

CHALLENGES OF DIVERSE MIGRATION FLOWS IN ITALY'S AUTONOMOUS PROVINCE OF SOUTH TYROL

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Abstract

Diverse migration flows have significantly increased in Italy's autonomous province of South Tyrol since the 1990s. This new social phenomenon has presented a range of challenges to the province's special autonomy status, which is based on power-sharing, proportional representation, a minority veto and the preservation of three old cultural and linguistic groups: German-, Italian-, and Ladin-speaking. This paper examines the challenges of diverse migration flows in South Tyrol with special emphasis on: a) the civil/political dimension, b) the socio-economic dimension, and c) the cultural dimension. It employs secondary quantitative data drawn from the statistical yearbooks of the autonomous province and conducts qualitative desk research on various legal and policy documents as well as other reports and studies. It finds that in the highly-divided society of South Tyrol, a defensive approach to migration propagated by the political elite and supported by provincial policies and laws increases the gap in legitimacy between new minorities arriving in migration and older existing linguistic minorities. Such a situation calls for more welcoming and inclusive approaches to address the issues raised by migration in the autonomous province.

Keywords: South Tyrol; migration; human rights; linguistic minorities; local representation in power-sharing

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1. Introduction

Migration has been an increasing phenomenon in Italy during the last decades. The 2011 census data showed that the number of foreign-born people

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who permanently reside in Italy tripled over the period 2001–2011.¹ The growing migrant population, especially since the 1990s, has inevitably contributed to the diversity and heterogeneity of society in terms of cultures, languages, religions and ethnicities. But new minority groups arriving in migration over the last decades further complicate an existing complex reality of autonomous territories where older, traditional minorities live.² The new migrants' settlement in these territories is transforming the migration issue into a hot topic on the local political agenda,³ which cannot be analyzed in isolation from the defensive position and interests of the older minority groups.⁴

It can be argued that in cohesive societies, group boundaries do not exist, and the inclusion of a migrant population into a common vision of the society's territory is thereby facilitated. By contrast, in societies divided by ethnic, linguistic, cultural or religious characteristics, existing strong group boundaries can exclude a newly arriving migrant population.⁵ Even though these societies themselves are neither hostile nor friendly to migration, they respond differently as they address new forms of their heterogeneity.⁶ As the state's dominant political community and the minority community have a dual sense of belonging,⁷ the societies do not always consider migration to be important and do not always have a clear position on it.⁸

This situation is obvious in South Tyrol, which is a divided society dominated by three traditional linguistic groups, German-, Italian-, and Ladin-speaking people, whose institutions and daily life are organized along those three main

¹ Gabriele Guazzo, *Cities, languages, stereotypes and discrimination: An Italian study* (Roma: Cittalia fondazione anci ricerche, 2015).

² Roberta Medda-Windscher, "Migration and old minorities in South Tyrol: Beyond a 'NIMBY' approach?" in *Migration and Autonomous Territories. The case of South Tyrol and Catalonia*, ed. Roberta Medda-Windscher et al. (Leiden: Brill, 2015), 100–37.

³ Andrea Carlà, *Old and new minorities: Migration politics in South Tyrol* (Bolzano: European Academy of Bozen/Bolzano, 2013).

⁴ Sanjay Jeram, "Immigration and minority nationalism: The Basque country in comparative perspective" (Doctoral Dissertation, University of Toronto, 2012), http://tspace.library.utoronto.ca/bitstream/1807/34067/1/Jeram_Sanjay_201211_PhD_thesis.pdf.

⁵ Verena Wisthaler, "Immigration and Regional Identity Politics: An exploratory comparison of Scotland (UK) and South Tyrol (I)" (Paper presented at the 42nd Annual Conference, UACES, Passau, September 3–5, 2012).

⁶ Cristina Isabel Zuber, "Comparing the politics behind the immigrant integration laws of Catalonia and South Tyrol." GRITUM Working Paper 22 (2014), <http://repositori.upf.edu/bitstream/handle/10230/23042/GRITIM%20%2822%29.pdf?sequence=1>.

⁷ Ricard Zapata-Barrero, *Immigration and self-government of minority nations* (Brussels: Lang, 2009).

⁸ Carlà, *Old and new minorities*.

linguistic lines.⁹ According to 2011 census data, the newer migrant population in South Tyrol represented 8 percent of its total population, almost double the total population of the Ladin-speaking group.¹⁰ Despite this fact, the authorities of South Tyrol have underestimated the impact of migration over the years as it affects multi-ethnic power-sharing relationships among the three older linguistic groups.¹¹ This could open up a Pandora's box of unresolved divisions accumulated over decades¹² in the context of protecting the existing system from the new diversity.

Various scholars have written about the highly divided nature of South Tyrolean society,¹³ but few of them have examined its consequences for the accommodation of new minority groups arriving in diverse migratory waves, and the challenges they pose to its unique status.¹⁴ Migration is a new phenomenon in South Tyrolean society that has significantly increased since the 1990s and has been little-explored in terms of its implications for the successful accommodation of both old and new linguistic minority groups. The main purpose of this paper is to examine the challenges of these diverse migration flows in the autonomous province of South Tyrol during the period 1990–2014, with special emphasis on: a) the civil/political dimension, b) the socio-economic dimension, and c) the cultural dimension. Its main research question is: How have diverse migratory flows challenged the special status of the South Tyrolean province during the period 1990–2014?

⁹ Wisthaler, "Immigration and Regional Identity Politics," 15.

¹⁰ Carlà, *Old and new minorities*, 108–9.

¹¹ *Ibid.*, 96.

¹² Medda-Windischer, "Migration and old minorities in South Tyrol," 105.

¹³ Melissa Magliana, *The autonomous province of South Tyrol. A model of self-governance?* (Bolzano: European Academy of Bozen/Bolzano, 2000); Dorothy Louise Zinn, "Not a backlash, but a multicultural implosion from within: Uncertainty and crisis in the case of South Tyrol Multiculturalism," Working Papers 6, EASA workshop 2012, http://scholarworks.umass.edu/chess_easa/6/; Gabriel N. Toggenburg and Günther Rautz, *The protection of minorities in Europe. A legal-political compendium leading from A to Z* (Trento: Autonomous Region Trentino-Südtirol, 2012); Stefan Wolff, "Conflict management in divided societies: The many uses of territorial self-governance," *International Journal on Minority and Group Rights* 20, No. 1 (2013): 27–50; Stephen Larin and Marc Roggla, "Participatory Consociationalism? The development of South Tyrol's autonomy arrangement toward a third autonomy statute" (Paper presented at the 24th Congress of Political Science, IPSA, Poznan, Poland, July 23–28, 2016).

