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## South Tyrol's Negotiated Autonomy

The study of South Tyrol's negotiated autonomy is both a way of understanding how the Italian Alpine area successfully accommodated its linguistic groups (German-, Italian- and Ladin-speakers), and why there are diverging opinions on how to revise its Second Autonomy Statute of 1972. The paper examines key actors and procedural mechanisms that contributed to the creation and implementation of South Tyrol's power-sharing system and minority regime. Firstly, it highlights the conflict settlement at international level in the aftermath of Second World War. Secondly, it scrutinizes the functioning of special bodies (the Commission of 19 and the Commission of Six) that crucially contributed to setting up South Tyrol's self-government regime. Thirdly, it gives evidence on both the legal framework as well as the bodies of the Autonomy Convention, a large-scaled consultative process that has the task to come up with proposals on how to revise the Second Autonomy Statute.

**Keywords:** South Tyrol, minority, autonomy, negotiation, Autonomy Convention.

## Izpogajana avtonomija Južne Tirolske

*Proučevanje izpogajane avtonomije Južne Tirolske kaže, kako je mogoče, da na tem italijanskem alpskem območju uspešno sobivajo tri jezikovne skupnosti (govorci nemškega, italijanskega in ladinskega jezika) in zakaj obstajajo različna mnenja o tem, kako spremeniti Drugi statut o avtonomiji iz leta 1972. Avtorica v članku obravnava ključne dejavnike in postopkovne mehanizme, ki so prispevali k zasnovi in uresničevanju participatornega sistema upravljanja in manjšinskega režima. Najprej osvetli poravnavo mednarodnega spora v času po drugi svetovni vojni, v nadaljevanju pa analizira delovanje posebnih teles (Komisija 19 in Skupne komisije), ki so bistveno prispevala k vzpostavitvi južnotirolskega samoupravnega režima. Članek v sklepnem delu obravnava pravni okvir in Konvencijo o avtonomiji, široko zasnovan posvetovalni proces participacije, ki je namenjen oblikovanju predlogov za revizijo Drugega statuta o avtonomiji.*

**Ključne besede:** Južna Tirolska, manjšine, avtonomija, pogajanja, Konvencija o avtonomiji.

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## 1. Introduction

Twenty-five years have passed since the international conflict over South Tyrol was formally settled in 1992 by the handover to the UN secretary general of the deed of discharge by the Austrian and Italian governments. The submission of the letters (UN Document A/46/939 and A/46/940) by both parties acknowledged the end of the Austro-Italian dispute over South Tyrol (520,891 inhabitants, ASTAT 2016), the northernmost Italian territory inhabited by a majority of German-speakers. Back then, it was accredited that the provisions enshrined in the Second Autonomy Statute (Second ASt) of 1972 were successfully implemented by the establishment of a detailed regime of territorial autonomy that recognizes and protects the rights of German-speakers within the Autonomous Province of Bolzano/Bozen (South Tyrol). For over 500 years, the predominantly German-speaking South Tyrol was part of the Habsburg Empire (Lantschner 2008, Steining 2003).<sup>1</sup> In 1919, however, South Tyrol was annexed to the Kingdom of Italy as a result of the Peace Treaty of Saint Germain. Due to the advent of fascism the German- and Ladin<sup>2</sup>-speakers were not given any cultural and linguistic autonomy, even though this was proposed by different actors when the northward shift of the border to the Brenner Pass took place. From 1922 onwards, South Tyroleans suffered from assimilation policies (Italianization) and from a resettlement programme agreed upon by Hitler and Mussolini; the Option of 1939 aimed at integrating German-speaking South Tyroleans into the homeland of the Third Reich and at attracting Italian-speakers to South Tyrol (Steurer 1993). Due to the outbreak of the Second World War and the subsequent surrender of fascism in 1943, the resettlement programme never fully materialized. The Brenner Pass was, however, confirmed as the post-war border. Against the backdrop of the Cold War, Austria's claims for the reintegration of South Tyrol were nullified for broader geopolitical reasons (Pallaver 1993). Annex IV to the Paris Treaty of 1946, the Gruber-Degasperi Agreement between Italy and Austria, urged Italy to establish autonomy arrangements that "safeguard the ethnic character and the cultural and economic development of the German-speaking element". However, in the aftermath of the war, the interests of German-speakers were neglected. The First Autonomy Statute of 1948 foresaw the transfer of competences from the State to the Autonomous Region of Trentino-South Tyrol, a territory in which Italian-speakers were the majority. Only when both administrative and legislative competences were transferred from the regional to the provincial level (thus to the Autonomous Province of Trento and the Autonomous Province of Bolzano/Bozen), was South Tyrol able to properly address its own political and cultural affairs by establishing a power-sharing system between its major linguistic groups (German- and Italian-speakers), and a series of rules for South Tyrol's third language group, the Ladins (Alber & Zwilling 2014).

According to the Second ASt of 1972, the entire institutional design of the Autonomous Province of Bolzano/Bozen is based on the separation and forced cooperation of the two major language groups. Moreover, all provisions of South Tyrol's autonomy, and, most importantly, all stipulations on the use of language are enforced through strict legal remedies, available to individuals and groups as a means to strengthen mutual trust (Alber & Palermo 2012). The broad spectrum of complex regulations establishes a model of "regional consociationalism" (Wolff 2005) that is characterized by the cultural autonomy of the groups (Woelk 2008), a system of veto rights to defend each group's vital interests (Maines 2005),<sup>3</sup> language parity between the groups (Fraenkel-Haeberle 2008),<sup>4</sup> and ethnic proportionality (Lantschner & Poggeschi 2008)<sup>5</sup> ranging from the field of public employment to education and finances. The system of group rights is based on the declaration of belonging to or affiliation with one of South Tyrol's three language groups. According to the latest census, there are 69.41 per cent German-speakers, 26.06 per cent Italian-speakers and 4.53 per cent Ladin-speakers (ASTAT 2012).

The preconditions for the creation and successful implementation of South Tyrol's autonomy are reciprocal recognition and continuous dialogue. In this paper I map and examine the key dimensions of the rounds of negotiations that led to the creation, implementation and development of South Tyrol's autonomy. I do so by referring to special bodies and procedures, and, where applicable, by highlighting how they changed throughout the last seven decades. Part two focuses on the international dimension and, in particular, on the role the UN played. Parts three and four focus on different aspects of internal dimensions with part three scrutinizing the functioning of the Commission of 19 and part four the functioning of the Commission of Six; these special bodies were crucial in elaborating and implementing the content of the Second ASt. Part five refers to the most recent dimension of negotiated autonomy, the Autonomy Convention, a participatory process that invites all South Tyroleans to discuss the scope and development of South Tyrol's current autonomy arrangements. Part six offers concluding remarks and considers the future.

