

## **UKRAINE**

# **NATIONAL REPORT ON THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

**2011 – 2015**

Report  
on the implementation  
of the Convention on the Means of Prohibiting and Preventing the Illicit Import,  
Export and Transfer of Ownership of Cultural Property  
adopted on 14 November 1970

The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970 was ratified by Ukraine with a declaration by Decree of the Supreme Soviet of the Ukrainian Soviet Socialist Republic No. 5396-XI of 10 February 1988.

*In Ukraine cultural valuables are protected by:*

- Law of Ukraine No. 3814-XII of 24 December 1993 “On the National Archive Funds and Archive Institutions”;
- Law of Ukraine No. 32/95-BP of 27 January 1995 “On Libraries and Librarianship”;
- Law of Ukraine No. 249/95-BP of 29 June 1995 “On Museums and Museum Affairs”;
- Law of Ukraine No. 1068-XIV of 21 September 1999 “On Export, Import and Return of Cultural Valuables”;
- Law of Ukraine “On Protection of Cultural Heritage”;
- Law of Ukraine “On Protection of Archaeological Heritage”;
- Regulations on the State Register of Cultural Assets, approved by Order of the Cabinet of Ministers of Ukraine No. 466 of 12 August 1992;
- Regulations on the Museum Reserves of Ukraine approved by Order of the Cabinet of Ministers of Ukraine No. 1147 of 20 July 2000 (as amended by Order of the Cabinet of Ministers of Ukraine No. 1007 of 3 November 2010);
- The procedure of issuing permits for archeological explorations, excavations and other earthworks in the territory of a significant site, protected archaeological area, protection zones, in historical areas of settlements, as well as for studies of human remains located beneath the earth surface or under water in the territory of Ukraine, approved by Order of the Cabinet of Ministers of Ukraine No. 316 of 13 March 2002;
- Procedure of including unique significant sites of the Museum Reserves of Ukraine into the State Register of Cultural Assets, approved by Order of the Ministry of Culture of Ukraine No. 653 of 25 October 2001 and registered with the Ministry of Justice of Ukraine on 14 February 2002 under No. 144/6432;
- Instruction on the selection of manuscripts, rare and valuable books from library holdings to be included in the State Register of Cultural Assets, approved by Order of the Ministry of Culture and Arts of Ukraine No. 708 on 20 November 2001 and registered with the Ministry of Justice of Ukraine on 12 December 2001 under No. 1027/6218;
- Instruction on the registration of export and temporary export of cultural valuables, and monitoring their movement across the state border of Ukraine, approved by Order of the Ministry of Culture and Arts of Ukraine No. 258 of

22 April 2002 and registered with the Ministry of Justice of Ukraine on 9 July 2002 under No. 571/6859;

- Procedure of recognizing documents of the National Archival Funds as unique ones, their recording and storage, approved by Order of the Cabinet of Ministers of Ukraine No. 1004 of 8 August 2007;
- Regulations on conditions of storage of documents of the National Archival Funds approved by Order of the Ministry of Justice of Ukraine No. 296/5 of 2 March 2015 and registered with the Ministry of Justice of Ukraine on 4 March 2015 under No. 250/26695;
- Rules for archival institutions of Ukraine approved by Order of the Ministry of Justice of Ukraine No. 656/5 of 8 April 2013 and registered with the Ministry of Justice of Ukraine on 10 April 2013 under No. 584/23116;
- Procedure of access to the premises and territory of state archival institutions approved by the Order of the of Justice of Ukraine No. 1117/5 of 11 July 2014 and registered with the Ministry of Justice of Ukraine on 14 July 2014 under No. 810/25587;
- Procedure of state recording of documents of the National Archival Fonds approved by Order of the Ministry of Justice of Ukraine No. 2045/5 of 27 September 2013 and registered with the Ministry of Justice of Ukraine on 2 October 2013 under No. 1695/24227;
- Regulations on the Expert Committee for the selection of manuscripts, rare and valuable books from library holdings to be included into the State Register of Cultural Assets, approved by Order of the Ministry of Culture of Ukraine No. 919 of 30 October 2014 and registered with the Ministry of Justice of Ukraine on 14 November 2014 under No. 1449/26226.

Order of the Ministry of Culture of Ukraine No. 819 of 3 September 2013, registered with the Ministry of Justice of Ukraine on 5 November 2013 under No. 1879/24411, establishes the form and order of registers of cultural valuables:

- Cultural valuables returned to Ukraine;
- Cultural valuables claimed nationally;
- Cultural valuables claimed by other states;
- Cultural valuables outside Ukraine;
- Cultural valuables lost during and as a result of the Second World War (Museums);
- Cultural valuables lost during and as a result of World War II (Libraries);
- Confiscated cultural valuables.