¹⁴ Carlà, *Old and new minorities*; EURAC, *Migration and cohabitation in South Tyrol. Recommendations for civic citizenship in the Province of Bozen/Bolzano* (Bolzano: European Academy of Bozen/Bolzano, 2013); Günther Pallaver, "South Tyrol's consociational democracy: between political claim and social reality," in *Tolerance through law. Self governance and group rights in South Tyrol*, ed. Jen Woelk et al. (Leiden: Brill, 2008), 303–27; Medda-Windischer, "Migration and old minorities in South Tyrol."

As a recent and still ongoing social phenomenon in the autonomous province of South Tyrol, migration is a very hot topic, especially in political discourse and the political agenda of the ethnically-organized political parties in that autonomous territory. Because the phenomenon of migration there is very complex and recent, limited research has been conducted so far to address the consequences and implications of diverse migratory flows for South Tyrol's status as an autonomous province. This paper will provide an added contribution to the discussion and push forward research on this matter, looking for suitable, sustainable options to address migration concerns in the autonomous province of South Tyrol.

There is no universally agreed definition of migration. However, in a broader context, migration is defined as the movement of a person or a group of people, either across an international border or within a state, encompassing any type of movement despite its length, causes, or composition.¹⁵ In the context of the European Union, migration is defined as an action by which a person: a) establishes his or her usual residence in the territory of a Member State for a period of at least 12 months, after having previously been resident in another Member State or a third country; or b) having previously been resident in the territory of a Member State, ceases to have the usual residence in that Member State for a period that is at least 12 months.¹⁶

This paper will apply the definition of migration provided by the European Union. This means that its focus will be on the migrant population which lawfully resides in the territory of the autonomous province of South Tyrol for at least 12 months. Thus, other types of migratory waves are not considered in this paper.

Article 6 of the Italian Constitution considers language to be a distinctive feature identifying minorities and clearly mentions that the Republic safeguards linguistic minorities through appropriate norms.¹⁷ Law 482/1999 provides regulations for the protection of historic linguistic minorities who are present in Italian territory.¹⁸ This means that the Italian state uses the term "linguistic" minority instead of "ethnic" or "national" minority. Besides this, in Italy minori-

¹⁵ IOM, *Glossary on Migration*, 2nd Edition (Geneva: IOM, 2011), 62.

¹⁶ European Commission, Asylum and Migration. "Glossary 3.0, a tool for better comparability," produced by the European Migration Network (European Migration Network, 2014), 190, ec.europa.eu/dgs/home-affairs/what-we-do/networks/European_migration_network/docs/emn-glossary-en-version.pdf.

¹⁷ Senato della Repubblica, *Constitution of the Italian Republic* (as amended June 12, 2003) (Official Gazette No. 298, 1947), www.constituzionnet.org/files/Italy.Constitution.pdf.

¹⁸ Legge No. 482 "Norme in materia di tutela della minoranze linguistiche storiche" dated 15 December 1999.

ty rights follow a territorial principle rather than recognizing individual rights of minorities.¹⁹ This means that persons who belong to an officially-recognized linguistic minority group can exercise their rights within the particular territory where their group resides. Therefore the same term will be applied in this paper to speak about the three traditional linguistic minority groups in the autonomous province of South Tyrol: the German-, Italian- and Ladin-speaking populations.

To answer the main research question and support its core argument, this paper employs quantitative data and presents qualitative desk research. Quantitative data is taken from various statistical yearbooks and publications produced by the Provincial Institute of Statistics (ASTAT) of the Bolzano/Bozen autonomous province in South Tyrol. Qualitative desk research is extensively focused on analysis of various legal documents as well as studies, policy papers and reports concerning the autonomy status of South Tyrol and its migrant population after 1990.

This paper is organized in five parts. Following an introduction in the first part, a brief overview of the historical, political and legal aspects of South Tyrol and its autonomy is provided in the second part. Diverse migratory flows during the period 1990–2014 are described and analyzed in the third part. Challenges presented by the migration flows in South Tyrol after 1990, particularly in a) the political dimension, b) the socio-economic dimension, and c) the cultural dimension are examined and analyzed in the fourth part. Finally, some conclusions are drawn in the fifth part.

2. A Brief Overview of the Historical, Political and Legal Aspects of South Tyrol and Its Autonomy

This part aims to provide a short overview of the historical, legal and political aspects of South Tyrol and its autonomy status, briefly describing the complex mosaic of its history including: a) the tensions between its German and Ladin linguistic groups and the Italian State that led to their autonomy; and b) the long-term efforts to ensure that the Italian State fully implements its obligations derived from international agreements. This will help better understand the challenges that new migration waves pose to South Tyrol's special autonomy status.

¹⁹ Eva Pfössl, "Tolerance established by law: The autonomy of South Tyrol in Italy," http://www.mcrg.ac.in/EURAC_RP2.pdf; Elisabeth Alber and Carolin Zwilling, "Continuity and change in South Tyrol's ethnic governance," in *Autonomy arrangements around the world: A collection of well and lesser known cases*, ed. Levente Salat et al. (Cluj-Napoca: Romanian Institute for Research on National Minorities, 2014), 39.

2.1 Historical and Political Background of South Tyrol

South Tyrol is a mountainous territory of 7,400 square kilometers of which only eight percent is habitable.²⁰ Situated in northeastern part of Italy, it borders on Switzerland and Austria. Figure 1 shows the map of South Tyrol.