## 2. The International Dimension: The UN

On 30 January 1992, the Italian Prime Minister Giulio Andreotti declared in his resignation speech that the Package (Ger. *Paket*) has been implemented by having passed some of the most relevant but still pending enactment decrees to the Second ASt. From 1961 to 1964, a special commission appointed by the Italian Ministry of Domestic Affairs elaborated 137 legislative measures (the Package), which were to re-define South Tyrol's autonomy at the provincial level (see part 3). This necessity arose from the fact that the First Autonomy Statute of 1948 was not able to satisfactorily protect the interests of German-speakers

because the autonomy was granted at regional level, where Italian-speakers were the majority.<sup>6</sup> A second important aspect underlined by Andreotti in his speech was that future amendments to the Second ASt could only be undertaken with the consent of South Tyrol. Most importantly, a few months later, on 22 April 1992, the Italian Ministry of Foreign Affairs handed over a note to the Austrian Embassy in Rome (Gehler 2003, 93). In sum, the note acknowledged that the obligations stemming from the Gruber-Degasperi Agreement of 1946 had been adequately fulfilled by issuing the Second ASt and by implementing its provisions according to the Operational Calendar (Ger. *Operationskalender*), which, in 1969, was agreed upon alongside the Package (Triffterer 1992, 30).

The handover of the note initiated the process that led to the formal end of the conflict at the UN [the General Assembly urged Austria and Italy “to resume negotiations with a view to finding a solution for all differences relating to the implementation of the Paris agreement” (UN Resolution No. 1497 1960) and in 1961 it called “for further efforts by the two parties concerned” (UN Resolution No. 1661 1961)]. Most importantly, the note finally confirmed the international dimension of the South Tyrolean question. It contained an explicit reference to the link between territorial autonomy arrangements and minority protection; moreover, it defined the measures of the Package as acts implementing the international obligations stemming from the Gruber-Degasperi Agreement. Back in 1946, the Peace Treaty confirmed South Tyrol as part of Italy, but it provided for an international anchoring of minority rights, ensuring to the German-speaking population special provisions to guarantee complete equality of rights with the Italian-speaking inhabitants.<sup>7</sup> The international dimension of the Second ASt was thus recognized, and, even though the legal nature of the Package and its Operational Calendar was interpreted controversially (Triffterer 1992, 33, Zeller 1989), today it is generally asserted that they are to be viewed as international agreements and that they are thus binding. Moreover, in its Decision No. 242/1989 the Italian Constitutional Court puts forward a similar line of argument.

With the settlement of the South Tyrolean question at international level, South Tyrol's autonomy formally became a purely internal Italian matter, which, in practical terms, translated into bilateral political struggles for further enhancing South Tyrol's self-government arrangements with Austria as a kin-state. Thus, the formal settlement of the conflict in 1992 did represent everything else than the end to the development of South Tyrol's autonomy and its power-sharing mechanisms. From the 1990s onwards, the provincial government led by the Südtiroler Volkspartei (South Tyrolean Peoples' Party, SVP)<sup>8</sup>, the dominant political party representing German- and Ladin speakers, continuously worked at extending the scope of autonomous powers in fields including education, transport, finances, environment, trade and cross-border cooperation (politically, the term dynamic autonomy was in use).

### 3. The Internal Dimension: The Commission of 19

Special *ad hoc* commissions played a key role in settling the conflict in South Tyrol. As anticipated, in 1961, a special body was established by the Italian Minister of the Interior Mario Scelba. The Commission of Nineteen was composed of 11 Italian-speakers (representing the national, regional, and provincial governments and parliaments), 7 German-speakers (appointed by the regional and provincial authorities), and 1 Ladin-speaker (appointed by the Autonomous Province of Bolzano/Bozen). This was a time in which two dimensions of negotiations characterized the South Tyrolean question: locally, the works of the Commission of 19 were overshadowed by a series of bomb attacks and internationally the South Tyrolean question was prominently present at UN level since in 1960 Austria's Minister of Foreign Affairs, Bruno Kreisky, brought the South Tyrolean question before the UN (Pfeifer & Steiner 2016). The appointment of the Commission of 19 was thus a necessary step, both with regard to dynamics within South Tyrol and with regard to the attention the South Tyrolean question received in international diplomacy. Notwithstanding the dominant position of Italian-speakers within the Commission of 19, an agreement was reached (Ritschel 1966, Marcantoni & Postal 2012). However, the negotiations over the Package were not formally concluded until 1969, and, most interestingly, the Package was never formally signed. The Italian government provided for an authorized Italian version of the Package which then resulted in several German translations. The parties involved in the negotiations ended up agreeing and voting on slightly different versions. Within the SVP, a slim majority of 52.8 per cent supported the 137 measures. The opponents of the Package rejected it because its approval in their opinion would have meant definitely renouncing their goal of reunifying South Tyrol with Austria. The supporters of the Package opted for internal self-determination as the only feasible way forward (Pallaver 2006).<sup>9</sup> It is important to note that, today, the SVP programme still refers to the right to self-determination as a legitimate last resort linked with the international anchorage of South Tyrol's autonomy, the Gruber-Degasperi Agreement of 1946 (SVP 2016).

The final acceptance of the Package was voted for only by the SVP delegates. Neither the regional nor the provincial parliament had a say. Moreover, there was no direct consultation via referendum. This was due to the fact that the negotiations that led to the Second ASt were elite-driven and the SVP was recognized as the legitimate representative of all German- and Ladin-speakers in South Tyrol. The main aim of the Package was to reform the First Autonomy Statute of 1948 by transferring the powers from the regional to the provincial level.<sup>10</sup> Thus, from 1972 onwards, with the adoption of the Second ASt under Constitutional Law No. 1 of 10 November 1971 and its entry into force on 20 January 1972, the Autonomous Region Trentino-South Tyrol retained an

insignificant number of competences which, over the years, have been largely devolved to the two autonomous provinces. It became a rather empty roof and its existence and functions are currently being debated in the bodies of the Autonomy Convention, a participatory process where citizens, politicians and stakeholders have the task of elaborating proposals as to a possible revision of the Second ASt (see part five).

#### 4. The Internal Dimension: The Joint Commissions (the Commission of Six)

The Joint Commissions, special bodies tasked with the implementation of the Second ASt (the Commission of Twelve and the Commission of Six that is part of the Commission of Twelve), are the legal masterpiece of the Second ASt. They were created to enable the parties, the State and the two autonomous provinces, to jointly elaborate the contents of the enactment decrees. Theoretically, the Package provided for the creation of the Joint Commissions primarily for the implementation of the Second ASt (Palermo 2008, 146); in practical terms, the Commission of Six proved to be the most relevant platform for enhancing South Tyrol's autonomy also after the formal closure of the conflict in 1992 notwithstanding the fact that it, originally, was meant to be a temporary body.<sup>11</sup> Even though formally a consultative body, the decisions the Commission of Six takes with regard to the development of South Tyrol's autonomy are binding. Put differently, in South Tyrol, the Commission of Six evolved from an instrument for the implementation of the Second ASt into an ordinary instrument of government. Although Joint Commissions were foreseen in all five autonomous regions of Italy, only in Trentino-South Tyrol (and especially in South Tyrol) they have become pivotal for the entire autonomy regime.

