

**THE USE EXPERIENCE OF THE CUSTOMS UKRAINE'S OF ACCOUNT  
SCULPTURES**

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At the end of the first quarter of the XXI century on the east and west coasts of the Atlantic Ocean there is a reassessment of traditional and classical culture. As a result, we have witnessed a «conflict of interest», which, in particular, can be seen in the preservation of cultural values. The task of customs officers of any state is not only to fill the budget with finances, but also to counteract the illegal movement across the border of cultural values and works of art. Officers of the Academy of Customs Service of Ukraine once provided the State Customs Service of Ukraine with plans to describe various types of works of art used by people in uniform when drawing up protocols, but ignored by the Ministry of Culture when filling in scientifically unified passports. The article is devoted to popularizing the attribution and description of sculptures in customs documents on the territory of Ukraine, based on the method of layered description of works of art, which facilitates their further identification, both when crossing the border and in operational actions of the officers Police and Security Service of Ukraine to create documents for search. When it comes to the registration of cultural values, it should be noted that in Ukraine there are still no: first, the only criteria for describing cultural values, which are stored in public and private collections; secondly, despite the forms of registration of cultural values approved by the Ministry of Culture of Ukraine (the so-called scientifically unified passport), their key positions are filled in any form due to which the entered information does not contain useful information, as evidenced by documents labels that are not suitable for practical identification. And this «information» is transferred to scientific monographs and articles, which leaves the interested reader more

questions than answers: third, there are not only standards in the system of photo fixation of cultural values, but also the practice of taking photos of artefacts stored in collections, as evidenced by materials of the investigation of thefts in Ukrainian museums and private collections. To change this practice, the author offers readers an algorithm for creating a protocol on violation of customs regulations (passports), which is based on the method of layered description of works of art, offered as an example a description of a tin figurine.

**Keywords:** sculpture; customs; registration of cultural values; index of cultural value; basis; porcelain; seal

## **В. В. Літвінов. ВИКОРИСТАННЯ ДОСВІДУ МИТНОЇ СЛУЖБИ УКРАЇНИ ПРИ ОПИСІ ТВОРІВ СКУЛЬПТУРИ**

Наприкінці першої чверті ХХІ століття на східному та західному узбережжі Атлантичного океану відбувається переоцінка традиційної та класичної культури. Як наслідок, ми стали свідками «конфлікту інтересів», який, зокрема, простежується в питанні збереження культурних цінностей. Перед офіцерами митної служби будь якої держави стоїть завдання не тільки наповнювати фінансами бюджет, але і протидіяти незаконному переміщенню через кордон культурних цінностей та творів мистецтва. Викладачі Академії митної служби України в свій час забезпечили Державну митну службу України планами опису різноманітних видів творів мистецтва, які використовуються людьми у погонах при оформленні протоколів, але ігноруються співробітниками Міністерства культури при заповненні науково уніфікованих паспортів. Стаття присвячена популяризації особливостей атрибуції та опису творів скульптури в митній документації на території України, в основі якого метод пошарового опису творів мистецтва, що полегшує їх подальшу ідентифікацію, як при перетині кордону, так і при оперативних діях офіцерів МВС та СБУ при розслідуванні кримінальних злочинів та для створення документів на розшук. Коли мова йде про реєстрацію

культурних цінностей, слід відзначити, що на території України і досі відсутні: по-перше, єдині критерії опису культурних цінностей, які зберігаються в державних та приватних колекціях; по-друге, не дивлячись на затверджені Міністерства культури України форм обліку культурних цінностей (так званий науково уніфікований паспорт) їх ключові позиції заповнюються в довільній формі завдяки чому внесені відомості не несуть корисної інформації, що і демонструють документи для розшуку викрадених артефактів, які нагадують музейні етикетки, які не придатні для практичної ідентифікації. І ось ці «данні» переносяться в наукові монографії і статті, що залишає у зацікавленого читача більше питань, ніж відповідей: по-третє, відсутні не тільки стандарти в системі фото фіксації культурних цінностей, але і практики робити фото артефактів, які зберігаються в колекціях, про що свідчать матеріали розслідування крадіжок в українських музеях та приватних колекціях. Щоб змінити цю практику, автор пропонує читачам алгоритм створення протоколу про порушення митних правил (паспорту), який базуються на методі пошарового опису творів мистецтва, запропонував в якості прикладу опис олов'яної статуетки.

