

SOUTH TYROL'S CONSOCIATIONAL DEMOCRACY: BETWEEN POLITICAL CLAIM AND SOCIAL REALITY

*Günther Pallaver**

I. CONSOCIATIONAL DEMOCRACY

South Tyrol's political system corresponds to the model of consociational democracy described by Arend Lijphart.¹ The core principles of minority protection and the rules for the coexistence of the language groups in South Tyrol were thus established under the 'Paris Agreement'.²

The consociational democracy model lessens political competitiveness and the majority principle. It strongly emphasizes cooperation among groups so that the distribution of political power only partly reflects the result of elections. The model assumes the cooperation of different parties and political groupings, and is characterized by the veto power of minorities and the consensus of elites.³

This core principle of 'power sharing'⁴ refers to four basic principles, which are especially embodied in ethnically fragmented societies such as South Tyrol:

- 1) Participation of all relevant language groups at the governmental level and at different subordinated sub-systems. This concerns the principle of inclusion of all language groups;

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¹ Arend Lijphart, *Democracy in Plural Societies. A Comparative Exploration* (Yale University Press, New Haven, London, 1977); Arend Lijphart, "The Power Sharing Approach", in Joseph V. Montville (ed.), *Conflict and Peacemaking in Multiethnic Societies* (Lexington Books, Lexington, 1990), 492–494. See also Gerhard Lehmbuch, *Proporzdemokratie. Politisches System und politische Kultur in der Schweiz und in Österreich* (J.C.B. Mohr, Tübingen, 1967); and Jan Markusse, "Power-sharing and 'Consociational Democracy' in South Tyrol", 43(1) *GeoJournal* (1997), 77–89.

² See Rolf Steininger, *Selbstbestimmung oder Autonomie? Die Südtirolfrage 1945/46 und das Gruber-De Gasperi-Abkommen* (Studienverlag, Innsbruck, Wien, Bozen/Bolzano, 2006); Michael Gehler, "Compimento del bilateralismo come capolavoro diplomatico-giuridico: la chiusura della vertenza sudtirolese fra Italia e Austria nel 1992", in Andrea Di Michele, Francesco Palermo and Günther Pallaver (eds.), 1992. *Fine di un conflitto. Dieci anni dalla chiusura della questione sudtirolese* (Il Mulino, Bologna, 2003), 23–119, at 23–28; and Claus Gatterer, *Im Kampf gegen Rom. Bürger, Minderheiten und Autonomien in Italien* (Europa Verlag, Wien, 1968), 952.

³ See the chapter by Stefan Wolff in this volume.

⁴ Timothy Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (United States Institute of Peace Press, Washington DC, 1996).

- 2) Decision-making autonomy for relevant language group in matters pertaining to questions that are not of common interest. This is a matter of group protection in the fields of cultural and educational autonomy;
- 3) Proportional representation of each language group in political organs (by means of the proportional electoral system), in the recruitment of personnel to the public sector (ethnic quota system) and in the allocation of public funds;
- 4) Veto power for the relevant language group, if a decision needs to be made upon the defense of vital interests in group protection and if the agreed forms of conflict resolution do not suffice.

The precondition for the functioning of such a consociational democracy model within an ethnically fragmented society is a climate of tolerance and dialogue, the so-called “institutional equality”.⁵

The basic elements of the consociational model in South Tyrol are identified in the relationships between the elites of the German (and Ladin) and the Italian language group, as well as in international safeguards and in the relationship between Italy as a unitary state and South Tyrol.

South Tyrol's consociational model was the antithesis of the past negative experiences under the fascist and Nazi regimes. The political elites of the territory drew strength from the antifascist and antinationalist resistance, although the political aims of the Italians with their desire to maintain the *Brennerpass* as the mountain frontier were confronted by those of the German-speaking South Tyrolese who desired a return to Austria.⁶

Nevertheless, both elites were convinced of the fact that the future of the territory could only be guaranteed by a common management of all problems. The ongoing deep ethnic fragmentation, the continuity of the antagonistic ethnic mentality of the different groupings and the social divide between the language groups should be overcome by a permanent declared consensus on the part of the elites. The international political framework and the legal bases (the Paris Agreement and the Autonomy Statute) encouraged such a conception.

⁵ Joseph Marko, *Autonomie und Integration. Rechtsinstitute des Nationalitätenrechts im funktionalen Vergleich* (Böhlau, Graz, Wien, Köln, 1995), 172.

⁶ Günther Pallaver, “Abhängigkeit, Verspätung, ethnische Versäulung. Folgen einer verfehlten Epuration und Entnazifizierung in Südtirol”, in Gerald Steinacher (ed.), *Südtirol im Dritten Reich/L'Alto Adige nel Terzo Reich 1943–1945* (StudienVerlag, Innsbruck, Wien, München, Bozen/Bolzano, 2003), 361–374.

Table 1: Population Development in South Tyrol 1900–2001 according to Language Groups (%)

Year	Italians	Germans	Ladins
1900	4.0	88.8	4.0
1910	2.9	89.0	3.8
1921	10.6	75.9	3.9
1961	34.3	62.2	3.4
1971	33.3	62.9	3.7
1981	28.7	64.9	4.1
1991	27.6	67.9	4.2
2001	26.4	69.1	4.3

Source: ASTAT, *Statistisches Jahrbuch für Südtirol 2001* (Athesia, Bozen/Bolzano, 2001), 108.

This consensus on the part of the elites was favoured by the common ideological basis (Catholic) of the two dominant political parties. On the one hand, the South Tyrolean People's Party (*Südtiroler Volkspartei*, SVP) had officially described itself since 1964 as a party based on Catholic-social principles,⁷ although, being an ‘ethnic catch-all-party’ for all South Tyrolese, it would as such be committed to internal political plurality. On the other hand, the Italian Christian Democrats (*Democrazia Cristiana*, DC) identified itself as a Catholic people's party.

Notwithstanding numerous difficulties, the German-speaking elite never abandoned the path of legality and always acted according to the pact concluded with the mostly Catholic Italian elites. The abovementioned difficulties covered a range of problems connected with the implementation of the Autonomy Statute (ASt); the displacement of the more liberal elements of the SVP by conservative farming elites at the end of the 1950s and the critical approach, as well as a number of bomb attacks during the 1960s.

The same is true for the Italian elites. Despite all of their reservations in regard to autonomy they never completely gave up the path based upon dialogue.⁸ Even though nationalist tendencies were again flaming up and arising on both sides, one can affirm that social dialogue was never totally abandoned. Such a consensus between the elites was visible in the autonomy procedures and in the concrete elaboration of the autonomy; this meant that, in essential questions, no decision against the veto power of a language group could be prosecuted.

The procedural design of the autonomy system (based on parity and negotiation, mirroring the basic framework for international relations) includes all language groups; it proved its value also in the relations between the state and the

⁷ Günther Pallaver, “The Südtiroler Volkspartei: from Irredentism to Autonomy”, in Lieven De Winter, Margarita Gómez-Reino and Peter Lynch (eds.), *Autonomist Parties in Europe: Identity, Politics and the Revival of the Territorial Cleavage* (Aeu, Barcelona, 2006), 161–188, at 165; and Anton Holzer, *Die Südtiroler Volkspartei* (Kulturverlag, Thaur, 1991).

⁸ Alcide Berloff, *Gli anni del Pacchetto. Ricordi raccolti da Giuseppe Ferrandi* (Raetia, Bozen/Bolzano, 2004).

province and between the central government in Rome and the SVP.⁹ This model is based on the procedural institutionalization of institutions and fora in charge of conflict resolution.

