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Territorial Autonomy of Linguistic Minorities, the Purpose of Improving the Constitutional Framework, and the Paradigm of Strategic Pragmatism: the Case of Political Resilience of South Tyrol and its Option of Coalition-Building (2024)

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SUMMARY: 1. Introduction. – 2. The normative background of territorial autonomy in South Tyrol. – 3. The political background of governmental coalition-building in 2023. – 4. Final remarks: a deal with the devil.

ABSTRACT: The purpose of this paper is to examine the pragmatic compromise aimed at introducing reforms favourable to extending the special autonomy of the Trentino-Alto Adige Region and the corresponding paradigmatic case of the political resilience of territorial autonomy against the ideological framework and worldview of a right-wing national government.

1. Introduction.

Political resilience of a subnational government - that is, the attitude of acting, interacting, and reacting, through either opposition, resistance or adaptation, to the national governmental framework and its policies – is a typical and necessary feature in any compound polity. The attitude of resilience is even more typical and necessary when a subnational government is the expression of the territorial autonomy of a national and language minority, as in the case of the German and the Ladin speaking groups in Alto Adige/South Tyrol in Italy.¹

Territorial self-government of a national and language minority is a complex function that needs being responsive to a plurality of direct shareholders – such being all individuals who are part of the minority - as well as to many stakeholders, that is all citizens whatever language group they belong to, various groups of interests, such as political parties, and

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¹ According to the [latest ethnic census of the population in 2011](#), the segment of the German speaking group amounts to 314.604 individuals (69,41%), the one of the Italian speaking group to 118.120 individuals (26,06%), and eventually the one of the Ladin speaking group to 20.548 individuals (4,53%). Although this latter group shares linguistic features with other communities (in Canton Grison, Switzerland and in Friuli, North-Eastern Italy) Ladins are more properly classified as a language rather than as a national minority. The function of their political representation has been undertaken by the German speaking group (with the exception of a small period when they had their own political organisation and institutional representation).



national institutions: responsiveness, therefore, requires a high degree of flexibility, willingness to reach compromises and a permanent capacity of accommodation.

Nevertheless, beyond the plurality of options for alternative governmental behaviour and decision-making, there is a fundamental limit to adjustment, namely the absolute priority of protecting, enhancing, and promoting the autonomy of the national and language minority through progressive material expansion of territorial self-government. This is, in fact, the very *raison d'être* of the enjoyment of an autonomous self-government, which is, at the same time, territorial and (at least in part) communitarian and, depending on the rules established by the polity, includes as many fields as education and culture, health and social assistance, economic development, energy and environmental protection. In all such areas, provided that the public policies must be addressed to all citizens and residents in accordance with the principle of equality, the preservation (at the least) and the improvement (at the most) of both quality and quantity of autonomy are the unquestionable imperative of the function of territorial self-government of a national and language minority.

Quite obviously, therefore, the purpose to be ultimately achieved requires a good deal of pragmatism. Pragmatism is, in fact, the prevailing source of inspiration of political resilience of a national and language minority self-governing itself and its territory.

Adopting a strategy of resilience to the national governmental establishment is a recurring attitude of regional political parties is. Such a strategy may entail different choices, inspired by either open challenge and deep differentiation or by adaptation and conformism. The rationale of the strategic option is the search for the best solution for safeguarding and enhancing the regional ability for actual and effective self-government. The strategy is thoroughly pragmatic to the extent of being or at least appearing to be – at least from the outside - quite cynical and instrumentally above a permanent set of values other than autonomy *per se*. Different models may be analysed in different contexts, such as Catalonia, Northern Ireland, Scotland and others.

Pragmatism is the main key of explanation of the (r)evolutionary strategy recently implemented by the People's Party of South Tyrol (*Südtiroler Volkspartei (SVP)* affiliated to the European People's Party (EPP) – the political party representing the majority of the German and Ladin speaking groups in *South Tyrol*² - for choosing a multiparty coalition, inclusive of a political party from the Italian nationalist and chauvinist far-right that has been *the* traditional opponent of the territorial autonomy as well as of protection of minorities' language and identity under different names (such as Movimento Sociale Italiano or Alleanza Nazionale). The motivation for such a choice of an awkward coalition is due to the strategic

² The text of the Italian [Constitution](#) – since 2001 - bears both the Italian (*Alto Adige*) and the German (*Südtirol*) name of the Region. This paper will use mainly the English version (South Tyrol) of the German name that is widely known internationally.



perspective of achieving an improvement of the basic rules of the quasi-constitutional frame of self-government, named *Sonderstatut* (*Statuto speciale* in Italian).³

The recent development in coalition-building in South Tyrol, then, provides an interesting case study in strategic pragmatic choices of territorial self-government of a national and language minority.