**Ключові слова:** скульптура; митниця; реєстрація культурних цінностей; індекс культурної цінності; основа; порцеляна; клеймо.

## **Introduction.**

The management and employees of all museums in Ukraine a few years ago faced the need to fill out passports for artefacts stored in their collections. One of the reasons for such a «mass action» was not only the example of «neighbours», but also the «mass unauthorized movement» (in other words, theft) of art objects from museum collections and private collections that swept the country. At one time, the author was directly related to the State Customs Service of Ukraine, so he can talk about how difficult it is not only for an unprepared person to identify a work of art that fell into his hands, but also to correctly describe it in accompanying documents, especially in the absence of uniform standards and criteria. The thing is that out of 46

points of the «Scientifically Unified Passport», only 8<sup>1</sup> can be conditionally used not only for identification, but also for drawing up an orientation for the search for artefacts that are wanted, since paragraph 33 «description of an object» is made in an arbitrary form. In order not to appear unfounded in the eyes of readers who do not have access to museum documentation<sup>2</sup>, I can suggest that they study 55 assessment protocols and expert conclusions that were published by Vladimir Vasilyevich Indutny [9] and 1046 search guidelines published in 2010 by the now abolished State service of control over the movement of cultural property [11].

The article presented to your attention is devoted to recommendations for describing works of sculpture – the most common type of cultural property.

Sculpture, as part of the fine arts, has received wide coverage in world literature. But the authors focus on the stylistic features of sculptures in different cultural and historical eras, the work of sculptors, expertise and restoration, but the topic of registering sculptures for their subsequent identification is on the periphery of the attention of colleagues and, as a result, is not known to practitioners. This practice has existed for many decades, as evidenced by the analysis of the literature [1; 2; 3; 4; 5; 6; 7; 8; 12; 13; 14; 15; 16; 28; 31; 32; 33; 34; 35; 36; 37; 40; 41; 42; 44; 45].

An analysis of the existing literature showed that:

**Firstly**, today there are no uniform norms and criteria in the design of both sculpture and other cultural values.

**Secondly**, modern specialists do not have a single idea of what criteria of objects of sculpture should be fixed when describing them.

**Thirdly**, there is a persistent stereotype (on both sides of the customs registration desk) that there is no need for customs officers and there is no time to engage in such «nonsense» for which there are trained experts.

But all snobbery flies away from an official when he has to perform the following operations within 15 minutes provided by the law:

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<sup>1</sup> 26 – typology; 28 – dimensions; 29 – material; 30 – technique; 31 – precious metals; 32 – precious stones; 33 – description of the subject; 35 – additional information.

<sup>2</sup> The author studied, in particular, «Scientifically Unified Passports» filled out by employees of the D.I. Yavornitsky.

– make a reasoned decision whether or not to pass a questionable subject through the customs border;

– to draw up documents so that the case initiated on the fact of illegal movement of an item across the customs border does not fall apart at various stages of the investigation and in court.

An example is information published in «Каталозі культурних цінностей, викрадених з державних музеїв, заповідників, установ та приватних колекцій 1999–2009 рр.» [11].

Analyzing the 12 guidelines for the search for stolen sculptures and statuettes given in this edition, the author again asks a rhetorical question – what do the owners expect, presenting «such exhaustive» information about the stolen property?

Judge for your self, only 5 orientations are accompanied by photographs. Only in 2 orientations, devoid of photographs, there are brief descriptions of the sculpture provided by the staff of the Simferopol Art Museum [11, p. 97] and the Stakhanov History and Art Museum [11, p. 96].

In 12 search orientations, information on the height of the sculpture is presented in 8, length – 10, width – 9, weight – 1, color – 4 cases. There is no information about the stamps in all orientations. Only in one case is a miniature photograph of the stamp given, but in the published description of a figurine of a deer by Hans Guradze of the 19th century, stolen on 08/01/2006 from a private collection in Lvov, nothing is said about him [11, p. 96]. A similar approach is observed in the description of 185 decorative and applied works of sculpture, 147 coins, 4 icons, 8 objects of religious worship, in 230 cases of theft of objects of faleristics, 11 objects of medal art and 5 heraldic objects. [11, p. 22–60, 98–99, 101–132]. This allows us to speak about the systemic problem of Ukrainian museums and private collectors related to the certification of sculptures, and state bodies protecting the national heritage and looking for stolen goods. Over the years, the algorithm for describing various types of cultural values has been greatly improved. The requirements of the publication involve the analysis of existing literature on the topic under study, focusing on English-language literature. I cannot agree with this approach, because the authors do

