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Autonomy - Model for Conflict Resolution? Åland and South Tyrol - 100 Years in a Foreign State – Comparison and Conclusions**

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1. Introduction

The self-government of the Åland Islands, which belong to Finland, is celebrating its 100th anniversary. It is a progressive territorial autonomy in Finland that ensures peace and well-being for the islands and the Swedish minority living there. Self-government is celebrated and honoured in various ways. The 100th anniversary of the Åland Parliament¹, the *Lagting*, will culminate on June 9, 2022.

South Tyrol, *Südtirol* in German, a former part of Austria, in Italian named Alto Adige, has been part of Italy for 100 years. Following many years of conflict, the region has enjoyed

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¹ LANDSKAPSREGERING (Provincial Government), *Åland 100 år*. <https://www.regeringen.ax/aland100>.

progressive territorial autonomy in the Italian state since 1972, ensuring the development of the German and Ladin minorities, and peaceful coexistence with the Italian language group. The new Autonomy Statute will celebrate its 50th anniversary in 2022.

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Autonomy has provided a solution that has helped to defuse conflicts between nationalities in many countries and could serve as a peace model to resolve such conflicts and wars that unfortunately still rock many countries in the world. This comparative study will analyse the extent of these autonomies and their strengths and weaknesses in order to derive suggestions for improvement and peacekeeping around the world.

South Tyrol, located on the southern slopes of the Alps, is politically an autonomous province within the Italian State. It is populated by a German-speaking majority of about two-thirds, Italians make up about a quarter, and there is a small Ladin minority. Åland is a group of islands in the northern Baltic Sea between Finland and Sweden. The islands lie off the southwestern coastal tip of Finland. They are populated by Swedish-speaking people but politically belong to Finland.

While South Tyrol has 533,000 inhabitants and Italy nearly 60 million², Åland's population is much smaller, numbering only about 30,000 out of Finland's roughly 5.5 million³. Yet the comparison is pertinent because both have extensive autonomy. In both countries, minorities live in a foreign state⁴. Although the absolute sizes are very different, the relative sizes in terms of relation to the state population are almost the same.

South Tyrol's population (including all language groups) represents about 0.9 percent of Italy's population, two-thirds of which (about 350,000) are autochthonous minorities of German (62 percent) and Ladin (4 percent) language; 23.4 percent are native Italian speakers, 10.3 percent are foreigners. Accordingly, the German and Ladin minorities represent about 0.6 percent of the population of Italy⁵. Thus, the proportion of South Tyrolean minorities in Italy is about the same as that of Ålanders in Finland, which is 0.5 percent.

² ISTAT, *Regione Trentino-Alto Adige/Südtirol, Regioni italiane per popolazione*, ASTAT, *Demographic data*, 2019; CENSUS 2011.

³ Statistics Finland.

⁴ Inter alia: T. BENEDIKTER, *Autonomie Weltweit*, Berlin, LIT, 2021, 31-52, 89-105; T. BENEDIKTER (ed.), *Europe's Ethnic Mosaic, A Short Guide to Minority Rights in Europe*, Eurac, Bozen, 2008, 73-76, 81-83; T. BENEDIKTER, *Autonomien der Welt*, Athesia, Bozen, 2007, 78-94, 116-123; J. DOSCH - M. LAKATOS, *South Tyrol and Åland: Collective Identity in the Interplay of Old and New Minorities*, in *Studies in Ethnicity and Nationalism*, 20, n. 2, 2020, 188-207; J. DOSCH - M. LAKATOS, *Südtirol und Åland: Kollektive Identitäten im Spannungsfeld alter und neuer Minderheiten*, in Y. BIZEUL et al. (eds.) *Offene oder geschlossene Kollektividentität. Von der Entstehung einer neuen politischen Konfliktlinie*, Springer Fachmedien, Wiesbaden, 2019, 274; Y. GHAI - S. WOODMAN eds., *Practising Self-Government: A Comparative Study of Autonomous Regions*, Cambridge University Press, Cambridge, New York, 2013, 62-90, 118-162, 449-486; P. HILPOLD, *Modernes Minderheitenrecht*, Manzsche Verlags- und Universitätsbuchhandlung, Wien, 2001; S. SIMOLIN, *The Åland Example in Use 1990-2019, Where, When, How, Why and by Whom?* in *Rapport från Ålands fredsinstitut*, n. 1-2020; M. SUKSI, *Prosperity and happiness through autonomy*, in Y. GHAI - S. WOODMAN (eds.), *Practising Self-Government*, Cambridge, 2013; M. SUKSI, *Explaining the Robustness and Longevity of the Åland Example in Comparison with Other Autonomy Solutions*, in NIJHOFF *International Journal on Minority and Group Rights*, Vol. 20 No. 1, 51-66; R. MEDDA-WINDISCHER, *Diversity Management „neuer Minderheiten“*, in R. MEDDA-WINDISCHER et al. eds. *Migration in Südtirol und Tirol*, Europäische Akademie, Bozen, 2011, 19-33.

⁵ ASTAT, *Demographic data*, 2019; *Census 2011*: ASTAT-TAB. 6.1, 01/2021.

The comparison is also well suited because both autonomous provinces, South Tyrol and Åland, not only belong to EU member states, but their relationship states, Sweden and Austria, are EU members, too. Thus, they can also be used to examine the effects of an EU state's membership on its domestic autonomies.

2. Analogous Fate and Anchoring of Autonomies

2.1. The fate of Åland and its annexation to Finland

Åland was brought under foreign rule [1714] much earlier than South Tyrol. While Swedish has been the dominant language in the archipelago for centuries, its state affiliation has changed frequently in its eventful history. As early as 1362, Åland participated in the election of the Swedish monarch. It was considered part of the Kingdom of Sweden for the following 350 years⁶.

This ended in 1714 when Peter the Great conquered Finland and the Åland Islands and annexed them to the Tsarist Empire of Russia. By the Treaty of Nystad, Åland reverted to Sweden in 1721 but remained with its motherland for only two decades. Around 1742 it was again occupied by the troops of the Russian Empire. In 1743 it was again returned to Sweden in the Treaty of Åbo⁷.

Half a century later, as a result of the Russo-Swedish War, the archipelago returned to Russian rule in 1809 in the Peace of *Frederikshavn*. During the Crimean War (1853-1856), the French navy occupied the Åland Islands. However, the Peace of Paris of 1856 confirmed the islands' state affiliation with Russia. The treaty also stipulated that the archipelago had to be demilitarised. Within the Russian Empire, Åland belonged to the Grand Duchy of Finland, which had extensive autonomy, and remained so until 1917. After centuries of belonging to the Swedish kingdom, Åland was incorporated into the tsarist empire under Russian rule from 1714 to 1917, with brief interruptions, and belonged to the Grand Duchy of Finland, which even then had autonomy⁸. It is from this point that the common path of destiny with South Tyrol begins.

⁶ Historical sources for Åland used: Historical sources for Åland used: all supra note 4; Ålands landskapsregering, Facts about Åland; <https://www.aland.ax/en/facts-about-aland>; F. DAFTARY, *Insular Autonomy: A Framework for Conflict Settlement? A Comparative Study of Corsica and The Åland Islands*, in *Working Paper* 9, Oct. 2000; S. ERIKSSON, *Paradebeispiel Åland: Autonomie beschützt Minderheit, Parlament der Ålandinseln*, (updated June 2017), <https://finland.fi/de/leben-amp-gesellschaft/paradebeispiel-aland-autonomie-beschutzt-minderheit/>; C. JANSON, *The Autonomy of Åland: a Reflexion of International and Constitutional Law*, in *NJIL, Nordic Journal of International Law*, Vol. 51/1, 1982, 15-16; I. JANSSON, *The implementation of an international Decision at the Local Level: The League of Nations and the Åland Islands 1920–1951*, in *JASS, Journal of Autonomy and Security Studies*, 4(1) 2020, 32–62; P. KRUISE (ed.), *History of Finland: A selection of events and documents*, updated on February 7, 2021, <https://histdoc.net/history/history.html>; S. ZETTERBERG, *Main Outlines of Finnish History*, in *Ministry For Foreign Affairs, Department For Communications*, <https://finland.fi/life-society/main-outlines-of-finnish-history/>, updated May 2017; O. PETERLINI, *Åland und Südtirol - Autonomien auf dem Prüfstand - Analyse und Gegenüberstellung der Verfassungen und Autonomiestatuten*, in *Europa Ethnica* 1/2 2021; A. SPILIOPOULOU ÅKERMARK, *Justifications of Minority Protection in International*, *Kluwer Law International*, The Hague, 1997; S. SPILIOPOULOU ÅKERMARK et al., *Åland Islands*, in *Online Compendium Autonomy Arrangements in the World*, Jan. 2019.

