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The problem of restitution of cultural heritage: interaction between Ukraine and Poland

Abstract: The problem of preservation and return of cultural valuables is one of the most delicate and difficult areas of international cooperation. The issue of restitution is relevant for many countries around the world, in particular for Ukraine, which for various reasons has lost a significant amount of its cultural heritage. The article touches upon the general aspects of the problem of restitution, highlights the features of this process in modern Ukraine, the possibility of using the experience of the Republic of Poland in the process of returning objects of Ukrainian cultural heritage. Preservation of the cultural heritage of political emigration, private collections of individuals and families stored in the archives and museums of other countries remains relevant for modern Ukraine. There is the urgent problem of introducing the legal term “restitution of cultural valuables” into the legal field of Ukraine and strengthening control over the movement, theft of cultural heritage objects, etc.

Key words: restitution – cultural valuables – international regulations – national legislation – cultural heritage

Cultural heritage is the spiritual treasure of the people, embodied in images and objects, monuments, relics and shrines; it is a reflection of the mentality, national character, identity, cultural tradition of the ethnos. Preserving and increasing its cultural wealth is an important task for every nation.

Unfortunately, history knows many examples of the loss of cultural valuables by states and peoples. Insufficient funding, theft by criminals, and, above all, looting of monuments during wars can contribute to this process. Cultural valuables on the European continent suffered special losses and displacements during the First and Second World Wars. Nowadays, the problem of return and restitution of their cultural heritage is relevant for many countries around the world, in particular for Ukraine, which has lost for various reasons a significant amount of its cultural heritage.

A good example of defending the rights to one's cultural heritage is the Republic of Poland, which has a good experience of restitution its cultural valuables at the state level after the First World War (provisions of the Riga Peace Treaty of 1921, when the Polish delegation managed to get Soviet Russia to recognize cultural heritage of the Polish people outside Poland, and the intention of the Russians to return them). Therefore, it makes sense to carefully consider the problem of restitution, to find out the peculiarities of the process in modern Ukraine, the possibility of using of both positive and negative experience of the Republic of Poland in the cultural heritage restitution process.

Achieving the global goal of returning cultural heritage is associated with overcoming a number of problems, diverse in content, means and level of their solution. One of the most difficult problems is the problem of objectively reliable information about the fate of Ukrainian cultural valuables during the war: the general scale of the loss of cultural valuables, the reasons and specific circumstances of their destruction or looting. Therefore, addressing to this topic is important in view of the possibility of obtaining new factual material on the transformation and restitution of cultural valuables, which contributes to the development of proposals and recommendations aimed at improving public policy for the protection of cultural heritage.

Ukraine has very little experience of entrusting cultural heritage, so there is a need for a deeper understanding of the legal aspects of the problem and borrowing the experience of other countries. We set the following tasks of the research: to identify and reveal the problems of restitution of the cultural heritage of Ukraine, to show cooperation in this matter with the Republic of Poland.

In the article the authors used general scientific methods of periodization, analysis, synthesis, analogy, as well as general historical – historical-genetic, historical-comparative, synchronous research methods.

In international law, “restitution” is a type of material liability of a state that has committed an act of aggression or other internationally wrongful act.

Restitution in this case is the obligation of the state to eliminate or reduce the material damage caused to another state, to restore the previous state. Experts in Ukraine distinguish various possible forms of restitution, known from world experience – restitution of objects (land restitution; restitution of subsoil, water, forests and other natural objects; restitution of buildings and structures; financial and monetary restitution) and sub objects of public law (state, church and religious restitution, etc.) and private law (individuals and legal entities). In particular, economist Serhij Tutov explains that in addition to land, potential objects of restitution can be considered real estate, which previously belonged to citizens and communities, and now residents of other countries – it's houses, religious buildings (churches and synagogues), buildings that housed public institutions (hospitals, archives, libraries, theaters, clubs), as well as cemeteries. Movable property is considered an important object of restitution – documents kept in communities and individuals, works of art and museum exhibits, furniture and ritual objects, money and securities, jewelry, books and archives. The legalization of all this is followed by long and painstaking work. Moreover, the return of private property is a much more time-consuming procedure than the return of state property¹.

Historians estimate that in Europe alone, more than five million works of art were stolen by the Nazis or changed hands during World War II². But despite the scale of the problem, for many decades the issue of restitution remained largely unresolved.

