

# Report on the application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

## NORWAY

### I. Information on the implementation of the UNESCO Convention of 1970

#### 1. Ratification of the Convention

Norway ratified the Convention of 1970 on 16 February 2007 through the Government Bill to the Storting *St.prp. nr. 70 (2003-2004)* and Recommendation of the Storting, *Innst.S. nr. 24 (2005-2007)*.

#### 2. Implementation in the national legal system and in the organization of services

(a) References of the principal national regulations adopted in order to implement the 1970 Convention.

[The Cultural Heritage Act of 1978](#) already provided the framework for the adoption of the 1970 Convention.

(b) Definition of “cultural property” used by the national laws

A definition of “cultural property” can be found in the Amendment Act of 12 September 2008 No. 75 pursuant to The Cultural Heritage Act of 1978. It follows from the amended Section 23 of the Cultural Heritage Act regarding prohibition of export that artifacts or cultural objects of national importance for preservation, research or dissemination of cultural heritage, arts and history in Norway, shall not be taken out of the country without a permit from the competent authorities. Furthermore Section 2 of the [Regulations relating to a prohibition of export and import of cultural objects \(2001\)](#) sets out a definition of “cultural property” to be included in the amended section 23 of the Cultural Heritage Act of 1978.

(c) Specialized units

Within the Customs and Excise Authorities no specialized unit has yet been established, however, the Ministry of Justice and the Police has established a national expert group for the purpose of preventing illegal trade and protecting cultural heritage. The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) is responsible for preventing and combating trafficking and ensuring international cooperation in relation to the protection of cultural heritage. Økokrim is the main specialist source for the police and the prosecuting authorities.

(d) Administrative coordination

Under the auspices of the Ministry of Justice and the Police, the central unit within the police has formed a specialized group with the representation of the Ministry of Culture, Arts Council Norway, the Norwegian Directorate for Cultural Heritage, the Customs and Excise Authorities and the Church of Norway’s Employers’ and Stakeholders’ Association. The main issue on the

agenda of these regular meetings has been the education of personnel and cooperation between national authorities.

In addition to the abovementioned expert group, Arts Council Norway also invites the competent institutions that have been authorized for the issuing of export permits to an annual meeting to discuss the prevention of theft and illegal export. An important goal of these meetings is to create a consultancy network or resource base of competent advisers to contribute to increased knowledge in this field.

### 3. Inventories and identification

#### (a) Inventories

Government funded museums in Norway compile their inventories in the PRIMUS Database. An increasing number of museum collections are furthermore being published at [Digitalt Museum](#). Church cultural property is listed in a database called the [Norwegian Church Inventories](#) (for which a login I.D. is required). According to Økokrim a Working Group has been established with the mandate to consider appropriate solutions for an Internet-based database with information on stolen art and cultural heritage objects. So far the group has developed a draft database with detailed specification which has been reported to a “new penalty case system”.

#### (b) Definition of “cultural property” and “national treasures”

As mentioned above, a Section 23 of the Cultural Heritage Act of 1978 gives a definition of “cultural property” and includes both moveable and immovable. The definition given corresponds fully to the definition in Article 1 of the 1970 Convention as national regulations were designed on the basis of this regulation.

Norway has not identified “national treasures” in a specified list. To a large extent this is covered by the inventories of the major national museums, as “national treasures” considered being the most important are already owned by these museums. Furthermore, the Cultural Heritage Act now contains a detailed list of numismatic objects that need a formal export license.

#### (c) Reference to the Object ID standard

Norway has translated the Object ID checklist and has commenced implementing the system as the preferred standard.

The information required by Object ID is for the most part covered by the PRIMUS system. The Norwegian Church Employers’ and Stakeholders’ Association has already adopted the Object ID standard.

#### (d) Systems to combat theft and to train staff

Norwegian museums are in charge of establishing their own security procedures and the Arts Council Norway is responsible for the general supervision of the effectiveness of their security plans. In 2009, statistics show that 71% of museums had their security plans approved by the respective authorities.

On an annual basis, Arts Council Norway organizes courses to train staff in security matters. The aim of these courses is to raise awareness of risk assessment and assist the institutions in setting up adequate security plans.

In 2008, 16 museums reported thefts or attempted thefts, in the years preceding the numbers were 21, 14, and 21 respectively. Figures for 2009 however are uncertain.

#### 4. Archaeological excavations

##### (a) Basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force

The Directorate for Cultural heritage is responsible for the management of all archaeological and architectural monuments, sites and cultural environments. The Directorate falls under the auspices of the Ministry of Environment.

The Archaeological Museums administer excavations of archaeological sites. The Maritime Museums are responsible for underwater heritage. In Svalbard the Governor's Office administers cultural conservation in the archipelago.

