
The Protection of Linguistic Minorities in Italy: A Clean Break with the Past

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Abstract

This article discusses the multi-levelled protection regime that has been established in Italy with regards to linguistic minorities. In the application of the Constitution, Framework Law 482/99 recognises twelve minority languages. The regime it puts in place is, however, one of potential protection. To enjoy concrete language rights, minorities must be recognised through a formal decision on the municipal level, after certain thresholds have been met. In addition, special statutes concern the German-, French- and Slovenian speakers in, respectively, Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia. It is argued that the Italian model deserves more international attention. It strikes an ingenious balance between issues of national cohesion and unity, protection of minorities and territorialism, involving also the local (municipal) level. Italy has managed to make a clean break with an uneasy and even violent past in this respect, and could serve as a model for other countries facing similar challenges.

Keywords: human rights; linguistic minorities; minority protection; Constitution; Italy; language law; Alto Adige/Südtirol; Valle d'Aosta/Vallée d'Aoste; Law 482/99

The protection of linguistic minorities is one of the key features of Italian constitutionalism. Many small linguistic groups, scattered throughout the country, are recognised at a national or regional level, albeit in practice with greatly varying degrees of protection. The Republic has also

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established far-reaching language arrangements for German-, French and Slovenian-speakers in, respectively, Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia.

In this contribution the language rights which the various recognised linguistic minorities enjoy will be discussed. First and foremost though, I will briefly recall the current state of affairs in international law as regards minimum standards for the protection of (linguistic) minorities. This will allow for assessing the compatibility of the Italian protection mechanisms with international standards.

In actual fact, it would seem that the case of Italy has received insufficient attention in international scholarship. This may be partly explained by a lack of legal source material in other languages than Italian. At any rate, the Italian example presents very interesting features, not least because Italy faces the challenge of having to deal with quite an important number of historical linguistic minorities on its territory, which are furthermore not all concentrated in well-defined geographical areas. Italy also presents a very useful model of how a balance has been struck between aims of national unity on the one hand, and regional or local autonomy on the other, in particular regarding linguistic arrangements.

As to the methodology, a “law in context” approach will be taken. For a good understanding of the linguistic diversity in Italy it is essential to recall some aspects of Italian history. In addition, where available, data will be provided on the number of speakers of the various minority languages, as these elements are relevant to assess the practical implementation of the legal protection which is offered under Italian law.¹

1. The protection of minorities under international law

It is widely accepted that in most States language is a prime element for national unity. Many States in fact deny the existence of (linguistic) minorities within their jurisdiction, regarding it as a potential threat to internal cohesion. It may be argued though that providing language rights to minorities is more in the State's long term interest, as a means of gaining citizens' trust in the central government (Arzoz, 2007: 13; 23).

Protection of linguistic minorities may also aim at simply protecting linguistic diversity as such in society. A good example is provided by the European Charter for Regional or Minority Languages. The second recital of the Preamble reads as follows:

Considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions.

Similarly, the European Court of Human Rights held that:

[there is an] emerging international consensus among the Contracting States of the Council of Europe recognising the special needs of minorities and an obligation to protect their security, identity and lifestyle, not only for the purpose of safeguarding the interests of the minorities themselves but to preserve a cultural diversity of value to the whole community.²

However, international law leaves it, in principle, to the State to grant (or not) language rights to members of minority groups on its territory, i.e. the right to use a minority or regional language in official dealings.³ The only international provision acknowledging the right to minority languages, is article 27 of the International Covenant on Civil and Political Rights, which reads as follows:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.⁴

The wording of the provision suggests that it only offers protection against interference and assimilation. It does not oblige States to actively provide for the use of the minority language in, for instance, official proceedings or in public schools. The use on the national territory of a different language from the official language is thus merely tolerated. The UN Human Rights Committee, though, seems to consider that the provision at issue does also impose a positive obligation on the State, without, however, giving specifications as to the extent thereof.⁵

Another difficulty is that there is no generally accepted definition of the term minority (language) in international law (Creech, 2005: 132; Shuibhne, 2002: 49). Common agreement is limited to the fact that minorities must be indigenous, thus excluding the languages of immigrant communities.

The European Charter defines regional or minority languages as those which are (i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population and (ii) different from the official language(s) of that State.⁶ However, it is left to the States themselves to specify which minority or regional languages they want to include in the scope of the Charter. The latter has furthermore ruled out the application of individual, enforceable language rights, but focuses rather on general State obligations. Effective implementation is left to the goodwill of the signatory States (Shuibhne, 2002: 229). Nonetheless, the Charter contains the most advanced notion of international minority protection available in the world today (Arzoz, 2007: 16).

The Framework Convention for the Protection of National Minorities also holds provisions on the protection of linguistic minorities.⁷ The wording of State obligations is, however, vague and leaves it in actual fact entirely to the States to decide about the implementation. Article 10(2) of the Framework Convention is self-evident in that regard:

Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

Aspects of the Charter and the Framework Convention seem nevertheless relevant, as they could be making their way to the case law of the European Court of Human Rights. In *Gorzelik v Poland*, a case brought by members of the Silesian minority in Poland, the Court referred, for instance, to the Preamble to the Framework Convention, stating that "*a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity*".⁸ The Court seems therefore to have made a first step toward establishing positive language obligations for the States in the public domain.

In the same vein, in scholarship, it is argued that there is growing consensus in international law that when linguistic minorities are geographically concentrated and present in substantial numbers, they should be entitled to a proportional use of their language by public officials (Koenig & De Varennes, 2001: 2; De Varennes, 1997: 5; 18).

In summation, international law is slowly evolving towards an obligation for States to not merely tolerate the existence of linguistic minorities, but to also take a more active stance. Yet, in

the present state of international law, no unqualified right to use a minority language in dealings with official authorities exists (Van der Jeught, 2015: 24; Paz, 2014: 473; Schilling, 2008: 1229; Mancini & De Witte, 2008: 248; Arzoz, 2007: 26).

2. Language diversity in Italy: a historical explanation

2.1 *The long and difficult path to Italian unity*

Between the fall of the Roman Empire in the West in the 5th century and modern times, a timespan of a millennium and a half, the Italians had no political unity. It is said there were more separate States on the peninsula in the 14th century than in the entire world in 1934 (Duggan, 2012: 2). The various entities and city States also went through stages of foreign domination. As in other geographical areas of Europe, Latin – the *lingua franca* derived from the Roman Empire – was gradually replaced by the languages of the people. The first traces of *volgare* can be found in Tuscany around the beginning of the 13th century (Serrianni, 2002: 55). In 1561, Emmanuele Filiberto duca di Savoia replaced Latin with *volgare* in Piemonte, Nizza and Valle d'Aosta in all legal acts.⁹ In any case, people on the peninsula could make themselves mutually understood without too much difficulty and there was a common literary language as of the 14th century, based on Tuscan (Duggan, 2012: 3; Serrianni 2002: 151).

