanoi. This site is close to other sites such as Go Chua Gio, Go Chien Vay, Go Ren Ran, and Go Mo Phuong. These form a complex of sites dating from the pre-Dong Son to the Dong Son period. Geographically, Vuon Chuoi is located 10km west of Hanoi and approximately 19,000 m² in total area. From the first discovery in 1969 so far, eight seasons of excavation with an area of about 800 m² have been carried out by archaeologists from the Vietnam Institute of Archaeology and the Vietnam National University (VNU). From May 2019 until now, the 9th

excavation has been carried out by the Vietnam Institute of Archaeology and is expected to end after October 2019¹. Vuon Chuoi is considered one of the most important archaeological sites in the Metal Age of Vietnam. The word “important” implies both temporal and spatial significance. It is rare to find an archaeological site dating back to thousands of years such as Vuon Chuoi, in the intact and complete condition in Hanoi today. Only three archaeological sites date back to thousands of years from Pre-Dong Son to Dong Son period in Hanoi. Vuon Chuoi is such a rare case (Figure 1). For this reason, it has great research potential to reconstruct and interpret the ancient people and their life.

Based on the excavation reports, the archaeological significance of Vuon Chuoi can be summarised through the discovery of the three consecutive cultural layers from the Dong Dau culture (3500-3000 BP), the Go Mun culture (3000-2500 BP) to the Dong Son culture (2500-1800 BP) (Figure 2). This site is considered as a long-term residential place of the ancient Vietnamese with full of historical evidence. The research potential of Vuon Chuoi can be seen through the large number of discovered objects. Through eight excavations with the total area of nearly 800 m², out of 19,000 m² of the Vuon Chuoi site, archaeologists have found 29 prehistoric graves (mainly belonging to the Dong Son cultural layer associated with pottery and bronze weapons buried beside the dead) (Figure 3); more than 27,000 pieces of pottery together with nearly 50 intact vessels (Figure 5); 860 stone artefacts (Figure 4); 216 bronze artefacts (Figure 6); 11 iron objects; more than 1,000 wooden objects (Figure 7) and some bone artefacts (Lâm and Nguyễn 2019). Besides, the traces of plants, animal bones, kitchen middens, bronze casting, etc. are also essential sources for archaeological research.

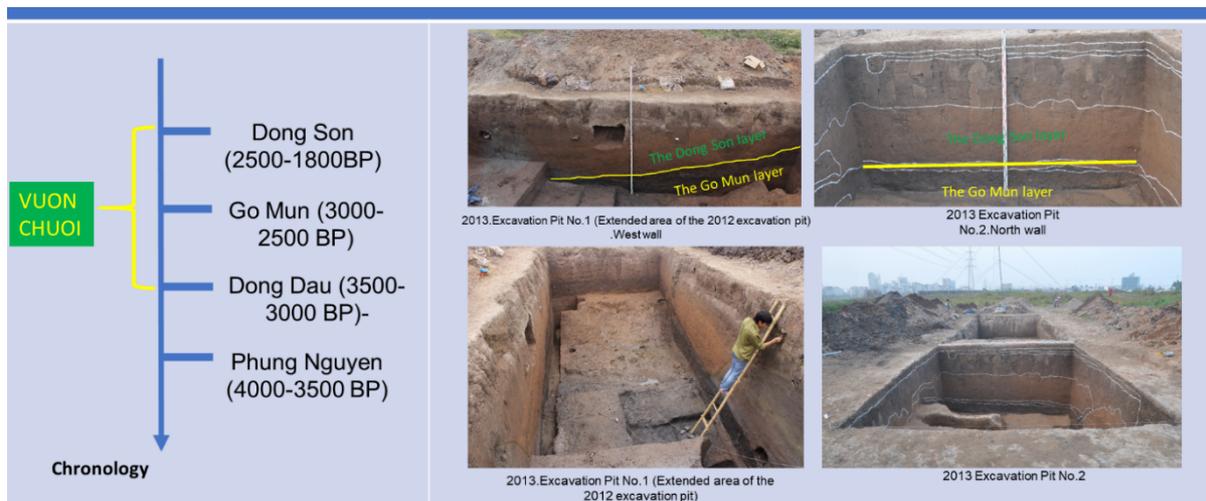


Fig. 2 Chronological diagram and photos of stratigraphy observed on walls of excavation pits of Vuon Chuoi Source: Nguyen Huy Nham

¹ This paper has not been able to update official information from this new excavation due to excavation findings not being officially reported yet.



2014.VC (M1)



2013.VC (M9)



2013.VC (M4)