According to the Second ASt, in the Autonomous Region of Trentino-South Tyrol

the executive measures implementing the / ... / Statute shall be issued by legislative decrees, following consultation of a joint Commission of twelve members of which six shall represent the State, two the Regional Parliament, two the Provincial Parliament of Trento and two that of Bolzano/Bozen. Three of its members must belong to the German linguistic group (Art. 107 of the Second ASt).

Most importantly for the implementation of all provisions relevant only to South Tyrol, within the Commission of Twelve, a Commission of Six is to be appointed (Art. 107 Second ASt Para. 2), with three members representing the State (one has to belong to the German-speaking group) and three members representing the Autonomous Province of Bolzano/Bozen (one has to belong to the Italian-speaking group). Thus, Art. 107 of the Second ASt establishes

two commissions with the first, the Commission of Twelve dealing with issues regarding the entire Autonomous Region of Trentino-South Tyrol, and the second, the Commission of Six dealing with issues regarding the Autonomous Province of Bolzano/Bozen. Both Joint Commissions reflect the parity principle. However, whereas in the Commission of Twelve the State and the region have equal footing with six members each, the Commission of Six is characterised by “double parity” (Palermo 2008, 145), meaning that there is parity between territories (the State and South Tyrol) and parity between the main linguistic groups (three Italian-speaking members and three German-speaking members). An additional important feature for the success of the Commission of Six is linked to the rules of appointment. As has been said, one of the State representatives must be a German-speaker and one of South Tyrol’s representatives must belong to the Italian-speaking group. The even number of representatives from the two major linguistic groups in South Tyrol makes it impossible to reach an agreement without the consent of both the parties (the State and the province) and the linguistic groups. It is worth noting that *de jure* no representative of the Ladin-speaking group is part of the commission. Initially, the main concern was to create a trust-building instrument between South Tyrol’s major linguistic groups, thus ensuring a symmetrical balance between the State and the province, on the one hand, and between the German- and Italian-speaking groups on the other. Moreover, the SVP as an ethnic catch-all party declares itself to be the representative of both the German- and Ladin-speaking group (and has been recognized as such). More recently, options as to the *de jure* representation of Ladin-speakers in relevant bodies of South Tyrol’s autonomy are being discussed.<sup>12</sup> However, for the time being, Ladin-speakers can only be part of the Commission of Six if the institutional parties decide to deliberatively assign one place to a Ladin-speaker instead of assigning it to a German- or Italian-speaker. In 2014, for the first time since the establishment of the Commission of Six, the State appointed a Ladin-speaker, meaning that currently the three members appointed by the State do belong to three different linguistic groups (as said, one has to be a German-speaker) while the three members appointed by the province are two German-speakers and one Italian-speaker.<sup>13</sup> Thus, the principle of double parity is currently watered-down as it has been interpreted in a broad manner with regard to the parity between Italian- and German-speakers. Moreover, it is worth noting that the members appointed by the State almost always are South Tyroleans and to a great majority they hold important political posts (which might be viewed critically, but, at the same time, it might be considered as the key to success of the Commission of Six).

Both the rules as to the appointment and the rules as to the composition of the Commission of Six force all parties to enter into dialogue when negotiating the wording and interpretative margin of each enactment decree until a majority of members agree, ideally all. The six members all have the same weight and the only way out of deadlocks is strenuous negotiations until a compromise is

found. This explains both the reason why the Commission of Six is regarded as a legal masterpiece and the fact that the implementation of the Second ASt took longer than initially foreseen. According to Art. 108 of the Second ASt all enactment decrees should have been adopted within two years; however, this was considered to be just an indicative time frame, including by the Constitutional Court (Decision No. 160/1985).

Once a draft text of the enactment decree is agreed upon in the Commission of Six and its content is thus backed by (all) its parties, it is submitted to the national government, which approves it in the form of a legislative decree.<sup>14</sup> The enactment decree is not debated in the national parliament, but by-passes the national legislative body and, most importantly, subsequent ordinary laws adopted by the Italian parliament cannot abolish, amend or overrule the enactment decree. Put differently, although formally of the same rank in the hierarchy of legal sources, the elaboration and approval of enactment decrees to the Second ASt is kept separately from the ordinary political decision-making process. Only a subsequent enactment decree adopted through the same procedure (i.e. with the consent of the different government levels and language groups) can amend or abolish an existing enactment decree.<sup>15</sup> Hence, the position of an enactment decree in the hierarchy of norms is below a constitutional law and above an ordinary law. This to uphold the principles of parity and bilateralism between South Tyrol and the State in terms of self-government and minority protection, also because the Autonomous Province of Bolzano/Bozen elects only a few deputies and senators in the national parliament that comprises almost 1000 members and as such cannot be an appropriate platform for negotiations regarding the scope of South Tyrol's autonomy.

A noteworthy and controversially discussed aspect with regard to the Commission of Six is the fact that negotiations within the Commission of Six are conducted behind closed doors and that they thus by-pass also the provincial parliament. Put differently, the principle of democratic legitimacy is limited by the principle of parity (Palermo 2008, 148), and the principle of transparency by the principle of efficiency. Until recently this was not criticized, as it was considered the key to success for the elaboration and subsequent approval of enactment decrees. Today, calls to make the work of the Commission of Six more transparent are increasingly brought forward. The main argument behind such calls is that over time the Commission of Six developed into the main decision-making body regarding the enhancement of South Tyrol's autonomy while, initially, it was only designed as a temporary body tasked with the implementation of the enactment decrees to the Second ASt. However, for the time being, no concrete steps are taken in order to reform the functioning of the Commission of Six, mainly because it has proved to be a successful governmental tool for mutual trust-building both within South Tyrol and between the Autonomous Province of Bolzano/Bozen and the State.

