

105TH CONGRESS
2D SESSION

H. RES. 562

Concerning properties wrongfully expropriated by formerly totalitarian governments.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1998

Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. LANTOS, Mr. HYDE, Mr. HOYER, Mr. MARKEY, Mr. CHRISTENSEN, Mr. ROHRABACHER, Mr. SALMON, and Mr. FOX of Pennsylvania) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Concerning properties wrongfully expropriated by formerly totalitarian governments.

Whereas totalitarian regimes, including Fascist and Communist dictatorships, have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership, including ownership of real, personal, business, and financial property, by individuals and communities;

Whereas the confiscation of property without compensation by totalitarian regimes was often designed to victimize

people because of religion, ethnicity, national or social origin, or opposition to such regimes;

Whereas certain individuals and communities twice suffered the taking of their properties without compensation, first by the Nazis and their collaborators and next by subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties, as well as properties such as hospitals, schools and orphanages owned by religious communities, were destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious people and dismantling religious communities;

Whereas refugees from communism, in addition to being wrongfully deprived of their property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating States of the Organization for Security and Cooperation in Europe have agreed to achieve or maintain full recognition and protection of all types of property, including private property, and the right to prompt, just and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, the Caucasus, and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the wrongs of previous totalitarian regimes;

Whereas many countries in Central and Eastern Europe have enacted laws providing for the restitution of properties

that were illegally or unjustly seized, nationalized, confiscated, or otherwise expropriated by totalitarian regimes;

Whereas legal or administrative restrictions that require claimants to reside in, or be a citizen of, the country from which they seek restitution of, or compensation for, wrongfully expropriated property are arbitrary, discriminatory, and in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) welcomes the efforts of many formerly to-
3 talitarian countries to address the complex and dif-
4 ficult question of the status of wrongfully expropri-
5 ated properties;

6 (2) urges countries which have not already done
7 so to return wrongfully expropriated properties to
8 their rightful owners or, when actual return is not
9 possible, to pay prompt, just and effective compensa-
10 tion, in accordance with principles of justice and in
11 a manner that is just, transparent and fair;

12 (3) calls for the return of wrongfully expropri-
13 ated properties to religious communities;

1 (4) calls on Croatia, the Czech Republic, Lat-
2 via, Lithuania, Romania, Slovakia, and any other
3 nation whose laws or regulations limit restitution or
4 compensation for wrongfully expropriated properties
5 to persons who reside in, or are citizens of, the coun-
6 try from which restitution or compensation is
7 sought, to remove such restrictions; and

8 (5) urges formerly totalitarian countries to pass
9 and effectively implement laws that provide for res-
10 titution of, or compensation for, wrongfully expropri-
11 ated property.

12 SEC. 2. The Clerk of the House of Representatives
13 shall transmit a copy of this resolution to the President.

○