A better understanding of the case requires a very short introduction to the frame of regional government: the composition of governmental institutions is bound by the regional *Statut/Statuto* to reflect the three linguistic groups (German, Italian, and Ladino speaking), establishing a model of power-sharing in the framework of a consociational democracy founded on linguistic ground. What the *Statut/Statuto* rules out is that governmental institutions do not reflect proportionally societal linguistic pluralism and that they are under the control of one linguistic group only.

The outcome of regional elections held in October 2023 confirmed a pivotal role to the traditional *Sammelpartei* representing the German and Ladino speaking population (although with a weaker presence in the legislative Council).⁴ Thus it was up to them to undertake the task of selecting the governmental partners out of the 13 political groups represented in the Council and achieving a coalition of at least 18 seats (out of a total of 35).

Two alternative coalitions were therefore feasible, one with centre-left and the other with centre-right parties, inclusive of the Fratelli d'Italia (Brothers of Italy) Party, a traditional nationalist and sovereignist fiery enemy of regional autonomy and protection of national minorities, a party that at present is also the senior partner of the national governing

³ The German and Italian nouns "*Statut/Statuto*" (abbr. Stat.) refer to the constitutional law of the Italian State establishing and regulating the Autonomous Region of Trentino-AltoAdige/*Südtirol* and the two Autonomous Provinces of Trento and of Bolzano/*Südtirol* (see [art. 116.1 of the Italian Constitution](#)). In federal systems, the proper name would be regional "constitution" (*Verfassung*) but in regional systems – as Italy and Spain – the choice is in favour of the (somehow downgraded) noun, respectively, of *Statuto* and *Estatudo*. While the two terms "*Statut/Statuto*" cannot be properly translated into the English noun "Statute", a more appropriate translation could be "establishing", or "constitutional", or "fundamental" act. However, after explaining the legal nature of the normative source of the special autonomy, this Author's choice is not to translate and use both German and Italian nouns "*Statut/Statuto*".

⁴ See the basic data on results of the 2023 political elections in South Tyrol: A. Parties of the German and Ladin groups: SVP - Südtiroler Volkspartei (13 seats, 34,5%); Südtiroler Freiheit (4 seats, 10,9%); Die Freiheitlichen (2 seats, 4,9%) but lost one seat in favour of Freie Fraktion (1 seat)); Für Südtirol mit Widmann (1 seat, 3,4%); JWA Wirth Anderlan (2 seats, 5,9%); Vita (1 seat, 2,6%); B. Parties of the Italian group: FdI - Fratelli d'Italia (2 seats, 6,0%); PD - Partito Democratico (1 seat, 3,5%); Uniti per l'Alto Adige - Lega Alto Adige Südtirol (1 seat, 3,0%); La Civica (1 seat, 2,6%); C. 3. Interethnic parties: Team K (4 seats, 11,1%); Grüne Fraktion - Gruppo verde - Grupa vërda (3 seats, 9,0%).



coalition. This last circumstance explains by itself the background of the new governmental alliance in South Tyrol.

One of the issues of the local electoral campaign was an improvement of the quality and quantity of regional autonomy and a normative project has been elaborated to that purpose.

The national government has been positively responsive to the draft and in exchange to such a commitment, the *Südtiroler Volkspartei* has pragmatically chosen to build a coalition with rightist parties, in spite of a relevant local opposition of segments of citizens' movements (including disenchanted traditional voters of the *SVP*) supportive of an alternative - principled rather than pragmatic - choice.