## 5. The Internal Dimension: The Autonomy Convention

In the 45 years of its history, the Second ASt has never been formally reformed, even though the autonomy has been considerably enhanced by other legal tools such as enactment decrees, constitutional reforms affecting the distribution of competences (Palermo et al. 2013, Palermo & Parolari 2016, Palermo & Wilson 2014),<sup>16</sup> the European jurisprudence (Toggenburg 2008) and the evolution of cross-border cooperation schemes (Engl & Zwilling 2013). Politically, in South Tyrol the formulas of provincial autonomy (until 1972), dynamic autonomy (especially from 1992 onwards) and, more recently, full autonomy and participatory autonomy were and are endorsed. Participatory autonomy especially refers to the Autonomy Convention, an 18 month-long project initiated by the South Tyrolean provincial parliament in January 2016. The Autonomy Convention<sup>17</sup> (i.e. its two bodies, the Forum of 100 and the Convention of 33) has the task of coming up with proposals as to the revision and institutional adaptation of the Second ASt, which are to be handed over to the South Tyrolean provincial parliament (who may take them into account but has no obligation to do so). For the first time in history, South Tyroleans have been invited to express their opinions both on the contents of the Second ASt and on how South Tyrol's future autonomy arrangements should look like in an institutionalized platform that consists of face-to-face as well as online encounters. Up to now, all processes linked with the creation, implementation and development of South Tyrol's autonomy were elite-driven, with the SVP as the chief negotiator.

In recent years, the political elites in South Tyrol (and even more those in Trentino)<sup>18</sup> increasingly started both communicating contents and reasons of the Second ASt, and debating the adaptation and revision of the Second ASt. The need to do so arises mainly for three reasons: firstly, there is no clarity regarding South Tyrol's substantial autonomy; secondly, the Constitutional Reform Bill of 2016 mandated for the revision of the statutes of the autonomous regions; and thirdly, the SVP increasingly engages into dialogues with the electorate with regard to decision-making processes after it lost its majority in 2013 (Scantamburlo & Pallaver 2014). As outlined at the beginning of this section, the Second ASt has changed in substance, even though it has never been changed formally; achieving clarity regarding the current competence catalogue and enshrining it legally in a revised Second ASt having constitutional rank would be an important step against both the uncertain Italian political landscape and leadership, and the centralist wind that is increasingly blowing; engaging in debates on the revision of the Second ASt has also become ever more pressing because the 2016 Constitutional Reform Bill mandated it. Autonomous regions were exempted from the reform's effects, meaning that they were asked to politically commit to re-negotiating their relationships by revising their statutes by means of bilateral negotiations

(Art. 39, Para. 13 of the Constitutional Reform Bill 2016). The two cornerstones of the Constitutional Reform Bill were abandoning perfect bicameralism and revising the distribution of the competences between the State and the regions, to the detriment of, especially, regions with an ordinary statute. The political will of the SVP and the Partito Democratico (Democratic Party, PD), its coalition partner, was to enshrine a procedural safe-guard clause into the revised statute (i.e. constitutionalizing the principle that no amendment to the statute can be made against the will of South Tyrol). This was the main reason why, unlike the vast majority of other regions, in South Tyrol, 63.7 per cent surprisingly voted in favour of the reform (Larin & Röggl 2016). Even though the result of the constitutional referendum in Italy (4 December 2016) slowed down the debate on the revision of the Second ASt, the work of the Autonomy Convention is still relevant. First of all because the idea of establishing an Autonomy Convention was already launched during the electoral campaign for the provincial elections in 2013, and because it is explicitly mentioned in the coalition program of the SVP and the PD (Coalition Program 2013, 31-34); thus, the Constitutional Reform Bill was a crucial motive, but not the only one. It is worth noting that the political support for the creation of the Autonomy Convention was contested: the ruling coalition was unable to convince either the Greens (who had an own draft law) or any of the other opposition parties to agree on their draft law; therefore, Provincial Law No. 3/2015 establishing the large-scaled consultative Autonomy Convention was passed solely with the votes of the ruling coalition. This congenital defect surely hampered the implementation of the Autonomy Convention.

Provincial Law No. 3/2015 mandates for the creation of two auxiliary bodies: the Convention of 33 and the Forum of 100. Both bodies are required to work according to the consensus principle and not according to the majority principle. If consensus cannot be reached with regard to a certain proposal, a minority report can be issued containing the diverging proposal for the revision of the Second ASt. The Convention of 33 is composed of four persons suggested by the Council of the municipalities, two persons suggested by trade associations, two persons suggested by trade unions, five legal experts nominated by the provincial parliament, twelve persons nominated by the provincial parliament representing both the political majority and minority, and eight persons elected by the Forum of 100 (Art. 2 of the Provincial Law No. 3/2015). The Forum of 100<sup>19</sup> is composed of ordinary citizens and has two functions: it is the linking body both to the interested citizenry not directly involved in activities and it will provide the Convention of 33 with further ideas (through the channel of the eight members of the Forum of 100 who are also members of the Convention of 33). The composition of both bodies shall respect the criteria of gender balance and proportional representation of South Tyrol's language groups. The members of the auxiliary bodies work on a voluntary basis without remuneration and

the secretariat of the provincial parliament supports their work, including by involving external expertise.<sup>20</sup> The duration of the work of the two bodies is one year with, on average, two work sessions of three hours each per month for the Convention of 33, and one full-time work session every two months for the Forum of 100. The Convention of 33 has taken advantage of the possibility of prolonging its work for another couple of months (until the end of June 2017). Each working session and all written contributions of the two bodies are publicly accessible; the Autonomy Convention project web site with interactive parts allows all interested persons to both assist the work sessions of the bodies by being in the respective meeting premises or by following the works via live-streaming (valid only for the Convention of 33), and to read the interim results as well as meeting protocols.

The results of the two bodies of the Autonomy Convention are handed over to the South Tyrolean provincial parliament, whose members can take them into account but are not obliged to do so. Once the content regarding the revision of the Second ASt is agreed upon and coordinated with that of the provincial parliament in Trentino, the regional parliament (being the expression of the two provincial parliaments) can initiate the amendment procedure to the Second ASt according to Art. 138 of the Italian Constitution.<sup>21</sup> Accordingly, laws amending the constitution and other constitutional laws (thus the Second ASt) shall be adopted by each chamber after two successive debates at intervals of not less than three months and they shall be approved by an absolute majority of the members of each chamber at the second vote. Most importantly, unlike other constitutional laws adopted in the national parliament, approved amendments to the Second ASt shall not be in any event subject to a national referendum. This is to circumvent the possibility that the whole institutional machinery of minority protection gets jeopardized by the result of a referendum held at national level.

## 6. Concluding Remarks and Outlook

The settlement of the South Tyrolean conflict was possible due to institutionalized negotiations at different levels of government. After the internationalized conflict de-escalation, special procedures for the implementation of the Second ASt were introduced. The Commission of Six established itself as a key body not only for the implementation of the Second ASt but also for widening the scope of South Tyrol's autonomy after the conflict was formally settled in 1992, when it was acknowledged that the provisions set forth in the Gruber-Degasperi Agreement were satisfactorily implemented. Legally speaking, the success of South Tyrol's negotiated autonomy primarily lies in the creation, composition and appointment procedures of the Commission of Six and, particularly, in its following underlying principles: parity among all actors involved and bilateralism between South Tyrol and the State. Politically speaking, the hegemony of the

SVP paved the way for the successful implementation of the Second ASt, which, today, consists in a complex power-sharing system between its major linguistic groups and ascribes South Tyrol a very broad legislative and administrative autonomy that includes nearly all competences except the army, the police and a few minor issues.