Fig. 3 Dong Son graves Source: VNU



Bracelet's pieces



Animal shaped-earring



Fragments of Bronze casting moulds

Fig. 4 Stone artefacts. Source: VNU



Fig 5 Pottery. Source: VNU

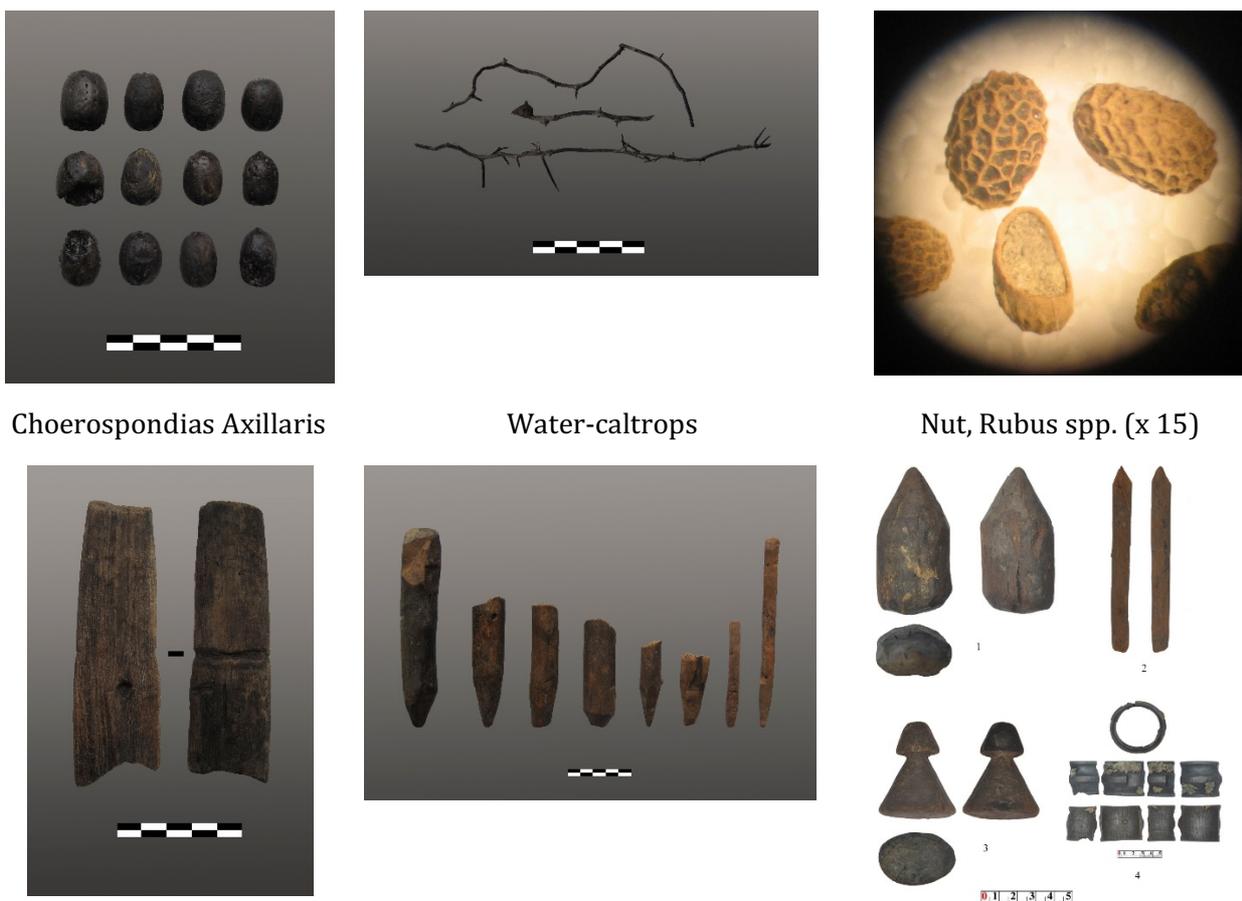


Spears, axes

Daggers, sword

Ploughshare, breastplate

Fig. 6 Bronze objects. Source: Nguyen Huy Nham



Choerospondias Axillaris

Water-caltrops

Nut, Rubus spp. (x 15)

Fig. 7 Wooden artifacts and botanical remains. Source: Nguyen Thi Mai Huong

An archaeological site containing such valuable materials and information should be well preserved and carefully managed. However, Vuon Chuoi is now in danger of being destroyed by a construction project which is called Thang Long 9 (Kim Chung – Di Trach) (Figure 8).



Fig. 8 The green area showing the location of the Vuon Chuoi site within the Thang Long 9 Project. Source: Vuon Chuoi archaeological site (2019)

Thang Long 9 is a project invested by the Vietnam Trading Construction Joint Stock Corporation (VIETRACIMEX) under the Ministry of Transportation. This urban project is located in Hoai Duc district, Hanoi along Highway No. 32 to Son Tay city, with a total area of 170 hectares and the estimated residential population of 30,000. The project was licensed in 2007 and started at the end of 2008 with the appraisal agency by Hanoi Department of Planning and Architecture. The approval agency was Ha Tay People's Committee (now known as the Hanoi People's Committee).

Under the situation mentioned above of Vuon Chuoi, this paper is going to answer the questions “are there problems in the Vietnamese law on cultural heritage and management models that make Vuon Chuoi in danger?”, and “how did stakeholders behave to save Vuon Chuoi from the destruction?”.

The Vietnamese law on cultural heritage

In 2001, for the first time, the Vietnamese National Assembly promulgated the Law on Cultural Heritage aiming to recognise and guard the country's cultural heritage. This law was supplemented in 2009. Government efforts then created the necessary steps for the field of heritage management and conservation. The Government's Resolutions Guidelines in the Implementation of Certain Papers in the Law on Cultural Heritage and the Amended Law, Some Additions to the Law on Cultural Heritage (2010); Government's Resolutions Guidelines in the sanction of administrative violations on culture, sports, tourism, and advertisement (2013); Government's Resolutions Guidelines on the Authority, Steps, and Procedure in the Development and Approval of Projects in Safeguarding and Restoration of Historical-Cultural Heritage and Attractions (2018); and other promulgated legal documents have created an essential legal framework in the field of heritage management. However, over a decade of implementation, the current Vietnamese law on cultural heritage reveals significant limitations in the management and conservation of archaeological sites, mainly underground sites. That is the gap between theory and practice. The current law is not in line

with ongoing heritage management in practices. The limitations of the current law are exposed clearly in the case of Vuon Chuoi archaeological site.

