

Dimensions of Heritage Making in Contemporary Society in Vietnam: A Case Study of Tram Gian Buddhist Temple in Hanoi

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Abstract: The establishment of cultural practices and monuments is defined by the process of safeguarding and promotion, requiring the involvement of the government, cadres managing the culture sector (hereinafter referred to as "managers"), and other stakeholders. Today, cultural expressions and historical monuments have been recognised on both a national and international scale. Along with this official process of recognition, there are a number of projects being carried out to expand the influence of these monuments, or to make use of cultural practices for other purposes, such as tourism. As this phenomenon continues to develop, heritage is gradually taken from the hands of its creators and custodians to become, increasingly, a vehicle for outsiders. Therefore, the process of upholding or promoting cultural heritage is often coupled with the restriction or marginalisation of its keepers. Through the study of the specific case of Tram Gian Buddhist temple in Hanoi city, this paper will demonstrate the various dimensions of heritage as a dynamic process in the cultural, social, and political context in Vietnam today².

Keywords: Heritagisation, heritage inscription, heritage safeguarding, heritage management, Tram Gian Buddhist temple.

Subject classification: Cultural studies

1. Introduction

Heritage inscription and heritage safeguarding are areas of interest to managers, local authorities, and surrounding communities. In Vietnam, cultural heritage is acknowledged to be rich, attracting the attention of the media, managers, and the political system. The case

of Tram Gian Buddhist temple in particular has attracted the attention of both the media and the culture sector in recent years. The Buddhist temple in Tien Lu village, Tien Phuong commune, Chuong My district, Hanoi, is one of the 62 relics and scenic spots ranked as national monuments in 1962. Being inscribed as a

national monument, the temple is, as many other monuments, subject to the constraints of Decree No.166/2018/ND-CP, as well as other such the Cultural Heritage Law regarding restoration, maintenance, and renovation. Between 2012 and 2015, it occupied somewhat of a grey area, rumoured to be degraded, a product of the unsuccessful restoration process spearheaded by management agencies of the culture sector. Over the course of the restoration and maintenance of Tram Gian, many items belonging to the Buddhist temple complex were dismantled, repaired and renewed. Considering all of these events, a question must be asked: who is responsible for the management of Buddhist temples? Mr. Pham Quoc Quan, a member of the National Cultural Heritage Council, has stated that "conflicts regarding relic management are often caused by shortcomings in management, and by decentralisation: in many cases, management seems to be based mostly on [verbal] agreement, with official agreement [in writing] yet to be made" [40]. In order to better understand the complicated issues related to the restoration of the Tram Gian Buddhist temple, this article will discuss the restoration and maintenance of heritage under the UNESCO Convention and Cultural Heritage Law, taking into account the position of researchers and managers. In doing this, we aim to identify heritage inscription as a dynamic process which must be viewed through multiple lenses, and also tie its meaning and primary functions back to the communities from whence it originated.

2. Heritage Inscription in Vietnam

Over the years, UNESCO has played an instrumental role in the discourse on cultural heritage, introducing the 1972, 2003, and 2005 Conventions, which function as the international legal framework for cultural heritage, and from which stems a wealth of academic knowledge in the field of cultural heritage studies. In turn, this field has grown increasingly important with regards to the creation of dialogue, as well as the stimulation of academic trends, approaches, and theories. Though in Vietnam, the Convention of 2003 was implemented after the national Cultural Heritage Law, the former became an important milestone in the development of international policies on cultural heritage. Its principles have since been accepted as the foundation for Vietnam to amend and supplement some of the articles of the Law on Cultural Heritage in 2009. Researchers on Vietnamese cultural heritage including Nguyen Quoc Hung [9], [10], [11], Dang Van Bai [1], [2], [3], Nguyen Chi Ben [4], [5], Le Hong Ly [13], Nguyen Van Huy [12], Bui Hoai Son [17], [17], [19], and Nguyen Thi Hien [6], [7] agree that it is the community and the people within it that create, practice and transmit heritage. The community also directly and actively participates in the safeguarding and promotion of heritage. It must also be stated that without the creativity of this community, the elements of cultural heritage would not have come into existence in the first place. However, the varying levels of state management, intervention of stakeholders, the process of heritagisation, and the specific role of the

community in management, safeguarding, and promotion can be problematic. A standardised model does not exist that can act as a guideline for all of the different heritage types; what works in one case will not always be useful in another [7].

