

United Nations Educational, Scientific and Cultural  
Organization/Organisation des Nations Unies pour  
l'éducation, la science et la culture  
F-75732 Paris Cedex 15 France

Your ref.  
CL/4102  
23 March 2015

Our ref.  
10/3588 -SUN

Date  
25 June 2015

**Implementation of the 1970 Convention on the Means of  
Prohibiting and Preventing the Illicit Import, Export and Transfer  
of Ownership of Cultural Property**

**Second periodical report**

**Norway**

**June 2015**

# 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

## Table of contents

<b>Preliminary part</b> .....	5
1. Introductory remarks .....	5
2. Constitutional and administrative structure .....	5
3. Economy .....	5
4. Preparation of the first periodical report .....	5
<b>Part I: Information on the implementation of the 1970 Convention</b> .....	7
1. Ratification of the Convention.....	7
2. Implementation in the national legal system and in the organization of services	7
2 a) References to the principal national regulations adopted in order to implement the 1970 Convention. ....	7 2
b) Definition of "cultural property" as applied in national legislation .....	9 2 c)
Specialized units established in order to prevent and combat trafficking and ensure international cooperation with regard to protection of cultural heritage ...	11
2 d) Administrative coordination of activities with the police and customs authorities. ....	11
<b>3. Inventories and identification</b> .....	12
3 a) Inventories that provide for the risks of misappropriation and theft .....	12
3 b) Definition of "cultural property" covered by international conventions and identification of "national treasures" .....	13 3
c) Application of the Object ID standard .....	14
3 d) Systems and specific measures to combat theft and to train museum staff ...	14
<b>4. Archaeological excavations</b> .....	15
4 a) Principles of the regulations on archaeological excavations and on the monitoring of excavations in Norway .....	16 4
b) Recurrence of illegal excavations .....	16
<b>5. Monitoring of the export and import of cultural property</b> .....	16
5 a) The scale of illicit export or import of cultural property. ....	16 5 b)
Reasons for recurring illicit export of cultural property (lack of financial and human resources, shortcomings in the legal supervision framework, etc.) .....	17 5 c)
Administrative and legal rules for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force .....	18
5 d) Provisions for restitution of illicitly imported cultural property .....	21 5 e)
Challenges and obstacles in securing the restitution of illicitly exported cultural property and possible reasons .....	21
5 f) Cases where the restitution of a stolen cultural object has been secured...	21
<b>6. System for trade-in, acquisition, ownership and transfer of cultural property</b> .....	22
6 a) The cultural goods market in Norway (financial volume of the market, number and turnover of auction houses including via the Internet). ....	22 6 b) Main

rules governing trade in cultural goods and control measures in place for such trade, in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOF and ICOM) .....	23	6 c) Measures to control the acquisition of cultural property .....	25
6 d) The legal system concerning ownership of cultural property .....	25	6 e) Rules on the transfer of title deeds in respect of cultural property .....	26
<b>7. Bilateral agreements.....</b>	<b>26</b>	a) List of bilateral agreements .....	26
b) Conditions with regard to the admissibility of requests for restitution from a country of origin.....	27	c) Other types of cooperation with neighbouring countries.....	27
<b>Part II. Code of ethics, awareness raising and education .....</b>	<b>29</b>	Ethical standards.....	29
a) Knowledge of the UNESCO International Code of Ethics for Dealers in Cultural Property among professionals concerned and knowledge of ICOM in museums. Methods used to check observance. ....	29	b) Dissemination of the "One hundred missing objects" series and the ICOM Red Lists .....	29
c) Awareness raising and education .....	29	<b>Part III. Cooperation with other international and regional agencies .....</b>	<b>31</b>
<b>Police .....</b>	<b>31</b>	(a) National cooperation with INTERPOL .....	31
(b) The use of INTERPOL database on stolen objects .....	31	(c) Existence of a specific training programme for members of police services	31
(d) Provisions in criminal law for the punishment of fraud and theft related to cultural property. ....	31	(e) Cooperation with the United Nations Office on Drugs and Crime (UNODC).....	32
<b>Customs .....</b>	<b>32</b>	(f) Cooperation with the World Customs Organization (WCO) .....	32
(g) Existence of a specific training programme for members of customs administration.....	32	(h) Use of the UNESCO-WCO Model Export Certificate for Cultural Objects	32
(h) European Union .....	33	<b>Part IV: Emergency situations and heritage at risk .....</b>	<b>34</b>
a) National strategy in place to face emergency situations for heritage in case of natural disaster or conflict .....	34	b) Measures undertaken to implement UNSC Resolution 2199 for the protection of Syrian and Iraqi cultural heritage.....	34
<b>Part V Other legislative, legal and administrative measures taken by the State</b>	<b>37</b>	1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects .....	37
(a) Ratification of the Convention .....	37	2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of illicit Appropriation .....	38
3. UNESCO Database of National Cultural Heritage Laws .....	38	<b>Part V: Appendices .....</b>	



# **Preliminary part**

## **1. Introductory remarks**

This second periodical report describes the implementation in Norway of the provisions of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in the period from 2011 to 2015.

## **2. Constitutional and administrative structure**

Norway is a constitutional monarchy with a parliamentary democracy. The Storting is Norway's legislative assembly. Being under parliamentary rule, the majority of the Storting determines which party or coalition of parties will hold the power of Government.

King Harald V appointed Norway's present government in October 2013. It is a minority coalition government representing the Conservative Party and the Progress Party, headed by Mrs. Erna Solberg from the Conservative Party. The present government has 18 members, the Prime Minister and 17 Ministers in head of 15 Ministries. The next Parliamentary elections will take place in September 2017.

As of 1 January 2015, the country is divided into 19 counties and 428 municipalities. Norway has approximately 5, 2 millions inhabitants, including an indigenous Sami population and five national minorities, defined as groups with long association with Norway.

## **3. Economy**

In 2014 Norway's gross domestic product amounted to a total of NOK 3 150 billions, whereas the total national income amounted to NOK 2 667 billions.

## **4. Preparation of the second periodical report**

The Ministry of Culture has prepared Norway's second periodical report based on reports and information from relevant museums and public authorities as concerns their respective remits. In letters dated 5 May 2015, the Ministry of Culture invited the following bodies to present their views on the current situation concerning illicit trade in cultural objects in response to the questionnaire submitted from the UNESCO Secretariat for the preparation of this report<sup>1</sup>:

- Arts Council Norway
- Ministry of Justice and Public Security
- Ministry of Trade, Industry and Fisheries
- 

---

<sup>1</sup> As from 1 January 2011 the former Archive and Museum Authority has merged with Arts Council Norway.

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim)

- The Norwegian Directorate for the Police (Politidirektoratet)
- The Customs and Excise Authorities
- The Norwegian Directorate for Cultural Heritage (Riksantikvaren)
- The National Museum of Art, Architecture and Design
- The Museum of Cultural History, University of Oslo

As far as practicable, the present report follows the structure of the proposed guidelines from the UNESCO Secretariat. The report is based on the feedback from the following respondents:

- Arts Council Norway
- Ministry of Justice and Public Security
- The Norwegian Directorate for the Police (Politidirektoratet)
- The Customs and Excise Authorities
- The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim)

# Part I: Information on the implementation of the UNESCO Convention of 1970

## 1. Ratification of the Convention

Ratification by the Norwegian Parliament of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property took place on 16 February 2007. The Convention took effect in Norway as from that date (c.f. Government bill to the Storting *St.prp. nr.70 (2003-2004)* and Recommendation of the Storting, *Innst.S. nr. 24 (2004-2005)*).

