

MODERNIZATION OF THE REGIME FOR THE RETURN OF CULTURAL AND HISTORICAL OBJECTS: ADMINISTRATIVE AND LEGAL ASPECTS

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The removal of national objects from Ukraine has taken place not only for several years, but also for several centuries. The relevance of this article is that procedures for the return of lost cultural and historical objects require effective national laws and functional administrative bodies, and necessitate a structured mechanism for settling the process. The purpose of this article is to highlight research conducted on the modernization of administrative and legal aspects of the Ukrainian regime for the return of cultural and historical objects. The results of this study may contribute to the development of an effective administrative and legal mechanism and functional procedures for returning cultural and historical objects to Ukraine. Through an analysis of international treaties governing the restitution of cultural objects, we have come to the conclusion that, as a first step, Ukraine needs to create a renewed state body, namely the State Service for the Return of Cultural Property and Historical Monuments. The significance of our results is that this research can serve as a basis for future changes to the current legislation for the return of cultural and historical objects to Ukraine.

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I INTRODUCTION

Ukraine has come a long way since independence. Ukrainians have dreamed of freedom and independence at every stage of historical development. For a long time, our state was under the rule of other countries, and for several centuries the territory of our country was occupied by Russia and Poland.¹ Because of this, Ukraine can be

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called a “robbed” country in terms of the loss of historical objects taken during these times. For example, historian Serhiy Kot points out that during World War II alone, Ukraine lost up to 250,000 items from 21 museums, as well as about 50 million books and 800 icons.² He says that items taken from Ukraine accounted for 55% of all cultural objects of the country (Kot, 2009).³

Processes for restitution of cultural and historical objects is quite widespread in the world. Almost every country has been through dozens of wars where objects were removed illicitly. Sometimes the return of valuable artefacts requires proof of the fact that the object is indeed illegally in the territory of another state, and sometimes an exchange is possible if there are such agreements between the countries.⁴ For example, the United States and Germany are actively involved in a cooperative restitution policy, so in this study we have taken the experience of these countries as the basis for suggestions for Ukraine.⁵

The purpose of this article is to highlight research conducted on the modernization of administrative and legal aspects of the Ukrainian regime for the return of cultural and historical objects. Through an analysis of international treaties governing the restitution of cultural objects, as well as the experiences of the US and Germany, we have come to the conclusion that, as a first step, Ukraine needs to create a renewed state body, namely the State Service for the Return of Cultural Property and Historical Monuments. The results of this study may contribute to the development of an effective administrative body for Ukraine and can serve as a basis for future changes to the legislation and processes for the return of cultural and historical objects to Ukraine.

II THE US PRECEDENT

In 1942, before the beginning of active Allied combat operations in Europe, the top leadership of the United States raised the question of creating a “corps of specialists who, in cooperation with the ground and naval forces, would deal with the

¹ See Paul R. Magocsi, *A history of Ukraine : the land and its peoples*, 2nd ed., Toronto, University of Toronto Press; 2010.

² S. Kot, ‘Soviet evacuation of Ukrainian cultural values on the territory of the Ukrainian SSR during the Second World War in the context of problems of return and restitution of lost cultural heritage’ (2009) 12 *Pages of Military History of Ukraine* 321.

³ *Ibid*, 322.

⁴ T. Mazur, ‘Implementation of UN and UNESCO International Legal Norms on the Protection of Cultural Heritage into Ukrainian Law’ (2020) 10 *Law Journal of the National Academy of Internal Affairs* 115.