⁷ S. ZETTERBERG, *Main Outlines of Finnish History*, in *Ministry for Foreign Affairs, Department for Communications*, updated May 2017; P. KRUISE (ed.), *History of Finland: A selection of events and documents*, on November 11, 2021.

⁸ J. DOSCH-M. LAKATOS, *South Tyrol and Åland: Collective Identity in the Interplay of Old and New Minorities*, in *Studies in Ethnicity and Nationalism*, 20, n. 2, 188-207, 2020.

2.2. Analogous course in South Tyrol until its annexation to Italy

South Tyrol suffered a similar fate to Åland, its affiliation to Italy was cemented in the aftermath of the First World War.

As the deepest cut in the Alpine chain, the Brenner Pass already formed an important connecting route between the north and south of Europe in the past. South Tyrol was part of this so-called 'Land in the Mountains', which was united from 1248 to form the County of Tyrol. It included the Dioceses of Brixen (Bressanone) and Trento and stretched from the Karwendel mountains (today's German-Austrian border) to Lake Garda in the south. It was embedded in the Holy Roman Empire (from the 15th century) of the German Nation, which stretched from the North and Baltic Seas to the Mediterranean and encompassed most of Central Europe.

Their special situation meant that the Tyroleans were repeatedly forced to defend their land from foreign encroachment. This necessity gave rise to a will for freedom that runs like a thread through Tyrol's history. This will for freedom was first expressed in the democratic co-determination rights of the citizens and peasants and the land constitution (1342 – *Großer Freiheitsbrief*, Great Letter of Freedom), while Europe was still in the deep Middle Ages.

On January 26, 1363, in Bozen, the Countess of Tyrol Margarete (known as Maultasch), since she had no heirs, transferred the County of Tyrol to her closest relative, Rudolf IV of Habsburg, the Duke of Austria. From this date until the end of the First World War, South Tyrol belonged to Austria and later to the Empire of Austria-Hungary, for more than 550 years.

After the end of the First World War and the collapse of the Austro-Hungarian Dual Monarchy, the Land of Tyrol was torn apart and the southern part, from the Brenner Pass onwards, was annexed to the Kingdom of Italy with the Peace Treaty of Saint Germain of September 10, 1919⁹. Before that, in May 1919, an Austrian delegation had travelled to France in hope; however, it was not admitted to the negotiations themselves and could only present written proposals. The hopes of Austria and the Tyroleans for the principles of President Wilson were abruptly dashed.

With the peace treaty, the separation took place along the main ridge of the Alps and at the Brenner Pass and not along the «clearly recognizable lines of nationality», at the language border in Salurn, as President Wilson (1918) had requested: «A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality». As early as 1915, in the secret Treaty of London, the Entente had promised Italy the Brenner border as the price for its entry into the war on its side¹⁰. Thus, not only the mainly Italian-speaking part of Tyrol, today's Trentino, but also the mainly German-speaking part, today's South Tyrol, were annexed to the Kingdom of Italy.

⁹ The historical references on South Tyrol: R. STEININGER (ed.), *Akten zur Südtirol-Politik, 1959-1969, eine Aktenedition in sieben Bänden* (a file edition in seven volumes), Studienverlag, Innsbruck, 2008, 2007, 2006, 2005; O. PETERLINI, *Autonomy and the Protection of Ethnic Minorities in Trentino-South Tyrol*, New Academic Press, Wien, 1997, 31-108; the literature cited therein, and the following authors expressly quoted.

¹⁰ W. WILSON, *President Woodrow Wilson's Fourteen Points, point IX*, Lillian Goldman Law Library, New Haven, 1918, 9-11.

2.3. *The international anchoring of Åland autonomy*

When Finland gained its independence from Russia in 1917, the Ålanders expressed their request to have the islands re-join Sweden. The first major rally of the «Åland Movement» took place on August 20, 1917. The representatives unanimously decided to send a delegation to the Swedish government with the message that the Ålanders wanted reunification with Sweden. About 95 percent of the adult population signed a letter to this effect, which was presented to King Gustav V in Stockholm on February 3, 1918¹¹.

The Ålanders also elected a Landsting (a land or provincial Parliament) to represent their interests. In January 1919, a delegation of Ålanders was given the opportunity to present their request at the Peace Conference of Paris¹².

Although Sweden was not a party to the 1856 treaty that established the Åland Islands as a demilitarised area, it brought the matter before the Paris Peace Conference in 1919 in the hope that a similar solution could be found as had been for Denmark with regard to Schleswig, where a referendum resolved the border issue. This plan did not succeed, mainly because Finland and Sweden were not warring parties in the First World War. The rejection took place despite Sweden's efforts being supported by a new petition campaign in Åland, which was concluded on June 29, 1919¹³.

On September 27, 1919, the French Prime Minister George Clemenceau demanded in a declaration that Swedish interests regarding Åland be satisfied. In return, the Finnish Parliament approved a law for Åland autonomy (called the Self-Government Act), which was promulgated by the President of the Republic on May 6, 1920. However, the Ålanders refused to accept autonomy as a substitute for reunification with Sweden¹⁴.

After failed attempts to win over the Ålanders to the autonomy solution, the Finnish government had the leaders of the Åland movement arrested. Relations between Sweden and Finland thus became increasingly tense. In the meantime, the League of Nations planned in the Paris Suburb Agreements took concrete shape and was officially founded with its ratification on January 10, 1920. England, therefore, proposed that the Åland question be dealt with in the League of Nations¹⁵.

The Council of the League of Nations made its decision on June 24, 1921. It transferred sovereignty over Åland to Finland. At the same time, however, it demanded that the Finnish state grant Åland comprehensive rights of self-determination in an international treaty (supervised by the League of Nations), guarantee the protection of the islands, preserve the Åland culture and

¹¹ C. JANSON, *The Autonomy of Åland: a Reflexion of International and Constitutional Law*, in NJIL 51/1, 1982, *supra* note 6, 15-16.

¹² *Id.*, 15-16.

¹³ M. SUKSI, *Prosperity and happiness through autonomy*, in Y. GHAI-S. WOODMAN (eds.), *Practising Self-Government*, 2013, *supra* note 4, 62-63.

¹⁴ ÅLANDS LANDSKAPSREGERING, *Facts about Åland*, <https://www.aland.ax/en/facts-about-aland#>.

¹⁵ C. JANSON, *supra* note 11, 15-16.

recognise the demilitarization and neutrality of the archipelago. It has been able to maintain these guarantees to this day, despite Finland's attempts to the contrary¹⁶.

Finland finally accepted this and extended the Åland Autonomy Act (Ål-AuA)¹⁷ accordingly. In a few days, Finland and Sweden reached an agreement on these guarantees, the Åland Agreement. On June 27, 1921, the Council of the League of Nations confirmed the agreement, and the then-existing autonomy of the Åland Islands, as a self-governing territory with its own legislative competence in Finland, supplemented the agreement with some additional guarantees and confirmed the demilitarization and neutrality of Åland¹⁸. Thus, the autonomy of the Åland Islands received international recognition and guarantee¹⁹, although not in the form of a formal treaty under international law²⁰. These guarantees were incorporated into the Finnish legal system through the Åland Guarantee Act of 1922²¹.

Åland even has certain powers that allow the autonomous region to be involved in international decision-making processes and to be represented in international bodies²². For Åland, autonomy was thus already decided after the First World War and secured internationally by the League of Nations. In contrast, South Tyrol was denied such autonomy for a long time, although it also seceded from Austria at the same time.

The Åland Autonomy Statute (Ål-AuSt, as we call it from here on) underwent an important change in 1951. It established the right of domicile as a platform for exercising the special rights established in 1921-1922. At the same time, it changed the method of dividing legislative powers between the state and the land: in 1920, the distribution of powers was more federalist in structure. The Åland Autonomy Statute listed the competences of the Finnish Parliament on the territory of Åland and allocated all residual powers to the Åland Islands Legislative Assembly, the *Lagting*.

In 1951, a listing of competencies was established for both the Finnish Parliament and the Åland Islands Legislative Assembly. A subsequent amendment extended the competencies of the Åland Islands. The current Åland Autonomie Statut (No. 44/1991) basically assigns private law and general criminal law to the state, while the Åland Islands are responsible for so-called public law on the territory of the Åland Islands, including the criminal provisions necessary for their competencies²³. In 2021, new provisions (28.2.2020/98) to finance the autonomy came into force (Chap. 7, § 44-51, Ål-AuSt).

¹⁶ L. HANNIKAINEN, *The Continued Validity of the Demilitarised and Neutralised Status of the Åland Islands*, Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, 1994, 614-51, https://www.zaoerv.de/54_1994/54_1994_3_4_a_614_651.pdf.

