

EUROPEAN COMMISSION OF HUMAN RIGHTS

SECOND CHAMBER

Application No. 17228/90

Arnt Andreassen

against

Norway

REPORT OF THE COMMISSION

(adopted on 2 March 1994)

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I. INTRODUCTION	
1. The following is an outline of the case as submitted to the	

European Commission of Human Rights, and of the procedure before the Commission.

A. The application

2. The applicant is a citizen of the United States of America. He is of Norwegian origin and was born in 1925. He now resides at Vanse, Norway. Before the Commission the applicant is represented by Mr. Knut Rognlien, a lawyer practising in Oslo.

3. The application is directed against Norway, whose Government are represented by their Acting Agent, Mr. Erik Møse of the Attorney General's Office.

4. The application concerns the length of proceedings in a dispute between the applicant and other private individuals as to whether or not he was entitled to buy certain land (odelsrett). The applicant considers that the proceedings were not terminated within a reasonable time and invokes Article 6 para. 1 of the Convention.

B. The proceedings

5. The application was introduced on 5 June 1990 and registered on 27 September 1990.

6. On 2 December 1991 the Commission decided, pursuant to Rule 48 para. 2 (b) of its Rules of Procedure, to give notice of the application to the respondent Government and to invite the parties to submit written observations on its admissibility and merits.

7. The Government's observations were submitted on 28 February 1992. The applicant replied on 15 April 1992.

8. On 30 March 1992 the Commission decided to refer the application to a Chamber.

9. On 7 July 1992 the Commission (Second Chamber) decided not to grant the applicant legal aid for the representation of his case.

10. On 12 January 1993 the Commission declared admissible the applicant's complaint concerning the length of the proceedings. It declared inadmissible the remainder of the application.

11. The text of the Commission's decision on admissibility was sent to the parties on 21 January 1993 and they were invited to submit such further information or observations on the merits as they wished. The applicant and the Government submitted observations on 12 February 1993 and 1 March 1993 respectively.

12. After declaring the case admissible, the Commission, acting in accordance with Article 28 para. 1 (b) of the Convention, also placed itself at the disposal of the parties with a view to securing a friendly settlement. In the light of the parties' reaction, the Commission now finds that there is no basis on which such a settlement can be effected.

C. The present Report

13. The present Report has been drawn up by the Commission (Second Chamber) in pursuance of Article 31 of the Convention and after deliberations and votes, the following members being present:

MM. S. TRECHSEL, President  
H. DANELIUS  
G. JÖRUNDSSON  
J.-C. SOYER  
H.G. SCHERMERS

Mrs. G.H. THUNE  
MM. F. MARTINEZ  
L. LOUCAIDES  
J.-C. GEUS  
M.A. NOWICKI  
I. CABRAL BARRETO  
J. MUCHA  
D. SVÁBY

14. The text of this Report was adopted on 2 March 1994 and is now transmitted to the Committee of Ministers of the Council of Europe, in accordance with Article 31 para. 2 of the Convention.

15. The purpose of the Report, pursuant to Article 31 of the Convention, is:

- i) to establish the facts, and
- ii) to state an opinion as to whether the facts found disclose a breach by the State concerned of its obligations under the Convention.

16. A schedule setting out the history of the proceedings before the Commission is attached hereto as Appendix I and the Commission's decision on the admissibility of the application as Appendix II.

17. The full text of the parties' submissions, together with the documents lodged as exhibits, are held in the archives of the Commission.

## II. ESTABLISHMENT OF THE FACTS

### A. The particular circumstances of the case

18. In 1979 the applicant's uncle died and left the family farm to his wife. The farm was subject to "odelsrett", hereinafter called allodial right, and the applicant was one of the holders of such a right.

19. In 1981 the County Agriculture Committee (fylkeslandbruksstyret) allowed the aunt to separate the farm house from the property on condition that the rest of the property be sold to neighbouring farmers who were in need of land.