⁵ See N. Cieślińska-Lobkowitz, ‘Das Spannungsfeld von Nationalgedächtnis und Politik: Restitution in Europa’ (2014) 35(69) *Artibus et historiae* 267; P. Gerstenblith, ‘For Better and For Worse: Evolving United States Policy on Cultural Property Litigation and Restitution’ (2015) 22 *International journal of cultural property* 357.

protection of monuments and works of art”.⁶ The first practical step in this direction was taken by the US military leadership to establish a school of military administration in Charlottesville, Virginia, the curriculum of which included instruction on the preservation of art monuments. In June 1943, US President F. D. Roosevelt approved the creation of a special American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, which included American experts (the so-called “Roberts Commission”) and supported the American policy of restitution of cultural property after World War II. They became officers of the Monument Protection Service, which operated at the Commander-in-Chief’s headquarters and had its representatives among the vanguard units of each of the allied armies. This unit was soon renamed a special service – the.⁷ Since then, the United States has initiated international efforts focused on the restitution of property looted from war-torn countries.

The experience and work of the United States in restitution is important because such an active policy and institutional approach demonstrates that that country is not indifferent to the issues associated with imported cultural and historic property. The government pursued an active policy to save its cultural heritage and the heritage of other states. Turning to Ukraine, it does not set out the importance of this issue in law, policy and institutions. The US experience could, therefore, be taken as a model for the formation of similar approaches in Ukraine, in which the preservation of cultural values is equated with respect for past heritage and future generations who will be able to study the history of our country through these monuments and objects.

The Federal Republic of Germany has also made an important contribution to the study of the restitution process. Namely, in 1998 it established the Coordination Centre for the Protection of Cultural Property in Magdeburg.⁸ Much work is being done on the search for lost works of art, reconstruction of collections, and creation of lists of objects that shed light on the history of artistic works. Thanks to the creation and operation of the German Coordination Centre, research in this area has grown substantially. Due to the fact that the authorized body in Germany knows where and what it is looking for, the following cultural and historical objects were transferred from Ukraine to Germany: an archaeological complex of 8,000 fragments of ceramics and glassware, which originated from the monument of the ancient Germans of the settlement of the I-III centuries; three albums with engravings of the XVIII century

6 S. Kot, S. From the history of formation of organizational bases of the state policy of return and restitution of cultural values in independent Ukraine. (2010) 36 *History of Ukraine. Little-Known Names, Events, Facts* 361 at 368.

7 See Robert M. Edsel, *The monuments men: Allied heroes, Nazi thieves, and the greatest treasure hunt in history*, New York, Center Books, 2009

8 See V. Soloshenko, V. Displacement or loss of cultural values: new dimensions of solving the problem in Germany. (2019) 5 *European Historical Studies* 112.

were transferred to the Dresden Art Gallery from the funds of the Kyiv Museum of Western and Oriental Art.⁹ The most important returns of cultural objects from Ukraine to Germany include the so-called “Bach Archive” of the Berlin Singing Academy, archival documents related to Johann Wolfgang von Goethe.¹⁰

The experience of foreign countries shows that political will, combined with the creation of an effective administrative body and legal framework, can have positive results.¹¹ The US provides a useful example to demonstrate how to care for, and manage the return of, cultural objects. This country not only preserved its own cultural objects from the first years of the Second World War, but also helped other countries to find their cultural objects. Germany demonstrates that a body that has a well-defined system and clear goal – to return its assets – can achieve results. The experiences of the US and Germany show that an active policy and a clear mechanism for functional administrative regulation can produce very high results.

III LEGAL FRAMEWORKS FOR THE RETURN OF CULTURAL OBJECTS

A key point in regulating the restitution of cultural and historical values is international cooperation. Ukraine has already benefited from this, with the return of hundreds of thousands of relics and monuments between 1993 and 2011, such as the return of Gryshchenko’s works, choreographic and cinematic heritage in Vasyl Avramenko’s works, archival materials of Halyna Mazurenko, Viktor Nekrasov, Oles Olzhych and others.¹² The “Catalogue of Lost Exhibits of the National Museum in Lviv”, the catalogues “Library Funds of Kharkiv during the Second World War”, “Funds of Losses of the Volyn Museum”, etc. were created.¹³

The key normative instruments regulating international relations in the field of restitution of cultural objects provide commitments for the return of cultural heritage to each country. A more specific description is given in Table 1.

