

No. 6767

**AUSTRIA
and
YUGOSLAVIA**

**Agreement concerning the immovable property of Austrian
dual owners in the Yugoslav frontier zone (with Final
Protocol). Signed at Vienna, on 19 March 1953**

Official texts: German and Serbo-Croat.

Registered by Austria on 6 June 1963.

**AUTRICHE
et
YOUgoslavie**

**Accord relatif aux biens-fonds des propriétaires frontaliers
autrichiens qui sont sis dans la zone frontalière yougo-
slave (avec Protocole final). Signé à Vienne, le 19 mars
1953**

Textes officiels allemand et serbo-croate.

Enregistré par l'Autriche le 6 juin 1963.

[TRANSLATION — TRADUCTION]

No. 6767. AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA CONCERNING THE IMMOVABLE PROPERTY OF AUSTRIAN DUAL OWNERS IN THE YUGOSLAV FRONTIER ZONE. SIGNED AT VIENNA, ON 19 MARCH 1953

The Austrian Federal Government and the Government of the Federal People's Republic of Yugoslavia,

Desiring to settle the question of Austrian dual ownership in Yugoslavia, which is related to the question of minor frontier traffic,

And convinced that this will contribute to a further improvement in the good-neighbourly relations existing between the two countries,

Have concluded the following Agreement concerning the immovable property of Austrian dual owners in the Yugoslav frontier zone.

Article 1

As a gesture of friendship and good will, the Yugoslav Government shall restore to Austrian dual owners, subject to the conditions defined in article 2, the title to their former immovable property in the Yugoslav frontier zone.

Article 2

1. The title of Austrian dual owners to all or part of their former immovable property shall be restored on condition that :

- (a) They are farmers who cultivate their land themselves together with their families, or with auxiliary labour as well, and support themselves by their own work ;
- (b) They had the status of dual owners on 6 April 1941, or, in the case of the spouses, children, grandchildren, parents, brothers or sisters, grandparents or sons-in-law of dual owners, they have acquired title to property in the Yugoslav frontier zone from such owners ;
- (c) They are, and were prior to 6 April 1941, Austrian nationals ;
- (d) They are permanently resident in the frontier zone.

¹ Came into force on 20 April 1953, in accordance with the provisions of article 8.

2. The Austrian Federal Government notes that the Government of the Federal People's Republic of Yugoslavia excludes National Socialist officials, irrespective of the category of property owners in which they fall, from entitlement under paragraph 1 of this article.

3. All other categories of former property owners, as well as large landowners, non-farming landowners and bodies corporate, including the Church, communes and agricultural co-operatives, shall also be excluded from such entitlement.

Article 3

1. The amount of arable land (fields, gardens, orchards, vineyards, meadows and pastures suitable for cultivation) and woodland to be restored to individual dual owners shall be such that the total area of their holdings in Austria and in the Federal People's Republic of Yugoslavia is :

- (a) In the case of arable land only : 20 hectares ;
- (b) In the case of woodland : 10 hectares ;
- (c) In the case of arable land and woodland together : 30 hectares, the area of the arable land not to exceed 20 hectares and that of the woodland not to exceed 10 hectares.

2. In justified cases, i.e. where the quality of the land is inferior on both sides of the frontier or the type of crop grown is less profitable, the area referred to in paragraph 1 may, with due regard for the over-all property status of the dual owner concerned and the members of his household and for the average size of holdings in the Yugoslav commune in which the property is situated, be increased to the following extent :

In the case of the area referred to in (a) : to 35 hectares ;

In the case of the area referred to in (b) : to 25 hectares ;

In the case of the area referred to in (c) : to 40 hectares, the area of the arable land not to exceed 35 hectares and that of the woodland not to exceed 25 hectares.

In the allocation of land, account shall be taken of the need to establish an economically sound ratio between the various crops, with due regard for the interests of the farm of which such land formed a part.

3. The land areas in question shall be fixed, in accordance with the situation prevailing on 1 January 1951, on the basis of the dual owner's entire holdings in Yugoslavia and Austria, including the property of his spouse and of any children residing with him, as well as that of any co-owners with whom he resides or carries on economic activities on their joint property.

Article 4

1. If property subject to restoration under this Agreement forms part of a farm and its separation therefrom would create a situation at variance with the objectives of the Yugoslav Decree of 2 November 1951 concerning the rounding off of farmers' holdings and of the land of farmers' producer co-operatives,

or if buildings have been erected or other major improvements made on the property in question on the part of Yugoslavia,

or if transfer of the property would otherwise seriously prejudice the economic interests of the farm of which it is now a part,

the dual owner shall be given another piece of property of equal value in exchange. Such property shall, in so far as possible, correspond to the previous property as regards area, quality of the soil, type of crop, convenience of communications, and buildings, if any, disregarding the aforementioned Yugoslav improvements.

2. If buildings existed on the former property but there are no buildings, or no buildings of equal value, on the property given in exchange, the dual owner shall be compensated, in so far as possible, by being given equivalent buildings or immovable property of equal value.

Article 5

1. To decide individual cases arising under this Agreement, a six-member Commission shall be established, three of whose members shall be appointed by the Austrian Government and three by the Yugoslav Government, the two Parties being entitled to employ the services of as many experts as they may require. The Commission shall have its headquarters at Maribor and shall enter upon its duties not later than 15 October 1952.

2. The Commission shall verify the lists of dual owners to be submitted to it by the competent Austrian authorities and shall adopt the necessary decisions. Where the Commission fails to agree, the dispute shall be settled through the diplomatic channel.

3. The expenses of the Commission shall be shared equally by the two Governments.

Article 6

1. The Commission shall adopt its final decisions by 31 December 1952 at the latest. The transfer and handing over of the immovable property in question shall be carried out by 1 March 1953 at the latest, although this time-limit may be extended to 1 May 1953 in individual cases where necessary for technical reasons.