The consequences of such a pragmatic decision by the *SVP* for a governmental coalition are still to be seen: in the short term, depending on the actual adoption of the proposed amendments to the *Statut/Statuto* by the national Parliament, and eventually, when new elections will be held in five years, with regard to the electoral success of the *SVP*. In spite of such uncertainties, the specific current experience in South Tyrol is still well worthy to be analysed and be proposed to the attention of the scientific community as a paradigmatic example of «political resilience» of territorial autonomy, based on options of strategic pragmatism.

The paper will introduce the necessary normative and political background related to territorial self-government and protection of the national and language minorities in South Tyrol, and will then deal with the facts that have led to giving expression to such option concerning the coalition-building decision after the 2023 political elections in South Tyrol.

2. *The normative background of territorial autonomy in South Tyrol*

The German speaking as well as the Italian speaking territory south of the Brenner pass, both them for the last seven centuries part of Tyrol and of the Austro-Hungarian empire, were annexed by the Kingdom of Italy in 1920, at the end of World War 1. The treaty of Saint Germain (1919) did not provide for any safeguard in favour of the German speaking minority.⁵ In the very early stage since annexation, a national statute directed Italian authorities to coordinate the legislation of the Kingdom with “provincial and municipal autonomies” but, in fact, no substantial coordination took place and, with very rare exceptions, institutional and legislative uniformity was thoroughly established, even more

⁵ An opposite decision was adopted in favour of the Slovenian speaking minority in Carinthia (Austria), where the holding of a referendum was required for allowing the national and language minority of the population to choose between remaining within the new Republic of Austria or be incorporated by the new Kingdom of Serbs, Croats and Slovenes (to be eventually named Kingdom of Yugoslavia). The results - with a turnout of over 95 percent of the voters, indicated 59.04 percent were in favour of Austria while 40.96 percent of votes opted for the Kingdom.



strictly since the advent of fascism later in the '20ies, whose policy was one of complete cultural assimilation⁶: the peak of the attempted «cultural genocide» was an agreement (1939) between the Italian Fascist and the German Nazi governments that gave the German speaking population the opportunity of an option between moving to the Third Reich and maintain their national cultural features or remaining on their historical territory but accept and be submitted to the process of forced Italianisation.⁷

At the end of World War 2 – with Italy now on the side of the losers – the Paris peace treaty (1946) achieved to have a bilateral negotiation take place between Austria and Italy that produced an agreement (named [Degasperi-Gruber Agreement](#)), that established a framework of acknowledgement and protection of the German speaking minority based on international law.

According to the agreement, “German-speaking inhabitants of the Bolzano Province and of the neighbouring bilingual townships of the Trento Province will be 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 element”; and “the populations of the above-mentioned zones will be granted the exercise of autonomous legislative and executive regional power. The frame within which the said provisions of autonomy will apply, will be drafted in consultation also with local representative German-speaking elements”.⁸

Parallel to the international interaction, mention needs to be made to the Republican constitution-making process in Italy, with particular regard to the introduction of a new

⁶ See C. GATTERER, *Im Kampf Gegen Rom*, Europa Verlag, Vienna, 1968 (trad it. *In lotta contro Roma*, Praxis 3, Bolzano, 1994; R. STEININGER, *South Tyrol. A Minority Conflict of the Twentieth Century*, Transaction Publishers, New Brunswick- London, 2003. Mass migration from Italy was also instrumental to the change of the cultural fabric of society.

⁷ The Constitutional Court delivered a ruling ([no. 15, 1996](#)) that recognised emblematically the *status* of the minority before and after the Republican liberal and democratic Constitution (1948): “The protection of linguistic minorities is one of the fundamental principles of the current legal system which the Constitution establishes in art. 6, delegating to the Republic the task of implementing it “with appropriate rules”. This principle, which represents an overcoming of the conceptions of the closed national state of the 19th century and a reversal of great political and cultural significance, with respect to the attitude of nationalism manifested by fascism” (translation by the Author).