⁹ S. Kot, ‘Ukrainian-German relations on the return and restitution of cultural values (1991-2012)’, (2012) 21 *International Relations of Ukraine: scientific research and discoveries*, 165.

¹⁰ Ibid.

¹¹ A. Kolodii, ‘Protection of cultural heritage in Ukraine: Legal aspects’ (2020) 25 *Scientific Journal of the National Academy of Internal Affairs*, 135.

¹² See S. Kot, *Ukraina i Respublika Pol'shcha*” of the author’s monograph *Povernennia i restytutsiia kul'turnykh tsinnosti u politychnomu ta kul'turnomu zhytti Ukrainy u XX–na poch. XXI st.* (The Return and Restitution of Cultural Property in the Political and Cultural Life of Ukraine During the Twentieth and Early Twenty-First Centuries), Instytut istorii Ukraïny NAN Ukraïny, 2020.

¹³ Ibid.

Table 1: International Treaties Governing The Restitution of Cultural Property in the World

The name of the document	Substantive provisions
Convention on Measures to Prohibit and Prevent the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)	<ul style="list-style-type: none"> - The states-parties to this Convention undertake to establish one or more national cultural heritage protection services in their territory, taking into account the conditions of each country; Qualified personnel of this service should perform such functions as: <ul style="list-style-type: none"> - to promote drafting bills that would fully regulate the return and export of cultural property; - to compile and update a register of important cultural values, the export of which will lead to the impoverishment of cultural heritage; - to ensure that the disappearance of any cultural property becomes widely known.
UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995)	<ul style="list-style-type: none"> - Cultural values are those objects that are important for religious or secular reasons for archaeology, the study of prehistoric times, history, literature, art or science; - the one who possesses the stolen property must return it; - claims for restitution must be filed within three years from the moment the plaintiff learned of the location of the property and the person who owns it, and in any case within 50 years of the theft; - a claim for restitution of objects that are an integral part of a monument or archaeological site or are part of a public collection is not subject to any limitation period, except for a period of three years from the moment when the owner learned of the location of cultural property; - the claim may be limited to 75 years or even longer at the request of the State party.
Convention for the Protection of Cultural Property in the Event of Armed Conflict of (1954)	<ul style="list-style-type: none"> - Cultural values during armed conflicts do not lose their importance for a nation, so especially significant of them may be under the protection of qualified personnel and have special marks so that the states-parties do not damage them.

Resolution “Return or restitution of cultural property to the countries of origin” (1987)	<ul style="list-style-type: none"> - Recommendation to member states to ensure that descriptions of museum collections cover not only the exhibits but also the items in storage and that they contain all the necessary documentation, in particular photographs of each item; - calls on the member states to work closely with the intergovernmental committee for the promotion of the return of cultural property to the country of origin or its restitution in the event of illegal appropriation and to conclude bilateral agreements for this purpose.
Minsk Agreement on the Return of Cultural and Historical Values to the States of Their Origin (1992)	<ul style="list-style-type: none"> - the participating states shall establish an intergovernmental commission on a parity basis to establish a mechanism and practical work for the return of cultural and historical values to the Commonwealth member states; - identification of categories of cultural and historical values to be returned; - member states shall establish national commissions to draw up systematic descriptions of cultural and historical values located in the territory of the state concerned and in other member states of the Commonwealth; - states parties will provide experts of national commissions with opportunity to get acquainted with each other’s funds of state museums, libraries and archives.

The international community recognizes that the return of cultural heritage is an important task for every country. Ukraine has ratified all the agreements, conventions and resolutions listed in Table 1, which means that it has committed itself to doing everything possible to restore cultural objects. These ratifications enable those involved in the return of cultural object in Ukraine to negotiate internationally and argue for Ukrainian heritage to be returned to the territory of its historical homeland.

