



Universiteit Utrecht

**Department of Human Geography & Planning, Faculty of
Geosciences**

KLEMENTYNA GAŚIENICA – BYRCYN
Student number: 3202739

**THE INFLUENCE OF THE PROPERTY
RESTITUTION IN THE TATRA
MOUNTAINS ON THEIR CURRENT
AND FUTURE NATURE PROTECTION
MANAGEMENT**

Master thesis Human Geography and Spatial Planning

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1. Introduction

“Nowadays Tatras are under intense pressure from investors. Ceases to be a national park to become a center of winter sports and a place for a massive construction of rental apartments” (Tomáš Vančura, www.spravy.pravda.sk, 20-09-08).

The Tatra Mountains, or Tatras¹, is the highest mountain range in the Carpathian Mountains and of the entire area of Europe between the Alps, Ural and Caucasus Mountains (Kotarba, 1992). The Tatras are located on the territory of two EU countries, namely Poland and Slovakia, and occupy an area of 785 km², out of which 610 km² (78%) lie on the territory of Slovakia, and 175 km² (22%) within the Polish borders (Paryski and Radwańska-Paryska, 1995). This mountain range is around 19 km wide and extends from east to west for 57 km. The highest peak in Slovakia is Gerlach (2655 m.a.s.l.) while the highest mountain in Poland is Rysy (2499 m.a.s.l.). There are four historical regions around the Tatras: Podhale, Orawa, Spisz and Liptów, out of which only the last one lies entirely in Slovakia. In size, the Tatra Mountains are comparable to a single medium-size valley in the Alps, or to the area covered by Warsaw (Mirek, 1996:19). Still, the Tatras are the birthplace of the unique culture of local mountaineers, which is vibrant to this day (Gąsienica-Chmiel, 2001). Nowadays, the area is extremely popular with Polish, Slovakian and international tourists and scientists.

Map 1. Location of the Tatras within the Carpathian range



Source: NASA

¹ In this paper the Tatra region is defined as the highest mountain range within the Carpathian Mountains which occupy an area of 785 km², extends for about 57 km along the Polish-Slovakian border, and its geographic boundaries overlap with the main complex of bilateral national parks existing on their territories.

As previously mentioned, the entire territory of the Tatras is legally protected in the form of two national parks. Tatranský Národný Park (TANAP), on the Slovakian side, was established in 1949 (surface area 74111 ha), with its western part situated in the Žilina Region and eastern section in the Prešov Region. Tatrzański Park Narodowy (TPN), on the Polish side, was established in 1954 (surface area 21164 ha), and lies within the territory of the Małopolskie Region (Paryski & Radwańska-Paryska, 1995). These national parks form an important element of the European and worldwide network of protected natural areas. In 1993, they were jointly designated a trans-boundary biosphere reserve by UNESCO under its Man and the Biosphere programme (Mirek, 1996:22). Moreover, they form one of the European Important Plant Areas (Mirek, 1996). Finally, in 1993 they were integrated into the Carpathian Euroregion (CER), which was the first initiative of this kind to apply solely to post-communist countries (Sūli-Zakar, 1999).

Both Poland and Slovakia designated their parts of the Tatras to the Natura 2000 Network already in the pre-accession period, i.e. before 2004. In the Polish Tatras Natura 2000 site overlap with boundaries of the main complex of the TPN, and a similar strategy was adopted for all existing national parks in Poland. In the Slovak Tatras the Natura 2000 site basically overlap with the boundaries of the main complex of the TANAP but exclusions were made, inter alia, for the areas along the railway Łomnica (up to the peak Łomnica), as well as for the development of main ski areas in the High and Western Tatras (Zwijacz-Kozica and Zwijacz-Kozica, 2010, incognito, 2010).

The political transformations of 1989 in Central and Eastern Europe, followed by the growing influence of European common policies, had an impact on the emergence of cross-border cooperation between the TANAP and the TPN as well as the institutionalization of this collaboration. In 1991, the authorities of these national parks signed bilateral agreements in order to integrally protect the natural and cultural heritage of the Tatras (Mirek, 1996). Moreover, further willingness to expand collaboration by means of local self-government on both sides, culminated in the creation of the “Tatry” Euroregion in 1994. This specific type of cross-border region initiative was before 1989 seriously limited to accomplish, while nowadays it is regarded as one of the main priorities in European politics.

Nowadays, the antropogenous pressure upon the natural environment of the Tatra Mountains is increasing. As a result, the biodiversity resources, which according to Buza and Turnock (2004:136) have not been significantly eroded by the modernization of the last two centuries, are threatened. As previously pointed out by Tomáš Vančura currently parts of the TANAP are under huge construction of heavy ski and commercial infrastructure, which create

serious jeopardy to the idea of the national park. Consequently, the International Union for Conservation of Nature (IUCN) fears that the developments taking place in the TANAP are not in line with the objectives of the National Park category of environment classification (Balogová, 2008). In fact, after the windstorm in late 2004, which knocked down the equivalent of 12 thousands ha of forest, a new window of opportunity has opened for investors with respect to the expansion of the ski-infrastructure.

At the same time, large financial groups, investors, and ski lobby in Poland seize on the actions started by Slovaks. In this context, some businessmen claim that: *“now, when the Slovak government agreed to the construction of new lifts in their part of the Tatra Mountains, we have an obligation to open up new terrains in the Polish Tatras as well”* (Kuraś, 2008). The realization of the plans to build new ski infrastructure on the territory of the Polish Tatras is more complicated than in Slovakia, however. First of all, as previously noted, the whole territory of the Polish Tatra National Park is within the Natura 2000 Network, the key legislation tool for protecting nature within the European Union. On the contrary, the Slovaks excluded the core investment areas from this ecological network receiving green light to the developments previously mentioned. Secondly, the situation of land property differs considerably between both countries, which might have influence on the current different approaches to the nature protection in the relevant countries. While after the fall of communism in 1989 the Slovaks have quickly privatized the properties previously taken by the communist governments, Polish governments decided that the restitution will be implemented, though never on the territory of the Polish national parks. Naturally, this applies to the 5 national parks that are situated within the Carpathian Mountains, including the territory of the TPN.

Private property restitution was one of the immediate concerns of all post-communist Central and Eastern European (CEE) nations after the fall of communism in 1989. In this context, the new window of opportunity opened for those who suffered losses, in form of illegal expropriation from their properties, after the post-war period. Therefore, the newly elected governments rapidly took action in defining the restitution policies, and the way of their implementation in their countries. These policies were seen as one of the central elements in the way forward to ensure the involvement of market economy and democratic principles that has existed for a longer period in the West. Indeed, the wealth of the developed West was by many considered to be a consequence of the subsequent implementation of the neo-liberal policies since the 1980s (Cypher and Dietz, 2009). According to this line of thought, the market economy and democratic principles were expected to be an incentive for

economic, political and social progress. Moreover, the secured private property and individual rights were anticipated to ensure productivity, investment, and growth (Fisher and Jaffe, 2000: 235; Kornai, 1992; Kozminski, 1997).

Over the past two decades the topic of property restitution in the Central and Eastern Europe countries (CEE)² has generated a considerable attention of scholars. On the one hand, scientists disclose the arguments for carrying out the reprivatization process as well as its consequences for the economies (Drgona and Turnock, 2000; Kornai, 1992; Kozminski, 1997). On the other hand, they report on the scale, extent and main features of the restitution policies in the subsequent former socialist countries (Blacksell and Born, 2002; Chodakiewicz and Currell, 2003; Fisher and Jaffe, 2000). Among these countries solely in Poland the reprivatization is still pending, except for the restitution of the Catholic's Church property early in 1989 (Kozminski, 1997).

So far limited research explored the impacts of the restitution on the conservation of the outstanding natural and social-cultural areas in the CEE. One of those most valuable ecosystems which witnessed considerable changes in land tenure systems within the periods of political transformations, were the Carpathian Mountains. Treated as a back-bone of biodiversity richness by the communist governments, they were included in a carefully designed protection and conservation of natural and cultural heritage plans. These plans set up the forced regulation of the properties on the Carpathians territories of respective socialist countries of Poland, Czechoslovakia, Ukraine, Hungary, and Romania (Bohuš, 1972).

Despite the fact that the communist governments were unified in terms of the need to implement expropriation policies in the Carpathians, the restitution policies implemented after 1989 reveal considerable differences in landscape planning approaches for this mountain Euroregion. Such differences are evident, for example, between the Polish and Slovak trans boundary Tatra region, the highest mountain range within the Carpathians. While the restitution of properties in the Slovakian Tatras is complete, the Polish government does not even consider the Polish part of the Tatras, or any other of the 22 National Parks created on the same basis as the TPN during the communism, as eligible for property claims. In consequence, Polish officials opt for strict natural protection while the Slovaks are even risking to lose National Park status of the Tatras, as they are likely to expend some parts of

² CEE is a term describing former communist states in Europe, after the collapse of the Iron Curtain in 1989, including: the eight first-wave accession countries that joined the EU in May 2004 (Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, and Slovenia), the two second-wave accession countries that joined in January 2007 (Bulgaria, Romania), and States of former Yugoslavia. However, in this paper CEE is referred to only first two groups of countries.

this area for the sake of building heavy ski, tourist and recreation infrastructure (Balogová, 2008; Koník and Piško, 2008; Kuraš, 2008). This situation might create serious barriers to the sustainable landscape management of not only the Tatras but also the rest of the Carpathian Euroregion, as it is one ecosystem.

The point of the argument in this paper is twofold. Firstly, the differences in the historical changes of land ownership, the restitution choices, and the way of the implementation of the restitution policies in the trans-boundary territory of the Tatras may influence the landscape management of both Slovakian and Polish Tatras. Secondly, the current unsustainable developments in the Slovakian Tatras may bring about spread effects on other countries of the Carpathian Euroregion with similar post-socialist heritage. In this context, this paper seeks to answer the following research questions:

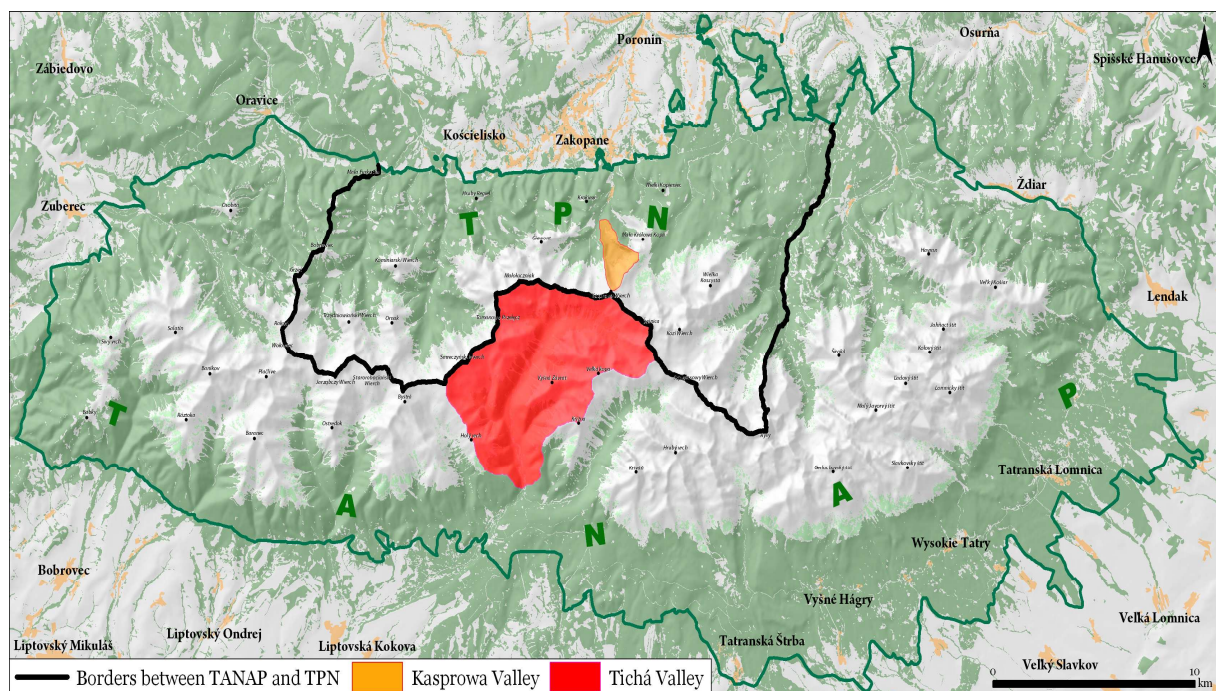
- *What is the influence of the differences in property changes in the Tatras on their current and future landscape management?*
- *How did the processes of expropriation on the Slovakian side differ from the Polish side?*
- *How do the processes of re-privatization after 1989 on the Slovakian side differ from the Polish side?*
- *How significant are historical processes of property changes in the Tatras for the realization of the present-day nature protection goals?*

The information about the historical differences in changes of ownership are presented based on data gathered for two Valleys: Kasprowa in the Polish Tatras and Tichá Liptovska (henceforth called Tichá) in the Slovak Tatras (Map 2). Both Valleys are located in the Western Tatras of respective countries, and both are closed by Kasprowy Peak (1988 m.a.s.l), through which runs the state border line between Poland and Slovakia. In addition, Kasprowy Peak is recognized as the biggest and most famous ski area in Poland, and ski installations running from this peak are the only ones in the Polish Tatras. The whole Kasprowa Valley is about 2,6 km long, while Tichá is 14 km. The surface of Kasprowa Valley, calculated on the basis of the electronic map, is 300,2876 ha, and Tichá is 5968,6ha . In this paper the borders of both Valleys are determined by the main range of the Tatras, and their territories consist of past pastoral premise (i.e. Kasprowa and Tichá mountain pasture), the area of forest as well as the area not suitable for cultivation.

As will be later on explained, the part of the Kasprowa Valley, that was through centuries utilized, and only since the end of XIX century owned by the local mountaineers, was Kasprowa mountain pasture. The forest was never possessed by the peasants but either by kings, or large land proprietors. The Kasprowa mountain pasture had a strictly economic function primarily associated with animal grazing (mainly sheep), and the production of products made from sheep's milk which was done in the summer on the Kasprowa mountain pasture by the respective co-owners. The total area of the Kasprowa mountain pasture, determined on the basis of the TPN Acts is 202,9799 ha. Therefore, in this paper the ownership changes are presented based on the changes within the Kasprowa mountain pasture.

In the Tichá Valley there were two parts of the Valley utilized by the local mountaineers namely forest and Tichá mountain pasture. The ownership of these two goods were after Maria Theresa's regulation in 1767 ensured to the local mountaineers, and therefore in this paper the ownership changes are presented based on the changes within the Tichá forest and mountain pasture area.

Map 2. Location of Kasprowa and Tichá Valleys in the Tatras



Source: own work

The paper is organized as follows. The next section presents the methods used to disclose the characteristics of property changes in the Polish and Slovakian Tatras as well as their influence on management issues. The third section addresses the topic of private property restitution in the scientific literature and provides arguments for studying this issue

in the Tatras for the current and future nature protection management. Then, the fourth section sheds light on historical differences in property ownership between Polish and Slovakian Tatras. It emphasizes the period of expropriation and restitution of land in both countries, for the consequences of these actions are still visible nowadays, and it seems that the current management problems can not be fully understood without studying this issue. Furthermore, the final part of this section provides deep analysis of the influence of these differences on the nature management. Finally, the conclusions are drawn on whether the status of private ownership indeed influences the management issues, together with the policy implications and propositions for further research in this subject matter.

2. Terminology

When speaking about the property changes in the Tatra region there were two main forms of use of land that existed during the centuries in the Tatras, i.e. land use and land ownership. Before explaining the ownership changes in the Tatras in details, it is important to make a distinction between them, and show which of these two rights were constant and which changed over time.

In the earliest period (12th –13th century), from which written documents relating to this region are preserved, the Tatras were royal property. Polish Tatras and nearby Podhale region were owned by the Polish king, and the Hungarian Tatra Mountains with the nearby regions of Orava, Liptov and Spisz were owned by the King of Hungary (Kowalska-Lewicka, 2005).

With the arrival of the first group of settlers to the regions around the Tatras, pastoralism began to be the main form of economy, for it ensured survival.

One of the characteristic things about the region is its harsh character. The environmental conditions such as: sharp climate, low quality of soils or accessibility problems hindered the settlement progress. Agriculture was never intensive in this area, because of the too short period of vegetation. So the pastoral economy was a perfect survival strategy. Especially sheep breeding (mountain sheep can easily adapt to adverse environmental conditions) was in this region preferred. Primitive living conditions of the population at that time were satisfied with the animal products such as skin and wool for clothing, vitamin-rich milk, cheese and meat (Dutkova, 1991). During the settlement processes, that happened on both sides, the settlers who lived below the Tatras, in the nearby regions were attached to the Tatras on purely economic basis. They were attracted by the wood resources but first of all by the mountain pasture land (Bohuš, 1982).

In the Polish Tatras the king granted grazing land near the Tatra Mountains (mountain glades), and within the Tatra Mountains (mountain pastures) via Crown privileges, which were given for lifetime or for lease. These lands were granted mainly to commune leaders³ of the various villages of Podhale region, and these commune leaders were elected based on the war services. Therefore, the kin of commune leaders had special rights on the level of use of

³ Commune leaders- corresponded to today's office of mayor (Lalik, 1981:303). They were elected by Polish Kings based on the war services, usually were descendents of the first settlers in the area, and had obligation to expand their lands on fields that were still virgin (Sobczyński, 1968:9; Długopolski, 1921). In medieval Germany commune leaders were called the Schultheiß, and were the head of a villages located based on German law. Commune leaders also had privileges to set new settlements, and under their supervision peasants reclaimed forests and established pastures (i.e. mountain glades and pastures), which served the pastoral economy (Sokolowski, 1936:72).

forest and pastures. They were entitled to use them without major restrictions, and without extra cost (Paryski and Radwańska-Paryska, 1995).

In the summer, commune leaders had a right to graze sheep and cattle (formerly also horses, oxen and goats) on the mountain glades and pastures of the Tatras, the right to obtain building materials in the form of wood, as well as permission to fishing and hunting (Kolowca, 1962). During the settlement process in the Podhale region each newly arrived family was given by commune leaders land to use as well as some part of forest in the vicinity of the land. In exchange, they had to pay rents according to the inventory held. Undeniable advantage of living in these rent villages was the fact that its residents, in comparison to other Polish regions, were not burdened with serfdom as well as any additional work (Długopolski, 1921). It is important to note, that the settlement of rent villages in the Podhale region, instead of villages based on feudal principles as it was in the rest of Poland, was an initiative of Polish Kings. Such a derogation from the existing feudal system in Poland was connected to the Kings need to populate unpopulated, unneccasible areas with unfavorable climatic conditions, poor soil quality, significantly hampering survival possibility in the area, in order to protect Polish kingdom from the south (Dobrowolski, 1935). Moreover, paying rents meant that it was difficult for the court to oust mountaineers from land utilized (Górzyński, 1962). In other words, mountaineers were not the owners in the modern sense of the word, but rather used land via commune leader's permission paying rents for the land utilized. However, there were cases in which certain families received official Crown privilege, and this meant that they became the rightful owners.

