

## SUMMARY CZ/FL

The legal motion filed by the Prince of Liechtenstein Foundation in December 2018 against the Czech state, in which the princely family claims the recovery of illegally occupied properties in the territory of the Czech Republic, is a result of interlinking numerous historical moments. After 1945 the Communist and pro-Soviet powers were going to take all Liechtenstein properties in Czechoslovakia at any cost. There were three reasons for that. An ideological one (we did not like nobility), a strategical one (it did not suit the new rulers to have a strong, self-confident and pro-western oriented family in central Europe) and a financial one. But how to do it? The Prince was the head of an independent state; a state which remained strictly neutral during the war, never recognized the Protectorate, suppressed a Nazi putsch in its territory, provided passports and asylum to many Jews and was worried about its own safety from Hitler. During the war, the management on the princely estates in Czechoslovakia supported Czech employees; the director was imprisoned by Gestapo for a half of the year for helping the widows of those executed within the reprisals after the assassination of Reinhard Heydrich, the Liechtenstein family were regarded as "enemies of the Reich" by Berlin.

Even the most ardent Communist ideologists were unable to cover the seizure of properties by "Nazi collaboration". Therefore, the ministries of interior and agriculture, led by the Communists already before 1948, decided to make the Liechtenstein family "German": they argued that in the 1930 census the Prince had registered German nationality. Today we know from archive documents that it was a lie. We also know that Professor František Weyr, a co-author of the Czechoslovak Constitution from 1918, after the end of World War II prepared an expert opinion warning against the application of the so-called Beneš Decrees against the princely family as he stated it would have been an infringement of the national as well as international law. After that, the Supreme Administration Court in Brno also prepared a verdict in this sense, declaring the occupation of prince's properties illegal. However, before this verdict was delivered, the Victorious February of 1948 came. The judges became subject of political pressure and the Supreme Administration Court, moved to Bratislava, confirmed the confiscation of the Liechtenstein properties in 1951. A single argument without any evidence was sufficient for the court: "it is notoriously known that the Liechtenstein family are Germans".

After the war, Czechoslovakia compensated the Swiss, Austrians, Americans and Italians from whom - mostly based on ethnicity or language - it confiscated the properties. It has never compensated the Liechtenstein family or Liechtenstein. Czechoslovakia was rather blocking during several long decades the re-establishment of diplomatic relations, which, unfortunately, the Czech state continued even after 1989. Despite the promises made by the Minister of Foreign Affairs Jiří Dienstbier and other Czech politicians. Diplomatic relations were formally renewed only in 2009 and the only responsive step of the Czech Republic was the establishment of the common Czech-Liechtenstein Commission of Historians. The results of their multiannual work confirmed that "so-called open issues" really existed and that it would be necessary to solve them by negotiating and not by lawsuits.

When confiscating the properties after the war, Czechoslovakia did not lose time with legal procedures. Thus it happened that after 1989, hundreds of land plots were still registered on the Prince and his ancestors in the Land Registry. When the renewal of diplomatic relations was approaching, the state quietly tried to re-register many of the remaining plots. Some Land Registry offices refused to do that because in their opinion the state did not present enough evidence that it owned the properties. Accordingly, when the District Court for Prague 10 confirmed the Prince of Liechtenstein Foundation as the universal heir of the prince in 2013 it had re-registered forest plots of ca 600 ha near Říčany in the Land Registry from František Josef II, who died in 1989, to the Foundation.

The Liechtenstein family have never reconciled themselves with the injustice Czechoslovakia had committed and have never accepted it as definitive. Soon it will be 800 years since Ottokar II of Bohemia invited the Liechtenstein family to Moravia where - and not only there - they built the present pride of the Czech Republic. That was also the reason why the governing Prince Hans Adam II has never wanted to start a lawsuit. He requested negotiations from which a result could arise convenient for both the sides. It is an irony that in 2014 it was the Czech Republic that in the end sued him because of the forest near Říčany. Without any diplomatic warning, without any efforts for a settlement. And same as in 1951, also in 2014-2019 the Czech Republic states in the court: the Liechtenstein family are Germans. Because this statement endangers also the independence of the principality in the international legal context, the Liechtenstein party will never give up its defence. To complete this absurd puzzle, the Czech state authorities started to sue each other because of the Liechtenstein family: the state sues the Land Registry office in Prostějov that it refused to re-register some of the Liechtenstein properties to the state because it had not found any legitimate reason for that.

In 2017-2018, the Liechtenstein family repeatedly tried to make the Czech Republic negotiate. With no success. Therefore, in December 2018, the Prince of Liechtenstein Foundation and Hans Adam II sued the Czech Republic and the institutions in charge in more than twenty district courts. Apart from the inactivity of the Czech Republic, these motions, which the Liechtenstein family wanted to avoid, were also caused by the deadline to raise property claims which, according to the new Civil Code, expired on 31 December 2018. In their motions, the Liechtenstein family claim only their properties which have been so far held by the state; since they do not want to raise any new feelings of injustice, they omitted the properties held by municipalities, regions, universities, churches and private entities.

While the motion filed by the Czech Republic against the Prince of Liechtenstein Foundation concerning the forest near Říčany has been lying for two years with the Constitutional Court, the motions filed by the Foundation against the state are in an early stage of (competence) decision-making. Some courts now take a stand that Hans Adam II is not considered a head of state, or a person endowed with privilege and immunity in accordance with international law.

The Liechtenstein problem is a Czech problem. The results of public opinion polls by IPSOS Factum are clear: almost 60% population want an agreement and not a lawsuit; almost 70% people under 30 years of age want justice for the Liechtenstein family. The Czech public is

better prepared for an agreement than the political representation. And the "open issues" will not just vanish. They will more and more spoil the reputation of the Czech Republic abroad, they will prevent the investments and know-how from one of the most successful countries in Europe, prevent the investments of an economically powerful European monarch, they will close the road for a significant help with the maintenance of cultural heritage, they will make an enemy from a natural ally who historically has a sense of belonging to our country.

A possible agreement on how to repair the injustice committed to the Liechtenstein family will only bring advantages to the Czech state. Advantages in terms of economy, foreign policy and psychology. It will be an agreement for future, for generations who already do not understand prejudices formed in the 1950s. If the lawsuits continue, the dispute will inevitably reach the international scene. And the Czech Republic cannot win there. Neither in terms of facts, nor of reputation. The law sides with the Liechtenstein family and same does the time. Paradoxically, they have more time than the Czech Republic. The family has lasted for centuries especially thanks to the fact that they prefer a long-term sustainability of projects and the respect for family heritage to short-term benefits.

The public opinion poll done by IPSOS Factum also revealed the fact that more than 60 % of Czech population believes that the approach of the Prince of Liechtenstein Foundation has been so far generous. Even the common agreement which would end the long-lasting dispute could be generous. To be able to find out what they could gain, the representatives of the Czech state have to start negotiating. Anybody can make a general guess about the benefits: Czech society could gain an exemplary manager of properties which will stay in the territory of Czechia for ever; to the benefit of all.