The return and restitution of cultural property is a difficult issue for many countries in foreign policy. Cultural and historical components always prevail over financial factors, and the owner country uses all available legal mechanisms to restitution historical heritage. After the end of the Second World War, the legal framework in this area was formed, but the problem of returning cultural valuables still remains on the agenda. Thus, the Federal Control Council for Germany adopted the so-called Four-Way Restitution Procedure, on the basis of which historical and artistic valuables, archives and book collections discovered in Germany and Austria were returned to the occupied countries between 1945 and 1948. Among them were outstanding cultural monuments: the Ghent Altar (Belgium), Leonardo da Vinci's "Mona Lisa" (France) and "The Lady with the Ermine" (Poland), Giovanni Bellini's "Madonna" (Italy) and others. However, the deterioration of relations between the USSR and Western countries did not allow to complete the restitution process in the first post-war

1 *Pol'scha pochynaie masshtabnu kampaniiu z povernennia svoho majna v Ukraini*, [online] http://goruzont.blogspot.com/2016/11/blog-post_830.html [accessed 10.05.2021].

2 Luiza fon Rikthofen, D. Kanevs'kyj, «*Vkradene mystetstvo*»: *chomu restytutsiia dosi vyniatok, a ne pravyllo?*, [online] <https://p.dw.com/p/39NH2> [accessed 10.05.2021].

decades on the basis of mutually agreed principles. It should be emphasized that the Soviet Union never agreed to the Western Allied post-war cultural restitution process, while what they demanded and carried out unilateral reparations, including “cultural compensation”. Acts of restitution of cultural valuables lost during the war were sporadic³. An example is the donation from the USSR of the funds of the Dresden Art Gallery, the transfer from Lviv to the Polish side of part of the funds and manuscripts of the Ossolineum collection, which are now in Wrocław.

A significant number of works of art are stored in “foreign” museum or private funds, and the issue of their return is becoming one of the key in bilateral relations. The problem of restitution cultural valuables is one of the most delicate and difficult areas of international cooperation. Cultural valuables have become the object of attention of the world community. Today, they unite the actions of politicians, diplomats, government agencies, scientists, cultural and artistic figures, employees of archives, museums, libraries – all who care about the fate of culture. Cultural valuables are the main criterion for maintaining the inseparable spiritual connection of generations, uniting them into a single chain of historical development.

The European Community has gained considerable experience in restitution, taking into account international standards enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the European Court of Human Rights. At the heart of this practice is the axiom of returning illegally confiscated property or paying fair compensation to property owners if it is impossible to return it.⁴ In the 1990s, intergovernmental commissions were established: the Ukrainian-German, Ukrainian-Polish, and Ukrainian-Hungarian, which dealt with the return of cultural property. Ukraine also offered to set up an intergovernmental commission in the Russian Federation, but was flatly refused. On the basis of the Ministry of Culture of Ukraine there are Ukrainian units of the Ukrainian-Polish and Ukrainian-German commissions for the return of illegally exported cultural property during the Second World War.

In the early 1990s, researchers’ interest in restitution revived. Ukrainian historians Serhij Kot and Oleksij Nestulya made a thorough contribution to the coverage of restitution and the need to return historical and cultural valuables to Ukraine from the RSFSR by publishing a collection of documents *Ukrainian*

3 O. Opanasenko, *Problema povnennia kul’turnykh tsinnostej (Ukraina – Nimechchyna)*, “Naukovi Zapysky” 2008, Vol. 42, pp. 221–231.

4 *Konventsiiia pro zakhyst prav liudyny i osnovopolozhnykh svobod ta Yevropejs’kij sud z prav liudyny*, [online] <https://minjust.gov.ua/m/konventsiiya-pro-zahist-prav-lyudini-i-osnovopolozhnykh-svobod-ta-evropejskij-sud-z-prav-lyudini> [accessed 10.05.2021].