In Slovakia, the Tatras at the beginning of the 14th century were already divided into eight parts belonging to different owners derived primarily from nobility. The cultivation of land on mountain pastures was organized based on feudal principles, thus peasants had to pay tribute, and provide other serfdom services to the nobility. In other words, peasants were subject to landowners, i.e. not rightful owners of land utilized (Papánek, 1960).

In the Polish Tatras, already in the 15th century, the question of land use and land ownership began to be complicated, and raised much controversy. This was a consequence of the numerous land leases (with the consent of the king) by the commune leaders, which in turn were leased to third parties. As a consequence, constantly widening group of persons came to be entitled to the Tatra lands (Sokołowski, 1936:74).

Undoubtedly, the ownership rights of mountain glades and pastures in the Polish Tatras were not always quite clear. In some cases the commune leaders had the right to "sell, donate or exchange lands for their benefits", in other cases the commune leaders "could not sell lands

to anyone without the King's approbation". In many privileges this issue was not even raised. And so, there were the owners and the users, but since in the latter case, the land use of commune leaders was hereditary, over time the difference between the concept of land ownership and land use was effaced, and all mountaineers in later times regarded themselves as owners of mountain glades and pastures (Sokołowski, 1936:78-79).

Mountain pastures, both in Poland and Slovakia, were always adjacent to the forest in which the owners of the mountain pastures had special rights called "serwitus"⁴. Serwitus were the powers of the peasant owners, vested in the mountain pastures, to limited use of nearby forests within the boundaries of the precise limits (Paryski and Radwańska-Paryska, 1995). Such powers were based on local customs, oral agreements or documents. In the Tatras serwitus included:

- 1) The right to graze cattle, sheep and horses in the forest at designated times of the year.
- 2) The right to pass through the forest with cattle, sheep and horses at the designated travel routes.
- 3) The right to collect forest timber for firewood, construction of houses and other buildings.

Moreover, these forests were not part of the ownership of the mountaineers as well as were not the subject of royal grants for local mountaineers. In Polish and Slovakian Tatras forests were property of the kings and were later sold to large land proprietors. In the Polish Tatras forests ownership, in contrast to the mountain pastures, was clearly defined, and did not belong to the mountaineers.

A clear distinction between land use and land ownership in the Polish Tatras took place only during the Austro-Hungarian ruling. In the 19th century, Austria found ownership relations very complicated. Even Austrian courts found it difficult to declare persons who were authorized to use lands or persons who were the rightful owners. This disorder was tried to be overcome by carrying out, in 1835, regulation of all easements, land ownership and land use. Claim to the lands were put forward by both: the mountaineers and the court. The first ones motivated their right to the lands by previously assigned Royal privileges. The court motivated the rights to the land by acts of purchase, and the right to mountain pastures by rent collection. Because of the deep-reaching roots of conflicts and disputes, Austria granted ownership of forests to the court while giving ownership of mountain pastures to the

⁴ Serwitut- according to Kopaliński (2007:678) the origin of word "serwitut" comes from latin *servitus*, and literally means to serve. Historically the word "serwitut" refers to easements enjoyed by the peasants on the court's lands (eg. use of forests).

mountaineers (Sokołowski, 1936:81). Indeed, only since that time we can state that mountaineers were land owners of mountain pastures in the full sense of this word.

After Austrian regulations all property changes in the Polish Tatras were made through division of inheritance, sale or exchange. Consequently, mountain glades and pastures have gradually become jointly owned by groups of co-owners, made up of local mountaineers from different highland villages. These local mountaineers formed co-partnerships on relevant mountain glades and pastures, had certain shares, of precisely defined area, but their shares were not divided into parcels in today's meaning. The manner and extent of use of certain mountain glades and pastures was usually decided by the democratically elected representative, who derived from the group of co-owners. This form of ownership persisted in the Polish Tatras until the expropriations in the second half of the XX century.

In Slovakia, the abolition of feudal relations between landowners and peasants took place in 1853 after releasing the so-called "urbar patent"⁵ of Austrian Emperor. In consequence, large number of local mountaineers were freed from landowners, and took over the ownership and allocation of public land in the Tatra Mountains. Indeed, only since that time we can state that mountaineers were land owners of mountain pastures and forest in the full sense of this word (Bohuš, 1969).

All in all, there were two main types of land in the Tatras that have been used economically throughout the centuries by the mountaineers: forest and permanent grassland, i.e. mountain pastures. The ownership of mountain pastures in the Polish Tatras, where basic economic activity in the Tatras took place, in contrast to forests was not always very clear. Basically, the mountaineers rights were based on leases from commune leaders. They were in power to use land but were not the legitimate owners in modern meaning of this word. Only during Austrian ruling was the distinction between land users and land owners clearly separated. Since then, mountaineers became owners of mountain pastures. On the other hand, the Slovakian Tatras were already in the 14th century divided among large landowners on whose lands the relation between landowner and peasant was based on feudal principles. Only after regulation in 1853 mountaineers became owners of mountain pastures and forest in the Tatras.

⁵ urbar patent- was a term for the document issued by the Austrian Emperor which abolished feudal relations in Slovakia (Bohuš, 1975).

3. Methodology

To answer the main research question, the method proposed is twofold: [1] written sources and [2] interviews.

Literature, maps and archives. Firstly, the description of the characteristics of property changes in the Polish and Slovakian Tatras since the beginnings of Polish and Hungarian statehood until present times, will be provided. These processes will be shown for the Kasprowa Valley and Tichá Valley, both located in the Western Tatras.

The choice for these two Valleys was based on the availability of historical sources about property changes in the archives, which are described below. The reason why the study of these two valleys rendered itself pertinent was their potential for representation, one for each country, of the respective processes of ownership changes. Notwithstanding inevitable chronological discrepancies, since not all the valleys in the referred area suffered the same changes at exactly the same time in history, the ownership developments verified in these two instances were roughly the same for most of the valleys on the Polish side (90%) and for more than half of the valleys in its Slovakian counterpart (60%). On the other hand, all the policies implemented on the chosen valleys, that will later be analyzed in detail, were the policies implemented throughout the whole territory, with a couple of exceptions that shall also be shortly discussed. Therefore, the two selected valleys clearly illustrate the different stages of tenancy alteration in the Tatra territories. Finally, by choosing only two out of 22 of valleys that compose the Tatra Mountains for representative analysis, an overload of information was avoided.

Furthermore, the current landscape management approaches on both sides can not be fully understood without studying the history of ownership in the region, for it seems that through the centuries precisely the historical changes of settlement in the discussed area influenced contemporary approaches to the nature conservation issues in the Tatra region.

The compilation of the ownership facts for the Kasprowa Valley of the Polish Tatras, was based on my previous research, presented in my BA thesis. This topic had not been elaborated upon since the second decade of the 20th century, and this lack of analysis could be related to a considerable difficulty in accessing sources. Only after the political revolution in the late 20th century was it possible to use the archives. These included the Royal Archives of Nowy Targ and Kraków that provided the oldest documents about the settlements in the area. The second type of documents were the Austro-Hungarian cadastral maps and records created between 1841 and 1846, available in the Zakopane Cadastral Office.

In the years 1841-1846 Austria performed trigonometric measurements in the Polish Tatra Mountains, which gave rise to the cadastral maps of 1846 and which are used by the Cadastral Offices in the region to the present times. The Austrian cadastre registered data on land and buildings and their owners. Moreover, it registered any changes of shape, surface and land categories. After finishing the measurements the next ownership changes in the mountains took place only on the basis of voluntary contracts of sale, exchange, inheritance or records. Indeed, the Austrian cadastre proved particularly useful for the determination of any property borders of highland families in the Tatras especially in places where boundaries were unclear. Before that, the property rights had never been officially recorded anywhere in this manner making this a reliable source of information about properties in the Tatras.

The Austrian cadastre also served to establish the accounts of land in the courts (the equivalent of the current land registry), in which individual properties were marked as the numbers of mortgage (i.e. LwH). These LwH contained information inter alia about cadastral parcel number, the data on the owners or co-owners indicating fragmentation of ownership. Interesting enough, the information from LwH served as a reliable source of information for determining the owners in the Tatras during the forced expropriations starting in 1960. In addition, it proved to be helpful in identifying the ownership changes until the creation of the Tatra National Park in 1954.

The information about ownership changes after the creation of TNP was found in the Archives of the TNP, which contained the official documents, decisions and acts produced by the communist government during the forced regulation of land in the Polish Tatras in the 20th century. Moreover, these archive contained key documents which show how the expropriation resolution number 415/60 in 1960 was implemented. This included the most important acts of regulation regarding expropriations of individual mountain pastures, sale-purchase agreements, acknowledgement of acceptance of claims for expropriated property, documents of the valuation of land or buildings (huts , shelters, etc.). Moreover, they included the names of families and the areas expropriated from them as well as the level and manner of compensation. Thanks to the information contained in those materials, the list of last owners together with the relevant surfaces of their property have been identified.

So, data obtained from the archives of the TNP were compared with data from Austrian cadastre available in the Zakopane Cadastral Office. Thanks to this comparison, it was possible to trace long-term ownership changes in the Kasprowa Valley. Additional facilitation in this analysis was acquaintance with the often complex genealogies of families owning the discussed property.

Other information about ownership changes during the period before Austrian measurements was taken from the available, though extremely scattered, Tatra literature. This included both literature found by chance and read out of curiosity and literature searched in public libraries, namely the Tatra National Park Library and the Tatra Museum Library. Thus, literature was gathered from different sources which, in their turn, led to other sources, and read throughout the last decade either for personal reasons or scientific research.

At the beginning of this research it seemed that information about the property changes in Tichá Valley in Slovakia would be much more difficult to locate than about Kasprowa Valley. Major difficulty, and the most time-consuming, was the identification and location of sources of information in Slovakia. At the end it came out that the period of property changes in the Tatras between the beginning of Hungarian statehood until the creation of TANAP in the Tatras was compiled in one single work written by a prominent Slovak historian Ivan Bohuš. This work treats superficially the property changes in the Western Tatras, focusing primarily on such changes in the High Tatras. The period since the nationalization of lands in the Tatras has seen only two Acts, which will later on be discussed, and therefore no scattered paperwork was produced. The Archives in the administration of the TANAP did not contain information about families expropriated in the TANAP, because Slovakia nationalized lands without compensation

Interviews. The second part of this paper included face-to-face, in-depth interviews with persons engaged directly or indirectly in the management of the Tatras (Table 1). The aim of the interviews was to gain opinions of the persons, who may directly or indirectly influence the management situation in the Tatras, in terms of the future tenure of public and private land in the Tatras. Indeed, this was helpful in drawing the comprehensive picture of the management situation in the region.

Table 1. The final list of the interviewees

Polish Interviewees	
1	<p>mgr. ing. Lech Lubczyński- age 71, pensioner, higher education in Forestry at the Warsaw University of Life Sciences.</p> <p>-From 1971 – 1985 chief specialist in the Ministry of Forestry, Department of Nature Conservation (scope of work concerned the appointment of new national parks, research activities, cooperation with Research Councils and the State Council of National Parks Conservation)</p> <p>-From 2000-2004 the Director of Polish Board of National Parks which was a subject to the Ministry of Environment. He supervised and coordinated the activities of all National Parks in Poland.</p> <p>-From 2000 - 2007 expert in the Department of Nature Protection at the National Fund for Environmental Protection and Water Management</p>

2	<p>mgr. ing. Stanisław Czubernat- age 65, higher education in Forestry at the University of Agriculture in Poznań.</p> <ul style="list-style-type: none"> -Works for the TPN since 1973 -Since 1991 is a vice-director of TPN, and specialist in the nature protection of TPN
3	<p>Dr ing. Wojciech Gašienica-Byrcyn- age 62, higher education in Forestry at the Warsaw University of Life Sciences.</p> <ul style="list-style-type: none"> -1975-1988 forest ranger in the TPN -From 1990-2001 first democratically elected Director of the TPN, removed from office in 2001 for opposing the investment lobby -Since 2001 Director of the TPN Research Institute -His family owned Kasprowa Valley until the expropriations in 1960
4	<p>Dr ing. Tomasz Zwijacz-Kozica- age 36, higher education in Forestry at the Warsaw University of Life Sciences.</p> <ul style="list-style-type: none"> -Forest ranger in the TPN since 1999 -Expert in the Natura 2000 site of the Tatra area
5	<p>mgr. Radosław Ślusarczyk- age 36, higher education in Environmentalism at Cracow Agricultural University.</p> <ul style="list-style-type: none"> -Before 2006 active member of Environmental Organization „Pracowania na Rzecz Wszystkich Istot” and since 2006 President of this organization, actively engaged in all cases of violation of nature protection laws in the Tatras
Slovakian Interviewees	
1	<p>Dr ing. Milan Koreň- age 66, pensioner, higher education in Forestry at the Technical University in Zvolen</p> <ul style="list-style-type: none"> -1990 - 1994: vice-Director of Sprava TANAP and head of the Research Institute of Sprava TANAP -1995 - 2005: Director of the Research Institute of State Forests of TANAP -2005 – 2009: Vice-Director of the Research Institute of State Forests of TANAP -Co-owner of (PSBÚ) Východná including Tichá Valley
2	<p>Prof. Ivan Vološčuk- age 75, University Professor and former Dean (1999–2003) of the Faculty of Ecology and Environmental Sciences of the Technical University in Zvolen</p> <ul style="list-style-type: none"> -1990–1995 first democratically elected Director of the TANAP -1996–1998 General Director of the Slovak National Parks -In 1992 established and became a President of the international organization - The Association of Carpathian National Parks and Biosphere Reserves. He is editor of the international journal CARPATI (in English) and author of several books, articles and contributions presented at the international nature conservation conferences. President of Association of Carpathian National Parks – ACANAP -2000-2004 IUCN Councillor -Chairman of the Slovak Association of National Parks and Protected Areas -Slovak national expert for the UNESCO World Heritage Convention -Vice-Chair of the Slovak National Committee for UNESCO Programme, Man and the Biosphere (MAB)
3	<p>mgr. ing. Tomáš Vančura- age 48, higher education in Forestry at the Technical University in Zvolen</p> <ul style="list-style-type: none"> -1991-1996 forest ranger in the Tichá Valley -1996-2007 Director of the TANAP
4	<p>mgr. Marek Dulák- age 40, higher education in Forestry at the Technical University in Zvolen</p> <ul style="list-style-type: none"> -Since 2000 voluntary forest ranger of TANAP (scope of work concerns the controls of natural reserves aimed at detecting illegal actions in the TANAP, and subsequent

	subjecting the relevant authorities for control) -Activist in the Environmental Organization “Lesoochrannárske Zoskupenie Vlč” in all their actions in the TANAP
5	Ján Bošnovič , age 37, higher education in Economics at the Matej Bel University in Banská Bystrica -From 2002 the Director of Slovak National Centre for Tourism in Poland
6	Ing. Katarína Šarafinová , age 32, higher education in Economics at the Matej Bel University in Banská Bystrica -Director of marketing of Tatry Mountain Resorts, a.s. (The representative of investors on Slovakian side)

As we can see in Table 1 the interviews included the representatives of former or current personnel of both national parks selected on the basis of their years of experience, positions held and knowledge in the area of management of these units. In this respect, in Slovakia the interviews were conducted with the first democratically elected director of TANAP, Ivan Vološčuk who proved to have experience not only in working for TANAP but also for international organizations for nature protection. Moreover, he had been part of group of specialists involved in the future of TANAP after 1989. Another Slovakian respondent was Tomáš Vančura, who was for years ranger of Tichá Valley, thus practically having knowledge of problems of nature protection management in this area. Moreover, he was the Director of TANAP for eleven years before being removed in strange circumstances for opposing investment plans in the Tatras. Another interesting profile of interviewee was Milan Koreň who apart from being vice-Director of TANAP and head of the Research Institute for many years was also co-owner of urbar Východná which owns part of the Tichá Valley. The similar profiles of interviewees were chosen in Poland, including the former Director of TPN and former owner of Kasprowa Valley, Wojciech Gašienica-Byrcyn, currently Director of Research Institute of TPN who was similarly to Vančura’s case removed from seat after 10 years of work for TPN. Further respondents included current vice-Director of TPN, Stanisław Czubernat, who is expert of nature protection in the Tatras as well as ranger of TPN, Tomasz Zwijacz-Kozica, expert in Natura 2000 for the Tatra region.

It is important to note that one of the problems during the research was the conduction of interviews with an important group which directly influences the nature protection management in the Tatras on both sides, i.e. representatives of the Ministry of the Environment in Poland and Ministries of Environment and Agriculture in Slovakia. In both cases the attempts to organize interviews with people representing these offices proved to be unsuccessful, for lack of interest of Ministries in the participation. There were various attempts to contact the Ministries to schedule interviews inter alia via e-mails or by phone. In

case of sending e-mail the recipient never responded, and in case of phone call the relevant excuse was provided mentioning the fact that there is neither the person who has relevant knowledge in the field nor person who has time for the meeting. The suggestion to answer the questions via e-mail was also refused. The only person willing to cooperate was Lech Lubczyński former Director of the Polish Board of National Parks subject to the Ministry of Environment currently pensioner. In addition, there were attempts to conduct interviews with the international organizations indirectly influencing the nature protection management in the Tatras such as representative of IUCN and WWF, but the same problems as in case of Ministries emerged.

Another problem which appeared during the organization of interviews was with approaching the relevant persons. In this context, three out of eleven interviewees requested submission of questions via e-mail, claiming the lack of time for scheduling the face-to-face interview. These three persons included: Lech Lubczyński, Marek Dulák and Milan Koreň.

Another group of respondents included persons engaged in environmental organizations, which may indirectly influence the course of action. In this context, representatives of the most active organizations from Poland and Slovakia, engaged in all developments in nature protection in the Tatras, were selected. In addition, further interviews were conducted with groups of interests in the Tatras such as investors and organizations lobbying the development of tourism in Slovakia, as well as former private proprietors from Poland and Slovakia.

As with the nature of semi-structured interviews, the need emerged to have a list of questions or specific topics to be covered during the interview. The topics related directly to the research questions and are presented in Appendix 1. Moreover, the questions were designed to elicit reflective discussions so that interviewees were not tempted to answer “yes” or “no” terms. The interview started with questions on name, age, gender, etc., as well as position in company, numbers of years employed, number of years involved in a group, etc. This information was useful for contextualizing people’s answers.

