

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 Agreed Minute to the Settlement Agreement further provides:

For purposes of article 1, the term "United States nationals" shall include dual United States-Albanian nationals only if those nationals are domiciled in the United States currently or for at least half the period of time between when the property was taken and the date of entry into force of the agreement.

In effect, this residency requirement limits the Commission's jurisdiction over the claims of dual nationals to those cases where the owner of the claim either (1) was domiciled in the United States on April 18, 1995 (the effective date of the Settlement Agreement), or (2) was domiciled in the United States for at least half the period of time between the date the property was expropriated and April 18, 1995.

Claimant here, a United States national by birth, seeks compensation for personal and real property, including 14.65 hectares of agricultural land, said to have been expropriated by the Albanian government in the agrarian reform of 1945. According to documents supplied by claimant, he was an owner of the property at that time, having inherited it upon the death of his father, Hasan Haxhi Zemblaku, in 1937.

Unfortunately, as explained in the Commission's May 20, 1996 letter to claimant and discussed below, the residency requirement in the Agreed Minute to the Settlement Agreement prevents the Commission from considering this claim.

It appears that claimant is a dual U.S.-Albanian national, because his father was an Albanian citizen. Under Albanian law, claimant retains Albanian nationality notwithstanding his U.S. nationality by birth abroad to his father (who was naturalized as a U.S. citizen in 1927).

Because claimant is a dual United States-Albanian national, the Commission is constrained to apply the residency requirement. The claim form indicates that claimant did not live in the United States until October 1995. Because claimant was not domiciled in the United States on April 18, 1995, and because claimant was not domiciled in the United States for at least half of the approximately fifty years between the expropriation in 1945 and the Settlement Agreement in April 1995, the residency requirement is not satisfied and the Commission lacks jurisdiction over this claim.

Accordingly, while the Commission sympathizes with claimant for the loss of his property, the claim must be and is hereby dismissed for lack of jurisdiction.

Although this Commission has no jurisdiction to consider the claim, claimant should be entitled to seek relief through the Albanian Government. The Government of Albania is obligated by the Settlement Agreement to afford U.S. nationals the same rights it affords Albanian nationals to pursue and receive

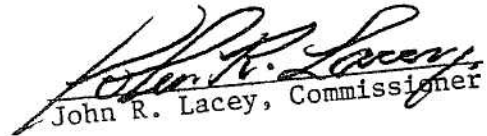
compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by the Albanian Government. Settlement Agreement, Article 6. The Commission's May 20, 1996 letter to claimant advised claimant to contact the Albanian authorities directly if he wishes to pursue such a claim.

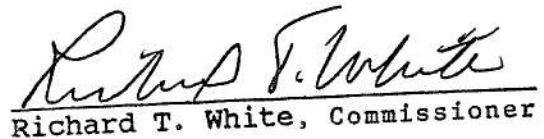
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

JAN 28 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on MAR 25 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).