

# The Federal Constitutional Court Rules on Expropriations (April 23, 1991)

## Abstract

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Article 41 of the Unification Treaty made the “Joint Declaration of the Governments of the Federal Republic of Germany and the German Democratic Republic on the Settlement of Open Property Questions” of June 15, 1990, an integral part of the Unification Treaty. According to this declaration, expropriations that had been carried out in the Soviet occupation zone in the context of land reform between 1945 and 1949 were irreversible. With its so-called Land-Reform Verdict of April 23, 1991, the first senate of the Federal Constitutional Court (*Bundesverfassungsgericht* or BVerfG) rejected constitutional complaints against this provision of the Unification Treaty as “unjustified.” The court justified its verdict by arguing that the Soviet Union had demanded the irreversibility of the 1945-49 expropriations as a condition for agreeing to German unification. On May 9, 1996, the first senate of the Federal Constitutional Court finally confirmed the irreversibility of the 1945-49 expropriations.

## Source

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