It is necessary to consider all provisions of the law which are relevant but not applicable to the management and conservation of the Vuon Chuoi site. The Vietnamese law on cultural heritage consists of 7 chapters and 74 articles. It provides 13 articles (from Article 28 to 40) for the interpretation and description of the historical-cultural site and scenic landscapes. The content of these provisions has so far been principally available with the sites which have been counted as cultural heritage. Analysing the law in comparison to the current situation of Vuon Chuoi, the author found that not only Vuon Chuoi but also other archaeological sites which are similar to Vuon Chuoi, are not adequately protected by this law. Based on the case of Vuon Chuoi, there are three limitations in the law on cultural heritage need to be pointed out.

Firstly, article 29 of the Vietnamese law on cultural heritage classifies all of the historical and cultural sites (including archaeological sites), and scenic landscapes into three levels of sites such as (1) Special national-level sites, (2) National-level sites, and (3) Provincial-level sites. It means that the law only covers well-known sites that have been recognized at provincial, national or national special-levels in terms of official documents. Unknown or underground-sites which are both filed and not filed into the list of relics inventory, are not mentioned in this law. Vuon Chuoi is an archaeological site known for decades, the excavation results were submitted to the Hanoi Heritage Administration, the Department of Cultural Heritage every excavation time. However, this site has not been classified as heritage at any level of the classification-mentioned above.

Secondly, article 28-29 of the Vietnamese law on cultural heritage states that if a site is ranked as one of the three levels in the classification of site, it must meet one of the criteria in Article 29. However, these criteria only state without a specific explanation for each type and level of ranking. For instance, this article mentions the three levels of representative values corresponding to the three levels of the site's classification. They are representative local value, representative national value, and particular symbolic national value. However, several questions arise on what kind of measures is used to evaluate these criteria. How are those values defined and measured? What standards are used to measure how valuable the site is? Besides the law on cultural heritage, Vietnamese Government provides the Resolutions Guidelines in the Implementation of Certain Papers in the Law on Cultural Heritage and the Amended Law, Some Additions to the Law on Cultural Heritage (2010). However, it does not mention the details of the criteria above.

Thirdly, the Vietnamese law on cultural heritage refers little to illicit activities related to antiquities trafficking. Except for the administrative punishment at low-cases of destructive heritage acts mentioned in the Government's Resolutions Guidelines in the sanction of administrative violations on culture, sports, tourism, and advertisement (2013), it is hard to find other documents referring to the severe sanctions directed against the destructive actions at sites. Because of the lack of heavy penalties in the law on cultural heritage, antiquity robbing has taken place here regularly since 2004 (Huffer et al. 2015).

Through the analysis of the limitations of the law on cultural heritage as above, it is crucial to note that the law on cultural heritage does not fit the need to protect those archaeological sites safely. It mainly lays down the rules applicable to the already-ranked sites. Unranked and unlisted sites are insufficiently protected by the legal documents. Moreover, the law on cultural heritage and

Government's Guidelines documents lack stiff penalties for acts of destructive sites. Vuon Chuoi has not been ranked at any level of the site's classification yet; therefore, it is obviously outside the protection of the law on cultural heritage. It seems to be a legal reason to push Vuon Chuoi into the brink of destruction.

The overlapped jurisdiction model of Vietnamese heritage management system as a challenge?

The heritage management system of Vietnam operates according to the vertical administrative decentralization. This type of management model consists of two levels of management, such as central management (state management) and local management (Figure 9). The term "central management" is equivalent to Ministerial and Departmental levels, while the "local management" refers to the province/city, district to commune levels. At each level of management, there will be specific functions and responsibilities to ensure transparency in management from the central to the local level.

At the central level of management, the Ministry of Culture, Sports, and Tourism is the highest body to represent the state in administering the heritage. This agency performs the function of state management over culture, family, physical training, sports and tourism in the whole country; and state management of public services in the branches and domains under its respective competence. The Department of Cultural Heritage is a subordinate unit of the Ministry of Culture, Sports, and Tourism. It has the function of assisting the Minister of Culture, Sports, and Tourism in performing the task of state management over cultural heritage. This agency has to support the Minister to direct and guide in the protection and promotion of cultural heritage values in the whole country following the law. In essence, the two bodies of the Ministry of Culture, Sports and Tourism and the Department of Cultural Heritage have the function of overseeing and guiding the implementation of heritage management by delegating to the local agencies.

