

Coming to terms with a Nazi heritage: external interference in common land in Tyrol (Austria)



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1. Common land until 1938

- The sovereign possessed the common land until 1847.
- In 1847 the ownership was transferred to the villages and hamlets (since 1866: municipalities).

2. National Socialist Period (1938 to 1945)

- The Tyrolean district of Lienz (East Tyrol) was incorporated to Carinthia.

Austria 1918 to 1938 and after 1947



Tirol-Vorarlberg 1938 to 1945 (1947)



2. National Socialist Period (1938 to 1945)

- The Tyrolean district of Lienz (East Tyrol) was incorporated to Carinthia.
- Abolishment of the hamlets in 1938.
- Transfer of ownership from the municipalities to the „new“ user associations.

3. 1945 to 2005

- No reversion, no stop of the Nazi practice.
- Continuing transfer of ownership until the 1990s with the aid of the so-called *custody theory*.
- Problems due to the enormous change of economic and demographic structures after 1950.

4. After 2005

- The so far internal conflict over common land was made public.
- Supreme court says, benefits from common land that exceed the household requirements belong to the municipality.
- Supreme court confirms the violation of the principle of equality induced by the transfer of ownership of common land from municipalities to user associations.

5. Recapitulation and conclusion

- Municipalities suffer from the loss of common land.
- The transfer of ownership was a successful political step in order to prolong the powerful position of agrarians.
- Five points made the transfer of ownership possible:
 1. The example set by the Nazis
 2. The return of East Tyrol to Tyrol
 3. The abolishment of the hamlets
 4. The political will and strength of the agrarians
 5. The misinterpretation of history by civil servants

Tyrol has still not come to terms with this Nazi heritage.