The institutions entitled to carry out surveys and excavations are listed in the Regulations pursuant to the provisions of the Cultural Heritage Act of 1978. The majority of institutions that are granted permits are publicly funded. Applications to excavate are subject to separate decisions by the Norwegian Directorate for Cultural Heritage.

##### (b) Illegal excavations

Illegal excavations do not seem to constitute a significant problem. There is relatively good communication between metal detector users' organizations and the cultural heritage authorities. Sometimes these organizations are called upon by the authorities to undertake specific tasks in certain excavations.

#### 5. Monitoring of the export and import of cultural property

##### (a) Estimate of the scale of the illicit export or import of cultural property (statistics)

As of now, there are no fully reliable statistics in Norway regarding the scale of illicit import and export of cultural property. According to reports however, very few items have been seized by the customs authorities. In 2009 there were 5 such seizures, an increase from 2008.

In 2006 the report "*Cultural Heritage Crime – the Nordic Dimension*" was published. It was the first study of its kind. It reflects the challenges and difficulties in discovering crimes related to archaeological excavation and underwater sites. Often the main problem concerns the lack of knowledge on the original findings at the site. In conclusion the study shows that illegal movement or export of cultural property may be a more extensive problem than first indicated.

##### (b) Problem of the illicit export of cultural property

Although the data is low on illicit export it is considered to be a recurring problem. In 2004, the customs authorities organized a specially targeted action on cultural property which led to the prosecution of several persons. As a result of this campaign there were an elevated number of requests for export permits suggesting increased awareness among the public because of the crackdown. However recently there has been a decrease in the number of permits issued.

Total number of applications from 2004 to 2010:

- 2004 = 347
- 2005 = 614
- 2006 = 835
- 2007 = 884
- 2008 = 680
- 2009 = 534
- 2010 = 587

An explanation for illicit import and export could probably be due to a lack of knowledge of the regulations. Internet trade of cultural goods is a growing challenge, which would require more efficient monitoring of the Internet.

The Customs and Excise Authorities are responsible for ensuring that cultural objects are not exported or imported in violation of the Regulations relating to a Prohibition against the Export of Cultural Objects.

(c) Main rules for monitoring the export and import of cultural property

The rules are dictated in the [Regulations relating to a prohibition of export and import of cultural objects \(2001\)](#). Amended by Regulation of 27 March 2009.

Twelve institutions have been given the authorization to issue export permits, each with responsibility for their respective categories of cultural property:

- Norwegian Armed Forces Museum
- Museum of Cultural History, University of Oslo
- National Library of Norway
- National Museum for Art, Architecture and Design
- Norwegian Museum of Cultural History
- Norwegian Maritime Museum
- Norwegian Museum of Science and Technology
- Preus Museum
- Directorate for Cultural Heritage
- National Archive of Norway
- Ringve – A Section of the Museums in Sør-Trøndelag
- RiddoDuottarMuseat

The responsibility for public information on rules and regulations is delegated from the Ministry of Culture to Arts Council Norway. It is the appeals body in cases involving violation of the prohibition against export of cultural objects.

(d) Rules provided for the restitution of illicitly imported cultural property

The rules for the restitution of illicit cultural property can be found in the [Regulations relating to the return of stolen and unlawfully removed cultural objects \(2001\)](#). Laid down by Ministry of Cultural Affairs on 4 October 2001 pursuant to section 23 f of the Act of 9 June 1978 No. 50 concerning the Cultural Heritage. Cf. Annex II, Chapter XXVIII, subsection 1, to the EEA Agreement (Council Directives 93/7EEC, 96/100/EEC, 2001/38/EC). Amended 14 May 2002.

As well as in the Regulations relating to a prohibition of export and import of cultural objects (2001), chapter III, Sections 8 and 9 litra c.

(e) Obstacles encountered in securing the restitution of illicitly exported cultural property

There have been few cases involving the restitution of illicitly exported cultural property. However, customs officials have investigated cases of with a view to complying with the UNESCO regulations. Preliminary conclusions are that there are still challenges to be met before the UNESCO database becomes a fully operational tool for sharing information on national laws and regulations.

(f) Circumstances in securing the restitution of a stolen cultural object

According to the Museums of Cultural History, University of Oslo, no information has been received regarding restitution of any stolen object that falls within the remit of the museum. In 2010 the Museum acted on one instance of illegal export concerning medieval coins and coins from the Viking Age. As soon as the information was received, an immediate cooperation with Økokrim was established. Before prosecution was initiated the objects were returned to Norway (again illegally). According to the Museum, increased awareness of international legislation was instrumental in preventing the illegal sale of these objects.