At home, I transcribed the interviews, whereby it was important that the written text reproduced exactly what the interviewee said, word for word. In other words, the attention to details was significant. I believed that transcribing brought great benefits in terms of bringing me closer to the data, and encouraging me to start to identify key themes, and to become aware of similarities and differences between different participants’ accounts.

3. Literature review

Private property restitution has been an integral part of the Central and Eastern European (CEE) post-socialist transition towards a market oriented, democratic society. The market economy and democratic principles were expected, by the governments as well as citizens, to be restored via the implementation of neoliberal policies. In the western world, these policies have been considered since the early 1980s to be an incentive for economic, political and social progress. In this context, one of the central elements in the way forward of the Central and Eastern countries was the need to secure private ownership and individual rights, which would ensure productivity, investment, and economic growth (Fisher and Jaffe, 2000: 235; Kornai, 1992; Kozminski, 1997). Therefore, one of the most immediate concerns by governments after the fall of communism was the subsequent re-privatization of properties confiscated by the communist regimes.

The need for private property restitution was driven not only by economic factors, however. Another incentive was the desire to deliver the “historical justice” meaning that people illegally expropriated from their properties should have a right to claim them back (Blacksell and Born, 2002:188; Kozminski, 1997:97; Surdykowska, 1996:119; World Bank, 1996). Indeed, for the first time in the post-war history property claims, which have long been suppressed, were not open to doubt in constitutional terms. Other objectives of restitution according to Hagedorn (2003) were equitable (fair) distribution of land ownership and efficiency by forming new structures. Furthermore, a more recent argument for the restitution was connected with a need to fulfill the standards and regulations fixed by the western world and required by the European Union for membership achievement (Kozminski, 1997:97).

Nevertheless, other scholars, such as Cohen and Schwartz (1992) raised precautions about the suitability of Eastern European countries for rapid privatization due to their minimal experience with capitalism, lack of established capitalist firms and absence of honest and effective administration. In fact, one of the necessary pre-conditions for carrying out the land reforms after 1989 was an existing and functioning land administration, including registry sector and cadastre. As documented by Osskó (2002) a traditional legal registry and cadastre that functioned before World War II and during the communist era, existed in Hungary, parts of Czechoslovakia, Poland and Yugoslav states. In Romania, the Baltic countries and Bulgaria there was some legal registry and cadastre functioning before World War II but not during the communist era. However, in the majority of Soviet states there was no legal registry or cadastre neither before World War II nor during the communist era.

Needless to say, over the past two decades the topic of property restitution in the CEE gained considerable attention of researchers. The process of restitution is now more or less complete. Among the most widely debated issues are the criteria used in determining who should benefit, the assessments of choices of restitution policies, as well as the rate of achieving goals of privatization (Blacksell and Born, 2002; Fisher and Jaffe, 2000; Hanley and Treiman, 2004; Kozminski, 1997; Mroz, 1991). Not surprisingly, there is a large variety in land privatization procedures in CEECs. In substance, these differences stem from the considerable divergence between former socialist countries in terms of historical background, ownership structure, legal and institutional framework or land administration infrastructure (Osskó, 2002).

Within these procedures Osskó (2002) identifies three types of privatization instruments used by the countries concerned: compensation, restitution and privatization. The first one implied compensation for past injustice (in form of compensation coupons, vouchers, bonds) or where land claimed in restitution couldn't be returned for some reason. This type of instrument was preferred only in Hungary, as via the two laws of restitution in 1991 claims were paid in government bonds which could be used to purchase private land or residential dwellings (Blacksell and Born, 2002: 182; Fisher and Jaffe, 2000: 242). The second instrument, restitution, required restoring pre-communist property relations. This type of large scale returning of land to (the descendents of) the original owners was characteristic for Czechoslovakia, where it was already carried out in 1990 via four reprivatization laws (Kozminski, 1997:99). The last, but not the least, instrument was privatization, which included transfer of land by sale from state ownership to private persons or legal entities. This process was used partly in Poland, though in this country the debate about the proper reprivatization policy still continues.

In fact, as noted by Pieńczykowska (2009) or Dobrzeńiecki (2010) since 1990 there have been already around 20 attempts to enact restitution legislation in the Polish parliament, and all of them failed to be agreed. This situation pinpoints Poland as the only former socialist country from the CEE group that still has no legally regulated mechanism for either restitution of properties or compensation for nationalized property. Exceptionally, the property of Catholic Church was restituted rapidly in Poland and Hungary after 1989.

Nevertheless, another area in which Poland considerably differs from other CEE is the character of collectivization of agriculture and its restitution. As noted by many authors, comparing to any other CEEC's the idea of common agricultural land in Poland was widely abandoned in the 1950s (Lipton and Sachs, 1990; Swain, 1999:1199; Takács-György, 1999:3).

Consequently, as presented in Table 1, in 1960 the share of state cooperatives land in Poland estimated only to 13.1%, and in 1988 to 22.8%. Similar situations could not be noted in any other former Eastern Block countries except in Yugoslavia.

The process of collectivization was thus hindered probably by the Polish farmer's strong attachment to land, the entrenchment of private over socialist forms of ownership as well as a lack of experience in cooperation (Bański, 2007). In a recent article Bański (2008) explains that 22% of the state cooperatives in Poland were liquidated entirely between 1989 and 1995, via selling or leasing out, by the Agency of the Agricultural Property of the State Treasury.

Table 1. Share of state cooperatives in the ownership structure of agricultural land in the countries of the former Eastern Bloc (%)

Country	Share of state cooperatives in %	
	1960	1988
Bulgaria	91.0	89.9
Czechoslovakia	88.0	93.9
German Democratic Republic	92.4	90.2
Hungary	95.5	85.8
Poland	13.1	22.8
Romania	94.2	90.5
USSR	99.0	98.2
Yugoslavia	14.0	15.7

Source: Bański, 2008.

Even though the private sector in Poland survived and actually managed to develop during the communist era, there were regions in which expropriation of agricultural land was carried out successfully. In particular, the most outstanding areas in terms of natural landscape were included in a carefully planned expropriation programmes. These expropriations fitted into the communist agenda for eliminating private property and distributing the assets equally among the nation. They were executed not in order to incorporate the private lands into the wider idea of common agricultural land but rather reserved for the concept of the national parks created to protect the natural and cultural heritage of the nation's most remarkable sites. Thus, the expropriation programmes were implemented within the whole Polish Carpathian

range, and similarly in other regions of the Carpathian Mountains in order to eliminate any agricultural activity, which was considered to be harmful for the natural environment.

It should be remembered that during the design of these expropriation policies, Poland and Czechoslovakia were the countries subdued to central powers. Without exception, organizations were subject to the decisions of the Communist Party and government. In this context, nature protection organizations were obliged to support expropriation programmes. For example, the most active nature protection organization in Poland was named the League of Nature Protection. This institution supported Polish communist government in designing and enforcing expropriation programmes in the most valuable natural areas in Poland. In fact, after the implementation of resolution No. 415/60 in the Polish Tatras this organization even partly attributed it as their own success.

It is however surprising that until now no scientific work reports on either the scale, extent and forms of expropriation methods or their consequences on the current and future management in the context of nature protection. So far, only the article of Paget and Vagačová (1998) raised debate about the reprivatization process in Slovakia and its effects on the management of State Forest and National Parks, though there is still need to comprehensively elaborate on the consequences of ownership changes on the most outstanding sites of the Carpathians.

4. Property ownership in the Polish Tatras based on the example of Kasprowa Valley

4.1. Property changes in the era of the Kingdom of Poland until its first partition in 1772

The property cycle in the Polish Tatra Mountains starts with its reign by Polish kings (Antoniewicz, 1959; Hołub- Pacewiczowa, 1931; Kolowca, 1962; Kowalska-Lewicka, 2005; Liberak, 1926; Rafacz, 1935). The beginnings of the Kingdom of Poland dates back to 966, and are associated with the baptism of Mieszko I, its first ruler. Between 967 and 990, Mieszko I conquered substantial territory along the Baltic Sea, to the north, and the region known as Little Poland, to the south, within which borders lies the present-day part of the Polish Tatras. The Slovakian part of the Tatras was later annexed by Mieszko's son and successor, Boleslaw I the Brave, who was also recognized as the first king of a fully sovereign Poland (Lukowski & Zawadzki, 2001). Thereby, the Polish king became recognized as the first proprietor of the discussed area.

In this time, the Tatras and a nearby region, named Podhale, were particularly important for the Polish king due to its proximity to Hungary (Kowalska-Lewicka, 2005; Liberak, 1926; Paryski & Radwańska-Paryska, 1995; Rafacz, 1935). Indeed, the 50 km wide range of the Tatra mountains formed an impenetrable wall of natural protection of the southern part of the Kingdom of Poland. In fact, the whole southern part of Poland is mountainous, but the transport routes would lead through the mountains regions adjacent to the Podhale, like Spisz to the East and Orawa to the West, which formed convenient passage through the Carpathian range (Sobczyński, 1984; Sobczyński, 1986:4). Moreover, the borders between the two countries were not secured as they are nowadays, and therefore it was crucial for the Polish, as well as Hungarian kings to entice the settlement in and around the Tatras, in order to assure as much lands as possible for the Crown. As a result of this eagerness to control this territory, looking back on cartographic documents, one notices that the Polish southern border where the Tatras are located has not changed since the 11th century, except for two centuries of Austro-Hungarian ruling (Semkowicz, 1919).

From time immemorial, the whole territory of the Podhale region and the Tatras was covered by its immense primeval forest (Antoniewicz, 1959; Hołub- Pacewiczowa, 1931; Kolowca, 1962; Kowalska-Lewicka, 2005; Liberak, 1926; Paryski & Radwańska-Paryska, 1995; Rafacz, 1935). The forest's density and harsh character, together with environmental conditions such as: sharp climate, low quality of soils or accessibility problems hindered the settlement progress. Hence, the maturity of property structures was considerably delayed in this area, comparing to other regions in the Kingdom of Poland (Górzyński, 1957:37).

Mirroring the difficulties in settlement development, until the 13th century there are no documents to pinpoint human records on this territory.

It is not known exactly when and how the Podhale was vested to the Little Poland's Gryfita Family. It is presumed that at the end of 12th or beginning of 13th century the father of Theodore Gryfita was granted by the King of Poland the territory of later nontown starostwo nowotarskie⁶, whose representatives, in subsequent centuries, managed area of the Tatra Mountains. The Gryfita Family was renowned for the extraordinary affection for the Church, so the governor, Theodore, being childless, decided to give starostwo nowotarskie to the Order of Cistercians. His plan came into effect in 1238 when Cistercians settled in the monastery he built in Ludźmierz (Dobrowolski, 1935)

The Order of Cistercians, which was granted in 1255 Crown privileges to land and forest in and around the Polish Tatras, had an influence on the development of settlements in the Podhale region. They founded the first settlements in the region (e.g. Ludźmierz), all of them based on the German law, as a part of the colonial action of Boleslaw V, the Shy (Kowalska-Lewicka, 2005:26). In fact, similar developments took place in many parts of Europe (Bartlett, 1994). During the reign of Ladislaus I of Poland (1335-38) the Cistercians privileges were taken away for the sake of Royal Treasury (Furtak, 1991:35).

Nevertheless, the first document confirming the Polish Crown settlement arrangements dates back to the year 1234. These were connected with the colonial action of Boleslaw V, the Shy, who was at the time prince of the region known as Little Poland (Gašienica-Chmiel, 2001; Paryski & Radwańska-Paryska, 1995; Rafacz, 1935). The success of this action was connected with considerable support from the Habsburg Family and probably that is the reason why it is often called "colonization based on the German law" (Czajka, 1991; Kuraś, 1991; Liberak, 1926; Paryski & Radwańska-Paryska, 1995). The main point of German law was that it granted some advantages, including personal freedom and group liberties, to colonists. Moreover, people from densely populated parts of north-western Europe migrated to less populated eastern European lands, which included the regions surrounding the Tatras. Interesting enough, these new settlers were called Germans, although it is a well-known fact

⁶ Starostwo- literally means county office, and from the 14th century in the Polish Crown and later through the era of the joint state of Polish-Lithuanian Commonwealth till the partitions of Poland in 1795 referred to the crown lands (królewsczyzna) administered by the official (starosta). Starosta would receive the office from the king and would keep it until the end of his life, it usually provided a significant income for the starosta. There were two types of starostwo: niegrodowe (nontown) - general overseer of the crown land in question and grodowe (town) - centered in a town, with the added responsibility for police and courts, and the execution of judicial verdicts (Sokołowski, 1935).

that some of them were actually from the Low Countries, most of which were then part of the Holy Roman Empire of the German Nation (Kuraś, 1991:42).

Next important moment in the history of human settlement within the region was the privilege of Casimir the Great in the year 1346, by which created the nontown starostwo nowotarskie (Sokołowski, 1935). Since then, Nowy Targ⁷ has become a royal town and the seat of the Starost, who was managing, on behalf of the king, both the Polish Tatra Mountains and Podhale region. In the nontown starostwo, the starost didn't have so called town judicial power, penalizing those who committed rape, theft, arson or robbery. He was rather the only ruler (tenant) of the king's land, fully responsible for them. Furthermore, starostwo was granted by the kings only for meritorious persons, usually for perpetual lease (Czajka, 1991). The starost's, for example, had a power to permit the use of certain areas, the amount of fees submitted by the authorized or discerned disputes concerning all the powers in the areas. The result was rapidly increasing fragmentation of land through the divisions of inheritance or by re-purchase. Individual mountain pastures, each of which was originally owned by no more than a dozen farmers, gradually became an object of interest of hundreds of families (Kolowca, 1962).

The privilege of Casimir the Great in the year 1346 brought about new ownership relations in the discussed area. Since then, the property situation within the Podhale and the Tatra Mountains was strongly influenced by the kings' ruling. From then on, with the king's permission, ever more groups of persons were given the privileges to the development of the settlement in the area. As settlement gradually moved closer to the Tatras, the privileges increasingly incorporated areas on the borders of the Tatras and, finally, of the Tatras themselves (Liberak, 1926)

Another crucial period from the settlement point of view was between 14th and 17th century. Then, there was an influx of Wallachian shepherds, known as the Romanians. They were previously residents of Wallachia, covering the area of the Balkans (Kowalska-Lewicka, 2005:27, Modelski, 1924:25). Running away from Turks, through the Carpathian arc from east to west, they founded many villages, left specific pastoral culture as well as rich customs and traditions (Jazowski, 2002). A typical feature of their culture was the type of pastoral economy, with seasonal grazing on mountain pastures. This type of agro-pastoral economy, associated with the repeated year after year transhumance, is a characteristic form of farming in many areas of the Carpathians as well as in other European mountains (Antoniewicz,

7 Nowy Targ (New Market)- is the historical capital of the mountain region Podhale.

1959:13). In fact, this type of the pastoral economy is still cultivated in the Polish Tatras, though within the appointed Tatra pastures. In addition, other traces of Wallachian existence in the area include a number of place-names in the region, words of Wallachian origin in the Tatra dialect as well as elements of local clothing. On the other hand, in the Slovakian Tatras any kind of pastoral economy was eliminated after the creation of Tatra National Park in 1949 and was not restored afterwards (Kolowca, 1957; Paryski, 1959:153; Radwańska-Paryska, 1959:177).

Together with the influx of Wallachians, a new huge wave of Polish settlement was established. This was called the second period of colonization of Podhale, falling for the second half of the 16th and the beginning of the 17th century. The strong influx of settlers was brought on in part due to the oppressions of peasants, increased tributes and labor in the noble areas in other parts of Poland. Indeed, Podhale region was one of the few regions in Poland where serfdom was not a basic form of economy, and peasants enjoyed considerable freedom compared to other regions in Poland (Rafacz, 1935).

The history of settlement in the Podhale region was inextricably linked to the pastoral economy in the Tatra Mountains. The pastoral economy was dominant here regardless of who was managing the area. Moreover, the geographical environment played a major role in the life and activities of shepherds as it determined the shepherds wandering, the location of houses and sheds on mountain meadows and pastures (Sawicki, 1911:80). Indeed, the ownership issues, to a large extent derived from an easement from distant times, came out to have major significance for the aggregate submontane and mountain breeding (Antoniewicz, 1959:13). By that time, sheep grazing in the mountains lasted about 5 months (generally from mid-May till late September). Primitive living conditions of the population at that time were satisfied with the animal products such as skin and wool for clothing, vitamin-rich milk, cheese and meat (Górzyński, 1957:42).

And so the nontown starostwo nowotarskie, along with the Tatra Mountains, gradually becomes object of interest to an increasing number of people. As previously mentioned, it was owned by consecutive managers (starost's), and this proves that this area was then treated as a true asset. Being passed from one manager to another finally the last starost, Francis Rychter, took office in 1767 and became the last holder of the Polish Crown properties in and around the Tatra Mountains. In 1769 Austrian troops occupied the Polish part of Spiš⁸, with the relevant part of the Tatra Mountains under a veil of health reasons. In the year 1770, there

⁸ Spiš- is a region in north-eastern Slovakia, with a very small area in south-eastern Poland.

were further Austrian annexations of the counties of Sącz, Nowy Targ, Czorsztyn including the rest of the Polish Tatras. All these territories were then vested to Hungary. Henceforth, the Polish crown land together with the Polish Tatras became the property of the Crown of Hungary (Liberak, 1926).

All in all, the era of the Kingdom of Poland until its first partition in 1772 can be characterized by a few factors that shaped the ownership relations in the Polish Tatras. Firstly, since the dawn of history Kasprowa Valley was part of royal estates like the other parts of the Polish Tatras. On behalf of the king, these royal estates were managed by the Starosts since the creation of nontown starostwo nowotarskie in 1346. Furthermore, the starosts had a power to permit the use of certain areas, primarily mountain pastures, in and around the Polish Tatras, mainly in form of grants or leases. Secondly, the kings incentive to entice vivid development of settlement in the area was to give privileges, based on which the commune leaders of various villages of the Podhale were granted grazing land near the Tatra Mountains (mountain glades) and within the Tatra Mountains (mountain pastures). Thirdly, through the divisions of inheritance or by re-purchase, individual mountain pastures gradually became an object of interest for an increasing number of families. Finally, the Austrians found the ownership structure in the Polish Tatras relatively fragmented with a strong attachment of the local population to their using rights. Consequently, as we will see in the next section, this ownership structure was part of planned operation to regulate property relations, which, however, proved a fiasco.

