

Historical development of land ownership in the Czech Republic since the foundation of the Czechoslovakia until present

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Abstract: The aim of the paper is to describe the land ownership relations in the area of the current Czech Republic since the foundation of Czechoslovakia. The description of the history of changes of land ownership in the Czech Republic is important for the perception of the current nature of the land use and land market. Land use and ownership was always related to the historical context and political regime. The time periods are divided by the important historical events: after 1918 (foundation of the Czechoslovak Republic), 2nd World War period, after 1948 (takeover of the power by the Communist Party of Czechoslovakia and the centrally planned economy period) and after 1989 (foundation of the market economy). During this era, three land reforms took place. The main role was played by the political apparatus the aim of which was to enhance its economic and political influence, and international interests. It can be concluded that the ownership of land in the Czech lands was always uneven. During the period, the state expropriated land from different society spheres and reallocated it to others. No other property in private ownership underwent so many ownership changes in the legal organization of the state.

Keywords: land reforms, land use structure, soil tenancy

Agricultural land-use in the context of the soil protection belongs to the most discussed topics in the Czech Republic – especially at present when the negative consequences of the land ownership changes in the previous generations cause significant problems to the agriculture. „The consequences of poor access to land use are reflected in the increasing erosion risks, the decreasing biological activity, the compaction of the soil, etc.” (Doucha 2015). The hundred year history of land ownership changes in the Czech lands is also important to understand the nature of the current state in the land market in the Czech Republic. Factors affecting farmland prices in the Czech Republic were observed and surveyed for example by Sklenička et al. (2013). The topic of soil tenancy has been especially important at present (2015) in the context of the International year of soil proclaimed by the United Nations (UN).

Soil tenancy by individual owners, the land conversion, the level of tenure etc., underwent in the Czechoslovakia and later in the Czech Republic a number of rapid changes, i.e. after 1918 – establishment of the Czechoslovak Republic (Czechoslovakia), the period of the 2nd World War, after 1948 – the

takeover of the power by the Communist Party of Czechoslovakia – the centrally planned economy and after 1989 – the fall of the Eastern Bloc, the emergence of a market economy. All those changed influenced the land possession and land use. McGranham et al. (2015) were searching for the patterns in the agricultural land-use with regard to the US farm policy. Similarly, in the Czechoslovakia and later in the Czech Republic, we may see that the land-use is following the situation of the agricultural policy.

Agricultural land comprises both cropland, i.e. arable land and orchards, hop fields, meadows, pastures, gardens, in a wider sense also ponds with fish or aquatic poultry, as well as the non-agricultural land needed for the provision of agricultural production, for example the field trails, water tanks, soil solitary, buffer strips, etc. The development of the agricultural land use can be seen in Table 1.

A more detailed analysis of the long-term changes in the land cover in the Czech lands was made by Skaloš et al. (2011). They created orthophotograph maps in the GIS environment on the basis of the old Military Survey Maps.

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Table 1. Development of agricultural land fund in Czech lands

State	1936	1.4.1966	1.1.1976	1.1.1986	1.1.1996	31.12.2006	31.12.2014
Arable land	3 973 555	3 351 570	3 316 341	3 268 974	3 142 642	3 039 669	2 978 989
Hop fields	–	9 427	10 162	11 213	11 427	10 844	10 276
Vineyard	–	7 964	12 409	16 226	15 633	18 906	19 611
Gardens	–	146 960	148 785	155 284	158 697	162 033	163 601
Orchards	–	48 092	54 428	52 663	50 091	46 725	45 920
Meadows	–	658 306	615 281	566 736	629 691		
Pastures	–	291 794	286 106	256 351	271 642	976 226	997 225
Agricultural land total	5 137 279	4 514 133	4 443 512	4 327 447	4 279 823	4 254 403	4 215 621
Forest land	2 363 764	2 599 628	2 612 461	2 626 059	2 630 129	2 649 147	2 666 376

