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**Implementation of the Constitutional Principle of the
Protection of Linguistic Minorities' Rights in Italy, Using
the Example of the Trentino Region – Alto Adige**

Keywords: Italy, South Tyrol, minorities, protection of minorities rights

Słowa kluczowe: Włochy, Tyrol Południowy, mniejszości, ochrona praw mniejszości

Abstract

After the Second World War, the Italian Republic adopted in its system the principles of regionalization and decentralization. This was largely due to the separatism of ethnic and regional groups within the territory of the country, and particularly concerned the islands of Sicily and Sardinia and border regions: The Aosta Valley, Friuli Venezia Giulia and Trentino-South Tyrol. Until the end of the 1960s, the latter was the site of a strong ethnic conflict between a group of German-speaking Tyroleans and a dominant Italian-speaking group. The situation of the Rhaeto-Romance (Ladin) group living in the Alpine valleys remained somewhat aside from their confrontation. The violence used by both sides led to a solution unique for the Republic. The transfer of a large part of the competences down from regional to provincial level led to a gradual calming of the situation. Today, the Tyroleans enjoy broad autonomy in the province of Bolzano, where they are a dominant group, and, at the same time, have a strong influence on the functioning of the entire region through statutory guarantees of their participation in the regional legislature and executive power. The rights of the Italian-speaking minori-

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ty in South Tyrol are similarly and proportionally protected. The rights to preserve the language and culture of all three language groups are also widely protected by law. The purpose of this article is to examine the principle of protection of the Tyrolean minority's rights as an example of the implementation of the principle of the protection of linguistic minorities' rights, present in the Constitution of the Italian Republic.

Streszczenie

Realizacja konstytucyjnej zasady ochrony praw mniejszości językowych we Włoszech na przykładzie regionu Trentino – Alto Adige

Po II wojnie światowej Republika Włoska w swym ustroju przyjęła zasady regionalizacji i decentralizacji. W dużej mierze było to spowodowane separatyzmem grup etnicznych i regionalnych na terytorium państwa i dotyczyło szczególnie wysp Sycylii i Sardynii oraz regionów przygranicznych: Doliny Aosty, Friuli-Wenecji Julijskiej i Trydent-Tyrol Południowy. Ostatni z wymienionych regionów aż do schyłku lat sześćdziesiątych XX wieku był miejscem silnego konfliktu etnicznego pomiędzy grupą niemieckojęzycznych Tyrolczyków a dominującą grupą włoskojęzyczną. Nieco na uboczu ich konfrontacji pozostawała sytuacja zamieszkującej alpejskie doliny grupy retroromańskiej (ladyńskiej). Przemoc używana przez obie strony spowodowała, że sięgnięto po unikalne dla Republiki rozwiązanie. Przeniesienie dużej części kompetencji w dół, z poziomu regionu na poziom prowincji doprowadziło do stopniowego uspokojenia sytuacji. Obecnie Tyrolczycy cieszą się szeroką autonomią prowincji Bolzano, w której są grupą dominującą, a jednocześnie mają duży wpływ na funkcjonowanie całego regionu dzięki statutowym gwarancjom ich udziału w regionalnej władzy ustawodawczej i wykonawczej. Analogicznie i proporcjonalnie chronione są prawa mniejszości włoskojęzycznej w Południowym Tyrolu. Szeroką ochroną ustawową objęte są także prawa do zachowania języka i kultury wszystkich trzech grup językowych. Celem niniejszego artykułu jest analiza zasad ochrony praw mniejszości tyrolskiej jako przykładu realizacji obecnej w konstytucji Republiki Włoskiej zasady ochrony praw mniejszości językowych.