Undoubtedly, language was instrumental in the process towards national unity. It was, for that matter, at the moment Italians ran the risk of losing their language that they became aware of its importance: during his second rule (from 1800 to 1813/1814), Napoleon Bonaparte attempted to impose French as the official language in Italy, a policy which aroused Italian patriotism (Duggan, 2012: 96). Moreover, Giuseppe Mazzini, the intellectual leader of the Italian *Risorgimento*, was an adept of Romanticism rather than the Enlightenment and was very much influenced by German writers on linguistic nationalism, especially Herder (Duggan, 2012, 108).

2.2 *An independent state*

As a nation, Italy did finally emerge in 1861, when Parliament proclaimed Victor Emmanuel the first king of Italy. However the long political fragmentation had left a legacy of different languages and dialects (Duggan, 2012: 28). It is alleged that even the king himself generally

wrote in French and spoke dialect at cabinet meetings and that his Prime minister, Count Camillo Benso di Cavour, was visibly uncomfortable when using Italian in Parliament.

Accordingly, setting up a language policy was one of the priorities of the new Kingdom, which was mainly made up of illiterate people (75% of the population as a whole and up to 90% in the South) and dialect-speakers. Only 10% of the population, for the most part concentrated in Rome and Tuscany, spoke standard Italian, although most were able to understand it. The schooling system was also in a poor state, due to lack of resources and qualified teachers, especially in the southern Regions of Italy (the so-called *Mezzogiorno*). Standardization of the various vernaculars was essential for the new State, so as to make sure that all laws were fully understood throughout the territory and to enable State officials and teachers to be operative in all Regions (Serrianni, 2002: 293; 341).

With the Peace Treaty of Saint-Germain-en-Laye at the end of the First World War, the territory of Italy was expanded towards the North, until the Brenner frontier, which implied the inclusion of many German-speaking people in the two new provinces of Trentino and Alto Adige/Südtirol.¹⁰ Italy also gained the port of Trieste and the Istrian peninsula which brought many Slovenian-speakers under Italian rule.

In the fascist era, a severe linguistic policy was applied on the entire territory. Mussolini attempted to standardize the Italian language, on the pretext that local dialects undermined central authority (Serrianni, 2002: 171). The *Duce* also established a policy to Italianise the German-speaking inhabitants of the Alto Adige/Südtirol, the Slovenian-speakers in Friuli Venezia Giulia as well as the French-speakers in the Valle d'Aosta/Vallée d'Aoste (De Varennes, 2001: 21). As regards the German-speaking minority, an agreement was reached in 1939 between Hitler and Mussolini to offer them the choice (*die Option*) of leaving South Tyrol and resettling in the *Reich*, or to assimilate completely (Alcock, 2001: 3).

On January 1, 1948, the Republican Constitution entered into force (Bin & Pitruzzella, 2001: 129). In a clean break with the fascist era, article 6 of the Constitution, currently still in force, stipulates that the Republic protects linguistic minorities. The Regions in which the largest linguistic minorities resided, were granted a special statute providing for autonomy.¹¹

Finally, in 1999, a law was adopted, recognising twelve historical minority languages on the peninsula and providing for their protection.¹²

3. Protection of linguistic minorities in Italy: the general legal framework

Italy has ratified the Council of Europe Framework Convention for the Protection of National Minorities.¹³ As to national law, the Italian Constitution does not contain any reference to general language arrangements or a national language.¹⁴ Law 482/99 fills that void, stipulating clearly that Italian is the official language of the Republic.¹⁵ For that matter, the Constitutional Court (*Corte Costituzionale*) has always confirmed that Italian is implicitly the official language of the Republic.¹⁶ The status of Italian as the sole official language also follows from the fact that it is the language which is to be used in courts, in civil as well as criminal proceedings.¹⁷ The only linguistic provisions in the Constitution are articles 3 and 6. The former provides for a non-discrimination clause on language grounds *inter alia*, while the latter stipulates that: “The Republic safeguards linguistic minorities by means of appropriate measures.” Article 6 thus lays the foundations for the protection of language minorities, but it requires implementing legislation.¹⁸ The Constitutional Court has consistently hailed this provision as a fundamental principle of the constitutional order, explicitly stressing its distinction from fascist policy in this respect.¹⁹

The constitutional provision is implemented by Law 482/99, which stipulates that the language and culture of twelve linguistic minorities are safeguarded, namely the Albanian, Catalan, Germanic,²⁰ Greek, Slovenian, Croatian, French, Franco-Provencal, Friulian, Ladin, Occitan, and Sardinian minorities.²¹

It should be made clear from the outset though, that Law 482/99 is in itself a framework law.²² This means that it only establishes a potential protection mechanism, which has to be “activated” subsequently at local level. Local authorities may therefore use Law 482/99 as a basis for the granting of genuine language rights, but must in so doing also respect the limits imposed by it.

First and foremost, the provisions of Law 482/99 may be activated only at the request of at least fifteen percent of residents or one third of councillors in a given municipality. If these thresholds are not met, the law also provides for the possibility to hold a local referendum. In such a case, minority protection depends, in fact, entirely on the goodwill of the majority. According to recent data, Law 482/99 currently applies in 1076 municipalities (i.e. around 13%

of all Italian municipalities), inhabited by around four million inhabitants (7% of the country's population) (Council of Europe, 4th Opinion on Italy, 9).

In addition, minority language protection may only be granted at local level (a municipality or a fraction thereof). It may by no means be extended to the entire territory of a Region. Clearly, such local protection must also be limited to the areas in which the minority language is historically used. Language rights are therefore limited to these historical areas and claims by expanding minority groups or groups migrating to another Region are excluded. The territoriality principle has been confirmed by the *Corte Costituzionale*. The Court struck down a regional law of Friuli Venezia Giulia, *inter alia* because it provided for the possibility of generalizing the use of Friulian to the entire territory of the Region.²³

The scope of the linguistic rights which may be granted to the minorities concerned is broad. It encompasses the use of the minority language in the schooling system, the local municipal council, dealings with the local administration as well as before the Justice of the Peace. Municipalities may also decide to add traditional or customary place names to the official Italian names. Surnames and first names of persons, that were changed into Italian or that were refused by the local administration before the entry into force of Law 482/99, may be changed back, without charge, into the original linguistic form.

However, an important limit is put on the use of other languages than Italian. The national language may never be replaced by the minority tongue. The latter language may, for instance, be used by councillors in a local municipal council, yet, at the request of any councillor who does not understand the minority language, interpretation in Italian must be provided. In addition, only deliberations or acts made in Italian produce legal effects.

4. The implementation of Law 482/99

It is explicitly stated that Law 482/99 does not affect special language protection rules that exist in Regions with a special statute (Trentino-Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia), and in the autonomous provinces of Trento and Bozen/Bolzano. As a result, the most favourable provisions apply.²⁴

Law 482/99 is in fact mostly relevant to other language minorities in Italy (Wright, 2007: 89). The real impact of this Law, given that it requires implementation on a local level, is, however, not easy to assess. In general, there is no legal obligation to report on the implementation of the Law. Local legislation may vary greatly as to the extent of language rights actually granted. The Council of Europe Advisory Committee points out that “*minority rights are protected and implemented in a very asymmetric way*”, and that “*not all minorities have benefited on an equal basis (...)*” (Council of Europe, 4th Opinion on Italy, 1). The Committee also criticises the lack of funding to support, for instance, minority language teaching or printed media. This mainly affects the smaller linguistic minorities. The following survey indeed seems to suggest quite a heterogeneous picture as to the implementation of Law 482/99.