The 2013 provincial elections marked a turning point in South Tyrol's political landscape and reinforced the debate over the necessity to revise the Second ASt, also but not exclusively against the backdrop of the centralist wind blowing from Rome. Acknowledging that a pure elite-driven top-down process without the involvement of the citizenry would be controversial, the South Tyrolean provincial parliament established a consultative participatory process. The uniqueness of the Autonomy Convention lies, first of all, in its contextualisation in a minority area characterized by a power-sharing system. It is both in its scope (revision of the Second ASt) and method (inclusiveness in territorial, intergenerational and socio-linguistic terms) a *novum* for South Tyrol. The Autonomy Convention is the first-ever institutionalized platform where politicians, stakeholders and ordinary citizens are invited to enter into debates about South Tyrol's autonomy across both language groups and ethnically delimited political arenas. Regardless of whether or not the Autonomy Convention will fully succeed in its aim of elaborating concrete proposals for the revision of the Second ASt, it is undoubtedly the most recent and innovative example of how South Tyrol's autonomy is being negotiated. As such, it is definitely of historical importance. The institutionalization of the Autonomy Convention is proof of the fact that previous negotiations about South Tyrol's autonomy successfully transformed South Tyrol's numerical quantitative majority-minority relations into a qualitative and permanent "institutional equality" (Marko 1995, 172).<sup>22</sup> On the one hand, the Autonomy Convention as the first-ever institutionalized discussion platform allows for large-scaled debates across language groups and thus shows the potential for developing commonly shared visions for South Tyrol's future autonomy arrangements; on the other hand, it is an empirical test showing to what extent and over which topics South Tyroleans who either raised their voice in the face-to-face meetings or in the online platform still disagree, and thus to what extent the reconciliation process and the rapprochement of the different language groups is not yet concluded. Although a comprehensive analysis is not yet possible due to the ongoing work of the Convention of 33,<sup>23</sup> the following trends are emerging if one analyses the protocols of the meetings of the Convention of 33 and the results of the working groups within the Forum of 100:<sup>24</sup> the members of both bodies underline the importance of the international anchoring of South Tyrol's autonomy and the necessity to uphold the key instruments of minority protection; however, opinions differ with regard to if and how the details of key instruments of minority protection could be regulated differently. For example: (a) the possi-

bility of temporarily suspending the ethnic quota system or applying it in an ever more flexible way; (b) the introduction of a multilingual school model alongside the German and Italian school systems that are based on the principle of mother tongue education; (c) the option of completely abolishing the region *vs.* a newly conceived region as a coordinating body. Moreover, there are very different views with regard to whether and how one should engage in debates that envisage a complete overhaul of South Tyrol's *status quo* within Europe.<sup>25</sup>

Even though if viewed from the future the Autonomy Convention might represent only a drop in the ocean when it comes to the question on how South Tyrol's autonomy is negotiated, it is undoubtedly true that the Autonomy Convention will enter history because it is the first-ever large-scaled consultative process in South Tyrol. The opinions, visions and proposals of all those who decided to raise their voice between January 2016 and June 2017 are being documented and can be consulted even after the formal closure of the Autonomy Convention in September 2017 when the results of both bodies, the Convention of 33 and the Forum of 100, are officially handed over to the South Tyrolean parliament. Future will show if and to what extent they will be taken into account in upcoming rounds of negotiating South Tyrol's autonomy.

## References

- Alber, E., 2015. Qualified Autonomy vs. Secessionist Discourses in Europe: The Case of South Tyrol. In E. M. Belser, A. Fang-Bär, N. Massüger & R. Oleschak Pillai (eds.) *States Falling Apart? – Secessionist and Autonomy Movements in Europe*. Stämpfli Verlag, Bern, 267–296.
- Alber, E. & Palermo, F., 2012. Creating, Studying and Experimenting with Bilingual Law in South Tyrol: Lost in Interpretation? In X. Arzoz (ed.) *Bilingual Higher Education in the Legal Context*. Martinus Nijhoff Publishers, Leiden, Boston, 287–309.
- Alber, E. & Zwillig, C., 2014. Continuity and Change in South Tyrol's Ethnic Governance. In S. Salat, S. Constantin, A. Osipov & I. G. Székely (eds.) *Autonomy Arrangements Around the World: A Collection of Well and Lesser Known Cases*. Romanian Institute for Research on National Minorities, Cluj, 33–66.
- Annex IV to the Paris Treaty of 1946, the Gruber-Degasperi Agreement between Italy and Austria*, [http://www.regione.taa.it/codice/accordo\\_d.aspx](http://www.regione.taa.it/codice/accordo_d.aspx) (accessed 17 March 2017).
- ASTAT – Istituto provinciale di statistica/Landesinstitut für Statistik, 2012. Volkszählung 2011/Censimento della popolazione 2011. *ASTAT Info* 38, <http://astat.provinz.bz.it/de/volkszaehlung-wohnungszaehlung-2011.asp> (accessed 17 March 2017).
- ASTAT – Istituto provinciale di statistica/Landesinstitut für Statistik, 2016. *South Tyrol in Figures 2016*. ASTAT, [http://astat.provinz.bz.it/downloads/Siz\\_2016-eng.pdf](http://astat.provinz.bz.it/downloads/Siz_2016-eng.pdf) (accessed 17 March 2017).
- Autonomia – Riforma dello Statuto, <https://www.riformastatuto.tn.it/> (accessed 17 March 2017).
- Autonomy Convention Project web site – Autonomiekonvent/Convenzione sull'Autonomia/Convenziun d'Autonomia, <https://www.konvent.bz.it/de> (accessed 17 March 2017).
- Coalition Program, 2013 – *Koalitionsabkommen zur Bildung der Landesregierung für die Legislaturperiode 2013 bis 2018*, [http://www.provinz.bz.it/land/landesregierung/downloads/koalitionsabkommen-de\\_2013-12-30.pdf](http://www.provinz.bz.it/land/landesregierung/downloads/koalitionsabkommen-de_2013-12-30.pdf) (accessed 17 March 2017).