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Although the Italian Republic appears to be a culturally and ethnically homogenous state, the reality is far more complicated. The unification process in the second half of the 19th century did not automatically reduce regional

differences. Moreover, some of the Republic's contemporary territories were incorporated much later, the last of which – South Tyrol, Istria – after the First World War. The status of the latter region was not finally settled until 1954, when the greater part was given to Yugoslavia and Italy received the northern part with Trieste². However, the expansion of the country's territory meant that more ethnic minorities appeared among its inhabitants. These can be divided into two categories. The first category is culturally distinct but not toward any of the existing states, such as the Sicilians and Sardinians, Friulians, or the Ladin groups in the Alps. The second category is minorities which language and culture have connections with existing states. This group includes German-speaking Tyroleans, the Francophone minority in the Aosta Valley, and Slovenes and Croats living in Friuli Venezia Giulia. The policy toward them has evolved, oscillating between forced Italianization during the fascist period and support for distinctiveness today. The purpose of this article is to examine the principle of protection of the Tyrolean minority's rights as an example of the implementation of the principle of the protection of linguistic minorities' rights, present in the Constitution of the Italian Republic. The author puts forward the thesis that the rights of the German-speaking minority are adequately protected. In order to verify it, the ethnic conflict that took place in South Tyrol and the solutions adopted for its resolution and introduced into the legal system of the Trentino-Alto Adige region is studied³.

I. Legal Rules for the Protection of Linguistic Minorities in the Italian Republic

The forced Italianization of minorities living in Italy ended with the fall of the fascist government. The constitutional referendum of June 2, 1946 obliged the constituent assembly to abolish the monarchy and made it possible to establish a modern Italian Republic. Contrary to initial expectations of a rap-

² Extensively about the division of Istria: *Successful Negotiation, Trieste 1954: An Appraisal by the Five Participants*, ed. J. Campbell, Princeton 2015.

³ There are in fact three legal names of the region: German-speaking Trentino-Südtirol, Italian-speaking Trentino-Alto Adige and Ladin Trentin-Adesc Aut.

id work completion, it took a year for this body to complete its work⁴. Finally, the new Constitution of the Italian Republic was presented in 1947⁵. The previous centralization was replaced by decentralization and regionalization of the state. It also contained regulations concerning minorities, although in the course of work it was considered that ethnic minorities should not be protected and introduced into the legal system. Instead, it was decided to separate the minority by the language used by its members. Accordingly, Art. 6 appeared in the Constitution, which states that “the Republic shall protect linguistic minorities by means of special provisions”⁶. An extension of this provision can now be found in Title V entitled “Regions, provinces and municipalities”. It lists five regions which have special autonomy. These include Sardinia, Sicily, Friuli-Venezia Giulia, Trentino-Alto Adige and Valle d’Aosta, while indicating that the region described in this article consists of two autonomous provinces: Trentino and Bolzano. However, this is an exception among the other regions with a special status, which is due to historical circumstances and corresponds to ethnic divisions among the inhabitants. The separation of these five regions was then due to concerns about maintaining the territorial cohesion of the country. The emotions aroused among minorities by forced Italianization in the interwar period threatened to destabilise and even break up the state. In this situation, it was decided to accept the differences and thus a certain extent of self-governance. This led to the adoption of special statutes for the regions of Sardinia, Trentino-Alto Adige and Aosta Valley in 1948. Interestingly, as early as 1946, i.e. even before the adoption of the Constitution, special statutes were adopted for Sicily⁷. This region was last incorporated into modern Italy in the 19th century and first occupied by the Allies during World War II and the anniversaries of reunification are by no means the subject of widespread enthusiasm there. Its historical and cultural diversity was a particularly clear premise for the need to adopt special guarantees in view of the possibility of permanent destabilization and even secession.

⁴ Z. Witkowski, *Konstytucja Republiki Włoskiej*, Warsaw 2004, pp. 9–11.

⁵ *Costituzione della Repubblica Italiana*, approvata dall’Assemblea Costituente il 22 dicembre 1947 (Gazzetta Ufficiale No. 298 del 27 dicembre 1947).

⁶ Z. Witkowski, *Konstytucja...*, p. 58.