⁸ Further obligations provided for by the Agreement were: “in accordance with legislation already enacted or awaiting enactment the said German-speaking citizens will be granted in particular: (a) elementary and secondary teaching in the mother-tongue; (b) participation of the German and Italian languages in public offices and official documents, as well as in bilingual topographic naming; (c) the right to re-establish German family names which were Italianized in recent years; (d) equality of rights as regards the entering upon public offices, with a view to reaching a more appropriate proportion of employment between the two ethnical groups”.



clause on language minorities' protection⁹ as well as to an innovative policy of regional decentralisation which started with the two major islands (Sardinia and Sicily) and with northern border regions where there was a relevant presence of language minorities.¹⁰

South Tyrol was incorporated into a regional framework along with Trentino (for almost eight centuries a territorial self-government under a Prince-Bishop and, after the latter's dismantlement by a French-Bavarian invasion led by Napoleon, becoming the Italian speaking Tyrol under the Habsburg monarchy).

Such arrangement did not accommodate the requirement of self-government by the German speaking population, as provided for by the Degasperri-Gruber agreement, as within the regional institutions they did not control a majority. The federal Republic of Austria (having meanwhile regained her sovereignty under the 1955 State treaty¹¹, in its historical role as South Tyrol's kin state and *Schutzmacht*), raised an international controversy in front the United Nation Organisation (1960) that prompted the two neighbouring states to start a negotiation, both directly as well as through the involvement of South Tyrolean representatives. The process of negotiation lasted many years and in 1972 an agreement was reached that led to a new *Statut/Statuto* that, although retaining a common regional framework, although deprived of all significant competencies, made of South Tyrol (and, respectively, of Trentino) a substantive Region by itself in (almost) full charge of its policies.¹²

The new constitutional setting included a fairly constructive period of development, that accompanied the system, while still retaining the features of an ethnically divided society, to experience a transition from a "dissociative solution" to an "associative" one.¹³

⁹ See art. 6: "The Republic safeguards linguistic minorities by means of appropriate measures", see also art. 3, 1st par.: "All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions". The 1947 peace treaty (due also to 1938 antisemitic racist legislation) had also established (art. 15) that "Italy shall take all measures necessary to secure to all persons under Italian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting".

¹⁰ See art. 116, 1st par.: "Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/*Südtirol* and Valle d'Aosta/*Vallee d'Aoste* have special forms and conditions of autonomy pursuant to the special statutes adopted by constitutional law". The addition of the German and the French name is due to a constitutional amendment introduced in 2001. The Region Friuli-Venezia Giulia (although protection of the Slovenian speaking minority was constitutionally mandated even before) was eventually inaugurated only in 1963, due to the uncertain regulation of the Eastern border (the Trieste issue) with Yugoslavia.

¹¹ The full title of the [Österreichische Staatsvertrag is "Staatsvertrag betreffend die Wiederherstellung eines unabhängigen und demokratischen Österreich"](#).

¹² See See A. ALCOCK, *The South Tyrol Autonomy. A Short Introduction*, County Londonderry, Bozen/Bolzano, May 2001.

¹³ See. G. PALLAVER, *South Tyrol's changing political system: from dissociative on the road to associative conflict resolution*, in *Nationalities Papers*, 2014, 376, where it is further explained that "this successful model for conflict resolution that has been able to defy nationalist and centrifugal forces for decades is based upon a



Such political development took place – perhaps through a cause-effect dynamic – when the central political system in Italy entered into a fundamental stage of centre-left orientation (mainly the Christian Democrats and the Socialists, plus junior parties), structurally less nationalist and more willing to dialogue and negotiation than the parties on the right.¹⁴ Nevertheless, it is important to stress that the long period is to be defined as constructive from the pragmatic point of view of the SVP's priority toward expanding territorial autonomy. Although the centre-left abandoning any former Marxist orientation did help, such coalition - repeated over time - offered the SVP the advantage of a suitable alternative to any prospects of cooperation with the nationalist right.

The power sharing constraints established by the *Statut/Statuto* thus proved to be also instrumental to a process of enhancement of territorial autonomy, such as a different coalition (with the centre-right parties) was doubtfully able to allow. Therefore, cooperation with the centre-left parties, although obviously the result also of a pragmatic option, seemed to provide also a physiological precondition for a profitable political development for the SVP and its general worldview. The steady cooperation between the SVP and the centre-left parties started in 1995 – after a long period of alliance with the Christian Democrats until 1992, since that party collapsed in Italy as well as locally – and included an electoral partnership for municipal, national and European elections as well as for building a majority coalition in charge of the provincial government. In 2018, the provincial electoral results affected the traditional pattern of coalition building: a party from the right, the *Lega*, repeated locally the brilliant results of the national parliamentary elections and achieved for the first time in *Alto Adige/South Tyrol* the role of the most voted party of the Italian