The first time such an institutionalized conflict resolution mechanism came into play was in the early 1960s. After the failure of the First Autonomy Statute (1948), which codified the dominant position of the region *vis-à-vis* the province and thus the predominant position of Italians *vis-à-vis* the German-speaking South Tyrolean, a so-called 'Commission of Nineteen' elaborated a report on how the dispute concerning the proper implementation of the Paris Agreement could be resolved. The name of the commission comes from the number of its members, who were representatives of the state, the region and the province; 12 of them were Italian speakers, six German speakers and one was a Ladin. On the basis of the report of the commission and after further negotiations that lasted about four years, the so-called 'Package' was adopted in 1969. The 'Package' is a bundle of measures in favour of the minority, which led in 1972 to the amendment of the ASt and was gradually enacted until 1992 (in 1992, the SVP informed the Austrian government that the 'Package' had been implemented to its satisfaction). The adoption and implementation of the 'Package' was based on an exchange relationship between Rome and Bolzano/Bozen providing for stability in the province by means of autonomy.¹⁰

This model of procedural inclusion of the different linguistic groups and democracy based on negotiations¹¹ is visible in a range of other commissions that were appointed to regulate the relationship between the state and the province and between the different language groups; in addition, they were also meant to consult the Italian government on the further elaboration and adaptation of the autonomy and the protection of minorities.¹² Hence, the 'Commission of Twelve' is competent for handling specific areas attributed to the region Trentino-South Tyrol and the 'Commission of Six' deals with areas concerning the Province of Bolzano/Bozen. Both commissions are composed of representatives of the state, the region and the province, respectively, and are composed of equal numbers of Italian and German speakers. The function of these commissions, however, has developed from a consultative mechanism into a decision-making body, essential for the further development of the autonomous system. Also the '137-Commission' (the name comes from point number 137 of the 'Package'), which is charged with looking after the development of the autonomy, is composed of representatives

of the state and the province but the share of the language groups mirrors their strength in the population.¹³

This model of procedural inclusion¹⁴ also shapes the substance of the autonomy. All in all, a series of checks and balances characterize the autonomy.

One element, trying to achieve a balance among linguistic groups, is focused on the so-called 'ethnic quota system'.¹⁵ The ethnic quota system establishes that all public posts are distributed according to the size of the language groups resulting from the last census. This principle applies also to the allocation of public funds. All means are allocated in conformity with the proportional system (for example, study grants, social housing (where also the criterion of necessity comes into play), public welfare and culture). The ethnic quota system is also taken into account in the composition of political bodies as well as in the composition of all commissions of public law (legislative commission of the provincial assembly, associations of districts, municipalities, city councils and also the boards of public companies).¹⁶

The ASt and the resulting decision-making processes are characterized by a system of forced cooperation between the different language groups. Even though the SVP has gained an absolute majority of votes in the province since the first elections of 1948, this party cannot rule alone because of the principle of inclusion of the other language groups. On the one hand, the provincial government has to be composed according to the size of the language groups represented in the provincial assembly. The Ladins, being the smallest language group (4.3%) have to obtain at least one seat in the provincial assembly due to the provisions anchored in the ASt and, if they are represented by two delegates in the assembly, they must also be represented in the provincial government. The institutional representation, on the other hand, follows the principle of alternation. The ASt states that the presidency of the provincial assembly rotates; the German-speaking group appoints the president for the first 2.5 years, the Italian group for the second half of the mandate. The Ladins had been, until recently, excluded from this alternation principle. After the reform of the ASt in 2001, however, the Ladins can also officiate if the other groups agree. Ministers can also be appointed from outside the assembly. Due to this new possibility of 'externals', Ladins can also hold an appointment as a provincial minister if there are not already two

⁹ See the chapter in this volume by Francesco Palermo and Jens Woelk in this volume.

¹⁰ Guido Denicolò, "Die politischen Parteien Südtirols", in Barta Heinz (ed.), *Gaismair-Kalender 1984* (Michael-Gaismair-Gesellschaft, Innsbruck, 1984), 77–79.

¹¹ Anton Pelinka, "Minderheitenpolitik im politischen System Österreich", in Rainer Bauböck (ed.), ... *Und raus bist du. Ethnische Minderheiten in der Politik* (Verlag für Gesellschaftskritik, Wien, 1988), 23–27.

¹² Werner Pramstrahler, "Sozialer Dialog in Südtirol", unpublished manuscript, Bozen/Bolzano (1999).

¹³ See the chapter in this volume by Francesco Palermo on the implementation and amendment of the Autonomy Statute.

¹⁴ See Francesco Palermo, "Rolle und Wesen der paritätischen Kommissionen und ihrer Durchführungsbestimmungen", in Joseph Marko et al. (eds.), *Die Verfassung der Südtiroler Autonomie. Die Sonderrechtsordnung der Autonomen Provinz Bozen/Südtirol* (Nomos, Baden-Baden, 2005), 395–405.

¹⁵ See Giovanni Poggeschi, "Volkszählung und Sprachgruppenzugehörigkeitserklärung", in Joseph Marko et al., *op. cit.* note 14, 306–321.

¹⁶ For details on the quota system, see the chapter by Emma Lantschner and Giovanni Poggeschi in this volume.

Ladin delegates (independently from their party membership) in the provincial assembly.¹⁷

A further ethnic corrective meant to avoid the dominance of one language group over the other is the request for separate voting by the majority of the representatives of one linguistic group in the assembly (Art. 56 ASt). This method foresees that each language group may vote separately upon an act that is considered to have adverse effects upon the equality of rights between citizens of different linguistic groups or to the ethnic and cultural characteristics of one of the groups. Article 84 of the ASt foresees the same procedure for voting on the budget, whereby the individual chapters of the estimate of the financial budget can be voted on separately by the linguistic groups. A joint (with equal representation) ethnic procedure is opened if the single chapters of the financial budget do not secure a majority of votes within each language group.

II. THE PRINCIPLE OF ETHNIC DIVISION

The consociational democracy model for the elites stands in stark relation to the ethnic division of South Tyrolean civil society.

Nowadays, in South Tyrol, the cornerstone for the cohabitation of different language groups is the 'Package', a bundle of measures that represent a compromise between the Italian state and the SVP (with the approval of the Austrian government). It guarantees South Tyrol far-reaching legislative and administrative powers, including the necessary financial resources. However, its implementation was not characterized by a vision of coexistence but by the aim of increasing autonomous powers¹⁸ and by the protection of the German- and Ladin-speaking minority. Finally, both, the 'Package' and the Second Autonomy Statute (1972) were interpreted as instruments in order to reduce the influence of Italian elites and to delimit ethnicities. The 'Package' was understood as a sort of 'concordat', particularly for the reason that the compromise foresees closeness and cooperative grading instead of democracy and individual liberty.¹⁹ The more the parties insisted on the principle of minority protection, the more rigorously the ethnic division was achieved.

¹⁷ See Roberto Toniatti, "L'evoluzione statutaria dell'autonomia speciale nell'Alto Adige/Südtirol. Dalle garanzie della democrazia consociativa alla 'autodeterminazione territoriale'", in Joseph Marko et al. (eds.), *L'ordinamento speciale della Provincia Autonoma di Bolzano* (Cedam, Padova, 2001), 34–88.

¹⁸ Siegfried Baur, Irmi von Guggenberg and Dietmar Larcher (eds.), *Zwischen Herkunft und Zukunft. Südtirol im Spannungsfeld zwischen ethnischer und postnationaler Gesellschaftsstruktur. Ein Forschungsbericht* (Alpha & Beta, Bozen/Bolzano, 1998), 11.

¹⁹ See Alexander Langer, *Die Mehrheit der Minderheiten* (Wagenbach, Berlin, 1996), 168; and *Id.*, "Volkgruppen- und Minderheitenpolitik—Südtirol nach dem Paketabschluss", in Bauböck, *op. cit.* note 11, 78–88.

After years of social isolation, this model has opened up opportunities for German and Ladin speakers to catch up in different sectors, such as, for instance, the labour market. However, this very phenomenon has put a certain kind of ethno-political thought and action into motion and the importance of belonging to a certain ethnicity has thus been re-enforced.²⁰

Due to this logic, all three language groups back out into their own reservoir and communicate through their own institutional channels. This renewed emphasis on ethnicity expresses itself in the tendency of all three language groups to organize themselves in ethnically homogenous parties. This trend encourages a return to an ethnic society, characterized by pre-modern family-like structures.²¹ The consequence is an accentuated division of South Tyrolean society into separated sub-societies, whereas institutional contacts, which could blur this division, are discouraged or, in any case, made difficult.

The separation of South Tyrolean society along ethnic lines pervades the whole political-administrative system with its intertwined subsystems. Thus, the political parties in South Tyrol are organized from an ethnic point of view. After the provincial elections in 2003, in the provincial assembly there are three German, five Italian and one interethnic party (the Greens). The German-speaking parties do not compete with the Italian-speaking parties. Hence, in South Tyrol, two political arenas exist, separated by ethnic cornerstones.²²

The division of the political arenas into linguistically defined sub-arenas traces back to the Austrian monarchy; at the end of the nineteenth century, parties organized themselves according to nationality. This method was also applied after the annexation of South Tyrol in 1918 as well as after 1945.