According to 2011 census data, South Tyrol's total population was 511,750 inhabitants or about 0.86 percent of the total population of Italy.²¹ Of that, 69.41 percent is affiliated with the German-speaking group, 26.06 percent with the Italian-speaking group and 4.53 percent with the Ladin-speaking group.²²

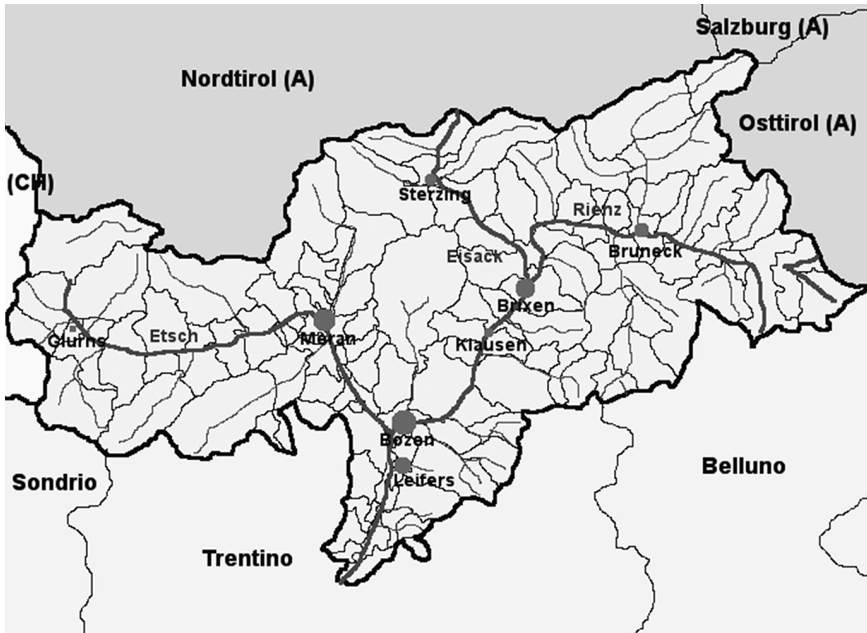


Figure 1: Map of South Tyrol

Source: Wikipedia, https://upload.wikimedia.org/wikipedia/commons/b/bf/Map_of_South_Tyrol_%28de%29.png

²⁰ Autonomous Province of South Tyrol, *South Tyrol in figures 2012* (ASTAT, 2012).

²¹ Autonomous Province of South Tyrol, *South Tyrol in figures 2013* (ASTAT, 2013); Italy – Demographics, *Repopa*, <http://www.repopa.eu/content/italy-demographics>.

²² Autonomous Province of South Tyrol, *South Tyrol in figures 2013* (ASTAT, 2013).

The German-speaking linguistic group is mainly located in rural areas and valleys, while the Italian-speaking population is concentrated in cities and urban areas.²³ Currently, South Tyrol is part of the Trentino-Alto Adige/Südtirol Region which is composed of two autonomous provinces, the province of Bolzano/Bozen and the province of Trento. Each of them enjoys a special autonomous status granted by Article 116 of the Italian Constitution.

The history of South Tyrol in the twentieth century consists of continuous efforts and struggle on the part of the German- and Ladin-speaking groups to obtain autonomy in their homeland, where they have lived in compact groups for centuries.²⁴ Before the First World War, South Tyrol was part of the Habsburg Empire, to which it had belonged for centuries.²⁵ The majority of the South Tyrolean population was German-speaking (about 93 percent), followed by the Ladin-speaking group (about 4 percent), which was mainly located in some mountainous valleys of the area, and which had maintained its culture, tradition and distinct Ladin language throughout the centuries. The Italian-speaking group constituted about 3 percent of the population.²⁶

The defeat of Austria at the end of the First World War led to the transfer of South Tyrol to Italy by the Treaty of Saint Germain.²⁷ The post-war Italian government did not keep its promise to protect the rights of the German linguistic minority. During the period 1922–1942, it aggressively repressed the German-speaking South Tyroleans, trying to Italianize their territory and their administrative apparatus.²⁸

²³ Medda-Windischer, "Migration and old minorities in South Tyrol," 114.

²⁴ Antony Alcock, *The South Tyrol autonomy. A short introduction*, 2001, <http://www.buergernetz.bz.it/en/downloads/South-Tyrol-Autonomy.pdf>.

²⁵ Gabriel N. Toggenburg and Günther Rautz, *The protection of minorities in Europe. A legal-political compendium leading from A to Z* (Trento: Autonomous Region Trentino-Südtirol, 2012); Hurst Hannum, *Autonomy, sovereignty and self-determination. The accommodation of conflicting rights*. Revised version (Philadelphia, PA: University of Pennsylvania Press, 1996).

²⁶ Toggenburg and Rautz, *The protection of minorities in Europe*, 15; and Oskar Peterlini, "The Autonomy statute of the region Trentino-South Tyrol. A short overview of historical, political and legal aspects" (Christian Democratic Academy for Central and Eastern Europe, Conference for Minorities, 19 May 1994, Budapest Hungary, Regional Council of Trentino-South Tyrol).

²⁷ Alcock, *The South Tyrol autonomy*, 1; Hannum, *Autonomy, sovereignty and self-determination*, 433.

²⁸ Zinn, "Not a backlash, but a multicultural implosion from within"; Emma Lantschner, "History of the South Tyrol conflict and its settlement," in *Tolerance through Law Self Governance and Group Rights in South Tyrol*, ed. Jens Woelk et al. (Leiden: Brill Nijhoff, 2008), 3–15; Hannum, *Autonomy, sovereignty and self-determination*, 433; Roland Benedikter, "East Ukraine's four perspectives: A Solution According to the South Tyrol Model," *Ethnopolitics Papers* No. 37 (Orfalea Center for Global and International Studies, University of California at Santa Barbara, 2015): 12; Alber and Zwillig, "Continuity and change in South Tyrol's ethnic governance," 36.

Lengthy and intensive bilateral negotiations between Italy and Austria (as the kinship state for the German-speaking South Tyroleans) concluded with the De Gasperi-Gruber international agreement of September 5, 1946,²⁹ which paved the road for self-determination and guaranteed a degree of autonomy and self-governance.³⁰ The agreement's core idea was the creation of an autonomous local government under the Italian state³¹ to safeguard the cultural and economic development as well as the ethnic characteristics of the German-speaking group.³² The 1948 First Autonomy Statute required proportional representation of all three linguistic groups in the distribution of local and regional ministerial portfolios.³³

Non-implementation of the obligations derived from the Autonomy Statute during the 1950s and 1960s escalated conflict, tension and violent actions between South Tyroleans and the Italian authorities.³⁴ The situation of South Tyrol came to the attention of the world and in 1959 the United Nations addressed its case.³⁵ The Italian government negotiated a new agreement to protect linguistic groups and to distribute spheres of influence and powers from the regions to provinces. As a result, a new document containing 137 measures was enacted in 1969, establishing a new political basis for a second de facto Autonomy Statute in 1972.³⁶

A quota system was introduced in 1972 that aimed at ensuring proportional representation of the three linguistic groups in the public sector in South Tyrol based on census data and proportionally distributing social and financial benefits according to an individual's affiliation with a linguistic group.³⁷ This involves completing a declaration of affiliation to a linguistic group as part of the cen-

²⁹ Alcock, *The South Tyrol autonomy*, 4; Hannum, *Autonomy, sovereignty and self-determination*, 433; Oscar Peterlini, "The Autonomy statute of the region Trentino-South Tyrol," 8.

