

NORWAY

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)?**

Yes, Norway is a party to the United Nations Convention on Jurisdictional Immunity of States and Their Property of 2004.

- 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 noncommercial purposes?**

Yes, Norway recognises the customary law nature of Part IV of the Convention. State owned cultural property on loan is covered by jurisdictional immunity, as Norway does not consider such property on temporary loan as property specifically in use or intended for State use for other than government non-commercial purposes.

- 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?**

There is no particular national legislation in Norway on cultural objects owned by foreign States, but general references to public international law obligations in the relevant legislation on court- and administrative processes, which includes public international law obligations on State immunity.

- 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?**

Norway does not consider such possibly general limitations to apply. Potential conflicting obligations under international law must be assessed and harmonised, depending on the specific situation and the international legal regime applicable in the actual circumstances.

- 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 key term is here “property of the State”. The concept may give rise to challenges when it comes to interpretations in some contexts, but if as a result of the interpretation, the cultural object is not considered property of the State, it is not covered by the said immunity.

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).**

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?**

Norwegian authorities have not seen this as a necessity; the obligations stemming from public international law is secured by the courts and the administration.

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

Immunity is based on the interpretation of public international law; no additional act of approval for the specific situation is needed.