⁷ A. Małek, *Włoski patchwork – zróżnicowanie etniczno-jezykowe*, [in:] *Włochy wielokulturowe. Regionalizmy, mniejszości, migracje*, ed. K. Golemo, Cracow 2013.

This raises the question of the scope of protection of minority rights if language is the distinguishing feature. Undoubtedly, the main condition for the survival of any cultural distinctiveness is maintaining the language. However, two specific conditionings should be noted. The first of these, objective, concerns areas of minority language use. Nowadays, it is assumed that they should include the use of first and last name in the wording of the mother tongue, teaching of the mother tongue and in the mother tongue, free access to information in the minority language, freedom to use the language in private and public life, particularly in offices⁸. The second, subjective, concerns individuals and social groups using the minority language. It should be emphasized that maintaining cultural distinctiveness, including linguistic distinction, is possible only in the group⁹. In order to maintain the distinctiveness of a linguistic minority, personal autonomy of individuals is not enough, as they can maintain their specificity only in contact with its other carriers. It is therefore necessary to grant a certain degree of self-government to the entire minority group and to protect its social life, so that individual members can thus exercise their right to preserve their identity. The specificity of the Italian solution is the granting of territorial autonomy, in addition to cultural autonomy, on the basis of the areas of residence of individual minorities. It seems that such a solution was intended by the constitution-maker to extend the scope of legal protection of ethnic minorities on Italian territory, but at the same time limited it to those who live compactly in certain regions.

The Art. 6 of the Constitution has been specified in detail in the Act of 15 December 1999 on the protection of linguistic minorities¹⁰. In Art. 2, the legislator lists the minorities which language and culture are subject to protection, indicating the following groups: Albanian, Croatian, Germanic, Greek, Catalan and Slovenian, as well as persons using the following languages: French, Occitan, French-Occitan, Friulian, Sardinian and Ladin. They belong to minorities considered to be historical, which for the Italian Republic means that

⁸ G. Janusz, *Prawa językowe mniejszości narodowych w Polsce*, [in:] *Prawa mniejszości narodowych*, eds. T. Gardocka, J. Sobczak, Toruń 2010, p. 175.

⁹ Art. 27 of the International Covenant on Civil and Political Rights, 1977, No. 38, item 167.

¹⁰ Legge 15 Dicembre 1999, No. 482, *Norme in materia di tutela delle minoranze linguistiche storiche* (Gazz. Uff. No. 297 del 20 dicembre 1999).

they must have lived on the current territory of the state before 1800¹¹. All of them have their own territorial assignment, i.e. the places where they traditionally live. This issue is important as special institutions to protect their differences may be set up in a given municipality, provided that the provincial council decides that this is the area where the minority group lives. This may happen at the request of 15% of all citizens and residents of a given municipality or 1/3 of its councilors. In the cases in which these requirements cannot be met, it is possible to consider the municipality as the area of residence of a protected minority by means of an application submitted by the municipality and supported by other residents through consultations. As can be easily seen, the Act omits minorities living in dispersion, such as Jews and Gypsies. Nor does it make any reference to contemporary immigration regardless of the country of origin.

In areas considered to be inhabited by a linguistic minority, a number of activities can be carried out to preserve and develop its language and culture. In particular, its members may speak their mother tongue not only in their private lives but also in offices and before the courts, although this provision does not apply to the armed forces and police. These languages may also be used by collegial bodies, in particular municipal councils, although a translation should be provided if at least one member of such a body declares that he or she does not speak the language of the protected minority. However, as a rule, in the case of documents drawn up in two or more languages, the Italian version always is the main one. It is important for the survival of cultural diversity that language and cultural traditions are taught. In primary and secondary schools in municipalities considered to be inhabited by the groups mentioned in the Act, the teaching of language and in the language of minority, as well as the teaching of cultural traditions can be provided. Within the framework of their legal autonomy, educational institutions, in consultation with parents, decide on the scope and methodology of these activities. The decision to include a child in such education is taken by the parents at the time of enrolment in school. The designated schools also have the right to extend the scope of such educational offer to adults. Universities in the regions concerned also have the right to create and run special lan-