³⁰ Melissa Magliana, *The autonomous province of South Tyrol. A model of self-governance?* (Bolzano: European Academy of Bozen/Bolzano, 2000).

³¹ Eva Pfössl, "Tolerance established by law," 2; and Hannum, *Autonomy, sovereignty and self-determination*, 433.

³² Alcock, *The South Tyrol autonomy*, 5; and Peterlini, "The Autonomy statute of the region Trentino-South Tyrol," 9–10.

³³ Alcock, *The South Tyrol autonomy*, 7; Magliana, *The autonomous province of South Tyrol*, 43.

³⁴ Peterlini, "The Autonomy statute of the region Trentino-South Tyrol," 11.

³⁵ Benedikter, "East Ukraine's four perspectives," 12; Peterlini, "The Autonomy statute of the region Trentino-South Tyrol," 11; and Toggenburg and Rautz, *The protection of minorities in Europe*, 16.

³⁶ Alber and Zwilling, "Continuity and change in South Tyrol's ethnic governance," 38; Hannum, *Autonomy, sovereignty and self-determination*, 434; Benedikter, "East Ukraine's four perspectives: A Solution According to the South Tyrol Model," 12; and Peterlini, "The Autonomy statute of the region Trentino-South Tyrol," 12.

³⁷ Toggenburg and Rautz, *The protection of minorities in Europe*, 16.

sus that serves to define each group's size in South Tyrol, allocate public goods proportionally and permit individual residents to claim the rights to which their linguistic group is entitled in the public, social and cultural spheres.³⁸ In 2001, the Autonomy Statute was amended again, granting a range of rights and liberties to the Province of South Tyrol in order to effectively protect and accommodate the German and Ladin linguistic minority groups.³⁹

2.2 The Special Autonomy Statute of South Tyrol Province

The Italian Constitution divides the country's administration into municipalities, provinces, metropolitan cities, regions and the State (Article 114). It recognizes and promotes local autonomies through administrative decentralization and by adapting the principles of its legislation to the requirements of autonomy and decentralization (Article 5). It provides that the legislative powers of the State and the regions must be in compliance with the Constitution (Article 117).⁴⁰

The Constitution of Trentino-Alto Adige/Südtirol (South Tyrol) states that this autonomous region is composed of the territories of the autonomous provinces of Trento and Bolzano, which are given legal status within the political structure of the Italian Republic in conformity with the principles of the Constitution and current statute (Article 1, Autonomy Statute).⁴¹ Even though the provisions for autonomy are applicable in both provinces in the same way, South Tyrol has some additional special provisions regarding bilingualism, culture, schools, mother tongue, quotas for representation in public sector employment and so forth.⁴²

So, on an *administrative level*, equal representation in high level offices and proportional representation by language groups in the provincial government are crucial elements of self-governance.⁴³ The Province of Bolzano/Bozen

³⁸ Benedikter, "East Ukraine's four perspectives," 13; and Toggenburg and Rautz, *The protection of minorities in Europe*, 16.

³⁹ Jens Woelk, Joseph Marko and Francesco Palermo, *Tolerance through law: Self-government and group rights in South Tyrol* (Boston: Brill, 2008); Alber and Zwilling, "Continuity and change in South Tyrol's ethnic governance," 42.

⁴⁰ Senato della Repubblica, *Constitution of the Italian Republic* (as amended June 12, 2003).

⁴¹ Parliament of the Autonomous Province of Bolzano/Bozen, *Special Statute for Trentino-Alto Adige/Südtirol* (Parliament of the Autonomous Province of Bolzano/Bozen, 2001).

⁴² Oskar Peterlini, "The South-Tyrol Autonomy in Italy. Historical, political and legal aspects," in *One country, two systems, three legal orders – Perspectives of evolution. Essays on Macau's Autonomy after the resumption of sovereignty by China*, ed. Jorge Costa Oliveira et al. (Berlin: Springer, 2009), 143–70.

⁴³ Magliana, *The autonomous province of South Tyrol*, 48.

(South Tyrol) has a Provincial Parliament, a Provincial Government and a Provincial President (Article 47).⁴⁴ The Provincial Government is the executive organ responsible for enactment of laws approved by the Provincial Parliament and for administrative issues that affect the Province, as well as management and supervision of various matters related to public services in the Province (Article 54).⁴⁵ The Provincial Parliament elects the Provincial President who represents the whole province and decides on the allocation of responsibilities (Article 52).⁴⁶

On a *legislative level*, Article 8 of the Special Statute for Trentino-Alto Adige/Südtirol (South Tyrol) lists a range of competencies of the Province to promote its socio-economic, cultural, environmental, educational and tourism development. As for the *judicial aspect*, there is one Regional Court of Administrative Justice established in Trentino-Alto Adige/Südtirol (South Tyrol) with an autonomous section for the province of Bolzano/Bozen (Article 90) whose members belong equally to the two major linguistic groups, Italian and German (Article 91). In addition, the Special Statute guarantees a right to education in the mother tongue to the three linguistic groups (Article 19) and use of their languages in the courts and collective organs of the Bolzano/Bozen Province (Article 100).⁴⁷

Communication between the autonomous provincial authorities and the national government in Rome is ensured by a Government Commissioner who supervises the activities of the province and regularly communicates with national authorities. In addition, the President of the province is regularly invited to meetings held by the Italian Cabinet on issues related to province.⁴⁸

3. A General Overview of Migration Flows and Their Characteristics in South Tyrol

This part examines the dynamics of the diverse migratory waves into South Tyrol during the period 1990–2014 and analyzes their complexity in this sub-national autonomous territory, traditionally populated by three linguistic minorities. It points out that this increasing phenomenon after 1990 is becoming an

⁴⁴ Parliament of the Autonomous Province of Bolzano/Bozen, *Special Statute for Trentino-Alto Adige/Südtirol*, 20.

⁴⁵ *Ibid.*, 26.

⁴⁶ *Ibid.*, 25.

⁴⁷ *Ibid.*, 5–6; 38–41.

⁴⁸ Magliana, *The autonomous province of South Tyrol*, 51.

important reality and the sub-national unit must deal with the new minority groups arriving in migration.