Source: State Administration of Land Surveying and Cadastre (SALSC) (data for year 1936, 2014a, data from year 1966, 2014b)

MATERIALS AND METHODS

The aim of the paper is to describe the land ownership relations at the area of the current Czech Republic since the foundation of Czechoslovakia. To describe the historical development, the article utilizes archival sources, which were previously unpublished. The results of the work were obtained by using the newest methodologies with respect to the common practices in the relevant archives. The historical documents were studied and analysed. The relevant information from the materials deposited in different collections were gathered and processed in order to create a comprehensive overview on the topic. A comparative method was used to evaluate various sources of information. The literature research utilized archival-historical method and auxiliary historical sciences. The main resources were the archives materials and the publications of the National Library supplemented by the information from biographical studies of the history.

RESULTS AND DISCUSSION

The analysis is divided into five periods. 1st period from 1918 to 1939, 2nd period from 1918 to 1939, 3rd period from 1945 to 1990, and 4th period from 1990 to 2015.

1st period from 1918 to 1939

Until 1918, land ownership was very unequally divided. According to the Statistical Book of Czech

Kingdom, 28.3% of the total land was owned by 151 landowners with the areas exceeding 2000 ha. The nobility owned 150 manors with areas exceeding 5000 ha, which occupied 1 459 000 ha in total, which was 10% of the whole land in the newly established Czechoslovakian state. Aside from that, 37.7% of the land property was owned by 454 795 owners, with areas between 0.5 and 20 ha (Zeman 2013).

After 1918, after the end of the World War 1 and after the split-up of the Austria-Hungary, during the beginning of the Czechoslovakian national-agricultural reformation, there were started (among other) land reforms. The first land reform strongly influenced the land ownership rights of agricultural and forest lands. The reform started on 16th April 1919 by publishing of the Expropriation Act No. 215 which determined the rules of confiscating land ownership in Czechoslovakia. According to § 2, all agricultural land exceeding the area of 150 ha and the total land (including forests) exceeding 250 ha in the ownership of a single owner could be confiscated (Průcha et al. 2004).

Until 1922, there were confiscated 1 229 688 ha of agricultural land and 2 733 376 of non-agricultural land from 1730 owners, which represented 28.2% of all lands in Czechoslovakia. From the confiscated land, there were 2.3 mill. ha (from which there were 443 000 ha of agricultural lands) returned to the original owners. There was 1.8 mill. ha remained for the reform, from which 557 000 ha were sold (from which 222 000 ha was agricultural land). The remaining estates were after the First Land Reform called the Residual Estates with the given area accordingly, so that the buildings were utilized (SLB 1925).

In the end, there were realized small allotments. The land was given to 638 000 new owners. There

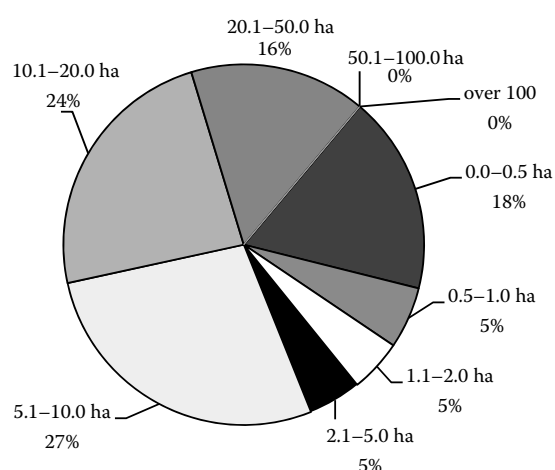


Figure 1. Structure of land owners according to the land size categories

Source: Zeman (2013), own elaboration

was 789 000 ha split up (643 000 ha of agricultural land). The average allotment reached 1.2 ha. Due to the division of the occupied land, it led to an interesting structure of land holders in the terms of land size in Czechoslovakia (SLB 1925). The structure of land owners according the size of the land is displayed in Figure 1.