¹¹ A. Małek, *Włoski patchwork...*, p. 22.

guage and culture courses. Similarly, special programmes in protected languages can be prepared and broadcast by mass media. According to the Act, topographical names in the protected minority language may also be created and used in the designated areas. The attention is drawn to the Art. 11 of the law in question. On the basis of this Act, people who have had their first or last name forcibly changed, or who could not use their first name in a minority language, have the right to return to its previous form. The decision to change the surname is taken once for the whole family and applies to minors and those who express such a wish.

It is easy to see that the law ignores minorities living in dispersion, such as Jews and Gypsies. Nor does it make any reference to contemporary immigration. It seems, therefore, to be a result of the Italian legislator's desire to prevent and calm the existing ethnic conflicts in the Republic by offering legal equality of indicated minority languages in certain areas, and thus a kind of linguistic separatism. In return, a territorial separatism, especially strong in the five regions which have been granted special statutes¹² and particularly evident in Trentino-Alto Adige, where ethnic conflict took the form of guerrilla warfare, is expected to be renounced.

II. Ethnic Conflict in the Trentino-Alto Adige Region

Although modern South Tyrol was incorporated into the Roman Empire two thousand years ago, it was conquered by the Bavarians in the 6th century, which initiated its gradual Germanization¹³. With short interruptions, this state lasted until the end of World War I, when the area was handed over to Italy on the basis of the St. Germain peace agreement. The centuries-long social and cultural processes have made the German-speaking Tyroleans associated with the Habsburg monarchy the dominant population in South Tyrol on the threshold of present day. At the beginning of the 20th century, only 4% of the population was part of the Italian-speaking group¹⁴. However, soon

¹² W. Misiuda-Rewera, *Włochy. Republika autonomii*, Lublin 2005, pp. 104–106.

¹³ T. Walichowski, *Spór o Górny Adyge*, Warsaw 1978, p. 15.

¹⁴ E. Lantschner, *History of the South Tyrol Conflict and its Settlement*, [in:] *Tolerance Through Law: Self Governance and Group Rights in South Tyrol*, eds. J. Marko, F. Palermo, J. Woelk, Boston 2008, p. 5.

after the end of war, the fascists led by Benito Mussolini seized power in Italy. According to the prevailing ideology, the goal of the state was to create a strong, homogenous nation, which meant fighting both against other political options and forced Italianization of the minorities living in Italy¹⁵. The persecution also affected German-speaking population, which was subjected to forced assimilation. This meant a ban on the use of the German language, the closure of German-speaking media, a ban on German-language political associations and parties and the displacement of officials from their positions on charges of insufficient knowledge of the Italian language or simply for pro-Austrian or pro-German sympathies. In addition, actions were carried out to forcibly change the names of residents and topographical names into Italian. These actions concerned the population and the Ladin language in equal measure¹⁶. In view of the slow progress of the assimilation action, according to central authorities, an industrial zone was created in Bolzano in 1934. Industrial development and intensive migration from other regions led to rapid changes in the population composition and as a result, by the eve of World War II, up to 25% of the population was already Italian-speaking¹⁷.

Forced assimilation was not even stopped by the rapprochement with the Germans after Adolf Hitler took power. However, at the end of 1939 the agreement was made between these countries providing that German-speaking people living in South Tyrol would be able to choose Italianization and remain in their small homeland or emigrate to Germany. Although more than 85% of the German-speaking population and 60% of the Ladin people were in favor of leaving, it was hindered by the Second World War and eventually around 75,000 people left, most of whom returned after the fall of fascist Italy and the region's direct incorporation into the Reich in 1943¹⁸. As a result, after World War II, ethnic conflicts in the region revived, which was to be prevented by the De Gasperi-Gruber Agreement negotiated with Austria

¹⁵ J.A. Gierowski, *Historia Włoch*, Wrocław 1999, p. 518.

