

LATVIA

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)?**

There are no bilateral treaties related to immunity of state owned cultural property concluded by Latvia. Latvia has acceded to the United Nations Convention on Jurisdictional Immunity of States and Their Property on 14 February of 2014.

- 2. Does your State recognise 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?**

Latvia is a party to the United Nations Convention on Jurisdictional Immunity of States and Their Property. Moreover, the Minister of Foreign Affairs of Latvia on 8 January of 2014 confirmed the Latvian adherence to the Declaration on Jurisdictional Immunities of State Owned Cultural Property (deposited by the Council of Europe Secretary General). This clearly sets out that Latvia considers itself bound by International Customary Law regarding immunity of State owned cultural property through temporary cross-border loans for public displays.

- 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).

The national authorities in charge for conservation and preservation of Cultural Property are acting in accordance with the terms of the “Law on Preservation of Cultural Objects”.

- 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?**

The primary obligation of any State during an armed conflict is to refrain from any direct attack against the cultural objects.

At the international level the preservation of the cultural objects during the time of hostilities is governed by the “Convention for the Protection of Cultural Property in the Event of Armed Conflicts”. Therefore Latvia is obliged to act as prescribed by the said convention.

At the EU level the Council Directive No. 93/7/EEK “On the return of cultural objects unlawfully removed from the territory of a Member State” applies, therefore within the EU any dispute regarding the cultural objects in question can be resolved without the seizure of the cultural property in the territory of the requested State. The EU Directive does not limit the possible defendants, it could be state, legal or natural person.

- 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)?**

The rule of immunity of cultural property equally applies to all categories of cultural property owned or loaned by State. In accordance with national legislation all cultural objects are part of the common national heritage that is owned or held by the State museums, but used by or available to wider public.

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).**

For the time being there is no national case-law in the field of immunity of State owned cultural property on loan.

- 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 legal regulation for “Letters of Comfort”, nevertheless, this kind of letters have been issued by Latvian Ministry of Culture to several museums of foreign countries. By those letters the Ministry certifies that it does not possess information about facts that may cause the seizure of the cultural objects loaned to Latvia by foreign state.

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

The Latvian national authorities consider that any cultural property owned by a third state automatically has immunity from national jurisdiction of a foreign state. As it follows from above-mentioned this position has been clearly indicated by the Latvian Minister of Foreign Affairs when on 8 January of 2014 he confirmed the Latvian adherence to Declaration on the Jurisdictional Immunities of State Owned Cultural Property (deposited by the Council of Europe Secretary General). The main aim of this Declaration is to cement the understanding that in accordance with international customary law any Cultural Property owned by a State shall have an immunity form the jurisdiction of another state.