According to Resolution of the Verkhovna Rada of Ukraine No. 1545-XII of 12 September 1991 "On the procedure of temporary effect of some legislative acts of the USSR in the territory of Ukraine", currently Ukraine uses Instruction on recording and storage of museum valuables, approved by the orders of the Ministry of Culture of the USSR, insofar as it does not conflict with the Constitution and laws of Ukraine.

In order to ensure accumulation and storage of information about museum pieces of the state section of the Museum Reserves of Ukraine that are stored in museums defined by Order of the Cabinet of Ministers of Ukraine No. 209 of 2 February 2000, the Ministry of Culture of Ukraine adopted Order No. 943 of 5 November 2014 “On some issues of recording the state section of the Museum Reserves of Ukraine”, registered with the Ministry of Justice of Ukraine on 13 November 2014 under No. 1445/26222.

In the difficult conditions in which Ukraine finds itself today because of the threat of invasion of its territory by the Russian Federation troops, the adoption of this order is the best and fastest way to create an information resource using, as an auxiliary form of recording, digital photocopying of inventory books of the major museum reserves of Ukraine which store museum pieces and museum collections that are the public property and belong to the state section of the Museum Reserves of Ukraine, in order to ensure control of recording and operational work of the Ministry of Culture of Ukraine.

Providing legal protection for cultural valuables is one of the tasks of the state according to the Constitution of Ukraine (Article 54). In international law and in Ukrainian law there is no clear distinction between the notions of “cultural heritage”, “cultural valuables”, “cultural assets”. However, as a rule, the term “cultural valuables” is applied to mobile cultural items of artistic, historical, ethnographic or scientific value. The list of such items is defined in Article 1 of the Law of Ukraine “On Export, Import and Return of Cultural Valuables”, including original art paintings, drawings and sculptures, old books, manuscripts, archival documents etc. International law and EU law apply the term “cultural goods” as well. At the same time, international law and the laws of some countries (Germany, Spain, Finland and others) use the term “cultural property”, which is a reflection of a specific western legal concept, and, according to many researchers, highlights, above all, the economic importance of such items.

In many cases, the use of the latter term is justified because, apart from artistic, historical, scientific value, such items have economic, commercial value that can be expressed in monetary terms. Current Ukrainian legislation does not exclude cultural heritage from civil circulation, but in some cases establishes a special legal regime for them. In particular, part eight of Article 319 of the Civil Code of Ukraine prescribes that specific aspects of the effectuation of right of ownership of the national cultural and historical valuables are established by law. Thus, according to Article 4 of the Law of Ukraine “On Pledge”, collateral cannot be cultural valuables that are subjects of the right of the state or municipal property and are included or are to be included in the State Register of Cultural Assets.

According to the article 20 of Act of Ukraine “About culture” the following may not be the subject of privatization:

- archives and documents from them;
- museum pieces, museum collections and museum sets of pieces from the national part of the Museum Fund of Ukraine;
- documents of the State Librarian Fund of Ukraine;
- preprint materials and film prints, that are preserved in the film fund.

The term “national treasure” in the current legislation of Ukraine, projects and registry is not used.

In the Ukrainian legislation in the cultural sphere there is a term of “national cultural asset” used as an aggregation of unique cultural values, objects of cultural heritage, that have exceptional historical meaning for conformation of the cultural space of Ukraine.

Article 15 of Act of Ukraine “About museums and museum affairs” states that Museum fund of Ukraine is a national wealth, inalienable part of the cultural heritage of Ukraine, that is protected by law.

For today, the matters of prohibiting and preventing of the illegal import, export and transfer of property rights to the cultural values with consideration of the mentioned changes, are in the custody of Ministry of Culture of Ukraine, State Archival Service of Ukraine, law enforcement authorities, that is Ministry of Internal Affairs of Ukraine and State Fiscal Service of Ukraine. The above state authorities of the executorial power cooperate among each other in the regular course of work.

The system of executive power central authorities has changed significantly during the period under review in Ukraine. For example, the Ministry of Culture and Tourism of Ukraine was reorganized into Ministry of Culture of Ukraine, the State Service for Controlling the Transpositioning of the Cultural Values across the border of Ukraine and the State Service on the matters of National Cultural Heritage of Ukraine were liquidated. The functions of these government authorities were put onto the Ministry of Culture of Ukraine. Within the structure of Ministry of Culture of Ukraine there are Board of Museum Affairs and Cultural Values, Board of Protection of Immobile Cultural Heritage and Reserves.