Migration is a new phenomenon in the autonomous province of South Tyrol, beginning in the early 1990s.⁴⁹ Formerly, South Tyrol experienced a short-term seasonal migration of workers primarily employed in agriculture and tourism.⁵⁰ In 1990, there were 5,099 migrants living in South Tyrol, mainly from Germany and Austria.⁵¹ After 1990, long-term migration became a major trend. During the period 1990–2014, the migrant population increased from 1.2 percent to 8.9 percent of the region’s total population.⁵² Table 1 shows the share of the migrant population in the total population of South Tyrol during the period 1990–2014.

Table 1: Share of the Migrant Population in the Total Population of South Tyrol, 1990–2014

Year	1990	1995	2000	2002	2004	2005	2011	2014
Share of the Migrant Population	1.20%	1.83%	3.01%	3.63%	4.67%	5.31%	8.77%	8.90%

Source: Provincia Autonoma di Bolzano-Alto Adige, *AstInfo* No. 17 (June 2006), 2; Provincia Autonoma di Bolzano-Alto Adige, *AstatInfo* No. 41 (June 2012), 5; Provincia Autonoma di Bolzano-Alto Adige, *Annuario statistico 2015* (ASTAT, 2015), 109. Calculations done by the author.

The political and economic mobility of nationals of the Western Balkan countries due to the collapse of the former Republic of Yugoslavia, the weak process of state building of the newly independent states created in its wake and the failure of the socialist system in Albania contributed to a rapid increase in the migrant population in South Tirol during the period 1992–1994. The European Union enlargement process, whereby new countries from Eastern Europe, including Romania and Slovakia, joined the EU, permitted a further increase in the migrant population during the period 2005–2007. Political instability and humanitarian crises in Africa and Asia led to even more migrant arrivals thereafter.⁵³

In 2014, there were 46,343 migrants living in South Tyrol. The majority of them are from EU countries (15,150 persons, or about 32.7 percent of the total migrant population), followed by non-EU European countries (15,044 persons or about 32.5 percent of the total migrant population), Asian countries (8,329 persons or about 18.0 percent of the total migrant population), African countries (5,738 persons or 12.4 percent of the total migrant population), Latin America

⁴⁹ Medda-Windischer, “Migration and old minorities in South Tyrol,” 100.

⁵⁰ Franco Grigoletto, *Bilancio Positivo per l’occupazione* (Provincia Autonoma, 1998).

⁵¹ Carlà, *Old and new minorities*, 11.

⁵² Provincia Autonoma di Bolzano-Alto Adige, *Annuario statistico 2015* (ASTAT, 2015).

⁵³ Carlà, *Old and new minorities*, 3.

and other American countries (2,062 persons or about 4.4 percent of the total migrant population).⁵⁴ Table 2 shows the distribution of the migrant population in South Tyrol by place of origin in 2014.

Table 2: Distribution of Migrant Population in South Tyrol by Place of Origin, 2014

EU countries	32.69%
Non-EU European countries	32.46%
Asia	17.97%
Africa	12.38%
Latin America and other American countries	4.44%

Source: Provincia Autonoma di Bolzano-Alto Adige, *Annuario statistico 2015* (ASTAT, 2015), 109. Calculations done by the author.

Statistics indicate that migrants represent a very heterogeneous group composed of various sub-groups. The size of migrant sub-groups varies but the one most represented is Albanians, followed by Germans, Moroccans, Pakistanis and Macedonians.⁵⁵ Table 3 shows the distribution of key migrant groups by nationality in South Tyrol in 2014.

Table 3: Main Migrant Groups by Nationality in South Tyrol, 2014

Nationality	Total	% of the Total Migrant Population	% of the Total Population
Albanian	5,314	11.54	1.02
German	4,607	10.01	0.89
Moroccan	3,368	7.31	0.65
Pakistani	2,811	6.10	0.54
Macedonian	2,270	4.93	0.44
Slovakian	2,109	4.58	0.41
Romanian	1,947	4.23	0.38
Kosovar	1,860	4.04	0.36
Austrian	1,570	3.41	0.30
Ukrainian	1,200	2.61	0.23

Source: Autonomous Province of South Tyrol, *Annuario statistico 2015* (ASTAT, 2015), 109.

⁵⁴ Autonomous Province of South Tyrol, *Annuario statistico 2015* (ASTAT, 2015). Calculations are made by the author.

⁵⁵ Ibid.

The high number of Albanian migrants in Italy as a whole is linked to their mass exodus at the beginning of the 1990s, when Albania's totalitarian regime collapsed. Desperately seeking relief from economic disaster, civil war and lack of confidence in democracy at home, 24,000 Albanians took to the sea in over-crowded ships.⁵⁶ Economic and political instability during the harsh years of transition increased the total number of migrants to Italy. Estimated data from the Albanian Ministry of Labor and Social Affairs indicate that there are about 200,000 Albanian migrants in Italy.⁵⁷ To a certain degree, this explains the high number of Albanian migrants in South Tyrol.

Migration of Moroccans to Italy commenced in the mid-1970s, but it remained very limited until the 1990s.⁵⁸ Their irregular migration flows then significantly increased even though an annual quota system was activated by the Italian government.⁵⁹ Arriving in various ways, Moroccans obtained residence permits either thanks to regular amnesties for undocumented migrants granted by the Italian government over the years, or pursuant to an annual quota for foreign workers.⁶⁰ Statistics show that in 2010 there were 431,529 Moroccans in Italy. More than half of them were located in the northern regions of the country.⁶¹ This helps to explain the high number of Moroccan migrants in South Tyrol.

The majority of the migrant population in South Tyrol is female (24,794 persons or 53.5 percent of the total migrant population). For both sexes, the 18–39 age group is most highly represented, accounting for 10,240 persons or 41.3 percent of the total female migrant population and 8,536 persons or 39.6 percent of the total male migrant population.⁶² The majority of migrants are settled in the main cities and urban areas of the autonomous province of South Tyrol, Bolzano/Bozen and Merano/Meran.⁶³

⁵⁶ Giovanna Campani, "Albanian refugees in Italy," *Refuge* 12, No. 4 (October 1992): 7–10.

⁵⁷ Russell King and Julie Vullnetari, "Migration and Development in Albania," Working Paper C5 (Sussex: Development Research Center on Migration, Globalization and Poverty, 2003), 26, http://www.migrationdrc.org/publications/working_papers/WP-C5.pdf.

⁵⁸ Camilla Devitt, *Circular migration between Italy and Morocco: A case study* (Florence: European University Institute, Robert Schuman Center for Advanced Studies, 2011), 43, <http://www.eui.eu/Projects/METOIKOS/Documents/CaseStudies/METOIKOScasesstudyItalyMorocco.pdf>.