20. On 27 October 1982 and 23 February 1983 the County Agriculture Committee allowed the rest of the property to be divided and sold to two neighbours as additional land. One of them was the applicant's brother. The areas were transferred to the new owners in January and April 1983.

### Proceedings before the District Court (Herredsretten)

21. By a submission dated 30 December 1983, the applicant instituted proceedings in the District Court of Lyngdal in order to buy the farm by virtue of his allodial right (proceedings for redemption - odelsløsningssak). It was received by the Court on 10 January 1984. The suit was directed against three neighbours, the two mentioned above who had bought the property as additional land and a family which had bought the farm house. The same day, the Court ordered the defendants to submit their reply within three weeks.

22. The defendants submitted their reply on 24 January 1984. They all disputed that the applicant had a right of redemption. The Court requested observations from the applicant by 13 February 1984. On 15 February 1984 the applicant submitted his comments, which were sent by the Court to the defendants for comments by 12 March 1984. Since they did not respond by that date, the Court fixed a new time-limit,

18 April 1984.

23. On 16 April 1984 two of the defendants (the neighbouring farmers) acknowledged that the applicant had an allodial right, whereas one defendant (the buyer of the farmhouse) maintained that the applicant had no right of redemption. The Court asked for the applicant's comments by 23 May 1984.

24. On 23 May 1984 the applicant withdrew the case against the buyer of the farm house. At the same time, he requested the Court to fix a date for the hearing on the merits of the case against the remaining two defendants. On 25 May 1984 the Court stated that the parties would soon be contacted in order to fix a date for the main hearing.

25. Following certain correspondence between the parties and the Court, the defendants informed the Court on 14 June 1984 that they had on that day filed an application with the County Agriculture Committee in accordance with section 31 of the Act of 28 June 1974 relating to allodial rights (odelsloven), hereinafter the 1974 Act, the purpose being to exempt the land from allodial rights. Referring to section 33 of the said Act they requested that the case before the Court be adjourned pending the outcome of the administrative proceedings as to their request for an exemption.

26. On 18 June 1984 the applicant informed the Court that in his opinion the conditions for an exemption from allodial rights were not fulfilled. He objected to the adjournment and requested that a date for the main hearing be fixed. Within the deadline set by the Court - 5 July 1984 - the defendants repeated, on 26 June 1984, that the proceedings should be adjourned. The applicant made further submissions on 26 June 1984. On 27 June 1984 the County Agriculture Committee decided to consider the defendants' application of 14 June 1984 for exemption of the land in question from allodial rights. Following this the issue of adjourning the court case was again discussed. By letter of 4 October 1984 counsel for the applicant informed the District Court that the question of adjournment could await determination until December 1984 when he expected that the County Agriculture Committee would have decided in the matter of exemption. It appears that the court proceedings were hereafter adjourned.

27. Subsequent to its above-mentioned decision of 27 June 1984 to consider the request for an exemption from allodial rights, the County Agriculture Committee sent the application to the Municipality of Farsund (Farsund kommune) for consideration and recommendation in conformity with section 33 of the 1974 Act. On 31 August 1984 the holders of allodial rights were invited to submit, by 3 December 1984, any opinions they might wish to state in conformity with section 33 of the 1974 Act.

28. The case was also sent to the Municipal Agriculture Board (Landbruksnemnden) which received the application on 10 September 1984 and recommended on 1 October 1984 that the land should not be exempted from the applicant's allodial right. The Municipality Council (kommunestyret) of Farsund submitted a similar recommendation on 13 October 1984. The case was sent back to the County Agriculture Committee on 24 October 1984. On 20 February 1985 the County Agriculture Committee sent the case to the Ministry of Agriculture for final decision with a recommendation in accordance with the views expressed by the lower administrative authorities. On 27 February 1985 it was registered in the Ministry.

29. After the County Agriculture Committee had made the above recommendation against the defendants' application, the applicant informed the District Court thereof on 28 February 1985 and requested the Court now to fix a date for the main hearing. The Court stated that dates would now be fixed, but was informed by the defendants, on

4 March 1985, that there was no final decision as the application had been forwarded to the Ministry of Agriculture. On 9 March 1985 the applicant maintained his request for a date for the main hearing. The case, however, remained adjourned.

