



The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

The claimant herein, JOHN SPIRO, seeks compensation for the alleged expropriation by the Government of Albania in 1953 of 25 to 30 separate parcels totaling 15 hectares of unimproved land located in the vicinity of Bellovoda, District of Korce. At that time, according to claimant, the property was owned by the claimant and his father, Gaqi (George) Spiro, both nationals of the United States since 1930.<sup>1</sup>

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<sup>1</sup>The Commission notes that the claimant previously filed a claim in the Commission's General War Claims Program, conducted from July 15, 1963 to May 17, 1967. In that program, the Commission determined that claimant's father acquired United States nationality by naturalization on June 18, 1930 and that claimant derived United States citizenship from the naturalization of his father. *Claim of JOHN SPIRO*, Claim No. W-4094, Decision No. W-19423 (1966).

According to the claimant, no deeds to the claimed property exist. The claimant has submitted a declaration from two residents of the village of Bellovoda who state that the claimant and his father owned fifteen hectares of land in Bellovoda. However, unlike other claimants, claimant here has not obtained a statement from local Albanian officials to substantiate his claim. Moreover, the Commission's own independent review of land records in the Archives of Korce indicates that those records reflect claimant's father's ownership of only 4.99 hectares of land, and do not show claimant as the owner of any land at all.

Based on this evidence, the Commission finds that prior to 1947, claimant's father, Gaqi Spiro, was the owner of 49.9 *dynyms* (4.99 hectares or about 12.3 acres) of arable land located in the vicinity of the village of Bellovoda, District of Korce.

The Commission is aware that on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." This law provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without payment of compensation to the legal owner. Land Reform Law No. 108, GZ 1945, No. 39. This law was then

affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12.

Based on the entire record, the Commission determines that the implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners, had the effect of depriving the claimant's father of his property, and thereby constituted an uncompensated expropriation by the Government of Albania. The Commission further finds that claimant's father died in 1967, and that claimant is his sole heir. Accordingly, claimant is entitled to an award of compensation for his father's loss.

The claimant asserts that the 15 hectares of property had a value at the time of expropriation of \$25,000.00. According to the claimant his father was offered \$800 to \$1,000 in the 1920s for one hectare of the property in question. However, he has submitted no supporting evidence to substantiate these assertions.

Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, together with the evidence before it in this case, the Commission finds that the claimant's father's property consisting of 49.9 dynyms (12.3 acres) in the vicinity of the village of Bellovoda had a value at the time of expropriation of approximately \$300 per

acre, or \$3,600.00. Accordingly, claimant is entitled to an award in the principal amount of \$3,600.00 as compensation for the loss of his father's property, dating from January 1, 1953.<sup>2</sup>

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that the claimant is entitled to interest as part of his award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is entitled to an interest award of 253.8 percent of his principal award, or \$9,136.80.

The Commission's independent review of documents filed with the local Albanian Commission for the Return of Property indicates that a request may have been made for compensation for all or part of the claimed property. Under the terms of the U.S.-Albania settlement agreement, the Commission will advise the Albanian authorities of the issuance of this decision so as to prevent any double recovery.

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<sup>2</sup>On the claim form, the claimant has stated that the property was confiscated in the early 1950's. Subsequently, he has stated that the property was confiscated in 1953. In the absence of a more precise date, the Commission deems the property confiscated as of January 1, 1953.

The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICSA (22 U.S.C. §§1624, 1626, and 1627).

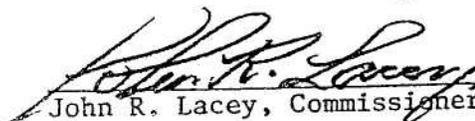
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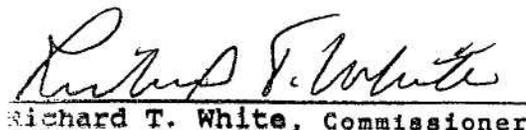
Claimant, JOHN SPIRO, is entitled to an award in the principal amount of Three Thousand Six Hundred Dollars (\$3,600.00), plus interest from January 1, 1950, to April 18, 1995, in the amount of Nine Thousand One Hundred Thirty-Six Dollars and Eighty Cents (\$9,136.80), for a total award of Twelve Thousand Seven Hundred Thirty-Six Dollars and Eighty Cents (\$12,736.80).

Dated at Washington, DC and entered as the Proposed Decision of the Commission.

DEC 16 1996

  
Delissa M. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on **FEB 18 1997**

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. 531.5 (e) and (g) (1995).