⁵⁹ Giuseppe Sciortino, *Fortunes and Miseries of Italian labor migration policy*. CeSPI, 2009.

⁶⁰ Asher Colombo, *La sanatoria per le badanti e le colf del 2009: fallimento o esaurimento di un modello?* Turin. Fieri, 2009.

⁶¹ Devitt, *Circular migration between Italy and Morocco*, 43–44.

⁶² Autonomous Province of South Tyrol, *Annuario statistico 2015* (ASTAT, 2015). Calculations are made by the author.

⁶³ *Ibid.*

4. Challenges of Diverse Migration Flows in South Tyrol

A widespread social phenomenon after the 1990s, migration presents a big challenge for the dynamic political autonomy of South Tyrol. Migration policies must consider the impact of migration on relations between the three traditional South Tyrolean linguistic groups and the protections granted to the German and Ladin language groups.⁶⁴ Article 117 of the Italian Constitution grants to the State exclusive legislative power over migration, citizenship, foreign policy, relations with other EU countries, the right to asylum and the legal status of non-EU citizens.⁶⁵ Article 21(1) of the 1998 Consolidated Act on Immigration gives the Italian state exclusive decision-making power over determining quotas and other issues related to migration. The criteria and quotas for migration are set every year based on local economic conditions. The autonomous province cannot impose limitations on the implementation of agreements affecting migration that the Italian state negotiates with other countries.⁶⁶ The autonomous province must coordinate its role in migration matters with the state (Article 118 of the Italian Constitution),⁶⁷ and should adopt measures that favor the integration of all residents based on the powers granted to it in Article 42 of the 1998 Consolidated Act on Immigration.

It has been argued that in European nation-states, the migrant population must find its place within the triangle formed by the state (the civil/political dimension), the nation (the cultural dimension) and the market (the socio-economic dimension).⁶⁸ This part of this paper examines the challenges posed by the diverse migration flows in South Tyrol during the period 1990–2014, focusing on those three dimensions.

4.1 Challenges of Diverse Migration Flows on the Civil/Political Dimension

The political system of South Tyrol corresponds to the consociational democracy model of power-sharing developed by Arend Lijphart.⁶⁹ Consoci-

⁶⁴ EURAC, *Migration and cohabitation in South Tyrol. Recommendations for civic citizenship in the Province of Bozen/Bolzano* (Bolzano: European Academy of Bozen/Bolzano, 2013), 1.

⁶⁵ Senato della Repubblica, *Constitution of the Italian Republic* (as amended June 12, 2003).

⁶⁶ Carlà, *Old and new minorities*, 60.

⁶⁷ Senato della Repubblica, *Constitution of the Italian Republic* (as amended June 12, 2003).

⁶⁸ Entzinger, “Immigrants’ political and social participation in the integration process.”

⁶⁹ Günther Pallaver, “South Tyrol’s consociational democracy: between political claim and social reality,” in *Tolerance through law. Self governance and group rights in South Tyrol*, ed. Jen Woelk et al. (Leiden: Martinus Nijhoff, 2008), 303–27.

ational theory suggests that power-sharing institutions help leadership elites facilitate accommodation and cooperation in order to achieve stable democracy and good governance in socially-segmented societies.⁷⁰ The functioning of a consociational democracy in an ethnically divided society requires a climate of tolerance and dialogue fostered by institutional equality and common management of all problems on the society's territory.⁷¹

Four key characteristics of consociational constitutions in a situation of linguistic diversity are a) *executive power-sharing* through participation by linguistic groups in governmental and second-level institutions, ensuring inclusion of all linguistic groups; b) *minority veto* over government decision-making for all linguistic groups, based on agreement by all political parties participating in the executive; c) *proportional representation* of all linguistic groups in the public sector and in the allocation of public funds, based on an ethnic quota system; and d) *cultural and educational decision-making autonomy* for language groups, to protect them when issues arise that are not of common interest.⁷²

Consociational theory emphasizes the importance of providing incentives for participation in governance in a top-down, two-stage process. First, it is argued that power-sharing arrangements mitigate conflicts among leadership elites and maximize the number of stakeholders interested in playing by the rules of the game. For this purpose, proportional electoral systems with low thresholds for participation in government are used to produce multi-party parliaments composed of minor parties that represent distinct segmented communities. Second, community leaders who have a stake in national or regional governments promote conciliation and encourage acceptance of compromises. In this way, each distinct linguistic or religious community will have its voice counted because its leadership will participate in the legislature and the government.⁷³

When migrants settle into a new society they start interacting and participating in the various institutions of that society.⁷⁴ In Italy, the status of migrants

⁷⁰ Pipa Norris, "Stable democracy and good governance in divided societies: Do power-sharing institutions work?" (Paper presented at the 46th Annual Convention of the International Studies Association, Honolulu, 5th March 2005), www.hks.harvard.edu.

⁷¹ Pallaver, "South Tyrol's consociational democracy," 304.

⁷² Arend Lijphart, "Constitutional Design for Divided Societies," *Journal of Democracy* 15, No. 2 (2004): 96–109.

⁷³ Norris, "Stable democracy and good governance in divided societies," 4.

⁷⁴ Han Entzinger, "Immigrants' political and social participation in the integration process," in *Political and social participation of immigrants through consultative bodies*, ed. Council of Europe (Strasbourg: Council of Europe, 1999).

and their political rights are regulated by the state.⁷⁵ In 1994, Italy ratified two of the three parts of the 1992 Council of Europe Convention on the Participation of Foreigners in Public Life at the Local Level. The first part deals with the right to join associations and freely express opinions. The second part deals with the establishment of consultative bodies at the local level to represent foreign residents. The third part, which deals with the voting rights of foreign residents and the right to be elected to office at the local level, has not yet been ratified.⁷⁶

Even though the 1998 Consolidated Immigration Act includes a provision granting local voting rights to permanent resident non-nationals, a similar amendment to the Italian Constitution was never passed.⁷⁷ Thus, third-country nationals do not participate in local elections.⁷⁸ This means that political rights related to voting in general and local elections, and the right to be elected to office, in the case of migrants, are limited to European Union nationals and foreigners who have become citizens of Italy.⁷⁹

In the case of South Tyrol, Article 6 of the 2011 Provincial Law on Integration of Foreign Nationals foresees the establishment of a Provincial Immigration Council aimed at presenting proposals and expressing opinions about migration issues in the Province.⁸⁰ It is composed of representatives of foreign nationals as well as of trade unions, various institutions, voluntary organizations and employers.⁸¹ These immigration councils for foreign nationals have only advisory powers, and there is no obligation imposed on the authorities to consult them. Therefore, they are effectively powerless, inefficient and formal.⁸²

A gap in the legitimacy of the process of selection of local administrators and the election of local parliament members exists because the officials are elected and chosen by only part of residents, without seeking the consent of migrant non-EU-national residents who contribute to the prosperity of the

⁷⁵ Carlà, *Old and new minorities*, 87.