Sardinian

Sardinian, a romance language, is the largest recognised minority language, with a roughly estimated number of 1.3 million speakers.²⁵ In 1997, a regional law to promote the Sardinian language and culture was adopted, which provided, among other things, also for the use of the language in education and in dealings with the administration. Provision is made for teaching Sardinian language and culture at school. That language may also be used in dealings with the administration. Provision is made for bilingual place names (Italian and Sardinian). It is difficult to assess the practical implementation, yet the Euromosaic Report confirms that, when requested, the local authorities use Sardinian. Recently, it was reported that a number of municipal linguistic help desks have been set up to facilitate communication in the Sardinian language. The Advisory Committee of the Council of Europe notes with regret, however, that the lack of information on the number of such help desks and on the funding “*makes it impossible to create an impression on whether such undertakings are adequate to meet the needs of over one million Sardinian-language speakers*” (Council of Europe, 4th Opinion on Italy, 23). As to place names, it is reported that Sardinian is “sometimes” used (Euromosaic Report, Sardinian, pt. 2.3).²⁶

Catalan

Catalan, another recognised language, is spoken by a community of some 39 000 people in the town of Alghero, in Sardinia (Euromosaic Report, Catalan, pt. 1.1). In fact, the community is a remnant of the Aragonese/Spanish rule on the island from 1325 until the 18th century, a timespan in which Catalan was the language of the administration and the Catalan people settled in the

towns. Despite the replacement of Aragonese cultural hegemony by Spanish as of 1469, Catalan continued to in fact be the official language in Sardinia until the 17th century, when it was replaced by Spanish for administrative and cultural purposes (Euromosaic Report, Catalan, pt. 1.2). Catalan is also mentioned in the regional law which protects the Sardinian language, without, however, being granted enforceable rights.²⁷

Albanian

Albanian is spoken in a wide, mainly mountainous area comprising 49 towns and villages, extending from the Abruzzi Apennines to the south of Italy and to Sicily (Euromosaic Report, Albanian, pt. 1.1). Various sources estimate the number of Albanian-speakers in Italy at around 100 000, although no reliable statistics are available. It is worth noting the case of Arbresh, a dialect of Albanian, which is currently still spoken *inter alia* in five communities in Sicily (Wright, 2007: 90). Arbresh has been the language of these communities for the past 500 years, ever since the Albanians came to settle in Sicily after the demise of the Byzantine Empire. It is suggested they were able to keep their language because of their isolation, as Orthodox Christians amidst a Catholic population. Other factors were the relative prosperity of the community, which made them rather contemptuous of rural Sicilians (Wright, 2007: 90). Law 482/99 gives them legal instruments to strengthen their position, yet in practice it is not clear if these language rights have actually been activated, and if so, to what extent. It is reported that, in certain municipalities, cultural and linguistic activities of the ethnic Albanian communities are promoted and bilingual road signs are in place (Euromosaic Report, Albanian, pt. 1.3). The Council of Europe Advisory Committee points out that small language groups such as the Albanian community are given scarce attention and that there is a clear lack of public funding (Council of Europe, 4th Report on Italy).

Croatian

This language is spoken, probably since the 13th century, in three municipalities in the Region of Molise, by an estimated number of only 1700 people (Euromosaic Report, Croatian, pt. 1.1). This small language community does not seem to enjoy any special language rights.

Greek

Another very small linguistic minority is Greek (or Griko), whose numbers are estimated at some 3900 speakers, situated in a number of villages in southern Italy in an area known as Magna

Grecia or ‘Greater Greece’ (Euromosaic Report, Greek, pt. 1.1). Their language rights equally seem very limited.²⁸ This is also confirmed by the Council of Europe Advisory Committee (4th Report on Italy).

Occitan

Since the 13th and 14th centuries, the Occitan language is spoken in different Regions of Italy, mainly in fifteen alpine valleys in the Piedmontese provinces of Torino and Cuneo, as well as in Liguria and Calabria, where Occitan-speakers sought refuge from religious persecution (Euromosaic Report, Occitan, pt. 1.1). The remoteness and isolation of the areas where the minority lives explain the fact that it has kept its language. The areas where Occitan is spoken lie in the highest valleys of the alpine regions, without public services. There has scarcely been any immigration into these valleys in the course of history. The number of speakers is limited: although there seem to be no reliable data, it is estimated that some 35 000-80 000 people have Occitan as a mother tongue and use the language habitually in their everyday communications (Euromosaic Report, Occitan, pt. 1.1). No specific language rights seem to have ensued from Law 482/99. The Piedmontese authorities do provide limited financial aid to associations for the promotion and defence of Occitan (Euromosaic Report, Occitan, pt. 1.3). The language is also used informally by public employees, for instance in post offices. Some municipalities have erected signs at village boundaries welcoming visitors in Occitan (generally alongside Italian) and numerous inn, restaurant, hotel and campsite signs, etc., bear the name of the establishment in Occitan (Euromosaic Report, Occitan, pt. 2.3, Council of Europe, 4th Opinion on Italy, 25).

Ladin

The speakers of this language closely related to the Swiss Rhaeto-Romance mainly live in five valleys of the Dolomite Alps in the north of Italy (Wright, 2007: 92). There are approximately 30000 members of the Ladin speaking community, who speak six (according to some, seven) distinct varieties of the language. The area in which they live has only recently acquired effective communication systems and the relative isolation of the communities in separate valleys has enabled the different varieties to develop and continue. Since 1989, Ladin has been an official language in the Bozen/Bolzano province, alongside standard Italian and German (Wright, 2007: 92). In 2001, Ladin speakers’ new rights were implemented in Trento province following Law 482/99.

Friulian

The case of Friulian (another Rhaeto-Romance language, also referred to as Eastern Ladin) in the autonomous Region of Friuli-Venezia Giulia, is particularly interesting, as it shows the limits imposed by Law 482/99. Friulian is spoken by some 43% of the local population, i.e. more than 526 000 people. Friulian asserted itself as early as 1150 (Vospernik, 1989: 475). According to Euromosaic, the Italian government does not support the use of Friulian and in some cases discourages people from using the language. Under fascism, Friulian literature and music were supported and Friulians, as a Latin civilisation, were defended against Slav and German “barbarism” (Euromosaic, Friulian, pt. 3.1). It was mentioned above that the Constitutional Court objected to the generalisation of the territorial scope of the use of Friulian to the entire Region. The Court also struck down other regional provisions regarding the place names which were to be only in Friulian and a general obligation for teaching in Friulian, because these protection measures exceeded the framework laid down by Law 482/99 (Palermo, 2009: 1781).²⁹ As a result, the use of Friulian seems to remain largely unofficial. Euromosaic reports that Friulian is frequently used in local authorities as well as in daily life. Public signs are in Italian, with the exception of more remote, mountainous areas where signs may be in both Italian and Friulian (Euromosaic Report, Friulian, pt. 2.3). The Friulian language is also taught in kindergartens, and as a subject in primary and junior secondary schools in the provinces of Udine, Gorizia and Pordenone (Council of Europe, 4th Opinion on Italy, 29).