The allocation of the allotted land was not for free. The prices were set according to the market prices in the period 1913–1915 with the first 50% instalment in the case of a small allocation and 10% in the case of the residual estate. The average price of land was from 3500 to 5000 Crowns, in the beet-growing area from 4800 to 8600 Crowns, in the potato-growing area from 2880 to 4400 Crowns (Macek 1918). The purchasing power of the people was lower. For example, a miner earned around 510 to 590 Crowns per month and a public officer 1360 Crowns per month in 1929. The total area of Czechoslovakia at that time was 140 446 km² (SLB 1925).

2nd period from 1918 to 1939

In the period of the World War 2, the land administration by the Germany was done in two waves. According to the Munich Agreement from 29th September 1938, the land in the Sudeten had to be given over to the Nazi Germany. They were the lands near the Germany and Austria borders, where mainly the German people were settled. These lands had the area of 30% of Czechoslovakia (29 500 km²) (Faltus and Průcha 2004). Important was also the First Declaration

of the Slovak State from 14th March 1939 and the declaration of the independent Trans-Carpathian Ukraine. The declaration of these independent states was with the approval of Germany. In the second wave, based on the establishment of the Protectorate of Bohemia and Moravia from 16th April 1939, the lands of Czechoslovakia were annexed under the authority of the imperial Germany with the “remaining” lands of 49 363 km².

The newly created state formations, excluding the Protectorate of Bohemia and Moravia, were allies of the Germany and therefore the policy of “Germanisation” was aimed at the Protectorate. The Nazi Germany approved of private ownership but under the terms of the “Nazification” (spreading the Nazis ideas), the land was confiscated from Czech farmers, which were then split up according to the political interests of Germany to the newly created Land Bureau Czech and Moravia. This meant the war land reform. The aim of this land allotments was to create the islands of German speaking “bases” in the most populated parts of the Protectorate and also to strengthen the position within the Protectorate – the so-called “Germanisation”.

The Nazis chose the legal way of confiscation in the form of the alleged Act No. 63/1935 about expropriation for the national security purposes (National Archive of the Czech Republic (NACZ) No. 394). The chosen lands were announced military training-grounds or other military facility. With the owners of these lands, there were signed purchase agreements about selling the land for the price determined by the Land Bureau. There were confiscated 80 000 ha of land by this way in 245 cities and villages (NACZ No. 394).

For the next confiscation, there was used the Act No. 87/1939 and the confiscation Act No. 329/1920, which completely legalised imposing of forced confiscations. The forced confiscation was imposed on every seized property and all Jewish property. There was an obligation to report all agricultural and forest lands by 31st July 1939 – this was called the “Arization”. All these land were sold to the German imperium and the new tenants were people of the German nationality. The area of these land was 150 000 ha of agricultural land and 200 000 ha of forest land (National Archive of the Czech Republic (NACZ no. 394). It is necessary to say that in consequence of advantages resulting from the Germanisation and Arization, many Czechoslovak people claimed to be of the German nationality. The return of aristocratic

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titles (previously abolished in 1918) was included (Průcha et al. 1974).

3rd period from 1945 to 1990

Land ownership in the Czech Republic has been strongly influenced also by the political and social developments of the 2nd half of the 20th century. The period of the socialist government between 1948 and 1989 played a major role in this development, because it interrupted the long-term relationships of farmers to their land (Sklenička 2006).

After the 2nd World War, the world was divided into bipolar parts. There was also a political, economic and social change in Czechoslovakia. On 5th April 1945, the president named the government of the National Parliament which changed the political influence of rural owners by the Košice Government Programme. The Agrarian Party, which had been very significant and from the creation of Czechoslovakia had been the “voice” of the country and the basic initiator of the first land reform, was prohibited. The key moment of the post-war agricultural politics were the presidential decrees – of which the Decree No. 12 was designated as the *first phase* of the second land reform:

- Act No. 5/1945, about the invalidation of some proprietary acts from the war period and about the national administration of the property of Germans, Hungarians, traitors and collaborators and some organisations and establishments.