The State Committee of Archives of Ukraine was reorganized into the State Archival Service of Ukraine, which complies to the Ministry of Justice of Ukraine.

The functions of State Customs Service of Ukraine, which was liquidated, are put onto the State Fiscal Service of Ukraine, which complies to the Ministry of Finances of Ukraine.

The central bodies of the executive authorities are constantly working on refinement and bringing to correspondence the legislation acts of Ukraine in all

spheres of national policy, as their main tasks are not just realisation of national policy, but also ensuring its formation.

Ministry of Culture of Ukraine has activated the work on developing the legal and regulatory framework in the sphere of museum affairs, import, export and return of the cultural values with consideration of international agreement and successful European experience.

For today the following drafts of legal and regulatory acts are in working process:

- drafts of laws of Ukraine "About Introduction of amendments to the Act of Ukraine "About Museums and Museum Affairs", "About introduction of amendments to the Act of Ukraine "About import, export and return of cultural values";
- drafts of acts of Ministry of Culture of Ukraine, which are to state the Instruction on registering the museum pieces and museum collections of the national part of the Museum fund of Ukraine, the Order of registering the museum pieces and museum collections in the electronic form, the Order of registering the museums.

Together with Ministry of Economic growth and Trade of Ukraine there is a draft order being developed regarding publishing in a new edition of the Rules of antique trading, which was approved by a mutual order of December 29, 2001 with № 322/795 and registered in the Ministry of Justice of Ukraine on January 25, 2002 with № 58/6346.

At the same time, Ukrainian legislation, assignments from the President of Ukraine and the Government have set a course for national policy to provide transparency of the procedure and to establish unified requirements to the order of releasing the permitting documents, which coincides with the procedure of releasing the export entitlement (temporary export) for cultural values from the territory of Ukraine and brings significant changes to the legislative acts of Ukraine in the sphere of export, import and return of the cultural values, protection of cultural heritage.

According to the legislature of Ukraine the drafts of regulatory acts are subject to public discussion and are displayed on the official sites of authorities in the Internet.

According to the Article 26 of Act of Ukraine "About Museums and Museum Affairs" the Ministry of Culture of Ukraine, being the central body of the executive power, that provides formation and realises national policy in the sphere of museum affairs, provides control of registering, preserving, protecting, usage and replacement of museum pieces of the Museum Fund of Ukraine, that are retained in museums independent of their property form.

According to the data of the State Statistics Committee of Ukraine, there are 63 reserves, 608 national and community museums, 1117 museums as branches and departments, which retain more than 12 million museum pieces of the national part of the Museum Fund of Ukraine.

Ministry of Culture of Ukraine is updating the list of museums of state and community property, museums, created at enterprises, in the institutions and educational bodies of state and community property or as their part, where, according to the Article 15-1 of Act of Ukraine "About Museums and Museum Affairs" the museum pieces and museum collections of the national part of the Museum Fund of Ukraine are retained.

At the present time there is an overall verification process going on to reconcile the present museum pieces of the national part of the Museum Fund of Ukraine with the fund-registering documentation. This process is expected to be over by the end of the current year. The main goal of the total update is to establish the actual presence of museum pieces and museum collection of the main fund, to determine the conditions of preservation of museum pieces and museum collection, etc.

At the same time, the current system of record keeping of museum pieces and museum collections is outdated and such that does not provide the full picture of the subject composition of the Museum Fund of Ukraine. In fact, identification of the museum pieces is possible on the level of the museum which retains them.

The record of museum pieces and museum collections of the national part of the Museum Fund of Ukraine is conducted in the fund-recording documents, which must provide an opportunity to completely identify pieces and collections, contain full information about their positioning, storage conditions, etc. The main fund-recording documents are subject to interminable preservation.

Identification of museum pieces and museum collections of the national part of the Museum Fund of Ukraine is carried out according to the records in the fund-recording documents, according to the registry, defined by the Museum Fund of Ukraine Code, approved by the Ukrainian Cabinet of Ministry Resolution of July 20, 2000 № 1147 (in the edition of the Cabinet of Ministry Resolution of November 3, 2010 № 1007).

The information stored in the main fund-recording documents allows to give its description for identification in case of theft and putting on the national wanted list with the aim to prevent its illegal appropriation and export from Ukraine.