Other minority vernaculars

The status of the languages of other minorities mentioned in Law 482/99 (Germanic, French and Franco-Provencal) will be discussed hereafter. In addition, it must be mentioned that yet other regional languages, which are not mentioned in the Law, may also be recognised on a local level. This is the case for Sicilian as well as Piedmontese or languages and dialects of the Veneto (Palici de Suni, 2009: 1774). Here we are entering the linguistic debate about the difference between a language and a dialect, which falls out of the ambit of the present article. Sicilian, for instance, is not one of the minority languages under Law 482/99, notwithstanding the fact that the vast majority of Sicilians are alleged to speak Sicilian as their mother tongue.³⁰ The reason is that Sicilian is considered to be a mere dialect of Italian, not a language.³¹ Quite significantly, Sicilian

is not mentioned in the Euromosaic Report nor in the Opinion of the Advisory Committee of the Council of Europe.

5. The autonomous entities

The highest degree of protection is offered to language minorities in the autonomous Regions of Trentino-Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia. For a good understanding, Italy is divided into 20 Regions of which five have a special (autonomous) statute. These Regions are further divided into metropolitan cities, provinces and municipalities. The five autonomous Regions are Friuli Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste. The Trentino-Alto Adige/Südtirol Region is furthermore composed of the autonomous provinces of Trento and Bolzano. Interestingly, three of these autonomous Regions are granted a special statute because of the presence of linguistic minorities (the other two are islands, Sicily and Sardinia). The bilingual official names of two Regions (Trentino-Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste) have been in use since the constitutional reform of 2001.

5.1 *Alto-Adige/Südtirol*

As previously mentioned, it was only after the First World War and the demise of the Austrian-Hungarian Monarchy that, with the Treaty of Saint-Germain-en-Laye of 1919, South Tyrol was attached to Italy. The Italianisation policy under fascist rule hit the region hard and the use of German was completely banned from the administration, schools and courts. Private and official signs and place names were Italianised and German-language newspapers closed down. Listening to German or Austrian radio was strictly forbidden. Germanic names of residents, deriving from Italian or Latin, had to be changed in Italian. First names that “offended Italian sentiment” were forbidden (Alcock, 2001: 3).

After the Second World War, the local *Südtiroler Volkspartei* (SVP) demanded a return of the territory to Austria (Alcock, 2001: 4). In September 1946, the Agreement De Gasperi-Gruber between Italy and Austria was signed in Paris.³² According to this Agreement, German-speaking inhabitants of the Bozen/Bolzano province and of the neighbouring bilingual municipalities of the Trento Province were granted complete parity of rights with Italian-speaking inhabitants.

The Agreement also provided for the right of German-speaking citizens to elementary and secondary teaching in their mother tongue, parity of the German and Italian languages in public offices and official documents, as well as in place names, the right to re-establish German family names which were Italianised in the preceding years and equality of rights as regards entering public office. The latter provision aimed at reaching more proportionate levels of employment between the two linguistic groups. The Agreement further provided that autonomy would be established in consultation with local representative “German-speaking elements”.

During the parliamentary debates on the constitutional law of 26 January 1948, which was to implement the Agreement, Prime Minister De Gasperi declared that Italy would faithfully execute these undertakings, so as to show that the German-speaking minority in Italy was among the best protected in the world (Bartoli, 1985: 70).

Italy, however, did not want regional autonomy to coincide completely with the territory in which the German-speaking group lived and therefore also added, despite strong protests from the German-speaking minority, the Province of Trento to the Region. Consequently, since in terms of population the province of Trento was larger than Bozen and was 99% Italian, while the province of Bozen was two-thirds German, Italians had a two-thirds majority in the entire Region (Alcock, 2001: 6). Implementation of the Agreement proved furthermore to be complicated and this led to increasing frustration among German-speakers and eventually even escalated into terrorist actions in the 1950s.³³

Due to the existence of the Agreement, the question of Alto-Adige/Südtirol was not a purely Italian matter but also had international ramifications. Consequently, in 1960, Austria brought the issue to the attention of the United Nations. The General Assembly urged Italy to faithfully execute the Gruben-De Gasperi Agreement and recommended the start of negotiations and, if need be, that the dispute be referred to the International Court of Justice.³⁴

Eventually, following negotiations between the Italian government and the SVP, in 1969, the *Pachetto/Paket*-agreement was concluded, which was approved by Austria and led to a new Statute of 1972 on autonomy.³⁵ Implementation again took a long time, and it was, for instance, only in 1988 (entry into force in November 1989) that the Statute was executed by Presidential Decree with respect to the use of German and Ladin in the public administration and the courts.³⁶

Guaranteed proportionate participation of language groups

At the political level, proportionate participation of all groups (Italian, German and Ladin) is safeguarded. Members of the Regional Council (*Consiglio regionale*) and the Provincial Council (*Consiglio provinciale*) belong to a linguistic group. Provision is made for a blocking minority procedure, in the sense that when a linguistic group feels adversely affected by a draft act, it may request a vote within the language group. If that language group rejects the draft act by a two thirds majority, and the act in question is nevertheless adopted, a case can be brought before the *Corte Costituzionale*.

As to the public administration and the courts, there is a quota system for public officials in the province of Bozen/Bolzano. Posts are assigned to each language group (Italian, German and Ladin) according to official census results on the basis of an individual declaration of belonging to one or other of the language groups (the so-called *dichiarazione di appartenenza-Sprachgruppenzugehörigkeitserklärung*). This declaration is also relevant with respect to social housing, as special budgets are allocated per language group. Similarly, for judges, magistrates and public prosecutors, a quota system exists. Specific rules are laid down regarding the court system in general: chambers must be composed equally of members of the German and Italian language groups, the post of president of each chamber rotating between these groups.

Schools are organised on the basis of language

The right to mother tongue teaching is made available in both Italian and German, by native speakers, from elementary through to primary level and secondary school. Ladin is also taught in elementary and primary schools in Ladin areas.³⁷ In practice, this means that parallel, separate schooling systems are established based on language. It is left to the parents to decide in which school (German or Italian) they enrol their children, but these may only be enrolled in a school of another language group if they have sufficient language skills. The idea of separate schools has been criticised, but was felt essential to maintain the identity of the German-speaking group (Alcock, 2001: 17).