Thanks to this decree, the previously confiscated farms were given back to the farmers who were forced out from their homes during the war.

- Act No. 12/1945, about the confiscation and accelerated division of the agricultural property of Germans, Hungarians, traitors and enemies of the Czech and Slovak nation.

Besides agricultural land, there were also confiscated ponds, forests, buildings and agricultural objects, including resources, cattle, etc. The properties were confiscated without reprisal. The Decree specified even the price which was paid for the re-allocated property. For agricultural land, the set low price was paid in the value of one or two yearly crops, which had to be paid in 15 years. The National Land Bureau allowed also a postponement of the payment or transferred the agricultural land free of charge.

- Act No. 28/1945, about the settlement of the agricultural land of Germans, Hungarians and other

enemies of the state by Czech, Slovak and other Slavic farmers.

Farmers had the right for agricultural land, building grounds and gardens could be acquired also by other people. As a consequence of the Decree, there were confiscated 2 400 449 ha of the total land (1 405 070 ha of agricultural land and 995 379 ha of forest land) in the areas near the borders and inlands. The confiscated property represented 196 000 object of different size (Čapka et al. 2005)

The second phase of the post-war land reform from 1945 to 1947 was the “revision” of the first land reform from 1919 to 1935. Its base was the Act No. 142/1947 about the revision of the first reform. It regarded mostly the confiscation of the church and private estates (the maximum land area was put down to 50 ha). The second phase of the land reform meant the definitive end of feudal estates (Průcha et al. 1974).

The last, third, phase of the post-war land reform was based on the Act No. 46/1948 about the new land reform. This phase was based on “the land belongs to those who work on it” principle and it set a maximum limit of land ownership by one independent farmer to 50 ha and expropriated all land on lease and belonging to legal bodies. This reform affected 432 905 ha of land in Czechoslovakia (Kabrhel 1980).

The centuries-old relationship between agriculture and nature was radically altered by the centrally planned economy of the post-war period. It invested heavily into the agri-industrial model based on large collectivized and state farms that promoted the output increases as the overriding priority (Zellei et al. 2002). The development of the percentage share of agricultural land in the total land can be seen in Figure 2.

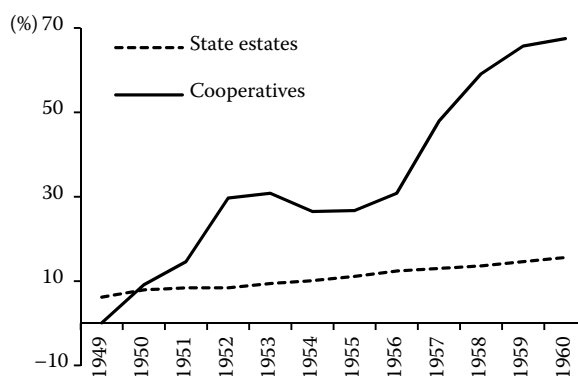


Figure 2. The development of percentage share of agricultural land on the whole land

Source: Federal Statistical Office (FSO) (1985), own elaboration

Act No. 69/1949 about the Unified Agricultural Cooperatives (UAC) became a tool for the collectivisation of all farms in Czechoslovakia. The emphasis was at first on the voluntary entry into the cooperative with the aim of the development of agriculture and the increasing of cultural and social level of the countryside. In 1951, the government decided about a tougher approach towards the farmers. The social-economic pressure on each farmer to enter the UAC was increasing, including punishments in form of eviction, confiscation of the property, or banning the farmer from the village. The aim of the UAC was also to concentrate land into large fields for the unified cultivation. Besides the UACs, there were created on the basis of the Act No. 315/1948 state enterprises farming on the state land, which the state got from the post-war land reforms, mainly the lands near the borders.

In 1989, 98.7% of agricultural land was farmed the by socialistic way: 67.8% by the UACs including private crofts and 30.9% by the state farms. Only 1.3% of land was farmed by the remaining independent farmers (Zeman 2013).