4.2. Property changes between 1773 until the creation of Tatra National Park in 1955

In 1773, after the first partition of Poland, in the part that was seized by the Austrian Empire a separate province, Galicia, was created and starostwo nowotarskie, together with the Polish Tatras, constituted part of it. Thus, the Polish Tatras eventually became the property of the Emperor of Austria, called the "King of Galicia and Ladomeria". In the same year, after the death of the last starost- Francis Rychter, the Austrian Treasury took over management of starostaship directly. The former Polish Crown lands were included into the Austrian Treasury, and were called the cameras. In Nowy Targ the "Chamber Prefecture" was founded, which was the equivalent of today's tax office, which held the management of inherited wealth. In order to manage the camera's area of the Tatra Mountains, Austria has brought its officials, who were called chamber foresters, and were subject to a major power in Nowy Targ (Rafacz, 1935).

Between the 1780 and 1810 there were strenuous attempts by Austria to manage the land occupied in the Tatras. These included efforts to regulate and limit the acquired easement rights, disputes with various authorized to use mountain areas or forced ousts. But all these efforts met with sharp protest of the local people, who defended their old privileges (Liberak, 1926). Austrian wanted the National Treasure to be "an example of rational management and lawful treatment of people". In the years 1786-1788 there were general measures of land carried out, combined with a description and valuation of the forests. There were also cadastral municipalities created. Measurements of land rights were accompanied by verification of rights to land (Adamczyk, 1995:22).

The Austrian Government encountered many conflicts about properties in the Tatras and as a consequence decided on 16 June 1811 to sell them. In order to facilitate this sale, the Tatras were divided into four sections, from east to west: Białczańska, Szaflarska, Zakopane and Witowska. In this way the Polish Tatra ceased to be royal property and the four sections passed into private ownership (Liberak, 1926). Another factor seems to have been that the Napoleonic wars brought the Austrian treasury on the verge of bankruptcy. To improve the situation, they decided to sell the seized goods to private hands, including goods in the Tatras (Sobczyński, 1986).

The Białczańska Section included the areas of cadastral municipalities of Bukowina and Brzegi. Because of the high price, Austria encountered difficulties in selling this section and decided to merge it with the Zakopane Section (including the areas of cadastral municipalities of Kościelisko and Zakopane) also adding the Ostrowsko Section, located beyond the Tatras. In 1824, at the auction in Lviv, these three units were purchased by Emanuel Homolacs. They have remained in his hands until 1870 when bought by a banker from Berlin Louis Eichborn, then in 1881 by his son in law, Magnus Peltz. As a result of bad economic management by both Eichborn and Peltz, in 1888, these goods were judicially auctioned off and purchased by Jacob Goldfinger from Nowy Targ. As a result of informalities in the bidding, the purchase of the above mentioned sections by Goldfinger was voided, and on 9 May 1889 these goods were bought by Count Władysław Zamoyski (Adamczyk et al, 1995).

Section Witowska included the areas of the cadastral municipality of Witów and the western part of the Polish Tatras. In 1819 the section was bought by John Pajęczkowski. In 1821, a group of 83 farmers (out of seven municipalities: Czarny Dunajec, Chochółów, Ciche, Dzianisz, Podczerwone, Witów, Wróblówka), which then did not have the right to buy goods on their own behalf, gave money to Father Joseph Szczurkowski, who was a son of a peasant

from Czarny Dunajec, to buy back this Section from Pajączkowski for them. Without informing the farmers, this priest enrolled this property for himself, and already in 1822 gave it to his relative, lawyer Andrew Szczurkowski. In this situation, the peasants elected their representative Baron Cajetan Borowski. In 1826 he threatened to imprison Andrew Szczurkowski, forcing him to sell the property for a low price. Borowski also cheated the peasants, treating the property as his own, which prompted protests. Finally, Borowski gave those goods to his relative Jerome Borowski, and at the same time the priest Szczurkowski, who still saw himself as the rightful owner, re-sells them this time to another relative, a priest Wilczek. In 1843 the Austrian Government, under the influence of many complaints of the peasants, took away these goods from Borowski and gave them to priest Wilczek. Peasants brought a lawsuit, and won it in 1867, but only in 1869 finally they received the property back. The goods of the Witowska Section were called “the Goods of Seven Municipalities”, and nowadays they function under the name “the Authorized Forest Community of Eight of Municipalities” with seat in Witów. They occupy 10% of the TPN territory and are the only area in the TPN which is still today managed by private owners (Adamczyk et al, 1995).

The Szaflarska Section included the cadastral municipalities of Szaflary, Biały Dunajec, Poronin and Murzasichle, and relevant territories of the Tatras, including the Kasprowa Valley. In 1818 the section was bought by Thomas Uznański, and it remained in greater part in the possession of this family until 1945, when their properties were nationalized on the basis of the Manifesto of the Polish Committee of National Liberation⁹.

The breakthrough moment in the property relations of the Tatra Mountains and the nearby region Podhale was forced regulation of easements (serwituty), i.e. peasant privileges. This was done on the basis of the imperial patent of 5 July 1853, and was carried out in the years 1869 to 1875. The above mentioned regulation included every scrap of wood, each mountain pasture or glade. Government Committees examined each part very carefully, they appointed witnesses, and judgments and sentences appeared. Later on, the Committees notified so called Tubular and Mortgage Offices in order to carry out the appropriate records. As a result of this forced regulations the considerable changes in property relations of forest areas of the Tatra Mountains occurred. After the completion of these regulations, the ownership changes in the Tatras took place only on the basis of voluntary contracts of sale, exchange, inheritance or records (Rafacz, 1935).

⁹ The Manifesto of the Polish Committee of National Liberation, known as July or PKWN Manifesto, was a political manifesto of the Polish Committee of National Liberation, a Soviet-backed provisional government, which operated in opposition to the London-based Polish government in exile.

Furthermore, between 1841 and 1846 Austria made the appropriate trigonometric measurements, known as Austrian cadastre, which marked the beginning of the cadastral maps of 1846, which are used to this day. This regulation of ownership relations was particularly important for the determination of any property borders of highland families in the Polish Tatras. The Austrians divided the Polish Tatra Mountains in their maps into the areas belonging to the individual municipalities. It is known that Kasprowa Valley belonged to the Szaflarska Section (owned by the Uznańscy family), and the cadastral municipality of Murzasichle.

Moreover, based on the cadastral maps, which introduced legal processes for documentation of owners and mortgages, the so called land mortgages registration (LwH) were created. This register was structured in 3 pages: page A for objects, page B for owners and ownership and page C for obligations. For the Kasprowa Valley the land mortgages registration LwH number 71 was established, as a part of Murzasichle municipal goods. The pasture consisted of a lot number 245, which was a building area, and the plot number 1576, which was pasture.

The Austrian cadastre is currently available in the Cadastral Office at the District Court in Zakopane. The oldest record regarding Kasprowa Valley is from 1874. But before setting out a detailed analysis of property in this year, two important facts about the history of ownership of Kasprowa Valley before this year should be mentioned as presented by Hołub-Pacewiczowa (1931).

First of all, it is known that Kasprowa Valley belonged to the village of Zakopane in the 18th, 19th and 20th centuries. This is confirmed by the first land cadastre of Galicia, so called “Joseph’s Metric¹⁰”, number IV, 124 indicating the Kasprowa Valley, next to other valleys, as belonging to the above mentioned village. Secondly, the first information about the use and, indirectly, the ownership of the Kasprowa Valley is found in 1811 in the register of status of cattle and grazing rent of Zakopane. This register mentions the Casimir Gąsienica Gładczan, the son of Casimir, who was born about 1743, the inhabitant of Zakopane, as the only owner of Kasprowa Valley (Hołub-Pacewiczowa, 1931).

As mentioned above, the oldest record for the Kasprowa Valley contained in LwH 71, shows the status of property for the year 1874. Then the ownership of this mountain pasture has had 15 owners, whose names are shown in Table 3.

¹⁰ The first land cadastre of Galicia called Joseph’s Metric - was created based on the patent of the Emperor Joseph II on 12 April 1785. The files contain descriptions of boundaries of municipalities, delimitation protocols, a detailed description of the land owners and land area, productivity of land, buildings, inventories, tax records. Metric is the inexhaustible source for the study of economic, demographic and geographic issues.

T a b l e 3. Owners of Kasprowa mountain pasture in 1874

Lp.	Last name	First Name	Place of residence	Share	Surface /ha/
1	Chyc	Jan	Zakopane	24/864	5,6183
2	Chyc	Jędrzej	Zakopane	51/864	11,9614
3	Chyc	Paweł	Zakopane	24/864	5,6183
4	Chyc	Agnieszka	Zakopane	27/864	6,3231
5	Chyc Spirkowski	Jan	Zakopane	144/864	33,8099
6	Gąsienica	Ludwina	Zakopane	72/864	16,8949
7	Gąsienica Byrczak	Jan	Zakopane	36/864	8,6174
8	Gąsienica Byrka	Regina	Zakopane	24/864	5,6183
9	Gąsienica Daniel	Jakub	Zakopane	54/864	12,9262
10	Gąsienica Jędraś	Jan	Zakopane	96/864	22,5333
11	Gąsienica Ladzi	Jan	Zakopane	72/864	16,8949
12	Gąsienica Marcinów	Jan	Zakopane	66/864	15,3258
13	Gąsienica Marcinów	Wojciech	Zakopane	66/864	15,3258
14	Gąsienica Marcinów	Jędrzej	Zakopane	36/864	8,6174
15	Stopka	Józef	Zakopane	72/864	16,8949
				OVERALL	202,9799

Source: Self-work based on available cadastral records in the Cadastral Office at the District Court in Zakopane

As noted in Table 3 in 1874, 60% of the overall surface of Kasprowa mountain pasture belonged to the Gąsienica Family of the following surnames: Byrczak, Byrka, Daniel, Jędraś, Ladzi, Marcinów, and Ludwina, the wife of Paul, with an unknown surname. Unfortunately it is difficult to identify under which circumstances the Gąsienica Gładczan Family received Kasprowa mountain pasture. However, it seems highly probable that the mountain pasture belonged to Gąsienica Family since royal grant. The remaining shares of the Kasprowa

mountain pasture, of 31%, had the Chyc Family, and 9% Stopka Family. It is not known when and how these shares came into the ownership of these particular families. This could result from frequent marriage and inheritance of parts of these mountain pastures of females Gąsienica. In addition, the possibility of buying shares from the Gąsienica family or of taking possession of the old royal grants should not be excluded.

The analysis of the LwH 71 records after 1874, show further ownership changes on the territory of Kasprowa mountain pasture. Ownership of a larger surface area remained in the hands of the original owners. Their change was followed mostly by donations and inheritance, but also by pre-marital contracts. There were also cases of selling all shares or parts of shares. However, after 1874, a significant fragmentation of ownership can be noticed.

The fragmentation of ownership and pastoral economy undoubtedly hindered the implementation of protection goals of the Tatra National Park (TNP), which was established on 1 January 1955 on the territory of the Polish Tatras. Strict protection was extended inter alia to the upper limit of the forest, owned by state and non-state actors. The mountain pastures were excluded from the strict protection areas, among which was the Kasprowa mountain pasture. This indicates that the pastoral economy persisted in this mountain pasture in those years. The conflicting interests of numerous owners made not possible to realize the reserves strategy of the newly created national park. To change this state, Polish Government took action to regulate the ownership structure. Their aim was to take over the properties of all highland families in the Tatras in the sake of the National Treasury and to put them in the management of TNP.

To conclude, the property changes in Kasprowa mountain pasture in the period between 1773 and the creation of TPN can be characterized by various factors. Firstly, the Austrians decided to sell the Tatras on 16 June 1811 and therefore divided it into four sections. This situation created a situation in which the forests belonged to large noble landowners and mountain pastures were still used by local mountaineers. Another action undertaken by Austrians, was trigonometric measurement of all properties and creation of maps and land registry known as Austrian cadastre of 1846. With the Austrian cadastre local mountaineers became rightful owners of mountain pastures, not users as most of them used to be. The cadastre also served as a source of important information about Kasprowa mountain pasture revealing the fact that in 1874 there were 15 owners of this mountain pasture 60% of which belonged to the Gąsienica Family from Zakopane. Hołub-Pacewiczowa (1931) reveals that in 1811 the first and the only owner of Kasprowa Valley was Casimir Gąsienica Gładczan, inhabitant of Zakopane. In this case, the remaining 40% owners from 1874, of

different than Gašienica last name, could result from frequent marriage and inheritance of parts of these mountain pastures of female Gašienica.

4.3. Ownership changes since the creation of the Tatra National Park

The process of property regulation in the Kasprowa Valley, as well as the rest of the Polish Tatra mountains was launched on 8 December 1960. Based on the decision of the Prime Minister the Resolution No. 415 / 60 came into force and started the action of expropriation of private property for the sake of National Treasury - the Tatra National Park. This action was explained by the necessity to prevent inter alia water erosion and destruction of vegetation that was attributed to the existence of pastoral economy.

The resolution itself obliged particular state offices, including Ministry of Forestry and Timber Industry, to oversee the proper execution of the tasks undertaken and to organize proper action of purchase or exchange of properties. In carrying out the implementation of the resolution, a representative of the Tatra National Park was present. As it is clear from available documents, it was the director or his deputy.

The resolution provided for two types of property regulation in favor of National Treasury: purchase or exchange of properties. For exchange, about 4,000 hectares of arable land and 4300 hectares of pasture was reserved in southern-east Poland, Rzeszów voivodship. None of the owners of Kasprowa Valley used the possibility of such exchange. Indeed, this proposal was regarded, by the highland families, as an attempt to displace them from native land.

In the purchase of property, the appropriate procedure consisted of two stages. The first included the official announcement on the notice boards of relevant state offices. The announcement contained the list of owners summoned to appear in person, in due course, in the premises of the TNP in order to sale their property to National Treasury - the TNP. Simultaneously, a letter notifying about the process of purchase of property was sent to each of the owners. When the owner, despite being noticed, did not appear in person in the premises of the TNP, the process of expropriation was initiated. If the owner forgot to accept compensation for the expropriated land, a fixed amount of money was deposited in the court deposit for 5 years. The second stage consisted of writing, with people expressing their will to sale their property voluntarily, sale-purchase agreement and pay them compensation.

The process of implementation of the purchase of Kasprowa mountain pasture began on April 11, 1968. In the Notice No. 1 / 68 of the TNP full list of last owners of Kasprowa

mountain glade, in the number of 31, was presented together with their place of residence, and the respective shares (Table 4).

T a b l e 4. Owners of Kasprowa mountain pasture in 1968

Lp.	Last name	First Name	Place of residence	Share	Surface /ha/
1	Chyc Kręty	Jędrzej	Zakopane	24/864	5,6383
2	Chyc Kuros	Helena Karolina	Zakopane	123/4320	5,7793
3	Chyc Kuros	Jan	Ząb	1/42	4,8328
4	Chyc Spyrkowski	Stanisław	Zakopane	1/42	4,8328
5	Chyc Spyrkowski	Józef	Zakopane	1/42	4,8328
6	Cukier Kozieniak	Stanisław	Zakopane	3/144 1/144	4,2287 1,4096
7	Cukier Kozieniak	Jan	Zakopane	3/144 1/144	4,2287 1,4096
8	Cukier Kozieniak	Franciszek	Zakopane	3/144 1/144	4,2287 1,4096
9	Gąsienica Byrka	Regina	Zakopane	24/864	5,6383
10	Gąsienica Byrcyn	Józefa	Zakopane	22/864 11/1728	5,1685 1,2919
11	Gąsienica Byrcyn	Antonina	Zakopane	1/72	2,8192
12	Gąsienica Ladzi	Ludwika	Zakopane	270/10368	5,2859
13	Gąsienica Ladzi	Władysław	Zakopane	90/10368	1,7620
14	Gąsienica Ladzi	Stanisław	Zakopane	90/10368	1,7620
15	Gąsienica Ladzi	Wojciech	Zakopane	90/10368	1,7620
16	Satoła	Anna	Zakopane	90/10368	1,7620
17	Gąsienica Ladzi	Tytus	Zakopane	90/10368	1,7620
18	Gąsienica Ladzi	Maria Aniela	Zakopane	90/10368	1,7620
19	Gąsienica Lemko	Zofia	Zakopane	90/10368	1,7620
20	Gąsienica Marcinowski	Stanisław	Zakopane	209/5184	8,1834

21	Gąsienica Marcinowski	Wojciech	Zakopane	209/5184	8,1834
22	Gąsienica Marcinowski	Władysław	Zakopane	209/5184	8,1834
23	Gąsienica Marcinowski	Jan	Zakopane	36/864	8,4575
24	Gąsienica Sieczka	Jan Eugeniusz	Zakopane	12/864	2,8193
25	Korzeniowski	Dominik	Zakopane	123/4320	5,7793
26	Krzepkowski	Władysław	Zakopane	12/864	2,8193
27	Stoch	Kazimierz	Ząb	27/1728 513/15554	3,1716 6,6955
28	Strączek Helios	Ludwina	Zakopane	123/4320	5,7793
29	Walczak Wójciak	Agnieszka	Zakopane	123/4320	5,7793
30	Polish Tatra Society	-	Kraków	36/864 33/864 4/42 1/96 3/48	8,4575 7,7527 19,3314 2,1145 12,6862
31	National Treasury	-	Zakopane	4/144 123/4320	5,6383 5,7793
				OVERALL	202,9799

Source: TNP Archives of the Kasprowa mountain pasture.

As can be seen in Table 4, in 1968, the Gąsienica Family still owned most shares in the Kasprowa mountain pasture (35%), but almost half less than in 1874. According to the analysis of LwH 71, they sold part of their shares inter alia to the Cukier Family. Around 50 ha (25%) was purchased by Polish Tatra Society from Gąsienica and Chyc Family. Chyc Family still had considerable shares in the form of 18% in the Kasprowa mountain pasture. LwH 71 records indicate that Chyc Family sold part of their properties to Stoch Family from village Ząb, and Korzeniowski Family from Zakopane. Furthermore, by sentence of the Special Criminal Court in Cracow on 22 November 1946, the property of Józef Cukier went to the National Treasury. In this way, the National Treasury took over around 11.5 ha in the Kasprowa mountain pasture after the mentioned Józef.

The compensation was accepted by the owners, or - in most cases - their heirs. They were mainly spouses, children or grandchildren, and the original shares were divided among

them in equal parts. In addition, owners or heirs, based on the experience in previous years of owners from other mountain pastures, finally agreed to take the compensation. In the expropriation materials can be noted that only one owner did not take any compensation: Jędrzej Chyc Kręty. Presumably he did not agree to voluntary sale, therefore, his lands were expropriated.

