

Community-led Urban Strategies in Historic Towns (COMUS)

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The present report has been elaborated by national experts group nominated within the framework of Community-led Urban Strategies in Historic Towns (COMUS) in Ukraine based on the Report prepared as part of the project "Rehabilitating Heritage in Historic Towns" in Ukraine, with necessary revisions, amendments and corrections.

The content of the report is entirely the responsibility of the national experts. The Council of Europe or the European Commission cannot be considered responsible for the information presented.

1. General Overview

1.1 Political System

According to its constitution, adopted in 1996, Ukraine is a sovereign and independent, democratic, social, law-based state, which exercises power on the principle of its division into legislative, executive, and judicial powers. Under the constitution, the sole body of legislative power in Ukraine is the Verkhovna Rada (The Supreme Council) (art.75) and its special committees in various spheres, in reference to this project, the Committee on Culture and Religious Issues. The Cabinet of Ministers is the highest authority of executive power (art. 113). Judicial proceedings are performed by the Constitutional Court of Ukraine and courts of general jurisdiction (art. 124, 125). The status of the President of Ukraine is determined by article 102: "The President of Ukraine is the Head of State and acts in its name". Since 1st January 2006 constitutional amendments have come into force, specifying the authority of the President, the Verkhovna Rada and the Cabinet of Ministers. In particular, the role of the Parliament in the appointment and dismissal of the Prime Minister has been reinforced. Thus, Verkhovna Rada adopts all laws submitted by the governmental bodies, the Presidential Administration and public entities. Responsibility for implementation is imposed on the administrative bodies. However, monitoring, assessment and public discussion remain the weakest links in this process.

1.2 Administrative System

The system of administrative and territorial arrangement of Ukraine consists of: The Autonomous Republic of the Crimea (annexed by the Russian Federation (or RF) in 2014 and included into the administrative system of RF in violation of all international treatments, regulations and norms), regions (two of which, Donetsk and Luhansk regions, suffer from partial occupation by armed units supported by RF), districts, cities, city regions, towns and villages.

Ukraine consists of the following administrative territorial units: *the Autonomous Republic of Crimea* (see above), the regions (oblasts) of Vinnytsya, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Transcarpathia, Zaporizhya, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolaiv, Odessa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytskyi, Cherkasy, Chernivtsi, Chernihiv, and Kyiv city.

State management in the sphere of cultural heritage protection, regional development and spatial planning of inhabited places, and environmental protection is conducted by the Cabinet of Ministers of Ukraine through bodies of executive power and special governmental bodies: the Ministry of Culture (MCU), Ministry of Regional Development and Construction (MRDCU), and Ministry of Environmental Protection (MEPU).

The MCU is the central body of executive power in the sphere of protection of cultural heritage. Within the structure of the MCU there is the Directorate for Cultural Heritage Protection.

The MRDCU is the main body within the system of the central bodies of executive power for the issues for the realisation of state regional policy and the policy in the sphere of construction, architecture and city construction, and the improvement of administrative and territorial arrangement of Ukraine. In accordance

with the tasks delegated to it, the MRDCU has a role to play in the regulation of works to sites recorded in the State Register of immovable monuments of Ukraine including works concerning architectural and city construction objects, as well as gardens, parks and monumental art, and other sites on the register (see also Part 2.7).

1.3 Legal System

The basic principles of the preservation of cultural heritage are reflected in the country's main law. The Constitution of Ukraine, which was adopted at the fifth session of the Ukrainian parliament (Verkhovna Rada), on the 28th of June 1996, proclaims that: "Cultural heritage shall be protected by law" (part 4, article 54); "The State shall ensure the preservation of historical monuments and other objects of cultural value..." (part 5, article 54); "Everyone shall be obliged not to harm nature or cultural heritage, and to compensate for any damage he/she has inflicted" (article 66).

The cultural heritage of Ukraine is an integral part of the world's cultural heritage. The preservation and enhancement of cultural values is a priority in government policy on the sphere of culture, as is reflected in Cabinet of Ministers of Ukraine's (CMU) resolutions and programmes. In accordance with the Law of Ukraine 'On the basics of National Security of Ukraine' (Article 3), "spiritual, moral and ethic, cultural and historic values are the basis of national security". The basic law on cultural heritage is the Law of Ukraine On Protection of Cultural Heritage (2000, updated in 2012).

In accordance with the international conventions ratified by the Parliament of Ukraine, preservation of cultural heritage is an international legal obligation of our country to the global community. Ukraine joined a range of international conventions and agreements in the sphere of cultural heritage, namely:

- Convention on the Protection of Cultural Property in the event of Armed Conflicts (Hague, 1954)
- European Convention on Protection of the Archaeological Heritage (London, 1969);
- Convention on Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property (Paris, 1970);
- Convention for the Protection of World Cultural and Natural Heritage (Paris, 1972); □ Convention for the Protection of the Architectural Heritage of Europe (Granada Convention, 1985);
- European Convention on the Protection of Archaeological Heritage (revised) (Valletta, 1992);
- UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995)
- Convention on the Protection of the Underwater Cultural Heritage (Paris, 2001);
- Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, 2003);
- The European Landscape Convention (The Florence Convention, 2000);
- Council of Europe Framework Convention on the Value of Cultural Heritage for Society (The Faro Convention, 2005);
- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

1.4 Economic System

According to the budgetary code of Ukraine (2002), the different government levels can finance sites under their direct control (in other words, which have local, regional or national significance), which reflects, besides other things, their level of responsibility. The policy of decentralization, in place in Ukraine since 2014, provides local governments with new opportunities but also places more responsibilities on them in various spheres, particularly, cultural heritage preservation and promotion. The correlation between cultural expenditures from state and regional/local budgets for 2017 is 1:3, that is, it is projected UAH 3,000,000,000 from state budget vs UAH 9,000,000,000 from regional/local budgets. The Law of Ukraine *On Principles of the State Regional Policy* (2015) establishes the main legal, economic, social, ecological, humanitarian and organization principles of the state regional policy as an integral part of the internal and economic policy of Ukraine.

The State Strategy for Regional Development, 2020, approved with the CMU Resolution #385 as of August 6th, 2014, defines as one of its key priorities, the territorial social and economic integration and spatial development. It could be reached, as the Strategy states, by a set of interconnected objectives, in particular: *rational use of natural and resource potential, preservation of cultural heritage and the most valuable natural territories*. The Strategy envisages: preservation of historical and cultural values and

natural heritage, making them widely accessible; raising awareness of citizens concerning the value of their land, involving them in its management; rational use of cultural and natural resources for economic development and employment; preservation of biological and landscape diversity; preservation of authentic culture, traditions, customs, beliefs, rituals, etc.

The Ukrainian economy has changed recently due to the above-mentioned conflicts: mining and metallurgy in the eastern part of Ukraine (Donbass) has reduced, meanwhile construction, agrarian industry, real estate and IT have become the main source of national revenue.

