

ARMENIA

LEGAL BASIS

1. **Is your State a party to international legal instruments guaranteeing the immunity of State owned cultural property on loan (including bilateral agreements) such as the *United Nations Convention on Jurisdictional Immunity of States and Their Property* (2004)?**

Armenia is not a party to the UN Convention, but this is presently under consideration.

2. **Does your State recognize the customary international law nature of Part IV of the *United Nations Convention on Jurisdictional Immunity of States and Their Property* (2004)? More specifically, does your State consider that, pursuant to a rule of customary international law, cultural property owned by a foreign State while on temporary loan is not considered as property specifically in use or intended for use by the State for other than government non-commercial purposes?**

Answer to this question will be considered in the context of Armenia’s possible accession to the UN Convention.

3. **Has your State adopted a national legislation on immunity concerning:**
 - a. **Specifically cultural objects of foreign States; or**
 - b. **more generally, property of foreign States intended for official/public use; or**
 - c. **more generally, cultural objects either owned by foreign States or by private individuals?**

If so, please provide information concerning national legislations (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).

No specific legislation has been adopted; rather the matter remains governed by customary international law, which forms part of Armenian legislation. But in general, Article 245 of the Civil Procedural Code of the Republic of Armenia considers, that “Bringing an action against a foreign state, involving it as a third person in the case, imposing attachment on the property belonging to a foreign state and located in the territory of the Republic of Armenia as well as undertaking other measures for securing the claim with respect thereto, levying that property in execution through the procedure of compulsory enforcement of the judicial act shall be permitted only upon consent of the competent authorities of the respective State, unless otherwise stipulated by the international treaties of the Republic of Armenia”. Meantime the Law of the Republic of Armenia “On Import and Export of Cultural Values” in its Articles 13(4) and 16(4) also indirectly adopts some rules concerning above mentioned matters. In particular: Article 13(4) - “Temporarily exported cultural values cannot be used as a means for the repayment of the debt or as collateral, as well as, any other transactions cannot be concluded regarding the alienation of the temporarily exported cultural property.” And Article 16(4) - “The authorized state (*Armenian*) body within its competence contributes to the rightful owners of the cultural property, upon presentation of a claim in the courts of other states in accordance with their domestic law for claiming the cultural property back from the illegal owner.”

4. **Does your State consider that there are limitations to the rule of immunity of State owned cultural property on loan, in particular in the event of an armed conflict or when there are return obligations deriving from international or European law?**

Answers to this question will be considered in the context of Armenia's possible accession to the UN Convention.

- 5. Does your State consider that the rule of immunity of cultural property extends to other categories of property other than those owned by a State, i.e. property in possession or control of a State (such as property belonging to a State museum)?**

Answers to this question in general will be considered in the context of Armenia's possible accession to the UN Convention. At the same time, each museum or relevant cultural institution of Armenia is usually signing a specific loan agreement with respective foreign counterparts concerning security and insurance of properties belonging to them during expositions and cultural events in the territories of those foreign states.

NATIONAL PRACTICE AND PROCEDURE

- 6. Is there national case-law in the field of immunity of State owned cultural property on loan? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

None

- 7. Does your State resort to "letters of comfort" or other practice guaranteeing the recognition of the immunity from seizure of State owned cultural property on loan?**

There is no such practice in place presently.

- 8. Is the immunity granted automatically to State owned cultural property on loan or is it subject to approval by a State authority?**

See answer on question 3. Meantime in near future Armenia will join to the Declaration on Jurisdictional Immunities of State Owned Cultural Property.