30. By 11 April 1985 a draft report had been prepared in the Ministry of Agriculture. On 5 June 1985 the relevant department in the Ministry decided that there was a need for an inspection (befaring) of the land before deciding upon the application. The District Court, the parties and the administrative authorities involved were informed of the decision by letter of 11 June 1985.

31. On 22 June 1985 the applicant informed the Ministry that his lawyer was ill and requested that the inspection be postponed until he had recovered or another lawyer had had the opportunity to acquaint himself with the case.

32. On 16 August 1985 the parties were informed that the inspection would take place on 27 August. A report following the inspection was finished on 22 October 1985 and a draft decision from the relevant department in the Ministry of Agriculture was available on 22 November 1985. The draft was approved by the State Secretary on 24 March 1986.

33. On 4 April 1986 the King in Council (regjeringen) decided by Royal Decree that the land should be exempted from the provisions of allodial law and accordingly the land became free of allodial rights.

34. On 18 April 1986 the defendants informed the District Court of the Royal Decree and asked the applicant to state whether he intended to withdraw the case against them or to challenge the validity of the decision. The applicant, who at that juncture was without legal representation, replied on 9 May 1986 that he did not wish to withdraw the case against the defendants. On 2 June 1986 he informed the Court that he wished to institute proceedings against the Government in order to challenge the validity of the Royal Decree.

35. On 11 June 1986 the District Court acknowledged that the case had become very old but considered that this was mainly due to the fact that it had been adjourned pending the outcome of the exemption proceedings before the administrative authorities. Accordingly, the Court informed the applicant that if he intended to challenge the legality of the Royal Decree he should institute proceedings before 15 July 1986.

36. On 11 July 1986 the applicant, who now had a new lawyer, informed the Court that he would not institute proceedings against the Government. However, in the case pending he would now, by way of preliminary plea, argue that the Royal Decree was invalid. At the same time he stated that at that stage it was not possible to fix a date for the main hearing as he had to make thorough inquiries in order to prepare his case. The Court asked for observations by 5 August 1986.

37. In a submission of 23 July 1986 the defendants accepted that the validity of the Royal Decree was now to be decided upon on a preliminary basis in the pending case. The Court asked for observations by 15 August 1986.

38. On 3 September 1986 the applicant indicated that he would submit more documents. He repeated and elaborated on his previous argumentation in a submission of 9 October 1986 with 21 enclosures, and indicated that more material would be produced during the main hearing. At the same time he stated that the dates of the hearing could be fixed provided that there was sufficient time for preparation. The Court fixed 31 October 1986 as the time-limit for observations and stated that the hearing would take place as soon as the Court had time available.

39. On 27 and 29 October 1986 the defendants, who now had a new lawyer, asked for extended time-limits and requested the applicant to submit the supplementary material indicated in his submission of 9 October 1986.

40. On 7 November 1986 the dates for the main hearing were fixed at 2-4 March 1987.

41. The applicant produced supplementary material in a submission of 8 January 1987.

42. The main hearing took place on 2 and 3 March 1987. During the hearing the District Court inspected the land. The applicant maintained in particular that section 31 of the 1974 Act had been applied retroactively to his detriment as it had been amended on 11 May 1984, i.e. while his case was pending before the District Court, to such an extent that his legal position had been changed.

43. In its judgment of 3 April 1987, however, the District Court found in favour of the defendants who had referred to the decision of the Ministry of Agriculture and therefore refused to accept the applicant's allodial right. The Court did not find that the Royal Decree of 4 April 1986 was contrary to the Norwegian Constitution as the amendment to the 1974 Act did not in fact mean a change in the substance of section 31 of the Act but merely concerned a procedural matter.

#### Proceedings before the Agder High Court (Agder Lagmannsrett)

44. On 5 May 1987 the applicant appealed against the judgment to the Agder High Court. He argued on the same grounds as those advanced before the District Court that the Royal Decree was invalid.