2. Specific Information

2.1 System of administration of Cultural and Natural Heritage

The Law of Ukraine “On Protection of Cultural Heritage” №1805-III of 08.06.2000 (with amendments of 2012, 2013, 2014, 2014, 2015, 2016; Chapter 2 “Management of Protection of Cultural Heritage”) maintains that state management in the sphere of protection of cultural heritage is entrusted to the Cabinet of Ministers of Ukraine and the specially authorized bodies for the protection of cultural heritage.

Other bodies are answerable to these specially authorized bodies for the protection of cultural heritage including:

- central bodies of executive power in the sphere of cultural heritage protection;
- body for protection of cultural heritage of the Autonomous Republic of Crimea;
- regional, district, Kyiv and Sevastopol city state administrations;
- executive bodies of village, settlement, town/city councils.

The Ministry of Culture of Ukraine (MCU) is authorized to be the central body of executive power in the sphere of protection of cultural heritage. The structural unit of the MCU is the Directorate for Cultural Heritage Protection, responsible for public policy on cultural heritage protection and preservation; monitoring and supervision of compliance with laws on cultural heritage protection; promotion of international co-operation in the given field.

Some responsibilities for architecture and town-planning monuments are shared with the Ministry of Regional Development and Construction of Ukraine (MRDCU), the main body of centralised executive power in the sphere of construction, architecture and town-planning, improvement of administrative and territorial arrangement of Ukraine. It is responsible for architecture and town-planning matters, gardens, parks and monuments, and other sites on the State Register of Immovable Monuments of Ukraine (see 2.7). It organizes the preservation, protection, registration, use and restoration of the built environment, including in areas of historic construction.

However, special bodies for protection of cultural heritage in regions and cities are practically absent. There are only divisions for the protection of cultural heritage at the city councils of Kyiv, Odessa and Lviv. This situation came about as a result of CMU Resolution #346, on March 28th 2011, “On Liquidation of Government Bodies” (point 4, article 7 of the Presidential Decree #1085 as of December 9, 2010, “On Optimization of Central Executive Bodies”). It led to the closure of the State Service for Cultural Heritage Protection of the Ministry of Culture of Ukraine in 2012. In 2014, the Department of Cultural Heritage in the MCU structure was also closed.

At the regional level (where cultural heritage protection offices are absent) issues of protection of cultural heritage are dealt with partly by the cultural boards of the regional state administration and partly by the architecture and town-planning boards.

The average number of specialists engaged directly in cultural heritage protection at a regional and city level varies from 1 to 3 persons (except for the city of Kyiv, which has more staff).

Regional cultural heritage protection bodies are under accountable to the local and central bodies of executive power in the sphere of cultural heritage protection (MCU) within the limits foreseen by law.

The implementation of decisions (decrees, permits, orders, and resolutions) of the central body of executive power in the sphere of cultural heritage protection (MCU) is obligatory for the bodies for the protection of cultural heritage, as well as for legal and natural persons.

The main body for environmental protection is the Ministry of Environmental Protection of Ukraine (MEPU). Its tasks include implementation of the state policy concerning environmental protection, and the efficient use, reproduction and protection of natural resources; managing state control over the use and protection of the land, environmental security, the creation of reservations, waste products treatment; the formation, protection and use of the environmental network; ensuring the conduct of geological research and efficient use of mineral resources.

2.2 Legal texts for Cultural and Natural Heritage and how they relate to other legal texts and policies

The foundations of the current legislation in the sphere of cultural heritage and historical environment were laid down in the last quarter of the 20th century, when Ukraine was a part of the USSR. In an independent Ukraine, the legislative basis of cultural matters, including issues concerning the protection of cultural heritage, was established by the “Fundamental Legislation of Ukraine on Culture”, which was approved in 1992 and replaced by the Law of Ukraine “On Culture” in 2010.

Furthermore, the Parliament has passed a number of laws regulating activities in the museum, archival, library fields, in architecture and town-planning, use and protection of immovable monuments and natural environment: “On Nature Reserve Fund of Ukraine” (1992), “On the Principles of Town Planning” (1992), “On the National Archive Fund and Archives” (1993), “On Museum and Museum Business” (1995), “On Architectural Activity” (1999), “On Export, Import and Return of Cultural Values” (1999), “On Planning and Development of Territories” (2000), “On Protection of Cultural Heritage” (2000), “On Protection of Archaeological Heritage” (2004), “On Settlement Improvement” (2005). Also protection of cultural heritage is regulated by the rest branch legislation.

The main law in the sphere of protection of cultural heritage is the Law of Ukraine “On Protection of Cultural Heritage”, together with a number of normative legal documents passed over recent years, including:

- List of Historical Inhabited Places of Ukraine (cities and villages) (the Resolution of the Cabinet of Ministers of 26.07. 2001 № 878);
- Procedure for defining the category of the sites on the cultural heritage register;
- State Register of Immovable Monuments of Ukraine (the Resolution of the Cabinet of Ministers of 27.12.2001 № 1760), establishing the procedure for listing cultural heritage sites on the State Register of Immovable Monuments of Ukraine, it identifies the criteria for defining heritage as of national and local significance.
- Resolution of the Cabinet of Ministers of 14.02.02 № 137 “On Conditions of Assignment of Religious buildings which are Significant Monuments of Architecture to Religious Organizations”.
- Order of issue of permits for archaeological investigations, excavations, and earthworks on the territory of a monument, or protected archaeological site, in protected areas and historical areas of the inhabited cities, as well as permits for investigations of remains of human activity underground or water in the territory of Ukraine (the Resolution of the Cabinet of Ministers of 13.03.02 № 316).
- Order of delimitation of boundaries of historical areas of inhabited places and regulations of their use, restriction on economic activity on the territory of historical areas of inhabited places (the Resolution of the Cabinet of Ministers of 13.03.2002 № 318).
- Procedure of pecuniary valuation of monuments (the Resolution of the Cabinet of Ministers of 26.09.2002 № 1447);
- The Complex programme of issue of passports for the objects of cultural heritage for 2003 – 2010 (the Resolution of the Cabinet of Ministers of 09.09.2002). The purpose of the programme is the improvement accounting procedures for objects of cultural heritage and ensuring state registration.

Common edicts of the State Committee of Construction, Architecture and Housing Policy of Ukraine (*now the Ministry of Regional Development and Construction of Ukraine*) and of the Ministry of Culture and Arts

of Ukraine (*now the Ministry of Culture of Ukraine*) approved the Model Statute of Consultative Council on Cultural Heritage Protection concerning the local bodies of protection of cultural heritage (26.02.01 №42/94) and the Order of installing and use of protection boards and protection signs on immovable monuments (27.01.04 № 30/10).

By the edict of Derzhbud (State Construction Committee *now - Ministry of Regional Development and Construction of Ukraine*) of 13.09.2004 №173 DBN B .3.2-1-2004 “Restoration, Conservation, and Repair Works at Monuments of Cultural Heritage” came into force on 1st January 2005.