¹⁷ In this legal comparison, both the Special Statute for Trentino Alto Adige/Südtirol (ST-AuSt), as it is formally called (*Südtirol*, translated here as South Tyrol), and the Special Administrative Act of Åland (Ål-AuSt) are referred to as Autonomy Statutes (AuSt).

¹⁸ I. JANSSON, *The implementation of an international Decision at the Local Level: The League of Nations and the Åland Islands 1920-1951*, in *JASS* n. 4 (1), 32-62 (2020).

¹⁹ S. ERIKSSON, *Paradebeispiel Åland: Autonomie beschützt Minderheit*, *Parlament der Ålandinseln*, updated June 2017, <https://finland.fi/de/leben-amp-gesellschaft/paradebeispiel-aland-autonomie-beschutzt-minderheit/>.

²⁰ M. SUKSI, *supra* note 4 and 13, 66.

²¹ F. DAFTARY, *Insular Autonomy: A Framework for Conflict Settlement?*, in *Working Paper*, 20, Oct. 2000, 9.

²² T. BENEDIKTER (ed.), *Europe's Ethnic Mosaic*, Chap. 3, 2008, *supra* note 4.

²³ M. SUKSI, *supra* note 13, 53.

2.4. *The international anchoring of South Tyrol autonomy*

The League of Nations had developed an interesting minority protection concept. Probably aware that the right to self-determination had not been respected after the First World War, it wanted to offer the minorities an alternative. However, Peter Hilpold rightly complains that these principles were not generally applied²⁴. Åland, fortunately, benefited from it and remains the only surviving testament to it today. The minorities in France and Italy, although very large, were not taken into account, and thus neither was South Tyrol.

When South Tyrol was annexed to Italy in 1919, no autonomy treaty or similar safeguard was provided for. The weakened Austria had explicitly recognised that the protection of minorities was a domestic matter for Italy²⁵. All that stood was a declaration made by King Victor Emmanuel III before the Chamber of Deputies in Rome on 1 December 1919, which gave hope. The tradition of freedom would «correspond to the highest respect for autonomies and local traditions»²⁶. But the opposite happened. The fascist takeover in 1922 destroyed the king's solemn declarations. With extreme harshness, the regime under Benito Mussolini tried to eradicate the language and culture of South Tyrol²⁷. The culmination of the uprooting of the South Tyroleans was the so-called Option. In 1939, Hitler and Mussolini agreed to solve the South Tyrol problem in their own way. The South Tyroleans who wanted to remain German were to move to the German Reich. More than 75,000 South Tyroleans left their homeland. The war interrupted further resettlement.

After the Second World War, there were renewed hopes in South Tyrol that the right to self-determination would be granted. The *Südtiroler Volkspartei* (SVP, South Tyrolean People's Party), which had already been founded in May 1945, turned to the provisional Austrian government with the request to represent the wishes of the South Tyrolean population to the Allies. In a petition, 124,000 South Tyroleans, practically the entire adult population, requested the return of the land to Austria²⁸. However, Austria's request for a referendum in South Tyrol was rejected by the Allies on April 30, 1946. The Soviet Russian Foreign Minister Molotov was the first to oppose the Austrian request. His main concern was to satisfy the Yugoslavian demands in Venezia Giulia, on Italy's eastern border.

At the insistence of various states, autonomy for South Tyrol was agreed between Austria and Italy on September 5, 1946, the so-called Paris or Gruber-Degasperi Agreement²⁹, and secured

²⁴ P. HILPOLD, *The League of Nations and the Protection of Minorities*, UNYB n. 17, 2013, ^{supra} note 4, 87-124, 90.

²⁵ R. STEININGER, *Südtirol im 20. Jahrhundert*, Studienverlag, Innsbruck, 1997, 39-54; R. STEININGER, *Brutale Vergewaltigung des Deutschtums*, in *Tageszeitung Dolomiten*, Feb. 2, 2021, 7.

²⁶ R. BALLARDINI: *Report of the Constitutional Committee to the Chamber of Deputies, Amendments to the Special Statute for Trentino Alto Adige*, in *Atti Parlamentari*, n. 2216-277 A, Camera dei Deputati, 1970, 2; K. ZELLER, *Das Problem der völkerrechtlichen Verankerung des Südtirol Paketes*, in *Ethnos* 34, Wilhelm Braumüller Verlag, Wien, 1989.

²⁷ A. GRUBER, *Südtirol unter dem Faschismus*, Athesia, Bozen, 1975; O. PETERLINI, *Autonomy and the Protection of Ethnic Minorities in Trentino-South Tyrol*, 1997, ^{supra} note 9, 74-84.

²⁸ W. PFAUNDLER, *Das Pariser Abkommen*, in *Tiroler Landesregierung* (ed.), *Tirol in Vergangenheit und Zukunft*, Innsbruck, 1980, 107.

²⁹ Copy in REGIONE TRENINO ALTO ADIGE, <http://www.regione.trentino-a-adige.it/codice/accordo.aspx>; O. PETERLINI, ^{supra} note 9, 1997, 86-92.

in the Allies' peace treaty with Italy in 1947³⁰. Consequently, the Trentino-South Tyrol-Autonomy Statute (ST-AuSt)³¹, has an international anchoring.

The Treaty of Paris provides (in art. 1) for the equal rights of the «German-speaking inhabitants of the Bolzano Province and the neighbouring bilingual townships of the Trento Province,» within the framework of special provisions to safeguard the «ethnic character and the cultural and economic development of the German speaking element». In particular, art. 1 guarantees: German-speaking citizens elementary and secondary teaching in their mother tongue; «parification» of the German and Italian languages in public offices and for official documents, as well as in bilingual topographic naming; the right to re-establish German family names, which were Italianised; and equal rights in admission to public offices with a view to reaching a «more appropriate proportion of employment», between the two ethnic groups. Article 2 recognises to «the population of the above-mentioned zones» the exercise of an «autonomous legislative and executive regional power», thus establishing autonomy for the province of Bolzano and «the neighbouring bilingual townships of the province of Trento».

The treaty led to the first special Autonomy Statute for «Trentino Alto Adige» in 1948³². Autonomy was very weak and unsatisfactory and was extended to the whole province of Trento (and not only to the bilingual townships), such, that South Tyroleans found themselves in the minority even within the region. After long protests, tensions and bomb years, Austria took the problem to the UN General Assembly, which in two resolutions, in 1960 and 1961, urged Italy and Austria «to resume negotiations, (...) relating to the implementation of the Paris Agreement of 5th September 1946»³³.

The negotiations between Austria and Italy and the results of a so-called Nineteen Commission set up by Italy, in which representatives of South Tyrol also took part, led in 1969 to the «South Tyrol Package, Measures in favour of the people of South Tyrol», as it was officially named. It was an agreement between Italy and Austria, though not an official treaty, approved by both parliaments, in Rome and Vienna. On its basis, a new South Tyrolean Autonomy Statute was enacted, which in 1972 extended the 1948 Statute and strengthened the two autonomous provinces of Bozen-Bolzano and Trento, to the detriment of the common region³⁴. After a series of implementation provisions, Austria declared the dispute settled to Italy and the UN in 1992³⁵.

³⁰ UN, *Treaty of peace with Italy*, 10 February 1947, sec. III, art. 10, - Annex IV. Austria (Special Provisions), 69-70, <https://treaties.un.org/doc/Publication/UNTS/Volume%2049/v49.pdf>.

³¹ Officially, it is called the Special Statute for Trentino Alto Adige/Südtirol because it includes both autonomous provinces that make up the region, Trento (Trentino) and Bozen-Bolzano (South Tyrol). In this study, apart from Åland, we are concerned with South Tyrol, which is why we will speak briefly of the South Tyrolean Autonomy Statute (ST-AuSt).

³² Constitutional Law February 26, 1948, n. 5.

³³ UN, *Resolutions, No. 1497 (XV) vom 31 Oktober 1960*, [https://undocs.org/en/A/RES/1497\(XV\)](https://undocs.org/en/A/RES/1497(XV)); *1661 (XVI) vom 28 November 1961*, [https://undocs.org/en/A/RES/1661\(XVI\)](https://undocs.org/en/A/RES/1661(XVI)).

³⁴ Land and province (in Italian *provincia*) are used synonymously in German documents, whereby the legal designation in the Italian Constitution and in the Autonomy Statute is *Provincia autonoma di Bolzano/autonome Provinz Bozen* (autonomous province of Bozen), while for the provincial laws and organs the Autonomy Statute in the German version, uses *Landesgesetz* (Provincial law), *Landtag* (Provincial Parliament or Council), *Landesregierung* (Provincial Government), *Landeshauptmann* (Provincial Governor), etc. We also use *Land* or province as a synonym for Åland.