Nowadays, the South Tyrolean multi-party system is characterized by a deep ethnic cleavage. The SVP was founded immediately after World War II as an ethnic-catch-all party for German and Ladin speakers. For a long time, the SVP had an ethnic monopoly. Only in 1964 did the German-speaking liberal-conservative Tyrol Homeland Party (*Tiroler Heimatpartei*) get into the provincial assembly.²³

A few years later, another two German-speaking social democratic parties²⁴ followed and, in the 1970s and especially the 1990s, further national liberal parties²⁵

²⁰ Baur, von Guggenberg and Larcher, *op. cit.* note 18, 272.

²¹ Günther Pallaver, "The Südtiroler Volkspartei and Its Ethno-populism", in Daniele Caramani and Yves Mény (eds.), *Challenges to Consensual Politics. Democracy, Identity, and Populist Protest in the Alpine Region* (Peter Lang, Brussels, 2005), 187–208, at 193–196.

²² Günther Pallaver, "Südtirols Parteiensystem: Versuch einer Typologisierung nach den Landtagswahlen 2003", in Peter Filzmaier et al. (eds.), *Jahrbuch für Politik Tirol und Südtirol 2003/La politica in Tirolo e in Sudtirolo* (Athesia, Bozen/Bolzano, 2004), 103–121, at 104. Meanwhile, there also exists a third electoral arena with the creation of a party representing the Ladin minority, entitled 'Ladins'.

²³ Günther Pallaver, "Die Südtiroler Volkspartei. Erfolgreiches Modell einer ethno-regionalen Partei. Trends und Perspektiven", in Institute for Ethnic Studies (ed.), *Razprave in Gradivo/Treaties and Documents (38/39)* (Eurota, Ljubljana, 2001), 314–358.

²⁴ *Südtiroler Fortschrittspartei* and *Sozialdemokratische Partei Südtirols*.

²⁵ *Partei der Unabhängigen, Union für Südtirol, Freiheitliche Partei*.

entered the provincial assembly. No German party apart from the SVP has ever reached more than ~15% of the German-speaking vote, however.

Whereas the German parties are pro-autonomy (SVP) or separatist parties (*Union für Südtirol*), the Italian party panorama always reflected the national situation. At the national level, eight relevant parties competed during the so-called 'first republic' (1948–1992).²⁶ Fragmentation was also correspondingly high among the Italian party panorama in South Tyrol. However, the Christian Democrats dominated. Next came the socialist party *Partito Socialista Italiano* (PSI) and the social democrats *Partito Socialista Democratico Italiano* (PSDI), the communists *Partito Comunista Italiano* (PCI) and the neofascist party *Movimento Sociale Italiano* (MSI). All these parties were represented at the provincial level. The implosion of the Italian party system in 1992–1993 and the end of the 'first republic' touched also the Italian parties in South Tyrol, which partly disappeared (for example, the DC and the PSI) or were replaced by new ones (for instance, *Forza Italia* or *Lega Nord*).

Only the Greens (*Grüne/Verdi/Veri*) and its predecessors since 1978 have had an interethnic basis and been present in all ethnic sub-arenas. Attempts on the part of the PSI and the PCI in the 1970s and 1980s to organize themselves interethnically failed.

As we have seen, at the provincial level, the political parties are divided ethnically. At the national electoral level, regional German and national Italian parties seek arrangements and compromises to better represent their interests.

In the 1990s, this tendency towards an ethnic electoral division included also the Ladins, who until then had maintained a traditionally relatively strong and close political relationship with the SVP and, in a softer way, with the *Democrazia Cristiana*. In political terms, this meant that ethnic belonging prevailed over the primacy of politics.

Such a party-political ethnic separation has far-reaching consequences, as this political logic of ethnic division is reflected in individual policy fields. Thus, in South Tyrol, elections to the provincial assembly and the national parliament are driven by the 'we' and the 'others', despite the fact that there are no longer serious threats to the continuance of the German- and Ladin-speaking minorities. This is especially valid for the SVP but also for the Italian-speaking center-right party National Alliance (*Alleanza Nazionale*, AN), which tries to replicate the SVP model of being an Italian 'ethnic catch-all-party'.

In South Tyrol, the political climate is characterized by an alternating incitement resulting from the ethnicity question, on the one hand, and the interethnic normalization process, on the other hand. Even if there is a kind of ethnic stand still, one can observe how ethnic tension is used as a potential mobilizing factor for promoting one's own aims.

²⁶ During the first republic (1947–1992), Italian politics were dominated by the DC; this was more or less the case until the 'Tangentopoli' scandal ('bribeville', referring to a corruption-based system) and the operation 'Mani Pulite' ('Clean Hands'), which involved all of the major Italian parties (especially those in the government coalition) and led to the second republic (1992–present); after *Tangentopoli* and *Mani Pulite*, most of the Italian parties were dissolved.

The preferably complete separation of language groups is inevitably and essentially followed by a prolongation of ethnic tensions. The separation of language groups is taking place in all significant institutions and also in everyday practical experience.²⁷ It is thus not surprising that almost three quarters of the South Tyrolean population has a circle of friends belonging predominantly or even exclusively to the same language group.²⁸

Table 2: Distribution of Mandates according to Language Groups in the South Tyrolean Provincial Assembly 2003 and 1998

	German 2003	Ladin 2003	Italian 2003	German 1998	Ladin 1998	Italian 1998*	Changes 2003–1998
<i>Südtiroler Volkspartei</i> (South Tyrolean People's Party, 'ethnic catch-all' German-speaking party)	20	1		21			
<i>Alleanza Nazionale</i> (National Alliance, Italian right-wing party)			3			3	
<i>Grüne-DPS</i> (Green Party)	3			1		1	+1
<i>Union für Südtirol</i> (German right-wing party militating for self-determination)	2			2			
<i>Die Freieitlichen</i> (German nationalistic liberals)	2			1			+1
<i>Pace e Diritti</i> (Italian left-wing party)			1			1	
<i>Unione Autonomista</i> (Italian centre)			1			2	-1
<i>Forza Italia</i> (Italian centre-right party)			1			1	

²⁷ Peter Bettelheim and Rudi Benedikter (eds.), *Apartheid in Mitteleuropa? Sprache und Sprachenpolitik in Südtirol* (Jugend & Volk, Wien, 1982); and Rudolf Benedikter (ed.), *Nationalismus und Neofaschismus in Südtirol* (Forschungsprojekt des Instituts für Friedensforschung und Friedenserziehung) (Braumüller, Wien, 1987).

²⁸ Werther Cecon, "Sprachidentität/Identità linguistica", in ASTAT (ed.), *Südtiroler Sprachbarometer. Sprachgebrauch und Sprachidentität in Südtirol 2004—Barometro linguistico dell'Alto Adige. Uso della lingua e identità linguistica in provincia di Bolzano 2004* (La Bodoniana, Bozen/Bolzano, 2006), 105–164, at 123.

	German 2003	Ladin 2003	Italian 2003	German 1998	Ladin 1998	Italian 1998*	Changes 2003-1998
<i>Unitalia</i> (Italian right-wing party)			1			1	
Ladins					1		-1
<i>Alternativa Rosa</i> (women's party)							
<i>Comunisti Italiani</i> (Party of Italian Communists)							
<i>Lega Nord</i> (Northern League)							
Total	27	1	7	25	1	9	
%	77.1	2.9	20.0	71.4	2.9	25.7	
Proportional quota according to the census	69.2	4.4	26.5	68.0	4.4	27.6	

Source: Hermann Atz, "Die Landtagswahlen 2003 in Südtirol", in Peter Plaikner, Isabella Cherubini and Günther Pallaver (eds.), *La politica in Tirol e in Südtirol* (Athesia, Bozen/Bolzano, 2004), 196-217, at 202.

*From the delegates listed as members of the *Unione Autonomista*, one belonged to the political list *Popolari-Alto Adige Domani* (Populists-Alto Adige Tomorrow) and the other delegate belonged to the list *Il Centro-Unione Democratica Alto Adige* (The Centre-Democratic Union Alto Adige).