Edicts of the MCU approved the following normative legal documents:

- Order of certification of an object of cultural heritage as a monument (of 05.12.05. № 900);
- Instruction on execution of papers on administrative offences in the sphere of protection of cultural heritage (of 04.08.06. № 636);
- Reporting Form (administrative data № 1-ПКК (annual)) “Report on immovable monuments and objects of cultural heritage” and application instructions for it (of 20.08.07. № 48);
- Standard of rendering of administrative service of issue of permit for archaeological investigations ,excavations, and investigations of remains of human activity under the earth surface and water on the territory of Ukraine (of 01.09.2009. № 715/0/16-09).
- The order of registration of cultural heritage objects (of 11.03.2013, N158).

Since the 1970s the management of cultural heritage protection in Ukraine has been divided between the cultural and construction bodies, leading to a lack of co-ordination between departments. Experts in the field of cultural heritage are of the opinion that this has had a negative effect on the development of the legislation system and practice of monument protection in Ukraine. Thus, in 2002, as a result of a lack of co-ordination between the departments of the MCU and Derzhbud, the Ministry of Justice of Ukraine annulled the state registration of the normative legal document “Order for Determining the Protection Boundaries around Monuments”, and as of 21st November 2002 the law lost its validity. This document contained: systematized requirements for the establishment of boundaries and general definition of security of protection zones around separate monuments and their complexes; territorial organization of monuments’ protection; and, methodology of development and use of protection zones. These were especially important for large cities. To this day there lack of normative regulations concerning these issues. This and other gaps in legislation should be covered by the new law on cultural heritage, which is currently under development by the Ministry of Culture.

2.3 Forms of Immovable Heritage Protection

Cultural heritage assets, regardless of the type of ownership, or their archaeological, aesthetic, ethnological, historic, artistic or scientific values, are subject to registration in the State Register of Immovable Monuments of Ukraine. Thereby, they have the status of monuments and are brought under the protection of the state. Cultural heritage assets are included in the Register under such categories as *monument of national significance* and *monument of local significance*, depending on their value (see 2.7).

By types, objects of cultural heritage are divided into:

- **Constructions** (works) – works of architectural and engineering art, works of monumental sculpture and monumental painting, archaeological artefacts, caves with evidence of human activity, buildings or rooms, preservation of authentic evidence about prominent historical events, life and activities of well-known persons;
- **Complexes (ensembles)** – topographically defined set of separate or connected objects of cultural heritage;
- **Remarkable places** – natural-anthropogenic zones or landscapes, valuable from archaeological, aesthetic, ethnological, historical, architectural artistic or scientific point of view.

By kinds, objects of cultural heritage are divided into:

Archaeological, historical objects, objects of monumental arts, architecture and town-planning objects, objects of garden park arts, landscape objects, science and engineering objects.

Protection zones of cultural heritage

In accordance with the legislation and in order to ensure adequate protection for monuments and their traditional environments and the environment associated with complexes (ensembles) environments, State Register includes surrounding zones of monument protection: *protection zones, zones of regulated construction, and zones of protected landscape.*

Zones of monument protection are delineated on the basis of project documentation of a regulatory protective type, which is developed through cultural heritage research studies and regulates town-planning (development) activities around the monument, with the purpose of providing optimum conditions for it, protecting the monument's historical environment, revealing its artistic qualities and how they can be expediently used, and to consider the monument's role in urban morphology.

<i>Protection zone</i>	A territory, delineated for preserving the immediate environment of a monument to provide optimum conditions for the best view of a monument, its adequate functioning, protection against vibration, pollution, under-flooding, and any other negative technological and natural effects.
<i>Zone of regulated construction</i>	A developed area or area intended for development beyond the bounds of a protection zone, according to which the compositional effect of a monument is extended. This zone is intended for preserving peculiarities of visual perception of a monument, its active role in composition and landscape of an inhabited place. It acts as a buffer, transitional and synthesizing zone in interaction with new objects in the environment. In zones of regulated construction allocation, organization, height, length of facades, scale, type of articulation, plastic and colour solution, and the functional use of new buildings are under regulation.
<i>Zone of protected landscape</i>	A natural or predominantly natural territory (with dispersed traditional buildings) beyond the bounds of a protection zone, with active visual connection with a monument. It is intended for preservation and rehabilitation of natural territories, which are a typical historical environment for a monument and are important for the image of an inhabited place or landscape. Zones of protected landscape can be used for recreation with minimal control and traditional activities, which are not destructive for the landscape.

In addition to the above three types of protection zone, ***zones of protected archaeological cultural stratum*** can also be designated.

The boundaries and regulations of use of monument protection zones are determined by corresponding project documentation and ratified by the central body of executive power in the sphere of protection of cultural heritage or authorized bodies of protection of cultural heritage.

Status of territories, concerned with protection of cultural heritage

Territories of monuments, protection zones, reserves, protected archaeological territories belong to the lands of historical-cultural purpose and are included in land cadastres, plans of land tenure, projects of land surveying, and other town-planning documentation. Lands of historic-cultural purpose can be in state, communal and private ownership (Land Code of Ukraine). Landowners and land users are obliged to adhere to the rules of use of lands of historic-cultural purpose.

Thus, cultural heritage assets *de jure* receive quite strong protection, but in practice legislative restrictions often are not being implemented. The reason for this is both the absence of adequate legal culture of representatives of the authorized bodies of power and businessmen, and congestion of normative legal documents with prohibitions and restrictions considering economic activities instead of proper regulation of

these activities. These circumstances often prompt subjects of management to seek for ways of changing the end use of land lots and exclusion of monuments from the special state registers, whereupon objects loose protection from the state.

2.4 Other Protection/Safeguarding Mechanisms for Historic Towns and Settlements

Creation of historical cultural reserves in Ukraine

Ensembles and complexes of monuments with outstanding archaeological, aesthetic, ethnographic, historical, artistic or scientific value of the national significance can be proclaimed state historical cultural reserves by the decree of the Cabinet of Ministers of Ukraine; regional/local reserve – by decision of republican (in case of Crimea), regional or local councils.

The main role of a reserve is: to protect and preserve objects of cultural heritage, territories and movable heritage connected with them, and works of monumental, fine and applied arts, as well as the conducting of scientific research, methodological, informational and educational work with the purpose of popularization of cultural heritage and spiritual benefit of the public.

The status of “reserve” enables an opportunity to provide more effective preservation and use of the cultural heritage, creating working places and a scientific base for systematic study and restoration of monuments, elaboration of a territory’s development, as well as receiving financial support from the state for these kinds of works.

During the years of independence, the number of historical cultural reserves in Ukraine has doubled in comparison to the soviet period. At present there are 64 functioning reserves in Ukraine.