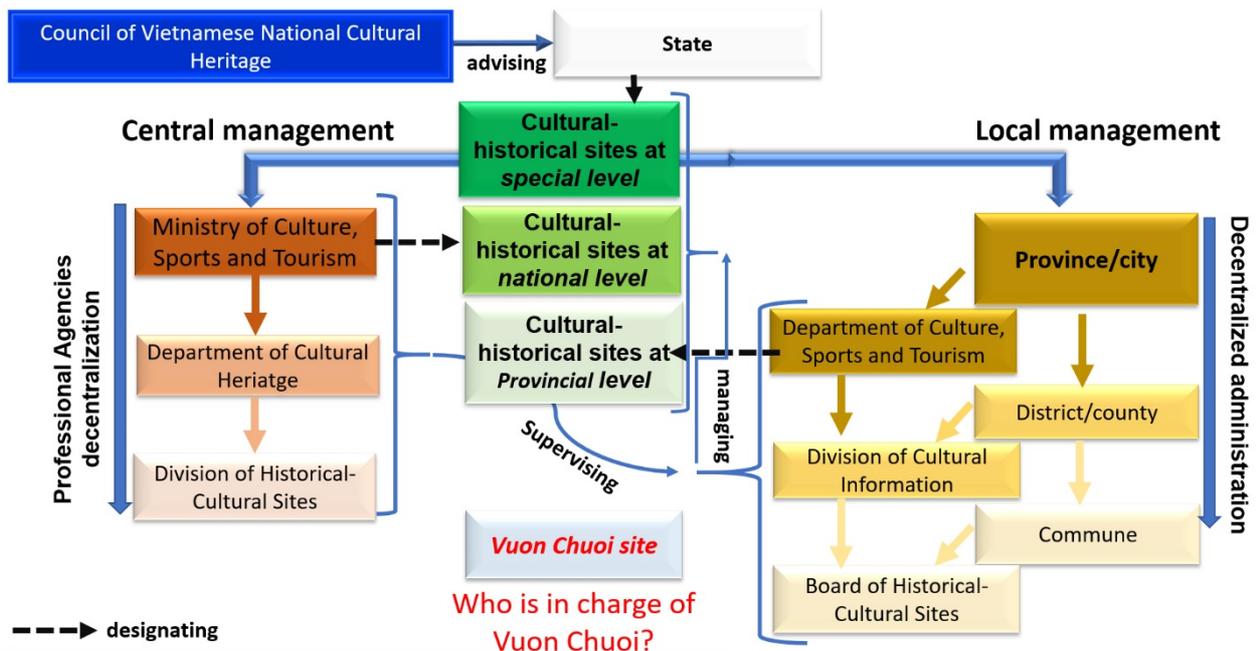


Fig. 9 The current model of Vietnamese Cultural Heritage management. Source: Yamagata Mariko and Nguyen Huy Nham

At the local level of management, the People's Committee of the provinces/cities are directly responsible on protecting, managing, and promoting the value of cultural heritage in the localities on behalf of and decentralized by the state government. Three other sub-levels such as provincial, district, and commune levels divide as vertical administration belonging to the local level of management. In terms of function, the authorities in those sub-levels have the power to establish their specialized agencies responsible for heritage management to each level. Respectively, the Provincial People's Committee determines that the Department of Culture, Sports and Tourism as the specialized agency responsible for heritage management at the provincial/city level. Similarly, Division of Culture and Information is the heritage management agency establishes at the district level, and Board of Historical-Cultural Sites (or Board of Culture and Information) at the commune level. Although there are administrative differences, these agencies have no difference in the content of heritage management. Therefore, it causes problems on heritage management in most localities in the whole country.

Figure 9 depicts the theoretical separation of responsibilities between central and local governments; however, this management model currently exposes problems when applying to Vuon Chuoi in practice. Because Vuon Chuoi does not rank at any level of the three levels of the classification of site, is it considered to be outside of the heritage management model drawn above? The answer is "no": Decision No.48/2016 (Hanoi People's Committee 2016, articles 17-19) states that, yearly, the Hanoi Department of Culture and Sports accompanying local districts are responsible for coordinating to organize inventory and update the list of relics inventory. Vuon Chuoi is, so far, still not included in the list of the relics inventory, although excavation reports and files during the last 50 years at this site have been submitted to the Department of Cultural Heritage and Hanoi Department of Culture and Sports by excavation's executors. The next question to be answered is which agencies have to take the responsibility to Vuon Chuoi?

The Vietnamese law on cultural heritage, Decision No.48/2016, and the current model of Vietnamese cultural heritage management indicate that the four agencies need to be responsible for the Vuon Chuoi. They are (1) the Department of Vietnam Cultural Heritage; (2) the Hanoi Department of Culture and Sports; (3) The Hanoi Board of historical and cultural sites and scenic landscapes; (4) The Division of Culture and Information in Hoai Duc district (Fig. 10).