“Heritagisation” is a concept that has been studied by scholars Robert Hewison [27], Kevin Walsh [37], Barbara Kirshenblatt-Gimblett [30], Breidenbach and Nyíri [25], Melanie Smith [36], Regina Bendix [24], Rosemary Coombe and Joseph Turcotte [26], and Oscar Salemink [15], [16], [31], [32], [33], [34]. In the course of their studies, these scholars examine the discourse pertaining to the engagement of stakeholders, individuals, researchers, and managers with respect to the safeguarding and practice of heritage, as well as the implications of international and national inscriptions of heritage. As a result of these investigations, it can be seen that the current heritagisation of cultural practices and monuments in Vietnam is unfolding in alignment with the values and policies of the State. The relics and cultural practices are registered as having national and international heritage value at all levels, as a way of honoring their historical and cultural importance, but also as a way of ‘positioning the brand’. This entails a series of conservational and promotional measures, which are conducted to upgrade or expand the scale of both monuments and cultural phenomena and practices. The historical relics and cultural practices, when claimed as heritage, can be seen as an opportunity to attract investment, as well as to stimulate the interest of the public, outsiders, authorities, and tourists [16, p.483]. As a result, the registered

heritage elements tends to be subject to substantial and more frequent intervention on the part of authorities, scientists, businesses, tourists, and stakeholders. Cultural relics and practices, as a result of this process, become a kind of state-owned asset managed by competent authorities, both directly and indirectly. This, from Salemink’s perspective, represents a process of ‘appropriation’ of these cultural artefacts, which originally belonged to the community [31].

The process of inscription comprises a large component of heritagisation. In other words, the nature of heritage is molded by the process of creating heritage, and this is accomplished through the activities of assessing, recognising, honouring, and ranking historical sites and everyday cultural practices of the communities. The assessment, recognition and ranking of relics is usually operated by the State with the help of experts from outside the community. Through such research activities, the value of each site is assessed by experts in various fields, including cultural studies, anthropology, architecture and history. The recognition of cultural value by the State through the classification of historical relics, recorded in the national lists of tangible and intangible culture heritage, leads to their transformation into local and national symbols, sometimes considered to be ‘national property’. In this way, heritage and its associated community of ‘cultural bearers’ is subject to varying levels of governmental intervention and regulation [16, p.485].

In this way, through the process of recognition and inscription, elements pertaining to cultural heritage are affected by the intervention of outsiders. External

factors on the one hand bring many positive developments, often raising awareness about heritage, acting as an economic and political asset to the local communities by involving them with the dealings of the State, and promoting sustainable tourism. On the other hand, the inscription of heritage also limits the maintenance and development of cultural heritage both intentionally or unintentionally through the enforcement of regulations and policies that create a dependence on the State. The community is restricted from ownership of its material and/or cultural property. Thus, heritage inscription has led to many issues: examining the specific case of Tram Gian Buddhist temple in Hanoi City will be useful in identifying and discussing the problems related to the official recognition of cultural heritage in Vietnam.

Vietnam has actively participated in the process of inscription of heritage sites at all levels, listing of thousands of special provincial and national monuments under the Law on Cultural Heritage, the Representative List of Intangible Cultural Heritage of Humanity, and the List of Intangible Cultural Heritage in need of Urgent Safeguarding by UNESCO's 2003 Convention³. Compared to other countries in the region, Vietnam is adamant with regard to the issue of institutionalising cultural heritage through heritage ranking conducted by the State. According to statistics of the Department of Cultural Heritage, Ministry of Culture, Sports and Tourism (MoCST), up to 2019, 105 relics had been inscribed as special national relics, and 3,494 inscribed as national relics. Aside from this, there are 10,000 relics inscribed at the provincial level⁴ and

288 elements covering all seven types of intangible cultural heritage among ethnic groups that are included in the National List of Intangible Cultural Heritage (ICH), with 12 elements listed by UNESCO on the List of Intangible Cultural Heritage of Humanity, and one on the List of Intangible Cultural Heritage in Need of Emergency Safeguarding⁵.

Salemink [31] provides evidence of the relationship between the recognition of cultural heritage by the State and the marginalisation of the custodian communities. The registration and inscription of cultural heritage, both abstract and concrete, is a form of cultural occupation and therefore alienates the proprietary community from their original cultural practice. Peter Howard has said that "inscription is the process of recognizing heritage. Heritage is not a static phenomenon: all aspects of it, things considered heritage, change very quickly. In particular, one can follow a process, followed by items in the heritage chain. This goes through stages: discovery, formation, inventory, assignment of ratings, safeguarding, restoration, conversion, and sometimes destruction." [28, p.186].

The process of institutionalisation of cultural heritage in Vietnam has strong development and a clear orientation. Lauren Meeker has also pointed out that the process of heritage inscription in Vietnam is responsible for the recent transformation undergone by elements of tangible and intangible cultural heritage. The difficulties facing 'traditional culture' as it is rebranded to a concept of 'cultural heritage' as defined by UNESCO points to a major shift in the orientation of cultural awareness in Vietnam. After the Renovation, concern

about the collection of folklore was manifested with the fear of the disappearance of heritage, accompanied by a desire to rediscover traditional and folk practices and objects that had been eliminated under colonial rule [14, p.5]. This strong movement has led to the institutionalisation of heritage in Vietnam, carried out through the implementation of the Cultural Heritage Law passed by the National Assembly in 2001. Following the acquisition of feedback and based on international conventions on heritage, Vietnam completed the revised Cultural Heritage Law in 2009 (Cultural Heritage Law No. 28/2001/QH10, Amended Cultural Heritage Law 2009, Circular 09/2011).