³⁵ BUNDESMINISTERIUM FÜR AUSWÄRTIGE ANGELEGENHEITEN: *Austria's Verbal Note to the Dispute Settlement*, Wien 11. Juni 1992, Photocopy of the original in O. PETERLINI, *Autonomy and the Protection of Ethnic Minorities*, supra note 9, 86-92, 207-212 (1997); O. PETERLINI, *Italien und Österreich vor der UNO: Dokumente und Originalzitate zur friedlichen Beilegung eines langwierigen Streites*, in A. RAFFEINER (ed.), *25 Jahre Streitbeilegung*, 2018.

Since then, South Tyrol's autonomy has been regarded as a model. A comparison with Åland will highlight the differences and similarities of these autonomy models.

3. *Autonomies in the Finnish and Italian Constitutions*

3.1. *Åland's autonomy in the Finnish Constitution*

Both autonomies, South Tyrol and Åland, are internationally secured and based on international law. The question now arises as to domestic law, especially since international law cannot so easily be sued for and enforced.

The Åland Convention was converted into domestic law in the Guarantee Act of 1922, which was more or less an exact implementation of the Convention. Formally, it was an amendment to the 1920 Act on the Autonomy of the Åland Islands, i.e., the first Special Administration Act, which had been rejected by the Ålanders as unsatisfactory. The first version (and basis) is the Ål-Act of 1920. South Tyrol also rejected the first Autonomy Statute (ST-AuSt) of 1948 as unsatisfactory, albeit many years later than Åland.

Between 1920 and 1993, however, there was no reference in the Finnish Constitution (Fi-Const)³⁶ to the position of the Åland Islands within the Finnish legal system. The self-government laws were understood to be special laws with constitutional character, capable of introducing exceptions to the Constitution without formally becoming part of it. It was not until 1994 that explicit provisions for Åland's autonomy were included in the Constitution, contained in Articles 75 and 120³⁷.

Finland is a progressive parliamentary democracy that granted Finnish women universal suffrage as early as 1906 when the country was still an autonomous Russian province^{38 39}. In Italy, this only happened in 1946 with the establishment of the republic, following fascism and Nazi occupation. In the Democracy Index 2020, Finland ranks amongst the top of the most developed democracies in the world, in 6th place, and Italy in 26th place⁴⁰.

The new Finnish Constitution of 2000 shifted considerable powers from the previously dominant President of the Republic to the Parliament and Government. It replaced a total of four laws with constitutional rank and is divided into 13 chapters (kap/lucu)⁴¹ and 131 paragraphs (§)⁴², Finland is a unitary state; regions and municipalities are purely administrative units. Åland and - in the same cultural and linguistic field - the Sámi are the only exceptions (§ 119 Fi-Const).

³⁶ FINLEX, *Finnish Constitution* (Fi-Const), June 11, 1999, in current version, in Finnish: *Suomen perustuslaki* (11.6.1999/731), <https://www.finlex.fi/fi/laki/ajantasa/1999/19990731>; in Swedish: *Finlands grundlag* (11.6.1999/731), <https://www.finlex.fi/sv/laki/ajantasa/1999/19990731>; English translation, <https://www.refworld.org/docid/3ae6b53418.html>.

³⁷ M. SUKSI, *supra* note 13, 54.

³⁸ B. AUFFERMANN, *Das politische System Finnlands*, in W. ISMAYR (ed.), *Die politischen Systeme Westeuropas*, Springer VS Verlag für Sozialwissenschaften, Wiesbaden, 1997, 179-211.

³⁹ *Id* 179-211.

⁴⁰ THE ECONOMIST INTELLIGENCE UNIT, *Democracy Index 2020*, <https://www.eiu.com/n/campaigns/democracy-index-2020/>.

⁴¹ The original names in brackets are given first in Swedish, then in Finnish.

⁴² Finnish Constitution, *supra* note 36, Author's translation from the original Finnish and Swedish text.

Åland's autonomy is enshrined in § 120 of the Finnish Constitution, which entrusts the shaping of autonomy to a self-governing law (to be exact, to the Self-Government Act, the Ål-AuSt): «§ 120-Special Status of the Åland Islands – The Åland Islands have self-government in accordance with what is specifically stipulated in the Act on the Autonomy of the Åland Islands»⁴³. This places autonomy at the constitutional rank.

Another mention of Åland in the Finnish Constitution is found in § 58 under the functions of the President of the Republic. The President decides, without a motion from the Government, on, among other things: «(4) Matters referred to in the Act on the Autonomy of the Åland Islands, other than those relating to the finances of the Åland Islands.» (§ 58,3 No. 4, Fi-Const). The President is entitled to examine the laws on jurisdiction and internal security (§ 19 Ål-AuSt).

Directly anchored in the Constitution is a special electoral district for the Åland Islands that guarantees their representation in parliament: «For the parliamentary elections, the country shall be divided, on the basis of the number of Finnish citizens, into at least twelve and at most eighteen constituencies. In addition, the Åland Islands shall form their own constituency for the election of one Representative.» (§ 25,2, Fi-Const).

Finally, § 75 (Fi-Const) entrusts the regulation of autonomy to the Ål-AuSt: «The legislative procedure for the Act on the Autonomy of the Åland Islands and the Act on the Right to Acquire Real Estate in the Åland Islands is governed by the specific provisions in those Acts.» (§ 75 Fi-Const).

3.2. *Equality of languages directly in the Finnish Constitution*

The Finnish Constitution also enshrines the equality of the Swedish language with Finnish, throughout the entire national territory. Despite 87.9 percent of the population speaking Finnish and only 5.2 percent speaking Swedish (as well as 0.04 percent Sami), Finland is officially bilingual⁴⁴: far more Swedes live as a recognised minority on the south coast of Finland than on Åland⁴⁵.

«The national languages of Finland are Finnish and Swedish.»

The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act⁴⁶. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.” (§ 17, 1-17.2 Fi-Const).

⁴³ *Id.*

⁴⁴ STATISTICS FINLAND, *Century comparisons 2017*, http://www.stat.fi/tup/satavuotias-suomi/vuosisadan-vertailut_en.html.

⁴⁵ T. BENEDIKTER (ed.), *Europe's Ethnic Mosaic*, Chap. 4, 2008, *supra* note 4.

⁴⁶ FINLEX, SPRÅKLAG (Language law) June 6, 2003/423, <https://finlex.fi/sv/laki/ajantasa/2003/20030423>, in English: http://www.regione.taa.it/biblioteca/minoranze/Finlandia_d.aspx.

The reason for the equal treatment of Swedish lies in Finland's long-standing affiliation with the Swedish Kingdom. The geographical area that today forms the Republic of Finland was part of Sweden for almost 700 years, from the 12th century until 1809⁴⁷.

The smaller minorities are also protected: «The Sami as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture.» Provisions for the rights of the Sami to use the Sami language before the authorities are established by law⁴⁸. The rights of persons who use sign language and of persons who require interpreting or translation assistance because of a disability shall also be guaranteed by law. (§ 17.3 Fi-Const)

The Finnish Constitution obliges the administration to decentralise services for linguistic reasons: «In the organization of the administration, a suitable territorial division shall be sought so that the Finnish-speaking and Swedish-speaking populations have the opportunity to receive services in their own languages on equal terms.» (§ 122,1 Fi-Const)

The most important protective provisions are thus anchored directly in the Constitution: equality of languages throughout Finland; autonomy for the Åland Islands, which is thus given constitutional status; the transfer of the regulation of autonomy to the Autonomy Statute; as well as the right to purchase real estate, the regulation of which is delegated to a separate law. The Constitution also enshrines the competence of the President of the Republic to decide on Åland's laws and the guarantee of Åland's representation in the Finnish Parliament through its own constituency.

3.3. *South Tyrol's autonomy in the Italian Constitution*

The Italian Constitution (It-Const) dates back to 1948⁴⁹. The Italian Constituent Assembly met in 1946 and 1947, to create the modern democratic Constitution and seal the fundamental rights of freedom⁵⁰.

Apart from minor changes, a more comprehensive reform of the Italian Constitution took place in 2001 with Constitutional Law No. 3/2001, which gave the ordinary regions of Italy extended powers and a stronger position. The reform was limited to the regions with ordinary Statutes but extended to those parts that provide more extensive forms of autonomy to regions with special Statutes (art. 11, Const.-Law No. 3/2001), which we call here Autonomy Statutes (AuSt).

Italy is a regional state, with some federal approaches in place since the Constitutional Reform of 2001. There are fifteen regions that are ordinary statutes and five that are special statutes⁵¹.