At that, in May 2015 an ancient metal object - a basin on a rounded pedestal with legs that look like lion's paws, was transferred to the National Museum of Art

named after Bohdan and Varvara Khanenko International Charity Fund “Oleksandr Feldman Fund” for preservation.

During the research it was discovered that the object offered for expert examination according to all indications may be identified as a bronze luteri 5th century B.C. stolen in 2010 from the Archeological Museum of National Historical-Ethnographic Reserve “Pereyaslav” in Pereyaslav-Khmelnitsky in Kyiv oblast.

Staff members of NHER “Pereyaslav” have examined the object and determined that it is a Scythian vase, which belongs to the main fund of NHER “Pereyaslav”, record number KH-2358, ПХІМ-4182.

The independent expert evaluation by the National Museum of Ukrainian History has established that according to all indications the object given for evaluation matches the bronze luteri of the archeological complex of 5-6th centuries B.C., found near the village Pishchane, Cherkasy oblast.

According to the conclusions of the mentioned expert evaluation of May 18, 2015 № 300, conducted by experts of National Museum of Ukrainian History it is stated that the provided object is a luteri, stolen in 2010 from the exposition of Archeological Museum of National Historical-Ethnographic Reserve “Pereyaslav” (inventory number ПХДІКС – 4182). It is the one of the 15 objects of the archeological complex of bronze dishware of 5-6th centuries B.C. found near the village Pishchane, Cherkasy oblast in 1960-1961, which is retained in the National Museum of Ukrainian History (appendix № 2 to the letter № 216 of May 22, 2015). Existing system of museum items registration allows prevention of its illegal appropriation. At the same time, the registration system still has to be updated in accordance with modern requirements.

With regards to it, we are currently working on creating a unified network of Ukrainian museums together with an electronic catalog of museum holdings and collections, and on digitizing museum collections for a comprehensive database.

Creating such informational systems will allow to facilitate arrangements for the temporary travel of cultural objects from Ukrainian territory as well as searching for stolen artifacts and restoring them to their lawful owners. A museum database will help the exchange of information between professional associations, art and antique dealers, buyers, as well as Interpol about illegal circulation of the artifacts. We are also addressing the question of art preservation that requires ensuring proper security and installing up-to-date fire safety systems as well as security and monitoring equipment.

Due to the price growth on the global antiques market, and the high level of a terrorist threat in Ukraine, museum institutions are in a special risk group right now.



According to Ukrainian legislation, the Ministry of Internal Affairs is responsible for ensuring protection of the public museums.

According to the Cabinet of Ministers of Ukraine resolution No. 615 from August 10, 1993, all state museums, galleries, sanctuaries, and other important cultural institutions that store objects of national historical and cultural importance (hereinafter - museum institutions) are subject to mandatory protection by the department of State Protection Service, a subdivision of the Ministry of Internal Affairs of Ukraine (hereinafter - SPS). It receives funding for its activities from the profits made by its security enterprises that offer their services on the contractual basis.

Due to the raising of prices on the SPS services, and lack of museum funding due to a financial crisis, the danger of having state security services terminated is now exceptionally high. Because of the steep increase in crime rates in Ukraine, this may lead to the massive loss of valuable items from the Museum Fund of Ukraine.

Ministry of Culture held a series of meeting between the Department of State Security Service (a subdivision of the Ministry of Internal Affairs of Ukraine) and the directors of museums and cultural sanctuaries, during which the ways to ensure protection and preservation of cultural heritage and creating an efficient security system of museums and sanctuaries were discussed. The last meeting took place on February 5, 2015.

These meetings confirmed that ensuring security of museums requires passing the legislation that will reduce the cost security services for state museums and historical and cultural sanctuaries, and will make these expenses a guaranteed and protected item of the state budget. In addition, it is necessary to take into consideration the experience of such countries as Italy and Georgia for creating a special subdivision within the Ministry of Internal Affairs for the protection of National Heritage.

According to the Ukrainian law "On Amending the Budget Code of Ukraine," passed on March 2, 2015 № 212-VIII, funding the protection of the state and public cultural institutions is to be included into the list of guaranteed and protected budget items (Article 55 of the Budget). The amount of allocated funds is not to be reduced even in case of the overall budget is cut. The legalities of ensuring that the budget funds are used for the appropriate goals are currently being developed.

Protection of museums that contain items that belong to the Ukrainian Museum Fund is controlled by the Ministry of Culture of Ukraine.