The structure of agricultural land according to sectors in 1955–1990 is displayed in Figure 3.

As follows from the above, there were many kinds of ownership in the period between 1948 and 1989, when private ownership was undesirable. The collectivisation of agriculture was under way and a large percentage of land was owned by state. In this period, there were three basic kinds of private ownership. The first was the land of farmers. The second was

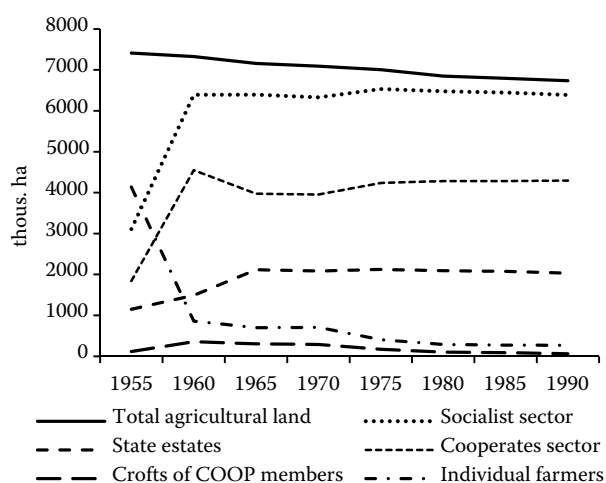


Figure 3. Structure of agricultural land according to sectors in 1955–1990

Source: Zeman (2013) and own elaboration

owning the land by citizens who did not use it for market production but used it only for their own needs. The third specific form of ownership was agricultural land owned by the citizens but in use of the socialistic organisations (mainly the UACs). Their usage rights were almost equal to the rights of the owner. The only thing the organisations did not legally do was to own these lands. Due to the deformation of the ownership rights by the usage rights of organisations, the owners only legally owned the land and nothing more, they could not sell it or decide on its use. From 1976, it was not possible to return the land used by organisations to the owners. It led to the deliberate discrimination of the ownership rights on behalf of the collective ownership, with the aim to definitely collectivize the land.

4th period from 1990 to 2015

In the period after 1989, not only the order of the world was changed, but also within Czechoslovakia, and the Czech Republic, respectively (on 1st January 1993, the Czechoslovakia divided into two independent states – the Czech Republic and the Slovak Republic), a prevalent part of the state property (including land) was given to the private owners to establish a free market economy. These changes were based mainly on the privatisation and restitution and eventually allocating the property to the ownership of cities and villages. The Land Bureau of the Czech Republic was authorised to change the ownership of agricultural property from 1991 to 2012, which was replaced by the State Land Bureau. These changes could be called the third land reform.

Land consolidation (LC) is a tool for improving the effectiveness of the land cultivation and for supporting rural development. In the Czech Republic, it is, in addition, used to remedy the damages and wrongs caused by 40 years of the suppression of land ownership (Sklenička 2006).

Act No. 229/1991 about the adjustments of ownership relations of land and other agricultural and forest land property (simply called the privatisation act) defined ownership relations to land in terms of the development of countryside with regards to environment. The Czech justice defines privatisation as the transfer of the agricultural property of the state to private people and corporations (Madar et al. 2002).

The law defines two obligations to yield a thing. The first obligation results from the Act No. 87/1991

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about the extrajudicial rehabilitation, where between 25th February 1948 and 1st January 1990 the injustice regarding property happened in conflict with the principles of democratic society. The second contains facts concerning the confiscation of agricultural property. The most important law belonging to the group of privatization acts was the Act No. 95/1999 about the conditions of transferring agricultural and forest land from the ownership of the state to the ownership of a private person, also called the Act about selling the land. The basic thesis of the new law was not the financial effect of selling the state property, but a paid transfer of the land to people or corporations farming on the agricultural land and to cities and villages to provide a constant development in the form of paid or free of charge transfer. Transfers of the property according to the Act No. 95/1999 were under way in different relationship to the acquirer of the land (the whole review in Table 2 – according to the last released annual report of the Land Bureau of the Czech Republic from 2011):