dissociative solution. It aims at establishing negative peace, which is conceived as the absence of personal violence. It is sort of a cold peace that physically separates the conflict parties. It is the lesser but necessary evil to prevent violence. The model is manifested by clearly demarcating spheres of influence as well as by spatially and socially separating conflict parties. This dissociative conflict resolution model has undergone a process of transforming into one that is associative ever since the 1992 declaration that concluded the conflict between Austria and Italy at the UN. This associative model pursues to establish positive peace, which is conceived as the overall absence of structural violence. The goal thus is to integrate former conflict parties. This model is not to be confused with the assimilation of minorities, but is associated with cooperation, thus making sure that common interests take priority over ethnic considerations”.

¹⁴ The general formula “centre-left” includes various individual political entities resulting from processes of aggregation and disaggregation and adopting different names (Ulivo, Unione, Partito democratico). The relationship at both national and local level was crucial for the progressive building of trust between the language groups. On trust and security as “(pre)conditions for the transition from dissociative to associative conflict resolution see G. Pallaver, *South Tyrol's changing political system*, cit. 382. The gradual establishment of trust proved to be crucial also for overcoming the damages caused by acts of terrorism and consequent repression: see G. PALLAVER, *La pacificazione dopo il terrorismo sudtirolese. Trattative, democrazia consociativa e divisione del potere*, in G. Bernardini, G. Pallaver (a cura di), *Dialogo vince violenza. La questione del Trentino-Alto Adige/Südtirol nel contesto internazionale*, Il Mulino, Bologna, 2015, 271.



speaking group. Consequently, because of the constraints set by the mandated model of consociational power sharing, although not without some (indeed, many) political perplexities, the SVP chose to establish a new pattern of the ruling coalition, leaning on the right¹⁵. The pragmatic paradigm was mainly inherent in the choice in favour of the stability of the provincial executive and of reproducing locally the same orientation of the national government¹⁶. It is fair to acknowledge that the coalition between the SVP and the *Lega* did not show any noticeable evidence of a turn to the right of the governmental policies of the Province of South Tyrol. Apparently, the *Lega* was satisfied with replacing the centre-left in the ruling coalition and with the bare circumstance of its new role in the executive and proved to be unable to impose its ideological views. So far, indeed, the same is to be said, indeed, after the first five months of *Fratelli d'Italia* in a governmental position.¹⁷

3. The political background of governmental coalition-building in 2023

In September 2022, national parliamentary elections took place: the rightist party named *Fratelli d'Italia* (Fdi, Brothers of Italy) achieved the *status* of being the strongest parliamentary group as well as the responsibility of leading the Executive.¹⁸

¹⁵ The *Landeshauptmann* (the President of the provincial Government) has been reported by the press to say clearly that “there was no drift to the right, otherwise I wouldn't be there” (see [Bolzano: accordo fatto per la giunta Lega-SVP](#), on [l'Adige.it](#) January 4th, 2019). The coalition with a party from the right was defined an “ethnic majority”, merely due to the number of seats in the Council, rather than a “political majority”, founded on fundamental values and political aims, see [Caos Svp, dalla base proteste sulla Lega](#), on [l'Adige.it](#) October 25th, 2018).

¹⁶ See M. FERRANDI, *Signori si cambia! Legittimi interrogativi su un anno di svolta/Auf zu neuen Ufern! Legitime Fragen zu einem Wendejahr*, and H.ATZ, G. PALLAVER, *Der Reiz des Neuen. Unzufriedenheit bestraft die Regierungsparteien gleich wie die etablierte Opposition*, both in [Politika](#) 2019.