Links to relevant documents in Norwegian:

<http://www.regjeringen.no/Rpub/STP/20032004/070/PDFS/STP200320040070000D/DDPDFS.pdf>

<http://www.stortinget.no/Global/pdf/Innstillinger/Stortinget/2004-2005/inns-200405024.pdf>

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

### 2. a) References to the principal national regulations adopted in order to implement the 1970 Convention.

- **The Cultural Heritage Act (1978)**

The general purpose of the Cultural Heritage Act is to ensure that future generations will continue to enjoy and benefit from Norway's cultural heritage. The purpose of the legislation pertaining to the export of cultural objects (cf. § 23) is to protect movable and immovable cultural objects that form an important part of Norway's cultural heritage and history.

For full text in Norwegian:

<http://www.lovdatab.no/all/hl-19780609-050.html>

For full text in English:

<http://www.regjeringen.no/en/doc/Laws/Acts/Cultural-Heritage-Act.html?id=173106>

(Please note that amendments after 3 March 2000 have not yet been translated. We will submit a fully updated English version at our earliest convenience).

- **Regulation relating to the return of stolen and unlawfully removed cultural objects (2001)**

Laid down by the Ministry of Culture on 4 October 2001 pursuant to section 23 f of the Act of 9 June 1978 No. 50 on Cultural Heritage. Cf. Annex II, Chapter XXVIII, and No. 1 of the EEA

Agreement (Council Directive 93/7/EEC amended by Directive 96/100 /EC and Directive 2001/38 /EC). Amended by Regulations of 1 March 2002 No. 229 (entry into force), 14 May 2002 No. 467, and 10 January 2007 No. 39.

At present Norway is, within the framework of the EEA Agreement, in the process of preparing adaptation of our national legislation to Directive 2014/60/EU on the Return of cultural objects unlawfully removed from the territory of a Member State. According to the general rules of adaptation for EEA countries, Norwegian legislation should comply with the new directive by 18 June 2016.

For full text in Norwegian:

<http://www.lovdata.no/cgi-wift/ldles?doc=/sf/sf/sf-20011004-1179.html>

For full text in English:

<http://www.ub.uio.no/ujur/ulovdata/for-20011004-1179-eng.pdf>

(Please note that amendments by Regulation 10 January 2007 have not yet been translated. We will submit a fully updated English version at our earliest convenience).

- **Regulation relating to prohibition of export and import of cultural objects (2001)**

14.12. 2001 NO. 1420. Amended by Regulation 27 March 2009 and by Regulation of 25 February 2015.

The purpose of the Regulation relating to prohibition on the export and import of cultural objects is to safeguard cultural property from illegal export and import, and to ensure that documentation and information is provided for those cultural objects that are granted export permits.

Full text in Norwegian of the Regulation on Export and Import of Cultural Objects, including the Appendix with regulations relating to export of coins:

<https://lovdata.no/dokument/SF/forskrift/2007-01-01-1?q=utf%C3%B8rsel+kulturgjenstander>

For an English draft version of the regulation of 14.12. 2001 NO. 1420 see link to Norwegian legislation available at the UNESCO Database of National Cultural Heritage Laws:

<http://www.unesco.org/culture/natlaws/index.php?title=&title-and=0&text=&text-mode=0&regions=&countries%5B%5D=124&categories%5B%5D=0&themes%5B%5D=0&instruments%5B%5D=0&keywords%5B%5D=0&languages%5B%5D=0&years%5B%5D=0&years%5B%5D=0&doctype=0&documents%5B%5D=original&documents%5B%5D=translated&transtype=0&search=Search&reset=Reset&change=&action=search&db=LAWS&show=&page=&start=&newsiz=null&sort=&criteria=YTo5OntzOjc6InJlZ2lvdnMiO2E6MTp7aTowO3M6MToiMCI7fXM6OToiY291bnRyaWVzJjthOjE6e2k6MDtzOjE6IjAiO31zOjEwOiJjYXRIZ29yaWVzJjthOjE6e2k6MDtzOjE6IjAiO31zOjY6InRoZW1lcyl7YToxOntpOjA7czo4OiJvcmlnaW5hbCI7aToxO3M6MTA6InRyYW5zbGF0ZWQiO319&lng=en>

(Please note that amendments by Regulations of 27 March 2009 and of 25 February 2015 have not yet been translated. We will submit a fully updated English version at our earliest convenience).



## 2. b) Definition of "cultural property" as applied in national legislation

Norwegian does not give a direct definition of "*cultural property*". However, it follows from the amended Section 23 of The Cultural Heritage Act regarding prohibition of export, which artefacts or cultural objects of national importance for preservation, research or dissemination of cultural heritage, arts and history in Norway, should not be taken out of the country without a permit from the competent authorities.

The Ministry of Culture may issue regulations providing specific rules regarding which categories of cultural objects are to be subject to a prohibition of export as described in the preceding paragraph.

Indirectly, Section 2 of the Regulations relating to a prohibition of export and import of cultural objects (2001), 14 December 2001 No 1420, as amended by Regulations of 27 March 2009 and of 25 February 2015, sets out the definitions of "*cultural property*" to be applied in national legislation. Accordingly, an export licence is required in order to export the following artistic or cultural objects from Norway:

- a) Objects, regardless of age, that are:
  - of particular importance to Norwegian art, culture and history;
  - of particular importance for activities and events of national significance;
  - or concern the life of a prominent or important person. These shall not include objects that the prominent or important person, himself or herself, exports from Norway, unless such export is prohibited under other provisions of this Regulation.
- b) Sami cultural objects from earlier than 1970. For books, leaflets and maps printed in Sámi, the limiting year is 1930. An export permit is required for all Sámi archives or any elements thereof irrespective of their age.
- c) Paintings, drawings, sculptures, original prints and lithographs and other works of visual arts, crafts and prototypes for design products over, which are more than 50 years old. This shall not include works belonging to their maker.
- d) Sound, photographic and cinematographic material from before 1950.
- e) An export licence is required for motor vehicles, aircrafts, artillery and rolling stocks, or parts thereof and accessories for such, from earlier than 1950; and boats and parts thereof that are more than 50 years of age.
- f) Buildings of all kinds and parts thereof, elements forming an integral part of artistic or historical monuments, archival items, letters, manuscripts, seals, folklorist arts and handicrafts products, articles of furniture and other household articles, costumes, hand weapons, musical instruments and other movable property from earlier than 1900 which is of artistic or cultural significance or pertaining to historical persons.
- g) Ethnographic material from before 1900.
- h) Texts and maps printed in Norway before 1850 or printed abroad before 1650.
- i) Norwegian coins dating from before 1537, and coins, banknotes, medals and orders of more recent date, where these are of national significance.
- j) Stamps are not included in the export prohibition unless they are part of other material covered by the regulations.

- k) Products of archaeological excavations or discoveries, both lawful and unlawful. Monuments and sites that are automatically protected under the Cultural Heritage Act, i.e. dismembered archaeological items of cultural heritage and all standing structures known to originate prior to 1649 are automatically protected pursuant to section 4 of the Act of 9 June 1978 No. 50 on Cultural Heritage.
- l) Cultural objects mentioned in sections 2 a-j shall not include personal items from after 1800, or cultural objects that are to be used during a temporary stay abroad and brought back to Norway within one year of their leaving the country; nor cultural objects that are to be repaired and restored outside Norway and brought back within three years. "Personal items" shall mean objects such as jewellery, national costumes and the like.