In administrative terms, the inscription of heritage in Vietnam is being carried out in accordance with the MoCST's Circular No.09/2011/TT-BVHTTDL dated July 14, 2011 regulating the content of scientific documents for inscribing history, culture and landscapes; and Circular No.04/2010/TT-BVHTTDL dated June 30, 2010 regulating the inventory of intangible cultural heritage and compiling intangible cultural heritage documents for inclusion in the national list of intangible heritage. Salemin has stated that the state process of making inventory, setting criteria for evaluation, selection and conferment, and conferring cultural practices is a process of possession. He uses the concept of "appropriation" to recognise the intervention of political factors in the safeguarding of intangible cultural practices in Vietnam. This is accomplished firstly through the process of taking the State's inscription as a declaration of heritage [31]. Then we must consider the fact that most physical sites (historical monuments, Buddhist

temples, shrines) in Vietnam all claim that their value lies in two things: the ordination of ancient feudal dynasties, and the certificates of historical and cultural value received from the former Ministry of Culture and Information. These certificates serve as a confirmation of the cultural, historical, and non-material values of the monuments, but are also clear manifestations of the power and authority of the State in the creation of heritage. In this process, the role of evaluation and classification by experts is very important, but the role of the people in guarding these recognised cultural values is equally as important. Salemin is concerned about the danger posed by recognising and managing heritage, mainly due to the fact that it can deprive the local communities of their rights, and turn their objects and cultural practices into spectacles for outsiders such as the State, non-governmental organisations, and experts, which sometimes brings about negative results [16, p.488]. The 2003 Convention emphasises the role of the community in "creating, maintaining and transferring" cultural heritage. Implementing the Cultural Heritage Law and the convention for the safeguarding of cultural heritage, the Government of Vietnam has surveyed, inventoried, formed a data system on historical relics, and conducted the classification of the objects and practices in question. The systematisation has reinforced the process of cultural transformation of both physical cultural works and intangible cultural forms.

Based on the views on heritage presented thus far in this paper, I will analyse the controversies surrounding the safeguarding of Tram Gian temple, to elucidate the

complexities of heritage inscription, to identify the conflicting views between management and practice, and to shine a light on the needs of the community, who are directly involved in this matter.

3. Tram Gian Buddhist Temple and the dimensions of heritagisation in Vietnam today

3.1. The owner of the Tram Gian Buddhist Temple

In recent times, there have been controversies surrounding the old houses in Duong Lam village, Son Tay town, Tram Gian Buddhist temple in Chuong My district, and a 100-year-old church in Nam Dinh province. Who the responsibility of heritage inscription belongs to is often debated among researchers, heritage managers, and stakeholders, yet few people can actually arrive at a satisfactory solution. Tram Gian Buddhist temple, also known as Quang Nghiem Buddhist temple, is said to have been built in 1185, during the reign of Ly Cao Tong. In the Tran dynasty, Venerable Nguyen Binh An (also known as Duc Minh) from Boi Khe village - and renowned for his miraculous deeds - came to the village of Tien Lu, and after his death, the villagers built a tower to preserve his relics and worship him as the 'Divine Bodhisattva of Equality' (*Đại thánh Khai sơn Bình đẳng Hành nghĩa tín Bồ tát*), commonly known as the Holy *Bồ* God. The original Tram Gian Buddhist temple was built on Mount Ma and included 104 compartments with four corner columns; the current temple has been renovated and expanded several times,

as indicated by an epitaph. In 1577, the front court and incense dispenser were restored, and in 1794 Admiral Dang Tien Dong restored the temple and cast the iconic bells to create the overall appearance and architecture as seen today. The fact that it has been under the patronage of so many different entities throughout the years leads us once again to the question: who is the owner of the temple?

For the Tram Gian temple to be officially inscribed as a monument representing cultural heritage, at least three stakeholders must be secured in the guise of ownership, including the State, the village community, and the religious leader responsible for the temple. When the temple is deemed to be under state management, according to the model of Ashworth, the manager is prioritised, meaning that the heritage shall be managed with policies, and less attention will be paid to the interests of the community [18, p.104]. In that regard, can the Tram Gian temple be said to fall mainly under the control of the State? Tram Gian Buddhist temple was inscribed as a national monument by the Ministry of Culture (now the Ministry of Culture, Sports and Tourism) under Decision No.313-VH/VP dated 28 April 1962, due to its important historical and architectural value. The designation was clearly carried out with the intention to safeguard this monument through the control of national and provincial cultural institutions, and local authorities. Relics and cultural practices are inscribed as elements of cultural heritage at all levels of importance; from this, a series of safeguarding and promotional measures are established to ensure their sustainability. Besides the

benefits that the inscription brings to the State, it also has positive effects on the local authorities and communities who participate in the safeguarding and preservation of relics and who also benefit from their official recognition and popularisation. More specifically, however, the custodians are often forced to comply with the regulations on the safeguarding of historical and cultural relics and scenic places. Though they still have the right to possess, use, and exploit the property, they are restricted in the right to change the cultural relics in question. They are enabled to enjoy the benefits of their heritage mainly through the establishment of services for tourists.