According to the Ukrainian law № 316, "Regarding the protection of Cultural and Archaeological Heritage and issuing of permits for archaeological explorations,

excavations and other earthworks on the territory of protected archaeological sites and protected historical sites located in the currently populated areas, as well as studies of human remains and artifacts located underground and underwater within Ukrainian territory" issued and approved by the Cabinet of Ministers of Ukraine on March 13, 2002, archeological research may be carried out exclusively by specialists, whose qualification is confirmed by an appropriate document (an open letter) on the basis of permits issued by the Ministry of Culture of Ukraine and according to the scientific methodology particular on the cultural specificity and period of the given archaeological objects.

Assessment of the results of archaeological research and monitoring of their conduct is carried out by the Field Committee, a specialized division of the Institute of Archaeology within the National Academy of Sciences of Ukraine, and by a corresponding structural subdivision within the Ministry of Culture of Ukraine (the Department of the protection of the immobile cultural heritage and sanctuaries).

In recent decades Ukrainians have grown increasingly interested in their own history, particularly the ancient history. However, for some citizens this interest acquired a specific character of a conviction that historical values are a source of wealth and profitable investments (this may be due to a low level of culture and national consciousness, a particular attitude towards material wealth and questions of private property. etc.) As a result, a whole new social group of collectors focusing on archeological items and antiques has appeared. Anyone who has the means is now collecting. As is well known, the demand produces supply, and a whole army of looters, "so called" black archeologists, is now servicing the "newly baked" collectors.

European Convention for the Protection of the Archaeological Heritage (revised), ratified by Ukraine on December, 10 2003, № 1369-IV, presupposes that each Party (a country-participant of the Convention) is responsible for the following: collecting information by the relevant governmental agencies and academic institutions about all cases of illegal excavation; informing the competent authorities of a country that participates in the Convention of any proposals concerning the objects of archaeological heritage that could be obtained from illicit excavations or unlawfully from official excavations, and to provide the necessary details thereof; taking the necessary measures to ensure that museums and similar institutions whose acquisition policy is controlled by the state, do not buy objects of archaeological heritage that could have been acquired in the result of concealed or illicit excavations, or secretly and unlawfully stolen from the official excavation sites.

The so-called "black archeology" refers not only to the unauthorized excavations. Illegal circulation of objects derived from illegal excavations is another component of a national tragedy that goes by the name of "black archeology." One does not exist without the other. Neither in the Soviet times, nor nowadays can the archaeological objects be obtained legally by private buyers. Any archeological

object that is not in state property is a stolen one. If these items have been obtained from/ intermediaries, this activity is the buying of stolen goods.

According to the Article 298 of the Criminal Code of Ukraine destruction or damage of the monuments and objects of cultural heritage as well as unauthorized archeological searches are a criminal liability.

One of the main conditions for the increase of the offences against cultural heritage is the low effectiveness of the existing protection mechanisms of the objects of cultural heritage and a significant number of shortcomings in the current legislation.

According to the Article 298 of the Criminal Code of Ukraine destruction or damage of the monuments and objects of cultural heritage as well as unauthorized archeological searches are a criminal liability.

One of the main conditions for the increase of the offences against cultural heritage is the low effectiveness of the existing protection mechanisms of the objects of cultural heritage and a significant number of shortcomings in the current legislation.

Unfortunately, today no practical legal mechanism is developed and the coordination of cultural heritage protection and law enforcement agencies is not provided to prevent, detect crimes and punish those responsible for crimes related to archaeological objects of cultural heritage.

In addition, the Ministry of Culture of Ukraine and other bodies of cultural heritage have little or no capacity to carry out the actual real-time monitoring of persons engaged in unauthorized earthworks, particularly in the search, seizure and sale of movable items, which come from objects of archaeological heritage.

Meanwhile, in Ukraine the procedure for the right of travel (temporary travel) of cultural values from Ukraine is being acting pursuant to Article 6 of the Convention about the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property from 14 November 1970.

According to Article 13 of the Law of Ukraine "On export, import and return of cultural values" a certificate for the right to export (temporary export) of cultural values is issued to the to the cultural property owner or authorized person in case the Ministry of Culture of Ukraine decides possible the travel or temporary travel of cultural values from the territory of Ukraine.

Certificate for the right of travel (temporary travel) of cultural values is the basis for admission the specified therein cultural values outside the custom territory of Ukraine. Travel (temporary travel) of cultural property without this certificate is prohibited.