For a more comprehensive list, cf. Regulations Relating to Prohibition against the Export of Cultural Objects here: <http://www.kulturradet.no/english> or [www.kulturrad.no](http://www.kulturrad.no).

*For full text in Norwegian of the Regulation on Export and Import of Cultural Objects, including the Appendix with regulations relating to export of coins, see link page 9.*

(Please note that amendments by Regulations of 27 March 2009 and 25 February 2015 have not yet been translated. We will submit a fully updated English version at our earliest convenience).

## **2 c) Specialized units established in order to prevent and combat trafficking and ensure international cooperation with regard to protection of cultural heritage**

There are no such specialized units in Norway.

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) is the central unit for the investigation and prosecution of economic and environmental crime. This unit has also been given the responsibility for preventing and combating trafficking and ensuring international cooperation in relation to the protection of cultural heritage. Hence, Økokrim is the main source of specialist skills for the police and the prosecuting authorities in their combat against crime of this kind.

According to information from The Directorate of Norwegian Customs and Excise, there is no specialized unit established within the customs to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage.

## **2. d) Administrative coordination of activities with the police and customs authorities.**

There are no established administrative structures for cooperation between the police and customs authorities in Norway with regard to cultural heritage crime, neither are there any formal routines for such cooperation.

There is no special coordination or cooperation between the police and customs authorities with regard to international cooperation.

## **2. e) Working meetings**

Ad hoc working meetings with the participation of police officers, customs officials, cultural experts and ministerial representatives are being held for the purpose of sharing information and coordinating activities in relation to specific cases.

Arts Council Norway invites competent institutions, authorized for issuing export permits, as well as police, customs and representatives from the Ministry of Culture, to meetings with the purpose of discussing various challenges concerning the prevention of illegal export and thefts. An overriding goal is to establish operative routines and procedures for actions to be taken in dealing with cases of illegal export. An important objective of these meetings is to create a consultancy network or resource base of competent advisers from government administration and relevant institutions.

With reference to the national expert group mentioned in Norway's first periodical report (2011), there has been no meetings or other activities during the report period. (The expert group, which reported to the Ministry of Justice and Public Security, with the administrative responsibilities within Økokrim, included the representation of the Ministry of Culture, Arts Council Norway, and the Norwegian Directorate for Cultural Heritage, the Customs and Excise Authorities and the Church of Norway Employers' and Stakeholders' Association).

### **3. Inventories and identification**

#### **3. a) Inventories that provide for the risks of misappropriation and theft**

Inventories of most Norwegian museums funded by Government are being compiled in databases, such as the PRIMUS-database, that was developed by Kultur-IT, a company owned by some of the larger museums. An increasing number of objects in museum collections are published at <http://digitaltmuseum.no/>

Ongoing efforts in the museums seek to improve the quality of the registered data for online publishing of objects. The conversion of former paper-based inventories into new, digital ones require substantial work, since the quality of former registries has to be revised and upgraded.

Arts Council promotes the implementation of international standards in collection management, such as SPECTRUM, Benchmarks and Significance 2.0. The Council also collaborate with museums in the development of national standards, such as in the recent "*Prioritering i bygningssamlinger*" ("Prioritizing in Collections of Historical Buildings"), published in 2014. The implementation of international and national standards in collection management will help to improve digital inventories and facilitate the monitoring of collections. In turn, better inventories will increase efficiency as to describing and recognizing misappropriated or stolen items from collections.

Cultural church property is described in a similar database, called the Norwegian Church Inventories, c.f. link to [www.kirkebyggdatabasen.no](http://www.kirkebyggdatabasen.no) . (Please note that there is limited access to this database).

With reference to Norway's first periodical report (2011), a working group was established with the mandate to consider appropriate solutions for an internet based database with information on stolen art and cultural heritage objects. The intention was that such a database should provide a useful tool in the investigation of crime concerning art and culture. The working group developed a draft "culture database" with detailed specification, which was reported to "a new penalty case system" (i.e. a police ICT-solution). However, since 2011 there has been no development with regard to this initiative. This draft culture database is still to be assessed by the Norwegian Police Directorate, who will subsequently present a proposed solution to the Ministry of Justice and Public Security for implementation when the necessary ICT infrastructure has been installed.

#### **3. b) Definition of "cultural property" covered by international conventions and identification of "national treasures"**

##### **Cultural Heritage Act (1978).**

*(For full text see link in paragraph 2. a, page 7).*

The purpose of national legislation concerning export and import of cultural objects, as set out in section 23 of the Cultural Heritage Act, is to protect movable and immovable cultural objects that form a significant part of Norway's history and cultural heritage. Regulations pertaining to cultural objects are intended to safeguard cultural property against illegal export and import. The definition of the term “*cultural property*” in Norwegian legislation corresponds fully to the definition in Article 1 in the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as national regulations were designed on the basis of this definition.

Norway has not identified “*national treasures*” in a specified list. To a large extent this function is covered by the inventories of the major national museums, as the cultural objects that are considered being the most important, are already owned by these museums.

The Cultural Heritage Act now contains a detailed list of numismatic objects that need a formal export license to be taken out of the country. The Museum of Cultural History, University of Oslo, considers this to be an important step towards establishing a well-functioning cooperation between the museums and the Customs authorities. As a general comment, the Museum appreciates the legal framework provided by Norway's ratification of the UNESCO 1970 Convention, and will make vigorous efforts to integrate the principles of the Convention in collection and heritage management in the years to come.

### **3. c) Application of the Object ID standard**

The Object ID Checklist has been translated to Norwegian, and the system is being implemented as the preferred standard.

Information required by the Object ID standard is mostly covered by the PRIMUS-system used by Norwegian museums for registration and management of their collections, such as information on storing and visual recognition of objects through photographs. It will be possible to add necessary information and to design a report function to extract this information in case of theft. This issue has been on the agenda in recent years, and forms part of ongoing adaptations of a new conservation module of the PRIMUS-system.

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim), who is the responsible police authority on cultural crime, has produced Object ID information materiel, which has been published both within the Police and to other interested parties. Norway's advertisements of loss, enquiries and search in the INTERPOL's registers follow the Object ID standard. The police is, however, under no obligation to implement Object ID as a standard.

The Norwegian Church Employers' and Stakeholders Association has adopted Object- ID as a standard.

### **3. d) Systems and measures to secure collections, combat theft and train museum staff**

Norwegian museums are responsible for establishing security plans and procedures, while Arts Council Norway, reporting to the Ministry of Culture, is in charge for the general supervision of such security plans. Each year, museums can apply for state funding in order to improve and develop such plans, in order to prevent harm and reduce risks of destruction due to fire, theft, robbery, vandalism, or damage due to natural disasters. Further, the Arts Council regularly arrange seminars on security policies for museum staff.

The Arts Council administer an expert security committee composed of members from relevant institutions, such as the Directorate for Cultural Heritage, the Norwegian Museums Association and the Norwegian Defence Estates Agency. This group meets on a regular basis, one of its primary tasks being to handle applications to the governmentally funded insurance programme for the loan of museum objects from abroad.

Other important tasks for the group is a general monitoring of the security situation in Norwegian museums as well as to develop guidelines for risk- and security analysis intended for museums and their staff. A new set of guidelines intended for adequate analysis and upgrading of the security status of collections and museum buildings, were published in 2015 on the Arts Council website (in Norwegian):

<http://www.kulturradet.no/documents/10157/60f96178-1757-40a4-8967-4b20af8b1b9f>

The annual museum statistics from 2014 show that 66 per cent of Norwegian museums had security plans approved by their boards of administration. Further, the statistics show low incidents of theft and fire in Norwegian museums. In total, two fire incidents took place, while seven thefts and four attempted thefts were reported in 2014. The figures have been reduced as compared to previous years.

