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〈特別寄稿〉

Organised Diversity Management in Europe and the Case of South Tyrol

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In recent years the European Union has actively pursued a more influential role in Asia. This EU engagement is no longer exclusively economic but also political. EU and other European regional players, such as the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE), has begun to identify their role as “norm exporter”, particularly in the field of human rights, minority protection and promotion of democracy. In aiming to define a common academic engagement between the Europe and Asia, the following article provides a short overview on the current state of the art on Minority Protection, Diversity Management and Autonomy Issues in Europe.

In this article I have chosen South Tyrol as a case study on best practice on the issue of regional autonomy for sharing some recent experiences and insights on its significance for the protection of human and minority rights and the solution of ethnic conflict. Furthermore, European States have experienced century-long internal migrations and a significant influx of migrants from other continents, including Asia, gaining momentum from the mid-20th century onwards. As a result, Europe and its national societies display a high degree of diversity in their cultural and religious composition. It is therefore impossible for European States, including the EU, to avoid measures on diversity management. In this regard it is of critical importance for Europe to examine and learn from Asia, with its unique experiences of diversity and plurality. Finally, a significant drive towards conflict resolution in Europe has also been conducted through the establishment of the OSCE and CoE. Both inter-governmental organisation with the objective, *inter alia*, of strengthening democracy, human rights and the rule of law amongst European States. The EU has been actively involved especially in promoting human rights as part of its external relations with neighboring states, new member states and prospective member states. The role of these 3 regional players has proved to be the inspirational force in the consolidation and practical realisation of human rights norms as well as providing a viable

platform for dispute resolution at a supra-national level amongst states in Europe.

In this presentation I will focus on

- 1) the specific case of South Tyrol in Italy
- 2) Minority Protection and Diversity Management
- 3) Minority Protection in Europe and
- 4) the European Academy of Bolzano (EURAC)

Case of South Tyrol in Italy

Despite bombs and death in the 1960ies, South Tyrol offers a beautiful landscape, a peaceful cooperation of ethnic groups, and a functioning administration and economy with an unemployment rate of just 3%. South Tyrol is located in the very North of Italy and in the centre of Europe. South Tyrol has three languages groups: in addition to Germans (64%) and Italians (24,5 %) there is a further “tiny minority”, the Ladins (4%). One of the outstanding aspects of the region is its specific demographic characteristics. A century ago only 3% of the population was Italian. Now the numbers changed: for example in the regional capital Bolzano/Bozen there are considerably more Italians (about 70%) than Germans (26%). This can be explained by the forced immigration of Italians in the Fascist Era.

South Tyrol, as a part of Austria since 1300 AD., was governed by the Habsburg Empire. After WW I, however, it became annexed to Italy. The realization of our current Autonomy Statute was a long and difficult process. Beside the forced assimilation through repression and “Italianization”, the German language survived the Fascist Era. However, after WW I more than 25% of the emigrated Germans and Ladins did not return to South Tyrol.

After WW II, the Gruber-Degasperi-Agreement of 1946 was the result of a bilateral negotiation between Austria and Italy. German-speaking inhabitants of South Tyrol were assured complete equality of rights with the Italian-speaking inhabitants within the framework of special provisions to safeguard the ethnical character and the cultural and economic development of the German-speaking population; elementary and secondary teaching in the mother-tongue; equalisation of the German and Italian languages in public offices and official documents, as well as in bilingual topographical naming.

The result of the Gruber-Degasperi-Agreement was the establishment of the region

“Trentino-South Tyrol”, composed of the Italian province of Trento and the mixed province of Bolzano- South Tyrol. As the majority of the regional population was Italian, Germans were easily outvoted on regional level. This led to an increasing dissatisfaction between the language groups. After protests and rallies such as the “Todesmarsch” and the “Los von Trient” the “Package” of 1962, as a first step towards South Tyrol’s Autonomy, was released. The negotiated solution between the Italian State and the South Tyrolians consisted in the official recognition of South Tyrol as an autonomous province, a significant transfer of powers from the region and the state to the province, and the non-interference of the State in local matters.