According to the Cabinet of Ministers of Ukraine Decree of 20.10.2011, N1023-p “On Transfer of Integrated Material Complexes of Historical and Cultural Reserves Under the Competence of the Ministry of Culture of Ukraine” and the Cabinet of Ministers of Ukraine Decree of 09.06.2011, N 552-p “On Transfer of Integrated Material Complex of the National Reserve Sophia Kyivska”, 11 reserves under supervision of the MRDCU were transferred under the domain of the MCU: National Reserve “Hlukhiv”, National Reserve “Castles of Ternopil Land”, National Historic and Architecture Reserve “Kamyanets”, National Architecture and Historical Reserve “Chernihiv Ancient”, State Historical and Architecture Reserve in the town of Zhovkva, State Historical and Cultural Reserve in the town of Belz, “Kremensko-Pochayivsky” State Historical and Architecture Reserve, State Historical and Architecture Reserve in the town of Berezhany, State Historical and Architecture Reserve “Old Uman”, State Historical and Architecture Reserve “Khotyn Fortress” and the National Reserve “Sophia Kyivska”. National Historical and Memorial Reserve “Babyn Yar” and “Tombs of Bykovnia” were transferred from the supervision of the Ukrainian Institute of National Memory under the competence of the Ministry of Culture, according to the Cabinet of Ministries of Ukraine Decree of February 14, 2011, N 133-p, “On Charge of National Reserves to the Competence of the Ministry of Culture of Ukraine”.

Thus, the management of historic and cultural reserves is executed by: the Ministry of Culture (25 reserves and the Museum-Reserve of Ukrainian pottery in the settlement of Opishne), local authorities and other organizations (38 reserves).

There are 24 historical cultural reserves registered as national reserves funded through the state budget, for example; National Reserve “Sophia Kyivska”, National Kyiv Pechersk Historical Cultural Reserve, National Reserve “Chersonesos Taurica”, National Reserve “Khortytsia”, National Reserve “Hlukhiv” and other. Two of the national reserves – the National Reserve “Sophia Kyivska” and the National Kyiv Pechersk Historical Cultural Reserve – are on UNESCO’s World Heritage List. There are 3400 employees working in reserves under the competence of the Ministry of Culture .

Some objects and complexes of monuments from reserves are included into the UNESCO Preliminary World Heritage List:

1. Historic centre of the city of Chernihiv, 9-13th centuries (1989, National Architecture Historical Reserve “Chernihiv Ancient”).
2. Archaeological complex “Stone Tomb” (2006, National Historic Archaeological Reserve “Stone Tomb”).

3. St. Cyril's and St. Andrew's Churches (2009) as expansion of the nomination (National Reserve "Sophia Kyivska").
4. "Tomb of Taras Shevchenko" and Kanivsky Historical Natural Museum-Reserve (1989; Shevchenkivsky National Reserve in the town of Kaniv).

In recent years, research, exhibition and publishing activities in historical cultural reserves have become more active. The institutions responsible for these activities are constantly seeking new opportunities for obtaining additional (i.e. not central government) funding for their activities, particularly, through the provision of paid services.

Unfortunately, there are many flaws in the organization of work of historical cultural reserves: extremely limited finances; dire conditions in museum premises; problems with storage; insufficient level of information; and, lack of technical and computer equipment to name a few. Daunting problems derive from the lack of plans development and of effective management in most of the reserves, no less problematic is the issue of certification of monuments and cultural heritage assets. Only a few reserves have records for all assets (National Kyiv Pechersk Historical Cultural Reserve, National Historical Museum Reserve "Berestechko Battlefield", National Historical Museum Reserve "Chyhyryn", Shevchenkivsky National Reserve, National Historical Museum Reserve "Hetmans' Capital", National Historical Museum Reserve "Kachanivka", National Historic Archaeological Reserve "Stone Tomb", State Historic Cultural Reserve in Belz, and National Historic Ethnographic Reserve "Pereyasliv"). Monuments and assets from other reserves are partially certified.

The lack of research and project documentation remains one of the most concrete problems. Between 2008-2013, general plans (territorial organization) were developed and approved for eight reserves managed by the Ministry of Culture of Ukraine: National Architecture Historical Reserve "Chernihiv Ancient", National Historic Ethnographic Reserve "Pereyasliv", National Historic Archaeological Reserve "Stone Tomb", National Reserve "Chersonesos Taurica", National Historical and Memorial Reserve "Babyn Yar", National Historical Museum Reserve "Hetmans' Capital", Shevchenkivsky National Reserve in Kaniv, National Kyiv Pechersk Historical Cultural Reserve. However, this documentation was not either not fully developed or is outdated and needs to be updated in order to comply with current Ukrainian legislation in 16 reserves.

The effectiveness of historical cultural reserves is dependent on the creation of state-led, strategic, long-term programmes in the sphere of cultural heritage protection that reflects state policy for cultural heritage protection.

In general terms, the work associated with MCU historical cultural reserves is supported to a satisfactory level. Despite a chronic lack of money, the most urgent restoration and repair works are carried out. Recently these works have been financed through state subsidies.

Moreover, in 2013, proposals were submitted to establish new historic cultural reserves in Ukraine, specifically in the towns of Zboriv (Ternopil region) and Nizhyn (Chernihiv region).

Historical inhabited places of Ukraine.

These places are registered in the List of Historical Inhabited Places of Ukraine with the purpose of protecting the environment and traditional nature of inhabited places. The MCU proposes sites to be included on List of Historical Inhabited Places of Ukraine (cities and villages), these are then approved by the Cabinet of Ministers according to the Resolution of the Cabinet of Ministers of 26.07.2001 № 878. There are 401 *inhabited places* identified on the list.

Term	Definition
Historical inhabited place	An inhabited place with a fully or partially preserved historical area, included in the List of Historical Inhabited Places of Ukraine.
Historical area of	A part of an inhabited place with preserved cultural heritage and related surroundings, which derive from previous periods of development, and are typical

inhabited place	of certain cultures or periods of development.
Traditional nature of environment	Historically inherited appearance and spatial structure of a historical inhabited place.

After a city is included in the List of Historical Inhabited Places of Ukraine, either new plans for its development are formulated, or existing plans are updated. A general plan of a city must also be written, defining the strategy of development of a historic inhabited place. This strategy takes into account:

- Renewal of historical planning and spatial structure;
- Restoration, rehabilitation and adaptation of cultural heritage;
- Reconstruction and capital repairs.

For each historical inhabited place, a historical and architectural plan must be formulated as part of a general plan of a city. On the basis of this plan the following must be developed and approved in established order:

- Boundaries of historical areas;
- Boundaries and regulations of use of zones of monuments' protection;
- Local rules of development.

All the documents mentioned above must be written and, in agreement with local authorities, approved by the MCU. When development proposals and plans for reconstruction are being considered in historical areas of historical inhabited places, it is obligatory to submit a historic town planning substantiation report.

Priority areas of town-planning activities in historical inhabited places are:

- Preservation of the cultural heritage and traditional nature of environments;
- Preservation of the town-shaping role of the architectural heritage;
- Facilitation of historical area functions;
- Harmonious combination of new buildings with cultural heritage assets;
- Regulation of new development on height, size, scale, architectural forms.

All of these priority issues determine subsequent town-planning decisions and the socio-economic development of these places.