## **4. Archaeological excavations**

The Norwegian Directorate for Cultural Heritage is responsible for the management of all archaeological and architectural monuments and sites and cultural environments in accordance with the applicable legislation. The Directorate reports to the Ministry of Climate and Environment.

The Archaeological Museums administer excavations and investigations of archaeological monuments and sites. The Maritime Museums are responsible for monuments at the bottom of the sea. In accordance with the cultural heritage regulations for Svalbard, the Governor's Office administers cultural conservation on Svalbard.

### **4. a) Principles of the regulations on archaeological excavations and on the monitoring of excavations in Norway**

Institutions entitled to do surveys and excavations are listed in the Regulations pursuant to the provisions of the Cultural Heritage Act (1978). A majority of the competent museums and research organizations that are granted excavation permits are publicly funded institutions under government control that have a standing license to do field evaluations, surveys and excavations, according to the responsibilities set out in the provision.

Given the limited number of institutions that have been granted permits, the monitoring activities with regard to excavations are carried out at a minimum level.

Applications to excavate are subject to separate decisions by The Norwegian Directorate for Cultural Heritage (Riksantikvaren).

#### **4. b) Recurrence of illegal excavations**

According to the police, there is, on a relatively frequent basis, occurrences of reported illegal use of metal detectors in areas with known existence of cultural heritage items, as well as in areas with ongoing archaeological excavations. The relevant cultural authorities (The County Governor) are requested to notify and report any breach of regulations to the Police.

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

#### **5 a) The scale of illicit export or import of cultural property.**

As there are no available public statistics available, it is difficult to assess the volume of illicit export or import of cultural property. According to reports, very few items have been seized by the customs service during the report period. There are, however, good reasons to assume that the volume of illicit imports is a lot higher than indicated by the number of seizures.

All cases of illegal import or export of cultural property that are reported to the police will automatically become part of the police statistics. Due to lack of updated register codes, Norwegian police authorities have not yet established reliable statistics regarding the scale of illicit import or export of cultural property. Hence, there is no up-to-date statistics from the Police regarding theft of cultural property.

The report “*Cultural Heritage Crime – the Nordic Dimension*” (2006) contains the first Nordic study of cultural heritage crime, and includes a survey showing the number of thefts of cultural objects from preservers, such as museums and churches, and from dealers, such as antique shops and auction houses.

Cultural heritage crime includes illegal export of protected cultural objects that, in spite of being legally acquired, may not be taken out of the country without an export permit.

The study covers a wide range of cultural heritage areas, which are not easily summarized for the purpose of this periodical report. However, the study reflects the challenges and difficulties in discovering crimes related to archaeological excavation sites and underwater archaeological sites. Often, the main problem is closely linked to the lack of knowledge as concerns the original findings at the site.

Only four per cent of the respondents confirmed that they knew of cases where cultural objects were exported in violation of national laws and regulations.

Nordic museums and libraries are most vulnerable to theft, but also antique dealers have experienced thefts of cultural objects.

In conclusion, the study shows that illegal movement or export of cultural property may be a more extensive problem than first indicated in the survey questionnaire. The report emphasizes that knowledge; prioritization and control are key words that are inseparably linked in the work of preventing cultural crime.

### **5 b) Reasons for recurring illicit export of cultural property (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)**

As police authorities have registered very few cases of illicit export of cultural property, there is insufficient experience for drawing any firm conclusions regarding reasons that could explain possible recurrence in illicit export of cultural property.

Nevertheless, illicit export of cultural property is to be considered a recurring problem. A major part of the illicit export or import by private persons could probably be explained by a lack of knowledge of the regulations in Norway and in other countries

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

In 2004, the customs authorities organized a specially targeted action on cultural property which led to the prosecution of several persons. In the years that followed, there was a significant increase in the number of export permits issued. Undoubtedly, the increase in number of applications for export permits could be attributed to a higher level of awareness among the public because of the campaign.

Arts Council Norway is responsible for information about regulations relating to prohibition against the export of cultural objects. From the Council's website application guidelines and application forms can be downloaded, either in one of the two Norwegian language variants Bokmål and Nynorsk, in Sàmi, or in English. The website also directs applicants to the twelve different government-approved institutions, which handle the applications. These institutions, in turn, report to the Arts Council about all applications handled. For the period 2011-2014, the reports on the total number of applications have not yet been summarized.

Internet trade with cultural goods is a growing challenge as concerns illegal export of cultural property. A more efficient monitoring of the Internet, as well as targeted information efforts towards traders and buyers, would probably increase general knowledge of the regulations and subsequently lead to a reduction of illegal trade. Such monitoring would, however, require high skills and competence in specific fields like for instance archaeology, art history, etc., and/or access to a broad network of museum specialists.

### **Applications for export licence 2004-2010<sup>2</sup>**

---

<sup>2</sup> For the period 2011-2014, the number of applications have not yet been summarized. An updated report to UNESCO will be prepared by the Arts Council Norway in September, and forwarded when ready.



	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
National Museum for Art, Architecture and Design	292	455	707	694	527	428	413
Norwegian Museum of Cultural History (Folkemuseet)	30	107	84	55	15	38	129
Norwegian Museum of Science and Technology		6	6	7	39	12	6
National Library of Norway				100	76	27	7
Norwegian Armed Forces Museum	13	24	20	17	17	17	20
Ringve, A Section of the Museums in Sør-Trøndelag	8	3	4	1	2	2	1
Directorate for Cultural Heritage	4	2	7	4	3	3	5
Norwegian Maritime Museum		1	2	1	1		2
Museum of Cultural History, University of Oslo		16	4	2		7	3
Preus Museum			1	3			
RiddoDuattarMuseat							
National Archive of Norway							1
Total number of applications	347	614	835	884	680	534	587
Rejected applications		1	1	3	4	2	4

### **5 c) Administrative and legal rules for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force)**

The Cultural Heritage Act sets out that artefacts and cultural material which is of major importance to national cultural heritage may not be taken out of the country unless granted an export licence from the relevant authority.

Norway has established an administrative system for issuing export certificates/export permits for cultural property, which has been delegated from the Ministry of Culture to Arts Council Norway. Arts Council Norway is also responsible for public information on rules and regulations with regard to export or import of cultural property, statistics, etc.

Arts Council Norway is the appeals body for cases involving prohibition against the export of cultural objects. Exceptions are cases decided by the Directorate for Cultural Heritage, where the Ministry of Climate and Environment is the appeals body, and cases concerning Sámi cultural property, where the Sámediggi (Sámi Parliament) acts as the appeals body.

Twelve competent institutions have been given authorization to issue export permits, each with responsibility for their respective categories of cultural property covered by the regulations, as shown in the table/application guide on page 20.

