

Living with diversity: What can Syria learn from South Tyrol?

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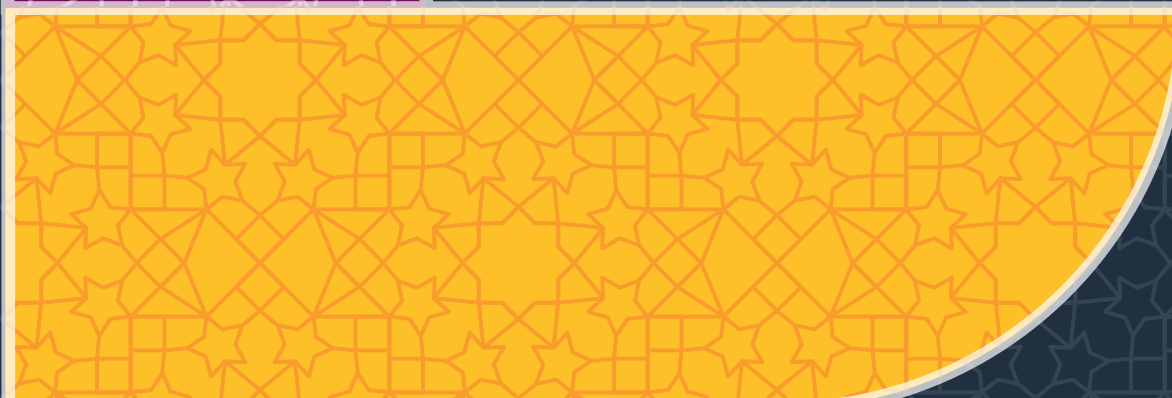
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Disclaimer: The principles in this paper reflect the discussions of the workshop. This does, however, not mean that all participants agree on all points of this document.

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Summary of the most important lessons

1. South Tyrol's experiences show that it can take a long time to overcome past injustices, build trust and reach a point where linguistic and cultural diversity are perceived not as a problem, but as a source of enrichment. It takes patience and perseverance to find peaceful ways to promote constructive dialogue.

2. Sooner or later, the oppression of minority rights leads to resistance rather than assimilation. The irredentist movement in South Tyrol was contained not through violence, but by recognising the legitimate demands of the German-speaking group.

Summary of key historical facts and political provisions

Up until the end of the First World War, South Tyrol belonged to the Austro-Hungarian Empire. The empire collapsed when the war came to an end and, in 1919, South Tyrol was left to Italy in recognition of their entry into the war on the side of the Allies. There was no attempt to consult the affected population about this change. After Mussolini seized power, the German-speaking population faced severe repression. The region was forcibly 'Italianised', the German language was forbidden and place names were replaced with Italian alternatives. Large numbers of Italian-speaking people also settled in South Tyrol. During the Second World War, Hitler and Mussolini reached an agreement that German speakers would be offered a so-called 'option'. They should either leave the region and relocate to Germany or Austria, or give up their identity.

In 1946, the foreign ministers of Austria and Italy signed an agreement in Paris to protect the German-speaking population in South Tyrol. The Paris Agreement assigned Austria the role of a protecting power and led to the passing of the first Statute of Autonomy. However, the Agreement only provided very limited protection for minorities and was met with heavy resistance. A first series of bomb attacks between 1956 and 1961 largely targeted pylons and symbols of Italian rule. The second spate of attacks, which continued until 1969, was far bloodier and even resulted in people getting killed. The Italian state classified these as terrorist attacks and fought back with all its might. Austria eventually asked the UN to intervene in the conflict. Following lengthy negotiations, peace was successfully established.

The Second Statute of Autonomy of 1972 put bilateral relations between Rome and the South Tyrol region (known as Alto Adige in Italian, and which consists of the provinces of both Trentino and South Tyrol) on a whole new footing, with a sense of partnership at its core. From this point on, relations between these two regional authorities were to be based on negotiations between partners with equal rights.

3. The fact that the neighbouring state of Austria and the UN both took on the role of protector and mediator, and did so with a constructive approach, proved to be extremely helpful when it came to protecting minorities and resolving conflicts. External influence, when exercised responsibly, can help to resolve internal conflicts with international impact. The situation in Syria is another matter entirely. In this case, the neighbouring states are solely interested in pursuing their own agendas, which only adds to the conflict. The UN has very limited room for manoeuvre and does not use what little scope it has.