Historical and architectural plans must be drawn up for 173 historical inhabited places (towns and urban villages), 43.1% of the total (401). However, it should be noted that most of the historical and architectural plans have been now been updated and need to be corrected. Historical areas are defined for 58 towns and settlements.

The best coverage of historical and architectural plans for historic inhabited places can be found in the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol, Mykolaiv, Chernivtsi and Sumy regions. The least coverage of historical and architectural plans in historical inhabited places is in the Volyn, Zhytomyr, Zakarpattia, Kirovograd, Lugansk, and Khmelnytsk regions.

2.5 Consultation Mechanisms

The right to unconditional access to cultural heritage for examining their condition, character and mode of use, restoration works, receiving relevant data and carrying out scientific research, belongs to persons authorized by the bodies of protection of cultural heritage.

An owner of cultural heritage, or authorized body or person, who accrues a right of possession, use or management of an object of cultural heritage, or the executor of restoration works, is obliged to permit access to objects of cultural heritage and their territory to persons authorized by the bodies responsible for the protection of cultural heritage, including authorised experts. In addition, citizens can act as civic inspectors and become involved in observing preservation conditions and use of monuments, their

territories and protection zones, protected archaeological territories, and historical areas of inhabited places.

The bodies of executive power and local authorities assist:

- The Ukrainian Society for the Protection of Historical and Cultural Monuments (UTOPIK) and other public, research, project organizations, institutions and enterprises of various forms of ownership with cultural heritage protection;
- Enterprises of construction materials and products, specialized organizations and workshops on repair, restoration and rehabilitation of monuments;
- With the training of specialists of cultural heritage protection.

In practice, citizens take part in cultural heritage protection through participation in public and non-governmental organizations (UTOPIK, UNC and ICOMOS), public hearings, public discussions, initiative groups, and through spontaneous situational protests against chaotic development in the larger cities.

Certain surges of activity of public organizations mark the 1970s and 1990s. In the 1970s sacred architecture, which suffered significant loss due to the policy of militant atheism pursued by USSR government, was under the special care of UTOPIK. During this militant atheism only UTOPIK dared to finance restoration works on monuments of religious architecture. Thanks to the authority and financial support of UTOPIK thousands of churches and monastery complexes, and unique examples of wooden architecture, were saved. However, since the end of the 1990s, the UTOPIK's activities reduced considerably. Today, there are virtually no new members and the younger generation do not get involved with the organization.

The Society traditionally carries out a wide range of educational activities:

- publishing science and popular science publications;
- holding numerous public and academic events, drawing attention of both official bodies and the general public to problems in the sphere of monument protection.

In 2015, the Kyiv city society for cultural heritage protection came into being. The society, at expert council meetings, has formulated its opinion concerning the artistic value of objects with communist and national socialist symbols in compliance with the Law of Ukraine "On Conviction of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Ban on Propaganda of their Symbols". Due to the active position of Kyiv organization of UTOPIK several cultural heritage sites and monuments (covered by law) were preserved. Together with the Department of State Architecture and Building Inspection in Kyiv the society monitors how the cultural heritage laws are followed at the territory of city.

Since 2014 the Ukrainian Committee of the International Council on Monuments and Sites (ICOMOS) has renewed its efforts, preparing a set of statements about the situation in the sphere of cultural heritage. Initiated by the Ukrainian Committee of ICOMOS, the special resolution on monuments in the annexed Crimea was approved at the International ICIMOS Assembly in Florence (2014). The Protocol on establishment of the National Committee of Blue Shield Ukraine was signed in February 2014, at the territory of the National Reserve "Sophia Kyivska", on behalf of the Ukrainian Librarian Association (member of IFLA), Ukrainian National Committee of ICOM, and Ukrainian National Committee of ICOMOS.

Among the most active civic organizations acting in cultural heritage sphere is the Kyiv City Organization for Protection of Historic and Cultural Monuments, Civic Association "Cultural State", All-Ukrainian Council for Cultural Heritage Protection, Civic Network "Opora", Initiative "Let's protect Old Kyiv", Charitable Foundation for Protection of Cultural and Historic Heritage of Lviv, Civic Movement of Lviv.

2.6 Statistical Details

Level of the financial support from the state (government)

Between 2010 and 2016, there was a fluctuation in the state budget expenditure on protection of the cultural and natural heritages, decreasing between 2012-2016, with a planned increase in 2017 (see table below). Cultural heritage protection is financed by the Ministry of Culture as well as by the Ministry of Regional Development and Construction and local governments, while the protection of natural heritage was supported by the Ministry of Environmental Protection of Ukraine. One of the peculiarities (and,

obviously, one of the main problems) of cultural heritage budget expenditure (starting from 2015) is that there are no direct grants from the state budget to local budgets for culture, including for the protection of cultural heritage.

Table: Structure of the expenditure on the protection of the cultural heritage from the state budget of Ukraine in 2014 and 2016-2017.

Items of financing	2014 (executed)	2016 (approved)	2017 (projected)
	thousand hryvnas/€	thousand hryvnas/€	thousand hryvnas/€
Protection of the cultural heritage	221, 894/17, 796, 4	222, 783, 70/8 130, 8	256, 354,50/9 155,5

Between 2010 and 2016 no single targeted programme was adopted in the sphere of protection of cultural heritage. According to the Law of Ukraine “On the State Budget of Ukraine” expenditure for cultural heritage, other than by the Ministry of Culture, as made by the Ministry of Regional Development and Construction, in 2010 this comprised: UAH 33766600, and in 2016 – UAH 17 000 000, and by the Ministry of Environmental Protection of Ukraine, constituting in 2013 UAH 979 978900, and in 2016 – 376 059 000.

There were also other sources for funding cultural heritage in Ukraine: e.g. through the project “Treasures of close-to-border territories – protection of cultural heritage”, a technical support project supported by the EU with two recipients: State Historic Architecture Reserve in the town of Zhovkva (Ukraine); and, gmina Bzozuv (Poland), and an overall budget of €3,550,556; the project “Creation of Integral Tourist Product for the Development of Cultural Tourism in Bukovina” within the framework of TACIS CBC Ukraine-Romania programme, during which repair and restoration works were carried out at the building of Khotyn Fortress (13-18th centuries.). An additional source of funding may be grants from ICCROM, which Ukraine joined in 2015 as was envisaged by the Action Plan for implementing Agreement about association between Ukraine and EU.

The number of cultural heritage assets listed

As of January 1st 2016, there were 130,007 monuments of cultural heritage (of national and local importance) listed in Ukraine (compared to 2010 the number has reduced due to the annex of Crimea and partial occupation of Donets and Luhansk regions).

These include:

- 69866 – archaeological monuments,
- 53456 – historical monuments
- 2434 – monuments of monumental art
- 2941 – monuments of architecture and city building
- 272 – monuments of the gardening art
- 4 – landscape monuments
- 11 – monuments of science and technology (data of the statistical report of 2015).