## Institution issuing export permit/Type of cultural heritage objects:

Institution issuing export permit	Type of cultural heritage objects
Norwegian Armed Forces Museum Tlf + 47 23 09 35 82 <a href="http://www.mil.no/felles/fmu">www.mil.no/felles/fmu</a>	Military cultural heritage objects, weapons, aircrafts
Museum of Cultural History, UiO Tlf + 47 22 85 19 00 <a href="http://www.khm.uio.no">www.khm.uio.no</a>	Archaeological material and ethnographic material, objects from before the Reformation (1537), coins and banknotes
National Library of Norway Tlf + 47 81 00 13 00 <a href="http://www.nb.no">www.nb.no</a>	books, leaflets/posters, maps, manuscripts, sound- and film archives
National Museum for Art, Architecture and Design Tlf + 47 21 98 20 00 <a href="http://www.nasjonalmuseet.no">www.nasjonalmuseet.no</a>	paintings, drawings, sculptures, prints and other pictorial art, handicrafts, design products, furniture and other inventory and chattels
Norwegian Museum of Cultural History Tlf + 47 22 12 37 00 <a href="http://www.norskfolkemuseum.no">www.norskfolkemuseum.no</a>	folk art, rural antiquities, craft products, folk costumes, buildings and cultural material from work and daily life after the Reformation
Norwegian Maritime Museum Tlf + 47 24 11 41 50 <a href="http://www.marmuseum.no">www.marmuseum.no</a>	maritime objects
Norwegian Museum of Science and Technology Tlf + 47 22 79 60 00 <a href="http://www.tekniskmuseum.no">www.tekniskmuseum.no</a>	motor vehicles and other technical objects
Preus museum Tlf + 47 33 03 16 30 <a href="http://www.preusmuseum.no">www.preusmuseum.no</a>	photography, cameras and other photographic equipment
Directorate for Cultural Heritage Tlf + 47 22 94 04 00 <a href="http://www.ra.no">www.ra.no</a>	boats
National Archive of Norway Tlf + 47 22 02 26 00 <a href="http://www.riksarkivet.no">www.riksarkivet.no</a>	archive material, seals and signets
Ringve A Section of the Museums in Sør-Trøndelag Tlf + 47 73 87 02 80 <a href="http://www.ringve.no">www.ringve.no</a>	music instruments and music history objects
RiddoDuottarMuseat Tlf + 47 78 46 99 50 <a href="http://www.rdm.no">www.rdm.no</a>	Sámi art and Sámi cultural objects

#### **5. d) Provisions for restitution of illicitly imported cultural property**

Norwegian legislation provides for the return of illicitly imported cultural property. Pursuant to the Cultural Heritage Act, the Regulations relating to Export and Import of Cultural Objects, Chapter III, Sections 8 and 9 c, sets out the rules for the return of illicitly imported cultural property.

In the Regulation relating to the return of stolen and unlawfully removed cultural objects (2001) Norway has implemented the provisions of the 1995 UNIDROIT Convention on stolen or illegally Exported Cultural Objects.

At present Norway is, within the framework of the EEA Agreement, in the process of preparing adaptation of the national legislation to Directive 2014/60/EU on the Return of cultural objects unlawfully removed from the territory of a Member State. According to the general rules of adaptation for EEA countries, Norwegian legislation should comply with the new directive by 18 June 2016.

Regulations relating to the return of stolen and unlawfully removed cultural objects (2001):  
For full text in English and Norwegian, see links page 8.

#### **5. e) Challenges and obstacles in securing the restitution of illicitly exported cultural property and possible reasons (administrative, legal or political - legal loopholes, unwillingness by importing countries, lack of international cooperation, etc.)**

So far, there have been very few cases involving the restitution of illicitly exported cultural property. Therefore, Norway has limited experience in this field. It could be mentioned, however, that customs officials have investigated several cases with a view to complying with the UNESCO regulations. Preliminary conclusions are, based on the experience of police and customs, 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. The experience so far has been that it is often time-consuming and complicated to explore the more specific details of the laws and regulations and to obtain necessary assistance from embassies of the countries of origin. As some laws and databases are available only in the original languages, language barriers might appear in the search for information in the UNESCO database, or in searches in the databases or lists of national treasures/prioritised cultural objects.

#### **5 f) Cases where the restitution of a stolen cultural object has been secured**

In April 2013, the Ministry of Culture received a communication from the Art Loss Register in London, requesting the return of a key work from the collection of The Henie-Onstad Arts Centre (HOK) on behalf of the descendants of the French art dealer Paul Rosenberg. The Matisse painting "Woman in Blue in front of a Fireplace", 1937, was discovered in 2012, when identified in the catalogue of a major Matisse exhibition at the Centre Pompidou in Paris.

The return request resulted in extensive investigations and provenance research, before it was concluded that the painting had been looted by the Nazis in 1941, and after the war most likely was acquired "in good faith" by the Norwegian art collector Niels Onstad. In 2014 was returned to the descendants.

As the first occurrence of Nazi-looted art restitution in Norway, this case may have set a precedent for other Norwegian institutions. Recently, the Henie Onstad Arts Centre launched a research project on the relationship between looting and art collecting during and after World War II, and the role of the market also with regard to equivalent contemporary situations, such as the ongoing destruction by IS in Syria and Iraq.

As the first project of its kind in Norway, the outcome of this project could be of interest for museum institutions, art professionals as well as for the public.

There has been no reports from Arts Council Norway, the Police Authorities, and the Norwegian Customs and Excise authorities or from any of the institutions issuing export licences regarding restitution of stolen cultural objects in the report period.

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

### **6. a) The cultural goods market in Norway (financial volume of the market, number and turnover of auction houses including via the Internet).**

The cultural goods market in Norway includes many small folk-heritage objects. A number of antiques dealers, second-hand goods stores and retail sellers provide the opportunity for a quick turnover of goods, including cultural objects. Unfortunately, no reliable statistics exist to indicate the total financial volume of this market.

A rough estimate of the market volume for visual arts, based on a compulsory fee on sale of visual art (5 %), showed a slight drop in sales volume from 2010 to 2012, while 2013 showed a corresponding increase. According to international art market analysts, there was a rise in the global art market in 2013 by 13 % (cf. Art price, Feb 2014):

#### **Estimated market volume based on collected fee on sale of visual art:**

<b>Year</b>	<b>Collected fee</b>	<b>Estimated market volume</b>
2010	NOK 26 782 136	NOK 597 467 960
2011	NOK 24 033 496	NOK 558 970 460
2012	NOK 25 825 995	NOK 570 237 000
2013	NOK 26 598 043	NOK 613 638 380

**6 b) Main rules governing trade in cultural goods and control measures in place for such trade, in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)**

In Norway second hand trade is regulated in the Second Hand Trade Act of 22 December 1999 No. 105, and Regulations of 22 December 1999 No. 1379. The main purpose of these rules is to stop sale of stolen goods and help the police in returning the items to their rightful owner.

In order to reduce the risk of receiving stolen property, a special license from the police is required for dealers in second- hand goods.

To obtain a license, the dealer in second-hand goods should complete an application form, which can be obtained from the police. The police will then obtain the company's registration number with the Norwegian Register of Business Enterprises, and hence check out the conduct of the licensee. Furthermore, the police shall approve of all the premises and places used for the purpose of the business, both with regard to sale's outlets and storing spaces.

When permission is granted and the business of second-hand trade can start, the second-hand goods dealer takes on certain obligations. The main requirements are to keep a register and log all acquired objects. Any item must be kept at least fourteen days before it can be resold. During this period, no item can be destroyed or reprocessed, unless the police have granted an exemption pursuant to Section 11 of the Regulations. The police should ensure that the requirements of the Regulations are met. If the conduct of the enterprise or other circumstances give reason to anticipate professional misconduct, the police license can be withdrawn, or the application refused.

In general, the second-hand goods dealer shall act most attentively and contact the police if he or she suspects that the vendor may have acquired the object illegally, or for some other reason is not entitled to sell it. Unknown vendors are required to prove their identity in a satisfactory way. Furthermore, second-hand goods dealers shall not accept objects from persons under the age of 18 years.