At the domestic level, the relevance and priority of cultural heritage in the state policy of Ukraine was pointed out by the President of Ukraine, who on August 24, 2021 in a solemn speech on the Independence Day of Ukraine proclaimed: “We will return not only our people, we will return our historical and cultural values, which are abroad. We will never give anyone a stone of our history again, we will not allow to

occupy any page of our history...¹⁴. Ukraine has no laws or decrees governing the restitution of private property, nor has the government made any proposals in this regard.¹⁵

The legal framework governing the restitution of cultural property in Ukraine has only one special legal act – the Law of Ukraine “On the export, import and return of cultural property” of September 21, 1999 № 48. According to this Law cultural property is objects of material and spiritual culture that have artistic, historical, ethnographic and scientific significance and are subject to preservation, reproduction and protection in accordance with the legislation of Ukraine; cultural property created on the territory of Ukraine by citizens of Ukraine; cultural property created on the territory of Ukraine by foreigners or stateless persons who permanently reside or have resided on the territory of Ukraine; cultural property discovered on the territory of Ukraine; cultural property imported into the territory of Ukraine. Analysing this legislation, we note that it only superficially regulates important restitutions, so it needs to be updated and modernized. Taking into account the date of adoption of the Law, which is 1999, it can also be considered that it was created without taking into account current global trends and challenges. The preamble to the Law of Ukraine «On Culture» of December 14, 2010. states that this Law defines the legal basis for activities in the field of culture, regulates social relations related to the creation, use, distribution, preservation of cultural heritage and cultural property, and aims to ensure access to them. «Unique cultural values that have exceptional historical, artistic, scientific and other cultural significance for the formation of the national cultural space and determine the contribution of the Ukrainian people to the world cultural heritage are recognized as objects of national cultural heritage and are included in the State Register of National Cultural Heritage.» under the Cabinet of Ministers of Ukraine.¹⁶

IV RESULTS AND DISCUSSION

In analysing the legal regime for restitution of cultural and historical objects, we note that the only current legislation in Ukraine in this area, namely the Law of Ukraine “On export, import and return of cultural property to the territory of Ukraine” (1999) № 48 has not been fully implemented and is not, therefore, functional. The legislation currently stipulates that the processes of export, import and return of cultural property are carried out by one body – the central executive body – which implements state policy in the field of export, import and return of cultural property. The status of this

¹⁴ Available at <https://www.president.gov.ua/en/news/promova-prezidenta-volodimira-zelenskogo-z-nagodi-30-yi-rich-70333>

¹⁵ See US Department of State, Property Restitution in Central and Eastern Europe, available at <https://2001-2009.state.gov/p/eur/rls/or/93062.htm>.

¹⁶ See Anastasiia Shum, ‘The Place of Cultural Property in Ukrainian Legislation’, available at file:///C:/Users/Owner/Downloads/The_Place_of_Cultural_Property_in_Ukrainian_Legisl.pdf.

body has not been determined. The legislation defines a generalized body that should deal with the processes of preservation and return of cultural values. As of 2023, there is a gap in Ukraine in both legislative and administrative regulation of the restitution of cultural and historical objects, which is unacceptable for modern society. Analysing the procedure for restitution of cultural and historical objects in Ukraine, we consider that the main problem is the lack of a body that would carry out activities on this issue. From 2000 to 2011, a State service for control over the movement of cultural property across the state border functioned in Ukraine. As a result of its work, about 150,000 archival materials were returned, including collections of the works of historian D. Solovey, poetess V. Vovk, archaeologist P. Kurinny, and artist Yu. Mykhailiv, as well as archives of the family of Hetman P. Skoropadsky¹⁷. Hundreds of unreturned Ukrainian historical and cultural objects remain abroad, including archives of societies, collections of books, libraries and icons, yet activities for the return of objects in this area have ceased. Probably, this happened because the positive results achieved by the previous bodies led to the belief that everything had already been returned.¹⁸ However, Ukraine's participation in international conventions has not stopped, and no other country has refused to comply with the State's policy on return of cultural values.