Moving of cultural values through the custom border of Ukraine outside the custom control or concealed from custom control in accordance with Article 201 of the

Criminal Code of Ukraine is considered as smuggling. The court decided that cultural values seized by law enforcement agencies on the fact of violation of custom regulations are transferred to the state revenue. Ministry of Culture of Ukraine ensures the transfer of cultural values to cultural institutions in the state part of museum, library and archive funds or to religious organizations.

As a result of applying measures and implementation of everyday practical work by the customs officers of the State Fiscal Service of Ukraine (hereinafter - SFS) 586 attempts of illegal movement of objects with signs of cultural values through the custom border of Ukraine were stopped for 2011-2014 (including 2011 - 211 facts; 2012 - 186 facts; 2013 - 139 facts; 2014 - 50 facts).

The vast majority (72% of the total number of cases) of violations of custom legislation of Ukraine of the illicit movement of cultural property is recorded during the attempt of the export of these items outside the custom boundary of Ukraine.

More than 4500 items are excluded (including 2011 - 1712 items, 2012 - 1687 items; 2013 - 664 items; 2014 - 467 items) of artistic, historical, ethnographic and scientific value and are subjected for preservation, restoration and protection in accordance with the legislation of Ukraine. The total cost of these items consists of more than 2.5 mln. UAH. (including in 2011 – 703 161 UAH; 2012 - 1,395,009 UAH; 2013 - 325 996 UAH ; 2014 - 168 398 UAH).

According to statistics, the largest number of cases of detentions is accounted for numismatic items and bonistics (42% of cases), ancient icons (12% of cases), print media (10% of cases) and faleristic items (8% of the total of cases).

**The number of cases of illegal transportation of the Ukrainian cultural heritage items, registered by the PSP customs in 2011-2014**

<i>Title</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
	Number of cases			
Icons	32	21	15	9
faleristic items	19	24	9	6
Numismatic items and bonistics	87	87	81	21
printed editions	29	16	15	8
Paintings	4	2	2	1
philatelic items	3		1	1

articles made of gold / silver	4	3	7	1
sculptures	1		1	
ceramics	3			
watches, including hand watches	8	11	4	1
cameras	2	2		1
samovars	10	6	1	
musical instruments	1	1	1	
antique weapons	5	2	2	

**Articles detected by the customs of SFS during the illegal transportation of cultural values across the custom border of Ukraine in 2011-2014**

<i>Title</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
	<i>Number of items</i>			
Icons	49	28	19	22
faleristic items	169	256	50	44
Numismatic items and bonistics	831	1 128	399	180
printed editions	76	94	26	50
Paintings	18	3	3	1
philatelic items	187		49	154
articles made of gold / silver	9	7	7	1
sculptures	1		20	
ceramics	12			

watches, including hand watches	9	11	6	1
cameras	2	2		1
samovars	10	9	1	
musical instruments	1	1	1	
antique weapons	22	2	2	

Most cases of illegal transfer of cultural values are recorded in air transport - 47%. Basically violation of customs regulations in air transportation is carried by passengers by failure to declare or breach of custom control in the areas (corridors) of the simplified custom control. Road transport had been used by offenders in 22% of cases, rail - in 13% of cases of illegal transfer of cultural values through the custom border of Ukraine.

During the period from November 20, 2012 (when the Criminal Code of Ukraine took effect) till December 31, 2014, customs offices of the State Fiscal Department (SFD) sent to law enforcement agencies over 90 notifications regarding possible violations of Article 201 of the Criminal Code of Ukraine, where the objects of criminal offence were items with characteristics of cultural heritage.

The Office of risk analysis and counteraction to violations of Customs Law of the SFD and the Regional Information Center for the Central and Eastern Europe («RILO-Warsaw») (WCO) exchange information concerning detention of significant items in violation of the legislation of Ukraine. From 2011 through 2014, 356 notifications concerning detention of items of significant cultural value were added to the CEN WCO database.

However, no illegal importation or exportation of documentation from the National Archive have been registered during the period discussed. Documentation of the National Archive is being verified in compliance with the Program for monitoring documentation of the National Archive for 2009-2019, developed with the purpose of scrutinizing the availability and state of documents of the National Archive and approved by the Order #190 of the State Archive Committee of Ukraine of October 10, 2009. Results of these activities are discussed annually at the meeting of the Central Commission for monitoring the availability and state of documentation of the State Department of Archives.