Pursuant to Section 10 of the Regulations, the dealer is required to keep an inventory book, approved by the police, containing a record of all objects which have been acquired, whether payment is received or not. The record has to be kept on the premises, in chronological order and always up to date. Every object shall be given a registration number corresponding to the index number in the record. Each entry in the record shall provide accurate and complete information regarding the date of receiving the objects, specification of every item, numbers, size, quantity and weight, including the name and address of the person from whom the item was received.

Likewise, a column for entry of information regarding type of identification presented is required, along with an assessment of the correctness of the identity papers,

The police can grant exemptions from the rules set out in these Regulations. The police can instruct second-hand goods dealers to log information about the sale (date, name and address

of the buyer, purchase price, cost of repair and selling price), and information concerning the buyer's identification, whether or not it was presented, and assessment as to its validity.

The obligation to register any acquired item in an inventory book, and to keep it for at least 14 days before reselling, does not apply for objects which are meant for destruction and/or recycling. However, this is with the exception of when precious metals, like inter alia platinum, silver and gold, has been received, bought or sold.

For full text in Norwegian:

- **Second Hand Trade Act of 22 December 1999 No. 105:**

LOV-1999-12-22-105 Brukthandellova – brhll. Lov om handelsverksemd med brukte og kasserte ting (1999-12-22).

<http://www.lovdato.no/all/hl-19991222-105.html>

- **Regulations of 22 December 1999 No. 1379:**

FOR-1999-12-22-1379 Brukthandelforskriften. Forskrift om handelsverksemd med brukte eller kasserte ting mv. (1999-12-22)

<http://www.lovdato.no/cgi-wift/ldles?doc=/sf/sf/sf-19991222-1379.html>

## **6. c) Measures to control the acquisition of cultural property**

**(Mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)**

All Norwegian museums have received information leaflets about the Norwegian Regulations relating to a Prohibition against the Export and Import of Cultural Objects.

This information has also been distributed to custom offices, antiques' dealers and other targeted groups, along with a brochure "*Do you want anything illegal in your home? Think before you buy art and artefacts*". The focus of this brochure was to give information and advice on important issues that need consideration before buying cultural property abroad to bring home. Although these guidelines are primarily designed for raising public awareness, they are also useful for professionals working in this field. Link to the brochure (in Norwegian): "*Vil du ha noe ulovlig i stua? Tenk før du kjøper kunst – og kulturgjenstander*". <http://www.kulturradet.no/documents/10157/c1cee3b7-47e3-491a-88dd-58ca3a118ede>

The leaflet "*Utførsel og innførsel av kunst – og kulturgjenstander. Hva er lov?*" (Export and import of art and other cultural objects. What is allowed?) is also available for download from the Arts Council's website. See:

<http://www.kulturradet.no/documents/10157/42e70125-9769-45f9-812b-bdd8db9cbac9>

This leaflet is also available in English, see:

<http://www.kulturradet.no/documents/10157/42d02715-ef6b-4f25-8dc6-f21282763cdf>

Arts Council Norway and the Norwegian National Committee of ICOM are cooperating with regard to making information about the ICOM Code of Ethics accessible for museums, including the dissemination of the Code, which are printed and distributed, as well as available online on the Council's website.

The general impression is that Norwegian museums and similar institutions are well aware of the Code of Ethics.

For more information, see the Arts Council Norway's website:  
<http://www.kulturradet.no/museum/import-og-eksport> (in Norwegian)

**6. d) The legal system concerning ownership of cultural property**  
(e.g. the principle of inalienability and the status of yet unfound cultural objects).

According to the basic criteria for determining the national importance of an archaeological site, as set out in 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 that have been 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

Furthermore, reference is made to the following provisions:

- Section 5 of the Act relating to Good Faith Acquisition of Chattels
- Section 12 of the Cultural Heritage Act
- Section 27 of the Cultural Heritage Act regarding penalties

Pursuant to section 27 of The Cultural Heritage Act with regard to fraud and theft, any person who wilfully 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 particularly aggravating circumstances, prison sentences of up to two years may be given. Aiding and abetting or any attempts at contravention are subject to the same penalties. Violation of the first sentence is regarded as a misdemeanour.

- **Act relating to Good Faith Acquisition of Chattels:**  
LOV-1978-06-02-37 Godtroervervloven – ekstl. Lov om godtroerverv av løsøre [godtroervervloven]. (1978-06-02) <http://www.lovdato.no/all/hl-19780602-037.html>

**6. e) Rules on the transfer of title deeds in respect of cultural property**

Norway has no particular rules regarding the transfer of title deeds in respect of cultural property.

## **7. Bilateral agreements**

### **7. a) List of bilateral agreements**

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

### **7. b) Conditions with regard to the admissibility of requests for restitution from a country of origin**

Norway has implemented the provisions of the 1995 UNIDROIT Convention on stolen or illegally Exported Cultural Objects in the Regulation relating to the return of stolen and unlawfully removed cultural objects (2001). The regulation sets out the conditions that take effect in Norway with regard to the admissibility of requests for restitution from a country of origin.

At present Norway is, within the framework of the EEA Agreement, in the process of preparing adaptation of the national legislation to Directive 2014/60/EU on the Return of cultural objects unlawfully removed from the territory of a Member State. According to the general rules of adaptation for EEA countries, Norwegian legislation should comply with the new directive by 18 June 2016.

Regulations relating to the return of stolen and unlawfully removed cultural objects (2001): For full text in English and Norwegian, see links page 8.

### **7. c) Other type of cooperation with neighbouring countries**

#### *The Nordic region*

On 12 February 2015, the UN Security Council adopted a resolution (2199) calling upon member countries and global institutions to take action to prevent extremist groups in Iraq and Syria from raising money from trafficking of looted and stolen objects on illegal markets. As a follow-up to this request, the Nordic Council of Ministers for Culture (MR-K), in their meeting 12 May 2015 decided that a Nordic conference should be held in order to explore the potential for a Nordic platform from which to launch joint initiatives to stop illicit trade in cultural goods. The purpose of the conference will be to inform those involved in the work and to discuss the potential for the Nordic countries working more closely together and making better use of our combined resources. The target groups will consist of customs and excise staff, police, museums, antique dealers, auction houses and other official bodies in the art and cultural world.



The full text of the statement by the Nordic Council of Ministers for Culture in English:

<http://www.norden.org/en/nordic-council-of-ministers/council-of-ministers/the-nordic-council-of-ministers-for-culture-mr-k/declarations-and-statements/destruction-of-cultural-heritage-in-iraq-and-syria-2013-nordic-initiative-to-stop-illegal-trading-in-cultural-objects>

According to the police, there is an established network for cooperation between the police and customs authorities with Norway's neighbouring countries. In 2008-2009 the Ministry of Culture, the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (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 and heritage artefacts. The first meeting of the Nordic Network was organized in Copenhagen in November 2009. According to an observation from the Customs and Excise Authorities, there is some inconsistency in the national legislations of the Nordic countries as concerns trade in cultural objects.

The report "*Cultural Heritage Crime – the Nordic Dimension*" (2006) contains the first Nordic study of cultural heritage crime, and includes a survey showing the number of thefts of cultural objects from preservers, such as museums and churches, and from dealers, such as antique shops and auction houses.