not focus their attention on the developments of their compatriots, transferring domestic science to the category of secondary ones. Perhaps this can explain the fact that the method of describing cultural values, developed at the Academy Customs of Ukraine, by the group of O.L. Kalashnikova, remains unknown. To the best of his ability, the author of these lines has been developing this topic since 2007 [17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 29; 30]. Presented to your attention an attempt to address readers in English is an attempt to change the current situation.

### **Method.**

Main method, which the author proposes to use when describing works of sculpture, as well as other works of art, the method of layered description, developed by Professor O.L. Kalashnikova at the Academy Customs of Ukraine. As long-term experience of its application shows, the algorithm underlying it makes it possible to document all the special features of the studied artefact, which facilitates its subsequent identification.

### **Result sand discussion.**

The main provisions and results of the study were tested during international scientific and practical conferences, which were held in Dnepropetrovsk on the basis of the Academy Customs of Ukraine (2005, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2021).

The purpose of this article is to acquaint colleagues with the results of the development of a unified plan for describing sculptures for their certification and identification both at a possible border crossing and for operational actions of the Ministry of Internal Affairs officers in the investigation of criminal offences and drawing up guidelines for the search for stolen items. The results can also be used by museum staff in drawing up passports for sculpture items stored in the funds and the main exhibition. Approbation of the research results took place at international scientific and practical conferences which took place in Dnepropetrovsk on the basis of the University of Customs and Finance in 2015 and 2016. To begin with, let's clarify the term «sculpture» (lat. *sculptura*, from *sculpo* – cut out, carve out) is a type of fine art, the works of which have a three-dimensional, three-dimensional shape and

are made of solid or plastic materials. In accordance with European legislation (point 7 of Annex 1 to Council Regulation (EU) of 18.12.2008 No. 116/2009 on the export of cultural goods), cultural objects include: «Statues or sculptures and their copies made in the same technique, as the original. Over 50 years old and not owned by their author» [38].

According to the current Ukrainian legislation (clauses 3, 4, 6 of Enclosure 1 to clause 1.5 of the Instructions on the procedure for registering the right to export, temporary export of cultural property and control over their movement across the state border of Ukraine) [10], works of sculpture are a cultural property if they were made before 1950, with the exception of «badges, commemorative signs, table medals, commemorative and commemorative coins that are not legal tender» made before 1960 inclusive (clause 12 of Enclosure 1 to paragraph 1.5 of the above instructions). The author proposes, when attributing this type of cultural property, to pay attention to the XV features presented below, taking into account which one can not only avoid a number of troubles, but also de facto draw up a passport for cultural property stored in public and private collections.

**I.** Filling in the description of the subject in the protocol of violation of customs rules (or passport) begins with the identification of the subject that came for the description. In our case, it is necessary to indicate the functional purpose of the registered item and its external features.

**II.** In the protocol on the Violation of Customs Rules (passport), it is necessary to place large-scale photos of at least the front, back and bottom of the registered item, which allows you to fix its design features and avoid accusations of falsification.

**III.** To fill out the protocol of violation of customs rules, it is necessary to determine the index of a given subject, regardless of whether it is a cultural value or not. The staff of the Department of Humanitarian Training and Customs Identification of Cultural Values of the Academy of the Customs Service of Ukraine under the leadership of Professor O. L. Kalashnikova, back in 2012, developed an index of cultural value for the State Customs Service of Ukraine. The index is entered

into electronic registration forms when moving cultural property across the border. This index is based on the Ukrainian Foreign Economic Activity Code [43], «Iskra» and Council Regulation (EU) of 18/12/2008 № 116/2009 [38], consists of six positions that make it more informative than the positions taken separately from Ukrainian Foreign Economic Activity Code or Council Regulation (EU). When drawing up an index of cultural value, it is necessary to take into account, firstly, that in accordance with the Ukrainian Foreign Economic Activity Code, sculpture items belong to both group 9703 and group 9705 – collections [43].

For more details on how to draw up the index of cultural value, you can find in the author's works [24; 25; 26; 27; 29].