The relics are ranked according to the Cultural Heritage Law in four categories that represent the types of historical relic: memorial monuments for events, architectural art relics, archaeological relics, and general attraction sites. Only archaeological and scenic relics are effectively owned by the local populace while the rest are held in diverse ownership, with a sizeable portion dedicated to private ownership or residential communities. This diversity in potential ownership makes it difficult to establish a substantial entity who is assigned responsibility for the site. The Cultural Heritage Law stipulates that "State agencies, [and] political, socio-political, social, socio-professional and economic organisations, units of the people's armed forces, and individuals are responsible for safeguarding and promoting cultural heritage values.". This means that all citizens are obliged to participate in the safeguarding of cultural heritage, in a manner that reflects their

position, competence and duties. For the temples that are dedicated to the worship of Buddha, the main task of safeguarding is assigned to the abbots, Buddhist practitioners, local communities, state agencies, and local regional authorities.

Buddhist temples in Vietnam often house monks or nuns, and tend to fall under the jurisdiction of the Executive Board of the Buddhist Sangha at the provincial level in specific cases such as the appointment of the abbot, or generally with regards to the administration of the monastery. In the past, monks in the Buddhist temples were given fields to farm and harvest for self-sufficiency or welcomed villagers in the temples to help accomplish meritorious deeds. These deeds were used to restore the temple and to maintain the monks' lifestyle. Nowadays, practices have changed for Tram Gian Buddhist temple: according to people's assessment: "Master (abbot) thinks that this Buddhist temple is his own, so he does not need the participation of the local communities; he carries out the work related to the temple by himself and he does not ask for advice from the people of the four hamlet [involved] to take care of services and ceremony at the temple"⁶.

As a result of the heritagisation of the Tram Gian temple, the local community - in particular the people of "the four Bich" area⁶ who are the primary worshippers at the temple - seems to be excluded from the decision-making process and implementation of policies pertaining to management, safeguarding and promotion of cultural heritage. It is this marginalisation that has led to the minimisation of the role of the local community. In addition to this, if the community representative bodies are thought

to include the People's Committee of Tien Phuong commune, the representatives of the cadres of Tien Lu village, and organisations such as the associations of veterans and of farmers, and the Commune Relics Management Board, that would seem to be insufficient as they are unable to express all the will and aspirations of the community custodians. Meanwhile, the Buddhist temple is a common property of the entire population, notably the local resident community inhabiting its surroundings. The abbot is the only person who is given responsibility by the community to take care of the temple, but in this case, took on more power than he had initially been granted. In order for the temple to remain a place where everyone can worship, the abbot must safeguard it and mobilise donations from practitioners, in order to manage the activities of the Buddhist teachings and ceremonial services and keep the temple well care for.

In folklore, the temple was a physical symbol of Buddhism in the village community, and building a temple was always a monumental feat for any village. The money used for the construction of these temples is often donated by people from all walks of life, who deem that, by donating to such a good cause, they have made contributions in the spiritual aspect as well, and will be rewarded. Specifically, donating money to build a temple helps people feel confident that they will be fulfilled and happy in their lives as a by-product of their generosity and sincerity. Their efforts are remembered, and in many cases remain in epitaphs in the grounds of the temples. Temples as spiritual relics exist to meet the spiritual needs of the people in the village community and are manned on a

volunteer basis. Village communities do not generally undertake the construction of these temples in the hope that they will become national historical sites, added to national or international rankings and preserved for 'all humankind'. The State is known to always acknowledge and affirm the value of cultural and historical relics, and the community understands that when the temple is recognised as a national monument, it becomes valuable cultural heritage that must be safeguarded for future generations.

When their temple was recognised as a national monument, the community of Tien Lu village was subject to the decisions of the management board of Tram Gian, which included the community representative, the head of the village, the secretary of the Party committee, and the representative of the Association of the Elderly. Legally, this board is the entity that directly manages the estate in tasks such as taking care of the Buddhist temple, overseeing its organisation, and assisting the abbot in conducting rituals at the temple. The village management board is expected to perform minor repairs, and report to the commune management board in cases of major damage to carry out the procedures involving authorities, or to provide funding for repairs. They are also expected to manage and use donations according to the temple's operation regulations. In the discourse on cultural heritage, the role of the community is taken into consideration by the State and their active participation, as well as the voicing of their opinions, has been encouraged. However, when applying the provisions of the 2003 Convention on the role of the community in cultural heritage

safeguarding and promotion activities, the guidelines regarding their participation are rather uncertain. This has resulted in the management, direction, executive authorities and relevant state agencies in a top down manner, rather than the local communities, who would only perform the tasks assigned by the State. In terms of these cases, the opinions and the responsibilities of the community are generally disregarded, and in this way, they begin to lose touch with their heritage [12], [19].