*cultural valuables in Russia. The first attempt to return 1917–1918*⁵. Employees of two sub commissions headed by Hnat Stelletsy and Hryhoriy Pavlutsky were involved in compiling the lists of monuments of Ukrainian history, which were engaged in the lists of archaeological, historical and artistic monuments, respectively. It is quite natural that considerable attention was paid to the Cossack jewels, whose return was advocated not only by scientists and cultural figures, but by the general public. Most of the national Ukrainian historical relics were kept in the Armed and Faceted Chambers, the Historical and Artillery Museums, the Kazan Cathedral, the Hermitage, and other Russian museums and repositories. The list included flags of the Zaporozhian Army, including Hetmans of Ukraine Ivan Vyhovsky, Demyan Mnohohrshny, Ivan Mazepa, Ivan Samoilovich, Ivan Skoropadsky, the mace of Myrhorod Colonel Danylo Apostol, the sword of I. Mazepa, and five guns of masterpieces of Ukrainian foundry masters Karp and Joseph Balashevich⁶. The activities of the Ukrainian cultural commission during the peace talks of the delegation of the Hetmanate and the RSFSR in 1918 are considered in the study of Oleksij Lupandin⁷.

Problems of restitution of cultural valuables in interstate relations were studied by Leonid Haidukov⁸, Mykola Het'manchuk⁹, Viktoriya Lyshko¹⁰, Viktor Akulenko¹¹, Ivan Zavada¹², Oleksandr Danylenko¹³, S. Kot¹⁴, Yuriy

5 S. Kot, O. Nestulia, *Ukrains'ki kul'turni tsinnosti v Rosii. Persha sprobа povernennia 1917–1918*, Kyiv 1996.

6 Tsentral'nyj derzhavnyj arkhiv vyschykh orhaniv vlady i upravlinnia Ukrainy (Central State Archives of Supreme Bodies of Power and Government of Ukraine), f. 2607, op. 1, sp. 61, sheet 42.

7 O. Lupandin, *Pytannia restyutsii kul'turnykh tsinnostej v konteksti ukrains'ko-rosijs'kykh myrnykh perehoviriv 1918 r.*, "Problemy Vyvchennia Istorii Ukrains'koi Revoliutsii 1917–1921 Rokiv" 2010, Vol. 5, pp. 287–314.

8 L. Hajdukov, *Heopolitychnyj chynnyk u stanovlenni ta rozvytku vidnosyn Ukrainy ta Respubliky Pol'scha*, [in:] *Heopolitychne majbutnie Ukrainy. Materialy mizhnar. nauk.-prakt. konf. (19–20 berez. 1998 r.)*, ed. L. Hajdukova, T. Aleksandrova, Kyiv 1998, pp. 87–88.

9 M. Het'manchuk, *Ukrains'ke pytannia v radians'kopol's'kykh vidnosynakh 1920–1939 rr.*, Lviv 1998.

10 V. Lyshko, *Ukrains'ko-pol's'ki zv'iazky v haluzi kul'tury (1991–1999 rr.)*, Kyiv 2002.

11 V. Akulenko, *Ukraina i Pol'scha: mizhnarodno-pravovi problemy i perspektyvy povernennia kul'turnykh tsinnostej (1944–2006 rr.)*, "Pratsi Tsentru Pam'iatkoznavstva" 2006, Vol. 10, pp. 5–29.

12 I. Zavada, *Ryz'kyj myrnyj dohovir j Ukraina*, Kyiv 2000.

13 O. Danylenko, *Povernennia istoriko-kul'turnykh tsinnostej v Ukrainu: zdobutky ta perspektyvy*, "Narodna Tvorchist' ta Etnolohiia" 2019, No. 3 (379), pp. 44–51.

14 S. Kot, *Povernennia i restyutsiia kul'turnykh tsinnostej u politychnomu ta kul'turnomu zhytti Ukrainy (XX – poch. XXI st.)*, Kyiv 2021; idem, *Z istorii formuvannia orhanizatsijnykh zasad derzhavnoi polityky povernennia ta restyutsii kul'turnykh tsinnostej v nezalezhnij Ukraini*, "Istoriia Ukrainy: Malovidomi imena, podii, fakty" 2010, Vol. 36, pp. 361–371; idem, *Ukraina – Pol'scha: vyprobuvannia spadschynoi*, "Polityka i Kul'tura" 2002, No. 8–9, pp. 44–47; idem, *Do pytannia pro peredachu kul'turnykh tsinnostej iz Ukrainy do Pol'schi u druhij polovyni 40-kh rokiv XX st.*, "Mizhnarodni Zv'iazky Ukrainy: naukovy poshuky i znakhidky" 2011, Vol. 20, pp. 239–259.