In November 2010 the Ministry of Culture received a general request from the Embassy of the Republic of Iraq regarding the possibility that Iraqi antiquities might have been taken illegally into the country.

## 6. System for trade-in, acquisition, ownership and transfer of cultural property

(a) Description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).

The cultural goods market consists primarily of small folk-heritage objects. Unfortunately no reliable statistics exist to indicate the total financial volume of the market. However a rough estimate of the market volume for visual arts based on a compulsory fee on sale of such items (5%) shows a slight drop in sales:

Year	Collected fee	Estimated volume of market
2007	29 792 733 NOK	658 331 603 NOK
2008	27 829 161 NOK	641 341 898 NOK
2009	21 000 833 NOK	479 651 219 NOK

(b) Rules governing trade in cultural goods, measures in place for such trade (maintenance of a police register), in particular through the Internet (reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)

Second hand trade is regulated through the Second Hand Trade Act of 22 December 1999 No. 105 and Regulations of 22 December 1999 No. 1379. In order to reduce the risk of receiving stolen property, a special license from the police is required for dealers of second-hand goods, which can be refused or withdrawn if there is reason to anticipate misconduct.

The police will check the application with the Norwegian Register of Business Enterprises and shall approve the premises used for the business for storage and sale. When permission is granted, the dealer takes on certain responsibilities. The main are to keep a log of all acquired objects, furthermore any item must be kept for at least 14 days before it can be resold. These dealers must act attentively and contact the police if he or she suspects that the vendor may have acquired the object illegally. Pursuant to Section 10 of the Regulations the dealer is required to keep an inventory book approved by the police. The record has to kept updated and on the premises with complete information regarding the objects; date, description etc.

The police can grant exemptions from the rules, they can furthermore instruct second-hand dealers to log information about the sale and information concerning the buyer's identity.

(c) Existing Measures to control the acquisition of cultural property

In December 2009, all Norwegian museums, customs offices, antiques dealers, and other targeted groups received [leaflets](#) with the latest updates on Norwegian regulations relating to a Prohibition against Export and Import of Cultural Objects. The information was distributed along with the brochure "*Do you want anything illegal in your home? Think before you buy art and artifacts.*" The brochure gave information on issue that need to be considered before buying cultural property.

(d) Existing legal system concerning ownership of cultural property:

According to the basic criteria for determining the national importance of an archaeological site, as set out in the Regulations pursuant to the Cultural Heritage Act, the following finds are automatically considered protected State property:

- Monuments, sites and objects older than 1537

- Shipwrecks older than 100 years, including objects onboard.
- Sami monuments, sites and objects older than 100 years.
- Coins older than 1650.
- Standing structures confirmed at any time as originating in the period 1537-1649.

## 7. Bilateral agreements

(a) Bilateral agreements concluded with other countries on the import, export and return of cultural property

There are no bilateral agreements with other countries on the import, export and return of cultural property.

(c) Administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?

In 2008-2009 the Ministry of Culture, Økokrim, the Customs and Excise Authorities, Arts Council Norway and the Directorate for Cultural Heritage made a joint proposal to establish a Nordic network for dealing with illicit trade in cultural objects. The first meeting of the Nordic Network was held in Copenhagen in November 2009. Some inconsistencies in the legislation between the countries have been noted.

The joint Polish-Norwegian project, *“Legal and illicit trade with cultural heritage”*, was developed on the initiative of Arts Council Norway in cooperation with the National Heritage Board of Poland. The project has been funded by the EEA-grants through the Cultural Exchange Fund. The main objective is to enhance knowledge and ethical awareness. Participants include museums and administrative institutions. The activities include three workshops and a final conference.

## II. Code of ethics, awareness raising and education

### 1. Ethical standards

(a) Application of the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM for museums

The ICOM Code of Ethics is well known amongst museum curators and professionals. The publication made by the Norwegian National Committee of ICOM is distributed digitally via the Internet and in a printed booklet. So far 6.000 copies have been printed and a third edition should have been printed in early 2011.

Several years ago, the Norwegian National Committee of ICOM developed a training programme on the ICOM Code of Ethics for museums. The training programme has now been adopted by other countries as well.

The UNESCO International Code of Ethics seems to be less known. Recent contact with dealers and the Arts Council Norway revealed that there was a need for more targeted information on the UNESCO Code.

### 2. Awareness raising and education

(b) Dissemination of the “One hundred missing objects” series and the ICOM Red Lists

Information on the ICOM Red Lists and the “One hundred missing objects” is published on the websites of the Norwegian National Committee of ICOM and Arts Council Norway as well as the

aforementioned brochure *“Do you want anything illegal in your home? Think before you buy art and artifacts.”* Arts Council Norway and the National Committee of ICOM have also organized public awareness campaigns.