3.2. Dimensions of the heritagisation of the Tram Gian Buddhist Temple

After the *đổi mới*, or renovation, process began in 1986, which prompted economic development, Vietnam saw resurgence in cultural practices: many traditional cultural values were restored - people became more interested in non-material activities, and village houses and temples were restored and repaired. Buddhists and tourists made pilgrimages and worshipped with the aim of receiving Buddhist merit as discussed earlier. The amount of donations for building the temple is increasing and leads to loss of control. The temple is no longer a spiritual culture of a village, a community. It was subject to many forms of “raising the status” from the expansion of the scale of the monument itself and the related festival to the gaining of various heritage titles.

Local authorities, abbots and monks also took up roles in this process in order to find ways to “run” - a slang, with a negative nuance, for “lobby” - for heritage titles using historical and provincial relics and national monuments to specifically boost their reputation and attract visitors. This

resulted in many localities steadfastly lobbying for the inscription of historical relics and national monuments, and mobilising businesses to spend money on the expansion of temple sites. They would also generate funds to expand the scope of the related traditional festivals with the aim of attracting more visitors from all over the country, and developing other related services for income and benefits. Enterprises associated with the local government began to intervene in Buddhist activities in village temples. Salemink [34] argues that the heritagisation of localities in competition for the title of ‘world heritage’ or the inscription on the national heritage list is now a phenomenon that is accepted as the ‘rule of the game’ (*luật chơi*, lit. rule of playing) of the ‘playground’ (*sân chơi*) created by the State. This process is accomplished via a two-way movement, but it is the top-down effort that Salemink considers the more potent. The State uses its predominance to select, change and modify forms of cultural practices at defined heritage sites. Accordingly, the State controls these practices and subjects the local community to legal regulations [31].

In practice, as soon as the monument is inscribed, it becomes subject to the regulations outlined by state management of cultural heritage. When the local people want to restore and repair the temple, therefore, the community must implement the relevant bureaucratic procedures in order to obtain permission to do so. Governmental Decree No.166/2018/ND-CP dated 25 December 2018 regulating the competence, order and procedures for making and approving planning projects on safeguarding, and renovation and restoration of heritage sites

states: “for national monuments, the Chairman of the provincial People's Committee or the Head of the Ministry or sector directly assigned to manage the monument shall send, in person or by post, a written request together with 01 (one) set of dossiers, in line with the regulations. Within 20 working days from the date of receipt of a valid proposal and dossier, the Minister of Culture, Sports and Tourism shall consider and issue an official letter of approval or of a request for amendments and/or supplements”. As one can probably understand, this process is quite cumbersome: in order to run tourist services and conduct repairs, in addition to the construction of the project, it is necessary to send the project plan directly to municipal entities such as the board on religious affairs, the Heritage Management Division, the Department of Culture and Sports, and the Construction Department, for approval. After submission to the municipal People's Committee for a decision on provincial relics the dossier would be sent to the Ministry of Culture, Sports and Tourism for a permission for repair of the national monument(s). However, there is currently no document from the Hanoi Department of Culture and Sports specifying this. Therefore, the study of records at related units usually takes up a lot of time. It must be noted that the funding for this practice generally comes in the form of donations, and project owners cannot wait long, otherwise they will stop funding. In addition to this, since the temple is a religious and spiritual site, the standardised plan for reburishment seemed excessive and inappropriate. For this reason, the abbot of Tram Gian Buddhist temple conducted repairs without

permission. Management agencies have had to deal with violations that have been committed in the restoration of monuments. The Ministry of Culture, Sports and Tourism saw it necessary to handle this situation in a strict manner and demanded a commitment from the abbot to not repeat the violation. “The Tram Gian temple has been infringed upon many times, with incidents such as fires and unauthorised repairs and construction, and the appearance of a sawmill within the temple's space. These are systematic infringements. The Ministry has asked the direct management agency Hanoi Department of Culture and Information, and Hanoi People's Committee, to make efforts to protect this site” [39].