¹⁶ P. Sternalski, *Monokulturowość Włoch w okresie faszystwu. Italianizacji mniejszości narodowych i ustawodawstwo rasowe*, [in:] *Włochy wielokulturowe. Regionalizmy, mniejszości, migracje*, ed. K. Golemo, Cracow 2013, pp. 52–57.

¹⁷ A. Alcock, *The South Tyrol Autonomy. A Short Introduction*, Bozen/Bolzano 2001, pp. 2–3.

¹⁸ *Ibidem*, p. 4.

and incorporated into the Italian peace treaty on 5 September 1946¹⁹. It provided, among others, that those who chose to emigrate to Germany in 1939 would regain Italian citizenship, announced the equalization of the German language and the reinstatement of German-speaking people dismissed before the war and the retention of proportions in the offices reflecting the proportion of the region's inhabitants. It also provided for a return to traditional surnames and topographical names. Finally, which was particularly important, it pointed out the need to give the German-speaking population autonomy, the scope and form of which were to be determined in agreement with the inhabitants of the region. To these arrangements, the Allies in the Peace Agreement added the obligation on the Italian side to take measures to facilitate the movement of people across the Italian-Austrian border.

Under the Constitution of the Republic of Italy of 1947 and in order to implement the arrangements adopted in the De Gasperi-Gruber agreement, a special statute of the region was adopted the following year, giving it a wide range of autonomy. It turned out, however, that the solutions adopted in this statute did not fulfil the basic aim of the agreement, which was equal rights of the German-speaking minority and protection of its distinctiveness. The Italian side creating the region joined Trento and South Tyrol together. This resulted in about two thirds of the population belonging to the Italian-speaking dominant group. As a result, it took over the majority in the region's council and its management, marginalizing the Tyroleans and the Ladin people. Parallel to this, there was a rapprochement among the minorities and one South Tyrolean People's Party (Südtiroler Volkspartei) was formed. During the first election in 1948, it won around 67.6% of the votes in the Province of Bolzano, which gave it 13 seats in the Province's Parliament of 20 MPs and the Regional Parliament of 46 seats²⁰. In this way, ethnic rivalry has become dominant in the regional council, displacing other political divisions. And although the German-speaking minority dominated the Bolzano Provincial Council, in the Italian system at that time the majority of powers remained in the regions. Strong emotions aroused above all around the problem of using language in public life. When the Bolzano provincial council decided that German would be the official lan-

¹⁹ United Nations, *Treaty Series*, vol. 49 (1950), No. 747, *Treaty of Peace with Italy*, signed at Paris on 10 February 1947, annex IV.

²⁰ *Elezioni del consiglio regionale/Regionalratswahlen 1998, Trento 1999*, pp. 8–9.

guage in South Tyrol alongside Italian, the Council of State repealed it in 1952²¹. Moreover, in the second half of the 1950s the Italian government decided to launch a programme of extensive investment in the provincial capital. As a result, fears of a renewed, as in the 1930s, mass influx of Italian-speaking people and further marginalization have revived among minorities. Mass protests began, and among the raised demands were those for secession and the accession of South Tyrol to Austria. In 1958, Südtiroler Volkspartei put forward an intermediate proposal to divide the existing Trentino-Alto Adige region into two regions, corresponding territorially to existing provinces and grant autonomy to both. This initiative was supported by Austria, demanding the implementation of the De Gasperi-Gruben Agreement, but it met with violent criticism from the entire Italian political scene. As a result, Austria brought the case to the attention of the United Nations, but the organization limited itself to calling on the parties concerned to resolve the problem by peaceful means²².