After analysing the activities of all bodies – the former National Commission for the Return of Cultural Property (1992-1999) and the State Service for Control over the Movement of Cultural Property Across the State Border (2000-2011) – we have identified some problems which must not be repeated when creating a new state body. First of all is the issue of the status of the body. The main problem facing both the National Commission for the Return of Cultural Property and the State Service for Control over the Movement of Cultural Property Across the State Border is the forced subordination to the Ministry of Culture and Information Policy of Ukraine. This negatively affects the activities of the bodies, as they are delegated additional tasks by the Ministry and their autonomy is reduced. Separation is necessary so that all employees are engaged in their principal task and are not distracted by other functions. The body dealing with restitution issues should be independent and accountable to the higher-level Cabinet of Ministers of Ukraine.

Secondly, it is not clear who should be responsible for processes which are prescribed by law. For example, travelling with cultural property to the territory of another state requires the permission of an expert. Cultural values presented for export (temporary export) and returned after temporary export are subject to mandatory state examination. The procedure for conducting state examination of cultural property and the amount of payment for it are approved by the resolution of the Cabinet of

¹⁷ See K.R. Koroshchenko, 'Administrative regulation of restitution of cultural values in Ukraine: history and problems of the industry' (2020) 25 *Legal Horizons*, 86.

¹⁸ *Ibid.*

Ministers of Ukraine.¹⁹ There is no prescribed procedure for determining who is responsible for “accidental” issuance of a permit when it should not have been issued. It is also unclear in which register the search for a cultural object is carried out and whether it is carried out at all.²⁰ Lack of regulations and instructions that guide the industry experts can result in poor performance of their duties and lack of responsibility for non-compliance.

Thirdly, there is no connection with the public, however it was the Ukrainian diaspora that helped the National Commission for the Return of Cultural Property to restore important historical and cultural objects. For example, thanks to the cooperation of the Commission with the diaspora the return of Gryshchenko’s works, choreographic and cinematic heritage in the works of Vasyl Avramenko, archival materials of Halyna Mazurenko, Viktor Nekrasov, Oles Olzhych and others was achieved. However, if a representative of the Ukrainian diaspora now wants to return a cultural object, he/she will struggle to find the correct person to contact, because the expression “central executive body” in the law has little specificity, and most likely such a person will not want to spend time finding out who to cooperate with.

Fourth is the problem of funding. The issue of funding the body that will deal with the return of cultural property must be put on the agenda, because over the last 10 years, the lack of any activity on this issue has saved money but also resulted in little restitution of cultural property.²¹

Fifth, it is not known who determines that cultural property is lost or being removed, and how, and it is not clear in which register this information is entered.

Sixth, we want to emphasize that the wording of the return of valuables that were exported exclusively during World War II is too restrictive, because such objects have been exported and stolen since the 12th century.²² Therefore, laws for the restitution of cultural property should refer to all the valuables that belonged to Ukraine.

Seventh, there is a lack of administrative bodies to control and manage the export of cultural property at the customs border²³. Although, the specially authorized state body for control over the export, import and return of cultural property is the Department for the movement of cultural property of the Department of Museum Affairs and Cultural Property under the Ministry of Culture of Ukraine (hereinafter - the Control Body). The control body carries out the tasks assigned to it and interacts with the Main Archival Directorate of Ukraine, the National Commission for the

¹⁹ See <https://inconsulting.com.ua/en/examination-of-antiques/import-and-export-of-cultural-property.html#:~:text=The%20specially%20authorized%20state%20body%20for%20control%20over,Culture%20of%20Ukraine%20%28hereinafter%20-%20the%20Control%20Body%29..>

²⁰ Koroshenko, n.18 supra.

²¹ T. Syroid, Y. Kolomiets, O. Kliuiev, V. Myrhorod-Karpova, ‘International financial institutions as subjects of the financial system of the state’ (2019) 2 *Asia Life Sciences* 74.