There is a separate school and education system, from kindergarten to the faculty of education, where teachers are trained. Furthermore, there are separate departments of culture, cultural institutions and facilities, libraries and associations, social housing facilities and homes for the aged.²⁹

Also, the media tends to follow the principle of ethnic division.³⁰ Normally, there is a tendency to strongly privilege the reporting of and on one's own language group, whereas the commentaries of the other language group are neglected. The different language groups are thereby only to a (very) limited extent taking part in the life of the language group they do not belong to.

It is nevertheless noticeable that those professional categories that are of a high social profile avoid constructing ethnic fences. The association of entrepreneurs

²⁹ See the chapter by Siegfried Baur and Roberta Medda-Windischer in this volume.

³⁰ Günther Pallaver, "Nationalismus und Kommunikation. Der TV- und Zeitungsblick über den ethnischen Schrebergarten", in Jakob Wolf (ed.), *Regionale Medienlandschaft. Tirol, Südtirol, Vorarlberg* (Studia, Innsbruck, 1996), 129-145; Günther Pallaver (ed.), *Die ethnisch halbierte Wirklichkeit. Medien, Öffentlichkeit und politische Legitimation in ethnisch fragmentierten Gesellschaften. Theoretische Überlegungen und Fallbeispiele aus Südtirol* (Studien-Verlag, Innsbruck, Wien, Bozen/Bolzano, 2006); and Anton Pelinka, "Politica e mass media tra modernità e tradizione", in Di Michele, Palermo and Pallaver, *op. cit.* note 2, 319-326.

is organized interethnically, as is the chamber of lawyers, the chamber of doctors, the chamber of architects and others. The presidencies and the managerial positions of these associations are mostly assigned accordingly to a rotation system, which alternates exponents from the different language groups.

The situation differs in regard to employees. Next to the three traditional trade union federations ASG/CGIL,³¹ SGB/CISL³² and SGK/UII,³³ which are all inter-ethnic, since 1964 there has also been an ethnic German-speaking Autonomous South Tyrolean Trade Union (*Autonomer Südtiroler Gewerkschaftsbund*, ASGB).

This ethnic fragmentation has decisive consequences for the distribution of resources, which is codified through the ethnic quota system. The system has a twofold dimension: vertical and horizontal. Although the quota has to be respected on all the different levels of the administrative hierarchy, there is a tendency that Italians generally fill positions as vice-presidents, vice-delegates, etc.³⁴ At the level of top positions, the system should be more penetrable for Italian speakers in order for them not to feel disadvantaged by the system. However, the quota system is not only a mathematic means to allocate public funds according to the size of the individual language groups but it is also a political instrument.

An emerging understanding of social necessities due to demographic and societal changes in recent decades has forced the political elite to make the proportional quota system more flexible. As a consequence, the public sector does not risk becoming paralyzed if the relevant language group is unable to fill the vacancy. The change in the quota mechanism shows that also this apparently untouchable pillar of the ASr has to adapt to social reality.

As demonstrated above, the proportional quota system can channel conflicts in the distribution of public posts and in the allocation of resources but it can also evoke new conflicts. This is the case if people are excluded from resources due to their language declaration. Once symmetry among the language groups is established, the proportional quota system should set the course for merit as the main criteria.

III. THE BREACHES IN THE MODEL

The political elites of South Tyrol of all three language groups—but especially the German- and Italian-speaking ones—were legitimized to a large extent by their homogeneity and uniform representation after World War II up until the adoption of the Second Autonomy Statute. The results of elections for the provincial assembly and the steady high presence and percentage rates of parties such as the SVP and DC are proof of this contention.

³¹ *Allgemeiner Gewerkschaftsbund (AGB)/Confederazione Italiana del Lavoro (CGIL)*.

³² *Südtiroler Gewerkschaftsbund (SGB)/Confederazione Italiana Sindacati Lavoratori (CISL)*.

³³ *Südtiroler Gewerkschaftskammer (SGK)/Unione Italiana del Lavoro (UII)*.

³⁴ Norbert Dall'Ö, "Der Frust der Ausgeschlossenen", *ffSüdtiroler Wochenmagazin*, 5 October 2006, 16-21.

Due to the constancy of the individual language groups, South Tyrol enjoyed a relatively high level of political-cultural stability and homogeneity, which made it possible for the elites to pursue political aims that were legitimized by the whole group, although some inner cleavages were emerging. Within the German- (and Ladin-speaking) language group, cultural homogeneity was visible because of common characteristics within the population (a farmers' society). This was not the case for the Italian language group present in South Tyrol; this latter population group was characterized by strong internal differences due to the reason that Italians came from diverse territories in Northern Italy and had settled down in South Tyrol individually. Therefore, the Italian group was not socially and culturally as compact as the German- and Ladin-speaking groups. Nevertheless, there was also a relatively strong feeling of unity within the Italian linguistic group in accepting overall political aims, which was enabled by the common religion, the Catholic faith. The politics of ethnic separation—which had and still has as its final aim the strengthening of the respective language group—often favoured the maintenance of the abovementioned homogeneity within the political system(s). Conflicts within a single language group were transformed very easily into conflicts against the other language group. Despite all such conflicts at the interethnic level, however, economic and political cooperation between the elites of each language group was evident from the very beginning of their relationships.³⁵

These preconditions for a successful pacification of the region's ethnic conflicts became diluted in recent years. Nowadays, the South Tyrolean model of ethnic conflict resolution tends to break up because some of the abovementioned prerequisites are no longer present. This includes a breach in the continuity within the political elites of the Italian-speaking population and the concurrent exclusion of a consistent part of civil society from vital decision-making processes in the province. For that reason, the consociational model, which should guarantee the maximum ethnic inclusion, is slightly falling apart. This has led to a centrifugal development of the party system in South Tyrol. Also, the societal modernization process and the importance of the issue of 'minority protection' have contributed to an erosion of the entailed political cultures and the interlinked strict ethnic separation. After all, the consolidation of minority protection has led to a new tension between collective and individual (minority) rights.

A. The Breach in the Continuity of the Elites within the Italian-speaking Language Group and the Erosion of the Inclusion System of all Ethnic Groups

The *Democrazia Cristiana* was a traditional coalition partner of the SVP at the level of both the provincial and the regional government. The broadening of the coalition (to include the Social Democrats and the Socialist party) was thereby a

reflection of the changes in coalitions from 1963 onwards in the national government. In Rome, within the national government, the shrinking support for the DC has forced this party to accept a centre-left alliance.

The coalition was based upon the ideological spindle of the two Catholic parties. The SVP was the dominant party within the German- and Ladin-speaking population and the DC the dominant party within the Italian speakers.

From 1948 to 1993, the SVP and the DC together were represented in the province with a percentage rate of 78.75% in 1956 and 70.67% in 1989. In 1993, they lost this stability because of the crisis and the internal split of the DC at the national level (56.47%). An analysis of the development of the Italian parties since 1948 shows that the DC had reached a level of support among the Italian speaking population of 40.41% in 1956 and 30.99% in 1988. This means that the DC always represented at least a third of the Italian-speaking population.

Table 3: Composition of the Provincial Assembly from 1948 to 2001

1948–1952	1952–1956	1956–1960	1960–1964	1964–1968	1968–1973	1973–1978	1978–1983	1984–1989	1989–1993	1993–1998	1998–2003	2003–2008
SVP-DC-PRI	SVP-DC	SVP-DC	SVP-DC	SVP-DC-PSDI	SVP-DC	SVP-DC-PSI	SVP-DC-PSDI	SVP-DC-PSI	SVP-DC-PSI	SVP-PPI-AD	SVP-DS-PPI-Centro	SVP-Pace e Diritti, Unione Autonomista

PRI = *Partito Repubblicano Italiano* (Italian Republican Party); PSDI = *Partito Socialista Democratico Italiano* (Italian Socialist Democratic Party); PDS = *Partito democratico della Sinistra* (Party of the democratic left); PPI = *Partito Popolare Italiano* (Italian People's Party).

Source: Günther Pallaver, "Südtirols Parteiensystem: Versuch einer Typologisierung nach den Landtagswahlen 2003", in Peter Filzmaier, Peter Plaikner, Isabella Cherubini and Günther Pallaver (eds.), *Jahrbuch für Politik Tirol und Südtirol 2003/La politica in Tirolo e in Sudtirolo* (Athesia, Bozen/Bolzano, 2004), 103–121, at 119.