In the end, it took 20 years to implement the new statute (1972-1992). In 1992, Italy transferred the Statute of Autonomy, along with the most important implementation provisions, to Austria. At that point, Austria officially declared the dispute over South Tyrol as resolved.

The hierarchical relations between Bolzano and Rome were overcome and minorities were provided with effective protection to prevent them being overlooked when it came to issues deemed to be significant to the German-speaking community. These outcomes rather took the wind out of the sails of the irredentist movements, which advocated unification with Austria. Today, all parties and linguistic communities in the region voice their approval of South Tyrol's special autonomous status. This approval is no doubt linked to the region's rapid economic development and advantageous fiscal regime. Today, South Tyrol is one of the wealthiest regions in Europe. Its special status means that the majority of the tax revenue remains in the region. In principle, the region is able to retain 90 percent of all taxes levied. However, because they have a share in the national debt and other shared costs, that figure is currently around 70 percent.

4. A pure majoritarian democracy neglects the protection of minorities and can endanger their rights and their identity. For democracy to work for everyone, constitutional and various other mechanisms are needed to build trust and unite the majority.

The bilateral commissions play a central role when it comes to implementing the Statute of Autonomy. The Commission of Twelve deals with matters relating to autonomy that concern the entire region (Trentino and South Tyrol). It comprises six central state representatives and three representatives from each of the two provinces. The Commission of Six deals with matters relating to autonomy that only affect the South Tyrol province.

The central state representatives are named by the government in Rome. The representatives of the region or province are elected by the respective regional parliament. Bilateral commissions are also in place to implement autonomy in the other four regions in Italy with special status. For reference, the other 15 regions have a normal status with little jurisdiction. Elsewhere, these posts are generally filled by experts. In the case of the South Tyrol commission, however, each member of parliament is named or elected due to the heightened political sensitivity and complex minority issues. This ensures that decisions made by the commission stem from political reasoning. Seats are also reserved for Ladin representatives in both commissions. There are several provisions that determine the ethnic composition on the committees. In each case, the central state representation must include a German-speaking person, while the

regional representation must always include an Italian-speaking person. This ensures that the central state represents the interests of the minority through a multilingual presence, and that the interests of the regional minority are also represented at a regional and provincial level. This provision also prevents conflicting interests between Rome and Bolzano being perceived as a conflict between different linguistic communities.

5. Following conflicts that have destroyed trust between different groups, there is perhaps a need for a high level of juridification of rights and responsibilities as well as reciprocal relationships. Trust grows over time and regulations, such as quotas, can be handled in a more flexible way.

The commissions are laid down in the Statute of Autonomy, which provides them with a strong constitutional foundation. They handle the implementation of the Statute of Autonomy and decide which topics to focus on in detail. The commission's role is essentially to substantiate and develop the autonomy of the regions and provinces and resolve fiscal issues using a bilateral approach.

In principle, the commissions decide by majority vote but they generally strive for unanimous decisions. Once the commission is in agreement on a given matter, the government in Rome passes the outcome in the form of a decree. They can refuse to formally pass the decree if they have reason to do so. For example, on the grounds of incompatibility with obligations set out under EU law. When a decree is passed, it takes precedence over laws passed by parliaments in Rome or in the regions. This prevents parliament from disregarding the bilateral agreement (the decree) by majority vote. All decrees must abide by the Italian constitution and, in cases where their constitutionality is disputed, can be reviewed by the constitutional court. The constitutional court can repeal unconstitutional decrees but, to date, that has not been necessary.

In South Tyrol, 183 implementation regulations such as these are currently in force. In other regions with special status, this number is significantly lower. On the one hand, this shows that the commission is working successfully. At the same time, the high juridification (or detailed regulations) of bilateral relations between Bolzano and Rome stems from the fact that neither partner has trusted the other from the outset.

6. Not all decisions necessarily have to be made in a democratic and transparent way to be legitimate. When it comes to reaching an agreement on sensitive issues that require concessions on both sides, it is perhaps easier to negotiate behind closed doors. Decisions that lead to peace and collaboration and open up new economic prospects will be met with acceptance within the various population groups. Decisions reached in this way, though, should only ever complement and build on transparent, democratic structures. Publicity and participation become increasingly important when it comes to building trust and growing stability.

7. Alongside 'hard' minority rights, political gestures are of great importance to small minorities in particular. For instance, in South Tyrol a short news broadcast is transmitted in Ladin before the main news in German or Italian, even though only 4.5 percent of the population belongs to this linguistic group. This makes the majority aware of the existence of the Ladin minority and allows their existence to become the norm. The greetings spoken by many Ladin politicians during official occasions, before switching to one of the region's two more widely spoken languages, have a similar role.