45. On 12 May 1987 the High Court requested the defendants to submit observations, which were filed on 20 May 1987. The High Court decided that any further observations from both parties should be submitted by 22 June 1987. The defendants' and the applicant's submissions were dated 9 and 12 June 1987, respectively. On 25 June 1987 the applicant was asked to prepare excerpts from the documents necessary for the High Court's consideration of the case by 1 August 1987.

46. On 30 September 1987 the Court decided that the appeal hearing would take place on 25-27 May 1988.

47. During the hearing on 25 and 26 May 1988 the High Court inspected the land.

48. On 3 June 1988 the High Court overruled the District Court judgment and gave judgment in favour of the applicant. According to the High Court the application of section 31 of the 1974 Act as amended affected the applicant's legal position in such a way that it was contrary to Article 97 of the Constitution.

#### Proceedings before the Supreme Court (Høyesterett)

49. On 5 August 1988 the defendants lodged an appeal with the Supreme Court. The applicant's observations were submitted on 15 August 1988.

50. On 1 September 1988 the case was admitted by the Appeals Selection Committee of the Supreme Court (Høyesteretts kjæremålsutvalg). At the same time the parties were asked to file any requests for the taking of evidence by 25 September 1988. Such requests were submitted by the defendants and the applicant on 13 and 21 September 1988, respectively.

51. On 5 September 1988 the Government declared that it wished to

intervene in the proceedings as *amicus curiae* (erklære hjelpeintervensjon) since the Supreme Court was called upon to decide an issue of alleged unconstitutionality of the 1974 Act.

52. Written observations were submitted by the parties on 7 November 1988 and 2 January 1989. On 23 January 1989 all parties withdrew their requests for the taking of evidence. The Supreme Court then allowed further observations to be submitted by 1 March 1989.

53. The Supreme Court hearings took place on 12-14 December 1989. On 21 December 1989 the Supreme Court upheld the judgment of the District Court, finding that the Royal Decree was not contrary to the Constitution or invalid on other grounds.

54. Finally, the applicant filed an application with the Supreme Court in August 1990 requesting that the case be re-opened. On 29 November 1990 the Supreme Court rejected the application.

#### B. Relevant domestic law

55. "Odel" is an ancient right in law which is specific to Norway. The right is protected by Article 107 of the Constitution of 17 May 1814 which reads:

(Norwegian)

"Odels- og Aasædesretten maa ikke ophæves. De nærmere Betingelser, hvorunder den, til største Nytte for Staten og Gavn for Landalmuen, skal vedblive, fastsættes af det første eller andet følgende Storting."

(translation)

"The allodial right and the right of primogeniture shall not be abolished. The specific conditions under which these rights shall continue for the greatest benefit of the State and the best advantage of the rural population shall be determined by the first or second Storting."

56. Detailed statutory provisions are set out in the 1974 Act. The allodial right is designed to ensure that farms and farmland remain in the hands of one family, and traditionally also to prevent the accumulation of agricultural land in a few hands. The right applies to agricultural land and may include woodland and mountain pasture. It does not apply to mines, factories, industrial works and the land on which they stand.

57. The right is created when a single owner has had full title to the property for 20 years, and it passes to descendants of the original owner of the right. Between the descendants there is a priority system. When the property is transferred from one family to another, only relatives closely related to the last owner acquire the allodial right.

58. If the property is transferred to somebody outside the family, a family member with an allodial right has the right of redemption. A family member with a higher priority allodial right may also buy back property sold to a family member with a lower priority.

59. A family member wishing to use his right of redemption must institute proceedings against the buyer before the District Court within two years after the transfer of ownership. The Court decides what price the family member must pay on the basis of the value of land being used for normal agricultural purposes according to principles laid down in chapter XI of the 1974 Act. If there is any dispute whether the plaintiff has an allodial right, the Court will first decide this issue.

60. The decision of the District Court may be appealed against to the High Court and then, with leave, to the Supreme Court.