All citizens have enforceable rights to use their own language in all circumstances

All officials in public administration must prove that they are fluent in Italian and German.³⁸ In official dealings with the administration of the province of Bozen/Bolzano (public administration and all public services, also when exercised by public enterprises), Italian or German may be used. The legislation is quite detailed and even covers some private law contracts, such as

obligatory insurance policies, which must be available both in Italian and German. Language rights must be clearly indicated in all offices concerned so as to ensure that citizens are aware of the fact that both German and Italian may be used. In case of violation of language rules, all acts concerned may be declared null and void, at the request of a citizen. Even the army and the police must use German in dealings with German-speaking citizens in the province of Bozen/Bolzano.³⁹

The language of court proceedings is German in cases brought by German-speaking citizens of the province of Bozen/Bolzano. Interestingly, that right is extended to all EU citizens, following a judgment of the European Court of Justice.⁴⁰

For understandable historical reasons, the issue of place names is particularly sensitive. A special provision gives topographic naming competence to the provinces, provided that bilingualism in the province of Bozen/Bolzano is respected.⁴¹

5.2 *Valle d'Aosta/Vallée d'Aoste*

This area belonged to the House of Savoy (Savoia, Savoie) with effect from 1034, but was given a certain degree of autonomy.⁴² French became the language of the administration as of the 16th century and was also adopted by nobles and the clergy, while generally the local language, Franco-Provencal, was spoken (Regional report 2007: 24).

When in 1860 the Valle d'Aosta/Vallée d'Aoste came to form part of the new Italian State, Italian became the official language (Regional report 2007, 25). Immigration of Italian-speakers from other Regions and emigration of local people to France rapidly increased the Italian-speaking portion of the population. As a reaction, in 1909, the *Ligue valdôtaine*, supported by the clergy, was founded to defend the French language (Regional report 2007: 26).

In the fascist era, French was completely banned from public life. Place names were Italianised and French could no longer be used at school (De Varennes, 2001: 21). At the end of the Second World War, local resistance movements strove to obtain autonomy and the right to use French. Interestingly, French was favoured over the local Franco-Provencal, as for local residents French was the language which expressed their culture and identity. Hence, support from France and General De Gaulle was sought. The latter seemed to be favourable to the idea of an annexation of the Vallée, but backed down when meeting strong Anglo-American opposition

(Lengereau, 1989). After the Second World War, in 1948, the Valle d'Aosta/Vallée d'Aoste became one of the Italian Regions with a special statute.⁴³

The right to use French

It is reported that all residents speak Italian, while about three out of four know French and one out of two knows Franco-Provencal (Regional report 2007: 27). Dealings with the public administration may take place in both Italian and French. Administrative acts may be drafted in French as well as in Italian, whilst court acts must be written in Italian. Public and street signs may be in both French and Italian (and also in German in areas where the Walser community lives),⁴⁴ but there seems to be no systematic practice in this regard. Commercial signs are largely in Italian, though sometimes French and Franco-Provencal is used, especially in mountain communities (Regional report 2007: 14).

Bilingual schools

As to the schooling system, an equal number of hours of teaching must be assigned to French and Italian. In practice though, for many years, the teaching of most subjects took place in Italian, and only some subjects could be taught in French. It is only since 1983 that full parity of hours concerning all subject matters is established (Regional report 2007: 42). One of the objectives in this regard is a plurilingual education “*ouverte à l'Europe*”, allowing also for the promotion of knowledge of the Franco-Provencal language and culture (Regional report 2007: 43).

Language rights are also granted to the small Walser minority: in the Walser municipalities, a limited number of counters have been opened where formalities can be dealt with and information obtained (Regional report 2007: 17). The possibility of the teaching of German in schools in that area is also provided for. In practice, this concerns a very limited number of pupils, and is restricted to one to three hours of teaching per week.⁴⁵

5.3 Autonomous Region of Friuli Venezia Giulia

It may be recalled that Trieste and the Istrian peninsula became part of Italy after the First World War, which brought many Slovenian-speakers under Italian rule. Italian nationalists, however, also laid claim to other Regions where Italian-speakers lived, namely Dalmatia and Fiume (Rijeka) (Duggan, 2012: 196). As a result, from 1920 paramilitary squads began to carry out raids

against Slav councils and institutions in Istria and Friuli, followed by a forced assimilation policy under fascism (Duggan, 2012: 200).

After the Second World War, attempts were made to grant special autonomy to the Region. The special statute could, however, enter into force only in 1963, because of the unresolved issue of Trieste and the definition of the borders between Italy and (then) Yugoslavia (Palici de Suni, 2009: 1779).⁴⁶ The territory of Trieste was divided into a military zone A, occupied by the allied forces and a zone B, occupied by the Yugoslav forces. The military occupation ended with the Memorandum of London of October 5 1954, whereby zone A was handed over to Italy and zone B to Yugoslavia.⁴⁷

This Memorandum of Understanding defined a detailed language regime and provided for complete equality of treatment of the “Yugoslav ethnic group” in the Italian-administered area and the “Italian ethnic group” in the Yugoslav-administered area. It stipulated, in particular, for equal linguistic rights concerning the press, educational, cultural, social and sports organisations. There was also the obligation that signs and place names should be equally in the language of the minority group, where the latter constituted a significant element (at least one quarter) of the population.

Following the subsequent Treaty of Osimo (10 November 1975) between Italy and Yugoslavia, the Memorandum ceased to have effect, but article 8 of the Treaty guaranteed an equivalent level of protection.⁴⁸ In its Preamble, the Treaty stipulates the greatest possible loyalty towards the minorities in the two countries, based on international human rights principles.

Rather than through the special regional statute, the Slovenian minority was therefore protected pursuant to these international provisions concerning Trieste. It was not until 2001 that a domestic linguistic framework was established, based on Law 482/99.⁴⁹ The scope of the language protection is, in conformity with the principles laid down in Law 482/99, limited to those municipalities where the Slovenian minority has traditionally lived and where a threshold of 15% of residents or one third of councillors may activate the protection mechanism. Provision is made for the right to use Slovenian names and to change names that were altered or refused previously. Slovenian may also be used in dealings with the public administration and the courts, as well as in elected political bodies, in public signs and place names in the municipalities concerned, as well as in schooling.

The linguistic situation in this autonomous Region is even more complex, as Friulian is also widely spoken. The special protection granted by regional law, struck down by the Constitutional Court, has been discussed above. In addition, several dialects are also recognised.⁵⁰

Conclusion

The 19th century poet and novelist Alessandro Manzoni said “diversity” was the cruellest word you could throw at Italy, as it summed up a long history of suffering and degradation (Duggan 2012: 6). There could be some historic truth in this bold and patriotic statement, as the way that led the Italian people to one nation and also to the language of Dante has certainly been long and complex. At present though, a deeply rooted regionalism and attachment to local traditions and languages are clearly a legacy of the patchwork of States that have existed for centuries on the peninsula.

Italian republican constitutionalism therefore aims at reconciling the need to be *una e indivisibile* (one and indivisible) while at the same time fostering linguistic minorities. The result is a highly intricate and prolific legislation at national as well as at regional level which is also quite ingenious at finding equilibrium between the two aims.