⁷⁶ Roberta Medda and Orsolya Farkas, *Legal Indicators for Social Inclusion of New Minorities Generated by Immigration – LISI* (Bolzano/Bozen: EURAC, 2003), 23.

⁷⁷ Enrico Grosso, “Aliens and rights of political participation at local level in the Italian Constitutional system,” (Paper presented at the colloquium on Political Participation of Aliens at Local level, Institut de Dret Public, Barcelona, 19–20 July, 2007).

⁷⁸ Kees Groenendijk, *Local voting rights for non-nationals in Europe: What we know and what we need to learn* (Washington, DC: Migration Policy Institute, 2008).

⁷⁹ Entzinger, “Immigrants’ political and social participation in the integration process,” 14.

⁸⁰ Provincia Autonoma di Bolzano-Alto Adige, Legge Provinciale No. 12 “Integrazione delle cittadine e dei cittadini stranieri” (28 Ottobre 2011), http://lexbrowser.provinz.bz.it/doc/it/194047/legge_provinciale_28_ottobre_2011_n_12.aspx?view=1.

⁸¹ *Ibid.*, Article 6/3.

⁸² Medda-Windischer, “Migration and old minorities in South Tyrol,” 103.

autonomous province. Article 5 of the 2011 Provincial Law on Integration of Foreign Nationals foresees the establishment of an anti-discrimination center aimed at monitoring discriminatory practices and actions, supporting victims of discrimination and setting up a reporting system.⁸³ But this center has not yet been established.⁸⁴

Limited exercise of civil and political rights by the migrant population in South Tyrol is also linked to an unclear provincial approach to migration. The political class serves as a gatekeeper, taking exclusionary actions and constructing boundaries between the new minority groups originating in migration and the traditional German-, Italian- and Ladin-speaking linguistic groups.⁸⁵ German-speaking South Tyroleans are a hegemonic majority in their territory. Having such an advantageous position, this group has sufficient power to dominate and bring great resources to bear in order to construct visible boundaries that hinder the access of groups it finds undesirable.⁸⁶

The majority of the seats in the Provincial parliament of Bolzano/Bozen (South Tyrol) are held by political parties that do not favor migration. They see migration as a) a problem that drains their resources; b) a threat of demographic change in the area, because new migrants tend to integrate mainly with the Italian-speaking group, thereby shifting the ratios of the old linguistic groups; and c) a violation of the measures instituted to protect the traditional linguistic groups in South Tyrol.⁸⁷ These parties' anti-migration position and rhetoric rejects the concept of a multi-ethnic society and calls upon the migrants to assimilate.

4.2 Challenges of Diverse Migration Flows in the Socio-Economic Dimension

According to the autonomy statute, public jobs available in the autonomous province of Bolzano/Bozen (South Tyrol) are distributed among the three linguistic groups in proportion to their size. For that reason, at the time of the census, every resident makes a declaration of his or her language group affiliation,⁸⁸

⁸³ Provincia Autonoma di Bolzano-Alto Adige, Legge Provinciale No. 12 "Integrazione delle cittadine e dei cittadini stranieri" (28 Ottobre 2011).

⁸⁴ Medda-Windischer, "Migration and old minorities in South Tyrol," 104.

⁸⁵ Zinn, "Not a backlash, but a multicultural implosion from within," 5.

⁸⁶ Enzo Colombo, "Multiculturalismo quotidiano: La differenza come vincolo e come risorsa," in *Multiculturalismo quotidiano. Le pratiche della differenza*, ed. Enzo Colombo et al. (Milan: Franco Angeli, 2007), 15–36.

⁸⁷ Carlà, *Old and new minorities*, 12–38.

⁸⁸ Alber and Zwilling, "Continuity and change in South Tyrol's ethnic governance," 48.

which is fundamental to taking a side.⁸⁹ Even though foreign nationals were not required to declare their membership in one of the traditional groups in the 2011 census, they still have to affiliate with one or another of them in order to qualify for jobs reserved for the three linguistic groups. They have to visit the local administration and officially declare their affiliation to one of the groups.⁹⁰ This creates identity problems, especially for those foreign residents who become Italian citizens, because the South Tyrolean system does not recognize multiple identities.⁹¹ A 2015 survey showed that the linguistic quota system was considered outdated by the majority of the Italian-speaking population. More than 70 percent agreed that it favored the German-speaking group.⁹² This suggests that the existing autonomy status is unable to accommodate linguistic groups originating from migration unless their members affiliate with one of the three traditional linguistic groups.

The existing autonomy statute shows an overlap of territorial principles and personal principles. This double legal nature has created a tense relationship between the collective rights of minorities and individual rights because, on the one hand, the statute grants the territorial autonomy of the province, and on the other hand, it includes a series of collective rights to protect minorities who reside in its territory.⁹³ But these measures refer to the protection of the group, not to the protection of the individuals. For instance, the individual declaration of affiliation with a certain linguistic group is certified by name in South Tyrol and serves to define the size of each old linguistic group. Since a list of rights is connected to linguistic declaration, migrants who reside in the autonomous province subordinate themselves to the collective protections afforded the three old linguistic minorities.⁹⁴ Since the resources of the province are distributed according to the percentages of these declarations, this means that from a personal and economic perspective, migrant taxpayers who contribute to the well-being of the autonomous province do not have the ability to influence provincial resources distribution. This restriction is justified as a protection of the old linguistic groups who traditionally live in the province.⁹⁵

⁸⁹ Zinn, "Not a backlash, but a multicultural implosion from within," 4.

⁹⁰ Fahim-Tarsia, "A European autonomy seen with South Asian eyes," 52.

⁹¹ Medda-Windischer, "Migration and old minorities in South Tyrol," 102.

⁹² Andrea Carlà, "South Tyrol: a model for all? The other face of minority accommodation" (Paper presented at the 66th PSA Annual International Conference, Brighton, UK, 21–23 March 2016), 19.

⁹³ Pallaver, "South Tyrol's consociational democracy," 322–23.