- § 5 of the Act No. 95/1999 Sb., the property is transferred to the ownership of cities and villages, agricultural schools and owners of the buildings,
- § 6 of the Act No. 95/1999 Sb., the property is transferred to the owner of the neighbouring land by the method of direct sale,
- § 7 of the Act No. 95/1999 Sb., the property is transferred to farmers, owners of agricultural lands,

associates of corporations, members of collectives and authorized persons on the basis of the result of the selection procedure with a limited number of participants,

- § 8 of the Act No. 95/1 999 Sb., the property is sold to other interested bodies.

On the basis of the Act No. 503/2012 about the State Land Bureau, the State Land Bureau was created. This bureau took over the business of the Land Bureau of the Czech Republic (LBCR). Simultaneously, the SLB is entitled for the property compensation of church and church organisations (the process is described in the chapter Church property). From 1st January 2013 to 31st December 2014, 10 834 land plots of the area of 5 003.13 ha were transferred. The disestablishment of the land rapidly decreased. From 2003 to 2010, there were transferred over 30 000 ha every year (with the peak in 2005 with the transferred land of 79 813.99 ha) (LBCR 2010).

According to the Act No. 428/2012 about the property compensation of church and church organisations, the property of the value about 75 bill. CZK, and over the next 30 years, there will be gradually paid approximately 59 bill. CZK as a compensation for the property which cannot or for various reasons will not be returned. Also during 17 years, the state contribution for the churches will lower until it reaches 0. This contribution was set at 1.5 bill. CZK

Table 2. The transfer of land from 25th May 1999 to 31st December 2010 (including hire-purchase plans up to 30 years)

§ of the law about selling	Number of lands	Percentage of the transferred lands from the whole (%)	Area in ha	Percentage of the whole area (%)	Purchase price in thousands of CZK
§ 5 transfer to cities and villages – overall	31 218	4.11	8 798.97	1.68	401 756.5
– unpaid transfer to cities and villages	27 023	3.56	7 508.47	1.43	0.0
– paid transfer to cities and villages	4 195	0.55	1 290.50	0.25	401 756.5
Unpaid transfer to public universities	944	0.12	1 892.96	0.36	0.0
§ 5 paid transfer to gardeners	149 789	19.73	1 782.56	0.34	178 332.6
§ 5 paid transfer to the owners of buildings	46 775	6.16	4 473.48	0.85	1 338 551.2
§ 6 overall	13 545	1.78	1 922.82	0.37	130 768.4
§ 7 overall	457 227	60.22	474 086.23	90.33	22 587 656.7
§ 8 overall	59 721	7.87	31 882.98	6.07	1 641 916.9
Total	759 219	–	524 840.01	–	26 278 982.2

Source: LFCR (2010)

each year. The complete separation between the churches and the state will be thus reached in 2030. The annual payment for non-returned property will end in 2043. In the terms of land restitution, the church had to apply for it by 31st December 2013. The SLB evaluates every individual application and it has to meet all conditions.

The general restitution law (regarding physical bodies only) in relation to land is based on the Act No. 229/1991, which regulates not only the privatization process but also restitutions. The law is aimed at solving relations to estates with the original owners, which were taken from them without compensation by the state between 1948 and 1989. The property is transferred to these owners, or they are compensated by another piece of land. The compensations could be financial for land, building for dead or alive inventory, including supplies. The LBCR transferred 11 463.99 ha of the land by 31st December 2010, by which it compensated the demands for compensations (LBCR 2010). By the 2014, the remaining restitutions are 28 613 with the demand under 1 000 CZK, 44 persons with restitutions above 1 mil. CZK. The overall number of people demanding compensation is 53 346 (SLB 2014).