²² Ibid.

²³ K. Arlind, ‘The return of historical monuments removed from the territory of Ukraine after 2014. Problems of archaeological research in times of war’ (2023) 33 *Foreign Affairs* 21.

Return of Cultural Property to Ukraine, the State Customs Service of Ukraine, and law enforcement agencies. These government agencies could also be engaged in the local search for valuables that need to be identified as lost.

The state body for the return of cultural property should not exist only on paper. The history of administrative regulation shows that there have been bodies that have carried out quite successful restitution activities. Lessons could be learnt from the positive experience of such bodies, and they could inform arrangements for the newly established institution that will deal with this issue. The main problem of state regulation of the return and restitution of cultural property is the absence, or dissolution of, institutions that brought results, as well as the lack of a policy for return and restitution of cultural objects that would place the issue on the government agenda. These issues need to be addressed, taking into account all the shortcomings of previous bodies, as well as current issues and funding for the creation of a renewed, independent body. Such a body must be independent in status and have separate sections and competent staff to carry out its functions.²⁴

V OPTIONS FOR REFORM

In the process of studying the state of restitution of cultural property, it became clear that due to the lack of an effective regulatory framework and functional administrative body, return activities are declining. Active action is needed to address this issue. We believe that there are three ways to modernize the administration: 1) to leave the body that exists today; 2) to restore the previously functioning bodies; and 3) to create a new state body.

The first option involves making the body under the Ministry of Culture and Information Policy functional. This means reducing the excessive number of functions, limiting the number of staff, increasing the insufficient budget, and addressing lack of productivity due to the poor approach to business. Even if staff numbers were to be expanded, productivity could not be guaranteed due to the lack of systems and strategic planning.

The second option is to restore previously functioning organs. The first thing to note is that the authorities really had some achievements in the form of restoring historical objects that are still in Ukrainian museums today.²⁵ However, the functioning of the organs had significant shortcomings, including lack of a systematic approach and inability to address complex issues. For example, the National Values Committee functioned mainly through the diaspora and their connections. The State Service for

²⁴ Y. Harust, V. Myrhorod-Karpova, P. Pinchuk, 'Search for the ways to optimize the activities of state bodies managing the funds of international technical assistance' (2019) 2 *Asia Life Sciences*, 104.

²⁵ See Vadym Abyzov, 'AL Heritage of Ukraine and Ways of their Recreation. Lost Monuments of the Culture' (2023) 15(1) *Structure and Environment* 17.

Control over the Movement of Cultural Property Across the State Border dealt exclusively with the issue of cultural and historical objects crossing borders, and as a consequence, the return of illegally transported property. The positive experience of this body is also related to its territorial peculiarity, as the services were located in border towns and involved local action. However, in order to cover more countries and places where Ukrainian objects are located, it is necessary to combine past achievements and add more personnel and powers for successful operations.

Analysing the above, we believe that the only way to solve the problem is to create a new state body, namely the State Service for the Return of Cultural Property and Historical Monuments. First of all, it should be noted that the search for and return of cultural values should separate the concepts: cultural and historical property. Cultural property includes everything that plays an important role in supplementing the cultural heritage of Ukraine, and historical property includes all those objects that are important for research and study of the history of our country. In particular, this is the opinion of the scientist Serhiy Kot who published a monograph on the restitution of cultural values.²⁶ In his work, Kot defines cultural property as objects of material and spiritual culture that have historical, artistic, scientific and other cultural significance.

The next aspect that we consider necessary is reform of the temporal restrictions on the search for cultural objects. This should not be limited only during World War II, as stated in the Law of Ukraine “On the export, import and return of cultural property” of September 21, 1999, but cover all the time since Ukraine became an independent state, because the export of national heritage took place not only for several years but for several centuries. The state body for the return of cultural and historical values should have four areas of activity: investigation, search; negotiations for the return of objects; and management of the return process. We emphasize that the body should be accountable to the Ministry of Culture and Information Policy, but apart from reporting the bodies should not include anything else (Table 2).