It should be noted that included in Table 4 Polish Tatra Society is the owner of 50,3423 ha up to this day. In the beginning of 1889, the predecessor of this organization – the Tatra Society – started to purchase lands from private owners across the Tatra Mountains, after 1918 in large part from the public funds, and later with state subsidies. The latter were granted, provided that the property purchased would be given to the TNP after its creation. However, until now the organization has failed to fulfill this legal obligation. Finally, on completion of the Resolution No. 415/60, the area of 152,6376 ha in the Kasprowa mountain pasture passed to the national Treasury - the TNP. Currently, this entire area is within the borders of TNP, in the strict or partial protection zone.

To sum up, after the creation of TNP considerable changes occurred in the property relations of Kasprowa Mountain pasture. Due to Resolution No. 415 / 60 from 1960 the rightful owners were expropriated and their properties became part of the National Treasury-TPN. The similar situation was implemented on 90% of the Tatra territory. The remaining 10% belongs to the Authorized Forest Community of Eight Municipalities with its seat in Witów which was excluded from the realization of Resolution No. 415 / 60 due to the fact that they formed the peasant community, and the existence of such common ownership was the essence of communism.

5. Property ownership in the Slovakian Tatras based on the example of Tichá Liptovska Valley

5.1. Property changes in the era of Kingdom of Hungary until Maria Theresa's Habsburg regulation in 1767

As it was previously noted, for much of the medieval period there is no information about the Polish Podhale region (adjacent to the Polish Tatras), and later, since the 13th century, information is still scanty.

Different from the Polish Podhale region, there is more or less clear information about the Liptov region - adjacent to the Western Slovakian Tatras, and Tichá Valley in particular. In the mid-11th century as a result of Hungarian expansion Slovakian Tatras became an integral part of the Hungarian state property, i.e. the Hungarian king as head of state. Conquered countries, together with the land became the hereditary property of the Hungarian king

(Kavuljak, 1942:33-34). During this time, due to lack of a demarcated border in the modern meaning, Hungarian monarchs strove to stop the Polish expansion from the north. As a result, the Poprad Valley gradually began to settle Hungarian and German soldiers, farmers, miners, craftsmen and merchants called “the guests”. These guests were mostly of Saxon origin and had extensive privileges, their own jurisdiction and political self-government (Bohuš, 1969:560). In order to better control the development of a settlement already in the 11th century the independent administrative units so-called comitatus were created, and region Liptov seized, inter alia, the Western Tatras (Korpel', 1961:10).

The main occupation of the population of Liptov region was extensive cattle breeding and agriculture combined with primitive hunting, fishery and fine craftsmanship. Settlers acquired mountain pastures and meadows on the basis of grubbing and cultivation and this practice already in the 13th century covered the lower part of the Tatra forests up to the peaks. The society had forest utilities at their disposal without any special restrictions (Lángoš, 1971). In practice, forest exploitation took place near existing settlements. To a lesser or greater extent, during that period the process of cultivation has taken place already for example in the Western Tatras (Huščava, 1930). Forests were used mainly for the collection of timber such as cutting wood for fuel.

In the 13th century, the whole Hungarian society was divided into two social classes: free or not free. The latter class included peasants who could not own land, and they were totally committed to the feudal rules. The largest free social class was formed by royal gentry descended from the class of servants and soldiers. It is precisely this class which was subject to first royal donations in the Tatras (Bohuš, 1975:12). It is worth noting, that contrary to the Slovakian villages, the villages in the Podhale region were not settled based on the feudal system. They were rather rent villages in which peasants had to pay rents to use land and forest but were not burdened with any additional work or serfdom. This fact was explained wider in the previous sections.

In general, the first donation on the territory of the Slovak Tatras was given by King Andrew II of Hungary in 1209 for the Rutker (Rudiger) family in the High Tatras. This first feudal kingdom in the Tatras was granted the right of succession, lasting integrity and inviolability. The Rutker family descended from a noble family Berzeviczyov, which had the largest properties in the region even in the 19th century (Bohuš, 1975:15).

The first donation in Liptov region is from year 1229, specifically the area of Raztoka near village Liptovský Mikuláš. This geographic area is not in contact with today's borders of the TANAP. One of the first colonists of Liptov was Bogomer of Czech origin, the son of

Laurinc who was granted in 1263 the arable land near Liptovský Mikuláš. It seems that Bogomer came through as a tenant because in 1267 king Belo IV granted him the space between the forest and Važec and western borders of region Spisz together with Liptov part of the High Tatras, with aim to grub it up, settle and cultivate. At this time Tichá Valley was still firmly a Crown property (Bohuš, 1975:22; Majlath 1879:716, Huščiava, 1930:46). At the foot of this land were situated three communes: Važec, Východná and Štrba.

Similarly to the Polish King donations, the subject of the royal donations in Slovakia were especially upper parts of the Tatras where the settlers were able to graze their stocks, to exercise the rights of fishery and the use of other resources. In the 13-14th century the whole territory of the Western, High and Belianske Tatras were already parceled out (Bohuš, 1972). And so, the whole territory of the Slovakian Tatras was divided into eight parts with the respective owners. Four major components were in the hands of the secular lords comprising veľkolomnický, batizovský, štrbský and lendacký wealth. Fifth fortune- veľkoslavkovsky- was primarily donated to the Orthodox Church, but quickly gained the status of municipal property, as kiezmark and belansky fortune. The eighth property, covering the Tichá Valley was royal property. Such property division actually existed until the 19th century (Bohuš, 1972).

All in all, at the beginning of the 14th century Slovakian Tatras were already divided into eight parts belonging to different owners. As mentioned in previous sections of this work, at that time Podhale region was only in the phase of colonization. Thus, the Polish Tatras were not as fragmented as Slovakian. Undoubtedly, over time Polish Tatras became the object of interest of many families, but we can speak about their considerable fragmentation only in the 19th century.

5.2. Property changes from Maria Theresa's Habsburg urbar regulation in 1767 until the creation of the TANAP

In Hungary, the state tribute was paid for land which was in hands of tributaries, i.e. peasants. In order to secure this tax base, the court increased the interest of the status of tributaries. In the years 1764-1765 Maria Theresa Habsburg proposed to regulate the status of the tributaries everywhere by “urbars”, giving herself the right to provide primary oversight for adopting them (Houdek, 1951; Lángoš, 1971). The name “urbar” comes from Hungarian. “Úr bér” in this language means “Master's Reward”, and was a list of duties of tributaries to land owners (Koreň, n.d.). Naturally, the Hungarian nobility, who did not want to be dictated the maximum limit of their feudal exploitation, considered the link between the land owners and tributaries as private, and therefore rejected the proposal.

The Empress, however, did not abandon her project. Constant anxieties of tributaries and their insubordination towards landowners confirmed her calculations. In January 1767 was issued regulation called "gracious urbár", which uniformly, throughout the country, adapted the relationship between landowners and their tributaries. Regulation of Maria Theresa stated benefits and obligations of the tributaries against their landlords with a range of land that is used (Bohuš, 1975:129).

Urbariats were founded on the basis of remains of feudalism. With Maria Theresa's regulation of 1767 subjects were given the right to use forests and pastures that were owned and used by kings or nobility. Until then, peasants had to perform for them a separate work in order to use forests and pastures. With the above mentioned regulation the urbar land property was created in Slovakia, which constituted forests and pastures (Chalupecký, 1923). These two assets were segregated and given to the former subjects for social and undivided ownership in order to protect their rights to forest and pasture in the appropriate scale. Undoubtedly, when allocating urbar forest, rulers wanted to get rid of the lowest-quality woodlands, and therefore since the beginning urbar forests were in a bad condition that even deteriorated as a result of latter urbar forest economy (Papánek, 1960).

Moreover, Maria Theresa's regulation was to protect the stability of peasants land against the temptations of the landowners, as well as stability of peasant settlement. However, the aim was not to touch the rights of landowners to their land, and the land availability for peasants. So the alodial land¹¹ was separated from peasants ownership. This regulation did not give the possibility of landowners to have a free hand in the disposal of land. Dismissal of the peasant land from alodial land aimed at better protecting the peasants against the occupation of landowners (Rebro, 1959:228-229).

Integration of land of landowners and peasants meant all parcels looking into peasants farms as well as landowners parcels conjoin together for more compact fields regardless of previous boundaries, and then measure and assign each peasant the farms entirely or in parts on new parcels. The Maria Theresa's regulation ordered landlords to give peasants "equally good, big and nice ploughland and mountain pastures", but it did not refrain feudalists from defending their own interests. Bribed geodesists recorded the nobles, and lied peasants about the distribution of land. Nobility, which at first was against urbar regulation, finally noticed

¹¹ **Allodial title**- is a concept in some systems of property law. It describes a situation where real property (land, buildings and fixtures) is owned free and clear of any encumbrances, including liens, mortgages and tax obligations. Allodial title is inalienable, in that it cannot be taken by any operation of law for any reason whatsoever (Dictionary- History. 2004. Greg, Cracow).

that they can use it for their advantage, and made various machinations of the consolidation of the land and so finally took the best parcel in the best cities (Rebro, 1959:230).

Urbar divided peasants lands into intervilan (home land) and extravilan (zone land). Extravilan included only ploughland and mountain mountain pastures. Pastures and forests were never in the possession of peasants. However, it is known that they used them both before and after the urbar regulation. Landowners gave them the range of use of pastures but forest they could use under certain conditions, to take timber and other forest utilities. In this context, urbar regulation gave peasants so called “urbar-land-beneficia” mainly related to the use of pastures and forests, while the core was the use of forest resources for households (Rebro, 1959:278-279; Križka, 1940). Typically, peasants were given unproductive and not accessible forest areas, which did not provide the necessary added value and because of the technical reasons peasants did not know how to properly use them. In addition, the landowners had supervision on forests which were allocated to peasants (Houdek, 1951).

In 1848 serfdom was abolished in Hungary . However, many peasants were freed but remained dependent on their landlords. Also, the use of forests and mountain pastures were not clearly resolved. According to this regulation, the nobles received compensation from the state budget for the abolition of serfdom, and peasants were liberated from paying tribute and providing other serfdom services to the nobility (Houdek, 1950; Přehled, 1960).

Before 1848 about 75% of the inhabitants formed the agrarian layer, which were linked to various feudal principles. At that time there were still eight property complexes in the Tatras, each linked to certain villages, of which the village Východná was still the royal property (Přehled, 1960:97). Východná was adjacent to the Western Tatras and precisely from this village came first users of Tichá Valley. After the abolition of serfdom in Hungary in 1848, many mountain mountain pastures of the Slovakian Tatra Mountains has become property of urbar partnerships of different villages (Paryski & Radwańska-Paryska, 1995:395). In this context, some parts of Tichá Valley became the property of Východná village.

In 1853 the so-called “urbar patent” was released, which completely abolished heretofore relations between landowners and peasants, as it was established under the Maria Theresa’s urbar regulation. From now on, peasants become legal owners of their land. These reforms have produced the first substantial change in ownership of the original relationships in the Slovakian Tatra Mountains. Large number of highland peasant communities were released from landowners, and peasants were taken over the ownership and allocation of public land in the Tatra Mountains (Houdek, 1950). Moreover, the whole area to the west of

Tichá Valley became the property of individual highland municipalities, urbar co-ownerships and the church as well as transitional and wood traders, who after the exploitation sold out bare ledges to others. This state survived in this part of the Tatra Mountains to 1945 (Křižka, 1940; Paryski and Radwańska-Paryska, 1995:1348). In fact, the Western Slovakian Tatras are the most fragmented until nowadays.

After the First World War in 1918, the former Hungarian territory became part of the newly established Czechoslovak state. State complexes in the Tatras, which constituted 29% of the land were administered by two units of State Forests: Velka and Východná. Next to the State Forests, to the west, were situated the lands of the former urbars from Východna and Važec (Lángoš, 1968). The process of property changes in the years of the new Czechoslovak state was heading towards extension of state ownership fund. Gradually, state was buying out lands in the Tatra Mountains. For the sake of their management the Law of State Forests in the High Tatras was created on January 1, 1934 with seat in Východna (Bohuš, 1972:11). An important event was the buy of large part of the Belianske Tatras from the heirs of prince Hohenlohe between years 1928 and 1936, as well as large parts of High Tatras where nowadays main ski investment pressure occurs (Lángoš, 1971).

It is interesting to notice that one of the first initiatives to establish the Slovak Tatra National Park (then Czechoslovak) occurred in 1924. Namely, the Polish - Czechoslovak committee was set up debating on the establishment of Tatra National Park beyond existing borders, covering both Polish and Slovak Tatras. Unfortunately, difficulties occurred in putting into effect this idea. One of the main causes of the Czechoslovak side, was that large areas of the Tatra Mountains were in hands of urbars and its owners did not intend to give them for national or social purposes. Also, small proprietors of hostels, or sanatoria were not interested in creating a National Park, and therefore counteracted this idea (Vološčuk, 1994).

After World War II private property within the Slovak Tatra Mountains was nationalized, giving the possibility to announce, by the Slovak National Council, the Act on the creation of Tatra National Park (TANAP) in the Slovak Tatra Mountains on 18 December 1948, valid from 1 January 1949 (Krajčovič, 1959; Paryski and Radwańska-Paryska, 1995). After the nationalization in 1948 the urbariats were abolished and in their place created land cooperatives, which in some ways resembled the urbar model.

All in all, in 1767 Austrian Empresses Maria Theresa Habsburg issued regulation called "gracious urbár", which adapted the relationship between landowners and their tributaries. This regulation was a first step for peasants to be liberated from landowners. Indeed, after the abolition of serfdom in Hungary in 1848 many mountain mountain pastures

and forests became property of peasants partnerships called urbars from different villages. In this context some parts of Tichá Valley was given to the peasants from Východná village and urbar Východná was established. This state survived until the period after IIWW when private property was nationalized by communist government and TANAP was created.

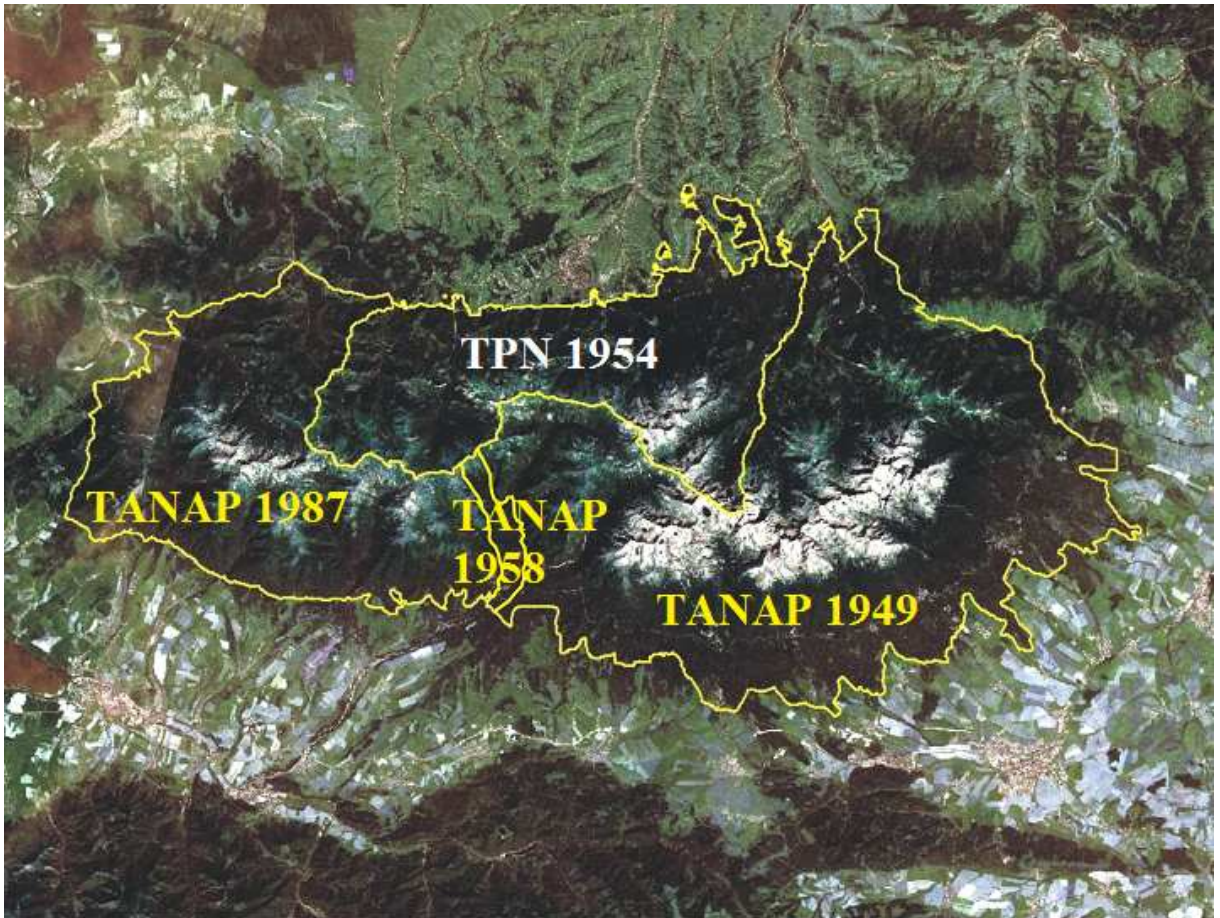
5.3. Property changes since the creation of the TANAP in 1949

In February 1948 the Communist Party took up the reins in Czechoslovakia. Then the private property was nationalized, and state forestry organizations took the control over urbars, urban and orthodox forest, without financial compensation for their property rights. This also applied to forest ownership in the TANAP. Simultaneously, communist party worked on the draft of law on TANAP. On December 18, 1948 the national Czechoslovak council adopted law no. 11/1949, with the implementation of 1-01-1949 (Švajda et al, 2006). In this Act areas of High and Belianske Tatras belonged to the National Park and Western Tatras to the protection zone.

The problem of fragmentation of land was definitively resolved by the Law nr. 11/1949 Z. Zb SNR about the formation of TANAP. In the years 1950-1951 the law of TANAP, with a seat in Tatranska Lomnica, took over urban forests of Kežmarok, Spišská Bela and Poprad-Velka, and a revision of private and Orthodox Church lands of 7877 ha. In this way, the whole territory of High and Belianske Tatras came under state control. At that time, the Western Tatras were fragmented into 51 parts in the hands of 37 owners, and were declared as protection zone of TANAP. Moreover, at the time of the creation of TANAP sheep grazing was still intensive in the Tichá Valley. Even in 1953 in that valley there were 1760 sheep and 200 young of various animals legally grazed (Vološčuk, 1994).

Sheep grazing in the Tichá Valley finally disappeared in 1958 after the establishment of a large nature reserve Podbanské with a total area of more than 8000 hectares. Finally in 1987 the territory the territory of TANAP was enlarged by almost the entire Western Slovakian Tatras (Map 3).