¹⁷ It has been remarked in the Italian press that “what is certain is that compared to the great fears and very loud cries of alarm raised in recent months for fear of the new alliance, *Fratelli d'Italia* is managing to do very little to shine a light among its electorate on the basis of its historic DNA”, in T. VISENTINI, *Corriere dell'Alto Adige*, May 26th, 2024. In conformity to such comment, it may be useful to recall that the Autonomous Province of South Tyrol has announced that it continues its membership in RE.A.DY, the Italian Network of Regions, Autonomous Provinces and Local Authorities committed to preventing, combating and overcoming discrimination based on sexual orientation and gender identity, also in an intersectional manner with other factors of discrimination - sex, disability, origin ethnicity, religious orientation, age - recognized by the Constitution, by community and international law, in [Pari Opportunità](#). Furthermore, institutions in South Tyrol confirm their support for the Gay Pride celebrations, see [Pride Month, La Provincia in prima linea contro le discriminazioni](#), May 17th, 2024, in. For a more critical opinion on the first stage of the coalition see F. GOBBATO, *Kompatscher e destra: la difficile convivenza*, in [Il T quotidiano](#), 9 maggio 2024, where it is stressed that only achieving the reforms may continue allowing the SVP-Brothers of Italy coalition to survive.

¹⁸ The leader of Fdi Giorgia Meloni was consequently elected as the President of the Council of Ministers, the official title of the Prime Minister in Italy.



The provincial elections in South Tyrol were scheduled in October 2023. Well before the voting took actually place, the SVP-led provincial government sponsored the initiative of all the five “special” Regions with the aim of introducing relevant amendments into their constitutional sources.¹⁹

Such amendments had two main targets: the first was the introduction of a binding agreement (“*intesa*”) between the state and each Region as a legal requirement in the procedure for amending their respective *Statut/Statuto*, in practice a veto power on the national Parliament’s function to adopt a constitutional law. It is crucial to recall that the five special Regions enjoy, on the one hand, the privilege of having their fundamental establishing rules in constitutional sources, that allow exceptions to the general constitutional regulation of other Regions and protect the autonomy of those five Regions from derogation by ordinary legislation; but, on the other hand, they depend on national parliamentary deliberations for any amendment to their respective *Statut/Statuto*.²⁰

The second target of the proposed amendments was the achievement of a full restoration of legislative competencies that had been severely affected over the years by a restrictive interpretation by the Constitutional Court’s case law.

Indeed, a very ambitious and far-sighted twofold project of protection and enhancement of territorial autonomy, thoroughly incompatible – at least hypothetically - with a nationalist and chauvinistic central parliamentary majority. In the view of the SVP, improvement of territorial autonomy is part and parcel of protection of the national and language minority, the two perspectives being able to completely overlap.

Nevertheless, such hypothesis of incompatibility needs – at least temporarily - being suspended and may ultimately prove to be unfounded. Presenting the programme of the new national government, the new Prime Minister declared that “for the province of Bolzano we will discuss the restoration of the standards of autonomy which in 1992 led to the release of the UN release receipt” (in 1992, following a positive declaration by Austria); and when other special Regions complained for being ignored, she added that “obviously the specific reference to Bolzano was not an attempt to create a hierarchy between this and the other autonomies or to lack adequate respect for the others” and further declared that “she was absolutely of the opinion that all the regions and provinces with special statute must be

¹⁹ The expression “special Regions” is normally employed for indicating the five Regions whose *Statut/Statuto* is the object of “special statutes adopted by constitutional law” (art. 116, 1st par, Const., see note 10 above).

²⁰ For a more articulate reasoning on the issue see R. TONIATTI, *The Next Target: Amending the Amending Procedure*, in *Europa Ethnica*, 2022, 49.



defended" and apologized "if the wording of the sentence may have suggested a different reading".²¹

The Prime Minister's words quoted above did not entail more than a political commitment to deal with issues through a negotiation with the special Regions. And, however, they bounced all the way to Bolzano/Bozen and ultimately affected the choice of the new post-electoral governing coalition in South Tyrol.

A significant political act was, on 3 October 2023, the delivery to the President of the Council of Ministers of a text of the proposed constitutional law for the revision of the *Statut/Statuto* of all the special Regions, motivated – as indicated above - by the dual need for a "recovery" of spaces for legislative autonomy and for the introduction of the requirement of a previous agreement for the purpose of subsequent constitutional reforms. The delivery - not without its own solemnity, in the historical headquarters of the 18th century Subalpine Parliament - took place on the second day of the Festival of Regions and Autonomous Provinces during an extraordinary session of the State-Regions Conference organized for the 40th anniversary of the Conference itself.