The preservation of Tram Gian Buddhist temple in the 1980s and between 2012 and 2014 was undertaken thanks to the wishes and efforts of the abbot. According to the Charter of the Vietnam Buddhist Sangha, the abbot and the Temple Assistance Board ("*Ban hộ tự*") are entitled to conduct the restoration and repair of the monastery property in accordance with the laws for construction, restoration and renovation of worship facilities [38]. The restoration and renovation of monuments is strictly regulated, with the aim of preserving the original elements of Buddhist cultural heritage. Local people believe that when the Buddhist temple is degraded, they must simply donate money to aid its repair. In the opinion of one citizen: “The temple is broken, I have to fix it. The abbot has made a document, [and] the local authorities have promised, but have not signed to give their permission.” According to Mr. Vu Van Doan, chairman of the Tien Phuong commune People's Committee, before dismantling the

house and the stilts (on 1 June 2012), the temple officials came to ask for the opinions of the commune and said that the situation was urgent and dangerous; if repairs were not done, there could be fatal accidents. The commune agreed to dismantle the building to avoid danger to visitors, though they did not promise any new construction. Yet, Mr. Doan has claimed that this was not an official document. Mr. Tue, an elderly local, said: "The press kept talking about the importance of observing the Cultural Heritage Law for those who directly looked after the relics, but few are aware of the suffering of our people. If we could turn back time, we, the people of Tien Lu village, would still break the rule to restore this temple. It is better to commit a violation to have a safe temple, than what could happen - many people may get killed if, during a Buddhist ceremony, the temple collapses." [39].

While there exist different opinions between managers and local people on the restoration process, the decision-making power still belongs to managers, leaders, and abbots rather than the community. Mr. Nguyen The Hung, former Director of the Department of Cultural Heritage, said that "in many places, local authorities of the culture sector, local people, monks, and nuns did not take action because they were not fully aware of the legal procedure, scientific principles, or methods necessary to preserve the monument. Therefore, when the site becomes degraded, they feel the need to find funding for renovation and are ready to meet the requirements of organisations." [8]. The abbot plays an important role in the care and conservation of the temple and is generally the one to

make the call for funding sources for building or expanding the monument. When I went to survey the fieldwork at Tram Gian Buddhist temple, I realised that the abbot was a capable person in terms of mobilising funding from peoples' donations, managing the restoration and the construction of new sections. The head of Tien Lu village explained: "From the time the monk abbot came here, this area has changed and [everything] was refurbished: from the lotus pond to the *nhà tổ* (i.e. the compartment where the late abbots are worshipped). The abbot is very kind-hearted, he can do it all... the restoration and construction are almost exclusively done by him. If he had waited for the commune to submit a request to the authorities, there would not have been money for the restoration"⁷. From this, we see that the process of restoration of Tram Gian Buddhist temple relies on the funding raised by the temple from the social strata, and the local people are not consulted or asked to contribute before construction. In this way, they find themselves pushed out of the process of restoration, from whence, understandably, arises an attitude of indifference among the local community.

There are currently two conflicting phenomena when dealing with the restoration of Buddhist temples. In some cases, monks, nuns and Buddhist practitioners do not actively participate in protecting and promoting Buddhist cultural heritage, but they rely on the State budget instead. The downside of this situation is that the local practitioners do not have much agency in this process. Yet, in areas where state control is less rigid, the Buddhist temple repairs by the abbots themselves are not subject to the professional guidance of the

State management agency of the culture sector, and can in this way become distorting and cause undesirable changes to the appearances of the temples [3, pp.41-42]. Mr Nguyen Quoc A, a former member of Tien Phuong commune's Management Board, said that: "In the past, made were small repairs, [and] there were reports made, [while] this time the repair was major. They [might] apply for permission to do one thing but then do another. For example, they might apply to paint a wall. Yes, it is OK to do that, as the wall is too old. However, who knows if they would paint the statues as well."⁸. Bui Hoai Son has said that the ultimate objective is to preserve all that can be preserved, citing this as a moral requirement, which leads us to the idea that there is an inherent conflict between conservation and development. The effects of counter-functional conservation would produce secondary problems. For some relics, the difficulty lies in how to conduct the restoration in a way that preserves their beauty and original value, while other monuments more vulnerable to weather-related harms are restored more for structural purposes. In many cases, the time necessary for the managers to agree to complete the repair plan causes relics to deteriorate even further. This has made people reconsider the relationship between the principle of safeguarding and the integrity of the heritage [19, p.22].

In response to this situation, the Government issued Decree No.166/2018/ND-CP dated 25 December 2018 regulating the competence, order and procedures for formulation and approval of planning, safeguarding, renovation and restoration projects. On 28 December 2012, the Minister

of Culture, Sports and Tourism issued Circular No.18/2012/TT-BVHTTDL detailing a number of regulations on safeguarding, repair and restoration of sites. Clause 2, Article 4 of the priority regulations covers the use of traditional construction methods, stressing the importance of preserving original elements of monuments and protecting structures during the process of monumental maintenance. Clause 4, Article 4 emphasises that the construction and renovation of monuments are to be carried out under the supervision of the local community where the sites are located, and where organisations and individuals are qualified under the provisions of the law on construction and legislation on cultural heritage. On 27 August 2014, the Ministry issued Official Letter No.2946/BVHTTDL on consolidating the management functions of monuments, clearly stating that the management board under the Department of Culture, Sports and Tourism is responsible for the management of important relics. On 19 June 2016, Hanoi People's Committee issued Decision No.41/2016/QD-UBND on the decentralisation of state management of a number of socio-economic domains and infrastructure projects in the city at the district level in order to fund, repair, preserve and promote the value of the remaining relics in the area, excepting some specific city relics and special national monuments. On 17 November 2016, the Hanoi People's Committee issued Decision No.48/2016/QD-UBND promulgating the regulation of management, safeguarding, and promotion of historical and cultural relics in the area, concretising the management of cultural heritage in the city. On 4 October 2017, the Chuong My District