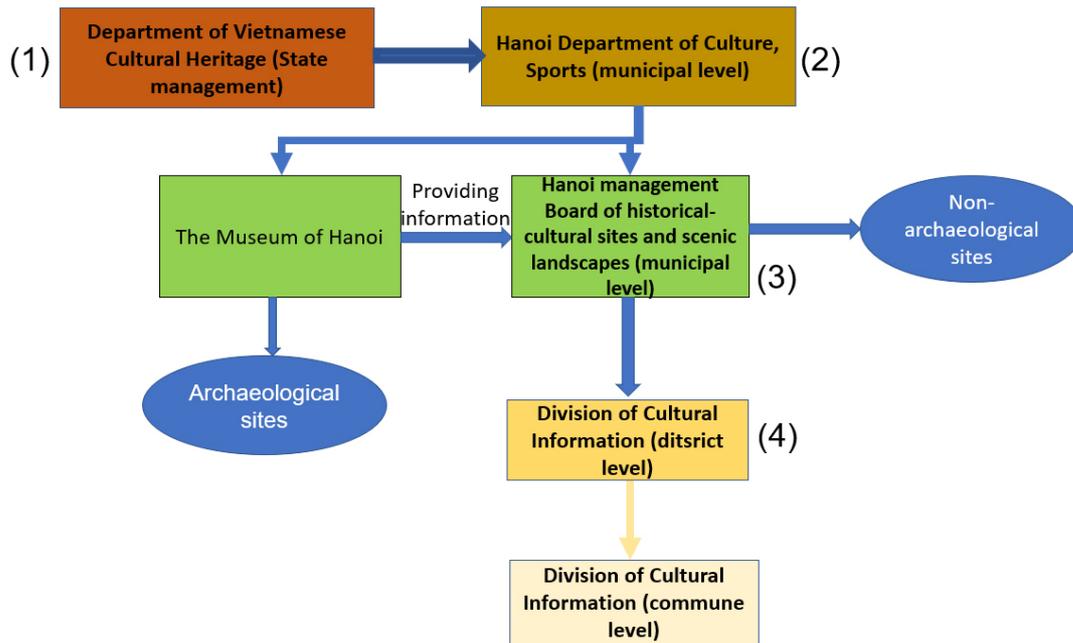


Fig. 10 Agencies in charge of Vuon Chuoi. Source: Nguyen Huy Nham

Through analysing the current model of Vietnamese Cultural Heritage management in applying to Vuon Chuoi in fact, it is noticeable that this model has limitations. These limitations are (1) the overlapped jurisdiction between the central and local governments and (2) the failure to properly fulfil their respective responsibilities and powers at each management level, and (3) that legalisation has not reached a high standard can be considered as a limitation.

Multiple agencies at multiple levels of heritage management without clear assignments have caused to overlapping jurisdictions in management at Vuon Chuoi. Moreover, the enforcement under the heritage laws and other legal documents also is not complied by the heritage agencies.

Behaviour and interaction of stakeholders in the protection of Vuon Chuoi

Stakeholders are any people or groups who have an interest in decisions being made by a management agency. A stakeholder has been defined as a person who has the right and capacity to participate in the process; thus, anyone who is impacted upon by the action of others has a right to be involved (Gray 1989). Furthermore, it is important to understand how collaboration works in different cultural and political contexts (Stolton and Dudley 1999). Tosun (2000) found that, in the context of developing countries, there are operational, structural, and cultural limits to community participation” (Aas et al. 2005: 31-32).

According to the Vietnamese law on cultural heritage (National Assembly of the Socialist Republic of Vietnam 2001, article 10-11), all organizations (including state agencies, political organizations, socio-political organizations, social organizations, socio-professional organizations, economic organizations, and people's armed force units) and individuals have the responsibility to protect and promote the value of cultural heritage. In the case of Vuon Chuoi, stakeholders are people who are responsible and practically involved in the protection of the Vuon Chuoi site under the Vietnamese law on cultural heritage. The author of this paper asserts that they are the developers/planners of Thang Long 9 project, state government officials at all levels, archaeologists and museum curators, media, and local villagers.

The author of this paper has summarized the interview results collected through a model of stakeholder participation in heritage management at Vuon Chuoi (Fig. 11). The model shows that not all stakeholders concerning the Vuon Chuoi site have participated in the protection of the site.

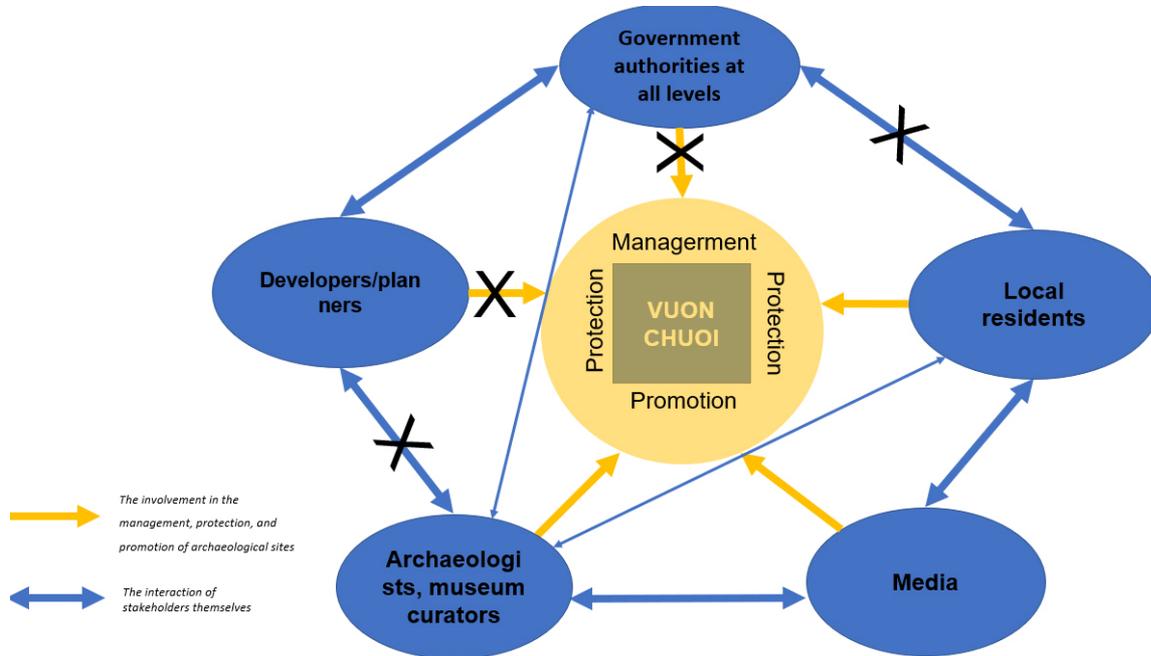


Fig. 11 A model of stakeholder participation in heritage management at Vuon Chuoi. Source: Nguyen Huy Nham