⁴⁷ M. TANDEFELT-F. FINNÄS, *Language and demography: historical development*, in *International Journal of the Sociology of Language (IJSL)*, Int'l. J. Soc. Lang, 2007, 34–54.

⁴⁸ Samisk språklag *supra* note 46; FINLEX, *Sametingslag, Law on the autonomy of the Sami*: 17.7.1995/974, <https://www.finlex.fi/sv/laki/ajantasa/1995/19950974>.

⁴⁹ *Italian Constitution* (It-Const) (1948), Confronting Italian-German Version, in actual edition, Trentino Alto Adige-Südtirol Region, http://www.regione.trentino-a-adige.it/Moduli/943_COSTITUZIONE%202021.pdf.

⁵⁰ P. CARRETTI-U. DE SIERVO, *Istituzioni di diritto pubblico*, Giappichelli, Torino, 2004, 63-67.

⁵¹ With special Statutes: The two large islands of Sicily and Sardinia, and the border regions with linguistic minorities, Aosta, Friuli Venezia Giulia and Trentino Alto Adige Südtirol.

The region of «Trentino Alto Adige/Südtirol» belongs to the latter. It consists of the two autonomous provinces of Bozen-Bolzano (South Tyrol) and Trento (Trentino), which now have the most important competences.

The regional character of Italy thus differs fundamentally from Finland, which, apart from Åland, has no sub-state level. All twenty regions of Italy and the two autonomous provinces of South Tyrol and Trentino have legislative competence at the sub-state level. By comparison, laws in Finland are enacted only by the Parliament in Helsinki and - as the only exception - by the *Lagting* (Finnish: *Maakuntapäivät*, §13 Ål-AuSt), the Parliament of the autonomous Finnish province of Åland in Mariehamn.

The supporting article of the state structure in Italy is art. 5 of the Italian Constitution, which represents a clear break with the centralised form of the Albertine Statute (1848, Constitution of the former Kingdom) and especially that of Fascism⁵². The choice fell on a regional state⁵³. This represented a compromise between divergent attitudes. On the one hand, the article underpins the unity and indivisibility of the republic («one and indivisible») on the other, it obliges it to «recognise and promote local self-governments (*autonomie locali*)» and to «decentralise state administration.»

The Italian Constitution devotes a separate article to the protection of minorities in the first part of the «Fundamental Principles of Law»: «The Republic protects linguistic minorities with special provisions.» (art. 6 It-Const). In the principles of liberal democracy and the protection of minorities, one can see a clear analogy with the Finnish Constitution.

The central article that establishes the special regions, which includes South Tyrol's autonomy, is art. 116: «Friuli Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste have special forms and types of autonomy according to special statutes approved by constitutional law.» (art. 116.1 It-Const)⁵⁴. With the constitutional reform of 2001, in the spirit of the new autonomy, Trentino and Alto Adige/Südtirol (province of Bozen-Bolzano) also found their way into the Italian Constitution: «The Region Trentino Alto Adige/Südtirol is constituted by the autonomous Provinces of Trento and Bolzano-Bozen.» (art. 116.2 It-Const).

The regulation of the special autonomy is thus transferred to the «special statutes» just as in the Finnish Constitution. In contrast to the Finnish Constitution, however, the Italian Constitution defines the legal nature of these special statutes, namely as constitutional laws. Constitutional laws are the highest rank of legal sources in Italy, on the same level as the Constitution. The autonomy statutes are decisive in cases of conflict because of the specialty principle. A particularly difficult legislative procedure is provided for the constitutional laws. The Constitutional Court ensures that the State parliament, the regions and the autonomous provinces respect the Constitution and their competencies and annuls contrary laws and provisions.

⁵² «Art. 5 The Republic, one and indivisible, recognises and promotes local autonomies (*autonomie locali*); implements the widest possible administrative decentralisation in the services that depend on the State; adapts the principles and methods of its legislation to the requirements of autonomy and decentralisation»

⁵³ A. D'ATENA, *Diritto regionale*, 7-10, Giappichelli, Torino, 2010, 252-271.

⁵⁴ The digit after the comma within the number of an article refers to the paragraph, e.g. art. 116.1 means 116, para. 1.

4. *The Statutes of Autonomy: Structure and amendment procedure*

4.1. *Structure and name of the Åland Islands Statute of Autonomy*

The Åland Autonomy Statute reads *Sjähstyrelselag för Åland* in the Swedish language and *Abvenanmaan itsehallintolaki* in Finnish, *Abvenanmaan* being the Finnish name for Åland⁵⁵. Like all public acts in Finland, it is in its current 1991 version (16.8.1991/1144) with the latest amendments to the funding provisions (Chap. 7), in both official state languages. The English translation is not up to date.

The Åland Autonomy Statute is (including the new chapter 9a) divided into twelve chapters (kap/luku) and comprises 79 paragraphs. The chapters concern: Chap. 1 General provisions (§ 1-5); 2 Right of domicile in Åland (§ 6-12); 3 Provincial Parliament and Provincial Government (§ 13-16); 4 Competences of Åland (§ 17-26); 5 Competences of the Kingdom (§ 27-35); 6 Language provisions (§ 36-43); 7 Budget and Economy of Åland (§ 44-51); 8 Governor and Åland delegation (§ 52-57); 9 International obligations (§ 58); 9a Matters concerning the European Union (59a-59e); 10 Special provisions (§ 60-69); 11 Entry into force and transitional provisions (§ 70-79).

4.2. *Structure and name of the Statute of Autonomy for Trentino South Tyrol*

The *Sonderstatut für Trentino-Südtirol* (Special Statute for Trentino-South Tyrol), as it is officially called in German, reads in Italian *Statuto Speciale per il Trentino Alto Adige*, whereby *Alto Adige* refers to the controversial designation for South Tyrol, a name imposed on the land by fascism dictatorship in an attempt to remove the connection with Tyrol. The German designation *Südtirol* was forbidden under fascism; after the war and until the 2nd Statute of Autonomy of 1972, the province was officially only called *Tiroler Etschland*. Since the new Autonomy Statute of 1972, the province has once again been called *Südtirol* (German for South Tyrol), a name that also found its way into the Italian Constitution during the constitutional reform of 2001. It is written in brackets next to the Italian name Alto Adige (art. 116.2 It-Const). Another designation is «autonomous province of Bozen-Bolzano» since the two autonomous provinces of Bozen-Bolzano and Trento (Trentino) form the region to which the Special Statute for Trentino-South Tyrol refers.

The new Statute of Autonomy of 1972 (Unified Text, DPR of 31.8.1972, No. 670), like that of Åland, is available in both official languages of the region (not of the state), Italian and German, although the Italian text is authoritative, as with all acts having the force of law (art. 99

⁵⁵ FINLEX: *Åland Autonomy Statute* (Ål-AuSt), in current version, in Schwedisch: *Sjähstyrelselag för Åland* (16.8.1991/1144), <https://finlex.fi/sv/laki/ajantasa/1991/19911144>; in Finnisch: *Abvenanmaan itsehallintolaki*, <https://www.finlex.fi/fi/laki/ajantasa/1991/19911144>; English translation (2004): *Act on the Autonomy of Åland* (1991/1144), https://www.legislationline.org/download/id/2073/file/Finland_Act_Autonomy_Aland.pdf.

ST-AuSt). This differentiation is a weakness compared to the regulation in Finland, where both Finnish and Swedish texts are equivalent to one another.

The current version of the South Tyrolean Autonomy Statute has undergone several improvements and amendments since 1972, the most recent in favour of the Ladin minority (Constitutional Law of 4.12.2017, No. 1). The Statute of Autonomy for Trentino-Alto Adige Südtirol is divided into twelve Titles (partly subdivided into chapters) and has 115 articles: I. Title: Establishment of the Region Trentino-Alto Adige/Südtirol and the Provinces of Trento and Bolzano-Bozen (art. 1-23); II. Organs of the Region and the Provinces (art. 24-54); III. Approval, certification and promulgation of the laws and ordinances of the Region and the Provinces (art. 55-60); IV. Local Bodies (art. 61-65); V. Public Property and Assets of the Region and the Provinces (art. 66-68); VI. Finances of the Region and the Provinces (art. 69-86); VII. Relations between the State, Region and Province (art. 87-88); VIII. Plans of posts of employees of State offices in the Province of Bolzano-Bozen (art. 89); IX. Organs of Jurisdiction (art. 90-96); X. Control by the Constitutional Court (art. 97-98); XI. Use of the German language and Ladin (art. 99-102); XII. Final and Transitional Provisions (art. 103-115).