Executive agencies, within their jurisdiction and in compliance with the Law of Ukraine, provide consultations to legal entities and individuals on a permanent basis

as well as receive their petitions and enquiries and provide information with the purpose of preventing illegal exportation of items of cultural heritage.

Effective regulations are required to be published on official web sites and in official publications of government agencies.

The Ministry of Culture of Ukraine provides open information on the State Register of buildings that present national heritage on their web site. Unfortunately, the State Register of national heritage is only being established. As of now, the Ministry of Culture of Ukraine together with the National Parliamentary Library of Ukraine have gathered and consolidated information on books that present national heritage from regional universal scientific libraries.

In addition, backup copies of publications that may be added to the State Register of national heritage are being created.

The official web site of the Ministry of Internal Affairs of Ukraine has an open section «Register of items detected» which includes items of cultural value. The access to this section is open and free.

In compliance with the Law of Ukraine # 205-VII of April 18, 2013, Ukraine ratified the Agreement on Cooperation of Countries of the Commonwealth of Independent States in the area of protection of national heritage from theft.

At the same time, international aspects of the return of national heritage are addressed in the following bilateral agreements:

- between the Government of Ukraine and the Government of Germany on cooperation in the area of culture (1993);
- between the Government of Ukraine and the Government of Poland on cooperation in the area of protection and return of items of national heritage that were lost or illegally exported during the World War II (1996).

From 2011 through first six months of 2015 the following was accomplished under the agreements mentioned above:

2011

The 9th conference of the Joint Ukrainian German Commission on return and restitution of items presenting national heritage that were lost or illegally exported in the time of and due to the World War II (Germany) Germany transferred to Ukraine a collection of Ukrainian Easter eggs (210 items) and 1 decorated plate that were exported by German occupation authorities during the World War II from the Kiev State Museum of Ukrainian Art (now the collection of four museums: the National Art Museum of Ukraine, the National Museum of History, the National Museum of Ukrainian Decorative Art, the National Kiev Museum of Russian Art ) and for about 70 years were kept at the Regional Museum of the town of Hochshtadt-am-Danube (Germany).

2013

The Ministry of Culture of Ukraine hosted a conference «The Return of National Heritage: achievements and prospects of collaboration between Ukraine and Europe». The conference discussed areas of collaboration among governments on the issues of the return of national heritage.

In compliance with previous agreements achieved during the 8th and the 9<sup>th</sup> conferences of the Joint Ukrainian German Commission on return and restitution of items presenting national heritage that were lost or illegally exported in the time of and due to the World War II (2010, 2011), Ukraine transferred to the German delegation books from the library of the Museum of Sugar in Berlin, that were brought to Ukraine due to the World War II and were kept in the library of the State Research Institution of Sugar Industry.

The 10th conference of the Joint Ukrainian German Commission on return and restitution of items presenting national heritage that were lost or illegally exported in the time of and due to the World War II (Ukraine).

Meetings of Ukrainian-Polish groups of experts of the Intergovernmental Ukrainian-Polish Commission of protection and return of items presenting national heritage that were lost or illegally exported during the World War II (Ukraine):

- The 3d meeting of the expert group in the area of archive heritage;
- The 2nd meeting of the group of experts on libraries;
- The 4th meeting of the group of experts on Ossolineum.
- The parties summarized activities in the area of collaboration among state archives and libraries of both countries and assessed as positive the fulfillments of the preliminary agreements.

During the meetings the parties discussed collaboration between Ukraine and Poland and Ukraine and Germany in the area of protection and return of cultural heritage lost or illegally exported during the World War II, and addressed options of fair exchange of such items of cultural heritage.

2014

Germany transferred to Ukraine (to the Lviv Stefanyk National Scientific Library of Ukraine) the book «Heilige Reden bey verschiedenen Gelegenheiten gehalten» published in 1771, that includes sermons of Antoine Jeanjean, a priest from Strasbourg. The book was found in the territory of Ukraine during the war campaign against Russia in June, 1944.

2015

Plans:



-The 6th meeting of the Intergovernmental Ukrainian-Polish Commission on protection and return of cultural heritage lost or illegally exported during the World War II (June, Poland);

-The 11th conference of the Joint Ukrainian-German Commission on return and restitution of cultural heritage lost or illegally exported during the World War II (October, Germany).

We would also like to present information on extraordinary situations and heritage at risk.

Under Article 3 of the Law of Ukraine «On the foundations of the national security of Ukraine», objects of national security include items of spiritual, ethical, cultural, historic heritage of the society.

