

12 July 2017 - Western Balkans Summit Trieste

Dear Angela Merkel, Federica Mogherini, Johannes Hahn, Paolo Gentiloni, Emmanuel Macron, Duško Marković, Angelino Alfano and all prominent figures of the Balkan Summit to be held today here in Trieste,

Could we possibly conceive that Nazis looted properties during World War II were not returned? Of course not, this issue has been resolved a long time ago. Why then should we tolerate that assets plundered by the communist rule would not be returned to their legitimate owners? And why does such issue affects the Trieste Western Balkans Summit?

Among the various and pressing themes that will be discussed during the Western Balkans Summit private property is to be established as an inviolable right as it is still a quite unclear concept in some former Yugoslav republics. The theme has economic and political implications since failing to respect property rights not only undermines the restitution process but it can also compromise foreign investments, in particular of those investors who care about their capital.

So far denationalization was performed in different ways in the former Yugoslav republics with more or less appreciable achievements; Serbia for instance, which only recently has deployed the process of restitution, is accurately putting it into place through the material restitution of claimed properties.

Unfortunately this is not the case of Montenegro, newly elected NATO member, where restitution was declared unresolved in the EU 2016 Country Report and also in the US Human Rights Report 2016.

EU COUNTRY REPORT Montenegro October 2016 - Property rights

*The process of restitution of properties expropriated in the past is the main challenge affecting property rights. Procedures remain cumbersome, decision-making is slow...*

US HUMAN RIGHTS REPORT Montenegro April 2016 - Property restitution

*"A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved.*

Why after 13 years restitution is not accomplished in Montenegro? Because despite the existence of a specific law suggested by the European Union in the frame of the commitments for the accession to the EU membership this law is neglected, it was carried out only for some lucky applicants; at the moment the process of restitution is basically paralyzed, a farce played before the European Commission, the US Department of State and other diplomacies. Falling into prescription of the restitution obligations maybe the objective as time buries history and claimants.

In lack of any sense of historical responsibility or of awareness of crimes committed against the property, very often restitution obligations are treated like a burden inherited from the past therefore the willingness to return or compensate is inexistent. In fact, after fifty years, the sense of usucaption prevails, so that in some ways it is the state who feels defrauded and rather than returning property, the administration privatizes to third parties, collecting considerable incomes that are not shared with the former owners and claimants.

The attention of the European Commission is recalled upon ensuring the actual implementation of reforms in Montenegro, since according to independent Montenegrin observers they seem to be only simulations. (Daliborka Uljarevic, Director of the CGO - Podgorica Civic Education Center).

These countries must have not only the legislation but also a conduct compliant with European standards in reference to fundamental rights, private property and restitution of seized assets. The European Commission cannot be satisfied with simulated reforms because the citizens are deeply disappointed and question about the real benefits of a "good manners" propaganda which does not lead to structural changes in favour of the community.

There are hundreds of cases of unsolved restitution in Montenegro, claimants after bearing expensive and endless bureaucratic process, they also suffer the privatization of their claimed assets without obtaining any compensation neither through restitution or privatization laws, which both provide refunding.

A case-study on the restitution insolvency in Montenegro is the one of the ship owner and banker Lale Zuber, whose immense assets still generate considerable profits to the Montenegrin state. Nevertheless none of this is being shared with the heirs. Lale's daughter Diana, aged 90, lives in Trieste. The writer is his nephew. Restitution is the link theme connecting Trieste and the Balkans, Montenegro in particular, where we expect real innovations to confirm an effective process of integration and implementation of the existing laws.

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