While negotiations between the parties continued, tension in the region grew dramatically. The Tyrolean militias began to carry out terrorist actions against police stations, customs and critical infrastructure. For a decade 250 attacks were carried out, killing 47 people. In response, the state periodically imposed a state of emergency and sent additional 25,000 soldiers and policemen to the province. Large trials of the leaders of the German-speaking minority and members of the militia have also begun. Parallel to these events, due to the fact that the Tyroleans found support on the other side of the border, mainly from associations of former Wehrmacht soldiers, Italy accused Austria of supporting terrorism. Since 1961 there has been a special commission called the "Commission of Nineteen" which consisted of 12 representatives of the Italian-speaking majority, six of German-speaking minority and one belonging to Ladins. In the mid-sixties, it presented a report which pointed to the need for a package of 137 demands for the full implementation of the De Gasperi-Gruben Agreement. However, another five years had to pass before the Italian-Austrian-Südtiroler Volkspartei triangle negotiated the adoption

²¹ A. Alcock, *The South Tyrol...*, p. 7. Disputes over the way in which judges were elected and the mode of operation meant that although the Constitutional Court was provided for in the Constitution of 1947, it did not begin to function until 1955. Z. Machelski, *System polityczny Włoch*, Warsaw 2010, pp. 158–159.

²² T. Walichowski, *Spór...*, p. 12.

of the package as a basis for normalizing relations²³. After their introduction, Austria as the guardian of the German-speaking population of South Tyrol, was to issue an appropriate statement²⁴. The first and crucial step toward the implementation of the agreements was the adoption of the revised Special Statute for the region, which came into force in 1972²⁵. This did not automatically mean an end to ethnic conflict and did not solve all problems. The processes of adaptation of the package took place over the following years, although there was no more violence. It was not until 1992 that Südtiroler Volkspartei submitted a relevant statement to the Austrian authorities, and on its basis, they considered the implementation of the De Gasperi-Gruber agreement to be completed. To further monitor the current situation, a special committee was set up consisting of four representatives of the German-speaking group, two from the Italian-speaking group and one from the Ladin group²⁶. It is also worth mentioning that the final implementation of the agreement coincided with Austria's EU accession negotiations. On the one hand, this made the country concerned about ending the conflict with one of the Member States. On the other hand, it was known that the integration of Austria was about to take place and consequently, inter alia, its accession to the Schengen Agreement. There was thus a clear prospect of the removal of all previous legal and political obstacles to the revitalised development of the region and the freedom of contact of its inhabitants with the Tyroleans living in Austria²⁷.

III. Principles for the Protection of Minority Rights in the Trentino-Alto Adige Region

The Italian legislator, in the 1999 Law for the Protection of Language Minorities, which was previously cited, stipulates in Art. 18 that the provisions

²³ E. Lantschner, *History...*, p. 12.

²⁴ W. Misiuda-Rewera, *Włochy...*, p. 84.

²⁵ Decreto del Presidente della Repubblica, 31 agosto 1972, No. 670, *Approvazione del testo unico delle leggi costituzionali concernenti lo statuto speciale per il Trentino-Alto Adige* (Gazz. Uff. 20 novembre 1972, No. 301).

²⁶ A. Alcock, *The South Tyrol...*, p. 18.

²⁷ D. Kaplan, *Conflict and Compromise among Borderland Identities in Northern Italy*, "Tijdschrift voor Economische and Sociale Geografie" 2000, vol. 91, No. 1, p. 52.

contained therein do not automatically apply to regions with the special status. Special legislation is needed for their implementation in autonomous regions. Similarly, the provinces of Trento and Bolzano are excluded from the direct operation of the law. This is due to the specificity of the special statutes for the region of Trentino-Alto Adige, which transfers most of the region's competences to the provinces forming two autonomous provinces. This is a unique solution for the Republic, but now finds legitimacy in the Constitution, which, in Art. 116, respectively, states that the region of Trentino-Alto Adige consists of the autonomous provinces of Trento and Bolzano. By analogy, the two provinces, in addition to the regions with a special statute, are listed in the following article, which regulates the exclusive competence of the state, the exclusive competence of the special regions, and the matters belonging to competitive legislation. In this way the German-speaking minority's demand for autonomy for South Tyrol was met, while at the same time the division of the state into regions was not changed. Accordingly, Part I of the Statute regulates the division of tasks between regions and provinces. It draws attention to the clear extension of Chapter III – the functions of the provinces, compared with Chapter IV – the functions of the region. This indicates that the legislator has sought to transfer the widest possible range of tasks to the provincial level, limiting the functions of the region to matters beyond the province or its capabilities. There is also a clear tendency for the region to set only general guidelines in individual areas and to leave them to be regulated in detail within the framework of provincial autonomy.