People's Committee issued Decision No.7585/QĐ-UBND on the management of relics in Chuong My district, Hanoi. These are important documents designed to create a specific and detailed legal framework for the management, safeguarding and promotion of cultural heritage values in Hanoi in general, and the district in particular. In its decision, the Hanoi City People's Committee has clearly defined the levels of management for heritage depending on ranking and importance, regulating the content of management, conservation and distribution in order to uphold the value of Buddhist cultural heritage in particular. These efforts led to a range of measures to propagate and disseminate legal documents related to the management of heritage. At the same time, pressing issues still necessitated guidance documents for the management of cultural heritage in Hanoi.

Heritage management not only causes problems between the state and the community, but also creates a dynamic of inequality with regards to heritage [7]. Dang Van Bai has argued that in management work, managers of the culture sector still do not have appropriate solutions to regulate economic components, especially when considering the interests of individuals, resident communities and the true owners of monuments. It is becoming increasingly common that authorities at all levels, sectors and agencies vie for the right to manage relics with large revenue sources while trying to "give" others the relics in less popular areas that need more serious restoration [1, pp.27-28]. The temples are beloved for their architecture and their often scenic locations, as well as their spiritual merits; these facts account for a large

number of pilgrims and sightseers. Seeing as this is the case, some abbots wish to have their temples inscribed on national lists, so as to attract funding and encourage aesthetic developments. In this endeavour, they are usually capable of mobilising bountiful sources of funding for the reconstruction of the temples by reaching out to their network. Sometimes, instead of preserving the usually smaller ancient Buddhist temples, the abbots destroy them in order to build new, more spacious buildings in their place. As a result of this process, many ancient temples have disappeared in favour of the construction of new temples. Documents related to the cultural and historical values of ancient temples are also disregarded as they are collected and archived. Since historical-cultural sites are considered a non-renewable resource, in principle they are irreplaceable, and must not be destroyed, nor must there be any modifications affecting the value, authenticity, original character, or integrity of the heritage. In order for this to come into being, it is necessary to implement precisely the provisions of the Cultural Heritage Law on the protected areas of the site.

Inscription creates new areas of conflict for awareness, management, conservation and promotion of recognised heritage. In the case of the Tram Gian Buddhist temple, after being recognised as a national monument, the people and local authorities were proud of their heritage on a national level and wished to induct it on to the national monument list, ultimately submitting the dossier in 2016. The deputy head of Chuong My district's Division of Culture and Information explained: "If the site is aiming

for a special national level under the high-level management of the district, then the district must be more responsible. State management must be extended, and local responsibilities are also greater. The state must be more responsible for the ranking of monuments. Temples are owned by the people, and the State should manage and protect them and not rank them for the sake of funding”⁹. Mr. Nguyen Van Huy, Deputy Director of the Centre for Research and Promotion of Cultural Heritage has also described how after being inscribed, sites face difficulties in restoration, as well as many other constraints as a product of the articles of the Cultural Heritage Law. Therefore, it is necessary to design a democratic mechanism in order to facilitate dialogue between heritage owners and government agencies. This would make it possible to avoid standstills between custodians and officials in the long-lasting conservation of monuments over the years [41]. Some leaders and local people share the view that as a result of its inscription as a national monument, Tram Gian Buddhist temple can no longer be considered a feature of the community because it now belongs to the State, which in turn must direct conservation, funding and renovation. Nguyen Huu Toan has found that more than 80% of people still expect the State to increase funding and pay more attention to the preservation and promotion of national cultural heritage. The expectations put on the State therefore are still quite substantial [20, p.69].

According to Saleminck [31], heritage is the transformation of living culture into something that requires research, consideration, re-

cognition, safeguarding and management from outside the community. This process relies mainly on the contributions of researchers and other cultural experts, government officials, international and non-governmental organisations, and UNESCO. This growing power of heritagisation takes the right to decide, organise, and benefits from the local community and assign the right to people, agencies, and organisations outside the community. It is a sign of improvement for heritage safeguarding when the concerns of the State and its political parties are aligned with those of the community. This allows for there to be a more collaborative approach in the management and protection of heritage, with the encouragement of communal voluntary participation as suggested the 2003 Convention and the Ethical Principles adopted by the new Intergovernmental Committee in 2015. Saleminck also proposes that the State conduct administrative matters indirectly, leaving the decisions about practices and safeguarding to the community in order to avoid the risk of change due to outside influences and incorrect perceptions. The core of the conservation of sites is managed by a number of modern scientific and technological solutions designed to preserve the ‘original elements that make up monuments’ (Vietnam’s Cultural Heritage Law), and to promote the ‘authenticity’, ‘integrity’, ‘outstanding universal value’ of the heritage (UNESCO Convention Concerning the Protection of World Cultural and Natural Heritage). This has all been formulated to circulate the value of monuments in order to bolster sustainable socio-economic development, not only for people living today, but also for future generations.