Økokrim have confirmed that the Red Lists and the “One hundred missing objects” series have been disseminated within the police central unit.

(c) Description of activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export.  
How far can UNESCO contribute to these activities?

In January 2011, Arts Council Norway, the Norwegian Directorate for Cultural Heritage, the National Heritage Board of Poland and the National Maritime Museum in Gdansk attended the Travel Fair at Lillestrøm in Norway. Through their joint project *“Legal and illicit trade with cultural heritage”*, they informed travel operators as well as the general public about risks and challenges associated with the illicit trade in cultural property. Also the joint Polish-Norwegian project invited the travel business and the general public to the seminar *“Stop Heritage Crime”*. The information campaign at the travel fair was organized in cooperation with the Norwegian National Committee of ICOM, the Norwegian Blue Shield Committee and the Norwegian National Commission for UNESCO. These activities took place this year for the fourth time and are primarily intended to raise awareness. The Arts Council Norway was permitted to use information material on Underwater Archaeology from UNESCO. Further opportunity for cooperation of this kind would be welcomed and appreciated.

### **III. Cooperation with other international and regional agencies**

#### **Police**

(a) State of national cooperation with INTERPOL. Specialized police services to whom the heritage officials can call on for enquiries, legal proceedings and punitive measures

Norwegian police cooperate with INTERPOL whenever one of the parties finds it appropriate.

(b) Check on the INTERPOL database on stolen objects when a cultural object is stolen. Transmission of information on the persons implicated in the theft of cultural property

Økokrim checks the INTERPOL database as a rule, when a cultural object is stolen also the police transmit information on the person implicated when expedient.

(c) Specific training program for members of police services

The Norwegian Police Academy offers a training programme for members of police services.

(d) Punishment of fraud and theft related to cultural property via criminal law provisions. Specialized judges in this field

Pursuant to section 27 of the Cultural Heritage Act, any person who willfully or negligently contravenes any prohibition, order, condition or provision in or pursuant to this Act, may be punished by fines or imprisonment for up to one year. In some aggravating circumstances sentences can carry two years. Aiding and abetting are subject to the same penalties.

The Ministry of Culture assumes that judges, from their education, training and practices have the general ability to pass a sentence in all matters of law; the Ministry has no knowledge of judges specializing in this field.

#### (e) Cooperation with the United Nations Office on Drugs and Crime (UNODC)

Økokrim has no cooperation with UNODC.

### Customs

#### (f) Status of cooperation with the World Customs Organization. Specialized customs services which could assist heritage officials in preventing the illicit export of cultural property

The Norwegian Customs and Excise Authority and the WCO have not established a special focus on illegal trade of cultural heritage.

#### (h) Reference to the UNESCO-WCO Model Export Certificate for Cultural Objects

As mentioned above, 12 institutions are authorized to issue export licenses. To this end applicants are requested to complete the details of an application form drawn up by the Ministry of Culture and available at [www.norsk.kulturrad.no](http://www.norsk.kulturrad.no), the Arts Council Norway's website.

#### **European Union** - Application of the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State

In order to comply with the provisions of the EC Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State, Norway has adopted statutory instruments as described in the [Regulations relating to the return of stolen and unlawfully removed cultural objects \(2001\)](#). Laid down by Ministry of Cultural Affairs on 4 October 2001 pursuant to section 23 f of the Act of 9 June 1978 No. 50 concerning the Cultural Heritage. Cf. Annex II, Chapter XXVIII, subsection 1, to the EEA Agreement (Council Directives 93/7/EEC, 96/100/EEC, 2001/38/EC). Amended 14 May 2002.

### **IV. Other legislative, legal and administrative measures taken by the State**

#### **1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**

Ratification of the 1995 UNIDROIT Convention took place on 28 August 2001. The Convention took effect from 1 March 2002. As a consequence of Norway's adhesion to the Convention, necessary amendments were made in the Cultural Heritage Act. Accordingly amendments were also made in the Prescription Act and the Act relating to Good Faith Acquisition of Chattels.

#### **2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation**

Norwegian delegates attend the Committee meetings either with representatives from the Ministry of Culture or with representatives from the permanent delegation to UNESCO in Paris.

#### **3. UNESCO Database of National Cultural Heritage Laws – contribution and update**

The UNESCO Database of National Cultural Heritage Laws currently contains Norwegian laws and regulations that are slightly outdated. Translation of the successive amendments to the Cultural Heritage Act and those of the Regulations are in the pipeline. The English versions will be submitted to the secretariat upon their completion.