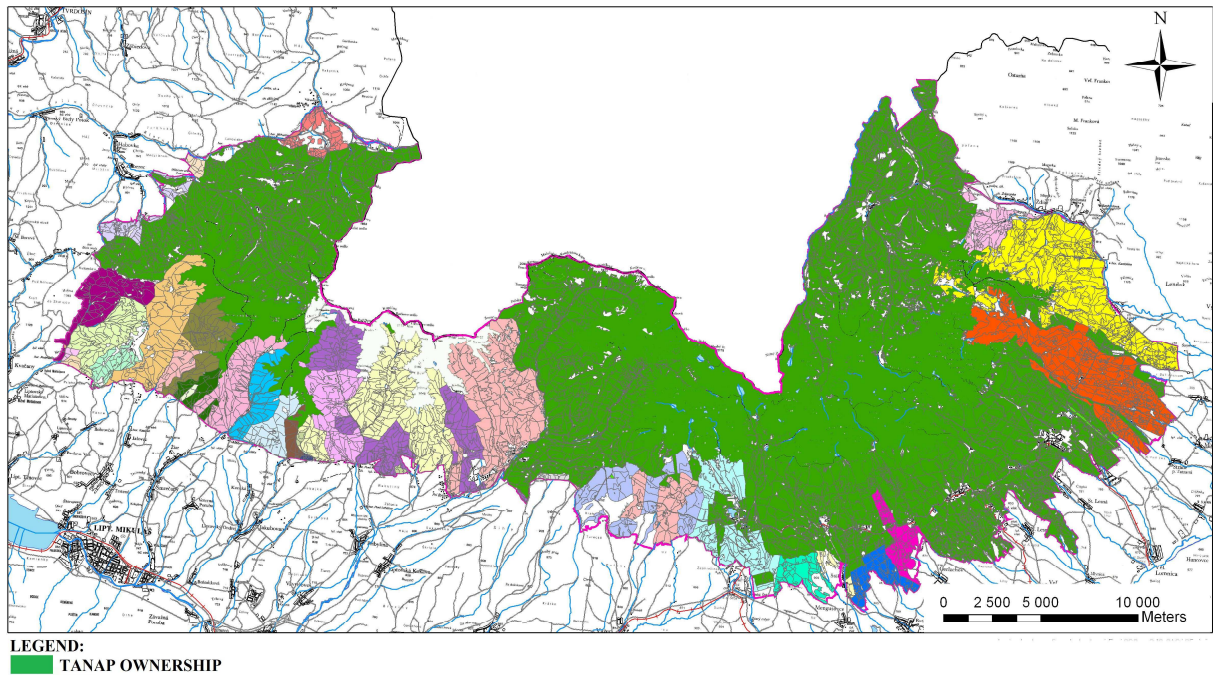
Map 3. History of the enlargement of TANAP



Source: Milan Koreň

After 1989 the process of giving back lands to former peasants started and land communities were created which worked on the basis of former urbar model. The basis for peasants to claim for land expropriated during the creation of TANAP was fail to compensate by the Slovak state. Procedure of return of property and the rights to their original owners and heirs to forest was presented in law 229/1991 as amended, and law 138/1991. Precisely based on this law hundreds of private people from original urbars, including urbar Východná were given back full ownership rights to the respective lands in the Tatras. Map 4 pictures the result of restitution of properties in the Tatras showing that considerable amount of Tatra land is parceled out (all colors different than green).

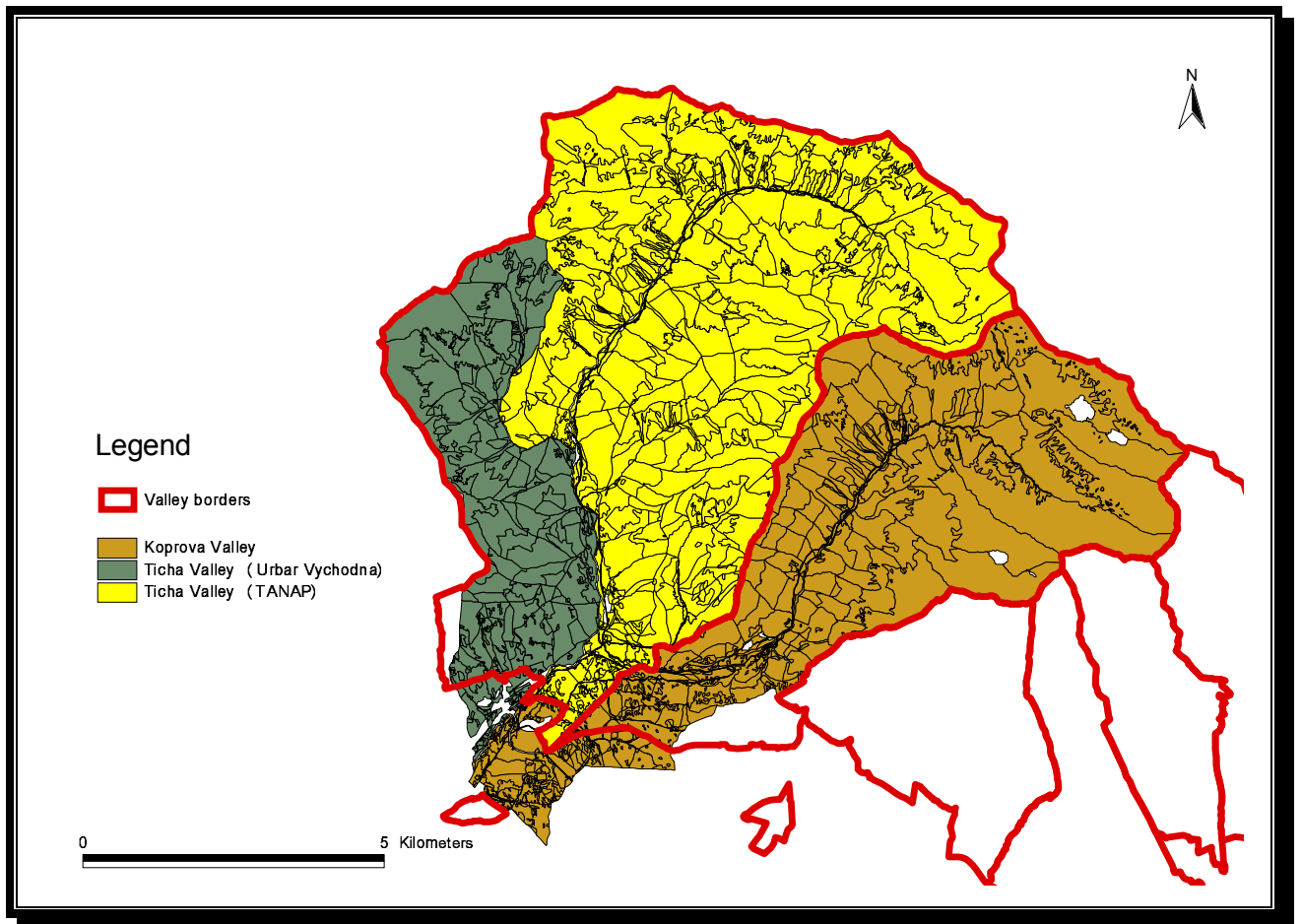
Map 4. Current ownership structure in the TANAP



Source: Milan Koreň

Currently, thousands of people in the Slovakian Tatras own parts of forest, pasture, or building, which belonged to the original urbariats - land communities. In case of Tichá Valley there are currently 793 co-owners which form Urbar Východná. Around 1432,3 ha (out of 5968,6 ha) of Tichá Valley belongs to these co-owners, the rest 4536,29 ha are owned by the TANAP. As we can see on the Map 5 the part of Tichá Valley which belongs to urbar Východná is located in the western part of the Valley.

Map 5. Current ownership status of Tichá Valley



Source: Self-work

To conclude, after the break of communism considerable changes occurred in ownership structure of the Slovakian Tatras lands. Newly elected government decided, as one of the first of all former communist states, to restitute lands expropriated in the Tatras after II World War. The restitution of properties were easier to implement comparing to i.e. Poland, since the expropriations in Slovakia were carried out without any compensation. As a result of the implementation of restitution policies, land ownership in the Tatras is considerably fragmented.

6. Historical differences in property ownership between Polish and Slovakian Tatras

Without doubt, since 1990s two major problems of nature protection are facing the Tatra region: recreation and logging. These activities are carried out by existing urban partnerships in many cases in the areas of strict natural protection. Both problems involve many different actors which express different aims of their actions.

In the Slovakian Tatras the biggest private investor - Tatra Mountains Resort - has already started large scale construction of new cable lifts and ski lifts, the expansion of existing ski slopes, construction of hotels, parking, and artificial water reservoirs needed for snowmaking, all in the Tatra National Park. Presently this company owns core ski-installations in the following regions: Spálená Valley in the Western Tatras, Ždiar, Tatranská Lomnica and Starý Smokovec (Jakubkova Lúka and Hrebieniok). In fact, these areas together with Štrbské Pleso (Park snow Vysoké Tatry) are core investment areas within the national park which have permission to be carried out by the relevant authorities.

In addition, the Slovaks government launched a massive marketing plan aiming primarily at Poles but also people from Czech, Hungary and Euro countries to come skiing in Slovakia. This includes running flights from Warsaw to Poprad, special packages, free ski buses, a lot of discounts including free entrance to the thermal pools and the creation of single ski pass for the whole Tatra region. Moreover, construction of 60km highway that connects the ski resorts of the Tatras and other mountain region in Nizke Tatry makes offer more sophisticated. The Slovaks are also trying to improve the Tatra nature. In front of one of the hotels they planted strips of English grass lawns (Kuraś, 18-10-2008).

The future of the Slovak Tatras is thus pictured as ski-recreational center of the alpine model. The investors claim that their investments are ecologically sustainable, as pointed out by the manager of the Tatra Mountains Resort, Katarína Šarafínová: *“We are not constructing new slopes, but only extending the existing ones. The ski activities existed here for years and we’ve got all the necessary permissions. I guess that if our activities would be harmful for the environment they wouldn’t meet the public sector approval”*.

In fact, the land on which core installations are located is owned by the state and managed by the national park officials subordinated to the Slovak National Parks and hence under the Ministry of Environment and Agriculture. In the above quote the investor’s representative admits that the projects are carried out with substantial support from the government. Indeed, the government have even softened the legislative and administrative

provisions for nature protection in the area for example by withdrawing the core investment areas from the NATURA 2000 (Zwijacz-Kozica and Zwijacz-Kozica, 2010).

It is a widely known fact that for many years investors have lobbied the government for the extension of existing slopes but until 19th November, 2004, this issue was too controversial to be carried out due to the amount of forest to be knocked out within the national park. On 19th November, 2004 a windstorm of unprecedented strength of 230km/h knocked down, during 3 hours, the equivalent of 12 thousands ha of forest, which is almost an area as large as the Polish Tatras (Koreň, 2005). Windstorm felled a huge swath of the Tatra forest, leaving a warscape of stumps and roots (Picture 1). But this tragic event was not saddening to everyone, as one developer cynically remarked (Nicholson, 2006):

"the view is a hell of a lot better nowadays".

Picture 1. The landscape of Slovakian Tatras after the windstorm in 2004



Fot. Milan Koreň

Immediately after the windstorm a discussion about the future of the TANAP began. Slovak government set up special committee for the reconstruction of the Tatras. Precisely this committee triggered a discussion on changing the nature of the TANAP, and use this tragic event for the development of tourist-recreational investments (Švajda, 2005). In fact, four out of five currently outgoing investments are on state territory , i.e. Tatra National Park.

At present time the biggest dream and main goal of both investors and government is the organization of the Olympic Games in the future. This point was revealed by the Director of Slovak National Centre for Tourism in Poland, Ján Bošnovič:

“The Olympic Games in Vancouver [2010] were organized at a level at which we confidently could also organize Olympics in the Tatras in the future. But now we lack the infrastructure. We want a big sport event in the Tatras because we see that ski jumping in Zakopane are on the world map. If we don't organize a big sport event in the Tatras, the world will not hear about us. But as I say infrastructure, infrastructure and infrastructure!”

The claim of Bošnovič reveals that the pressure on the natural environment of the Tatras may even grow in the coming decades. The intention to organize the biggest world event in the region gives an indication of what Slovaks ambitions are, and certainly the feeling that new investment areas may in the future be designated. These ambitions may have irreversible consequences for the fragile nature of the Tatra region, since it is a one ecosystem.

After the windstorm in 2004 the realization of the nature protection goals seemed to be highly constrained due to the political pressure upon government officials. The constrains are further affirmed by the decisions of public administration. It is obvious that the highest nature protection authorities, which are in the case of Slovak National Parks Ministry of Environment and Agriculture, should uphold the protection of nature and make decisions consistent with the idea of parks created. As we could notice the Ministries stand on the side and interests of investors and private owners leaving behind the defense of natural heritage. This political backing, included even tacit support by authorities for illegal activities, such as permission for heavy ski-investments without the environmental impact analysis required by the EU, permission for night timber disposal from the valleys located in the strict natural protection areas or sudden change of zoning plans give message to the Slovak society that laws can be overlooked if approached by someone who has sufficient influence and means. This situation may seriously have deprived effect both on society and investors. As we will see later on the public sector is highly involved in supporting the developments in the Tatras ranging from support of projects, both in terms of legislation, funding and removal of opponents. As commented by Tomáš Vančura, former Director of TANAP:

“ I always thought, looking at the example of the Polish Tatras, that from the nature protection point of view of, restitution of properties in the Slovakian Tatras was not a good decision. But today it seems like it does not matter whether it was restituted or not. Nowadays it is a paradox that the Slovakian state provides worse nature protection than private sector.

In the Slovakian Tatras the most problematic areas are owned by the state, politicians are planning investments on the state lands, and “sell” these lands to business leaders and do business by themselves. So this is an incredibly big problem”.

From Tomáš Vančura point of view, nowadays there is a striking change in the idea of nature protection in the Slovakian Tatras. Before he believed that the state will be strong in addressing conflicts of interest as it is happening in the Polish Tatras. Today the state appears to be weak and susceptible to a variety of business ideas from which the state also derives benefits which are most likely hidden. Similar to Vančura’s opinion was expressed by all Slovakian respondents except of Ján Bošnovič and Katarína Šarafinová. Indeed, their perspective on the issue is rather within the context of business and development of the region. Furthermore, Tomáš Vančura claims:

“Those who govern nowadays are the children of former communists, they are corrupted, they are for “sale”. Nowadays the biggest business is on the state land, in the heart of national park. This is politics, it is all done by corrupted means and government officials get money from it. Their mentality towards nature protection will probably change only in a few generations, but I am skeptical whether nature will survive all these pressures”.

Vančura recalls the post socialist heritage in the behavior of current politicians by making a digression to peoples’ attitudes and values. These still reflect those of the communist era including the net of all kind of influences within the state representatives in order to sustain proposed investment plans as well the use of corrupted means. During the communist era people used personal networks and negative informal practices to obtain goods and services. These networks and practices circumvented formal procedures in order to compensate for the inefficiencies of the system (Wołek, 2004). Nowadays, personal networks and informal practices are still being used in many spheres of post-socialist nations life.

Picture 2. The example of current Tatra landscape: remaining from the windstorm in 2004, hotels and new ski investments in Tatranská Lomnica.



Fot. Klementyna Gašienica-Byrcyn

As revealed by Wojciech Gašienica-Byrcyn:

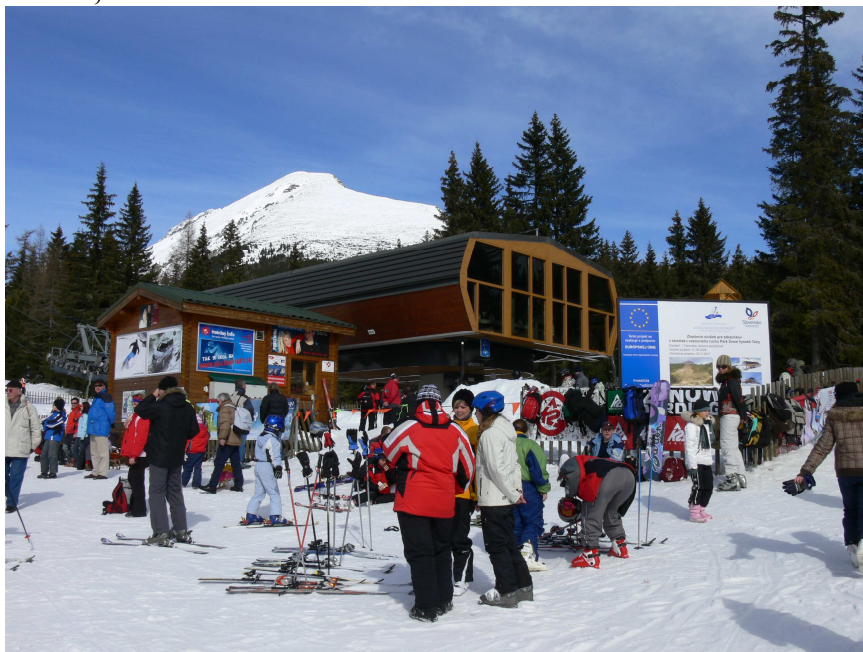
“In our country investors often search for all kinds of shady legal tricks that enables the intended purpose of the investment to be carried out. Examples include the modernization of the cablecar to Kasprowy Hill. What we lack in our country is absolute compliance with the law”.

All the changes that occurred after 1989 entailed creating a new legal order and associated to it change of mentality. Under these new conditions the element of business capital and interest is extremely strong, many current investors lived in the communist times. A significant activities, and all kind of connections of these people, on both Poland and Slovakia create greater possibility for them to search for legal tricks in the legislation for the sake of their investment plans. The examples include the modernization of cablecar to Kasprowy, logging activities in the most strict areas of the national park, sudden change of zone plans, or removing the professional Tatra staff for the sake of more controllable people. Tomáš Vančura further explains the situation:

“In all post-communist countries, the strong financial groups want to invest in rapid and uncontrolled area of business which is skiing in the most precious areas. And yet they get structural funds from the EU. [raised voice] This is crazy! The EU gives structural funds for the development of tourism in general, and our officials use it for the investments in the Tatras. The main investor in the region claimed to the government that without EU funds he will not even start this investment”.

It is remarkable that the promotion of private sector interest is also with substantial EU funding especially through co-financing from regional development fund (Picture...). In this way all the current ski infrastructure developments in the national park are promoted not only by the national governments and local communities but also by the EU in the light to significantly benefits for local and regional development. The EU, perhaps unintentional financial support should not be given to such controversial development and careful considerations should be taken for such precious areas.

Picture 3. The developments in Štrbské Pleso financed by the European Regional Development Fund, 2009.