Klyuchuk¹⁵, Mykola Kulinich¹⁶, Andrij Niniychuk¹⁷, Denys Sklyarenko¹⁸, Lyudmyla Stril'chuk¹⁹, Inessa Tatiivs'ka²⁰, Natalia Ukrainets'²¹, Olexander Fedoruk²², who in their scientific works analyze the formation of the legal basis of Ukrainian-Polish relations in this area and explore various aspects of cooperation in the restitution of cultural valuables of Ukraine and the Republic of Poland.

In 1998, there was a real breakthrough in the process of restitution and the return of cultural heritage: representatives of 44 countries gathered in Washington to develop common principles that should help the rightful owners and their descendants to regain lost rarities. At the same time, the agreements were not binding.

Why did the issue of returning national relics and cultural valuables become so relevant for Ukrainian society that it began to be considered at one of the first meetings of the Ukrainian Central Rada in 1917 and never disappeared from the focus of the scientific and cultural community? What were the main factors in the loss of cultural valuables of Ukraine in the twentieth century? What was done to find and return the lost Ukrainian cultural valuables in 1917–2021? What problems and challenges in the field of return and restitution of cultural valuables did Independent Ukraine face in the light of global trends of the modern world?

The problem of return and restitution of cultural valuables is one of the important priorities of domestic and foreign policy. In particular, in Ukraine,

15 Y. Klyuchuk, *Pol's'ko-ukrains'ki vidnosyny z pytan' restytutsii kul'turnykh tsinnostej (na prykladi arkhivu tovarystva «Prosvita»)*, “Naukovyj Visnyk Skhidnoievropejs'koho Natsional'noho Universytetu imeni Lesi Ukrainky” 2016, Vol. 3, pp. 132–136.

16 M. Kulinich, *Arkhivna ukrainika i diial'nist' Derzhavnoi sluzhby kontroliu za peremishcheniam kul'turnykh tsinnostej cherez derzhavnyj kordon Ukrainy (2000–2011 rr.): korotki pidsumky*, „Arkhivy Ukrainy” 2013, No. 3, pp. 11–20.

17 A. Niniychuk, *Pytannia restytutsii v pol's'ko-ukrains'kykh vidnosynakh 90-kh rokiv XX stolittia (na prykladi arkhivu tovarystva «Prosvita»)*, “Litopys Volyni. Vseukrains'kyj naukovyj chasopys” 2018, No. 19, pp. 34–38.

18 D. Sklyarenko, *Ukraina i Ryz'ka myrna konferentsiia (1920–1921 rr.)*, Kyiv 2000.

19 L. Stril'chuk, *Ukrains'ko-pol's'ki mizhderzhavni vidnosyny u sferi restytutsii ta povnennia kul'turnykh tsinnostej (90-t roky XX – poch. XXI st.)*, “Volyns'kyj Muzejnyj Visnyk” 2012, Vol. 4, pp. 219–222.

20 I. Tatiivs'ka, *Instytutsijna diial'nist' Ukrainy v haluzi povnennia ta restytutsii kul'turnykh tsinnostej (1992–2011 rr.)*, Kyiv 2018.

21 N. Ukrainets', *Derzhavna restytutsijna polityka Ukrainy u sferi kul'turnykh tsinnostej (1991–2009 rr.)*, Kyiv 2010.

22 O. Fedoruk, *Povnennia v Ukrainu vtrachenykh kul'turnykh tsinnostej v konteksti derzhavotvorchoho protsesu ta dukhovnoho vidrodzhennia*, [in:] *Materialy natsional'noho seminaru «Problemu povnennia natsional'no-kul'turnykh pam'iatok, vtrachenykh abo peremishchenykh pid chas Druhoi svitovoï viiny» Chernihiv, beresen' 1994*, ed. O. Fedoruk, H. Boriak, S. Kot et al., Kyiv 1996, pp. 15–25.

this is enshrined in the Constitution, which states that “the state ... takes measures to return to Ukraine the cultural valuables of the people outside its borders”²³.