A separate issue is the scope of participation of individual language groups in the implementation of the competences granted to autonomy. In relation to it, we are dealing with the principles of electoral law written into the statute and an interesting form of rotating leadership forcing a constant search for compromise. In the first of the mentioned areas, in order to obtain active electoral rights in the elections to the regional council, one has to live there continuously for four years. Until then, the voter can exercise their rights in the municipality of prior residence. In the latter, special regulations apply to the legislative and executive authorities of the region and the province of Bolzano. In both cases the term of office is five years, but in the case of council Presidents it is in fact 30 months. For the first half of the term of office, the President of the Regional Council is elected from among the representatives

of the Italian language group and his deputy from a German group. In the second half, the President is elected from the German group and his deputy from the Italian group. Although it is established that the President and the Vice-Presidents swap positions, it is formally the case that new elections are held at mid-term. The same applies to the President and Vice-President of the Bolzano Provincial Council, except that in the first half of the Council's term of office the President is a representative of a German-speaking group and in the second half a representative of an Italian-speaking group. Let us note that it means that the President of the Regional Council always belongs to a different language group than the President of the Provincial Council. These are people who cooperate at the regional level anyway, since there are no separate elections for provincial councils in the region, but they consist of the part of the regional councillors they have been elected from. In addition, the full composition of both presidia must reflect the proportions of the population groups in the region and the provinces respectively.

The regional and Bolzano provincial managements are also governed by the principle that their composition must reflect the language composition of the respective council. In both cases, two Vice-Presidents shall be elected, each representing an Italian and a German language group. However, there is no special provision for the election of the President, thus he actually represents the larger linguistic group, i.e. Italian in the region and German in South Tyrol. As can be seen, the composition of the regional and provincial executive must reflect the proportions of the population and it is therefore impossible to take full power in the hands of one of the language groups. Undoubtedly, such a solution strengthens cooperative tendencies and joint responsibility for the state of the region and the province. At the same time, however, it seems to support an already strong sense of ethnicity and linguistic distinctiveness. It therefore supports the sustainability of the cultures of the individual groups, but at the same time it may result in difficulties in inter-ethnic relations. It should be remembered, however, that the legislation adopted had to protect not only the German-speaking minority in the Trentino-Alto Adige region, but also the Italian-speaking minority in the province of Bolzano.

A long-term solution to the problem of ethnic separation is the widespread teaching of the languages spoken by the main language groups. When enrolling in primary and secondary schools in South Tyrol, the child's legal guard-

ian decides which language is to be taught. The principle is that Italian-speaking pupils must additionally learn German and German-speaking Italian. Children who speak Ladin are required to learn both of the more common languages in the province. Teaching of the second language takes place from the second or third grade of primary school, depending on the decision of the schools and parents, and continues throughout the entire period of study. This reduces the linguistic separation and thus facilitates inter-ethnic integration. It also makes it quite easy and popular nowadays to hire officials or teachers who speak two or three co-existing languages freely. However, the prevalence of learning both languages does not remove the associated problems. For example, an Italian-speaking group is learning standard German in schools, while a German-speaking group uses the South Tyrolean dialect²⁸. However, it is difficult to expect the dialect to be taught in a situation in which German allows communication with both co-residents and crowds of tourists from Austria and Germany who come to this part of Italy.