The feeble role of government authority officials at all levels

Governmental officials at all levels in this paper are understood as the Hanoi Department of Culture and Sport, the Division of Culture and Information at Hoai Duc district, and the Board of Culture and Information at Kim Chung Commune. Four members who worked in these state agencies are targeted in the interview. However, only two of them agree to answer as the informants. The interviewing result shows a lack of responsibility for heritage managers at the local level of management. The heritage management agencies have forgotten this site when left Vuon Chuoi out of the inventory list of Hanoi. They do not fully take responsibility as they are and do not comply with the law on cultural heritage. A representative of this group officially confirms the lack of attention and irresponsibility in management at the Vuon Chuoi site as below:

Current heritage management activities in district level only focus on temples and pagodas, and archaeological sites are out of control. The interest of local heritage managers in archaeological sites is not available. Local heritage managers like us have not paid attention to the archaeological sites.

- Mr. N.B. G, Division of Culture and Information at Hoai Duc district (Interviewed on 17 July 2017).

Non-stop efforts of archaeologists, museum curators

Archaeologists and museum curators interviewed for this paper are the people who work in the Department of Archaeology, the Museum of Anthropology (Vietnam National University-VNU), and other research units. They are those who directly participated in the excavation at Vuon Chuoi and wrote its annual excavation report. Nobody understands the value of Vuon Chuoi more than they do. They are also the people who have many times provided scientific information as well as scientific records of Vuon Chuoi to heritage managers, local villagers, and the media.

Four archaeologists from the Department of Archaeology and Museum of Anthropology (VNU) and two museum curators from the Museum of Hanoi and the Museum of Nguyen Van Huyen agreed to be informants for this study. The results of the interview show their great effort to save the Vuon Chuoi site from destruction. Archaeologists and museum curators not only report what they discover to heritage managers but also call for help from state agencies. Many times, they advise state agencies on how to save the Vuon Chuoi site. Besides, they also organize educational programs to the community on the value the Vuon Chuoi site.

We have worked step by step with the Department of Vietnamese Heritage, the Hanoi Department of Culture and Sports, the Museum of Hanoi, the Division of Culture and Information at District and Commune levels, and also with the owners of the Thang Long 9 project to get the permission for excavation at Vuon Chuoi. If there is no excavation of the University of Social Sciences and Humanities without our endless effort with the local government, the Vuon Chuoi site might be disappeared years ago. We have also invited journalists, and even TV channels, to popularize the significance of this site, making it possible to understand that this site has a massive potential to research and also a precious archaeological site of pre-history in Hanoi to the public.

- Dr. Bui Huu Tien, Vietnam National University (Interviewed on 8 September 2017)

The active participation of local villagers

As defined in the law on cultural heritage, villagers are also responsible for protecting cultural heritage, and they also have a right to know the past, to be educated to improve their understanding of the value of the local heritage. The villagers in this paper mean anybody who lives close to the Vuon Chuoi site in general and who are living at Lai Xa village, Kim Chung commune, Hoai Duc district, Hanoi.

The interview results show that most of the local villagers have effectively participated in the protection of Vuon Chuoi site. They keep a vital role in both saving the Vuon Chuoi site from the damage by the Thang Long 9 Project and the looting artefacts.

Local villagers actively participated in the protection of Vuon Chuoi while the officials of the district level they were not interested in protecting the Vuon Chuoi area as their responsibility.

- Mr. Pham Van Hung, a local villager of Lai Xa village (Interviewed on 11 July 2017)

Lai Xa's villagers and I are finding the way to build Lai Xa as a tourist destination based on two museums of the village as the Museum of Village Culture and the Museum of Photography in Lai Xa village with the consultation of archaeologists and

museum curators. As we all know, Vuon Chuoi has a considerable value which can exploit through the museum activities. However, it is now not well protected and adequately promoted by the local government. Much of people do not know about this site. In the coming time, the Thang Long 9 project will destroy the whole area of Vuon Chuoi. What should we do to save Vuon Chuoi? I'm looking for a solution to promote the Vuon Chuoi archaeological site before it's going to disappear forever. The establishment of a new museum of Vuon Chuoi at Lai Xa village can be an excellent option to Vuon Chuoi with the effort of local villagers.

- Mr. Nguyen Van Huy, a local resident at Lai Xa Village (Interviewed on 27 October 2017)

Media outlets as an intermediary role between stakeholders

Media outlets are considered as an essential factor actively involved in the protection of Vuon Chuoi. There are online-magazines and TV channels which help in fulfilling one of the fundamental purposes of archaeology to provide the public with a better understanding of the past (Figure 12). Article 11 of the Vietnamese law on cultural heritage stipulates that cultural and mass media agencies are responsible for disseminating and popularizing the values of the cultural heritage of the Vietnamese ethnic groups in the country and abroad, contributing to raising the sense of protection and the promotion of the importance of cultural heritage among the people.