The multi-levelled legal protection offered by the Constitution, Framework Law 482/99 and implementing measures which may be activated on a local (municipal) level could serve as an example for other countries. The potential protection mechanism available to language minorities through Framework Law 482/99 deserves more international attention in this regard. Indeed, the fear of regional identities being construed as nations distinct from the national, Italian one, is still very much present. This issue which is, incidentally, highly relevant to many other countries. The Italian system neatly defuses that potential danger, involving the local, municipal level, rather than the regional. In this regard, the landmark judgment of the Constitutional Court in 2009 regarding the Friulian language clearly blocked identity-building language initiatives of the Regions. Likewise, a good balance is found between the need to grant linguistic rights and the practical feasibility in cases where minorities are scattered throughout the territory (such as the establishment of a threshold to activate the minority language protection mechanism).

On the downside, one could argue that the twelve recognised minority languages do not enjoy an equal level of protection. Rather, one notices a clear hierarchy. The best protected minority is the German-speaking group in Alto Adige/Südtirol, followed by the French-speaking group in Valle d'Aosta/Vallée d'Aoste, and the Slovenian-speaking minority in the autonomous Region of Friuli Venezia Giulia. The higher level of protection granted to these groups is undoubtedly a *Wiedergutmachung* for fascist policies. In this regard, Italy is additionally bound by international post-Second World War agreements regarding the German and Slovenian minorities. The fact that linguistic minorities are granted different levels of protection is compatible with the Italian Constitution. The *Corte Costituzionale* has consistently held that the legislator has the discretionary power to decide the form and degree of language rights and autonomy to be granted. This is also consistent with international law.

Another point that may be made is the lack of reliable data on actual (minority) language use in Italy. This point, as well as the lack of public funding to implement language promotion activities, is also criticised in the most recent Opinion on Italy by the Advisory Committee on the Framework Convention for the Protection of National Minorities.

In summation, it may be concluded that Italy has established a minority language protection mechanism which not only meets international standards, but may also serve as an example to many other countries facing similar challenges. It shows the respect of the Italian Republic towards its tremendously rich cultural and linguistic patrimony and forms at the same time a clean break with an uneasy past in this regard.

Notes

¹ I have used the Euromosaic Report (The production and reproduction of the minority language groups in the European Union, 1996, European Commission). Abbreviated versions of the original report are available at <http://www.uoc.edu/euromosaic/web/homean/index1.html>. Retrieved: February 17, 2016. Reliable data on language use in Italy is scarce as Italy does not collect information on the ethnic composition of the population. The last census, carried out in October 2011, did not contain questions on ethnicity and languages spoken at home (Council of Europe, Fourth Opinion on Italy, adopted on 19 November 2015, Advisory Committee on the Framework Convention for the Protection of National Minorities, 12 July 2016 (hereafter referred to as "Council of Europe, 4th Opinion on Italy"), <https://www.coe.int/en/web/minorities/-/italy-publication-of-the-4th-advisory-committee-opinion>.

Retrieved: 19.10.2016). The latter Opinion is also used throughout this paper, as it contains some data on minority language use in Italy.

² Judgment of 13 November 2007, D.H. and others v the Czech Republic, application no 57325/00, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256>, pt. 181. Retrieved: February 17, 2016.

³ In the Ballantyne case, for instance, the UN Human Rights Committee recognised the lawfulness of official languages and with that the legitimacy of an official language policy (Ballantyne v Canada, Communication no 359/1989 and 385/1989, CCPR/C/47/D/359/1989, Office of the United Nations High Commissioner for Human Rights.

⁴ UN International Covenant on Civil and Political Rights, 16 December 1966, *United Nations Treaty Series*, vol. 999 (1976), no. 14668, 171.

⁵ General Comment no 23: The rights of minorities (Art. 27), 8 April 1994, CCPR/C/21/Rev.1/Add.5. See in this sense also UN General Assembly Resolution 47/135 of 18 December 1992: Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, UN General Assembly Resolutions, <http://www.worldlii.org/int/other/UNGARsn/1992/198.pdf>. Retrieved February 17, 2016. See also Diergaardt v Namibia, in which the Human Rights Committee held that Namibian authorities should use Afrikaans with a traditional community (the Rehoboth Baster Community, descendants of indigenous Khoi and Afrikaner settlers), although the official language of the State is English (Communication no 760/1997, views of 25 July 2000, CCPR/C/69/D/760/1997, Office of the United Nations High Commissioner for Human Rights. Retrieved: February 17, 2016. Admittedly, this decision was handed down in the specific context of Namibia, where English is the mother tongue of only a very small portion of the population (0,8%). The Committee took particular issue with the fact that officials dealing with the minority in question were proficient in Afrikaans, but were explicitly forbidden by the authorities to use that language, even in informal contexts, e.g. on the phone.

⁶ Art. 1, European Charter for Regional or Minority languages. See also art. 1(a) thereof which stipulates that “*it does not include either dialects of the official language(s) of the State or the languages of migrants*”.

⁷ Framework Convention for the Protection of National Minorities, 1 February 1995, *European Treaty Series* No 157.

⁸ Judgment of 17 February 2004, application no 44158/98, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61637>, pt. 93. Retrieved: February 17, 2016.

⁹ Edit de Rivoli of September 22, 1561. French was officialised in Nice and the Valle d’Aosta/Vallée d’Aoste, Italian in Piedmonte.

¹⁰ Art. 27, Treaty of Peace of Saint-Germain-en-Laye between the Allied and Associated Powers and Austria, September 10, 1919, *Treaty series*, No 17 (1919) (Gt. Brit. Foreign office).

¹¹ The Regions with a special statute are Trentino-Alto Adige/Südtirol, Valle d’Aosta/Vallée d’Aoste and Friuli Venezia Giulia.

¹² Legge n. 482, Norme in materia di tutela delle minoranze linguistiche storiche, December 15, 1999, G.U. n. 297 of December 20, 1999, 4 (hereafter referred to as “Law 482/99”).

¹³ See Council of Europe website, <http://www.coe.int/en/web/minorities/etats-partie>. Retrieved 19.10.2016. Italy has signed the European Charter for Regional or Minority Languages (on 27.6.2000) but has not ratified it (see <http://www.coe.int/en/web/conventions/full-list-/conventions/treaty/148/signatures>).

¹⁴ Italian Constitution of December 22, 1947. For a consolidated version in Italian, see Italian Senate, <http://www.senato.it/1024>. An English translation, which has been used in this contribution, is also available: http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf. Retrieved: February 17, 2016.

¹⁵ Art. 1, Law 482/99. In 2002, the Italian Parliament was considering a proposal to amend the Constitution by declaring Italian the official language of the Republic (see question E-0887/02 of April 3, 2002 by Miquel Mayol i Raynal, Official language in Italy, *OJ C* 205E/232 of August 29, 2002).

¹⁶ Judgment of 18 May 2009, 159/2009, 2.3 of the part “considerato in diritto”, <http://www.cortecostituzionale.it>. Retrieved: October 5, 2014.

¹⁷ Art. 122(1), *Codice di procedura civile* and art. 109(1), *Codice di Procedura Penale*.