Table 4: SVP-DC and Successor Parties Electoral Share Percentage Rates

	1948–1952	1952–1956	1956–1960	1960–1964	1964–1968	1968–1973	1973–1978	1978–1983	1984–1989	1989–1993	1993–1998	1998–2003	2003–2008
SVP	67.60	64.76	64.40	63.86	61.27	60.69	56.42	61.27	59.44	60.38	52.04	56.6	55.6
DC	10.78	13.72	14.35	14.61	13.52	14.40	14.08	10.79	9.55	10.29	4.43	4.5*	3.7**
Total	78.38	78.48	78.75	78.47	74.79	75.09	70.50	72.06	68.99	70.67	56.47	61.1	59.3

* These figures refer to the results of the DC successor parties. In 1998, these were *Popolari Alto Adige* (People's South Tyrol, 2.7%) and *Il Centro-Unione Democratica dell'Alto Adige* (The Centre-Democratic Union of South Tyrol, 1.8%).

** In 2003, there were four centre parties running for elections within the alliance *Unione Autonomista* (Autonomous Union): *Insieme per l'Alto Adige* (Together for South Tyrol), *Lista Di Pietro* (Di Pietro's List), *Unione di Centro* (Union of the Centre) and *Margherita*.

Source: Data compiled from Südtiroler Landesregierung, *Südtirol Handbuch (22/2003)* (Arti Grafiche Tezzele, Bozen/Bolzano, 2003); and Marco Rizza, "La corsa all'unità, l'approdo alla frammentazione. I partiti italiani in Sudtirolo", in Peter Filzmaier, Peter Plaikner, Isabella Cherubini and Günther Pallaver (eds.), *Jahrbuch für Politik Tirol und Südtirol 2003/La politica in Tirolo e in Sudtirolo* (Athesia, Bozen/Bolzano, 2004), 124–133.

³⁵ Brendan O'Duffy, "Containment or Regulation? The British Approach to Ethnic Conflict in Northern Ireland", in Brendan O'Leary (ed.), *The Politics of Ethnic Conflict Regulation* (Routledge, New York, London, 1993), 128–150.

Table 5: Voters' Confidence Share* of the DC and its Successor Parties (%)

1948	1952	1956	1960	1964	1968	1973	1978	1983	1988	1993	1998	2003
33.80	39.32	40.41	38.94	37.21	38.96	39.53	35.08	32.12	30.99	16.01	17.64	17.01

* Refers to the Italian 'Indice di fiducia', which is a measure of the trust of citizens in the party, based on opinion polls.

Source: Data compiled from Südtiroler Landesregierung, *Südtirol Handbuch (22/2003)* (Arti Grafiche Tezzele, Bozen/Bolzano, 2003); and Günther Pallaver, "Südtirols Parteiensystem: Versuch einer Typologisierung nach den Landtagswahlen 2003", in Peter Filzmaier, Peter Plaikner, Isabella Cherubini and Günther Pallaver (eds.), *Jahrbuch für Politik Tirol und Südtirol 2003/La politica in Tirol e in Sudtirolo* (Athesia, Bozen/Bolzano, 2004), 103–121, at 107.

Taking all the percentage rates of the other Italian coalition partners and combining the number with the election results of the DC, one observes that Italians in South Tyrol were strongly represented in the provincial government from 1948 until 1993. As is visible in the attached table, the Italian coalition partners represented the Italian population of South Tyrol in the abovementioned time span with a maximum of 55.37% in 1973 and a minimum of 38.94% in 1960. Only with the breakdown of the 'first republic'³⁶ and the crisis within the DC did the Italian coalition partners fail to reach a percentage rate of 30% in 2003 (28.3%). In 1998, the quota was still slightly above 30%. In the legislative period between 1993 and 1998, they reached only 26.64%.

Table 6: Share of the Italian Coalition Parties in Absolute Terms and Relative to the Number of Italian Voters 1948–2003 (%)

	1948	1952	1956	1960	1964	1968	1973	1978	1983	1988	1993	1998	2003
DC/PPI Unione Autonomista	10.78	13.72	14.35	14.61	13.52	14.40	14.08	10.79	9.55	10.29	4.43	2.7*	3.7**
Il Centro/ UDA												1.8*	
PSI							5.64		3.91				
PRI	3.58									4.03			
PSDI					3.82			2.29					
PDS/DS Pace e Diritti											2.94	3.5	3.8
Total	14.36	13.72	14.35	14.61	17.34	14.40	19.72	13.08	13.46	14.32	7.37	8.0	7.5
Percentage of Italian voters	42.48	39.32	40.41	38.94	47.72	38.96	55.37	42.53	45.27	48.94	26.64	31.37	28.35

* The succession party of the DC, the *Popolari*, did split once more in the provincial assembly elections in 1998.

** In 2003, four centrist parties ran for elections.

Source: Data compiled from Südtiroler Landesregierung, *Südtirol-Handbuch (19/2000)* (La Commerciale, Bozen/Bolzano, 2000); and Günther Pallaver, "Südtirols Parteiensystem: Versuch einer Typologisierung nach den Landtagswahlen 2003", in Peter Filzmaier, Peter Plaikner, Isabella Cherubini and Günther Pallaver (eds.), *Jahrbuch für Politik Tirol und Südtirol 2003/La politica in Tirol e in Sudtirolo* (Athesia, Bozen/Bolzano, 2004), 103–121, 107.

³⁶ Bettelheim and Benedikter, *op. cit.* note 27; Benedikter, *op. cit.* note 27.

Since 1993, a majority of Italians in South Tyrol were no longer represented in the decision-making bodies. Subjectively perceived, this means that the consociational democracy model and its principle of inclusion of all language groups in decision-making processes is no longer being fully implemented. The strongest party among the Italians in South Tyrol, the *Alleanza Nazionale* (a right wing party), is no longer considered to be an anti-system party but, from a political autonomy point of view, it is still defined as a semi-anti-system party. Therefore, it remains excluded from a decisive involvement in the provincial government and this also automatically entails the exclusion of a quite relevant part of the Italian population.

This tendency was already visible in 1988. At that time, the *Movimento Sociale Italiano* outran the DC for the first time; today, AN is virtually unchallenged and presents itself as the strongest party among Italian voters.

Table 7: Electoral Results of the Parties DC and MSI/AN 1988–2003

	1988	1993	1998	2003
DC/PPI/ <i>Unione Autonomista</i>	9.07	4.43	4.5	3.7
MSI/AN*	10.29	11.64	9.7**	8.4

* In 1995, at the party congress in Fiuggi, the MSI (Italian Social Movement) changed its name into *Alleanza Nazionale* (National Alliance, AN).

** Together with the Liberals.

Source: Günther Pallaver, "Südtirols Parteiensystem: Versuch einer Typologisierung nach den Landtagswahlen 2003", in Peter Filzmaier, Peter Plaikner, Isabella Cherubini and Günther Pallaver (eds.), *Jahrbuch für Politik Tirol und Südtirol 2003/La politica in Tirol e in Sudtirolo* (Athesia, Bozen/Bolzano, 2004), 103–121, at 107.

This exclusion had an effect not only in the provincial assembly but also in all of the important commissions, which act as interlocutors between the ethnic minority and the national government in Rome. With the accession of the centre-right national government in 2001, *Alleanza Nazionale* was for the first time present in all of the commissions (in the 'Commission of Six' and the 'Commission of Twelve', as well as in the 'Commission of 137'). The electoral victory of the left-wing coalition of Romano Prodi in 2006 reversed this situation, however.

The exclusion of a quite relevant part of the Italian society from political decision-making structures called for an Italian catch-all-party that could compete co-equally with the hegemonic SVP. This meant that the fragmentation within the Italian political scenario had to stop. *Alleanza Nazionale* fulfills this function only to a very limited extent.