The media plays a role in two main tasks such as (1) coordinating with archaeologists to expose the destructive acts took place in Vuon Chuoi, and (2) identifying and disseminating the value of Vuon Chuoi to the public. Media outlets keep their role as a communication channel that bridge heritage managers with archaeologists and Lai Xa's villagers. Through the media, heritage managers have to pay more attention to the Vuon Chuoi site (Online World Security Newspaper 2010; New newspaper 2010; The online newspaper of the police 2010; The Museum of Anthropology in Vietnam National University 2017; Dantri newspaper 2017; HanoiTV 2017a).



Fig. 12 News about the Vuon Chuoi site posted on online newspapers and TV channels. Source: VNews (2017)

The lack of cooperation of planners/developers

The developers and planners in this paper are the owners of the Thang Long 9 Project. Vietnamese law on cultural heritage stipulates that they are responsible for coordinating and creating conditions for the heritage management agencies to supervise construction works in the area of historical-

cultural sites. If the sites discovered in the process of construction, they must suspend the construction work, then inform the competent state agencies and allow archaeologists to survey the site. However, the developers of Thang Long 9 Project have not complied with the law on cultural heritage. They have shown their lack of cooperation with other stakeholders in the protection of heritage. No one in this group agrees to be informants of this paper. The acts of destruction that happened in Vuon Chuoi witnessed by archaeologists², local villagers and the media (Lâm Thị Mỹ Dung 2010; Vietnamplus 2017; VNexpress 2018).

Solutions to Vuon Chuoi

To save the Vuon Chuoi site from the destruction by the Thang Long 9 project, it needs to take some short-term solutions and long-term solutions with the involvement of all stakeholders.

In terms of urgent solutions, the heritage management's agencies need to file Vuon Chuoi into the list of relics inventory and classify this site as heritage at one of the three levels of the site's classification based on the excavation report published under the law on cultural heritage. A Hanoi-funded excavation project is currently underway at Vuon Chuoi to supplement new assessments of this site. Therefore, the fate of Vuon Chuoi will depend entirely on the results of the 9th excavation and the role of the heritage managers.

At the same time with excavation activities, it needs to have heritage awareness-raising activities for local communities. In 2017-2018, VNU's archaeologists organized community education programs about Vuon Chuoi to local villagers (Figure 13). Currently, the Museum of Anthropology (VNU) has been implementing a community archaeology project so-called "Community with the heritage of Vuon Chuoi: Conservation and utilization of heritage values". This project aims to provide archaeological knowledge and experience to local villagers and expects to end after October.



Fig. 13 Public education programs to local villagers (2017-2018). Source: Nguyen Huy Nham

² The author of this paper is one who has been joined in excavations at Vuon Chuoi three-times in 2010, 2012, and 2014.

