



Austrian Parliament Resolves Schedule for Closing Down the General Settlement Fund for Victims of National Socialism

06 Dec 2012

On 6 December 2012, the Austrian parliament unanimously resolved the deadlines for the deposit of monetary compensation for victims of National Socialism which has been awarded but could not yet be disbursed. As a result, by the end of 2018 the work of the General Settlement Fund shall be completed and the remaining funds transferred to the National Fund of the Republic of Austria for programs benefitting the victims of National Socialism.

The President of the Austrian National Council, Barbara Prammer, Chairperson of the National Fund of the Republic of Austria and of the General Settlement Fund stated: "With this amendment, resolved with the consensus of all parliamentary fractions, the important work of the General Settlement Fund shall be concluded in an orderly manner."

General Settlement Fund

By 25 June 2012, the Claims Committee of the General Settlement Fund had already decided on all 20,702 applications for compensation of assets received before the expiry of the application deadline and resolved an amendment to their Rules of Procedure. According to this amendment all decisions which could not be delivered to the applicants by 31 December 2013 would be deposited with the office of the Secretary General of the General Settlement Fund as per 1 January 2014. Upon expiry of a period of one month they are then considered delivered.

Pursuant to the newly amended Entschädigungsfondsgesetz ("General Settlement Fund Law"), awards made by the Claims Committee can be claimed by the entitled beneficiaries within a period of 5 years after the delivery of the decision. All monies which remain in the General Settlement Fund after the expiration of this 5 year period shall be transferred to the National Fund. The Claims Committee shall submit a Closing Report by 1 September 2015 and, upon acknowledgment of its receipt by the Main Committee of the National Council, shall be deemed disbanded.

Changes were also implemented for the Arbitration Panel for In Rem Restitution, which is established with the General Settlement Fund and decides on applications for restitution of publicly-owned assets. So far, provinces and municipalities have been granted the option of opting-in to the proceedings of the Arbitration Panel at any time in order to have their publicly-owned property examined for possible restitution claims. To date, all federal provinces with the exception of Tyrol – which brought in its own legislation – have made use of this "opt-in", as have the municipalities Bad Ischl, Eisenstadt, Mattersburg, Oberwart, Purkersdorf, Rechnitz, Kittsee, Stockerau, Vöcklabruck, Grieskirchen, Korneuburg, Koberndorf, Frauenkirchen and Wiener Neudorf.

In order to create a timeframe for the work of the Arbitration Panel, the amendment to the General Settlement Fund Law shall limit the period for provinces and municipalities which still wish to make use of the "opt-in" to 31 December 2013. The agendas of the Arbitration Panel will be completed when all applications have been decided; the two-year period for filing an application for reopening regarding the last decision has expired; and all applications have been published. Like the Claims Committee, the Arbitration Panel shall also compile a closing report, to be submitted by 1 September 2018. Upon acknowledgment of receipt by the Main Committee of the National Council, the Arbitration Panel shall be deemed disbanded.

The General Settlement Fund, established in 2001 on the basis of the Washington Agreement and endowed with 210 million US Dollars, has recognized around 103,000 individual claims for compensation of asset losses which were covered only in part or not at all by previous compensation measures. The largest single amount of compensation awarded amounted to 1.08 million US Dollars. Disregarding the applications for which no compensation was awarded, the average compensation payment came to around 12,000 US Dollars (arithmetic mean value).

The Claims Committee decided on approximately 160,000 individual claims in different categories of losses. Heirs are still being sought for 1,049 deceased applicants. As the applicants were/are resident in over 70 different countries, Austrian embassies abroad and social networks such as Facebook are being employed in order to reach as many entitled heirs as possible before the deadlines expire.

The Arbitration Panel has decided 1,206 of the 2,251 applications received so far. Of the remaining 750 applications, 95 fulfill the formal criteria. To date, 90 applications have been concluded with a recommendation of restitution. The estimated total value of the restituted real estate amounts to approx. 42 million Euros.

National Fund

In 2001, on the basis of the Washington Agreement, the National Fund was entrusted with the task of making compensation payments for seized tenancy rights, household effects and personal valuables totalling 150 million US Dollars. Applications could be filed until 30 June 2004. The distribution of the available means occurred in two installments, which took the form of lump sum payments of 7,630 Euros and 1,000 Euros respectively. These payments were awarded to over 20,000 persons.

However, not all sums awarded were able to be disbursed. Around 900 payments (amounting to 1.3 million Euros) could not be made as the entitled beneficiaries had died and the heirs could not be traced, despite intensive efforts. Beyond these outstanding payments, a residue of 1.1 million Euros also remained. As such, 2.4 million Euros was still available from the funds earmarked "compensation for seized tenancy rights", a sum which shall now be used to benefit victims of National Socialism via other avenues.

The amendment to the Nationalfondsgesetz ("National Fund Law") provides for the residue which has not been awarded to be used for programs benefiting victims of National Socialism. Funds which have been awarded but could not so far be paid out shall be held for a period of five years from the time of the award or the enactment of this amendment and can be claimed by the entitled beneficiaries until the end of this period. Once this deadline has expired on 31 December 2017, the remaining balance shall also be used for programs benefiting victims of National Socialism.

The National Fund has disbursed the 150 million US Dollars for seized tenancy rights, household effects and personal valuables, as set out in the Washington Agreement, to 20,374 persons.

Summary

All in all, on the basis of the compensation package set out in the Washington Agreement of 2001, around 24,000 persons from 78 countries have received payments from the National Fund and the General Settlement Fund. By 4 December 2012, the General Settlement Fund had disbursed 210.5 million US Dollars and the National Fund around 175 million Euros for seized tenancy rights, household effects and personal valuables.

"Material compensation, regardless how much, cannot set anything right", reminded Secretary General Hannah Lessing. "But it can and should be seen as a gesture of acknowledgment of the losses suffered and damages incurred, and as an admission of the Republic of Austria's accountability and responsibility towards the victims. Beyond this, the stories of thousands of individuals and families as well as companies and associations – documented in 38,646 files stretching over 750 running meters – are a fundamental part of Austria's history. They contribute towards the efforts to pass the flame of remembrance to future generations".