Thus, the inscription of heritage has many purposes, and unfolds not merely in a cultural framework, but also in political, economic and social areas. Being unaware of these diverse purposes and ill-informed about heritage in a cultural perspective will lead to mistakes in the management of heritage. However, awareness of this diversity in heritage is not the final answer to the question of heritage inscription. Apart from the process of recognising and presenting heritage as a local or national asset, such situations also involve many conflicts of interest [19, p.20]. In many cases, renovation tends to distort the value of monuments, following the tendency to abandon old relics in favour of new 'more majestic' projects, which causes the custodians to be unaware of the true value of the monuments. The Governmental Decree on this subject stimulates authority, order and procedures for formulation and approval of planning projects on safeguarding, renovation, and restoration of historical-cultural and scenic sites. Violations in these areas are detrimental to the value of monuments and negatively affect sustainable development. The UNESCO 2003 Convention notes that communities, groups and, in some cases, local individuals play an important role in creating, safeguarding, maintaining and transmitting heritage

4. Conclusion

Stories about heritage inscription, safeguarding, and maintenance of the monuments always generate issues related to decision-making, the relationship between the State and the community, and even the very nature of

heritage. Issues surrounding the safeguarding and restoration of monuments and temples are complicated by stakeholders, including the owner of the estate, the abbot and the monk, managers, meaning cadres of the culture sector, and scientists and local leaders. For Tram Gian Buddhist temple, the question posed at the beginning of this paper - to whom it belongs - can be answered in this way: heritage is a product of the community, developed in order to meet its needs and demands, and must, therefore, be managed with this relationship in mind. The 2003 Convention states that heritage conservation should focus on promoting the social functions and layered meanings of communal heritage, and encouraging the integration of cultural heritage into regional and national economic development policy plans. The community is the subjects of creation, practice and implementation of the State's policies, and also the beneficiaries of the latter's financial and material support policies.

Through the case study of Tram Gian Buddhist temple, this paper has shown that heritage safeguarding is a dynamic and integrated process requiring the participation of the state, community and other stakeholders. The safeguarding of monuments is influenced by international regulations, as well as by the particularities of each unique situation. One thing that remains certain is that the community owns the heritage: its participation constitutes the foundation of the entire process, and represents an important link ensuring the continued vitality of the heritage. The intervention, restoration, and repair on the part of the abbot and the local government as in the case of Tram Gian was done without

consulting the community. As a result, the restoration of the temple under the views of scientists and local communities created a great change in the vision and position of its heritage. It is now the people of Tien Lu village and Tien Phuong commune who themselves identify and propose measures to protect their heritage. Unlike the initial view that the temple needed to be renovated and upgraded to be more spacious, what the community of the commune now deems to be the most important thing is that the majesty of their temple and the traditional cultural values of the locality would be maintained.

Notes

¹ The paper was edited by Diane Lee.

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³ Up until now, Vietnam has had 12 elements in the list of representative cultural heritage of humanity, including Gong cultural space in the Central Highlands (2003) and Hue royal court music (2005) (these two elements are transferred from Masterpiece list to the Representative list), Quan ho folk songs (2009), Hoi Giong (Giong Festival) in Phu Dong and Soc temples (2010), the worship of Hung Kings in Phu Tho Province (2012), Don ca Tai tu singing (2013), Vi and Giam folk songs of Nghe Tinh region (2014), Tugging rituals and games (2015), practices related to beliefs in Mother Goddesses of Three Realms (2016), Bai choi art in the central region (2017), Xoan singing (2017), practices of Then singing by Tay, Nung and Thai ethnic groups (2019); and Ca tru singing (2010).

⁴ Report by the Department of Cultural Heritage, Ministry of Culture, Sports and Tourism, 2019.

⁵ Department of Cultural Heritage (2018), Summary Report on Safeguarding and Promotion of Cultural Heritage of 2017, Orientation and Tasks of 2018.

⁶ Interview on 11 November 2018. "The four Bich" are the hamlet that are in charge of worshipping activities at Tram Gian during the annual festivals, among which Bich Thuong is the called the "eldest brother", Bich Noi - the second eldest, Bich Phuong Tuyen - third eldest, and Bich Tho Ngoa (in Tan Hoa commune, Quoc Oai district) is the youngest brother.

⁷ Interview on 9 November 2018 in Tien Phuong commune, Chuong My district, Hanoi city.

⁸ Interview on 9 November 2018 in Tien Phuong commune, Chuong My district, Hanoi city.

⁹ Interview on 9 November 2018 in Chuong My district, Hanoi city.

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