Fot. Klementyna Gašienica-Byrcyn

The issue of heavy ski construction interventions within the Slovak Tatra national park is especially controversial for Slovak naturalists and environmentalists, including the most prominent one VLK, as well as international environmental organizations such as WWF. After the windstorm in 2004 the realization of ski investments was preceded by commercial harvest of almost 90% of the windbreak areas by foresters of the TANAP, naturally with the agreement of the relevant authorities. The official reason for doing so was rapidly

multiplying spruce bark beetle (Bielanin and Szymczuk, 2007). As the voluntary ranger of the TANAP and active member of the Slovak environmental organization VLK, Marek Dulák, pointed out:

“Undoubtedly, the logging activities in the Tatras resulted in the destruction of habitats of European importance. During the harvest many habitats protected by the EU directive deteriorated, and these actions were not preceded by an environmental impact analysis required by the EU”.

The first point made by Marek Dulák was the concern about the consequences of logging activities which could result in the damage of natural habitats of many wildlife species that survived the windstorm, and thus forcing them to leave their traditional habitats. It is a widely known fact that deadwood provides home to many species inhabiting the forest areas and serves as fertile ground for natural forest regeneration. This applies especially to such outstanding European national park. The activities thus threatened the house of some Europe’s last remaining untouched wilderness.

Second point made by Marek Dulák was the fail to carry out the environmental impact analysis. This implies that the removal of timber was carried out in violation of national and EU legislation. The Slovak environmentalists referred Slovakia to the European Commission. But what strikes the most is that both governments are neither worried about paying high European fines nor loosing the prestige in the eyes of international environment. In consequence, the ignorance of officials to carry on such analysis together with the intense pressure from investors may result in nature protection to be insignificant.

The logging activities were also commented by another expert in nature protection, Radosław Ślusarczyk from the Polish environmental organization:

“Storms should not be treated as ecological disasters. In fact they are driving forces to renew forests and to enhance biodiversity. This was proven for example by the Swiss Government after they had storm in 1999”.

Interesting enough, in the official position paper of WWF about the windstorm in Slovakia the same reference has been made. In 1999 a windstorm swept across the Central Europe making major damage in France, southern Germany, and Switzerland. The Swiss Government carried out the investigation of the impact of this event and the way it was managed. The findings, published by the Swiss Agency for Environment, Forests and Landscape in 2004, indicated that storms are important drivers of natural dynamics, and the more natural the forest, the more resistant and resilient it is against storms (WWF, December 2004).

The most controversial and publicized in media logging activities were carried out in the Tichá and Koprova Valleys in 2007 partly on the territories of urbars. These two Valleys located in the Western Tatras are one of the most precious reserves of the TANAP, saved for natural forest regeneration. However, on the territories of urbars the economic reason for entering Tichá and Koprova Valleys, was driven by the pressure of private owners. Generally speaking, the actions of private owners are primarily focused on gaining profit particularly from forest resources. In fact, the urbars are managed in the way the shareholders have the highest profits so the decisions of private owners have nothing to do with nature protection (SME.sk, 2006). Moreover, the rights of private owners are secured not only at the national but also at the international level, for the private ownership is regarded as one of the most important in a capitalist economy. Contrary to the Slovak case, the Polish national park does not have to face problems of economic pressures from private owners because the main owner here is the state, which at principle opts for strict natural protection.

Unexpectedly, the ministers of Environment Jaroslav Izák, and Agriculture Miroslav Jureňa, agreed that:

“In the lower parts of both Valleys, where it comes to the excessive multiplying of spruce bark beetle, logging and harvest of timber is appropriate” (Bielanin and Szymczuk, 2007). In other words, the authorities which at first place should be the symbols of the protection of natural heritage in Slovakia, gave a green light to the State Forests of the TANAP to enter this strictly protected area, and change its character forever. Meanwhile, the same ministers carried out quick reduction of the strict protection zone in order to legalize this intervention. In addition, in some cases the harvest was carried out by foresters during the night, though, the previously mentioned ministers did not condemn publicly the export of timber under such mysterious circumstances (Bielanin and Szymczuk, 2007; Drozdíková et al, 2007).

In defense of forest logging and harvest in Tichá and Koprova Valleys, a number of environmental organizations from Slovakia, Czech Republic, Hungary and Poland took stand, including the most vigorous in Slovakia Lesoochránárskeho zoskupenia VLK under the leadership of Juraj Lukač. They claimed unanimously that harvest of timber in these valleys will: 1) not solve the problem of spruce bark beetle in the TANAP but will only help in its multiplying; 2) will result in damage of habitats and species of the EU importance; 3) will worsen the fire safety of the area.

Picture 4. The protests in the Tichá Valley against logging of timber, 2007.



Source:

In addition, the disapproval of action taken by foresters in the strict reserves of Tichá and Koprova Valleys was further supported by the director of the Sprava TANAP, Tomáš Vančura. The consequence of the expression of his position was an immediate removal from his office by the Minister of Environment, and employment on his place a former employee of wood company Interwood (Čorná, 2007). This situation gives glimpse on the way the officials of TANAP are treated in all cases connected to recent recreational developments in the Tatras. Similar removal of the Director was noted in the Polish Tatras in 2001, as presented later on in the Case study 1.

Before being removed, Vančura worked as a director of TANAP for eleven years. In 2006 he was the first Slovak to win the prize of the World Wildlife Fund, for his actions towards nature protection in the TANAP. He wanted the TANAP to meet global standards of national parks, and therefore worked mainly to make it return to the recognized elite of the national parks. He was regarded as a symbol or a guarantor of nature protection in the Tatra mountains by the ecological environments (Vražda, 2007). As noted by the former director of TANAP, Ivan Vološčuk:

“It is not a secret that large financial groups, investors, the forest lobby [i.e. state forest workers] and highest government officials were behind the removal of Vančura from the seat. The reason was not only his activities in the Tichá Valley. They feared that his activities will hinder their investment plans in other parts of the Tatras after the windstorm in 2004”.

In this quote it is striking that public sector seems like it is supporting the long-term vision of developments in the Tatras presented by investors and other financial groups. So, the

government eliminates the inconveniences happening on their way to reach a goal and in the same way promotes private sector's interests. Certainly the removal of qualified professional staff may give a message to the society that the system for nature protection is of little concern.

But not only Vančura was in a difficult position because of expression of his opinion. Another response to the actions undertaken by environmentalists was beating up of the leader of VLK, Juraj Lukač by five offenders, and threatening him with death if he did not cease to act against logging in the Tichá and Koprova Valleys (Bielanin and Szymczuk, 2007).

The environmental organizations were also under huge attack of private owners of Tichá Valley, i.e. urbar Východná. They organized massive protests against the actions of ecological organizations. On their banners the inscriptions were saying: "Tichá and Koprova Valleys are not an area of nature protection but an area of private owners protection" or "Down with the VLK, we live here" (Drozdíková et al, 2007).

Picture 5. Protests of private owners in Tichá Valley with the banner: "Down with the VLK, we live here", 2007.



Fot. Milan Koreň

As Milan Koreň, the co-owner the Tichá Valley, and the former employee of State Forests of TANAP claimed:

"Timber in Tichá Valley was rotting. The Ministry of Environment had no money for forest owners to compensate the property losses made by windstorm in 2004. Even after two years

of administrative and media "fire" we could not harvest trees in Tichá Valley. As those who were directly affected, we protested against the brazen interference of environmental organizations in our very private property. We condemned their intervention to the problems which were caused in the TANAP by the windstorm in 2004”.

It seems like the decision to commercially harvest the windbreak areas was purely economic and political in this area. As we know by now, $\frac{3}{4}$ of Tichá Valley is owned by the state, the rest is a property of urbar Východná. The forest areas of urbars, that lie within the TANAP borders, are subject of high lease dividends for forest management and socio-natural benefits which have to be paid each year by the TANAP. Indeed, the losses that windstorm caused were so high that the state was unable to pay compensation for the damaged areas to the owners, and so the commercial harvest was one of the ways to regulate this problem. This situation is further affirmed by Marek Dulák:

“The economic reason prevail over the others of why foresters are trying to get into the Valleys. The quality of timber there is quite high, I would guess around 25 thousand cubic meters, which is about 30 million crowns”.

Conflicts of interest, that can be noted in the example of recent developments in the Tichá and Koprova Valleys give a glimpse to the contemporary problems of nature protection management in the Slovak Tatra mountains. The problems are circled around the number of groups of stakeholders in park management, and their quite different long-term visions of the exploitation of this national park. While the impact of environmental organizations and institutions that stand guard over the nature protection seems to be considerably diminished, the group of private owners seems to have the situation controlled. Indeed, the situation in which the leader of environmental organization is beaten up or the director of the TANAP is removed from the seat raises concerns about the future functioning of the TANAP in line with nature protection approach. The national parks are created for a particular purpose but with the complicated ownership structure they resemble nothing else than battlefield on which the nature protection loose the most. As pointed out by Lech Lubczyński, former Director of the Polish Board of National Parks subject to the Ministry of Environment:

“If we take closer look to what happened in Slovakia after the implementation of restitution policies we will see that several stakeholders are influencing the management of its territory. This in consequence creates problems associated with the final decision-making. In the Polish Tatras only one stakeholder, namely TPN decides about the future of this area. Therefore, I think that the fact that the Polish state decided not to return lands in the Tatras was positive for the nature protection.”.

It becomes clear from this quote that restitution of the lands in the Slovakian Tatras brought about additional stakeholders in the decision-making, namely the private owners. So the officials of TANAP must take into account the circumstances and the voice of private owners in their decisions. On the other hand, in the Polish Tatras the functioning of the TPN is based on one single institution which organizes all the activities as well as the entire scope of nature protection in the park as foreseen it is in its statute. The similar opinion about the implementation of restitution policies in Slovakia expressed also all other Polish respondents.

In the Polish Tatras so far, the national and community law together with substantial social support has helped the officials to fight back many of the controversial ideas of investors that comprise the profound interventions in the most wildlife zones of the TPN. In spite of that, the investors do not drop their ideas and are capable of carrying out their plans, yet by walking on the uncertain ground. Whether that means waiting several years for the convenient political situation to arise, bringing unorthodox methods into play, or both.

There are two main investors in the Polish Tatras which primarily lobby for decisions to facilitate recreational investments in the Tatras. First one, is the national corporation-Polskie Koleje Linowe (PKL). PKL owns the installations of the key set of three cablecars located around the Kasprowy Hill. This area is both, the core ski business center in the Tatras and the only one. PKL goal is to modernize their infrastructure which is in the strictly protected area of the TPN, leading to a double carriage increase of people an hour as well as the modernization of all ski installations around the Kasprowy Hill with possible expansion of existing slopes.

Second investor is the National Sport Center (COS), which subordinates to the Ministry of Sport and Tourism, and is financed by the national treasury. It was established in 1969 to provide services in the central training and preparation for Olympic sports. COS is the main owner of the sport installations in the Tatras including ski jumping hills, cross-country skiing courses, tennis courts, and other. The idea of the Directors of COS was, and still is, the attempt to exclude of approximately 280 ha of Tatra land most of which comprise previously mentioned installations together with the areas around them for expansion of these installations. What is more, the idea was, and still is, to exclude these areas for the sake of not former owners but the COS, making this issue even more controversial. All these ideas are still strongly supported by local authorities, who see the potential of new ski investments for the economic development of the region.

A group of people who support the idea of restitution of territories are gathered in the Association of Owners of mountain pastures and Glades Expropriated in the Tatras

(SWWPIHwT). It comprise people who were expropriated for the sake of the TPN who lobby in for the restitution policies in the Tatras. For the Association any kind of exclusion of territories that previously belonged to private owners, as proposed by the COS, would create precedent, that could eventually open up the road to restitution.

Undoubtedly, the process of reprivatization, as desired primarily by the SWWPIHwT, local authorities and ski lobby was not possible without the relevant reprivatization acts. No wonder these desires, if the territory of TNP would be re-privatized, the window of opportunity for massive ski-recreation investments could open. Already around 1995 the first ideas for a great investment and expansion of sites around the Kasprowy Hill slopes developed on the occasion of Zakopane efforts to host the Winter Olympic Games in 2006. The initiator of this idea was Andrzej Bachleda- Curuś, the best polish alpine skier, currently engaged in business. He called his project "Zakopane - Three Valleys", imitating a similar project which exists in the French Alps. The project provided for the entry of investments into both Polish and Slovak national parks. In particular, his idea was to construct new ski routes in three valleys, where the center would be the Kasprowy Hill, including Tichá Valley. His further idea was to construct a tunnel beneath the mountains of radius 5 and a length of 3200 m as presented in the Figure X. Through this tunnel ground train would transport tourists and skiers to the Tichá Valley (Kuraś, 24-10-2008).

Figure 1. The project of tunnel beneath the Tatras



Source: <http://krakow.gazeta.pl/krakow/51,95299,5847422.html?i=1>

As we could notice the main investors, namely PKL and COS, are national corporations and therefore it is obvious that their access to the highest government officials considerably eases their lobby in for the investment plans. Already since 1990 PKL placed political pressure on the government to modernize the existing infrastructure and increase its capacity.

Constantly, all controversial ideas of investors are fought back by the officials of the TPN with substantial help of national officials. One of the cases in which convenient political situation arose for the investors was in 2001, as presented in Case Study 1.

Case Study 1: Controversial Removal of Director of TPN from his Seat in 2001.

The classical example of means by which investors try to carry out their investment plans in the most strict areas of the TPN was removal of the strongest opponent of their ideas- Wojciech Gąsienica-Byrcyn.

With the break of communism in 1989 he was the first democratically appointed director of the TPN. By that time his profile was considered to be relevant for the seat for a range of reasons, i.e. he and his family never had connotations with the communist party, he was from the local environment, he had relevant educational background, i.e. PhD in forestry, and years of experience as a forest ranger in the TPN. For all these reasons he had a strong support from all kind of environments that were included in the appointment of the director by that time, ranging from scientific and environmental organizations, local and national authorities to local people and general public.

In the course of his mandate it became clear that the primary reason for the local authorities to support him was the fact that his family was deprived of substantial territories in the Tatras, and in Kasprowa Valley in particular. As commented by himself:

“The local communities together with interested local people believed that I would immediately lobby for the reprivatization in the Tatras, for I was heir of the lands expropriated in the Kasprowa Valley but also in other Valleys. During my mandate, I was many times approached by the highest local leaders, some of who were my friends, which would passionately cherish the idea of future investments in the Tatras only if the restitution took place, as it happened in the Slovakian Tatras”.

As we can conclude from this statement, the local authorities, namely successive mayors of Zakopane, local leaders of nearby villages, starosts, directors of Central Sports Center were convinced that Gąsienica-Byrcyn will use his position to lobby for the restitution of properties in the Tatras. Furthermore, this fact would eventually facilitate recreational investments in the

Tatras on the territory of returned lands. Additionally, this was also the wish of the largest movement of highlanders in for the restitution in the Tatras, which later on emerged in form of the Association of Owners of mountain pastures and Glades Expropriated in the Tatras (SWWPiHwT). As Gašienica-Byrcyn declared himself:

“In the light of national legislation and public good I had neither legal power to carry on restitution policies or allow new investments in the Tatras nor goal to do so. I was selected to be a guard of nature protection not another corrupted authority”.

Not long after the break of communism, in 1990, Polish government arranged a meeting concerning the future of all national parks in Poland. The government, along with the scientists and Gašienica-Byrcyn's opinion, decided to exclude the territories of all national parks from the future reprivatization acts. Thus, the director of the TNP could lobby the re-privatization in Warsaw, however, he himself had no legal power to return land expropriated. Moreover, he did not have legal power to allow new investments in the Tatras, as national park was designed for other purposes, particularly the conservation of nature based on the Act of Nature Protection.

There were in particular two main investment ideas about which the investors demanded cooperation on Gašienica-Byrcyn. First one, expressed by the PKL to modernize cable car to the most famous and prosperous ski area in the Tatras-Kasprowy Hill. Second investment idea was expressed by the COS to exclude of approximately 280 ha of Tatra land most of which comprise installations of this investors together with the areas around them for expansion of these installations. What is more, the idea was, and still is, to exclude these areas for the sake of not former owners but the COS.

Moreover, by refusing to cooperate and lobby in for the reprivatization in the Tatras as well as investment ideas Gašienica-Byrcyn exposed himself to a very influential investment lobby. In 2000 for the first time the convenient political situation arose for the investors. In 1997 the political party Solidarity Electoral Action (AWS) won the elections in Poland under the lead of current President of the European Parliament, Jerzy Buzek. In 1999 the political changes on the seats of some Ministers were carried out, including the Minister of Environment. The political history of the new Minister- Antoni Tokarczuk, comprised until that event only the seat of senator between years 1991-1993. As noted by Borucki (2004) the Minister's professional profile was not connected to nature protection in any sense, in fact he possessed the degree in Philosophy. Moreover, the vice-minister was Tadeusz Bachleda-Curuś, cousin of previously mentioned businessman Andrzej Bachleda-Curuś and brother of former

longstanding mayor of Zakopane, Adam Bachleda-Curuś, who many times publicly expressed support for the extension of ski-slopes in the Tatras and currently is one of the richest Poles. All these facts reveal that the Minister Tokarczuk came out to be perfect for investors to remove not willing to cooperate the Director of TPN. At the beginning of his mandate in late 1999, the Minister attempted to force Gąsienica-Byrcyn to "cooperate" in the two major investment ideas of PKL and COS, many times by means of blackmailing. As Gąsienica-Byrcyn noticed:

“In the light of existing law, the opinion of many scientific communities but also my own conviction I refused to cooperate is such illegal undertaking. These actions would be against the existing law. In fact, the Minister of Environment warned me that if I refuse to cooperate, there will be far-reaching personal decisions undertaken”.

The fact that Minister was blackmailing his subordinate, whose decisions were consistent with existing law is very striking. The Minister's demoralizing act gave a clear message to the society that leading the National Park in Poland is a purely political issue. Indeed, the lack of Gąsienica-Byrcyn's actions towards the "collaboration" resulted in his removal from the seat only few week before new government elections in 2001. The evidently corrupted Minister of the Environment delivered to the investment lobby what they wanted by making far reaching personal decisions. Indeed, this was his last decision as a Minister. The new director, Paweł Skawiński, was immediately appointed, whose past was connected with the many longstanding work in the supervisory board of PKL.

Before 2001 Gąsienica- Byrcyn would with quite success fight off the constant attacks of business lobby with a strong support from the former Ministers and governments, society, research environments and the highest national intellectuals including the Noble Prize Winners. One Minister even said: *“Carrying out the investors ideas would be cruelty in the limelight of the whole Polish nation”* (Kuraś, B. 24-10-2008). This kind of support would not change during the period of Gąsienica-Byrcyn's removal from the seat but was clearly of no use bearing in mind the somehow strong Minister's connotations with the business lobby. He even publicly admitted: *“the Tatras are for the Poles not for the marmots”* (Borucki, 2005). In other words, for the first time in post-communist history of nature protection in the Tatras the Minister of Environment became a proponent of future heavy investments in the region that could not be carried out without the restitution of selected areas for the winter sport investments. In other words, he became an advocate of the restitution of the Tatras, instead of protecting them as he had the statutory obligation to.