4.3. *Legislative procedure for amendments to the Statutes of Autonomy*

With regard to the procedure for enacting and amending the Autonomy Statutes, the Finnish Constitution (§ 75) refers, as we have seen, to the «Åland Islands Autonomy Act» (i.e. to the Ål-AuSt), as well as to «the Act on the Right to Acquire Real Estate in the Åland Islands»⁵⁶. This latter law is unique to Åland, hardly conceivable for South Tyrol, as well as excluded from EU law.⁵⁷

The legislative procedure to amend the Autonomy Statute of Åland or to enact a new one is consequently not provided for in the Constitution itself or according to its rules but rather is «governed by the specific provisions of these laws». This means that the procedure to amend or enact a new Åland Autonomy Statute is regulated in the latter.

For the South Tyrolean Statute of Autonomy, the competence to amend it lies with the state parliament, since as a constitutional law (art. 116 It-Const) it is basically subject to the same procedure as other constitutional laws. (art. 138 It-Const, art. 103 ST-AuSt). This is a big, notable contrast point between the two autonomies. The main difference between the two statutes of autonomy is thus procedural and in their legal nature. The Finnish Constitution transfers the procedure to enact and amend the Statute to the Statute itself, whereas for South Tyrol the procedure for amending the Statute is essentially regulated in the Italian Constitution. The Italian Constitution provides (in the already quoted art. 116.1 It-Const) that the special statutes of the five autonomous regions «shall be approved by constitutional law»: These statutes are, therefore, constitutional laws at the highest rank of legal sources.

⁵⁶ Finlex, *Jordförvärvslag för Åland* (Land Acquisition Act for Åland), 3.1.1975/3, <https://finlex.fi/sv/laki/ajantasa/1975/19750003>.

⁵⁷ Cf. *infra* Chap. 0 6.2. International participation and EU protection rules for *Åland*.

The corresponding procedure provides for a double reading in both parliament chambers, each three months apart, with at least an absolute majority of members in each chamber voting in favours in the second vote (art. 138 It-Const). While Finland has only one chamber, Italy has a bicameral legislative parliament, a perfect bicameralism. If an absolute majority is reached in one chamber, but not a two-thirds majority, the constitutional law can be submitted to a referendum. So far, one can say that the South Tyrolean Autonomy Statute has a stronger legal nature.

The negative aspect, however, is that the Italian Parliament alone decides on amendments to the Statute of Autonomy. The two provincial parliaments, the *Landtage* of Bozen-Bolzano and Trento, can only submit a joint proposal to the regional parliament, which is not easy to achieve given the different interests involved. The regional Parliament then adopts a conforming resolution and formally submits the bill for decision by the Parliament in Rome (art. 103,2 ST-AuSt). Of course, a South Tyrolean parliamentarian can also submit a corresponding bill, but only as an individual initiative. In the case of the submission of a draft law on the statute by members of parliament or the state government, the provincial parliaments and the regional parliament can only give a non-binding opinion. In any case, the decision on the statute is the exclusive responsibility of the State Parliament.

Since the reform of all five autonomy statutes in Italy (Const Law No. 2/2001 the state-wide referendum, which is provided for in Constitutional law if no two-thirds majority is achieved in parliament, has been abolished.

4.4. *The Competence-Competence and the Agreement*

Of importance is therefore the question of who enacts the Ål Autonomy Statute and thus has the competence-competence; i.e. can determine, among other things, which competencies the *Lagting* Ålands is entitled to. For South Tyrol, this is exclusively the state legislator, who enacts the Autonomy Statute as constitutional law, with the weak opinion rights of South Tyrol and the region aforementioned.

The opinions of the regional parliament and the provincial parliaments of Bozen-Bolzano and Trento are obligatory, but not binding. Only through the few South Tyrolean parliamentarians in Rome can South Tyrol participate in debate and legislation. Politically, an agreement with South Tyrol and a consensus with Austria as a contracting party to the Paris Treaty and the Package has been assured⁵⁸, but efforts to anchor this agreement in domestic, constitutional law have failed so far. The legislative initiatives of the South Tyrolean parliamentarians have progressed to a certain point several times, but thus far, they have never reached their goal⁵⁹.

The Ål Autonomy Statute, on the other hand, is much more strongly protected, and according to the Finnish Constitution (§ 75), it determines this itself. It stipulates, that amendments to the

⁵⁸ O. PETERLINI, *supra* note 35, 451-468.

⁵⁹ O. PETERLINI, *Südtirols Autonomie im neuen Zentralismus*, in A. RAFFEINER (ed.), *70 Jahre Pariser Vertrag*, Dr. Kovač-Verlag, Hamburg, 2016, 195-210.

Statute must be approved twice, by the Finnish Parliament and by the *Lagting*. The Ål Autonomy Statute § 69 states:

«This Statute may be amended or repealed, or exceptions made to it, only by concurring resolutions of the Finnish Parliament and the *Lagtings* of the Åland Islands. In the Finnish Parliament, the decision shall be taken in the manner provided for amending and repealing the Constitution and in the *Lagting* of the Åland Islands by a majority of at least two-thirds of the votes cast.» (28.1.2000/75).

It, therefore, requires a clear consensus and a two-thirds majority in each of the two houses, the Finnish Parliament and the *Lagting* of Åland, to amend the Åland Autonomy Statute. In Parliament, it follows the aggravated procedure of the Finnish Constitution, which generally postpones the second reading until the next parliamentary term (§ 73 Fi-Const).

This does not make the Åland Autonomy Statute *expressis verbis* a formal constitutional law, but since it is approved by the same procedure in parliament, it becomes *de facto* correspondingly rigid, even more so because it requires the approval (with the same majorities) of the *Lagting* as well. This procedure puts the Åland Autonomy Statute on a higher level than a simple law⁶⁰. However, even the great expert on Åland autonomy, Markus Suksi, recognises that this does not make it a formal constitutional act⁶¹. We could call it a «reinforced» law.

In view of the necessary agreement required to amend the Åland Autonomy Statute, the advantage of the stronger legal nature of the South Tyrolean Autonomy Statute pales in comparison.

The (less significant) possibility provided for in the second paragraph of § 69 of the Åland Autonomy Statute, to also enact provincial laws with an aggravated procedure, is also provided for in the South Tyrolean Autonomy Statute (art. 47.2 ST-AuSt) and in the Italian Constitution (art. 123 It-Const.) for so-called statutory laws that establish the form of government. «A provincial law of the Åland Islands may provide that the *Lagting* shall approve a provincial law by a two-thirds majority of the votes cast. The provincial law containing such a provision shall be enacted in the same manner.» (§ 69 Ål-AuSt) In both cases, in South Tyrol and in Åland, these are provincial laws, which regulate internal affairs, but which, because of their importance, require a stronger approval procedure. Interesting as an analogy in any case! In Italy, these «internal» statutes of the autonomous provinces (for their form of government) do not require a two-thirds majority, but only an absolute majority of their members, but those of the ordinary regions additionally require approval twice with an absolute majority at an interval of two months (art. 123 It-Const.)

⁶⁰ ÅLANDS LANDSKAPSREGERING, *supra* note 14; S. ERIKSSON *supra* note 19.

⁶¹ M. SUKSI, *Explaining the Robustness*, 2013, *supra* note 4, 59.

5. *Relations between Autonomy and the State*

5.1. *Governor and Government Commissioner*

A special role is played by the *Landshövdingen* (Finnish *Maaherrana*, the English translation is Governor), the representative of the Finnish state in Åland. Åland's autonomy means that the Governor's duties differ from those of the other governors in Finland. The *Landshövdingen* is appointed by the President of the Republic in agreement with the Speaker of the *Lagting*. If no consensus is reached, the President appoints the *Landshövdingen* from among five persons appointed by the *Lagting* (§ 52 Ål-AuSt).

The Governor's duties also include the management of the state administration in Åland. The duties can be broadly summarised as catastrophe protection and emergency preparedness; economic affairs, the collection of vehicle tax and ship registration; the duties of the Åland delegation secretariat and the judges, as well as the notary services⁶².

In South Tyrol, this governor corresponds to the Government Commissioner (*Commissario del Governo* in Italian). They are appointed by the Government in Rome, without prior agreement with the province of South Tyrol. The Government Commissioner for the province of Bozen-Bolzano is responsible for coordinating and supervising the exercise of the powers of the State in the province, with the exception of those of the administration of justice, defense and the railways, which depend directly on the central bodies. They supervise the exercise of those activities of the province that the state has entrusted (delegated) to the province, beyond the areas defined in the South Tyrolean Autonomy Statute (art. 87 ST-AuSt). They ensure the maintenance of public order, for which purpose it may avail itself of the organs and police forces of the State and request the deployment of the other armed forces (art. 88 ST-AuSt).