**IV.** Considering that the sculpture is a three-dimensional work, when describing it is necessary to fix its height, length and width (preferably both maximum and minimum), indicating the places where the measurements were made.

**V.** The weight of the registered work is also an important piece of evidence, but it should be recorded whether it was determined for the item in whole or in parts (if the sculpture can, for example, be detached from the stand). As with dimensions, you should not ignore the data in which units were measured.

**VI.** When fixing the form of a sculpture, it should be remembered that in addition to the usual geometric shapes most often used in dishes, it (shape) can be anthropomorphic – an image of a person (a group of people), zoomorphic – an image of birds, animals, fish, etc., in the form of a transport means of an architectural object – a building. The list goes on and on. Therefore, having indicated the form, it is necessary to provide a short description of the registered subject in clause 1 of the description.

**VII.** Filling out item 7 of the description «The nature of the base and support material» baffles many. It is difficult to demand from our contemporaries the ability to distinguish copper from bronze, steel from cast iron, bone from plastic, gypsum from marble, and faience from porcelain. The maximum that an unprepared (partially prepared) person can record at this point is that metal, wood, stone, clay, glass were used as the basis of the described object as a whole or in its individual elements. To



assert something without expert examination data is an impermissible luxury that can lead the author of the STP protocol (passport) in case of an error to unpredictable consequences. The only thing that can be advised for those who do not have precious metal sample detectors at their workplaces – «ДеМОН», «ДеМОН Ю» and «ДеМОН П», be more careful in looking for the stamp of the assay supervision inspection on the product. If such a mark is found, it should be noted: «The basis is metal (of such and such a colour) with the mark of the assay supervision inspection». And in clause 15, describe the stamp, indicating the data recorded in it.

When working with grey metal products, you need to pay attention to whether they leave grey marks on the paper. If yes, perhaps it is lead or tin (and possibly silver), but the protocol must record: «A grey metal that leaves grey traces on the paper».

In the event that a ceramic product made of white clay (kaolin) is described, an employee, not being a specialist, cannot assert whether it is porcelain or faience, but, having slightly touched the surface of the investigated object with the handle, is able to hear the ringing characteristic of porcelain and crystal products, in contrast to products made of terracotta, earthenware and glass. After that, an entry is made: «The base is white clay (kaolin), the ringing is present».

**VIII.** Base colour – this item will help to avoid a number of misunderstandings, since the employee captures what he sees. An exception will be items that are completely covered with painting. In this case, the following is recorded: «the colour of the base cannot be determined».

**IX.** Inscriptions on a work of sculpture can be both «the author's annotation» and part of the image embodied in this work, and must be recorded in the documents in the original language. Otherwise, it will turn out, as in the already mentioned Catalogue of Stolen Cultural Property. According to this document, state awards of the Kingdom of Prussia in the 19th century (section «Faleristics», position 4 – medal «Frederick William IV», stolen from the museum of the history of the city of Bar 03/20/2000, and 8 – a medal in honour of the victory of Prussia over Austria in 1866, stolen from the State Historical and Cultural Reserve «Mezhibizh» 03/20/2004) have

inscriptions in Ukrainian and Russian, but not in German, but on the medal of the Bulgarian People's Republic (2nd position of the «Faleristics» section) – in Russian [11].

**X.** The presence of labels and (or) inventory number (or traces of them) allows you to determine whether the item being registered does not belong to the museum (or other) fund. Such items are prohibited from being transported across the border by individuals and, possibly, are on the wanted list. The content and dimensions of the labels are fixed. The presence of traces (inscriptions) and their location are also recorded.

**XI.** When it comes to the nature of the decoration of sculptures, it must be remembered that the flight of a master's imagination can be limited only by a sense of proportion (of him and the customer) and financial capabilities. Engraving, inlaying, filigree, granulating, blackening, enamelling, painting with paints, carving – this is not a complete list of those techniques that a master can use, and this should be reflected in the protocol of violation of customs rules (passport).

**XII.** The presence of a stigma or other author's mark on the described object is an essential special feature, which, in contrast to the signature on works of painting and graphics, is more difficult to forge. Therefore, data on the number of stamps and their content, and in the case of ceramics, on the method of applying the stamp and its colour, must be recorded. A stigma can include a letter, plot or combined component. In the event that we are dealing with clay products from terracotta to porcelain, it should be remembered that brands (stamps) are applied to the bottom part, hidden from the viewer's eyes, in the following ways:

1) The brand is squeezed out in the dough, i.e. in on the very basis before the first firing; this type of stamp is identifiable even by a layman;

2) The stamp is placed after the first firing, before the glaze is applied to the product, which turns into a glassy mass after firing. Brands of this type are called under glaze. When touched, its surface is as smooth as the surface that is not covered with the stamp pattern.