Also, the Ladins feel disadvantaged by their exclusion from the central decision-making apparatus in South Tyrol. The Ladins are entitled to be represented in the provincial assembly. The Autonomy Statute of 1972 guarantees the Ladins one mandate. However, they were neither able to hold the office of president of the provincial assembly nor that of deputy president. Furthermore, they qualify

for a governmental seat only in the case of having two Ladins in the provincial assembly. Only after the reform of the ASt in 2001 were the Ladins provided with the possibility to be coopted into the provincial government regardless of their size. Furthermore, they can run for elections and become (vice-)president of the provincial assembly if the German or Italian Language group abstain from doing so.

Moreover, they are excluded from the joint commissions (the commissions of 6 and of 12), for which only the equal representation of German and Italian speakers was foreseen. In the judiciary, they are legally left out from the administrative court, because the latter has to be composed only by German and Italian-speaking South Tyrolese, according to the ASt. The low percentage rate of Ladins (4.3%, according to the last census) leads to the situation that they are also disadvantaged in the allocation of public positions according to their low number.

The results of the 'Social Survey' in 1997 showed that, in the last five years, Ladins have perceived themselves to be discriminated against in terms of access to the labour market *vis-à-vis* people belonging to the German and Italian language groups. Another result was that Ladins have a generally more pessimistic outlook for the future. This is particularly so in regard to their protection as a linguistic minority. They perceive this aspect to be much more of a vital problem than do the members of the other language groups.³⁷

This uneasiness of the Ladin minority, which historically supported the SVP by majority, led in 1993 to the creation of its own, purely ethnically conceived, Ladin party, named 'Ladins'. This party sent out the sole Ladin delegate to the legislative body, whereas until then the Ladin delegate had always been drawn from the party ranks of the SVP;³⁸ since 2003, this has again been the case due to the loss of the Ladin party in elections.

The example of the Ladins shows how minority problems are shifting and how new ethnic cleavages are growing in South Tyrol. This is especially true for new minorities, whose quota within the resident population constitutes ~5% (25,466 on 31 December 2005). After all, nowadays the conflict between immigrants and locals is seen as the biggest problem by most South Tyrolese.³⁹

³⁷ Max Haller, *Social Survey 1997. Arbeitswerte und wirtschaftlich-sozialer Wandel in Südtirol* (Presel, Bozen/Bolzano, 2000), 93.

³⁸ On 25 October 2000, a reform of the ASt was approved in Rome at the second reading.

³⁹ Haller, *op. cit.* note 37, 93.

Table 8: Foreigners Residing in South Tyrol as a Proportion of the Available Resident Population Data from 1990 to 2005

	1990	1995	1998	2001	2005
Total resident population	438,918	451,563	459,687	468,078	485,042*
Proportion of foreigners in the resident population	1.2%	1.8%	2.5%	3.3%	5.3%

Source: ASTAT, "Ausländer in Südtirol", ASTAT Information No. 21 (1999), 5; ASTAT, "Wohnbevölkerung in Südtirol", ASTAT Information No. 10 (2002), 1; ASTAT, "Ausländische Bevölkerung in Südtirol 2001", ASTAT Information No. 11 (2002), 1; and ASTAT, "Ausländer in Südtirol 2005", ASTAT Information No. 17 (2006).

* Evaluation on 30 June 2006.

B. Majority vs. Autonomy in Governmental Decision-making Processes and the Re-ethnicization of the Party System

The breaches in the political culture of the consociational model are expressed also through other facets. The basic principle of consensus on important questions of autonomy is more frequently failing to transpire. Due to its hegemonic position and its absolute majority in the South Tyrolean Provincial Assembly, the SVP often decides upon questions that exclusively concern Italian-speaking South Tyrolese against the will of the majority of Italians. This occurred, for example, in the discussion upon the so-called 'immersion teaching' system (some subjects would be taught in the Italian language, others in the German language) in schools having Italian as the teaching language. This kind of immersion teaching is not welcomed by the SVP due to fears that its success would open the floodgates to demands to introduce 'mixed' schools, although a survey in 2004 attested that not only 83.4% of Italians but also 56.8% of German speakers and 98.1% of Ladin speakers in South Tyrol welcomed this teaching method.⁴⁰

All language groups have to be proportionally (according to their size in the provincial assembly) present in the provincial government due to the basic principle of consociational democracy. This principle is only partly implemented because of the existence of the principle of majority and the absence of an absolute veto power in decision-making processes in the fields of competence of the individual language groups, which rule in the South Tyrolean provincial government.

⁴⁰ Kurt Egger, "Sprachbiografie/Biografia linguistica", in ASTAT (ed.), *Südtiroler Sprachbarometer. Sprachgebrauch und Sprachidentität in Südtirol 2004—Barometro linguistico dell'Alto Adige. Uso della lingua e identità linguistica in provincia di Bolzano 2004* (La Bordoniana, Bozen/Bolzano, 2006), 23–66, at 55–56.

The exclusion of a significant part of civil society from central decision-making structures and the deficit of inclusion of the individual language groups led to a re-ethnicization process in the party system and not to an interethnic language-comprehensive opening. All this obviously also had consequences for the dynamics of the party system itself. Since the elections of the provincial assembly in 1998, a centrifugal tendency within the party system has been visible. It is also important to bear the 1993 elections of the provincial assembly in mind within this analysis too, as, although many of the Italian parties were still running for elections with their traditional party signs at that time, the implosion of the Italian party system was already fully initiated.

In 1993, the autonomy parties supporting the autonomy arrangement in the provincial assembly had 61.17% of the votes, in 1998 61.10% and in 2003 only 59.3%. This corresponds to a reduction of 1.87%. On the other hand, the semi- and anti-autonomy parties gained 2.6% (in 1993, they had 22.5% of all votes and, in 2003, 25.1%). The autonomy reform parties had more or less the same and stable results in the period from 1993–2003 (a loss of only 0.13%). This proves that the South Tyrolean party system has become slowly but steadily characterized by the two extreme poles. This tendency becomes especially clear in a comparative analysis of the provincial assembly elections in 2003 and 1988. The 'autonomy parties' (SVP, DC and PSI) together won 73.4% of the votes cast at the elections of 1998. If one adds the result of the autonomy-friendly PCI, the percentage grows to 76.49%. Three quarters of the parties represented in the provincial assembly were located around the centre-pole, whereas the anti- and semi autonomy parties (MSI-DN and the *Südtiroler Heimatbund*) reached only 12.58%.

The Italian parties represented in the provincial assembly revealed by means of their rising popularity and their election results a tendency towards political extremism within South Tyrolean society. In 1993, the anti- and semi-autonomy friendly parties represented 11.64% of the total vote, in 2003 they reached a percentage rate of 13.3% (+1.66%). The German-speaking parties did not register such a tendency among their voters. Nevertheless, they also expanded from 10.86% of the vote in 1993 to 11.8% in 2003 (+0.94%).

Nowadays, the South Tyrolean party system is characterized by a centrifugal dynamic, which tends to place emphasis on the antagonistic poles being focused politically on the autonomy. If this tendency continues, it would mean that, in the longer run, the tense relationship between the extreme wings of the system, the anti- and semi autonomy-parties, and the autonomy parties, will become tenser and tenser. This includes the risk that sooner or later there will be a breaking test for both the centre-autonomy pole and the parties belonging to the extreme poles. The final consequence could be that the autonomy system will break apart. Thus, this represents a tendency, indeed, that is counterproductive within the consociational democracy model. This could only be stopped if political reforms are implemented that would be able to narrow voters' affinity for parties belonging to the extreme poles.

Table 9: Centrifugal Election Behaviour (%)

Year	Autonomy parties	Autonomy reform parties	Semi- and anti-autonomy parties
1993	61.7	11.87	22.5
	SVP, DC/PPI, <i>Lega Nord</i> , <i>Unione Centro</i>	<i>Grüne</i> , Ladins, PDS	MSI, <i>Freiheitliche</i> , <i>Union</i>
1998	61.10	13.6	23.2
	SVP, <i>Popolari</i> , <i>Il Centro</i> UDA	<i>Grüne</i> , Ladins-PDS, <i>Progetto Centrosinistra</i>	AN-I <i>Liberali</i> , <i>Union</i> , <i>Lista Civica</i> /FI, <i>Freiheitliche</i> , <i>Unitalia</i>
2003	59.3	11.7	25.1
	SVP, <i>Unione Autonomista</i>	<i>Grüne</i> , <i>Pace e Diritti</i>	AN, <i>Union</i> , FI <i>Freiheitliche</i> , <i>Unitalia</i>
Variation	-1.87	-0.13	+2.6

Source: Data from Südtiroler Landesregierung, *Südtirol Handbuch* (22/2003) (Arti Grafiche Tezzele, Bozen/Bolzano, 2003); and author's own supplements.