The first attempt to return cultural property from Russia, which had been exported from Ukraine for several centuries, was made in 1918 during the time of Hetman P. Skoropadsky²⁴. Skoropadsky's state, which lasted seven and a half months, is a complex and difficult path of Ukrainian state formation, which was defeated more than 100 years ago. In an extremely short period of time, in difficult conditions, despite the reluctance of the socialist parties to participate in constructive cooperation with the hetman, a government of specialists was created, which achieved significant success in domestic and foreign policy. State institutions were established, financial and banking affairs were established, the army and navy were built up, successes were achieved in the sphere of science, education, and culture, and the foundations were laid for a policy on the return of cultural valuables. However, the planned plans failed to materialize.

In May 1923, the Polish-Russian-Ukrainian re-evacuation commission, together with a special joint commission, on the basis of paragraph 9 of art. XI of the Treaty of Riga raised the issue of returning archival materials of the Warsaw-Petrovsky Mining District to the Republic of Poland which had previously been exported to Odessa, Kharkiv, Poltava and Kiev in 1915. The Russian-Ukrainian delegation immediately responded to these demands and instructed professor Dmytro Bagaliy to search for these archives. The difficulty was that there was no documentary information on how and when these materials were “moved” and where their final storage point was²⁵.

During the World War II, Ukraine's cultural heritage was largely looted and destroyed. A large number of valuables were exported to Germany. Only a small part of them was returned in the post-war period²⁶.

23 *Konstytutsiia Ukrainy*, Kyiv 2018, p. 23

24 R. Pyrih, *Het'manat Pavla Skoropads'koho: mizh Nimechchynoiu i Rosiieiu*, Kyiv 2008, pp. 6–27.

25 D. Het'man, *Ryz'kyj mynyyj dohovir 1921 roku ta pytannia povernennia kul'turnykh tsinnostej u pol's'ko-ukrais'kykh vzaiemynakh*, “Mahisterium. Istorychni Studii” 2004, Vol. 17, p. 32.

26 P. Sokhan', *Problemy povernennia dzherel'noi spadschyny v Ukrainu u zv'iazku z podiiamy Druhoi svitovoi vijny ta ii naslidkamy (naukovo-praktychni aspekty)*, “Povernennia Kul'turnoho Nadbannia Ukrainy: problemy, zavdannia, perspektyvy” 1996, Vol. 6, pp. 43–49; P.K. Grimsted, *Spoils of War Returned. U.S. Restitution of Nazi-Looted Cultural Treasures to the USSR, 1945–1959*, P. 1–3, “Quarterly of the National Archives and Records Administration” 2002, Vol. 34, [online] <https://www.archives.gov/publications/prologue/2002/spring/spoils-of-war-1.html>, <https://www.archives.gov/publications/prologue/2002/spring/spoils-of-war-2.html>, <https://www.archives.gov/publications/prologue/2002/spring/spoils-of-war-3.html>, <https://www.archives.gov/publications/prologue/2002/spring/spoils-of-war-4.html> [accessed 30.09.2021].

Independence has opened new opportunities for Ukraine to enter the international cultural process. Today, Ukraine, as a participant in the Helsinki Process, has ratified UNESCO conventions, supports the relevant UN resolutions, and recognizes the priority of universal valuables and international law over domestic law. The UN Commission on International Law notes that the concept of restitution does not have a universal definition and identifies two main approaches in this regard. According to the first, restitution is the restoration of the status quo ante, that is the situation that existed before the commission of the offense. According to the second approach, restitution is the establishment or restoration of a situation that would have existed if the wrongful act had not been committed. The first definition is narrower and does not contain compensation that may have been due to the injured party for the damages suffered, for example, due to the impossibility of using illegally detained goods, which were subsequently returned. The second definition incorporates other elements of full compensation into the concept of restitution and defines restitution as a form of compensation and emphasizes the obligation to compensate in general²⁷.

An analysis of the legal field of European states shows that there are different approaches to the definition of both subjects and objects of restitution. EU countries propose the restoration of ownership of lost property through its direct return to former owners or their descendants, exchange for similar property, monetary compensation for the value of property or the provision of special securities, the value of which is equal to the statutory restitution compensation. The mechanism for establishing the right of restitution in European countries also differed: from the independent search by the person concerned for evidence of lost property and judicial resolution of the issue to the creation of special state bodies and funds that dealt with restitution. Based on its own history and capabilities, each state sets the terms and conditions for the restoration of lost property rights, approves certain privileges and restrictions on restitution. Therefore, taking into account the available European experience, Ukraine has the opportunity to use examples of restitution legislation and decide on the principles, methods and scope of implementation of this legal instrument. Domestic experts and legislators should conduct a thorough analysis, noting all the pros and cons, and prepare their own legal framework for restitution.