¹⁸ According to Arzoz, the case law of the *Corte Costituzionale* seems to confer some direct effect to article 6 of the Constitution, namely a minimum protection that is immediately applicable, including the right to use the minority language in dealings with the administration. The legislator has, however, the choice of the form, timing and methods in order to achieve the constitutional objective, taking into account the existing social conditions and the availability of resources (Arzoz, 2007: 20). As far as we could verify, however, no enforceable language rights are directly based on article 6 of the Constitution.

¹⁹ Judgment of 18 May 2009, 159/2009, 2.1 of the part “considerato in diritto”.

²⁰ The term “Germanic” is used and not German, to include also the Austrian-Bavarian dialects of Tyrolian, Mocheno and Cimbro that are spoken in Trento and Belluno, as well as other Germanic dialects in the province of Udine.

²¹ See art. 2, Law 482/99: “*In attuazione dell'articolo 6 della Costituzione (...), la Repubblica tutela la lingua e la cultura delle popolazioni albanesi, catalane, germaniche, greche, slovene e croate e di quelle parlanti il francese, il franco-provenzale, il friulano, il ladino, l'occitano e il sardo*”.

²² Law 482/99 is itself further specified by Decreto del Presidente della Repubblica n. 345, Regolamento di attuazione della legge 15 dicembre 1999, n. 482, recante norme di tutela delle minoranze linguistiche storiche, 2 May 2001, *G.U.* n. 213 of September 13, 2001.

²³ Judgment of 18 May 2009, 159/2009, pt. 3.1.1 of the part “considerato in diritto”.

²⁴ Judgment of 18 May 2009, 159/2009, 2.4 of the part “considerato in diritto”.

²⁵ No reliable data seem available from the Italian censuses. Sardinian speakers account for 80% of the entire population of the island. There are indications that since the 1970s the language is in decline (Euromosaic Report, Sardinian, pt. 1.1).

²⁶ Legge Regionale n. 26 Promozione e valorizzazione della cultura e della lingua della Sardegna, 15 October 1997, *B.U.* n. 32 of October 24, 1997, 1.

²⁷ Art. 2(4), Regional Law. Other languages are also recognised, such as *tabarchino delle isole del Sulcis, Sassarese and Gallurese*.

²⁸ See question E-4860/06 of October 31, 2006 by Georgios Karatzafiris, Greek language in southern Italy, *OJ C* 329/1 of December 30, 2006. Primary school children are taught this vernacular for one hour a week. The language seems to be dying out. Answering the question of the MEP, the Commission replied that the Greek and Italian Governments had not submitted any application for co-funding of initiatives in support of the Greek language in Southern Italy under the Lingua action.

²⁹ See Legge regionale n. 29 Norme per la tutela, valorizzazione e promozione della lingua friulana, December 18, 2007, *B.U.* n. 52 of December 27, 2007, 1.

³⁰ See linguistic background on Sicilian: <http://www.linguasiciliana.it/diffusione.htm>. Retrieved: February 17, 2016.

³¹ See art. 1, Legge Regionale n. 85 Provvedimenti intesi a favorire lo studio del dialetto siciliano e delle lingue delle minoranze etniche nelle scuole dell'isola e norme di carattere finanziario, May 6, 1981, *B.U.* n. 23 of May 9, 1981, 1.

³² The Agreement was named after the Italian Prime minister and the Austrian Foreign Affairs minister, and was adopted by Decreto legislativo n. 1430 del capo provvisorio dello Stato, November 28, 1947, *G.U.* n. 295 *Supplemento ordinario* of December 24, 1947, 3781.

³³ For instance, forty years after the Gruben-De Gasperi Agreement, street and place names that were Italianised under fascist rule, were still unchanged (Benedikt, 1989: 20-21). The first big protest march was held in November 1957 under the title *Volk in Not*, to which 30 000 to 40 000 people attended, to hear Silvius Magnago, leader of the *Südtiroler Volkspartei*, who pleaded for autonomy and linguistic rights. More radical elements organized themselves in the *Befreiungsausschuss Südtirol* (BAS) and demanded independence. In the so-called *Feuernacht*, terrorists blew up 43 electricity poles (Alcock, 2001: 8). In the following years more attacks followed: in a total of 400 terrorist actions, fifteen military and policemen as well as two civilians were killed (Grinner, 2010).

³⁴ Resolution 1497 (XV) of October 31, 1960 of the UN General Assembly on the Province of Bolzano, UN General Assembly Resolutions, <http://www.worldlii.org/int/other/UNGARsn/1960>. Retrieved: February 17, 2016.

³⁵ Decreto del presidente della Repubblica n. 670, Approvazione del testo unico delle leggi costituzionali concernenti lo statuto speciale per il Trentino - Alto Adige, August 31, 1972, *G.U.* n. 301 of November 20, 1972, 7603 (hereafter referred to as “special Statute”). The 1972 special Statute was changed in 2001 to provide *inter alia* for the direct election of the president of the Region and provinces (*Legge costituzionale* n. 2, Disposizioni concernenti l’elezione diretta dei presidenti delle regioni a statuto speciale e delle province autonome di Trento e di Bolzano, January 31, 2001, *G.U.* n. 26 of February 1, 2001, 4).

³⁶ Decreto del Presidente della Repubblica n. 574, Norme di attuazione dello statuto speciale per la Regione Trentino-Alto Adige in materia di uso della lingua tedesca e della lingua ladina nei rapporti dei cittadini con la pubblica amministrazione e nei procedimenti giudiziari, July 15, 1988, *G.U.* n. 105 of May 8, 1989, 13 (hereafter referred to as “Decreto 574/88”). Long transition periods were also unavoidable: a time-span of 30 years was agreed upon (until 2002) for the implementation of the respect of linguistic proportions in public administration, so as to avoid dismissals of overrepresented Italian officials (Alcock, 2001: 13).

³⁷ Art 19(2), special Statute. See Euromosaic Report, Ladin, pt. 2.1, from which it appears that the educational situation varies greatly from one municipality to another. The number of Ladin speakers in South Tyrol and elsewhere is unofficially estimated at 28 000 and, according to a 1991 census, 18 000 of these live in the Province of Bolzano (Euromosaic Report, Ladin, pt. 1.1).

³⁸ Art 1, Decreto del Presidente della Repubblica n. 752, Norme di attuazione dello statuto speciale della Regione Trentino-Alto Adige in materia di proporzionale negli uffici statali siti nella provincia di Bolzano e di conoscenza delle due lingue nel pubblico impiego, July 26, 1976, *G.U.* n. 304 of November 15, 1976, 8129.

³⁹ Art. 1(2), Decreto 574/88, and art. 12, Decreto 574/88. Staff must therefore have the necessary (bilingual) linguistic skills (art. 12(2), Decreto 574/88). A quota system for staff is established so as to assure proportionate representation of the language groups (art. 33, Decreto 574/88).

⁴⁰ Judgment of 24 November 1998, Bickel and Franz, case C-274/96, *ECR* 1998, I-7637.

