Minorities and Diversity
International Instruments
and
Regional Players
Minority Protection in Europe

• Domestic Issue or International Issue?
  • State Sovereignty
  • Council of Europe (CoE)
  • Organisation for Security and Co-operation in Europe (OSCE)
  • European Union (EU)

• Revolution of the 1990ies
  • Internationalisation of domestic law and “constitutionalisation“ of internat. law
  • 3 actors effective in overcoming the emergencies
  • From emergency to consolidation – victims of their own success

• “Statism” since 2000
  • OSCE: Securitization of ethnic conflicts and state loyalty
  • CoE: No more ratifications and “bilateral” veto
  • EU: Instrument for accession and “export product”
Future Challenges

• Sovereignty of States
  • Kin-state practice
  • Citizenship issues
  • Double standards in minority protection (own state and minorities abroad)
  • Re-Internationalisation
  • Less pressing measures since less violent situations
  • No homogeneity of minority issues – weakness of the international minimum standards

• Practical Issues
  • Territorial/Cultural Autonomy – Economic issues
  • Representation of minorities and decision making process
  • Roma
  • Integration of new minorities
Castle Tyrol

centre of the shire/county of Tyrol
DIE ZERREISSUNG TIROLS
NACH DEM 1. WELTKRIEG

Deutsches Sprachgebiet
Ladinisches Sprachgebiet
Italienisches Sprachgebiet
Fascist Tactics 1922-1943

Phase One:

**Forced Assimilation** through repression and Italianization (i.e. use of German language prohibited, catacomb schools”)

Phase Two:

**Industrialization and Migration** Policies

Phase Three:

**The Option** - resettlement of the German-speaking population
FRANZSCO ATZ

* 25-3-1854
+
+ 2-2-1939.

Gravestone, 1960
Regular school class, 1937
Industrial zone, Bozen, 1936
20th century - overview

- 1919 Treaty of St. Germain, annexation by Italy
- 1920
- 1940
  - 1946 Gruber-De Gasperi Agreement
  - 1948 First Autonomy Statute
  - 1939 Option
- 1960
  - 1960-61 South Tyrol before UN
  - 1961-64 negotiations
    - Commission of "19"
  - 1957 "Los von Trient"
- 1980
  - 1969 "Package"
  - 1972 New Autonomy Statute
- 2000
  - 1992 Formal Conflict Settlement

Fascist Oppression

1st Autonomy
  - regional basis

2nd Autonomy
  - Implementation
  - "Dynamic" aut.
Unrest in South Tyrol

Increasing dissatisfaction with the autonomy:

- protests and rallies ("Todesmarsch", "Los von Trient")
- demonstrations (Sigmundskron 1957)

The escalation:

bombings, esp. on power-lines
South Tyrol before the UN

- Raised by Austrian FM Bruno Kreisky
- Debate in the General Assembly
- Two resolutions (1960, 1961)
- Bilateral negotiations encouraged

➡️ International recognition of the conflict
Negotiations - Commission of "19"

- Joint commission
- established 1961 by the Italian government to find solutions for South Tyrol
- composed of
  - 12 Italians
  - 6 German-speakers
  - 1 Ladin
- Parallel negotiations with Austria led to less concessions

→ Commission agreed upon a “package” of 137 concrete measures
The "Model" and its Different Levels

**Compromise:**
- Recognition of (cultural) differences
- Autonomy as (internal) self-determination

**Process:**
* Negotiations and special procedures (joint commissions)
* International Anchoring
Lessons to be learned

Case-specific factors of success
- political conditions
- economic situation
- international anchoring
- dimension of time

→ The Process
- internationalized conflict de-escalation
- single procedures (time-frame, joint commissions, enactment norms)

⇒ "Mix" of segregation and integration (within the autonomous entity)

coexistence: legally guaranteed distance between the groups, segregationist character

+ living together: "institutionalised" forms of cooperation, power sharing and proportional representation, compromise across ethnic cleavages, increased inter-ethnic interaction