At present, the situation is critical because thanks to the lax behaviour of the state, there are only 165 000 ha of land from which more than 81 000 ha are blocked (33 670 ha for church restitutions). The state bureaus on the plea of the Ministry of Agriculture evaluated the demands on more than 290 000 ha with the mentioned 56 346 restitutions (SLB 2014). The state with the help of the legislative changes tries to cover the demands only by the financial compensation due to the lack of land. The price of the restitution demands, compared to the price from 1992, is completely undervalued. The value of the church restitutions is 5 times higher (44.48 CZK per m²).

CONCLUSION

In terms of the land holding, the analysed century was a century of turbulent changes, to which the citizens of Czechoslovakia, later citizens of the Czech Republic had to continually and quickly adapt. The “turbulences” of their obtaining, losing and again obtaining of the land will always be a controversial topic with different conclusions.

The period between 1918 and 1939 could be called the political-social period with a strong influence

of the post-war Europe organisation. The aim was to institute the parliamentary democracy, thanks to the weakened influence of the aristocracy, Germans and the Roman Catholic Church. The next aim was to redistribute of the land to prevent social pressures and to strengthen the national consciousness to the newly created state. Despite the first strict confiscation of land, there occurred a significant softening of the confiscations by the state towards the original owners (the aristocracy, Germans, the Roman Catholic Church). From all the legally confiscated lands – 1 313 000 ha were 33.8% of the total – 444 000 ha were returned to the original owners. The confiscated 869 000 ha of lands were 644 000 ha of small allotments, 192 000 ha of the residual estates and 33 000 ha were left in the property of the state (Zeman 2013).

The changes in land holding between 1939 and 1945 bear no social features. The Nazis confiscated all the Jewish property in the terms of defending the state in the most populated parts of the Protectorate of Bohemia and Moravia. These lands were rented by the German people with the aim to disturb the unity of the Czech nation and to spread the Germanisation.

The period after the World War 2 could be marked as politically uncompromising dealing with the collaborators, traitors, Germans, Hungarians and other enemies of the nation. As a consequence, all property was confiscated, including that of the aristocrats supporting the Nazi ideology, without any compensation. There was also an effort at weakening of the influence of the Roman Catholic Church. If we add the moral disappointment of the nation from the pre-war Munich agreement of the powerful states and the post-war prohibition of the largest political party representing the country, it logically had to lead to the change of the political order in the Czechoslovakia by prohibiting democracy. As the consequence of the mentioned events, the second land reform was uncompromising according to the presidential decree. 1 404 070 ha of agricultural land and 995 379 ha of forest land were reallocated. The confiscated property represented 196 000 objects of different sizes (Čapka et al. 2005).

The biggest changes were in the Sudeten, where the German citizens were expatriated to Germany. In February 1948, Czechoslovakia changed to the Communist rule by the Soviet Union example. In the last phase of the second land reform, according to the Gottwald principle that “the land was to be owned by the people who work on it”, the land ownership

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was again partially fractioned to small pieces with the limit of 50 ha. This led to the expropriation of 432 905 ha of land (Kabrhel 1980).

Consequently the process of the agriculture collectivisation and the formation of state farms was started in 1949. By 1989, 98.7% of agricultural land was farmed in the “socialist” way: 67.8% by the UACs including private crofts and 30.9% by the state farms. Only 1.3% were independent farmers (Zeman 2013).

After 1989, there were profound economic changes under way. The private ownership was re-established. The third land reform was in the form of privatisation and restitution and at the beginning, it was fairly successful. However, in 2004 there began the 6 year period of selling the state property (sell as much state property as possible at any cost). In this period, the state even sold the property which should have been used for new roads, railways and other public buildings. Until present, the state sold 661 000 ha of the land, and it owns 165 000 ha, even though the demands for restitutions are for 290 000 ha.

All the analysed periods had some common features. The most important were political interests. We should not omit the international interests for strengthening of the political power in the society. In every period, there was a confiscation of the land of a certain group of people and then there followed its reallocation. No other property went through so many ownership changes.

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