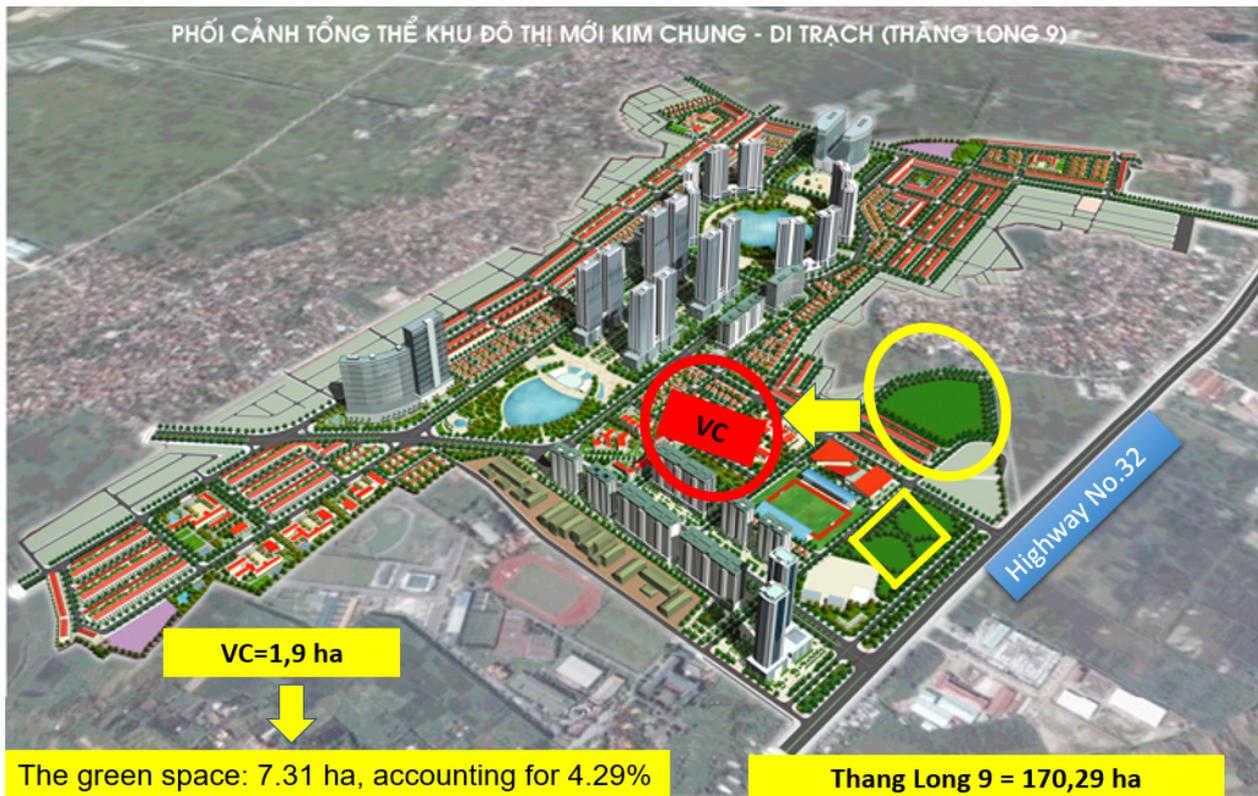


Fig. 14 Author's suggestion: The Green Space of Thang Long 9 (yellow circle) should be changed to the position of the Vuon Chuoi site (red circle). The total land area of the project is 170.29 hectares, while green spaces account for for 4.29% of the protery (7.31 hectares). Source: VIETRACIMEX (2008)

In modern urban planning, heritage conserved as a green park or archaeological park is not a new idea but a reasonable way that the author proposes to apply in the case of Vuon Chuoi. A green park is a good option in both creating a green buffer for the city and an attractive tourist destination for tourism.

According to the construction plan of Thang Long 9, the total area of this project is 170.29 hectares, with a green space of 7.31 ha (accounting for 4.29% of the total area of Thang Long 9 project). Otherwise, the total area of Vuon Chuoi is only 1.9 ha. The position of the Vuon Chuoi archaeological site currently lies within land slated for residential housing in the Thang Long 9 Project. The location of Green Space areas in the planning of the Thang Long project locates on the outskirts of the development (close to the Highway No.32). Therefore, transforming Vuon Chuoi into a Green Park within the Green Space of Thang Long project may be a desirable option to save this site. This transformation does not affect the master plan of the Thang Long 9 project. These two-positions of Vuon Chuoi site and Thang Long 9's Green Space can exchange. Local heritage agencies can save the Vuon Chuoi site from destruction by requiring the Thang Long 9 project's owners to alter the construction planning. They should switch the position of the Green Space (near the Highway in the construction plan) into the right place of the Vuon Chuoi archaeological site (Figure 14). It is totally under Vietnamese law on cultural heritage (Article 37).

In terms of long-term solutions, firstly, it is necessary to update the law on cultural heritage regularly. The scope of the law should be broadened to all unlisted sites. Strict sanctions regulations

for those who destroy the relics, as well as the irresponsibility of the managers, also needed detailing on the main law and other promulgated documents. Secondly, the local government needs to separate and stipulate specific responsibilities for each management agency. The heritage managers themselves need to seriously take their individual responsibilities in the management of cultural heritage. There is a need to strengthen cooperation between agencies from central to local levels in dealing with issues of heritage. Thirdly, to avoid the destruction of underground heritage as in the case of Vuon Chuoi, archaeological planning is needed throughout the country. Moreover, stakeholders need to find common ground in balancing conservation and development needs.

Conclusion

This paper has discussed the challenges of archaeological heritage management in Vietnam in the specific case of the Vuon Chuoi site in Hoai Duc, Hanoi. The results of this study summarized in three main points.

- (1) The Vietnamese law on cultural heritage is not adequate to protect the Vuon Chuoi site from the threat of construction projects. The inadequacy and lack of sanctions in the Vietnam Vietnamese law on cultural heritage is a legal reason that led to the destruction of Vuon Chuoi. Current Vietnamese law on cultural heritage has many loopholes.
- (2) The model of cultural heritage in Hanoi suffers from overlaps and inefficiency. Heritage managers have failed to protect the Vuon Chuoi site adequately following the law and have shown their irresponsibility in heritage management.
- (3) The lack of collaboration between stakeholders has deepened the conflict between the need for economic development and the protection of cultural heritage in Vuon Chuoi area.

Throughout these research issues, a considerable gap exists between the provisions of the heritage law theoretically, and the actual enforcement of the law on cultural heritage is recognized. It is one of the reasons that pushed the archaeological complex of Vuon Chuoi into the risk of destruction. This gap created by the weakness of Vietnamese law on the cultural heritage which does not meet the need for protection of underground heritage with the newly arising issues. Should the Vietnamese law on cultural heritage be updated and supplemented more often? This gap also created by the lack of ethics and responsibility of heritage managers at all levels. If heritage agencies do not resolve these problems quickly, other archaeological sites in Vietnam similar to Vuon Chuoi may disappear forever. As a result, historical information to the community will go along with the death of a heritage.

From the case of Vuon Chuoi, it is possible to gain experiences for current Vietnamese heritage management. Firstly, it is necessary to supplement and update the system of legal documents to overcome the shortcomings, to solve the problems posed for archaeological heritage management as analysed above. Secondly, the most critical experiences learned from the case of Vuon Chuoi is law enforcement by heritage management agencies and construction contractors. Although the law on cultural heritage still has loopholes, the responsibilities of heritage agencies should be considered explicitly as a significant cause of the destruction of many heritage sites. Thirdly, it is necessary to have heritage awareness-raising activities for local communities. It might be public education on the law on cultural heritage, archaeological excavation tours, archaeological exhibitions, community archaeology programs, etc. Finally, to avoid cases like the Vuon Chuoi site, relic planning is necessarily needed across the country. Heritage managers, archaeologists, and those

who work in research units need to be ahead of the construction projects to avoid the loss of heritage for future generations.

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