In 1972 the Autonomy Statute, as it is known today, has been approved. Among others, it guarantees cultural autonomy to the 3 language groups, regulates the distribution of jobs in the public administration proportionally to the size of the language groups and assures that people can use their mother tongue in every judicial proceeding and public life.

The conclusions that can be deducted from South Tyrol’s history are that through international intervention a conflict de-escalation could be achieved and the development to an autonomous province started. Moreover, a mix of segregation and integration within the autonomous entity has been reached: while a legally guaranteed distance between the groups enables a peaceful coexistence among them, “institutionalised” forms of cooperation, power sharing and proportional representation, compromise across ethnic cleavages, and increased inter-ethnic interaction stimulate a harmonious cohabitation of the three language groups.

Minority Protection and Diversity Management

Contemporary societies are plural and diverse societies, characterized by numerous and diverse dimensions. The ethnic dimension is socially the most important one. Conflicts and crises are normal phenomena in such societies, that simultaneously have their constructive and destructive potentials.

Consequently these societies need adequate diversity management, which includes the prevention, the management and the resolution of crises and conflicts. Ethnic and cultural diversities are just two kinds or dimensions of diversities that, however, require special attention and adequate regulation.

Diversity Management is a permanent process of regulating and managing diversities. It requires understanding, recognition, acceptance and respect of diversity, modes of

coexistence and cooperation, sensitivity of people to all factors that might signal escalation of crises or conflicts and their capability to apply adequate activities and measures. The early detection and warning systems often prove crucial for the success of diversity management.

Frequently, when a crisis or conflict escalates, there is a need for external intervention, for international communities and international organizations.

The majority of states in the world are nation-states. Their ethnic dimensions are manifested in the proclamation of official languages, cultures, (ethnically determined) histories and historic myths, in some cases (official/state) religions/churches etc.

The acquisition of ethnic nature and dimensions of nation-states — particularly the perception of those states as ethnically homogenous states of titular nations — resulted in the emergence of national and other ethnic minorities. In this context, minorities were often perceived as a problem and undesired deviation from a desired state of ethnic homogeneity within states and diverse assimilation policies followed such perceptions.

Built on the concept of a single-nation-state and following assimilation policies, traditionally nation-states have been reluctant in recognizing formally the existence of minorities within their territories and even more reluctant in granting them special protection and rights.

Consequently, the protection of minorities has depended on the struggle of these minorities as well as the interests and pressures of kin nations and neighboring states, global and regional powers and the international community.

Regardless of developments at national and international level that led to better and higher protection of minorities, there is still no consensus regarding the definition of minorities.

The definition presented by Prof. Capotorti remains the most frequently cited: “a minority is a group numerically inferior to the rest of the population of a state which has non dominant position, whose members originated from this state have ethnics, religious, linguistics characteristics which differ them from the rest of the population and which demonstrate even implicitly a sense of solidarity in order to preserve their culture, traditions, religion and language” (1978).

In my view, special protection and rights of minorities are necessary to ensure equality in diverse societies, while the rights of minorities should be both individual and collective in their nature. I would also call for the combination of traditional territorial concepts of minority protection with personal (individual) and functional protection that is more

applicable also in the context of new (immigrant) minorities and persons belonging to them.

Opponents and promoters of minority protection and rights advocate different perceptions and concepts:

- absolute equality and non-discrimination vs. special rights and affirmative action (“positive” discrimination),
- negative, positive and active protection of persons belonging to minorities (and possibly minorities as collective entities).
- individual vs./and collective rights,
- territorial, personal (individual) and functional protection of persons belonging to minorities (and minorities as collective entities).

Minority Protection in Europe

The ethnic conflict is still one of the main sources of large-scale violence in Europe today.