The functions of the Government Commissioner in South Tyrol carry more responsibility and importance than those of the Governor in Åland. Unlike in Åland, no agreement is required for his appointment.

5.2. *Åland Delegation and Joint Commissions*

The Åland Delegation is a joint commission formed by the Finnish state and Åland. It consists of two members from each that are elected by the *Lagting* and the Finnish government, respectively. The chairman is the *Landshövdingen*, i.e. the Governor (or another representative appointed by agreement).

For the Region Trentino South Tyrol, analogous institutions to the Åland delegation are the so-called Commission of Twelve and the so-called Commission of Six for the province of Bozen-Bolzano. They have equal representation between the state government on the one hand and regional and provincial representatives on the other. They are advisory commissions, which are

⁶² VALTIOVARAINMINISTERIO (Ministry of Finance): *Peter Lindbäck jatkaa Ahvenanmaan maaherrana* (P. Lindbäck continues as Governor of Åland), Mar. 6, 2015, <https://vm.fi/-/peter-lindback-jatkaa-ahvenanmaan-maaherrana>.

also anchored in the South Tyrolean Autonomy Statute (art. 107) and have played, and still play, an important role in the preparation of the implementing regulations for the Autonomy Statute. On the proposal of these commissions, the implementing regulations are issued by the central government in the form of legislative decrees. These are hierarchically above the ordinary state laws and do not need to be approved by parliament. A swift way to fill the Autonomy Statute with life!

5.3. Representation in the State Parliament

The Finnish Parliament consists of only one chamber with two hundred deputies, each elected for a four-year term (§ 24 Fi-Const). The Fi Constitution provides for the proportional representation system for parliamentary elections (§ 25 Fi-Const). The country is divided into twelve to eighteen electoral districts for this purpose. Åland has its own constituency for the election of a Member of Parliament, which ensures representation regardless of the proportionate number of votes.

Without this positive discriminations-measure, the population of Åland, with only thirty thousand inhabitants compared to a national population of five and a half million, would hardly have a chance to send a representative to the Finnish parliament. One seat would fall to around 27,500 inhabitants, but the votes in Åland would after all be distributed among the (currently around ten) political parties and groupings.

The Italian parliament consists of two chambers with equal rights, with a total of 945 parliamentarians elected for five years so far, and 600 from the next legislative period onwards, including 400 deputies and 200 senators (and some senators by right). From this point of view, there would be no need for a special rule for the South Tyroleans, given a pure proportional representation system. Italy effectively had a predominantly proportional representation electoral system from 1948 to 1993, as is currently the case in Åland.

Since then, various combined systems have applied. The South Tyrolean People's Party (*Südtiroler Volkspartei*, SVP), which is the only minority party from South Tyrol to be permanently represented in parliament, is usually able to send five (sometimes six) parliamentarians to Rome without special arrangements⁶³.

However, since different electoral thresholds of three and more percent were provided for in the electoral laws from 1993 and especially in 2005, meaning that South Tyrol's representatives have had to fight for a special clause each time since the German and Ladin-speaking minority make up only 0.6 percent of the state's population.

Neither the Italian Constitution nor the South Tyrolean Autonomy Statute provides for a positive discrimination or equity measures in this respect, apart from the general protection norm of art. 6 of the Italian Constitution for minorities.

After the South Tyrol Package of 1969 was agreed, a third constituency for the Senate was established in South Tyrol (Measure 111), to facilitate the proportional representation of the

⁶³ O. PETERLINI, *Minderheitenschutz und Wahlsysteme*, New Academic Press, Wien, 2012, 110-224.

Italian demographic in South Tyrol. With three constituencies for the Senate, minority representation should readily result in at least two of them. However, the lack of a legal basis for a guaranteed representation forces the minority to fight for an exception whenever the electoral laws are changed, especially if electoral thresholds are provided for. Such an exception is currently in force (for Chamber Law No 165 of November 3, 2017, art. 14bis, 18bis, 77, 83; for Senate Law No. 29 of 6 February 1948 art. 1).

6. *The International Framework and the European Union*

6.1. *Neutrality and demilitarization*

The League of Nations Geneva Convention on the Demilitarization and Neutralization of the Åland Islands (1921) provides that «No military or naval establishment or base of operations, no military aircraft establishment or base of operations, and no other installation used for war purposes shall be maintained or set up in the zone (...)» (art. 3). «no military, naval or air force of any Power shall enter or remain in the zone (...); the manufacture, import, transport and re-export of arms and implements of war in this zone are strictly forbidden.» (art. 4) Measures taken by the League of Nations to safeguard the agreement are exempt (art. 7)⁶⁴.

Neutrality and demilitarization, as enshrined by the League of Nations for Åland, do not exist for South Tyrol. Italy is a NATO state and South Tyrol is no exception. The province even had a high military presence in the past because of its strategic location on the border and the unrest in the 1960s and 1970s. During the First World War, the war front in the south ran right through the Dolomite region. Likewise, unlike Åland, South Tyroleans are subject to compulsory military service (currently suspended), as are all other citizens.

6.2. *International participation and EU protection rules for Åland*

Åland has some influence on international treaties that contain provisions on areas where Åland has jurisdiction. The Åland Autonomy Statute states that an international treaty of this kind concluded by Finland requires the consent of the Parliament of Åland in order to be valid in Åland as well: «The Government of Åland shall be informed of negotiations on a treaty or another international obligation if the matter is subject to the competence of Åland.» (§ 58 Ål-AuSt) But also in other matters of particular importance to the Åland Islands, the Åland Islands Government shall be informed of the negotiations. «The Government of Åland shall be reserved the opportunity to participate in the negotiations if there is a special reason for the same.» (§ 58 Ål-AuSt) If a treaty or another international obligation binding on Finland contains a term which

⁶⁴ LEAGUE OF NATIONS, *Convention No. 32, relating to the Non-Fortification and Neutralization of the Åland Islands*, signed at Geneva, (Oct. 20, 1921), in *Treaty Series*, Registered No. 255, Volume IX, 211-221 (1922), <https://treaties.un.org/doc/Publication/UNTS/LON/Volume%209/v9.pdf>; <https://treaties.un.org/pages/LONViewDetails.aspx?src=LON&id=576&chapter=30&clang=en>.

under this Act concerns a matter within the competence of Åland, the Åland Parliament must consent to the statute implementing that term in order to have it enter into force in Åland.

If a treaty or other international obligation concerns a matter that falls within the competence of the Åland Islands, the Parliament of the Åland Islands must approve the law implementing this provision in order for it to enter into force in Åland. (§ 59 Ål-AuSt) Before Finland could become a member of the European Union in 1995, Åland's accession was dependent on the approval of the Åland Parliament. After the people had expressed their opinion in two separate referendums and decided that relations between Åland and the EU would be governed by a special protocol, the Parliament of Åland gave its consent.

Protocol No. 2, which is part of the Finnish Accession Treaty, states that Åland is to be considered a third country with regard to indirect taxation⁶⁵. It also contains some special provisions on the acquisition of real estate and the right to do business in Åland and confirms Åland's special status under international law⁶⁶.

In this way, Åland enforced the essential protective provisions of the Ål-Autonomy Statute, even though they blatantly contradict the EU principles of free movement. «Without successful EU membership negotiations concerning a protective system for some dimensions of the Åland Islands arrangement, the assent of the Åland Legislative Assembly could not be taken for granted»⁶⁷, comments Markku Suksi. If this had been the case the Åland Islands might have remained outside the European Union.

Apart from reserving certain rights exclusively for local residents, the EU has granted a permanent exemption from EU tax harmonization rules for Åland and ferry traffic on the islands⁶⁸. However, the EU has rejected Finland's proposal to provide for the legislative power of the Åland Islands under the 1991 Autonomy Act to regulate the right to vote and stand for election at the legislature and local councils. But this was made possible anyway, in a different way⁶⁹. Sweden and Finland became full members of the EC on January 1, 1995, including the autonomous Åland Islands belonging to Finland, with their protective rights in favour of the locals.

Domestically, Åland was able to safeguard itself accordingly in the Å Åland Autonomy Statute and secure a say in Åland's EU policy: «The Government of Åland shall have the right to participate in the preparation, within the Council of State, of the national positions of Finland preceding decision-making in the European Union, if the matter would in other respects fall within the powers of Åland or if the matter otherwise may have special significance to Åland.» (§ 59a Ål-AuSt).

⁶⁵ EU- Protocol No. 02- on the Åland islands, Official Journal C 241, Aug. 29, 1994, 0352,

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11994N%2FPRO%2F02>.

⁶⁶ ÅLANDS LANDSKAPSREGERING, *Åland och EU* (Åland and the EU), <https://www.regeringen.ax/aland-omvarlden/aland-eu>.