Table 2. Structure of the State Service for the Return of Cultural Property and Historical Monuments

Name of structural unit	Content of work
Commission for the Search for Cultural and	The work of the commission is directly related to the Register of Lost Values. It is at this stage that the best experts must work to investigate what has been lost over the centuries of Ukraine’s plunder.

²⁶ S. Kot, *Return and restitution of cultural values in the political and cultural life of Ukraine (XX-early XXI century)*. Kyiv: Institute of History of Ukraine, National Academy of Sciences of Ukraine, 2020.

Historical Values	<p>It is mandatory to cooperate with regional archives and conduct the regular trips to cities to communicate with local historians, who have more information about lost values.</p> <p>The workers of this process are also responsible for clarifying the information where the monument is located. It is important that expeditions and search teams to other countries are organized to clearly understand where historical value is preserved.</p>
Commission for Negotiations on the Return of Cultural and Historical Values	<p>The commission is negotiating with the other party, which is a historical monument. On the dialogue stage the workers are responsible for organizing meetings with representatives of another country, where it is proved that the object is of Ukrainian origin basing on clear facts. The participants of the dialogue stage are diplomats, lawyers, historians, ethnographers, museum workers.</p>
Commission for the Return of Cultural and Historical Values	<p>Comprehensive list of persons from the commission are sent on a business trip to pick up a monument that is recognized as Ukrainian. It is important to have diplomats, lawyers and historians who will represent Ukraine at the appropriate level, and it is important to have clear requirements to transport the monument properly to Ukraine without damaging it.</p>
Commission dealing with the export of cultural and historical values	<p>The Commission carries out a multi-stage verification of the value, as well as a mandatory search in the Register of Lost Cultural Property and in case of similarity not to issue a permit for export. The value submitted by a citizen applying for an export permit must be registered in the Register of Immovable Cultural Property (which will also be developed by the Commission for the Search and Return of Cultural Property).</p> <p>Authorized persons who accompany the exported monuments and exercise full control over how the cultural property is protected and adheres to all previous agreements.</p>
Commission for the detection of forgeries of cultural and historical values, within the	<p>Detection of original or counterfeit returned cultural property to the territory of Ukraine will be conducted by a special commission for the detection of counterfeits, which would deal with a full examination of cultural property.</p>

proposed State Service for the Return of Cultural Property and Historical Monuments	
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Finally, it should be considered whether it is necessary to allocate funds from the budget to create a body that will return cultural and historical values to Ukraine from around the world. If Ukrainians need to restore their history and cultural heritage, then it is necessary to begin work on modernizing the legal and administrative regime, and that will involve the allocation of budget. Indeed, the necessary funds, staff, the use of the most effective means of public administration, improvement of the existing regulatory framework, creation of a special body, all require political will, time and resources. However, returning a nation's history, honouring a country's heritage, and restoring lost pieces of national identity are critical matters and demand significant commitment and effort.

VI CONCLUSION

Summarising the results of the study, we believe that for the effective functioning of the administrative and legal mechanism of restitution of cultural and historical property in Ukraine, reform is necessary in several areas. First, legislative reform, which must provide for functioning of Acts and supporting regulations that make the restitution process work effectively. Secondly, administrative reform, which is aimed at creating a renewed state body – the State Service for the Return of Cultural Property and Historical Monuments. Thirdly, creation of a Register of lost cultural and historical objects, which should be in the form of a clear list and should contain all the information about the item of cultural property that belongs to Ukraine but is located in another state. Beginning the work on the Register of lost cultural objects is the launch of an important restitution mechanism of cultural values in Ukraine. In order for the Register to work, it will require the assistance of leading specialists (namely, historians and local historians, archaeologists, etc.), as well as the involvement of innovative technologies.

This research can serve as a basis for outlining future changes to the current legislation and administration for the return of cultural and historical objects to Ukraine.