There are approximately 10% of EU citizens currently using a language different than the (first) official language of their State. There are approx. 40 million of minority speakers in the EU. As being part of the EU, they should be considered equal citizens. An impressive picture of the multitude of different European languages can be gained in the following table. Beside the 47 sovereign states in Europe, 91 different languages can still be count.

From the next table it can be recognized that there is a correlation between the quantitative share of nation minorities on the total population of European states and the stability and internal peace of the respective state. In fact, the major number of states that are free of ethnic tensions, count less than 10% of minority population.

The instruments for the minority protection are provided by different international organizations in Europe. The most important in minority matters is the OSCE (Organisation for Security and Cooperation in Europe). Among the major OSCE members there are the U.S., Russia, but also Uzbekistan and Kyrgyzstan (Central Asia). The office of the OSCE High Commissioner on National Minorities was established in 1992 with the mandate to identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between OSCE participating States. Knut Vollebaek is currently the high commissioner.

After the WW II the “Council of Europe” was the first international organisation in

The European languages (by number of speakers)

1. Russian	122.000.000	32. Chuvashian	1.800.000	63. Gagausian	200.000
2. German	89.300.000	33. Macedonian	1.580.000	64. Circassian	174.000
3. English	58.000.000	34. Bosnian	1.560.000	65. Kalmykian	166.000
4. Turkish	56.500.000	35. Latvian	1.420.000	66. Karachai	150.000
5. French	55.000.000	36. Bashkirian	1.345.000	67. Yiddish	150.000
6. Italian	53.000.000	37. Sardinian	1.270.000	68. Komi Permjak	147.000
7. Ukrainian	43.200.000	38. Mordvinian	1.100.000	69. Irish Gaelic	142.000
8. Polish	38.400.000	39. Estonian	1.000.000	70. Lakian	106.000
9. Spanish	31.100.000	40. Chechnyan	900.000	71. Tabasaranian	94.000
10. Romanian	22.500.000	41. Udmurtian	715.000	72. Sami	93.000
11. Dutch	20.700.000	42. Karelian	700.000	73. Balkarian	78.000
12. Hungarian	11.700.000	43. Basque	667.000	74. Nogai	74.000
13. Portuguese	11.600.000	44. Cheremissian	644.000	75. Scottish Gaelic	70.000
14. Greek	11.600.000	45. Avarian	544.000	76. Sorbian	60.000
15. Belorussian	10.200.000	46. Welsh	543.000	77. Ladin	57.000
16. Czech	9.800.000	47. Friulian	526.000	78. Inuit	53.000
17. Swedish	8.000.000	48. Kashubian	500.000	79. Ladino	50.000
18. Serbian	7.700.000	49. Frisian	462.000	80. Faroe	45.000
19. Bulgarian	6.700.000	50. Breton	450.000	81. Raetoromanian	38.000
20. Catalan	6.400.000	51. Ossetian	400.000	82. Rutulian	20.000
21. Occitan	5.950.000	52. Montenegrin	394.000	83. Tatian	19.000
22. Tatar	5.700.000	53. Kabardianian	386.000	84. Vepsian	12.000
23. Finnish	5.340.000	54. Maltesian	374.000	85. Tsakhurian	6.500
24. Albanian	5.300.000	55. Darginian	353.000	86. Karaim	4.600
25. Danish	5.100.000	56. Aromanian	336.000	87. Ivi	3.000
26. Slovakian	5.000.000	57. Komi Zyryan	336.000	88. Ishorian	1.100
27. Croatian	4.800.000	58. Letzeburgisch	308.000	89. Cornish	1.000
28. Norwegian	4.100.000	59. Kумыkian	277.000	90. Manx Gaelic	300
29. Romany	3.800.000	60. Lesgian	257.000	91. Livian	135
30. Lithuanian	3.100.000	61. Icelandic	250.000		
31. Slovenian	1.900.000	62. Ingushetian	215.000		

Source: Christoph Pan, *Die Bedeutung von Minderheiten und Sprachschutz für die kulturelle Vielfalt Europas*, *Europäisches Journal für Minderheitenfragen*, *Europäisches Journal für Minderheitenfragen*, Vol 1, No. 1/2008, p.11-34

Europe to take a stand for Human Rights. The Council of Europe, founded in 1949 as a comprehensive association of all European states, is based on the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).