Relations pertaining to protection of people, territories, natural environment and property from extraordinary situations, responding to such situations, functioning of the universal state system of civil protection, defining powers of the Central Government, the Council of ministers of the Republic of the Crimea, local governments, rights and duties of citizens of Ukraine, citizens of other countries and persons without citizenship, companies, institutions and organizations of all types of ownership, are addressed at the Code of Civil Protection of Ukraine.

Under Article 8 of this Code, the policy of the state in the area of civil protection is fulfilled by the universal state system of civil protection, comprised from appropriate territorial subsystems and their elements.

The universal state system of civil protection is supervised by the Cabinet of Ministers of Ukraine.

The direct management of the universal state system of civil protection is the function of the State Department of extraordinary situations of Ukraine.

Taking into consideration prioritized national interests of Ukraine, defined by Article 6 of the Law of Ukraine “On the foundations of national security of Ukraine”, the Ministry of Culture is one of the agents ensuring national security in public and cultural areas and, according to the Policy on the universal state system of cultural protection, approved by the Resolution #11 of the Cabinet of Ministers of Ukraine of January 9, 2014; the Ministry of Culture manages the subsystem of prevention of extraordinary situations and liquidation of their consequences pertaining to items of cultural heritage, is responsible for their protection as well as plans actions concerning evacuation of valuable items of cultural heritage.

Museum business has a most significant influence on the formation of spiritual, ethical, cultural and historic values. Potential destruction, loss or damage of items from public museum reserves of Ukraine pose a threat to national interests in terms of ethical and spiritual degradation as well as in terms of a loss of valuable scientific information preserved in museum collections that cannot be restored.

The preservation and state support of museum reserves of Ukraine is a crucial part of the government policy regarding museums.

Under Clause 41-1 of the Regulation on the Museum Reserves of Ukraine approved by the Resolution of the Cabinet of Ministers of Ukraine #1147 (amended) of July 20, 2000, the Ministry of Culture of Ukraine is a central executive agency ensuring the development and fulfilment of the government policy in the area of culture and art, including museums, takes decisions on the relocation of public museum items in the event of force majeure circumstances or of a risk of damage or loss of items from public museum reserves of Ukraine.

This function should allow to take appropriate decisions on temporary or permanent relocation of museum items and collections from public museum reserves in the event of their potential damage or loss.

Additionally, employees of museums are regularly trained to act appropriately in case of emergency.

On November 3-4, 2014, a training seminar was held at the Zaporizhia Regional Museum of Ethnography as part of the project of the Museum of Ivan Honchar «Modern Museum: Strategy for Dynamic Development» (the Dynamic Museum Project of the Fund for the Development of Ukraine).

The main goal of the training seminar for professionals from the regions of high risk, was training in preserving state portion of the Ukrainian museum fund during emergency situations, related primarily to an armed conflict, terrorist attacks and natural disasters , and as a consequence, to theft and looting.

The training seminar was conducted by specialists who have been trained under the guidance of thematic experts of the International Centre for Research in Conservation and Restoration of Cultural Property - ICCROM.

On 21.4.2015 the seminar on " First Aid Emergency museums : international practice and Ukrainian experience" was held as part of the Ivan Honchar Museum "Current Museum: dynamic strategy development" (project " Dynamic Museum" Foundation "Development of Ukraine ").

The seminar considered the experience of Ukrainian museums during mass protests, military confrontation and armed conflict. Participants received the information about international practice of comprehensive preventive measures, operational decision making and providing “first aid” assistance to museum collections and heritage sites in crisis situations related to mass protests, armed conflict, terrorist attacks and natural disasters and learned more on emergency response politics of government agencies and community on strategies of civil initiatives on museum security.

On 23.12.2014, as a result of the joint meeting of the Museum Council at the Ministry of Culture of Ukraine and the Ukrainian National Committee of ICOM, the decision was to initiate the national level proposal on the safety of museum collections and museum institutions in the event of a threat of loss, damage, destruction of museum objects during armed conflict and the occurrence of unforeseen circumstances.

The corresponding proposal was brought up by the Ministry of Culture of Ukraine for consideration at the next meeting of the National Security and Defense of Ukraine, which, according to the Law of Ukraine "On the National Security and Defense of Ukraine" decides, in particular on determination of strategic national interests of Ukraine, conceptual approaches and directions of national security and defense in the political, economic, military, scientific, technological, environmental, information and other areas.

As seen from the stated above Ukraine makes step by step reforms to the system of protection, conservation and the prevention of illegal activities with regard to cultural heritage and will continue moving on this path.