IV. THE EROSION OF THE LOGIC IN THE SYSTEM OF ETHNIC SEPARATION

Even though for a long time there had been concordance among the elites, the relationship between the members of the three language groups was also tense and marked by conflicts. Step by step, with the expansion of the protection of minority right, the consolidation of the German- and Italian-speaking minorities and the economic transformation that changed the status of the once oppressed minority into a dominant one, the model of strict separation among ethnicities is becoming increasingly criticized and questioned within civil society.

This questioning of a system based on ethnic barriers is a bottom-up process in South Tyrol and is not being guided by the elites. The attempt to create a public sphere with the aim of creating a multicultural society that considers multi-linguistic cohabitation to be a high democratic value derives firstly from the initiative of individuals and groups, who organize themselves in interethnic or ethnically indifferently initiatives and social, cultural and economic projects.⁴¹ This could be the beginning of a multilingual participatory and cooperative civil society.

Since the 1970s, this evolution has resulted in an increasingly tense and conflictual relationship between the institutions and intellectuals. This relationship is centred, on the one hand, on maintaining the status quo of the traditional ethnic

⁴¹ Baur, von Guggenberg and Larcher, *op. cit.* note 18, 274.

separation; on the other hand, it emphasizes the decrease of institutional barriers to favour interethnic cooperation and the multicultural system.

The creation of language-comprehensive structures (if sometimes only in an informal manner) within parties, trade unions and associations, represents a reaction (also if only informal) to the ethnic separation system.⁴² More successful were common initiatives in the fields of ecology and environmental protection as well as in the defense of citizens' and human rights, which are connected with the declaration of linguistic belonging (for instance, the exclusion of the passive voting right due to a missing declaration of linguistic affiliation). These are initiatives, indeed, which belong to the informal policy field rather than to the formal one.

Such an institutional broadening of visions (to a certain extent, even also in the formal policy field) would never have been possible without pressure from civil society. However, this spotted expanding cooperation among the language groups comprises only a small part of civil society. Nevertheless, surveys prove that, in the last 15 years, interethnic cooperation is becoming increasingly widely supported.

In 2004, 23.1% of the surveyed population in South Tyrol stated that cohabitation does not represent a problem and 60% were of the opinion that the problem was less relevant than in former times. Only 11.1% considered coexistence to be a very big or quite big problem. In 1991, this rate had still been at 38%. Cohabitation itself is seen as positive; just 2.1% consider it to be insufficient and only 0.3% as very bad. Respectively, more than a third expect that the cohabitation of language groups will improve (35.5%) or remain the same (35.8%) in the future. Everybody recognizes the improvements but the Italians with 54.5% and the Ladins with 49.3% support this opinion much more strongly than do the Germans (28.6%). The most popular response was, however, that of those who do not give or just do not want to give any answer to this question.⁴³ One has to consider that, due to the geographic situation, interethnic contacts and relations often don't exist because the other language group is simply not present. This is valid for the periphery, where the Italian language group is much less numerous and tends to become fully assimilated. The Italian-speaking South Tyrolese are concentrated mostly in the few urban centers in the province and, especially, in the capital city of South Tyrol, Bolzano/Bozen, which comprised, in 2001, 73.00% Italians (in 1991, 72.59%), 26.29% Germans (in 1991, 26.62%) and 0.79% Ladins (in 1991, 0.71%).⁴⁴ However, despite physical closeness, the two language groups inhabit and cultivate ethnically separated environments.

Educational background plays a central role in all these questions. The higher the education, the more positive is the approach to the other language group.

⁴² *Ibid.*, 285.

⁴³ Kurt Egger and Werther Cecon, "Leben im mehrsprachigen Raum/Vivere in un contesto multilingue", in ASTAT, *op. cit.* note 40, 167–206, at 179–198.

⁴⁴ Hans Heiss, "Der ambivalente Modellfall: Südtirol 1918–1998", 21 *Mitteilungsblatt des Instituts zur Erforschung der europäischen Arbeiterbewegung* (1998), 225–241.

In comparison with the year 1991, there has been one additional eye-catching change. The percentage rate of people who consider ethnic diversity to be a cultural richness increased considerably in 2004 from 36.0% to 55.5% (Germans 59.6%; Italians 38.2%). These percentage rates have to be analyzed taking into account the results of the survey on disadvantage. 69.1% of the Italians are of the opinion that their language group is disadvantaged in the fields of labour, politics, economy, housing, culture and communication, whereas 'only' 32.6% of the Ladins consider themselves to be disadvantaged in politics, society, communication, public administration and 20.1% of Germans in administrative matters and public bodies.⁴⁵ Here we can observe the cradle of ethnic tensions, which could easily lead to new conflicts if the tensions grow more acute. It is the task of politics to avoid this scenario.

The gradual reduction of ethnic conflicts is also confirmed by a study on the youth population in South Tyrol. This 1995 study states that the South Tyrolese youth considers the coexistence among young people in South Tyrol to be free of any conflict and rather unproblematic.⁴⁶ A consistent majority of young people do not feel any need to consciously establish borders between the language groups. However, the young population is aware of the fact that the ethnic borders are relatively impenetrable. This is especially felt by the Italian-speaking South Tyrolese. Young people with a higher educational background show a significantly lower tendency towards ethnic separation in daily life. Moreover, the study also showed that the male youth possesses a more strongly developed ethnic identification and interethnic differentiation than does the female youth.⁴⁷ These results are more or less confirmed by a study on youth population in the year 1999.⁴⁸

The reason for the elimination of social distance depends also on the level of knowledge of the second language, which increased positively in the last decades, especially among the Italian-speaking South Tyrolese.⁴⁹

The knowledge of the second language depends on the age and on the formal education level; this is clear from a survey from 1991, as well as from other polls. 67% of the Italian-speaking and 90% of the German-speaking South Tyrolese

⁴⁵ Egger and Cecon, *op. cit.* note 43, 190–200.

⁴⁶ Heinz Ulrich Kohr, Massimo Martini and Roland Wakenhut, *Jugendstudie 1994/Indagine sui giovani 1994* (ASTAT, Autonome Provinz Bozen/Südtirol-Provincia Autonoma di Bolzano, Alto Adige, Bozen/Bolzano, 1995).

⁴⁷ Jutta Gallenmüller-Roschmann, "Die drei Sprachgruppen Südtirols im Vergleich", in Roland Wakenhut (ed.), *Ethnische Identität und Jugend. Eine vergleichende Untersuchung zu den drei Südtiroler Sprachgruppen* (Leske & Budrich, Opladen, 1999), 83–108, at 97.

⁴⁸ ASTAT, *Jugendstudie. Werthaltungen, Lebensformen und Lebensentwürfe der Südtiroler Jugend 1999/Indagine sui giovani. Valori, stili di vita e progetti per il futuro die giovani altoatesini 1999* (Presel, Bozen/Bolzano, 2000).

⁴⁹ Ornella Buson, "Bilinguismo, relazioni interetniche e formazione: risultati dell'indagine Astat 1991", in Hermann Atz and Ornella Buson (eds.), *Interethnische Beziehungen: Leben in einer mehrsprachigen Gesellschaft* (Presel, Bozen/Bolzano, 1992), 1012–1115; Roberto Baccellini and Hermann Atz, "Il gusto di conoscere un'altra lingua. Valutazione della campagna di sensibilizzazione sul bilinguismo promosso dall'Ufficio Bilinguismo della Provincia Autonoma di Bolzano—Alto Adige. Interpretazione dei risultati", *Relazione illustrata al committente* (apollis, Bozen/Bolzano (1999)).

surveyed in 1991 understood or used the other language, whereas this percentage rate was even higher among the Ladin speakers.⁵⁰ More recent analyses in 1997 refer to the fact that the knowledge of the other language varies according to different age groups; these analyses prove that, among German-speaking South Tyrolese aged 25–44, bilingualism is highly developed, while this high level of bilingualism is visible in Italian-speaking South Tyrolese in the age group 18–24.⁵¹ In 2004, one German speaker out of four declared to be able to speak spontaneously and fluently in Italian; one out of three can express him/herself in the other language without problem and easily communicate in daily life. Merely 5.1% declared that they are not able to do so at all. According to this study, the Ladins speak the Italian language at a level that is almost comparable with their mother tongue. In regard to the Italians, 27.2% stated that they are able to properly speak and interact in German, whereas 38.8% do not have this ability.⁵²

The higher levels of language knowledge and the increasing educational level lead to the conclusion that the legally conceived model of coexistence among different language groups within the logical frame of ethnically separated communities is nowadays being questioned by a bottom-up process. At this juncture, new lines of tension are being created between the part of civil society that no longer clings to basic ethnic principles and the representatives of ethnically separated institutions.