The text was delivered by the President of South Tyrol in his capacity as coordinator of all the special Autonomies.

The initial act, common for all the special autonomies involved, was followed by the start of the work of the negotiating table, at least as regards Trentino-Alto Adige/Südtirol, in December 2023. In this last circumstance, it was expressed the hope that "the path can be traced that will lead to the constitutional bill for the adaptation of the *Statut/Statuto* being approved by the Government and, subsequently, discussed and approved by Parliament".

Earlier in the month of October 2023, the provincial elections in South Tyrol confirmed the turn to the right by voters of the Italian speaking group, not differently from the outcome of the 2022 national elections; a turn to the parties on the right (not less nationalistic than *FdI*) was experienced also by voters of the German speaking group, the SVP losing more votes and seats in the legislative Council.

In fact, the outcome of the political elections led to an unprecedented result: the *Südtiroler Volkspartei* – traditionally the *Sammelpartei* of the German and Ladin linguistic groups - had to renounce the exclusivity of the representation of the two linguistic groups in the Provincial Government due to the downsizing of its traditional strong role in the Provincial Council (which elects the President and the Executive).

In a system in which there is a rigid power sharing structure between linguistic groups as a legally mandated premise for a form of government of consociational democracy on a

²¹ For the parliamentary proceedings concerning the Prime Minister's declarations see [Le dichiarazioni programmatiche del Governo Meloni](#) on [Governo Italiano. Presidenza del Consiglio dei Ministri](#).



linguistic basis, the electoral outcome required both co-opting a second party expressing the German linguistic group (also in this perspective, for the first time since the origins of the current special autonomy), and selecting of parties expressive of the Italian linguistic group.

What needs being stressed is that in the alternative between a centre-left and a centre-right coalition, both equally equipped with sufficient council seats to elect and support the President and the Council, the SVP's choice was in favour of a centre-right coalition, both with regard to the second party of the German linguistic group and with regard to the parties of the Italian linguistic group.²²

The Executive thus was made to include 11 members: eight members from the SVP (including the President and a member of the Ladin group), one each from the *Freiheitlichen*, Brothers of Italy, and Lega. The size of the body (the largest ever, needed to accommodate at least two of the three coalition partners of the Italian speaking group and its consistency with the principle of proportional representation) required the technical support of three legal opinions.

The political negotiation lasted approximately three months, under the political impetus of the SVP. Eventually, the five partner parties developed a coalition programme (about a hundred pages long) of which two aspects need being highlighted: firstly, an attempt was made to mitigate the axiological impact of the presence in the provincial government of the nationalist far right, explicitly recalling the constitutional values to be shared, above all to guarantee the consolidated ideological orientation of the SVP in relation to its electorate: in fact, the text states that "the coalition rejects any form of totalitarianism or radicalism - including current forms of international terrorism - as well as exasperated nationalism and repudiates and condemns fascist and national socialist ideologies, which have also caused great suffering in South Tyrol/ Alto Adige" and that "the coalition pact is based on complete adherence to the values, principles and provisions of the Constitution and the Statute of Autonomy".

Secondly, the coalition programme emphasises the absolute and essential value of the special autonomy of South Tyrol - also in the light of its protection by the Federal Republic of Austria. And it further establishes a strong and conditioning connection between the reasons for the 2023 October project of reform of the *Statut/Statuto* - already written (by the SVP) and unamended (by the partners of the new coalition) - and the justification of the contingent political options,

²² The SVP's Assembly very clearly decided with 73 votes in favour, 2 against and 1 abstained: see the daily press in Italian [Alto Adige](#), January 23rd, 2024. In the negotiation process, emblematically the SVP is reported to have insisted on and obtained to keep the membership in the network RE.A.DY fighting against homophobia, not certainly a priority of the rightist parties (in [Corriere dell'Alto Adige](#), December 15th, 2023).