- Constitutional Court Decision No. 160/1985*, <http://www.giurcost.org/decisioni/index.html> (accessed 17 March 2017).
- Constitutional Court Decision No. 242/1989*, <http://www.giurcost.org/decisioni/index.html> (accessed 17 March 2017).
- Constitutional Court Decision No. 37/1989*, <http://www.giurcost.org/decisioni/index.html> (accessed 17 March 2017).
- Constitutional Law No. 1/1971– *Legge Costituzionale 10 novembre 1971, n. 1*. Gazzetta Ufficiale della Repubblica Italiana 3 (1972), 5 January 1972, [http://www.consiglio.provincia.tn.it/leggi-e-archivi/codice-provinciale/archivio/Pages/Legge%20costituzionale%2010%20novembre%201971%2C%20n.%201\\_9884.aspx](http://www.consiglio.provincia.tn.it/leggi-e-archivi/codice-provinciale/archivio/Pages/Legge%20costituzionale%2010%20novembre%201971%2C%20n.%201_9884.aspx) (accessed 17 March 2017).
- Constitution of the Italian Republic/ *Costituzione della Repubblica Italiana*. Gazzetta Ufficiale della Repubblica Italiana 298 (2017), 27 December 1947, <http://www.gazzettaufficiale.it/anteprema/codici/costituzione> (accessed 17 March 2017).
- Constitutional Reform No. 2/2001– *Legge costituzionale 31 gennaio 2001 n. 2, Disposizioni concernenti l'elezione diretta dei presidenti delle regioni a statuto speciale e delle province autonome di Trento e di Bolzano*. Gazzetta Ufficiale della Repubblica Italiana 26 (2001), 1 February 2001, <http://www.issirfa.cnr.it/legge-costituzionale-31-gennaio-2001-n-2-disposizioni-concernenti-l-elezione-diretta-dei-presidenti-delle-regioni-a-statuto-speciale-e-delle-province-autonome-di-trento-e-di-bolzano.html> (accessed 17 March 2017).
- Constitutional Reform Bill 2016 – *Disposizioni per il superamento del bicameralismo paritario, la riduzione del numero dei parlamentari, il contenimento dei costi di funzionamento delle istituzioni, la soppressione del CNEL e la revisione del titolo V della parte II della Costituzione (16A03075)*. Gazzetta Ufficiale della Repubblica Italiana 88 (2016), 15 April 2016, <http://www.gazzettaufficiale.it/eli/id/2016/04/15/16A03075/sg> (accessed 17 March 2017).
- Council of State, First Chamber, Opinion No. 3302, 1995, <https://www.giustizia-amministrativa.it/cdsintra/cdsintra/Attivita/consigliodistato/index.html> (accessed 17 March 2017).
- Engl, A. & Zwilling, C., 2013. Herausforderungen für den Brenneraum: Der Europäische Verbund für territoriale Zusammenarbeit (EVTZ) Europaregion Tirol-Südtirol-Trentino. In F. Karhofer & G. Pallaver (eds.) *Politik in Tirol – Jahrbuch 2013*. Studien Verlag, Innsbruck, Wien, Bozen, 133–155.
- Fraenkel-Haeberle, C., 2008. Linguistic Rights and the Use of Languages. In J. Woelk, F. Palermo & J. Marko (eds.) *Tolerance Through Law: Self Governance and Group Rights in South Tyrol*. Martinus Nijhoff Publishers, Leiden, Boston, 259–278.
- Gehler, M., 2003. Compimento del bilateralismo come capolavoro diplomatico-giuridico: La chiusura della vertenza Sudtirolese fra Italia e Austria nel 1992. In A. Di Michele, F. Palermo & G. Pallaver (eds.) 1992. *Fine di un conflitto. Dieci anni dalla chiusura della questione sudtirolese*. Il Mulino, Bologna, 23–119.
- Lantschner, E., 2008. History of South Tyrol's Conflict and its Settlement. In J. Woelk, F. Palermo & J. Marko (eds.) *Tolerance through Law. Self-Governance and Group Rights in South Tyrol*. Martinus Nijhoff, Leiden, Boston, 3–15.
- Lantschner, E. & Poggeschi, G., 2008. Quota System, Census and Declaration of Affiliation to a Linguistic Group. In J. Woelk, F. Palermo & J. Marko (eds.) *Tolerance Through Law: Self Governance and Group Rights in South Tyrol*. Martinus Nijhoff Publishers, Leiden, Boston, 219–234.
- Larin, S. & Röggl, M., 2016. Why Italy's German-Speakers Overwhelmingly Voted "Yes". LSE Blog, <http://blogs.lse.ac.uk/europpblog/2016/12/07/why-italys-german-speakers-voted-yes/> (accessed 17 March 2017).
- Maines, E., 2005. Die Quasi-Rechtspersönlichkeit der Sprachgruppen. In J. Marko, S. Ortino, F. Palermo, L. Voltmer & J. Woelk (eds.) *Die Verfassung der Südtiroler Autonomie*. Nomos, Baden-Baden, 297–305.