In 1993 the European Union adopted the Copenhagen Criteria as a fundamental requirement for European states to access the EU. A further milestone in the minority protection is the 2002 Statement, which guarantees that all languages are equal in value and dignity from a cultural point of view. The Lisbon Treaty represents one of the most significant EU instruments for the protection of minority rights. Of major importance is hereby art. 6 of the abovementioned Treaty.

Even though a basic EU legislation exists, all Europeans should -nevertheless— speak 3 languages. Furthermore, minority protection issues should remain an individual compe-

The states of Europe by percentage of minorities in the population and stability

<i>Minority percentage of the population</i>	<i>Ethnically stable areas</i>	<i>Ethnic tensions</i>	<i>Ethnic conflicts with neighbouring countries</i>	<i>Violent ethnic conflicts</i>
Less than 10%	Austria, Czech Rep., Denmark, Finland, Germany, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Slovenia, Sweden	UK (Northern Ireland)	Albania (with Greece) Greece (with Macedonia and Albania)	
>10-20%	Lithuania, Hungary, Croatia	France (Corsica), Romania and Slovakia (Hungarians)	Bulgaria (Turkey) Turkey (Bulgaria and Cyprus) Russia (Estonia and Latvia) Kosovo (with Serbia) Serbia (with Kosovo)	Russia (Chechnya), Turkey (Kurds)
>20-30%	Belarus, Ukraine	Spain (Basque Country)	Cyprus (Turkey)	
>30-40%		Moldova (Transdnistria)	Estonia (Russia)	
40-50%	Montenegro		Latvia (Russia)	
Multinational states	Switzerland	Bosnia-Herzegovina (between entities) Belgium (between communities)		

Source: Updated version of a table from: Christoph Pan/Beate S. Pfeil (2003), *National Minorities in Europe - Handbook*, Vienna, p.33.

tence of the member states. A trend towards old attitudes can be recognized: some states become more restrictive and more repressive like Lithuania or Slovakia. In fact, the immigration and economic crisis have negatively influenced the standpoint of many States. Seeing as the EU should be perceived as a community of values, there is no excuse for avoiding the adoption of basic principles and fundamental rights. There is one European Union; no single European Language; no single European Culture. Diversity is the richness of Europe, where all Europeans, all cultures, all languages are part of a huge mosaic!

Excursus: the European Academy of Bolzano (EURAC)

EURAC is an innovative institute for research and further education, comprising five areas of research: Applied Linguistics, Minorities and Autonomies, Sustainable Development, Management and Corporate Culture, and finally, Life Sciences. These diverse branches of research are underpinned by one common factor: researchers from a wide variety of scientific and geographical backgrounds cooperate in a flexible and interdisciplinary manner in order to carry out fundamental research in an effective and sustainable manner. Currently 266 collaborators are employed by our research centre. 51% of the

total funds are derived from the basic financing of the Autonomous Province of Bozen/Bolzano, whereas the remaining 49% consist of third party funds. A considerable growth of the third party funds can be recorded over the last ten years.

As already mentioned “Minorities and Autonomies” is one of our five research areas. It is subdivided in 2 research institutes which collaborate closely: the Institute for Studies on Federalism and Regionalism and the Institute for Minority Rights. What links these two research centres is the interest in the phenomenon of European diversity. Whereas the Institute for Studies on Federalism and Regionalism deals especially with the different facet of territorial diversity in Europe, the Institute for Minority Rights focuses on the cultural dimension of Europe’s diversity. Together the two institutes run a Master Programme (MEIR) and an online journal series (EDAP).