*The Baltic region:*

The joint Polish-Norwegian project, "*Legal and illicit trade with cultural heritage*" was initiated by Arts Council Norway in cooperation with the National Heritage Board of Poland. The project received financial support from EEA-grants through the Cultural Exchange Fund. The main objective was to enhance knowledge and ethical awareness in relation to illegal trade in cultural objects in both countries. Among the participants in the project were the National Heritage Board of Poland, the National Maritime Museum in Gdansk, Arts Council Norway and the Norwegian Directorate for Cultural Heritage. The Ministry of Culture, Police, Customs, several administrative institutions and other relevant Norwegian and Polish organizations participated in one or more of the project activities.

The project was completed in 2011 and the findings were published in the report "*Stop Heritage Crime. Good practices and recommendations*".

[http://www.academia.edu/11074314/Stop\\_heritage\\_crime\\_Good\\_practices\\_and\\_recommendations](http://www.academia.edu/11074314/Stop_heritage_crime_Good_practices_and_recommendations)

The Norwegian version of the report "*Bekjemp kulturkriminalitet. Retningslinjer og anbefalinger*" is published on the Arts Council website:

<http://www.kulturradet.no/documents/10157/f85c1e2e-1042-43b3-8a46-61fd6a50322e>

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

### **Ethical standards**

#### **a) Knowledge of the UNESCO International Code of Ethics for Dealers in Cultural Property among professionals concerned and knowledge of ICOM in museums. Methods used to check observance.**

The ICOM Code of Ethics is well known among museum curators and other museum professionals, board members etc. The publication, made by the Norwegian National Committee of ICOM and Arts Council Norway, is distributed in a digital version published on the Internet. It is also distributed as a printed booklet. The Norwegian National Committee of ICOM distributes the Code of Ethics through the training programme to museums and relevant organizations. A new edition was printed in 2011, and is distributed in print as well as online, see:

<http://www.kulturradet.no/vis-publikasjon/-/publikasjon-icom-museumsetiske-regelverk>

According to the assumptions of the Police and Arts Council Norway, the UNESCO International Code of Ethics for Dealers in Cultural Property appears to be less well known among antiques dealers, merchants and collectors. Contact between representatives of Arts Council Norway and several antiques dealers has revealed a need for increased and more targeted information on the UNESCO International Code of Ethics for Dealers in Cultural Property.

#### **b) Dissemination of the "One hundred missing objects" series and the ICOM Red Lists**

Information regarding the ICOM Red Lists and "*One hundred missing objects*" is published on the web sites of the Norwegian National Committee of ICOM and Arts Council Norway, as well as disseminated through the brochure "*Do you want anything illegal in your home? Think before you buy art and artefacts*".

The ICOM Red Lists and the "*One hundred missing objects*" series have been disseminated and read within the police central unit (c.f. paragraph 2 c)below).

#### **c) Awareness raising and education**

Arts Council Norway has cooperated with Norwegian ICOM, Blue Shield, The Norwegian Defence University College, Police and Customs in attending the annual Travel Fair ("Reiselivsmessen") near Oslo, Norway. The purpose of their information activities at this event is to advise travel operators and agencies, as well as the public about risks and challenges associated with illicit trade in cultural property.

The wider purpose of these information activities is to raise awareness regarding the subject matter and to educate the public. The Arts Council has also collaborated with UNESCO Norway in organizing participation at the Travel Fair. Further opportunity for cooperation

regarding informational and educational activities with contributions from UNESCO would be most welcomed.

Easy access for professionals as well as for the general public to correct and reliable information on rules and regulations of the countries having ratified the 1970 Convention is crucial for combating illicit export and import of cultural property. A further development of the UNESCO Cultural Heritage Law Database should therefore be useful in the efforts of preventing illegal transactions of cultural objects.

The report "Å jobbe med kulturminner" /"Working with cultural heritage" (Albatross/UiO 2008) concluded that there is a need for enhancing knowledge and creating a broader competence base with regard to illegal export and import of cultural property. This is of vital importance within all relevant cultural institutions and public authorities, including within the Customs and the Police authorities.

## **Part III: Cooperation with other international and regional agencies**

### **Police**

#### **(a) National cooperation with INTERPOL**

Norwegian police cooperate with INTERPOL in cases that concern cultural heritage crime where Norway is involved, whenever one of the parties finds it appropriate. Økokrim - The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime – is the specialized police unit for investigating cultural heritage crime. Økokrim is the appropriate police contact in Norway in these matters. (cf. paragraph 2 c), page 11.

#### **(b) The use of INTERPOL database on stolen objects**

As a rule, when a cultural object is stolen and reported missing, Økokrim - The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime - always check with the INTERPOL databases. If necessary, the Police transmits information on the person implicated when expedient.

#### **(c) Existence of a specific training programme for members of police services**

The Norwegian Police Academy may offer a training programme for members of police services when this is requested.

#### **(d) Provisions in criminal law for the punishment of fraud and theft related to cultural property. Are judges specialized in this field?**

As mentioned in 6. d), with regard to fraud and theft related to cultural property, pursuant to section 27 of The Cultural Heritage Act, any person who wilfully 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 particularly aggravating circumstances, prison sentences of up to two years may be given. Aiding and abetting or any attempts at contravention are subject to the same penalties. Violation of the first sentence is regarded as a misdemeanour.

As a rule, Norwegian judges are not specialized in matters of cultural heritage crime. The Ministry of Culture relies, however, on the assumption that judges, from their education, training and practices, have a general ability to pass sentence in all matters of law, independent of their field of specialized competence. When necessary, the judges can appoint

professional experts to give advice before passing sentences in specific cases. The Ministry of Culture has no knowledge of judges taking specialization courses in this field.

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

So far Økokrim - The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime, which is the central unit within the Norwegian police working on cultural heritage cases, has had no cooperation with UNODC in matters related to cultural crimes.

## **Customs**

**(f) Cooperation with the World Customs Organization (WCO)**

Thus far, the Norwegian Customs and Excise Authorities and WCO have not directed any special focus on illicit trade in cultural objects.

**(g) Existence of a specific training programme for members of customs administration**

No members of the Customs administration have participated in a specific training programme.

**(h) Use of the UNESCO-WCO Model Export Certificate for Cultural Objects**

As described earlier in this first periodical report, Norway has set up a system where twelve administrative institutions are authorized to issue export licenses and permits for cultural objects within their respective remits, on the basis of applications from interested parties, c.f. Part I, paragraph 5 c). To this end, applicants are requested to complete the details of the application form below, drawn up for this purpose by the Ministry of Culture. The application form is available on the Arts Council Norway's web site [www.norskkulturrad.no](http://www.norskkulturrad.no)

## **European Union**

At present Norway is, within the framework of the EEA Agreement, in the process of preparing adaptation of our national legislation to Directive 2014/60/EU on the Return of cultural objects unlawfully removed from the territory of a Member State. According to the general rules of adaptation for EEA countries, Norwegian legislation should comply with the new directive by 18 June 2016.

In order to comply with the provisions of 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 already adopted statutory instruments as described in Part I, Chapter 2: *Regulations relating to the return of stolen and unlawfully removed cultural objects* (2001). Laid down by the Ministry of Culture on 4 October 2001 pursuant to section 23 f of the Act of 9 June 1978 No. 50 on Cultural Heritage. Cf. Annex II, Chapter XXVIII, and No. 1 of the EEA Agreement (Council Directive 93/7/EEC amended by Directive 96/100 /EC and Directive 2001/38 /EC). Amended by Regulations of 1 March 2002 No. 229 (entry into force), 14 May 2002 No. 467, and 10 January 2007 No. 39.