- Marcantoni, M. & Postal, G., 2012. *Il Pacchetto: dalla Commissione dei 19 alla seconda autonomia del Trentino-Alto Adige*. Fondazione Museo Storico del Trentino, Trento.
- Marko, J., 1995. *Autonomie und Integration. Rechtsinstrumente des Nationalitätenrechts im funktionalen Vergleich*. Böhlau, Graz, Vienna, Cologne.
- Palermo, F., 2008. Implementation and Amendment of the Autonomy Statute. In J. Woelk, F. Palermo & J. Marko (eds.) *Tolerance Through Law: Self Governance and Group Rights in South Tyrol*. Martinus Nijhoff Publishers, Leiden, Boston, 143–159.
- Palermo, F. & Parolari, S. (eds.), 2016. *Il futuro della specialità regionale alla luce della riforma costituzionale*. Edizioni Scientifiche Italiane, Napoli.
- Palermo, F., Parolari, S. & Valdesalici, A. (eds.), 2013. *Federalismo fiscale e autonomie territoriali*. Cedam, Padova.
- Palermo, F. & Wilson A., 2014. The Multi-Level Dynamics of State Decentralization in Italy. *Comparative European Politics* 12 (4/5), 510–530.
- Pallaver, G., 1993. Südtirol 1943–1955: Internationale Aspekte. In A. Pelinka & A. Maislinger (eds.) *Handbuch zur neueren Geschichte Tirols*. Band 2, Zeitgeschichte 1. Teil: Politische Geschichte, Universitätsverlag Wagner, Innsbruck, 423–448.
- Pallaver, G., 2006. The Südtiroler Volkspartei: From Irredentism to Autonomy. In L. De Winter, M. Gómez-Reino & P. Lynch (eds.) *Autonomist Parties in Europe: Identity, Politics and the Revival of the Territorial Cleavage*. Institut de Ciències Polítiques i Socials, Barcelona, 161–188.
- Pfeifer, G. & Steiner, M., (eds.), 2016. *Bruno Kreisky und die Südtirolfrage*. Edition Raetia, Bozen.
- Provincial Law 3/2015 (Provincia Autonoma di Bolzano) – *Legge provinciale 23 aprile 2015, n. 3, Istituzione di una Convenzione per la riforma dello Statuto di autonomia del Trentino-Alto Adige*, <http://lexbrowser.provincia.bz.it/ricerca/it/ricerca.aspx?a=2015&n=3&in=&q=&na> (accessed 17 March 2017).
- Provincial Law 1/2016 (Provincia Autonoma di Trento) – *Legge provinciale 2 febbraio 2016, n. 1, Istituzione della Consulta per lo Statuto speciale per il Trentino - Alto Adige/Südtirol*, [http://www.consiglio.provincia.tn.it/leggi-e-archivi/codice-provinciale/archivio/Pages/Legge%20provinciale%202%20febbraio%202016,%20n.%201\\_28211.aspx?zid](http://www.consiglio.provincia.tn.it/leggi-e-archivi/codice-provinciale/archivio/Pages/Legge%20provinciale%202%20febbraio%202016,%20n.%201_28211.aspx?zid) (accessed 17 March 2017).
- Ritschel, K. H., 1966. *Diplomatie um Südtirol. Politische Hintergründe eines europäischen Versagens*. Seewald, Stuttgart.
- Scantamburlo, M. & Pallaver, G., 2014. The 2013 South Tyrolean Election: The End of SVP Hegemony. *Regional and Federal Studies* 24 (4), 493–503.
- Second Autonomy Statute 1972, Presidential Decree Nr. 670 of 31 August 1972. *Approvazione del testo unico delle leggi costituzionali concernenti lo statuto speciale per il Trentino-Alto Adige*. Gazzetta Ufficiale della Repubblica Italiana 301 (1972), 20 November 1972, [http://lexbrowser.provincia.bz.it/doc/it/dpr-1972-670/decreto\\_del\\_presidente\\_della\\_repubblica\\_31\\_agosto\\_1972\\_n\\_670.aspx](http://lexbrowser.provincia.bz.it/doc/it/dpr-1972-670/decreto_del_presidente_della_repubblica_31_agosto_1972_n_670.aspx) (accessed 17 March 2017).
- Steininger, R., 2003. *South Tyrol. A Minority Conflict of the Twentieth Century*. Transaction, New Brunswick, London.
- Steurer, L., 1993. Südtirol 1918–1945. In A. Pelinka & A. Maislinger (eds.) *Handbuch zur neueren Geschichte Tirols*. Band 2: Zeitgeschichte, 1. Teil: Politische Geschichte, Universitätsverlag Wagner, Innsbruck, 179–312.
- SVP – Südtiroler Volkspartei, 2016. *Grundsatzprogramm der Südtiroler Volkspartei*, Merano/Meran, 7 May 2016, <http://www.svp.eu/de/partei/grundsatzprogramm/> (accessed 17 March 2017).
- Toggenburg, N. G., 2008. Regional Autonomies Providing Minority Rights and the Law of European Integration Experiences from South Tyrol. In J. Woelk, F. Palermo & J. Marko (eds.) *Tolerance Through Law: Self Governance and Group Rights in South Tyrol*. Martinus Nijhoff Publishers, Leiden, Boston, 177–200.

- Triffterer, O., 1992. The Rights of the German Speaking Population of the South Tyrol. In Y. Dinstein (ed.) *Izrael Yearbook on Human Rights 21*, Martinus Nijhoff, Dordrecht, Boston, London, 15–42.
- UN Document A/46/939: A Letter dated 17 June 1992 from Permanent Representative of Austria to the United Nations addressed to the Secretary-General, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/46/939](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/46/939).
- UN Document A/46/940: A Letter dated 17 June 1992 from Permanent Representative of Italy to the United Nations addressed to the Secretary-General, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/46/940](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/46/940).
- UN Resolution No. 1497 (XV) of 31 October 1960: *The Status of the German-Speaking Element in the Province of Bolzano (Bozen); implementation of Paris Agreement of 5 September 1946*, <http://www.un.org/documents/ga/res/15/ares15.htm> (accessed 17 March 2017).
- UN Resolution No. 1661 (XVI) of 28 November 1961: *The Status of the German-Speaking Element in the Province of Bolzano (Bozen)*, <http://www.un.org/documents/ga/res/16/ares16.htm> (accessed 17 March 2017).
- Woelk, J., 2008. Individual and Group Rights in South Tyrol: Article 2 as Grundnorm of the Autonomy Statute. In J. Woelk, F. Palermo & J. Marko (eds.) *Tolerance Through Law: Self Governance and Group Rights in South Tyrol*. Martinus Nijhoff Publishers, Leiden, Boston, 203–217.
- Wolff, S., 2005. Complex Autonomy Arrangements in Western Europe: A Comparative Analysis of Regional Consociationalism in Brussels, Northern Ireland and South Tyrol. In M. Weller & S. Wolff (eds.) *Autonomy, Self-Governance and Conflict Resolution*. Routledge, London, New York, 117–157.
- Zeller, K., 1989. *Das Problem der völkerrechtlichen Verankerung des Südtirol-Paketes und die Zuständigkeit des Internationalen Gerichtshof*, Braumüller, Wien, 1989.

## Notes

- <sup>1</sup> With one exception from 1805–1813 when Tyrol was incorporated into Bavaria, an ally of Napoleon.
- <sup>2</sup> Ladin is a Rhaeto-Romance language spoken in the Central and Eastern Alpine region. In Italy, it is spoken in the valleys of the Dolomite mountains situated in the provinces of South Tyrol, Trento and Belluno.
- <sup>3</sup> Art. 56 of the Second ASt reads as follows: “(1) If a bill is considered prejudicial to the equality of rights between citizens of the different linguistic groups or to the ethnic and cultural characteristics of the groups themselves, the majority of the members of a linguistic group in the regional parliament or provincial parliament of Bolzano/Bozen may request a vote by linguistic groups. (2) If the request for separate voting is not accepted, or if the bill is approved notwithstanding the contrary vote of two-thirds of the members of the linguistic group which had put forward the request, the majority of that group may contest the law before the Constitutional Court within thirty days of its publication, for the reasons set out in the preceding paragraph. (3) The appeal shall not have effect of suspending the law.”
- <sup>4</sup> Art. 99 of the Second ASt. On the use of the German and Ladin language in the Autonomous Province of Bolzano/Bozen see also Art. 100 and Art. 101 of the Second ASt.
- <sup>5</sup> Art. 89 of the Second ASt.
- <sup>6</sup> It is important to recall that the Autonomous Region of Trentino-South Tyrol consists of the trilingual Autonomous Province of Bolzano/Bozen and the almost 100 per cent Italian-speaking Autonomous Province of Trento.

