

## Belated Recognition: Austria's 2000/01 Compensation Laws for Austrian Prisoners of War and Internees of World War II

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In February 2000, Austria's Federal Government mentioned in its government programme for the first time its intention to redress a number of negative humanitarian consequences of World War II and announced "fair and equitable solutions for all questions concerning individuals who had been forced in the course of World War II to perform forced labour, Austrian prisoners of war and German speaking individuals who had been expelled to Austria by consequence of the Beneš Decrees and the AVNOJ Regulations".<sup>1</sup> With its compensation regulation for foreign forced laborers who had been exploited by the "Third Reich" on Austrian soil, the Austrian government has an achievement to its credit that has been widely recognized by the international community.<sup>2</sup> What has been noted less often is the unique and successful implementation of the compensation for Austrian prisoners of war and internees who had spent years in the hands of the Allies and a number of other states in the wake of World War II. That these two sets of problems, which, after all, are linked to one another only tangentially, were resolved at one and the same time has arguably had a profound effect on the public acceptance of the compensation scheme for forced laborers. Austria's 2001/02 Prisoners of War Compensation Law resulted in former prisoners of war and internees of the eastern and western Detaining Powers resident in Austria being paid, on top of their pensions, an additional monthly allowance of between ATS 200 and 500 (14,53 and 36,34 EUR) depending on the length of their captivity. This meant that Austria was breaking new ground<sup>3</sup> in meeting one of the demands that the *Österreichischer Heimkehrerverband*, the Austrian Association of War Returnees, had been pursuing for several decades.

1 Cf. Government Programme of 9 February 2000, §12.

2 Martin Eichinger, "Der Versöhnungsfonds: Österreichs Leistungen an ehemalige Sklaven- und Zwangsarbeiter des NS Regimes," *Österreichisches Jahrbuch für Politik* (2000), 193-242.

3 Reinhard Olt, "Entschädigung für Kriegsgefangene: Deutsche Verbände hoffen auf Übernahme des österreichischen Gesetzes," *Frankfurter Allgemeine Zeitung*, February 22, 2001.

## The Historical Backdrop

In the course of World War II more than 600,000 Austrians serving in the German Wehrmacht were taken prisoner by the Allies. More than 100,000 of them were sent home after a matter of weeks or months from front or transit camps mostly set up by the Allies on German or Austrian soil. The status these men were assigned, provided they were in Western hands, was mostly that of DEFs (Disarmed Enemy Forces) or SEPs (Surrendered Enemy Personnel). Neither was covered by international law. This meant that their treatment by the Detaining Powers was not subject to the 1929 Geneva Convention, a shortcoming mitigated by the fact that most of them were repatriated in summer 1945 anyway. However, almost half a million Austrians were registered by the Allies as prisoners of war. A small number of them, mostly civilians, were held captive in the former theatre of war in the east and in the Balkans as internees in a situation where no international law regulations applied. The prisoners of war and internees that had returned as “Austrians” comprised roughly ten percent “*Volksdeutsche*,” ethnic Germans, who made Austria their second home, and roughly one percent of citizens of other states, who identified themselves as Austrians.<sup>4</sup>

The most preliminary analysis of the available numbers reveals a picture that is unexpected and deviates decisively from widely held assumptions. As many as two thirds of Austrian prisoners of war were held by the “West”; no more than one third by the “East”. The fact that has imprinted itself on Austria’s collective memory is due above all to the length of time POWs spent in captivity: while most of them held by the Western powers had returned to Austria by the end of 1946, the Soviet Union did not release the majority of its prisoners of war before 1947/48, and the Yugoslavs even took a year longer. The last transport returning former prisoners of war from the “East” arrived in Austria on 23 December 1956, more than a year after the signing of the State Treaty. After this point in time roughly 30 Austrians were forcibly retained in Soviet prisons

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4 Rudolf Berdach, *Kriegsgefangenenfürsorge und Rückführung: BMfL. Abt12/K.* (Vienna: BMfL, 1947); Erich Maschke, ed. *Zur Geschichte der deutschen Kriegsgefangenen des Zweiten Weltkrieges*, 22 vols. (Munich: Verlag Ernst und Werner Gieseking, 1962–1974); Klaus-Dieter Müller, Konstantin Nikischkin and Günther Wagenlehner, eds. *Die Tragödie der Gefangenschaft in Deutschland und in der Sowjetunion 1941–1956.* (Cologne et al.: Böhlau, 1998).