For full text in Norwegian:

**Regulations relating to the return of stolen and unlawfully removed cultural objects (2001):**

FOR-2001-10-04-1179 Forskrift om tilbakelevering av kulturgjenstander. Forskrift om tilbakelevering av stjålne og ulovlig utførte kulturgjenstander. (2001-10-04).

<http://www.lovddata.no/cgi-wift/ldles?doc=/sf/sf/sf-20011004-1179.html>

For English version, see page 8.

## **Part IV: Emergency situations and heritage at risk**

### **a) What is the strategy in place in your country to face emergency situations for heritage in case of natural disaster or conflict?**

Norway has ratified the 1954 Hague Convention on Convention for the Protection of Cultural Property in the Event of Armed Conflict.

The Norwegian Directorate for Civil Protection (DSB) is the responsible authority for civil protection and covers national, regional and local emergency planning, fire and electrical safety, safety in handling and transport, etc. The DSB reports to the Ministry of Justice and Public Security.

The Ministry of Culture has no knowledge of any national emergency plans for cultural heritage.

### **b) What are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?**

The Norwegian Government condemns the looting and smuggling of antiquities and historical material in and around Iraq and Syria, and considers that it is vital that all countries comply with binding UN decisions in this regard.

Norwegian legislation has a general prohibition on imports of and trade in cultural objects that have been unlawfully exported Iraq and Syria. In this respect, reference is made to special provisions that regulate the import of and trade in cultural objects that may originate from these areas, implementing the UN Sanction resolutions pertaining to trade in Iraqi and Syrian property that took effect from August 1990 for Iraq and from Syria since 15 March 2011.

[Norwegian Government's appeal 17 March 2015 to halt illicit trafficking of cultural objects from Iraq and Syria](#)

As a follow-up of the UNSC resolution 2199 the Minister of Culture, Ms. Torhild Widvey, and the Minister of Foreign Affairs, Mr. Børge Brende, 17 March 2015 launched a joint appeal urging professional communities to exercise caution and thus contribute to the prevention of illicit trade in cultural artefacts, in particular with regard to objects that might originate from Syria and Iraq. In order to raise public awareness with regard to illicit trade in cultural artefacts, as well as increasing due diligence among professionals this appeal was communicated to experts, researchers, collectors, art dealers, antiques dealers, museums, police and customs, as well as to the public in general.

Unique historical objects are being stolen from museums and libraries or looted from archaeological digs before being smuggled across borders for sale in Europe and elsewhere. To which extent there is an illegal market in Norway for artefacts is rather difficult to assess – however the possibility that such illicit cross-border trade may exist cannot be ignored. The Norwegian Government has therefore confirmed that it will continue to do its utmost to

prevent that cultural objects from historical sites and monuments are being sold on the illegal market to fund and support the activities of extremist groups such as ISIL and Al-Qaida.

(English version of the appeal from the Norwegian Government:

<https://www.regjeringen.no/en/aktuelt/trafficking-cultural-objects/id2401029/>).

[Norwegian Government - Appeal to halt illicit trafficking of cultural objects from Iraq and Syria](#)

### Financial contribution to UNESCO's Emergency Response Action Plan for Iraq

With a view to contributing to the safeguarding of Iraqi heritage, the Norwegian Government has provided financial support for UNESCO's Emergency Response Action Plan in order to prevent illicit trade in cultural objects. The Action Plan also addressed the needs of various technical assistance on the ground to minimize the risks for a continued destruction. Norway contributed NOK 1, 150 million to this Action Plan.

### Nordic initiative to halt trafficking in cultural objects from Iraq and Syria

With the joint appeal from the Norwegian Government as a point of departure, the Minister of Culture Torhild Widvey in April proposed that a Nordic initiative should be taken in order to explore the grounds for a closer Nordic cooperation, and thus perhaps enabling our countries to implement more efficient measures to curb illicit trade. She therefore invited her Nordic colleagues to adopt an appeal reaching out to professional communities and the public throughout the Nordic region.

As a result, at their meeting 12 May, the Culture Ministers from the five Nordic countries Denmark, Finland, Iceland, Norway and Sweden, made a joint declaration, urging professionals and the public in general to exercise extreme caution with regard to cultural objects that may originate from Iraq or Syria. They demanded that anyone who acquires cultural objects privately or in an academic/professional context, including over the Internet, should comply with regulations and codes of conduct, as for example the UNESCO 1970-Convention, the UNIDROIT Convention, UNESCO International Code of Ethics for Dealers in Cultural Property etc.

English version of the declaration from the Nordic Ministers of Culture:

<http://www.norden.org/en/news-and-events/news/call-to-curb-black-market-in-cultural-objects-from-iraq-and-syria>.

### Nordic conference on illegal trade in cultural objects

The Nordic Council of Ministers for Culture also called for a Nordic approach to curb illicit trade in cultural artefacts, starting with a conference to be held in autumn 2015. Norway is now in the process of starting preparations to host a conference in Oslo during autumn 2015, as decided by the Nordic Ministers, in order to explore the potential for a Nordic platform from which to launch further initiatives to halt illicit trade in cultural artefacts. The overriding



purpose of the conference will be to discuss the potential for the Nordic countries working more closely together and making better use of our combined resources.

## **Part V: Other legislative, legal and administrative measures taken by the State**

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

#### **(a) Ratification of the Convention**

Ratification by the Norwegian Parliament of the 1995 UNIDROIT Convention on stolen or illegally Exported Cultural Objects took place on 28 August 2001. The Convention took effect in Norway from 1 March 2002 (c.f. Government bill to the Storting *St.prp. nr. 85* (1999-2000) and Recommendation of the Storting, Innst.S. S. No 10 (2000-2001). C.f. link: <http://www.unidroit.org/english/implement/i-95.pdf>

Subsequently, as a consequence of Norway's adhesion to the Convention, necessary amendments were made in the Cultural Heritage Act as described in Part I, paragraph 2 b), page 10. Accordingly, amendments were made in the Prescription Act and in the Act relating to Good Faith Acquisition of Chattels, c.f. Odelsting Proposition (*i.e. Bill of amendments to Parliament*) Ot.prp. 75 (1999-2000).

Links to full text in Norwegian of the Acts mentioned:

- **The Prescription Act :**  
LOV-1966-12-09-1 Hevdslova – hevdsl. Lov om hevd [hevdslova]. (1966-12-09)  
<http://www.lovdato.no/all/hl-19661209-001.html>
- **Act relating to Good Faith Acquisition of Chattels :**  
LOV-1978-06-02-37 Godtroervervloven – ekstl. Lov om godtroerverv av løsøre [godtroervervloven]. (1978-06-02)  
<http://www.lovdato.no/all/hl-19780602-037.html>

Please note that neither of these amendments is available in English version.

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

Norway is following the work of the UNESCO 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 as observers, with either representatives from the Ministry of Culture or representatives from the Norwegian permanent delegation to UNESCO in Paris present at the meetings.

### **3. UNESCO Database of National Cultural Heritage Laws**

As pointed out in the beginning of this first periodical report, the UNESCO Database of National Cultural Heritage Laws currently contains Norwegian laws and regulations that are slightly outdated. Translation of the successive amendments of the Cultural Heritage Act, as well as those of the Regulations relating respectively to the return of stolen and unlawfully removed cultural objects (2001) and to a prohibition of export and import of cultural objects (2001) are in pipeline. English versions will be forwarded to the UNESCO Secretariat as soon as they have been completed, c.f. Part I, paragraph 2 a).

## **Part V Appendices**