- <sup>7</sup> The smallest (and oldest) linguistic group, the Ladins, are technically not covered by the Gruber-Degasperi Agreement. The claims of the Ladin minority group have been traditionally put forward by the German-speakers and by its most representative party, the Südtiroler Volkspartei (South Tyrolean Peoples' Party, SVP).
- <sup>8</sup> Established in 1945, the SVP as an ethnic catch-all provincial party based on Catholic social principles has dominated the political life of the province since 1945. Until 2008, the SVP always gained the absolute majority of votes and seats in the provincial parliament; in 2008, for the first time the SVP received less than 50 per cent of the votes, but managed to obtain 18 seats out of 35 in the provincial parliament. At the provincial elections in 2013, the SVP again won the elections, but it managed to obtain only 17 seats out of 35 meaning that it needed to enter a coalition with an Italian-speaking party not only because that is one of the specific requirements laid out in the Second ASt, but for the necessity to form a government. Please note that according to Art. 50 of the Second ASt the composition of South Tyrol's government must reflect the numerical strength of the linguistic groups as represented in the provincial parliament.
- <sup>9</sup> The diverging opinions on the fate of South Tyrol induced some South Tyroleans to organize themselves into liberal-patriotic alliances claiming the right of reunification with Northern and Eastern Tyrol in Austria.
- <sup>10</sup> This is an exception when it comes to Italy's asymmetric regional State structure. According to Art. 116 of the Italian Constitution, Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-South Tyrol and Aosta Valley have special forms and conditions of autonomy pursuant to the special statutes adopted by constitutional law. Unlike in the other autonomous regions, in the Autonomous Region Trentino-South Tyrol most competences are vested within the provincial and not within the regional level.
- <sup>11</sup> In fact, after the full implementation of the Second ASt, a so-called Commission of 137 should have replaced the Joint Commissions. This body would have had a purely advisory role and would therefore not have respected the principle of parity between territories and linguistic groups. Because of both its mandate and its composition, this body would not have been able to guarantee the development of autonomy. Today, the Commission of Six is part of the Commission of Twelve that deals with the implementation of the Second ASt at the level of the entire region of Trentino-South Tyrol. In reality, the Commission of Twelve plays a limited role because most competences, unlike in the other autonomous regions in Italy, belong to the two autonomous provinces and not to the autonomous region.
- <sup>12</sup> For example, in the Autonomy Convention (see part 6).
- <sup>13</sup> The current members of the Commission of Six are: Francesco Palermo (president), appointed by the State as Italian-speaker; Brunhilde Platzer appointed by the State as German-speaker; Daniel Alfreider appointed by the State in the quota reserved to an Italian-speaker (Alfreider is Ladin-speaker), Dieter Steger appointed by the region as German-speaker, Roberto Bizzo appointed by the province as Italian-speaker, Karl Zeller appointed by the province as German-speaker.
- <sup>14</sup> According to Art. 76 of the Italian Constitution these are legislative acts adopted by the government through delegation by the parliament.
- <sup>15</sup> The abolition of the joint commissions would have frozen all enactment decrees, since they can be modified only by the same legal source (see Decision No. 160 of 1985 and No. 37 of 1989 of the Constitutional Court and Opinion No. 3302 of 1995 of the Council of State, First Chamber).
- <sup>16</sup> Constitutional Reform No. 2/2001 as well as significant changes in the financial relations.
- <sup>17</sup> The full name of the process, as stated in the Provincial Law No. 3/2015, is Convention for the revision of the Autonomy Statute of Trentino-Südtirol or South Tyrol Convention. The name Autonomy Convention is the term used by the public, politicians and media. The name refers to two auxiliary bodies, the Convention of 33 and the Forum of 100.

- <sup>18</sup> In Trentino, the Provincial Law No. 1/2016 mandates for the creation of a participatory process according to a 4-6-2- model. This means that within four months the Consulta (a body of 25 members comprising legal experts, politicians and representatives of the organized civil society) had to elaborate a preliminary document, which from March 2017 onwards is to be presented to the public and to various stakeholders over a six-month time period. Afterwards, in autumn 2017, the Consulta shall take two months to revise its preliminary document against the comments received both in the face-to-face events throughout the whole Trentino territory and on the online-platform, see *Autonomia – Riforma dello Statuto*.
- <sup>19</sup> Art. 5, Para. 2 of the Provincial Law No. 3/2015 of the Autonomous Province of Bolzano/Bozen. The members of the Forum of 100 were selected (stratified random sampling that took into account gender, age and linguistic affiliation) among all persons resident in South Tyrol who sent their application in the period between the official opening of the Autonomy Convention and the end of its very first phase, a series of Open Space events for the general public (16 January 2016 – 05 March 2016). Registration was open to all persons at least 16 years old (1,829 people registered). It is worth noting that as well as eight Open Space events and a Future Lab, four thematic Workshops for Associations took place from 3-6 May 2016, with the aim of collecting ideas and proposals from South Tyrol's organized civil society. Data as to who participated in the public events and how, as well as the results of the altogether 273 discussion rounds that preceded the works of the two bodies of the Autonomy Convention, are available at Autonomy Convention project web site.
- <sup>20</sup> Eurac Research offers expert support to the Forum of 100 and the Convention of 33.
- <sup>21</sup> Art. 103 of the Second ASt vests the right to initiate amendment procedures within the regional parliament (according to the proposals of the two provincial parliaments).
- <sup>22</sup> Joseph Marko (1995, 172) defines "institutional equality", a climate of tolerance and dialogue, as a precondition for the functioning of consociational democracy within ethnically fragmented societies.
- <sup>23</sup> The Convention of 33 first met on 30 April 2016 and finalizes its works by the end of June 2017. It decided to organize its work within the following macro-topics: (1) the role and future of the region; (2) minority protection; (3) the province's legislative powers; (4) self-determination; (5) the relationship between South Tyrol, the EGTC European Region Tyrol-South Tyrol-Trentino, the European Union and Europe. See Autonomy Convention project web site.
- <sup>24</sup> The members of the Forum of 100 organized themselves in 8 thematic working groups: (1) the development of autonomy, the role and future of the region, the institutional relationships with Rome and Vienna, dual citizenship; (2) self-determination, the European region, institutional relationships with Austria and Italy, South Tyrol activists; (3) culture, education and toponomy; (4) declaration of linguistic affiliation, multilingualism, the ethnic quota system, the Ladins, bi- and trilingualism in public administration; (5) sustainability, the economy, research, labour; (6) social affairs, healthcare, sport; (7) people with a migration background and cohabitation, multilingualism; (8) forms of participation (representative and direct democracy). Altogether, they met 6 times for work sessions that lasted the whole day (some working groups organized additional meetings). The Forum of 100 first met on 02 April 2016 and its last meeting was on 29 April 2017. On 12 May 2017, the Forum of 100 delivered its results to the Convention of 33 in order to allow its members to take them into consideration while working on their final document. See Autonomy Convention project web site.
- <sup>25</sup> See Autonomy Convention project web site. For an analysis of secessionist discourses in South Tyrol see Alber 2015.