61. The King in Council may decide to exempt land from prior allodial right (odelsfrigjøring). The conditions are set out in chapter VIII of the 1974 Act. Sections 31 and 33, which are relevant in the present case, read as follows:

(Norwegian)

"§31. I den mon odelsrett vil kunne skiple ei eigedomstileigning som staten har gjort ved kjøp etter reglane i jordlova eller forkjøp etter konsesjonslova, kan Kongen fri slik jord for eldre odelsrett. Odelsfrigjering kan likevel ikkje skje andsynes dei som etter konsesjonslova § 6 nr. 1 kunne kjøpe eigedomen utan at staten har forkjøpsrett, medmindre det gjeld eigedom der arealet er under 30 dekar, eller vilkåra for oreigning etter § 20 i jordlova ligg føre.

Det som er sagt i første stykket gjeld tilsvarande for jord som er gått over til ny eigar ved friviljug handel, når fylkeslandbruksstyret har godkjent kjøpet av di kjøparen bør få tilleggsjord.

...

§33. Før det blir tatt avgjerd om odelsfrigjering etter §§ 30-32, skal spørsmålet leggjast fram for kommunestyret til fråsegn. Så langt det lar seg gjere skal også odelsrettshavarane gjevast høve til å uttale seg om spørsmålet innan ein frist på 3 månader. Gjeld det odelsfrigjering etter §§ 30 og 31, skal det innhentast fråsegn frå fylkeslandbruksstyret.

Når det er tatt steg til odelsfrigjering etter §§ 30-32, skal odelsløyings sak som er eller blir reist, stoggast til spørsmålet om odelsfrigjering er avgjort."

(translation)

"Section 31. In so far as the State might be prevented by the provisions of allodial law from acquiring land by purchase pursuant to the provisions of the Land Act or by exercising its right of preemption pursuant to the Concession Act, the King may exempt such land from prior allodial right. Such exemption may not, however, be effected in relation to any person who, pursuant to section 6, item 1, of the Concession Act, may purchase the property without the State being able to exercise a right of preemption, unless it is a case of property covering an area of less than 300 ares or the conditions regarding expropriation pursuant to section 20 of the Land Act are fulfilled.

The provisions of subsection one apply correspondingly to land which has passed to a new owner by means of a voluntary transaction when the County Agriculture Committee has approved the purchase on the ground that the purchaser should have additional land.

...

Section 33. Before a decision concerning exemption from the provisions of allodial law is made pursuant to sections 30 to 32, the matter shall be submitted to the Municipality Council for an opinion. The holders of allodial rights shall, in so far as possible, be given an

opportunity to state their opinions on the matter within a three-month period. If it is a case of exemption from the provisions of allodial law pursuant to sections 30 and 31, the opinion of the County Agriculture Committee shall be obtained.

When steps have been taken to obtain exemptions from the provisions of allodial law pursuant to sections 30 to 32, any proceedings for the redemption of allodial rights which have been instituted shall be stayed until the question of such exemption has been decided."

62. As a main rule, the King in Council will not consider whether land should be exempted from the allodial right unless any holder of such a right wishes to make use of it. Only in exceptional cases will this question be considered before redemption proceedings are instituted. If no allodial right holder wishes to make use of his right, a decision relating to exemption from allodial law will not be necessary.

63. If the King in Council decides that the land should be exempted from allodial rights, a plaintiff who has instituted proceedings for the redemption of allodial rights has the following options if he wishes to challenge that decision:

- he may institute proceedings against the Government and maintain that the Royal Decree is invalid. In that case, he must request the adjournment of the case which is already pending;

or

- he may pursue the proceedings already instituted and invoke as a preliminary argument that the Royal Decree is invalid.

64. If he does not wish to contest the validity of the Royal Decree, the redemption case will be discharged.

### III. OPINION OF THE COMMISSION

#### A. Complaint declared admissible

65. The Commission has declared admissible the applicant's complaint that his claim to buy certain land by virtue of his allodial rights was not determined within a reasonable time.