The major research areas of the Institute of Minority Rights includes minority protection in Europe, EU law and diversity, ethnic conflicts and reconciliation, new minorities, human and minority rights in Asia as well as indigenous people’ rights.

The Institute for Studies on Federalism and Regionalism pursues comparative studies and applied research on federal, regional and local governmental trends. The scientific approach is mostly based on legal comparison as a method of analysis of governance in multi-layered systems. The major research areas include Federalism in Multinational Democracies; Institution and Procedures for Regional Development.

Beside the various institutes the European Academy has two profit centres: the EURAC Convention Center, a professional conference and seminar facility for regional, national and international meetings, and EURAC Education, a training centre which offers executive management education and training based on the research know-how of the EURAC research institutes.

ACADEMIA is the EURAC’s science magazine. It reports comprehensively and in three languages (German, Italian, English) on the institute’s research. The activity report, on the other hand, provides a good review of what has been happening at EURAC over the last year.

Conclusions

This article provides an short insight into different minority protection instruments in Europe to enhance the requisite knowledge-base for instruments to reduce ethnic conflicts and to foster stability and security. Finally, after WW I and WW II the European States

began to collaborate not only on economic projects but also in such import fields as minority protection. The multilateral treaties, regional cooperation, autonomy arrangements and concepts of diversity management that have been summarized in this article were very important in order to foster the European peace project. Beside these positive developments there are still many aspects that need to be improved. While non-discrimination is an accepted principle in Europe, many countries are still reluctant to adopt special rights and affirmative actions with the consequence that there is no substantial equality between members of a minority and the majority population. Moreover, whenever countries provide positive measures, they are only supposed to guarantee individual rights; but ignore the so important aspect of collective rights. Furthermore the European regional systems of minority protection very often do not have any legal binding mechanisms to enforce their implementation of the provisions. Europe has made wide use of this kind of soft law approach developed and implemented at regional level by the OSCE, the Council of Europe and the European Union.

Looking in particular at the European experience and taking in consideration the existing limitations, the developments and achievements attained within different regional organisations in the field of human and minority protection are quite remarkable if compared with other regions in the world. Although the transferability of instruments and mechanisms for the protection of human and minority rights in different socio-political frame is a difficult (and perhaps an undesirable) aim, the creation of knowledge about existing mechanisms, developed under different circumstances, accompanied by the exchange of information about all regions involved is a fundamental starting point of transcontinental research cooperation.

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《要約》

ヨーロッパの組織的多様性管理と イタリア南チロルの事例

Werner STUFLESSER

本稿は、北海道大学大学院メディア・コミュニケーション研究院（大学院国際広報メディア・観光学院）公共伝達論分野（講座）の求めに応じ、2010年6月26日（札幌）および7月2日（東京）に開催された同大学院主催の公開シンポジウム「超国家的枠組、標準化、ネットワーク化：ヨーロッパ、日本、アフリカの組織的多様性マネジメント Supranational Frameworks, Standardisation, Networking: Organised Diversity Management in Europe, Japan, and Africa」において筆者が行った招待基調講演「ヨーロッパの組織的多様性管理とイタリア南チロルの事例 Organised Diversity Management in Europe and the Case of South Tyrol」をまとめたものである。近年ヨーロッパとアジアがこの分野でも互いに関心を高めつつあることを念頭に置き、ヨーロッパにおける組織的多様性管理としてのマイノリティ保護について、マイノリティ自治の成功例といわれるイタリア南チロルの事例を取り上げたほか、マイノリティ保護と多様性管理の関係性、欧州連合（EU）、欧州安全保障・協力機構（OSCE）、欧州評議会（CoE）などによるマイノリティ保護のメカニズムについても考察した。また結論では、現状において認められる問題点を指摘した。さらに上記の内容に即しながら、主催者側の要望にもとづき、筆者が代表を務める EURAC（ボルツァーノ欧州アカデミー—the European Academy of Bozen/Bolzano）の研究教育活動についても紹介した。