Migration and Old Minorities in South Tyrol: Beyond a ‘Nimby’ Approach?

Roberta Medda-Windischer

Introduction

Compared to other European regions, foreign migration to South Tyrol is a fairly recent phenomenon, although well established by now and characterised by a rapidly growing trend towards long-term stabilisation, especially in urban areas. The increase in workers from Eastern Europe has also become a major trend in the last decade and the growing number of long-term migrants is particularly striking, in the context of South Tyrol, because the province has always featured an influx of seasonal workers, employed primarily in agriculture and tourism.2

The main political party of South Tyrol, the Südtiroler Volkspartei (svp), or South Tyrolean People’s Party, has so far maintained a rather defensive approach—to the point of exclusion—towards migration and the diversity it brings, which stems directly from the key mission of the party that is to protect and promote the rights of the German- and Ladin-speaking minorities in the province.3 In this regard, the svp’s political platform clearly states: “The Südtiroler Volkspartei features among its major commitments the safeguarding of the rights of the autochthonous population and the protection of our land and its people from Überfremdung (literally over-foreignization, i.e. flooding with foreigners), through artificially increased and uncontrolled migration.”4

This is the (rather legitimate) concern of a minority that, during the Fascist period, had to endure harsh forms of Italianization, and expresses the fear of

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1 Roberta Medda-Windischer is Group Leader/Senior Researcher (l.l.m, PhD) at the Institute for Minority Rights, EURAC, Bolzano, Italy.
4 Ibid. Para 5. Translation of the quote from German by the author.
becoming, demographically speaking, a numerical minority and/or suffering restrictions to the freedom of manifesting its identity. It is therefore quite clear that an analysis of the management of migration and the diversity of the so-called new minorities, originating from international migration to South Tyrol, cannot disregard the specific characteristics of the province, which, besides the Italian linguistic group, also features two historical linguistic groups, namely, the German- and Ladin-speaking communities (the so-called old minorities).\footnote{For an analysis of old and new minorities, see R. Medda-Windischer, \textit{Old and New Minorities: Reconciling Diversity and Cohesion} (Baden-Baden, Nomos, 2009).}

In the following pages I will discuss whether the policies aimed at protecting the historical traditional minorities in South Tyrol help or hinder the creation of a tolerant and pluralistic society, and enable the so-called ‘NIMBY’ (Not-In-My-Back-Yard) approach, so far adopted by the South Tyrol authorities towards migration and the cultural diversity of migrants and their families, to be overcome. In particular, I will focus on the competences of the South Tyrolean authorities and the measures introduced by them as regards integration and inclusion, as well as on several recent rulings, concerning the Province of Bozen/Bolzano, by the Italian Constitutional Court and the European Court of Justice. I conclude with observations that also draw on the experience of Quebec, which can serve as a useful benchmark.

\section*{Competences and Institutional Measures: From \textit{Discovery} to \textit{Defence} through \textit{Necessity}}

Regarding its autonomy, the specific features of the Autonomous Province of Bozen/Bolzano (the “Province”) can be summed up as follows: legislative and administrative autonomy, proportional representation—according to linguistic group—recognition of the linguistic equality of Italian and German, and last but not least, a specific financial framework for implementing these provisions.\footnote{The most comprehensive volume in this regard is: J. Woelk \textit{et al.} (eds.) \textit{Tolerance through law. Self governance and group rights in South Tyrol} (Leiden/Boston, Martinus Nijhoff Publishers, 2008).} It should be emphasized that the allocation of jobs in the public sector, and of financial resources in the key sectors of education, culture, social affairs and (albeit with broad exceptions) subsidized housing, is based on a proportional system—the so-called \textit{Proporz}—according to the numerical size of the three linguistic groups historically present in South Tyrol: German, Italian and