⁹⁴ *Ibid.*, 323.

⁹⁵ Roberta Medda and Orsolya Farkas, *Legal Indicators for Social Inclusion of New Minorities Generated by Immigration – LISI* (Bolzano/Bozen: EURAC, 2003).

4.3 Challenges of Diverse Migration Flows in Cultural Dimension

It is the responsibility of the autonomous province of Bolzano/Bozen (South Tyrol) to regulate the rights and duties of the migrant population that resides within its territory. Article 1 of the 2011 Provincial Law on Integration of Foreign Nationals defines integration of the migrant population as a process of reciprocal dialogue and exchange, where the local authorities of the autonomous province should encourage mutual recognition of linguistic identities and value diverse cultural, linguistic and religious identities based on principles of equality and freedom of religion.⁹⁶

Procedural inclusion and a series of checks and balances shape the substance of the autonomy granted to South Tyrol, producing a system of forced cooperation among different linguistic groups.⁹⁷ It has been argued that migration is a threat to the protection and preservation of minority cultures if it is not controlled directly by the minority populations themselves.⁹⁸ Increased migration flows for long-term residence in South Tyrol after 1990 have raised concerns about maintaining group boundaries among the three historic linguistic groups (German, Italian and Ladin) in relation to the new minority groups originating from migration.⁹⁹

The principle of linguistic minority protection that is systematically emphasized by the political parties organized along ethnic lines¹⁰⁰ has led to segregation, social disconnection and rigid separation of the traditional linguistic groups in order to preserve the integrity of each of them.¹⁰¹ Even though bilingualism is obligatory in order to ensure proper standards of communication in both the German and Italian languages,¹⁰² each group resists speaking the second language of the province and insists on communicating in its own language.¹⁰³ This separation and dislike of each other's culture and habits has been systematically nourished over the years in the family and the social environment,¹⁰⁴ leading to

⁹⁶ Provincia Autonoma di Bolzano-Alto Adige, Legge Provinciale No. 2 "Integrazione delle cittadine e dei cittadini stranieri" (28 Ottobre 2011).

⁹⁷ Pallaver, "South Tyrol's consociational democracy," 307.

⁹⁸ Will Kymlicka, "Immigrant integration and minority nationalism," in *Minority Nationalism and the Changing International Order*, ed. Michael Keating et al (Oxford: Oxford University Press, 2001), 61–83.

⁹⁹ Wisthaler, "Immigration and Regional Identity Politics," 15.

¹⁰⁰ Pallaver, "South Tyrol's consociational democracy," 309.

¹⁰¹ Magliana, *The autonomous province of South Tyrol*, 80.

¹⁰² Alber and Zwilling, "Continuity and change in South Tyrol's ethnic governance."

¹⁰³ Fahim-Tarsia, "A European autonomy seen with South Asian eyes: South Tyrol," 54.

¹⁰⁴ *Ibid.*, 54.

an understanding of linguistic identities as mutually exclusive.¹⁰⁵ The separation of education systems is producing social boundaries between the Italian- and German-speaking groups.¹⁰⁶ Such a divided system does not value the presence of other linguistic groups or bi- or trilingual persons and offers no possibility for closing the gaps between them. Increased linguistic and cultural diversity in the autonomous province is seen as changing the equilibrium among traditional identities. That is why migrants' mother tongues have not been added to the official linguistic mix in South Tyrol.¹⁰⁷

Conclusions

This paper examined the challenges of diverse migration flows in South Tyrol with special emphasis on a) the civil/political dimension; b) the socio-economic dimension; and c) the cultural dimension. It argues that even though South Tyrol's model of autonomy and accommodation of its traditional minority groups is perceived as a positive and proud example of cohabitation,¹⁰⁸ latter-day migration poses a range of challenges which are deeply rooted in the nature of the autonomy. The existing autonomy statute strictly and rigidly maintains the separation, the divisions and the tensions among the three traditional linguistic groups, German-, Italian-, and Ladin-speaking.¹⁰⁹

The autonomous province of South Tyrol shows a NIMBY (Not-In-My-Back-Yard) orientation to migrant communities¹¹⁰ and is reluctant to address their presence, which challenges the ability of the existing South Tyrolean system to protect both the traditional linguistic minorities and maintain the rigid separation among them.¹¹¹ This defensive attitude is clearly mirrored in the 2011 Provincial Law on Integration of Foreign Nationals which is focused more on keeping the migrant population at arm's length, even though they contribute to the prosperity of the province where they live. Their access to public and social

¹⁰⁵ Carlà, *Old and new minorities*, 10.

¹⁰⁶ Zinn, "Not a backlash, but a multicultural implosion from within," 7.

¹⁰⁷ Carlà, *Old and new minorities*, 136.

¹⁰⁸ Farah Fahim-Tarsia, "A European autonomy seen with South Asian eyes: South Tyrol," in *Solving ethnic conflict through self-government. A short guide to autonomy in South Asia and Europe*, ed. Thomas Benedikter (Bolzano/Bozen: EURAC, 2009), 51–55; Jens Woelk, Joseph Marko and Francesco Palermo, *Tolerance through law: Self-government and group rights in South Tyrol* (Leiden: Brill Nijhoff, 2008); Alber and Zwilling, "Continuity and change in South Tyrol's ethnic governance," 34.

¹⁰⁹ Magliana, *The autonomous province of South Tyrol*, 80.

¹¹⁰ Medda-Windischer, "Migration and old minorities in South Tyrol," 120.

¹¹¹ Carlà, *Old and new minorities*, 114.

services is limited, the need to learn the local culture and language is emphasized, and the non-EU migrant population is discriminated against vis-à-vis the EU-national migrant population in access to services and local resources.¹¹²

Finally, the autonomous province does not have a clear official approach to migration and delivers contradictory messages to its migrant population. On the one hand, there are local economic needs to which the migrants are invited to contribute, enhancing prosperity. On the other hand, they are urged not to create problems for the political equilibrium of the province and to avoid draining its social services. Attitudes toward them are biased in that migrants who are culturally similar to the existing population are favored over those who are culturally different. The provincial authorities simply want to avoid cultural problems.¹¹³

All the problems described and the challenges highlighted in this paper will require an open-minded approach to comprehensively, sustainably and suitably address the migration issues in the autonomous province. It may be time for the political elite and South Tyrolean society at large to start a new dialogue and facilitate broad-based discussion to redesign the autonomy statute of the province in order to take its migrant population into account.

¹¹² Ibid.

¹¹³ Ibid.