It is expedient to refer here to the Law of Ukraine of December 10, 1991 “On the effect of international treaties on the territory of Ukraine”, according to which international treaties concluded and ratified by Ukraine are an integral part of national law and are applied in accordance with

27 T. Hrabovych, «*Restitutio in integrum*» ta «*restitutio in pristinum*» u doktryn ta praktytsi prava Mizhnarodno-pravovi vidpovidal'nosti, “Pravo ta Derzhavne Upravlinnia” 2020, No. 4, p. 32.

national law²⁸. According to the generally accepted norm of international law, looting of cultural valuables during war is a crime that cannot be justified by any means. Cultural valuables that have been forcibly transferred from one country to another must be returned. In practice, the international community is very cautious in addressing this issue. The concept of restitution formulated by Roman civil law as a restoration of the previous legal position after a legal fact that harms one of the parties, has now expanded and has its own specific nuances²⁹.

It should be borne in mind that the international legal protection of cultural property is based on generally accepted international principles and norms at both the universal (UN and UNESCO acts) and at the regional level (Council of Europe conventions, multilateral agreements, etc.). Today, Ukrainian national regulation of restitution is limited to several separate laws and regulations. These include the laws “On Rehabilitation of Victims of Political Repression in Ukraine” (1991), “On Succession of Ukraine”, “On Freedom of Conscience and Religious Organizations”, some Presidential decrees and certain government decrees. Lawyers consider the draft law “On Restoration of Ownership Rights of Individuals to Property Forcibly Alienated by the USSR” (2005) submitted to the Verkhovna Rada of Ukraine as an attempt to adopt a law on the basics of restitution. stateless persons. But the bill was not passed.

Poland and Ukraine are neighbors with a history of relations rich in both positive and negative experiences. Ukraine and Poland are closely linked – nationally, historically, culturally, socially and politically. It is known that Poland was among the first countries in the world to recognize Ukraine’s independence in December 1991. The basic principles of this relationship have been enshrined in a number of interstate documents. In our interstate relations, the problem of restitution has not lost its relevance. The issue of return and restitution of cultural valuables in bilateral relations, which has become a “test of heritage”, is in the process of being resolved. An important component of it are the bilateral documents concluded between the Republic of Poland and Ukraine, which today regulate cooperation between states in the matter of restitution. The “Agreement between Ukraine and the Republic of Poland on Good Neighborliness, Friendly Relations and Cooperation” of May 18, 1992 is fundamental in the implementation of Polish-Ukrainian cooperation³⁰. Important to us in this context is Article 13 of the Treaty, which declares the

28 V. Akulenko, *Mizhnarodno-pravovi aspekty problemy povnennia kul’turnykh tsinnostej, vtrachenykh pid chas Druhoi svitovoi vijny*, “Povnennia Kul’turnoho Nadbannia Ukrainy: problemy, zavdannia, perspektyvy” 1996, Vol. 6, p. 52.

29 Ibidem, p. 54.

30 *Dohovir pro dobrosusidstvo, druzhni vzaiemyny ta spivrobotnytstvo vid 18 travnia 1992 roku*, “Vidomosti Verkhovnoi Rady Ukrainy” 1992, No. 43, p. 613.

obligation of both parties to take measures aimed at the identification and return of cultural and historical valuables. In 1993, the Agreement between Ukraine and the Republic of Poland on Legal Assistance and Legal Relations in Civil and Criminal Matters was signed, according to which citizens and legal entities of the parties may freely apply to the courts of the other contracting party. In the development of this, an Agreement was concluded between the Government of Ukraine and the Government of the Republic of Poland (1996) on cooperation in the protection and return of cultural valuables lost and illegally displaced during the Second World War³¹.