#### B. Point at issue

66. Accordingly, the Commission is called upon to consider whether there has been a violation of Article 6 para. 1 (Art. 6-1) of the Convention in that the length of the proceedings exceeded the "reasonable time" referred to in this provision.

#### C. As regards Article 6 para. 1 (Art. 6-1) of the Convention

67. Article 6 para. 1 (Art. 6-1) of the Convention reads, in so far as relevant, as follows:

"In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by a ... tribunal ..."

68. The Commission recalls that the proceedings in question related to a dispute between the applicant and other private individuals, including his brother, as to whether the applicant could buy, and if so on what conditions, certain pieces of farm land by virtue of his allodial right. It is undisputed that these proceedings involved the determination of a "civil right" and thus fall within the scope of

Article 6 para. 1 (Art. 6-1) of the Convention.

69. With regard to the period of time to be considered, the Commission considers that the proceedings opened on 30 December 1983 when the applicant addressed his first submission to that effect to the District Court of Lyngdal, and came to an end on 21 December 1989 when the Supreme Court pronounced judgment in the case. Accordingly, they lasted approximately six years.

70. The applicant maintains that the length of the proceedings cannot be considered to be reasonable. In particular he contests that the court proceedings had to be adjourned pending the outcome of the defendants' request for the exemption from the provisions of allodial law and he contests that he agreed to such an adjournment. The applicant points out that the facts disclose that the case in the District Court was ready for examination already on 25 May 1984, whereas the District Court did not pronounce judgment until 3 April 1987. Furthermore, the administrative authorities' examination of the exemption request was such that the proceedings as a whole were unduly prolonged.

71. The Government contend that, although the purpose of the proceedings instituted by the applicant was primarily to fix the price to be paid if he wanted to make use of his allodial right, the defendants' request for an exemption from the provisions of allodial law brought a totally new issue forward which had to be determined by the administrative authorities first. This intertwining of civil and administrative proceedings the Government consider to be of relevance when examining the complexity of the case. Furthermore, the examination by the administrative authorities of the exemption request was not a routine matter but required careful consideration. The courts were also called upon to examine constitutional issues the complexity of which are exemplified by the fact that the three judicial instances involved were not unanimous on that point.

72. The Government further contend that the applicant agreed to adjourn the court proceedings until the administrative authorities had concluded their examination of the exemption issue and also otherwise contributed to the length of the proceedings. Finally, the Government maintain that the facts of the case show that the authorities acted with appropriate diligence and kept the case under continuous consideration.

73. The Commission recalls that the reasonableness of the length of proceedings must be assessed with reference to the following criteria: the complexity of the case, the conduct of the parties and that of the authorities before which the case is brought, as well as the particular circumstances of the case which may call for an overall assessment (cf. Eur. Court H.R., Vernillo judgment of 20 February 1991, Series A no. 198, p. 12, para. 30). The Commission also recalls that in civil cases the exercise of the right to a hearing within a reasonable time is subject to diligence being shown by the party concerned (cf. Eur. Court H.R., Pretto and Others judgment of 8 December 1983, Series A no. 71, pp. 14 et seq., paras. 33 et seq.). Nonetheless this principle cannot absolve the courts from securing that the case progresses within a reasonable time (cf. Eur. Court H.R., Martins Moreira judgment of 26 October 1988, Series A no. 143, p. 17, para. 46). Lastly, only delays attributable to the State may lead to the conclusion that the "reasonable time" requirement was not complied with (cf. Eur. Court H.R., Guincho judgment of 10 July 1984, Series A no. 81, p. 16, para. 38).

74. In the present case the Commission recalls that the proceedings in question lasted approximately six years, which may be divided into the following stages:

- approximately three years and three months in the District Court

of Lyngdal (30 December 1983 to 3 April 1987);

- approximately one year and one month in the Agder High Court (5 May 1987 to 3 June 1988); and

- approximately one year and four and a half months in the Supreme Court (5 August 1988 to 21 December 1989).