The prevalence of languages other than Italian is also a return to native first names and surnames and the ways of writing them as well as old topographical names, observed in recent decades. It is very common for two or three names to be used in parallel, a great and most symbolic example of which is the official name and edition of the region's main legal act *Statuto speciale per il Trentino-Alto Adige/Sonderstatut für Trentino-Südtirol*, where two language versions are used in parallel. There is still the problem of Italian-speaking names imposed almost a hundred years ago by fascists. Although there usually are reinstated German or Ladin versions alongside them, the Italian sound cannot be accepted by the other language groups due to historical connotations. At the beginning of the 21st century there were still about eight thousand such names²⁹. There are freely operating associations in South Tyrol which directly indicate the language affiliation of their members, and the media publish and broadcast programmes in minority languages. As a result, anyone who crosses the Brenner Pass on a journey to the south will notice the widespread bilingualism in public space.

²⁸ K. Golemo, *Trydent-Górna Adyga – alpejski świat na styku kultury łacińskiej i germańskiej*, [in:] *Włochy wielokulturowe. Regionalizmy, mniejszości, migracje*, ed. K. Golemo, Cracow 2013, p. 119.

²⁹ A. Alcock, *The South Tyrol...*, p. 18.

The maintenance and development of cultural diversity is also guaranteed in financial terms. First of all, in the constitution and statute, the legislator indicated the amount and sources of financial resources necessary for the implementation of the region's autonomous competences. Secondly, the statute sets out the rules for the distribution of funds for the development of the culture of the individual language groups and created bodies to jointly control their distribution between the language communities and separate ones, deciding on the distribution of funds within them.

IV. Conclusions

The ethnic conflict in South Tyrol went through a state of special tensions in the 1930s and 1960s of the 20th century, and the events that took place are still alive in the memory of the inhabitants. On both sides there are extreme movements calling for either the elimination of distinctiveness or for secession and accession to Austria, which became particularly popular at the beginning of the decade. Moderate and regionalist tendencies, however, are permanently dominant, aiming at maintaining autonomy within the existing territorial status quo. This is shown by the results of the 2018 elections, in which Südtiroler Volkspartei lost an absolute majority of seats on the Bolzano provincial council for the first time, while Team Köllensperger came second, combining regionalist, pro-European, social-liberal and environmental slogans, and Tyrolean separatists received only 6% of the votes³⁰. This indicates that the current solutions, although not ideal and often criticized, are accepted by the vast majority of residents. It seems, therefore, that by transferring a large part of the competences to the provincial level, the three main objectives have been achieved: to adequately protect linguistic minorities in South Tyrol, to restore social order and at the same time to maintain the territorial cohesion of the state. From this point of view, the solutions adopted after World War II in the Republic have proved effective and long-lasting. In the

³⁰ *Landtagswahlen 2018. Wahl des Landtages der Autonomen Provinz Bozen – Südtirol*, 21 Oktober 2018 [online:] Autonome Provinz Bozen – Südtirol Südtiroler Landesverwaltung, http://www.buergernetz.bz.it/vote/landtag2018/results/home_ld_vg.htm (15.02.2020). In the 2013 election they received 20% of votes.

public discourse there are separatist tendencies calling for the distinctiveness of individual regions or the whole North and less radical calls for federalization. There are also opposing trends that postulate a stronger centralization and unification. However, tendencies to maintain the existing *status quo* over a long period seem to dominate. Undoubtedly, this would not be possible without actual implementation of the constitutional principle of protection of minorities in the Republic. A different situation would reinforce the dissatisfaction of minorities, prompting them to resort to stronger means of pressure, even physical violence, as exemplified by South Tyrol in the 1960s. This, in turn, could strengthen the extreme environments on the side of the dominant majority, leading to a return to oppressive measures and a lasting destabilization of the system.

Finally, it should be emphasized that although the standards contained in the 1999 Law on the Protection of Language Minorities do not operate directly on the territory of the five autonomous regions, those in force in Trentino-Alto Adige exceed them in terms of the protection of the communities living there.

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