On May 14–15, 1997, the first meeting of the Ukrainian-Polish Intergovernmental Commission took place in Lviv. At the meeting of the commission, the issue of preservation of Ukrainian and Polish documentary monuments in the archives of Ukraine and Poland was discussed. Of particular interest was the issue of cooperation between Ukraine and Poland on the preservation, protection and use of the former Ossolineum collection. The members of the commission got acquainted with the state of preservation of the funds of the Lviv Scientific Library named after V. Stefanyk of the National Academy of Sciences of Ukraine, the Central State Historical Archive of Ukraine in Lviv, the Lviv Art Gallery, the Olesky Castle Museum-Reserve. The Polish side was pleased to assess the state of preservation of the historical and cultural heritage related to the history and culture of the Polish and Ukrainian peoples in the repositories of these cultural institutions. The parties expressed mutual desire that each subsequent meeting of the commission be accompanied by visits to archives, museums, effective efforts to search for, record, exchange information about cultural valuables related to the history and culture of the parties, which were recognized as lost or illegally relocated to the territory of the other party. It was decided to form Ukrainian-Polish expert groups (historical-archival, library, artistic valuables) in order to develop specific proposals for the mutual return of cultural valuables, to determine the future fate of cultural monuments of mutual interest. In order to resolve disputes over the former Ossolineum library, the parties agreed to set up a Ukrainian-Polish expert group. The Ukrainian side made proposals to discuss issues during the next meeting of the commission, which took place in Poland, including monuments from the book collection of the Przemyśl Chapter, Ivan Ogienko Library, Strivigor Museum, NTSh archive in the Warsaw National Library and others³². In the

31 *Uhoda mizh Uriadom Ukrainy ta Uriadom Respubliki Pol'scha pro spivrobotnytstvo u spravi okhorony ta povnennia vtrachenykh i nezakonno peremischenykh pid chas Druhoi svitovoi vijny kul'turnykh tsinnostej*, [online] http://zakon5.rada.gov.ua/laws/show/616_120 [accessed 30.09.2017].

32 O. Fedoruk, *Ukraina i Pol'scha – pytannia spadschyny*, [in:] *Pol's'ka kul'tura v zhytti Ukrainy. Istorii. S'ohodennia. Materialy II Mizhnarodnoi naukovoï konferentsii (Kyiv, 6–9 lystopada, 1997 r.)*, ed. Y. Vovk, Kyiv 2000, pp. 55–64.

archives of the Republic of Poland there is a significant array of documents related to the stay of interned soldiers of the UPR. In the National Archives in Krakow there are packages of money from the time of the Ukrainian People's Republic in the roots and clichés for their printing. In turn, the museums and archives of Ukraine preserve documents and artifacts that are of value as a cultural heritage for the Polish people.

In 2005, a 10-year joint Polish-Ukrainian strategy for cross-border cooperation between the four border administrative territories of Poland and Ukraine was adopted within the framework of the Bug Euroregion. In particular, there is a section "Culture and Heritage", which notes the presence of a special diversity of cultures of the Polish-Ukrainian border, their intertwining, the need to preserve and protect cultural heritage. It is noted that the territories of Lublin Voivodeship and Volyn Region are quite rich in cultural terms. It is pointed out that the large number of monuments of sacred architecture of different religions is a proof of the penetration of many cultures and religious tolerance. The document emphasizes that, unfortunately, many monuments and cultural objects are in poor technical condition and require urgent restoration³³.

The problem of preservation and return of cultural valuables is one of the most delicate and difficult areas of international cooperation. Cultural valuables have become the object of attention of the world community. Today they unite the actions of politicians, diplomats, government agencies, scientists, cultural and artistic figures, employees of archives, museums, libraries – all who care about the fate of culture, who are concerned about the preservation and use for progress and humanism of their own cultural memory. Preservation of the cultural heritage of political emigration, private collections of individuals and families stored in the archives and museums of other countries remains relevant for modern Ukraine. It would be worth paying more attention to their return to Ukraine. There is an urgent problem of introducing the legal term "restitution of cultural valuables" into the legal field of Ukraine and strengthening control over the movement, theft of cultural heritage objects, etc. Both the positive and negative experience of the Republic of Poland over the decades can be a good example for Ukraine in developing a strategy for the return of cultural property.

33 *Spil'na pol's'ko-ukrains'ka stratehiia transkordonnoho spivrobotnytstva. Liublins'ke voievodstvo, Pidkarpats'ke voievodstvo, Volyns'ka oblast', L'vivs'ka oblast'. 2005–2015. Razom u majbutnie*, Liublin 2005, p. 25.

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