The number of employees in organizations charged with cultural heritage protection

As mentioned in section 2.1, organizations charged with cultural heritage protection have only been established in some of the regions of Ukraine, so the average number of specialists working directly on the cultural heritage protection at the level of oblast (region) and cities is between one and three people. The historical and cultural reservations are well staffed. The general number of the employees working in historical and cultural reservations in Ukraine is 2000 persons.

Region	Number of employees
Kyiv	524
Vinnica oblast	16
Volyn oblast	12
Donetsk oblast	33
Zaporizhia oblast	183
Ivano-Frankivsk oblast	88
Kyiv oblast	195
Lviv oblast	65
Mykolaiv oblast	Information not submitted
Poltava oblast	122
Rivne oblast	138
Sumy oblast	18
Ternopil oblast	Information not submitted
Kharkiv oblast	Information not submitted
Khmelnysky oblast	7
Cherkasy oblast	237
Chernivtsi oblast	Information not submitted
Chernihiv oblast	175

2.7 Inventories, Recording Systems and the Planning Process

According to the Law of Ukraine “On protection of the cultural heritage”, cultural heritage must be registered in the State Register of immovable monuments of Ukraine (hereinafter referred to as the Register) under the categories of national or local significance and according to their archaeological, aesthetic, ethnological, historical, artistic and scientific value. The procedure for defining the category of cultural heritage was approved with the decision of the Cabinet of Ministers of Ukraine on 27/12/2001 #1760. After including an immovable asset on the Register, all its elements gain the legal status of the monument. Recently, the Ministry of Culture made the decision to develop and introduce an electronic register of cultural heritage, both tangible and intangible.

Cultural heritage is registered by category:

- upon the decision of the Cabinet of Ministers, when it is a matter of national significance (at the moment two resolutions have been approved “On Including Objects of Cultural Heritage with National Significance into the State Register of Immovable Monuments of Ukraine” N 928 of 03.09.2009 and № 929 of 10.10.2012. There are 891 monuments of this category (including Crimea with 63 monuments), including 331 historic monuments, 66 monuments of architecture, six monuments of city building, 434 monuments of archaeology, 48 monuments of monumental art, five monuments of science and technique, landscape monument;
- upon the decision of the central governmental entity responsible for the protection of the cultural heritage, sites of local significance, or submitted by UTOPIK or another civic organization empowered to cultural heritage protection. As of 01.01.2016, 6659 monuments (including Crimea and occupied territories) sites have been added to the State Register of immovable monuments with local significance by orders of the Ministry of Culture of Ukraine. Among them: 2,012 historic monuments; 2,186 architectural monuments of architecture; 26 city-building monuments; 2,195 archaeological monuments; 36 scientific and technical monuments; 151 monuments of monumental art, nine parks and gardens art, four landscapes.

All of these monuments have been given individual numbers. All the cultural heritage proposed for inclusion on the Register must be described using a special record documentation, namely a register card and passport (these must contain the name, data about the place, date of formation, first role, character of contemporary use, degree of integrity, type and sort of heritage, availability of the scientific and project documentation, a short description, photographic documentation of the general appearance, the plan, the protection number of the object, and the date and number of the decision according to which the object was included in the Register). Four copies are made of the register card and passport, one of which is passed to the central governmental body responsible for cultural heritage protection.

The list of monuments included in the Register with an identified title, date of creation, location and protection number, are available in electronic form on the site of the MCU:
<http://mincult.kmu.gov.ua/mincult/uk/doccatalog/list?currDir=162162>

The State Register of immovable monuments of Ukraine has been in use since 2005. The regulations for registering monuments in the Register are rather complicated. According to the “Order of the procedure of defining the category of the objects of the cultural heritage for registering in the State Register of immovable monuments of Ukraine” approved by the Cabinet of Ministers on 27/12/2001 N1760, is not possible to register a site without documentation. The registration documentation includes a card, passport, short historical certificate, details about the technical condition and property value.

Changes to the order of registration have been made to simplify the registration procedure and make the Register form more efficient. According to the order of the Ministry of Culture (N158, as of 11.03.2013) “Rules for registering cultural heritage objects”, the listing procedure has been simplified. Since passport and reference on property value were excluded from the submission documentation, the cost of preparing the registration documents has gone down.

There is no significant use of modern information technologies in the registration process. Therefore, the scientific and research institute on heritage protection studies of the MCU has initiated an electronic register of the heritage monuments objects. The development of the programme “The database of the heritage monuments in Ukraine” is aimed at installing, keeping, sorting, grouping and conducting search operations for information on Ukraine’s cultural heritage. The product is based on VIKRO-SOFT ACCESS-2000. The database aims to systemize and order the information about immovable culture heritage on the Registers of Ukrainian monuments of national and local significance. However, there is also urgent need to establish an electronic databases throughout Ukraine. This has been difficult due to a lack of qualified employees in the regions (in the oblast and city departments, responsible for protecting the cultural heritage).

Unfortunately, it is known that culture heritage has at times been removed from the Register to rescind all limitations on its use, for example in order to undertake a radical intervention instead of careful restoration. Also, private owners have been known to let their listed property run to a state of ruin, which leads to its removal from the Register and finally demolition. Integral city building complexes have also been damaged in this way.

Summarizing we could say that the compilation of the State Register of immovable monuments of Ukraine is still not completed and needs to be updated and publicized.

2.8 Integrated Assessment for Planning Policies

The main laws on the planning of towns and cities include: “On Planning and Development of Territories”; and, “On the Principles of Town Planning”, which constitute the legal and organizational principles of planning, development and other territorial uses. These aim to ensure that the constant development of settlements take into account public and private interests.

Territorial planning is conducted on national, regional and local levels.

National-level planning policy is set out in the General scheme of planning of the territories of Ukraine (hereinafter – the General Scheme), which prescribes: the rational usage of the territories of Ukraine; the creation and support of safe, healthy places to live; environmental protection; health care; cultural and historic heritage protection; and, it also defines priorities for the development of location of industrial, social and engineering infrastructure. The General Scheme is developed by the Cabinet of Ministers taking into account the regional adopted territorial planning schemes and is adopted by the Verkhovna Rada (Parliament) (to date, a Scheme has been adopted).

Local level territorial planning is conducted by local councils through their executive organs and by the Kyiv city state administrations. General settlement plans, territorial planning schemes at the local level and other city building documentation, land use regulation have been developed. The procedure for adopting and enforcing decisions as regards following the policy city building documents have also been developed. The legal regulation of the planning, development, building and land use is included in acts, including: state building norms, departmental regulations, as well as regional and local building and development rules.

The state building norms on planning, development and land use are elaborated and adopted by the specially authorized central governmental entity on city building and architecture, in co-ordination with other central governmental entities on the issues of their authority.

Regional rules concerning territorial development and their confirmation from the appropriate entities of city building and architecture, protection of the cultural heritage, land resources, environmental protection, sanitary and epidemiological entities are adopted by regional councils. The adopted rules of territorial development must be published in the regional mass media.

The development of industrial sites requires well-grounded, detailed justification and complex assessment of the resulting activities and their influence on the environment, in particular, in relation to mitigating the impact on atmospheric pollution, water resources, flora and fauna and the protection of the land resources.