4. Final remarks: a deal with the devil

The purpose of this paper is not to explore analytically the wide reach of the proposed amendments to the constitutional sources establishing and regulating special Autonomies in Italy, those amendments concerning - let us recall - first, the subordination to a regional veto power against the national parliamentary normative function concerning their *Statut/Statuto* and, second, re-introducing regional legislative competencies negatively affected by the Constitutional Court's case law. Yet, it is precisely the wide reach of those reforms that highlights a paradigmatic case of political resilience of territorial autonomy to the ideological framework and worldview of a national rightist government.²³

In particular, the paper deals with the pragmatic exchange in (attempting to) achieving those reforms, on the one hand, and having to choose one specific political coalition, on the other: the cost of accomplishing the purpose of introducing those reforms that require a national vote is paid by opting to make a local coalition consistent with the political orientation of the central government, although that specific local coalition is incompatible with and even opposite to the own historical set of values of the *SVP* as the senior governmental partner of the coalition.. The inherent rationale that explains such an exchange has been brilliantly defined as a "deal with the devil".²⁴

Evaluating the opportunity of such a deal is intrinsically political, as political is the very nature of weighing the advantages of prospective reforms against the quality and quantity of concessions to be given to the new partners (the "devil"). The written coalition's programme, as presented to the Council in order to receiving a vote of confidence, does not show a substantial departure from established and traditional policies supported by the *SVP* (within different coalitions). One important lesson to be learnt, then, is the confirmed central role of the *SVP* in the context of South Tyrol, although with a weaker electoral consent.

A consequence of such a condition is that the new coalition has been skilfully shaped by the *SVP* in order to establish a provincial government for South Tyrol that - beyond the general physiological purposes of any government within its competencies and in conformity with the programme - may be qualified and characterized as a strictly "purpose government": in other words, the government of South Tyrol is pragmatically focused on the one purpose of acquiring the maximum possible of the normative revision project. A specific project carefully built and developed - it should be underlined - completely outside of the

²³ For a detailed and critical analysis of the proposed amendments see F. Palermo, *La proposta di revisione degli statuti speciali: autonomia anche dallo Stato di diritto?*, in federalismi.it, 14/2024, 260 ss.; G. PALLAVER e G. DENICOLÒ, *Riforma dello Statuto speciale per il Trentino-Alto Adige: alcune osservazioni tra il "giuridico" e il "politico"*, *ibid.*, 275 ss.; R. TONIATTI, *La manutenzione degli Statuti speciali: l'avvio di un processo di riforma (con particolare rilievo al Trentino-Alto Adige/Südtirol)*, *ibid.*, 290 ss.

²⁴ See G. PALLAVER, *Der Pakt mit dem Teufel. Der Weg zur neuen Südtiroler Landesregierung*, in [Politika](https://www.politika.it) 24, 205.



coalition and without any contribution by the partners but with respect to which the coalition itself undertakes an explicit political commitment.

What really matters - and explains the reasons for the coalition - is having a dialogue with a non-hostile and friendly national government and carrying on a profitable negotiation with it. Consequently, a failure to accomplish that one purpose may cause the coalition and its “purpose government” to collapse. Therefore, the hypothesis on which the coalition has its foundations is a challenge to the very existence of the coalition itself and the elements of its present strength may be transformed into corresponding factors of weakness and ultimately of its extinction. Of course, what remains to be seen is how much of the whole project of reform will be achieved and how whatever partial achievement will be evaluated by the leading partner, that is the *SVP*.

Strategic pragmatism depends- in this case as ever - on the outcome of the strategy.

The political deal has also a relevant legal and constitutional meaning, in particular when examined in the perspective of a “converted” chauvinist and nationalistic party - such as *Fratelli d'Italia* – and its new willingness to recognise liberal and democratic values and introduce constitutional and legislative rules consistent with those values: an Italian “nation” characterised not by an artificial uniformity but by language and cultural pluralism; recognition, protection and promotion of national and language minorities; acknowledgement of a foreign country – such as Austria – playing a role in conditioning the full political discretion of the Italian nation’s dealing with the regulation of its territorial policies. On such foundation, the process here indicated may be understood as providing a litmus test for qualifying the constitutional status of a political party and its electors.

Such a test may prove to be even more relevant when one considers the prevailing current right-wing and centre-right orientation of most of the special Regions and of the autonomous Province of Trento: the challenge is to expect – paradoxically - less national centralism from a rightist government than the one experienced under a centre-left majority.

The outcome of the test may turn out to be – again, paradoxically - also a case of mutual national and central political resilience to territorial autonomy.