⁴¹ Art. 8(2), special Statute. Nevertheless, negotiations are still taking place between representatives of the Province of Bolzano and the Italian government in order to eliminate certain topographic names in Italian. In 2013, an agreement was reached to use only German names in 135 cases (Depentori, P., Alto Adige, ora la montagna parla solo tedesco – Accordo tra la Provincia di Bolzano e il governo: via l’italiano da 135 toponimi, *La Repubblica*, August 26, 2013, 17).

⁴² Profil de la politique linguistique éducative, Vallée d’Aoste, Rapport régional, Assessorat à l’Éducation et à la Culture, Département Surintendance aux études, 2007, 23 (hereafter referred to as “Regional report 2007”).

⁴³ Legge costituzionale n. 4, Statuto speciale per la Valle d’Aosta, February 26, 1948, *G.U.* n. 59 of March 10, 1948.

⁴⁴ The term Walser is a contraction of the adjective Walliser, meaning Valaisan (see about this community: Petite, M., ‘A new perspective on the Walser community: Mobilisation of symbolic resources

in an INTERREG project', *Journal of Alpine Research / Revue de géographie alpine*, <https://rga.revues.org/912>. Retrieved: 19.10.2016.

⁴⁵ In 2005, this concerned some 130 children in three municipal schools (Regional report 2007, 65).

⁴⁶ Legge Costituzionale n. 1, Statuto speciale della Regione Friuli Venezia Giulia, January 31, 1963, *G.U.* n. 29 of February 1, 1963.

⁴⁷ Memorandum of Understanding between the governments of Italy, the UK, the US and Yugoslavia regarding the Free Territory of Trieste, October 5, 1954, *United Nations Treaty Series*, vol. 235 (1956), no. 3297, 99. Italy never signed the Treaty (Palici de Suni, 2009: 1778).

⁴⁸ Ratified in Italy by Legge, 14 March 1977. The *Gazeta ufficiale* has published the original language version of the Treaty, in French.

⁴⁹ Legge n. 38, Norme a tutela della minoranza linguistica slovena della Regione Friuli Venezia Giulia, February 23, 2001, *G.U. n.56* of March 8, 2001, 5.

⁵⁰ Namely triestino, bisiaco, gradese, maranese, muggesano, liventino, veneto dell'Istria e della Dalmazia, veneto goriziano, pordenonese and udinese (art 2, Legge Regionale n. 5 Valorizzazione dei dialetti di origine veneta parlati nella regione Friuli Venezia Giulia, February 17, 2010, *B.U. n. 8* of February 24, 2010, 1).

References

Alcock, A., 'The South Tyrol Autonomy, A Short Introduction'. Provinz Bozen. <http://www.provinz.bz.it/en/downloads/South-Tyrol-Autonomy.pdf>. Retrieved: May 05, 2012.

Arzoz, X., 'The Nature of Language Rights'. *Journal on Ethnopolitics and Minority Issues in Europe* (2007): 1-35.

Bartoli, S. 'Le Regioni, le Province, I Comuni'. In *Commentario della Costituzione, Le Regioni, le Province, I comuni*, ed. Branca, G., 55-101. Bologna/Rome: Zanichelli, 1985.

Benedikter, A. '40 Jahre Pariser Südtirolvertrag'. In *Fédéralisme, Régionalisme, et droit des groupes ethniques en Europe, Hommage à Guy Héraud*, ed. Veiter, T., 19-32. Vienna: Braumüller, 1989.

Bin, R. and G. Pitruzzella. *Diritto costituzionale*. Turin: G. Giappichelli Editore, 2001.

Capotorti, F. *Study on the rights of Persons belonging to Ethnic, religious and linguistic minorities*. New York: United Nations, 1991.

Creech, R. L. *Law and language in the European Union: the paradox of a Babel "United in Diversity"*. Groningen: Europa Law Publishing, 2005.

De Varennes, F. 'Language Rights as an Integral Part of Human Rights'. *International Journal on Multicultural Societies, spec issue, Lesser Used Languages and the Law in Europe* 3 (2001): 15-25.

De Varennes, F. 'To speak or not to speak – The Rights of Persons Belonging to Linguistic Minorities', Working Paper prepared for the UN Sub-Committee on the rights of minorities, 1997, UNESCO, <http://www.unesco.org/most/ln2pol3.htm>, 5 and 18. Retrieved: February 18, 2016.

De Varennes, F. *Language, minorities and human rights*, Proefschrift Rijksuniversiteit Limburg, 1996.

Duggan, C. *A Concise History of Italy*. Cambridge: University Press, 2012.

Grinner, M. 'Quel terrorismo dimenticato dei primi anni '60', June 26, 2010. <http://robertoalfattiappetiti.blogspot.com/2010/06/eva-dorme-romanzo-desordio-di-francesca.html>. Retrieved: February 17, 2016.

Koenig, M. & De Varennes, F. 'Editorial'. *International Journal on Multicultural Societies, spec issue, Lesser Used Languages and the Law in Europe* (2001): 1-4.

Lengereau, M. 'Le Général de Gaulle et le Val d'Aoste'. In *Fédéralisme, Régionalisme, et droit des groupes ethniques en Europe, Hommage à Guy Héraud*, ed. Veiter, T., 214-221. Vienna: Braumüller, 1989.

Mancini, S. & De Witte, B. 'Language Rights as Cultural Rights: A European Perspective'. In *Cultural Human Rights*, eds. Francioni, F. & Scheinin, M., 247-284. Leiden/Boston: Martinus Nijhoff Publishers, 2008.

Palermo, F. 'La Corte "applica" il Titolo V alle minoranze linguistiche e chiude alle Regioni'. *Giurisprudenza costituzionale* (2009): 1780-1793.

Palici di Suni, E. 'La tutela delle minoranze linguistiche fra Stato e regioni: un ritorno al passato?'. *Giurisprudenza costituzionale* (2009): 1771-1780.

Paz, M. 'The Tower of Babel: Human Rights and the Paradox of Language'. *European Journal of International Law* (2014): 473-496.

Schilling, T. 'Language rights in the European Union'. *German Law Journal* (2008): 1219-1242.

Serianni, L. *La Lingua nella Storia d'Italia*. Milan: Società Dante Alighieri, Libri Scheiwiller, 2002.

Shuibhne, N.N. *EC law and minority language policy: culture, citizenship and fundamental rights*. The Hague: Kluwer Law International, 2002.

Van der Jeught, S. *EU Language Law*, Groningen: Europa Law Publishing, 2015.

Vospernik, R., 'Der Schutz ethnischer Gemeinschaften im slowenisch-österreichisch-italienischen Grenzraum'. In *Fédéralisme, Régionalisme, et droit des groupes ethniques en Europe, Hommage à Guy Héraud*, ed. Veiter, T., 471-478. Vienna: Braumüller, 1989.

Wright, S. 'What is a language? The difficulties Inherent in Language Rights'. In *The language question in Europe and diverse societies: political, legal and social perspectives*, eds. Castiglione, D. and C. Longman, 81-101. Oxford: Hart, 2007.