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Item 39

PROCEDURE TO BE FOLLOWED IN CONNECTION WITH DRAFT CONVENTION
ON DECLARATION OF DEATH OF MISSING PERSONS

Norway: Comments on the Draft Convention on Declaration of Death
of Missing Persons

The Secretary-General transmits herewith the comments received from Norway in regard to the Draft Convention on Declaration of Death of Missing Persons (document E/1071). Comments previously received from Governments were circulated in E/1071/Add.2 and E/1071/Add.3.

Comment

Comment of the Government of Norway

"I have the honor to inform you that the Norwegian government does not find it desirable for Norway to accede to this convention. Norway, however, would be willing to consider becoming party to a possible (additional) convention that member governments mutually undertake to recognize as binding, decisions by foreign courts or certificates declaring a missing person as dead during the war 1939-45.

The reason for this position has been explained in my letter of 13 August 1948, where I pointed out that, in the view of the Norwegian authorities, the statutes which were passed in Norway on 10 November 1947 concerning persons who were lost during the last war adequately cover the needs in Norway. The experience of the Norwegian authorities with regard to this law since it was passed has confirmed this view. They would therefore not recommend that Norway accede to a convention which considerably extends the right to bring such cases to Norwegian courts.

Finally, I should like to draw your attention to the fact that Norway is a party to the Convention on Civil Process of 17 July 1905 and has, under its Section 20, undertaken to give citizens of the other countries adhering to this Convention the same right to free legal assistance as is provided for Norwegian citizens."