But what strikes are the means of investors to realize their projects and official support for their actions. Warnings, browbeating, blackmailing by the highest public officials in the country, removal of the guard of nature protection in the Tatras because he refused to undertake illegal activities as well as controversial public statements that interline the nature protection principle can have detrimental effects in future to the existence of national park. All kinds of colligations and evidently corrupted decision of public officials gives also negative message to the society that any person with sufficient influence and convenient political situation can make nature protection shift away. Another hint was given by the current ranger of TPN, Tomasz Zwijacz-Kozica:

“Perhaps this is an example of what happens when within the natural area we have more than one host. TPN operates in accordance with the law of nature protection and international legislation. But investment lobby operates based on the law of business without regard to the sustainable development”.

Indeed, as we could see on the example of the Gąsienica- Byrcyn the existence of the contradicting aims of various stakeholders within the natural area may create serious tensions. At the end, the seat of the director is a political one and any investor which has enough influence and funds may come across the ideal political situation to eliminate their opponents. The rational analysis of the highest public officials is hindered by all kinds of connotations with the business lobby, and in this fight money instead of nature protection seems to win. Undeniably, it became clear that the investors methods to accomplish their aspirations is the use of right networks within the political structures in the right time.

The last nine years of the mandate of new Director of TPN, Paweł Skawiński, are full of controversial issues. A good example could be the accomplishment of the modernization of cablecar in 2006 in violation of both national and EU law as well as with freezing out public participation. As claimed by Radosław Ślusarczyk, from Polish Environmental Organization:

“The works were carried out without an EIA which clarifies how the proposed investment may impact on the environment. The necessity of such a report was pinpointed by outstanding Polish professors, naturalists and social organizations. For the second time, after the removal of Gąsienica-Byrcyn the decision of the Minister revealed that the voice of environmentalists, professionals, social organizations or national and Community law are ignored”.

In response to the lack of EIA eleven Polish Environmental Organizations have referred Poland to the European Commission (Pracownia na rzecz Wszystkich Istot, 20-04-2006). They

claimed that according to European Law, in particular Article 6 (3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, such investment should be carried out with the relevant EIA. Therefore, the project can be carried out only after certainty that it will not adversely affect the site concerned, after obtaining the opinion of the general public.

Another example of current controversial issue is the constant lobby of local authorities to exclude preciously mentioned terrains of COS installations. The first step to do so is lobby for the exclusion of areas of sport installations from Natura 2000. An example could be the presentation of Mayor of Zakopane, Janusz Majcher, on public debate about "Natura 2000: an opportunity for or an obstacle to development?", on 16-04-2008. This event was organized by Alliance of Liberals and Democrats for Europe from European Parliament and (ALDE) and Committee of Regions (CoR). By that time Polish citizen, Danuta Hübner was European Commissioner for Regional Policy. In Majcher's presentation he claimed that *"The previously developed tourist infrastructure areas, which have never been a breeding site, located within the Polish Tatras have to be excluded from Natura 2000"* (www.alde.eu/fileadmin/...Natura_2000.../Programme_03_04_EN.pdf).

As we can see the dreams of developers is still enduring in the public debate. Especially in the light of new developments in Slovakian Tatras. The Bachleda-Curuš's ideas return occasionally to the public opinion. Recent reports on this subject appeared in the press in 2008 on the occasion of the realization of great ski-investments in the Slovakian Tatras. As Bachleda-Curuš said: *"At the moment, when the Slovak government gave permission to build new ski lifts in their part of the Tatras ,it is our duty to open new ski slopes in our Tatras"*. Moreover, he said that he talked also with the builders involved in new investments in the Slovak Tatras ski and that they are even surprised that on the Polish side new investment ideas do not arise (Gazeta Wyborcza, 2007).

As revealed by Marek Dulak, voluntary ranger of TANAP cooperating with Slovak Environmental Organization:

„The developments in the Tatras is a carefully planned tactic. The starting point is the existing investment in the area which gradually needs to be modernized. But when it is modernized, more modern installations are needed. Finally the site is so anthropogenic that investors claim that it can not be treated as protection area. If it is not treated as protection area so why not building hotels there, you know?"

Even though the developments, that he is referring to are in the Slovak Tatras we can see some similarities. Clearly, the example of Major of Zakopane lobbying for the exclusion of

areas from Natura 2000 because *“these have never been a breeding site”*, or a very recent discussion, started by the Director of TPN, about the extension of ski routes around the Kasprowy Hill. In the winter of 2009/2010 a brand new project of the extension of ski routes around the Kasprowy Hill became a hot topic in Poland. This controversial project was proposed by the director of the TNP and involves increase of ski trails in the area of Kasprowy Hill from the current approximately 25 hectares to more than 30 hectares. Additional 6 hectares is to be set on the slopes of two peaks located on both sides of Kasprowy Hill. As director explains: *these territories will be open especially for so-called “free riders”, who ski on non- prepared slopes. Many people were using these areas in previous years. Imposition of tickets by security guards did not work, so I decided to cancel the fictional ban and open the trails in this area for skiers”* (Kuraś, B., 11-01-2010).

The environmentalists claim that this can open the way for heavy ski-infrastructure in the Tatra Mountains. After all, there is a large colony of marmots in this area. So far, these territories were also willingly approached by chamois. Crowd of skiers, who will appear there will most probably scare off these animals. As Radosław Ślusarczyk from the environmental organization claims: *“Lack of animals may be an argument in the next few years to construct here new lifts, which was already intention of local businessman in previous years”* (Kuraś, 11-01-2010).

As noted by Wajrak (12-10-2010) at last year's European Congress of Nature Conservation in Prague, researchers from Switzerland showed a very interesting study about the impact of ski slopes grown beyond the wood grouse and black grouse. For these birds, winter is the critical period. Stress caused by skiers may mean that, at best, grouses will be in worse condition for mating. The Swiss, who live from winter sports are increasingly closing off the ski areas because these may be dangerous for the black grouse, which population in the Alps is greater than in Poland.

All in all, between the period 1990-2001 the ideas to intervene in the most strict areas was fought by the first democratically elected Director of TPN together with the substantial support from government and general public. By that time, it seemed that the fact that majority of the Tatra territory is owned by state will easily abolish many kinds of ideas to use this territory for other purposes than environmental protection. This situation has changed after the appointment of Minister of Environment, Antoni Tokarczuk. He came to be a corrupted authority having all kinds of connotations with local businessman, and removed Gąsienica-Byrcyn in controversial manner. Borucki (2004) pointed out that this gave green light for business environments, since the creation of TPN in 1954, to increase investment on

land within the national park, which is the highest level of protection in Poland. Indeed, the consequences of this move is seen nowadays on the examples of illegal modernization of cablecar, lobby for the exclusion of the sport installation in Brussels and recent project of the extension of ski slopes in the area of Kasprowy Hill.

Even though Poland has not carried out restitution policies, and the major part of the TPN is under state control, the problems arises with two investors that own key installations in the Tatras, namely PKL and COS. Being the state entities the communication and possibility to express their needs is considerably eased as they have direct access to the highest officials in the country. Therefore, it seems that fail to carry out restitution policies in the Polish Tatras can seriously slow-down the business ideas but it does not stop investors from trying to accomplish their plans. Indeed, as we have seen on the example of Gąsienica-Byrcyn, the fact that the TPN is managed by only one entity as well as has a strong legal and social protection has helped him to guard the nature protection. However, it seems that the nature protection can be put on second place if only careless decisions by the government officials will be implemented or the government officials will be easily corrupted. As noted by Stanisław Czubernat, the vice-Director of TPN since 1990:

“At the end nature protection is a political decision. It is expression of maturity of a society to be responsible for country as well as expression of wisdom of those who govern. However, if new Polish authorities, ranging from parliamentarians, the president and the government will be conjuncture everything will be for sale .”

7. Conclusions and discussion

The aim of this thesis was to explore whether the property restitution in the Tatras influence their current and future nature protection management. The research question was: *What is the influence of the differences in property changes in the Tatras on their current and future landscape management?* In fact, until now no scientific work reports either the scale, extent and forms of expropriation methods in the most valuable places or their consequences on the current and future management in the context of nature protection. This paper tried to overlook this gap in the literature as there is need to comprehensively elaborate on the consequences of ownership changes on the most outstanding sites of the Carpathians.

For this research two methods were used. Firstly, the characteristics of property changes in the Polish and Slovakian Tatras, in the period of the beginnings of Polish and Hungarian statehood until present times were described. These processes were shown based on the history of ownership in the Kasprowa Valley and Tichá Valley, both located in the Western Tatras. The second method was the use of face-to-face, in-depth interviews with persons engaged directly or indirectly in the management of the Tatras (Table 1). The aim of the interviews was to gain opinions of the persons, who may directly or indirectly influence the management situation in the Tatras, in terms of the future tenure of public and private land in the Tatras. Indeed, this was helpful in drawing the comprehensive picture of the management situation in the region.

The creation of national parks on both sides of the Tatras was included in carefully planned natural heritage protection plans by the communist governments. Both national parks were established on land that was obtained through discriminatory mean from local people, namely forced expropriations by the communist governments.

However, the policies of Poland and Slovakia differed in the implementation of expropriation policies during the communist era. In Poland, expropriation was based on the Prime Minister's Resolution No. 415/60 (1960), that started the expropriation of private property for the sake of National Treasury - the Tatra National Park. With this resolution Poland decided to either give equivalent lands but in other part of Poland or pay the compensation. In Slovakia, the private property was nationalized without financial compensation for property rights. This gave the basis for the creation of TANAP.

Also in the restitution policies implemented after the collapse of communism in 1989, differences occurred. Nowadays, Poland is the only EEC country which has not adopted legislation providing restitution of property taken by the former communist government.

Moreover, after 1989 the first democratic government agreed that if the restitution takes place in the future, the territories of national parks will be excluded. The Slovaks (together with the Czechs), on the other hand, were the first ones to adopt the restitution of land rights. The rights to their original owners and heirs was presented already in 1991 by law No. 229/1991 as amended, and law No. 138/1991.

The present thesis shows that the influence of property restitution on the nature protection management are perceived differently by Polish and Slovakian respondents. In the Polish Tatras the lack of policy for property restitution in the Polish Tatras seems to have considerable influence on the current nature protection management. Most of the respondents indicated the major advantage of this situation is shorter, and more “in line” with the nature protection goal, decision-making process. The concentration of ownership in one hands of the most valuable natural areas such as national parks was considered practical and convenient especially for final decision-making about the area. With such ownership structure any kind of problems associated with the final decision-making is left behind, for the existence of many different stakeholders significantly hinders the implementation of the nature protection measurements. In the Polish Tatras lack of private owners considerably eases the realization of nature protection goals.

In the Slovakian Tatras, on the other hand, the view on the consequences of restitution policies seem to have changed over time based on the developments in the last two decades. At principle, the restitution of properties in 1991 in the Slovakian Tatras were seen problematic for the future proper nature protection, for the same reasons as perceived by the Poles. The restitution of lands in the Slovakian Tatras has resulted in the widening of number of stakeholders in the area, which considerably complicates the accomplishment of statutory aims of the existence of the national park, as presented on the example of logging activities in Tichá and Koprova Valleys. However, after more than one decade it became surprising that current four, out of five, major investment developments in the Tatras are carried out on the state lands with a clear “state program”. Officially this program was revealed after the windstorm in 2004, and since than political backing, tacit support by authorities for illegal activities is widespread. Ironically, the majority of harmful for nature protection developments are occurring on the state lands. What is more, intensive efforts by the current government have significantly weakened the system for nature conservation and environment in the country. This gave basis for the respondents to claim that the state lands are less protected than the restituted ones on which destruction of environment does not occur in such scale. Presently, it seems that actual influence of the property restitution in the Slovakian

Tatras did not have harmful consequences for nature protection management since the function of the national park remain on restituted lands the same.

The similar trend of ongoing pressure from ski-investment developments in national parks across the Carpathian range have been identified in a recent WWF report “White Elephants in the Green Mountains”(year). The governmental “ski programs” concerning the construction of new and expansion of existing facilities for downhill skiing, as occurring in the Slovakian Tatras, are currently adopted in mountainous national parks in Ukraine and Romania. Most of these areas are being developed with significant public sector support, including billions of Euros in state and EU funds. In this respect, future research could try to verify weather the occurring ski developments in other regions of the Carpathians have connection with the restitution policies implemented after the break of communism.

One of the drawbacks of this research work was unintentional fail to provide the opinions of current government officials from Poland and Slovakia about their reasons for carrying out unsustainable policies into the heart of the Tatras. Future study could overcome this gap, for it could show more comprehensive overlook of the subject. Furthermore, it could also extend the analysis for these part of Carpathians where similar to Slovakian or similar to Polish developments are happening so as to draw more broader and international depiction of the Carpathian reality. Finally, the prospect study could also investigate other factors, apart from restitution, which influence the nature protection management across the Carpathian range so as to bring about more understanding of the mechanisms governing the decisions about the nature protection in the Carpathians.

One interesting factor that could be broader explored is the post-socialist heritage in the decision-making about the nature protection in the countries of Carpathian range. Based on the example of TPN and TANAP, the management of national park is a truly political issue, and Tatra management needs to continually repel the attacks of rich business circles, for which the attractive nature is the basis for developing their own businesses. All kinds of colligations and evidently corrupted decision of public officials gives also negative message to the society that any person with sufficient influence and convenient political situation can make nature protection shift away. What is more, such situations questions whether Polish public officials have moved on from the communist heritage and connected to it corrupted methods to the mature democratic society which concerns about the natural heritage. Indeed, the transformation in this case may take generations, but until then there might be no nature to protect anymore.

National parks in both Poland and Slovakia are centrally directed, many decisions are politically motivated, often against the logic of nature conservation. Only a change of mentality of people, human rights and concern for the natural heritage can prevent the last wild places in Europe from complete transformation by developers. Still, the mentality of people in post-socialist countries is sometimes subordinated to the decisions of government. Especially civic participation in Slovaks seems to be very weak comparing to Poland. But still, even the strong national movement about the precious decisions areas aroused in Poland when removing Wojciech Gąsienica-Byrcyn from the seat, the decisions of central government were taken against the general public opinion. The fail to incorporate the voice of society reduces the trust of the citizens in its representatives and in the participatory process in general.

In both Poland and Slovakia, the governments should also try to create and promote incentives for sustainable forms of tourism other than just alpine skiing. People visit national parks to enjoy the wilderness and natural beauty and therefore its protection should not be subject to compromises. One of the good examples of the national park which main product of business is wildlife is National Park of Abruzzo in Italy.

Moreover, the Ministries responsible for the nature protection in the Tatras should consequently repel the desires of investors about the exclusion of certain areas for business that can be harmful for the environment by discouraging developer's intention from the very early stage of the project. In fact, if in the Polish Tatras the needs of COS about excluding 280 ha area in TPN will be met, a precedent may be created which will eventually drive the real former owners to long-lasting processes in the courts. It may be also possible that they will refer their cases to the European Court of Human Rights to return to their rightful ownership. This could create situation in which TPN in future would be parceled out.

The governments should strictly require from developers to meet basic legal requirements of their proposed investment. The officials should be willing to impose legal obligations instead of searching for shady legal exceptions that will push forward the proposed investment. Far reaching consequences should be drawn for not carrying out environmental impact analysis, as in the case of illegal modernization of cablecar in Kasprowy Hill or logging activities in the Tichá Valley.

Finally, the EU should develop new kinds of punishment methods for countries which disobey EU legislation since the current financial punishment does not scare out government to support problematic developments. The EU should also pressure more effectively to fully apply EU legislation in their countries.

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APPENDIX 1. The list of topics/questions asked during the interviews.

The following topics/questions were included in the interviews:

The reasons why there are differences in nature protection goals between SK and PL. The extent to which current differences in management of the Tatras are connected to different tenure land systems in the past. Asked questions:

1. What are the reasons why there are differences in nature protection between TPN and TANAP?
2. What are the current problems in the management of the TANAP/TPN? Can they be connected to past land tenure developments?
3. In which period the goal of nature protection was better achieved in the TANAP/TPN 1949-1989 and 1989-to now? Why?
4. What are the differences and similarities in nature protection management between the communist and democratic period?
5. What are the reasons why the Slovak government decided to give away valuable natural areas in the Tatras for the sake of heavy ski-infrastructure? Can this be connected to the land tenure system in the Tatras?
6. Why until present times the similar far-reaching process of ski-developments does not emerged in the Polish Tatras?

The current nature protection goals and the probable changes. Asked questions:

7. What kind of problems the TPN/TANAP faced in the area of nature protection during your directorship?
8. What kind of problems have to face the administration of TANAP/TPN in the areas where property relations are fragmented?
9. What kind of problems have to face the administration of TANAP and TPN if there are various stakeholders with conflicting interests included in the management of nature protection?

The influence of current ski-infrastructure developments in Slovakia on the future management developments in the Polish Tatras/ Future of the both national parks and the Carpathian range developments. Asked questions:

10. Do you think that investment in the Slovakian Tatras may have spread effects to the Polish side and the rest of the Carpathian range?
11. A well known fact is that Slovaks build ski infrastructure in order to organize a big sport event in the Tatras to advertise this region for wider public. Some interviewees

claimed that Slovakia is preparing for Winter Olympic Games. Can these kind of dreams influence the development of ski areas in Poland in the future?

12. After realizing that Slovaks are building new ski slopes some Polish investors claimed that Poland has duty to do the same in order not to be backward in this kind of infrastructure. How would you comment these kind of situation?
13. Are there any plans to extend cooperation in building ski infrastructure for the Polish side?
14. What is the future of the Tatra region?

Current management problems with the land tenure system. Conflicts and cooperation between nature conservation, agriculture and tourism. Asked questions:

15. Looking from the perspective, was the separation of state forests and nature protection good for the management of nature protection. Did it created conflicts in realization of nature protection goals?
16. What kind of problems emerge in the TANAP on the territories of private owners?
17. What are the ideas of urbars and private owners for the investments in the Tatras?
18. Would urbars threaten the separation from TANAP under any circumstances?
19. Are the decisions of Slovak governments influenced by the owners of lands in the Tatras?
20. What kind of problems had the TANAP face after restitution of lands in the Tatras?
21. What is the main aim of government for letting the ski-investments in the Tatras? Is that connected to corruption?
22. How do you asses the international law for nature protection?
23. How do you comment the fact that EU finances partially the ski-developments in the Tatras?