

NORWAY

LEGAL BASIS

- 1. Has your State signed and/or ratified the United Nations Convention on special missions (1969)? If not, does your State intend to sign/ratify the Convention?**

Norway has not signed the convention, and there are no current plans to do so.

- 2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

Norway is a member of several international organisations in relation to which relevant agreements provide for privileges and immunities to be granted to the staff and/or the representatives of the member States of those organisations. Norway has separate Headquarters Agreements with NAMMCO, The Barents Euro-Arctic Council and the Arctic Council Secretariat.

- 3. Has your State adopted a specific national legislation in the field of immunities of special missions?**

- a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**
- b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

There is no specific Norwegian legislation on this point. But several laws, including our criminal and civil procedure codes contain a general obligation to respect international law. Furthermore in accordance with established national case law, Norwegian courts will, as far as possible, interpret and apply national legislation in accordance with International law, thereby avoiding conflicts. The Civil Procedure Code enables the Government to intervene in cases before the Supreme Court if intervention is deemed necessary or desirable to ensure respect for Norway’s international obligations.

- 4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

There are no relevant national documents on the status and the immunities of special missions.

- 5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

Norway does see an emerging customary law developing on this topic, but has not taken a position as to the precise scope of immunities applicable to special missions. Any situation that was to arise would be considered on a case by case. We welcome a future discussion on the topic.

- 6. Please provide information on the scope of the immunities of special missions, in particular:**

- a. The extent of the privileges and immunities granted to special missions and to their members;**
- b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);**

- c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;**
- d. The temporal limits of the immunities accorded to special missions.**

See previous answer.

NATIONAL PRACTICE AND PROCEDURE

- 7. Is there national case law in the field of immunities of special missions? 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 are no rulings from our domestic courts.

- 8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**
 - a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?**
 - b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?**

There is no mechanism of formal agreement in advance.