Among the main tasks of planning and development of the territories and cities, is the definition of territories with special ecological, scientific, aesthetic, historical and cultural value. The legislation provides for special limitations on planning and development and land use.

For the examination of scientific recommendations and suggestions concerning the direction of development of the cultural heritage, and for discussion of the most important problems arising from this and projects on the protection of the cultural heritage, the central governmental entity on the protection of the cultural heritage creates special scientific methodical councils, enlisting the leading scientists and highly-qualified practitioners for advice.

In 2011, the Law of Ukraine “On Regulation of City Building Activities” abolished regional and local building rules, including the Resolution of Kyiv City State Administration of 17.05.2002, N979 on amendments to Kyiv City Council Resolution of 1979 “About Specification of Boundaries of Historic Cultural Reserves and Protection Zones of History and Culture Monuments in Kyiv”.

2.9 Authorization/Consent Procedures

All owners of monuments, or their parts, or their authorized bodies, which independently form different parts of property, are required to form a protection agreement with the appropriate governmental entity.

The protection agreement establishes the regime of usage of the cultural heritage, including the territories, on which it is situated.

The owner of the monument or relevant authorized body (individual) must ensure the accomplishment of requirements concerning fire prevention measures, sanitation, ecological safety, and a regime of utilization of the monuments of historical heritage and of the connected buildings, territories and associated cultural valuables.

An owner who wishes to conduct any works connected with the conservation, rehabilitation, restoration or development of the territory of a monument of historical or cultural heritage is obliged to submit relevant project documentation to the governmental entity responsible for cultural heritage protection. The works can be conducted only after the project documentation has been approved and after of written permission has been issued by the relevant governmental entity.

In case of discovery of artefacts of an historical or archaeological character, earthwork contractors are required to stop work and inform the responsible governmental entity and local self-government of the territory where the works are being conducted. Such works can only be continued after carrying out archaeological research and with the written permission of the responsible governmental entity has been received.

The conduct of archaeological excavations, research and other earthworks on the territory of the monument of historical heritage or protected archaeological zone or at the historic places of human habitation or research of human activities under the earth surface is governed on the basis of permission issued by the authorized central governmental entities for protection of the cultural heritage. The permission for conducting archaeological research is issued under the provision that the executor of the works will follow the regulations of the authorized governmental entity and has an appropriate qualification issued by the relevant professional council.

Scientific and project documentation for defining the boundaries and regimes of zones applicable to historic and cultural monument protection, historical point plans and special scientific project documentation must all be approved by the science and technological council of the scientific research organization and be agreed with the relevant local self-government, MCTU or the government entity in charge of culture heritage protection and be confirmed by the relevant governmental entity in charge of city building and architecture or its authorized entity.

The scientific project documentation on the restoration of the monuments of historical heritage must be adopted for:

- national monuments – by the central governmental entity on protection of the cultural heritage and the specially appointed architectural and city building entity.
- local monuments and newly found monuments of cultural heritage – by the local authority for the protection of the cultural heritage and the local architectural authority.

In practice these norms are met, but the level of expertise employed in the preparation of the project documentation is generally insufficient. This results in poor quality decisions, and the quality of the works does not meet the state's requirements on the restoration of cultural heritage nor does it meet the state's building norms or those international conventions on cultural heritage ratified by Ukraine.

2.10 Legal Rights of the Private Sector

There are several forms of ownership: state, municipal and private ownership. According to the Law of Ukraine "On the Protection of Cultural Heritage", monuments (except archaeological) may have any type of ownership.

Until 1990 almost all of the protected monuments were in state ownership. Since independence, the campaign for privatization started and included monuments from the past.

According to clause two of the first chapter of the Law "On the State Privatization programme", the main aim of privatization between 2000-2002 was the creation of the conditions for increasing the effectiveness

of enterprises, companies and organizations and the creation of a competitive environment and acquisition of money to the state budget.

But in practice the transfer of cultural or historical heritage monuments to private ownership did not result in their more effective use. Accordingly, in 2005 the Law “On Temporal Prohibition of the Privatization of the Cultural Heritage” was passed. This law prohibited privatization of cultural heritage until the decision of the Verkhovna Rada concerning cultural heritage not to be privatized. A list of sites was approved on 23 September 2008 in the law “On the List of the Objects of Cultural Heritage, which cannot be privatized”. The project was developed by the specialists of the MCU and MRDCU and 2,464 monuments were included.

However, many experts have drawn attention to the disadvantages of this law. For example, today there is no system to connect the material and technical condition of the monuments. It is possible to privatize the Livadia and Masandra palaces in Crimea and the building of the most visited museum in Ukraine; the panorama of the heroic defence and liberation of Sevastopol. Instead, the ruins of the castle in Ternopil oblast, which are currently robbed out for building materials by locals, remain in the ownership of the state (which will never repair the monument). Experts recommend that unitary methods for evaluating monuments on their suitability for privatization be developed, and that new law be urgently drafted and adopted as soon as possibly in Verkhovna Rada. The new law for regulating these issues is the law “On changing the Law of Ukraine [“On the list of the objects of cultural heritage, which cannot be privatized”]” from February 12, 2010 N 1887-VI.

Experts also stress the need for elaborating several normative acts to protect the regional and district museums that are listed as monuments. One of key problems with private ownership is the state control over preservation and use and the need to protect monuments from damage or decay. This task is impossible unless organizations in charge of the cultural heritage protection in every city/region are created.

Cultural heritage that is protected can be alienated or passed by the owner (or the authorized person in possession, using or managing the property) to another legal or physical person, subject to the agreement of the appropriate organization in charge of cultural heritage protection (except in the case of certain monuments, the disposal of which is limited by legislation).

All owners of the monuments of historic heritage – or their authorized organizations – must ratify the protection agreement with the organization in charge of cultural heritage protection. The owner (or authorized person or user) is required to repair and protect the monument from damage or destruction according to the law and the protection agreement. If, as a result of the owner’s inactivity, a monument is at risk of damage or destruction, the state can warn the owner that action is necessary. If no measures are taken, the court, following the instigation of the relevant authorities, can take the decision to remedy the problems. In the case of urgent need for action, this can happen without warning and the monument is taken back into state ownership.

2.11 Financial Assistance

The sources of funding in the sphere of cultural heritage protection may include the monuments owners’ (or authorized persons) assets and other beneficial payments and donations and other funds not forbidden by the law.

The funding of cultural heritage protection is from the general and special funds of the central and local budgets. Priorities for funding are approved in the annual State Budget law. The organizations in charge of cultural heritage protection are the managers of the special assets. Expenditures on the reservations of national importance come from the central budget.

In many municipalities the management of monuments of local importance is unsatisfactory; a great number of monuments are in a dilapidated state, especially in the countryside and in small towns. The main problems include the absence of specialists and poor administrative decisions on local level.