V. THE TENSE RELATIONSHIP BETWEEN THE COLLECTIVE RIGHTS OF MINORITIES AND INDIVIDUAL RIGHTS

The Autonomy Statute (1972) has a double legal nature. On the one hand, it grants the region of Trentino-South Tyrol and the provinces of Bolzano/Bozen and Trento a territorial autonomy and, on the other hand, it incorporates a series of collective rights for the protection of ethnic minorities living in the territory. Thus, the Autonomy Statute contains an overlap of territorial and personal principles.

Firstly, the protection of collective rights for guaranteeing minority protection will be discussed. A series of measures in the Autonomy Statute refer to this collective dimension. These measures aim at the protection of the group, not of

individuals.⁵³ The example of the declaration of affiliation with a linguistic group best illustrates this situation. By this declaration, all Italian citizens living on the territory of South Tyrol have to affiliate or aggregate themselves with one of the three linguistic groups, which are protected through the ASt. The individual declaration as to linguistic affiliation or linguistic aggregation is certified by name. The size of the different language groups is simultaneously ascertained through an anonymous declaration.⁵⁴

The declaration of linguistic affiliation serves to establish the size of the respective language group in order to be able, in a second step, to calculate the ethnic proportional quota. According to the results of this calculation, the abovementioned quota system is put into practice. Thus, a list of rights is connected with this linguistic declaration of resident South Tyrolese. If somebody refuses such a declaration, he/she automatically renounces a series of subjective rights, which are interlinked with his/her status as a member of one of the official language groups in South Tyrol (not with his/her status of being a citizen), such as, for example, certain political rights.

In South Tyrol, approximately 13% of children belong to linguistically mixed families,⁵⁵ 6.1% of the South Tyrolese youth aged between 14 and 25 declare that they feel belonging to none or more than one language group, or are irresolute about the question.⁵⁶ Also there are more or less 25,000 foreigners who reside in the territory. All those people have to subordinate themselves to the collective protection clause of the three traditional groups. Non-standard forms of identity are excluded and consequently so are all the facilities that would meet their necessities efficiently.

As a result, the individual right of freedom to choose whether to be treated as a person belonging to a national minority or not, without suffering any disadvantage from that choice or from the exercise of the rights that are connected to that choice,⁵⁷ is limited, for the sake of the protection of the group.

The other level of the ASt concerns the territorial autonomy that refers to all citizens living on the territory independently from their belonging to one of the

⁵³ Francesco Palermo, "I due volti dello Statuto", *il mattino di Bolzano e provincial*, 24 October 2000, 1–13; Eleonora Maines, "Die Quasi-Rechtspersönlichkeit der Sprachgruppen", in Joseph Marko *et al.*, *op. cit.* note 14, 297–305; and Peter Hilpold, *Modernes Minderheitenrecht. Eine rechtsvergleichende Untersuchung des Minderheitenrechtes in Österreich und in Italien unter besonderer Berücksichtigung völkerrechtlicher Aspekte* (Nomos, Baden Baden, 2001). See also the chapters in this volume by Jens Woelk on individual and group rights and by Emma Lantschner and Giovanni Poggeschi on the quota system and the declaration of affiliation to a language group.

⁵⁴ See the chapter in this volume by Emma Lantschner and Giovanni Poggeschi on the quota system and the declaration of affiliation to a language group.

⁵⁵ Baur, von Guggenberg and Larcher, *op. cit.* note 18, 35.

⁵⁶ Patrizia Venturelli Christensen, "Zugehörigkeitsgefühl/Senso di appartenenza", in ASTAT (ed.), *Jugendstudie. Werthaltungen, Lebensformen und Lebensentwürfe der Südtiroler Jugend 1999/Indagine sui giovani. Valori, stili di vita e progetti per il futuro die giovani altoatesini 1999* (Presel, Bozen/Bolzano, 2000), 91–119, at 106.

⁵⁷ Art. 3 FCNM.

⁵⁰ Buson, *op. cit.* note 49, 102.

⁵¹ Fondazione Censis, *Identità e mobilità dei tre gruppi linguistici in Alto Adige. Rapporto finale* (Censis, Roma, 1997), 93.

⁵² See Werther Ceccon, "Sprachidentität/Identità linguistica", in ASTAT (ed.), *Südtiroler Sprachbarometer. Sprachgebrauch und Sprachidentität in Südtirol 2004—Barometro linguistico dell'Alto Adige. Uso della lingua e identità linguistica in provincia di Bolzano 2004* (La Bordoniana, Bozen/Bolzano, 2006), 143–152.

three language groups officially recognized by the AS; the territorial autonomy includes also people as immigrants, bilingual socialized citizens and much more.⁵⁸

Thus, in the first case, the main emphasis is put on the protection of the minority as a group and the group's substantial equality (for the purpose of reparation for historical injustices). In the second case, individual rights and consequently formal equality are stressed independently from ethnic belonging.

The historical starting point of the Autonomy Statute was the collective protection of minorities. The Autonomy Statute embedded this concept in a fairly inflexible legal model with its legal institutions. This model legitimizes deviation from the basic principle of formal equality. The ethnic proportional quota system represents an exemplary practice thereof.

However, this deviation from the basic principle of formal equality has to be considered to be an exception rather than a rule. Such exemptions have to be justified and motivated; additionally, they have to be transitory and exclusively earmarked. Ultimately, they also have to be restricted by the principle of proportionality; this means that all measures have to compromise individual rights to the least extent possible. Such measures are no longer justified if their purpose has been served.⁵⁹

As long as the declaration of linguistic affiliation is required for an effective implementation of the ethnic quota system, that system being a measure for the purpose of reparation of suffered injustices, instruments that limit citizens' individual rights are justified. In this case, deviations from the principle of formal equality for the benefit of the principle of substantial equality are legitimized. However, as soon as the ethnic proportional quota system is implemented in the public sector, the system should again be based on merit (for instance, bilingualism should be a prerequisite for accession to posts in the public sector, as is already in place).⁶⁰ The stronger the ethnic conflict decreases (and empirical data documents this clearly), the less one can justify collective protection measures, which are disproportionately affecting individual rights.

The South Tyrolean autonomy is situated in the tense relationship between historically legitimized protection measures in favour of the collectivity (with the automatic subordination of individuals for the benefit of the collectivity) and the new societal realities that no longer justify such a deviation from individual rights. These contrasts could lead to new ethnic tensions if one adheres too dogmatically to a purely legally conceived model.

The utopian aim consists therefore in a deconstruction of the strong ethnic component and an annulment of the extreme folklore in favour of specific

characteristics (historical, social, generational and gender) that are important for the South Tyrolean population. The mass media and other crucial actors within the socialization processes could play a decisive role in furthering this aim.⁶¹

⁵⁸ Antonio Lampis, *Autonomia e convivenza. Tutela delle minoranze e regole della convivenza nell'ordinamento giuridico dell'Alto Adige/Südtirol* (European Academy, Bozen/Bolzano, 1999).

⁵⁹ Palermo, *op. cit.* note 53, 13.

⁶⁰ For another reason that might justify the perpetuation of the ethnic quota system, see the chapter in this volume by Emma Lantschner and Giovanni Poggeschi.

⁶¹ See Anton Pelinka, "Pandaemonium? Zur Zerstörungskraft ethnischer Identität", in Christoph Hartungen *et al.* (eds.), *Demokratie und Erinnerung. Südtirol—Österreich—Italien. Festschrift für Leopold Steurer zum 60. Geburtstag* (Studien-Verlag, Innsbruck, Bozen/Bolzano, Wien, 2006), 125–130.