3) The over glaze mark is placed over the glaze applied to the product. In this case, the pattern of the stamp has a rougher structure to the touch than the rest of the surface of the product;

4) The product may not be coated with glaze, but have a stamp applied after firing, in this case we are dealing with a stamp on a biscuit, since porcelain not covered with glaze is called a biscuit. The colour of the mark (stamp) on the ceramic product serves as an indicator of its grade and must be fixed. In the absence of a stamp, this is also recorded in the protocol.

**XIII.** Speaking about the quality of preservation of the described product, an unprepared person should not assess the level of an educational institution: «excellent», «satisfactory», «good», since such criteria are absent in the terminology of experts and appraisers. When registering the state of an object, one should be guided by the navigators' rule when filling out the logbook: we write what we observe, what we do not observe, we do not write that. We are talking, first of all, about the presence of all structural elements of the product; stains, including patina, inscriptions indicating their color<sup>8</sup> and content, as well as the fixation of visible traces of restoration or conservation. It should be noted if the registered statuette (metal or ceramic) is hollow in the middle. To do this, it is enough to turn it upside down.

**XIV.** Filling out item 17 of the description «The place where it was found» can be used not only by people in uniform, but also by archaeologists, ethnographers or collectors, fixing where they acquired (discovered) a new item for their collection.

**XV.** If there is a Certificate for the right to export (or an export license), the main data of this document are entered into the protocol: the number of the Certificate, when and by whom it was issued, information about the author and country of manufacture, name, year of manufacture, material, technique, approximate cost. For convenience and unification of descriptions of cultural values, the staff of the Department of Customs Identification of Cultural Values and Humanitarian Training of the Academy of the Customs Service of Ukraine developed electronic forms for describing various types of cultural values in the protocol of violation of

customs rules. Filling out these forms allows you to speed up the process of registration and subsequent identification of cultural property. Below are examples of the description of small sculptures, taking into accounting all of the above criteria.

### **Conclusions.**

As a conclusion of the work done, let me give a description of the figurine of the winged Polish hussar, taking into account all the above criteria.

1. A figurine in the form of a foot Polish winged hussar on a round metal stand, to which the figure is attached with 2 screws, was submitted for description.

2. Large-scale photographs.



3. Cultural value index according to Ukrainian Foreign Economic Activity Code, «Iskra» and Council Regulation (EU) 18/12/2008 № 116/2009 – **9703.01.221.0.0.07.**

4. Dimensions: maximum height – 150 mm, stand height – 13 mm, stand diameter – 57 mm, stand thickness – 2 mm, maximum figure width – 41.5 mm,

maximum figure thickness (with wings) – 50 mm, minimum thickness (wing and spur) – 1 mm.

5. Weight with stand: 451 g.

6. The shape of the figurine is anthropomorphic. In the form of a moustachioed man with a small beard, wearing a helmet with a backplane and a raised device to protect the face in the form of an «open umbrella», armor with two wings, a caftan above the knees, trousers and boots with spurs. With both hands he holds a sabre hanging from his belt to the left.

7. The nature of the base and stand is metal, which leaves grey marks on paper.

8. The colour of the base (figures and stands) is grey.

9. There are no inscriptions in the decoration of the item.

10. The content of the inscriptions – ...

11. There are no labels and inventory numbers.

12. Decor is present.

13. Decor material (in case of inlays). There are no inserts.

14. The nature of the decor. The upper part of the stand is covered with an engraving that imitates the pattern of parquet, which consists of a combination of large and small rhombuses.

15. There are no hallmarks.

16. Quality of preservation. All structural elements are present. No contamination or deformation was found.

17. The place where the item was discovered....

18. There is no certificate for the right to export.

19. Data from the Certificate of the right to export -.

Thus, the proposed algorithm for describing sculpture items in the protocol of violation of customs rules will solve the systemic problem of certification of works, lead to uniformity of the norms and criteria for issuing this document, and will contribute to countering the illegal export of cultural property outside the country and the search for stolen items.

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