The commission's negotiations are not public. The purpose of this provision is to encourage dialogue, exchange of ideas and compromise. It is easier for politicians to approach each other and consider other (party-political) interests when they are not doing so under public scrutiny.

The commissions are occasionally accused of being undemocratic and lacking in transparency. This stems from the fact that a number of commission members are named rather than elected, negotiations take place behind closed doors and their decrees take precedence over acts of parliament. They do, however, have considerable advantages.

- *Even when the commissions are blocked, the parliament can still function, adopt budgets and pass laws. The commissions often spend years working on the same topics, with no time pressure. They do not pass a decree until they are all in agreement. In some cases, they set a particular issue to one side and pick it up again at a later date.*
- *Even if the outcome of the negotiations is adopted by parliament, the minority issues remain unresolved. In Rome, it is possible for the Italian-speaking majority to disregard the negotiated compromise. Inversely, the German-speaking majority in Bolzano are able to do the same.*
- *The commissions compel members of different levels of government and linguistic groups to enter into a dialogue.*
- *The parliaments continue to play a key role. They elect and supervise the governments and implement the negotiated jurisdictions.*

8. Linguistic diversity is not a threat, but rather an asset. This is particularly true when the education system actively promotes education in the mother tongue as well as multilingualism. Multilingual schools are particularly promising in this regard.

In South Tyrol, German (accounting for 68% of the population), Italian (20%) and Ladin (4.5%) are recognised as official languages. All languages have equal rights. Families are free to choose which language they would like to educate their children in once they start school. In German schools, Italian is taught as a first foreign language, and the same applies for German in Italian schools. This language regime means that most people are able to master both main languages to some extent and understand each other in daily life. In addition to Ladin lessons, the language of instruction in the Ladin schools is equally divided between German and Italian. As a result of these special arrangements, most people in Ladin areas are proficient in four languages (the three languages of the region as well as English).

9. The openness of the Ladin-speaking population – not only with regard to both the other languages in the region, but also to English as a fourth language and to tourism – has not, according to estimations by Ladin officials, led to a weakening of the Ladin identity. In fact, openness and tradition go hand in hand. Isolation, especially for small minorities, is by no means the best strategy to safeguard their identity.

The language injustice of the past – that is, the oppression of the Germans – continues to have an impact at times. There is, for example, a protective clause, whereby Italian-speaking Italians only gain access to regional political rights following a waiting period of four years. From the age of 14, South Tyroleans declare which linguistic group they feel they belong to (German, Italian, Ladin or another language). Quotas for the regional administrative body are calculated based on these surveys. All linguistic groups are entitled to proportional representation in public services. For some time now, however, this proportional representation has been rather flexible. In the event of no suitable candidates being found within a linguistic group, it is possible for the seat to be allocated to a person from another linguistic group. Where possible, this is then balanced out in the next round of seat allocations. The criticism directed at this language regime is twofold. Firstly, bilingualism and multilingualism in the non-Ladin areas is often seen as neglected. Secondly, the regime is thought to hinder the integration of people who do not speak either of the official languages as their first language.

10. Even if linguistic differences shape a society, this does not necessarily lead to ethnicity becoming the basis for policy-making. Cross-linguistic and cross-party cooperation are only truly possible when all groups are sure of their rights and can then turn their attention to other matters, such as the economy, the environment and social policy.

The voting patterns in South Tyrol display a number of specific characteristics. As a rule, German-speaking people vote for German-speaking parties, while Italian-speaking people mostly vote for national Italian-speaking parties. This distinction stems from the fact that German-speaking parties are only active in the region (because German is not spoken anywhere else), while Italian-speaking parties are active throughout the country. The difference is emphasised even further by the media. However, cross-party initiatives and projects are regularly on the parliamentary agenda.

Democracy in South Tyrol is based on three fundamental pillars: representation in parliament, direct democratic participation rights and dialogue. The highly participatory approach to democracy was showcased particularly well by the establishment of a convention that dealt with revising the Statute of Autonomy. Alongside the so-called Convention of 33, the Forum of 100 was also part of the constitutional consultation. Both the convention and the forum were made up of politicians, civil society representatives and people drawn at random. After two years of work, the convention submitted its recommendations to the district administrator.

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