According to the Accounting Chamber Report of 24.11.2015, N 9-1, during 2013-2015 the Ministry of Culture used resources for protecting cultural heritage inefficiently, which led to about 20% of monuments

located on reserves (193) being deemed in a critical and unsatisfactory condition, more than 40% (329 monuments) require restoration.

The temporal occupation of the territory of Crimea prevents the Ministry of Culture from supervising more than 10,000 monuments cultural heritage, including 272 of national significance, located particularly in the territory of the National Reserve “Chersonesos Taurica” and Sudak Fortress, filial of the National Reserve “Sophia Kyivska”.

2.12 Problems and Sanctions

Ukrainian legislation provides administrative and criminal punishments for the violation of the regulations in the sphere of the cultural heritage protection. The agency in charge of cultural heritage protection has the power to impose financial sanctions on the juridical person, or the owner of the monument of cultural heritage:

For carrying out illegal works that may inflict or have inflicted damage to a monument, protected area or the historical area of the inhabited places	In the amount from 1000 to 10000 non-taxable incomes ¹
For non-performance of the requirements for protection, preserving, maintaining, using, restoring and rehabilitating monuments	In the amount from 1000 to 10000 non-taxable incomes
For not informing or untimely reporting or submitting incorrect information about the discovery of cultural heritage during earthworks or other operations	In the amount from 100 to 1000 non-taxable incomes

The decision of the agency in charge of cultural heritage protection concerning fines can be appealed in the court.

According to the Code of Administrative Infringements from 07.12.1984 N 8073-X, the violation of regulations for the protection and use of monuments (cultural heritage) leads to a warning or a fine between 3 - 7 non-taxable incomes. The same sanction applies when the violation is made by officials.

According to article 298 of the Criminal Code (5.04.01 N 2341-III) the intentional illegal destruction, ruin or damage of a cultural heritage monument is punishable by a fine up to 100 non-taxable incomes or imprisonment for up to 5 years. The same deeds perpetrated by public officials are punishable by imprisonment for a term of 3 to 8 years.

The use of financial sanctions, administrative penalties or criminal punishment does not liberate the perpetrator from the obligation to compensate the damage, made to the owner of the monument.

It is also worth mentioning that among the objects of cultural heritage, archaeological objects are the most likely to be subject to unauthorised actions. Considerable harm can be caused to archaeological monuments by illegal excavations (known as *black archaeologists*). However, only a few cases have led to prosecutions, for example, for his part in the illegal excavations at Mamay-Hora, the guilty party was sentenced to 6-months imprisonment and a fine of 7,500 hrvnas. This situation is caused by the difficulty in defining the *corpus delicti* and proving guilt, as well as the absence of a formal regulated procedure for bringing an accused person to trial.

¹ Tax-free citizens' allowance is a part of profit (income) that is totally tax free. Tax-free citizens' allowance is a rigid sum that is deducted from the profit (income) gained after tax deduction. As for today, the amount of this allowance is equal to UAH 17, that is, 0.7 euro.

Another example could be the illegal earthwork and building initiated by the civic organization “Andriyivska Landscape Alley” at the archaeological monument of the national significance “City of Volodymyr, Citadel of Ancient Kyiv with Foundation of the Church of the Tithes”.

3. Conclusion

Expert opinion states that one of the most important problems in the sphere of monument protection in Ukraine is the absence of an effective system of state management, in general, and particularly in the case of reservations:

Firstly, there is no single central agency for making decisions in the sphere of cultural heritage protection: responsibility is divided between the Ministry of Culture, the Ministry of Regional Development and Construction and the Ministry for Environmental Protection.

Secondly, to date, the sphere of cultural heritage suffers due to the inefficient organization of state administration which complicates the implementation of public policy. As a result, in 2012, the State Service for Cultural Heritage Protection was abolished and in 2014, the Department for Cultural Heritage was also abolished.

Thirdly, after 16 years of action under the law of Ukraine “On Protection of Cultural Heritage”, the appropriate state agencies at regional level were shut down in almost all of Ukraine oblasts destroying tools of vertical administration in cultural heritage management.

Fourthly, state reservations and cultural heritage sites are subordinated to different governmental entities which manage only those reservations.

Such a situation weakens the state control over the protection and preservation of monuments.

As responsibility for cultural heritage is divided between different governmental entities and organizations, no single state agency has the full picture concerning activities at all the reservations or conditions at sites.

Work on the State Register of immovable monuments is ongoing, and there are even some ruined sites on lists of cultural heritage monuments. Registration procedures should be simplified. Major problems have also emerged concerning the application of “The database of the heritage monuments in Ukraine” (electronic data base) due to the absence of qualified specialists and responsible agencies in the regions. Much information on cultural heritage is still kept in hard copy only due to the lack of technical equipment and specialists. The State Register cannot supply complete or reliable information about cultural heritage.

The absence of borders for the historic and cultural reserves, territories and zones of the heritage protection, as well as the lack of information concerning registered ownership rights, create major obstacles for managing these assets. Among the 59 reserves examined, only 74.5% had defined borders and only 19% had details of land ownership. The protection of monuments is complicated by the fact that the borders of the monuments are not physically marked on the terrain and are not taken into account in land ownership transactions or privatization, which can lead to the complete loss of a monument.

The development of cultural heritage protection is hampered by the absence of qualification personnel in the cultural heritage protection sphere. In 2009, the Ministry of Culture, the Ministry of Regional Development and Construction and the Ministry of Culture and the National Heritage of Poland created the International centre for cultural heritage protection in the town of Zhovkva in order to establish a system of qualification for staff involved in cultural heritage protection. However, the centre cannot count on the state’s support, and can no longer carry out its role.

To improve the system of cultural heritage protection the experts recommend activities in the following areas:

1. Create – within the system of executive authorities – a one-off agency with a vertically integrated structure and subdivisions in regional (oblast) and district (rayon) administrations, empowered as a central

executive body for cultural heritage sphere and provided with respective network of scientific, research-and-development and restoration institutions.

2. Define bodies for administering objects of UNESCO World Heritage.
3. Elaborate the National Strategy for protection and development of cultural heritage of Ukraine.
4. Improve the legal base, which should, particularly, envisage the elaboration of methods for assessing the economic and social potential of cultural heritage objects and their use when development plans of cities and regions are being formulated.
5. Develop standards for financing a national establishment and the typical provision for supervising boards of national reserves.
6. Make amendments to the Law of Ukraine "On Protection of Cultural Heritage" in terms of objects registration and World Heritage objects.
7. Make amendments to the Law of Ukraine "On State Budget of Ukraine" by augmenting programmes for financing cultural heritage, including financing for objects of World Heritage (by separate programme).
8. Optimize the registration system for cultural heritage objects – application of the programme "The database of the heritage monuments in Ukraine" (electronic data base).
9. Develop an order for territorial planning of historical cultural reserve and historic cultural protected area, procedure for defining and adopting limits and using regime of protection zones; form of electronic passport and electronic passport base for cultural heritage.
10. Take measures for improving structure (number of employees) to deliver on mandates in the sphere of cultural heritage.

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