75. During the first stage of the proceedings the District Court of Lyngdal did not proceed with the case from 14 June 1984 until 18 April 1986 due to the fact that the defendants had submitted a request to the competent administrative authorities to have the land in question exempted from the provisions of allodial law. The applicant maintains that this de facto adjournment was unnecessary and unacceptable whereas the Government maintain that it was pertinent as the outcome of the defendants' request would be of decisive importance to the case as it stood before the District Court.

76. The Commission recalls that according to section 33 of the 1974 Act (para. 61 above) any proceedings for the redemption of allodial rights which have been instituted shall be stayed until the question of exempting the land in question from the provisions of allodial law has been decided. Furthermore, it appears from Norwegian practice (para. 62 above) that, as a main rule, the King in Council will not consider whether such exemption should be allowed unless any holder of such a right wishes to make use of it. It follows from this that the District Court of Lyngdal could not but adjourn the proceedings instituted by the applicant when the defendants chose to make use of the possibility to have the land in question exempted from the provisions of allodial law and it also follows that the Government's contention that the applicant agreed to the adjournment is without relevance.

77. However, the Commission recalls that it is for the Contracting States to organise their legal systems in such a way that their courts can guarantee the right of everyone to a final decision within a reasonable time in the determination of his civil rights and obligations (cf. Eur. Court H.R., Vocaturo judgment of 24 May 1991, Series A no. 206-C, p. 32, para. 17). It follows that where domestic legislation allows for such adjournments as in the present case, it falls within the responsibility of the Contracting State to secure that delays resulting therefrom will not go beyond what is acceptable in order to allow the courts to comply with the requirements of Article 6 (Art. 6) of the Convention.

78. The case as it stood before the District Court of Lyngdal at the time the applicant instituted the proceedings was not complex. As a matter of fact it was only a question of fixing the price the applicant had to pay as the defendants acknowledged, already on 16 April 1984, the existence of the applicant's allodial right. Furthermore, the District Court considered the case to be ready for examination as early as 25 May 1984 when it informed the parties of its intention of fixing a date for the main hearing. However, it was the defendants' application to the County Agriculture Committee to exempt the land in question from the provisions of allodial law which prevented the District Court from proceeding with the matter, something which was outside the applicant's control, and the District Court was, for this reason, unable to continue its examination of the case until 18 April 1986, i.e. during a period of almost two years. This period of inactivity on part of the District Court was due to the way the respondent State has organised its legal system and the resulting delay is accordingly imputable to it. Furthermore, having regard to the fact that all parties concerned were fully aware of the proceedings pending in the District Court of Lyngdal, the Commission considers that the administrative authorities did not act with the necessary diligence when allowing the matter to drag on for almost two years.

79. In the light of these circumstances the Commission, taking account of the periods of inactivity imputable to the authorities and the overall length of the proceedings, considers that the latter is incompatible with the reasonable time requirement laid down in Article 6 para. 1 (Art. 6-1) of the Convention.

#### CONCLUSION

80. The Commission concludes, by ten votes to three, that in the present case there has been a violation of Article 6 para. 1 (Art. 6-1) of the Convention.

Secretary to the Second Chamber

(K. ROGGE)

President of the Second Chamber

(S. TRECHSEL)

#### APPENDIX I

##### HISTORY OF THE PROCEEDINGS

Date	Item
5 June 1990	Introduction of application
27 September 1990	Registration of application
Examination of admissibility	
2 December 1991	Commission decision to communicate the case to the respondent Government and to invite the parties to submit observations on admissibility and merits
28 February 1992	Government's observations
15 April 1992	Applicant's observations in reply
12 January 1993	Commission's decision to declare application in part admissible and in part inadmissible
Examination of the merits	
21 January 1993	Decision on admissibility transmitted to parties. Invitation to parties to submit further observations on the merits
12 February 1993	Applicant's observations
1 March 1993	Government's observations
8 September 1993	Commission's consideration of state of proceedings
19 January 1994	Commission's consideration of state of proceedings
2 March 1994	Commission's deliberations on the merits, final vote and adoption of the Report