



Private International Law and Unclaimed Assets in Switzerland/

Daniel Girsberger

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The author, an adjunct professor at the University of Zurich Law School and a business attorney educated in Switzerland and in the U.S. (LL.M., Georgetown), has been inspired by the current discussions on the Swiss assets of Holocaust victims to analyse the international private law dimensions of the problem. Several issues of substantive and conflicts of law arise with respect to individual claims: Which rules apply, the ones of the past or those of today? Under which circumstances are the claims subject to statutes of limitations, estoppel or prescription? To what extent can or must Swiss banking secrecy be invoked, and must the holders of the assets investigate? Which law governs the proof of ownership? Different questions must be asked with regard to claims for which no individual claims are made: When and where must an administrator be nominated or a proceeding for a declaration of disappearance be initiated? Does the foreign state of the last domicile or citizenship of the deceased have a claim? To what extent are constitutional aspects or the law of nations relevant? Girsberger concludes his analysis with a view on how future national legislation could be drafted. Girsberger's work which includes a German and an English version, offers an opportunity for lawyers and other interested parties to add a legal aspect to the mainly political arguments heard so far.

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