⁶⁷ M. SUKSI, 2013a, *supra* note 13, 69.

⁶⁸ *Id.*

⁶⁹ M. SUKSI, *id* 69: «In Declaration No. 32 on the Åland Islands of the Final Act on the Accession by the current member States, the Union recalls that, in respect of municipal suffrage and eligibility, Article 8b Treaty on the European Union (TEU) makes it possible to agree with the requests of Finland.»

When implementing EU measures, legislative power and administrative power shall be divided between the Åland Islands and the State in accordance with this Act. «The Government of the Åland Islands may contact the Commission of the European Communities on matters falling within the competence of the Åland Islands and concerning the implementation in the Åland Islands of decisions taken in the European Union.» (§ 59b Ål-AuSt).

Åland is also represented with two seats in the Nordic Council, which unites the states of the North, from Denmark northwards to Iceland.

6.3. *No protection standard against EU regulations for South Tyrol*

Austria joined the European Union (at that time the European Community, EC) on the same date as Finland and Sweden, on January 1, 1995. The accession had been preceded by a referendum on June 12, 1994, with a 66 percent approval⁷⁰, as well as the adoption of the Accession Treaty by the National Rat (Austrian decisive Parliamentary Chamber) on November 11, and the approval of the Bundesrat (Austrian Federal Council) on November 17, 1994. The accession negotiations had begun six years earlier. The so-called «Letter to Brussels» with Austria's application for membership had already been handed over to the then French Foreign Minister Roland Dumas, in his function as Chairman of the EC Council of Foreign Ministers, on July 17, 1989⁷¹.

Austria's efforts to join the EU had been delayed by EU founding member Italy. As is well known, Austria had brought the South Tyrol issue before the UN General Assembly in 1960 and 1961 and requested the full implementation of South Tyrol's autonomy⁷². After Italy had complied with the two UN resolutions of 1960 and 1961 with the Package, the new Statute of Autonomy of 1972 and the Implementing Regulations, it demanded that Austria settle the South Tyrol problem before the UN and made its consent to Austria's accession conditional on this. In June 1992, Austria finally made the declaration on dispute settlement before the UN. This opened the way to joining the EU.

In order to finally clear the way for accession, Austria agreed to join the EC without any conditions and did not demand a special clause for the protection of South Tyrol's autonomy along the lines of Finland's for the Åland Islands. This earned the Austrian government harsh criticism from the long-time deputy President of South Tyrol (1960-1989), Alfons Benedikter, who resigned from South Tyrolean People's Party's (SVP) in 1989 because of its approval for the settlement of the dispute⁷³.

The South Tyrolean Autonomy Statute does not provide for any rights of South Tyrol at the EU or international level. The Italian Constitution also reserved all matters of foreign policy

⁷⁰ AUSTRIA-FORUM: *Europäische Union. Austria-Forum: Europäische Union, EU*, https://austria-forum.org/af/Wissenssammlungen/Chronik_%C3%96sterreichs/1995_EU-Beitritt_%C3%96sterreichs.

⁷¹ REPUBLIK ÖSTERREICH, PARLAMENT, *Vor 25 Jahren: Abschluss des EU-Beitrittsvertrags und der EU-Beitritt Österreichs*, (2015), <https://www.parlament.gv.at/PERK/PE/OEINEU/EUBeitrittOE/index.shtml>.

⁷² Cf. O. PETERLINI, *supra* note 35.

⁷³ O. PETERLINI, *Autonomie und Minderheitenschutz in Südtirol und im Trentino*, Regionalrat der Autonomen Region Trentino-Südtirol, Bozen Trient, 2000, 103.

exclusively to the state. Neither the ordinary regions nor the special regions had the slightest say at the European or international level. It was not until the constitutional reform of 2001 that all the ordinary regions of Italy, and subsequently (art. 11 Const Law No. 3/2001) also South Tyrol, were given concurrent competence for «international relations and relations with the EU» (art. 117.3 It-Const). However, this is not anchored in the South Tyrolean Autonomy Statute but in the Constitution and is not secured by the guarantees of autonomy. All the regions and the two autonomous provinces of Trento and Bozen-Bolzano have since then had the right to participate, «for the subject areas falling within their competence», in the decisions taken within the framework of the EU legislative process. They also ensure the application and implementation of international agreements and legal acts of the European Union (art. 117, It-Const). The State Law (Law No. 131/2003) regulates the procedure for this, which means that the regions and autonomous provinces must act within the limits and procedures set out therein⁷⁴.

7. Safeguard measures and language regime

7.1. The right of residence, Voting Rights and Measures against Excessive Alienation

The Ål-Autonomy Statute provides for a strictly regulated «home right» or right of residence (Swedish: *Hembygdsrätt*, Finnish: *Kotisentuoikeus*) (Chap. 2, § 6-12 Ål-AuSt). It is a kind of «land-citizenship» which documents a person's permanent right of residence and thus combines various rights. It can only be granted to Finnish citizens.

This type of Åland land-citizenship and the associated right of residence were regulated in the Ål-Autonomy Statute of 1951, as amended in 1991. This kind of citizenship is enjoyed by anyone who had had the right of residence in Åland for at least five years at the time the Act came into force in 1952, and by minors under the age of 18 who are Finnish citizens and reside in Åland, provided at least one parent has the right of residence. This right of residence or domicile can also be granted on application, but only to Finnish citizens who are resident in Åland, have been resident there without interruption for at least five years and have a sufficient command of the Swedish language.

Important rights are tied to this «right of residence», such as the right to vote and to stand for election to the Åland Parliament (*Lagting*), the municipal councils and all other positions of trust in the provincial and municipal administration, and the right to engage in trade and to exercise a profession. The right to acquire real estate or similar assets in Åland is essentially reserved for locals and restricted by law for others⁷⁵. «Persons who do not have the right of residence of Åland, as well as companies, cooperatives, associations, other bodies, institutions, foundations or unions may not acquire or manage immovable property in the province without permission from the provincial government. Exceptions to this may be provided for by the Provincial Act.» (§ 2 Åland Acquisition Act)⁷⁶.

⁷⁴ M. ROSINI-O. PETERLINI, (German version), *Europa der Regionen, Anwendung des EU-Rechts und Euregio*; Master Course I° livello, Libera Università di Bolzano, 2019, Chap. 2, b, c, 100-205, <https://unibz.academia.edu/OskarPeterlini>.

⁷⁵ FINLEX: *Åland Autonomy Statute*, *supra* note 55, Chap. 2.

⁷⁶ *Jordförvärlag för Åland*, *supra* note 56.

South Tyrol's legal system does not recognise provincial citizenship and certainly does not impose any restrictions on the right of residence. In the old Austria, however, there was a similar institution, which lives on as a concept in the new Austrian Federal Constitution (albeit without the restrictions of the time): «Those citizens who have their main place of residence in a Land are its Land-citizens». (Art. 6.2 Federal Constitutional Law of Austria)⁷⁷.

However, the South Tyrol Autonomy Statute, in analogy to Åland, provides for a restriction of the right to vote. The prerequisite for exercising the right to vote in provincial and municipal elections in the province of Bolzano/South Tyrol is four years of uninterrupted residence in the territory of the region of Trentino-South Tyrol (art. 25 ST-AuSt), most of which in South Tyrol. Since the South Tyrolean Autonomy Statute (in art. 25.2) - in contrast to Åland - only speaks of active electoral rights, the extension to passive electoral rights originally envisaged by the regional law was dropped as of 1989 (Reg. Law No. 9 of December 28, 1989).

A further protective measure and brake against immigration in South Tyrol should have been the priority of residents in job placement (as provided by art. 10.3 ST-AuSt). However, this norm violates the EU law of free movement and freedom of establishment and of non-discrimination of EU citizens, to which South Tyrol has to adhere⁷⁸.

7.2. *The position of languages*

Apart from the fact that Finnish and Swedish are official languages with equal rights throughout the whole of Finland (§ 17 Fi-Const), Swedish is the only official language in Åland. Knowledge of Swedish is (in addition to historical residency and Finnish citizenship) the further requirement for acquiring the «right of residence» in Åland.

In the Ål Autonomy Statute, under the title of Official Language, it states rather unequivocally: *Landskapet är enspråkigt svenskt.* (The province is Swedish). Also, the official language of the state and provincial authorities, as well as the municipal administration in the province is Swedish. (§ 36 Ål-AuSt). Even the official language of the Åland Delegation, the joint institution of the province and the Kingdom, is Swedish. For the cases provided for in the Ål Autonomy Statute, the declarations and decisions of the Supreme Court must also be written in Swedish (§ 36.3 Ål-AuSt).

The use of the Finnish language, on the other hand, is only a subjective right of Finnish citizens. They have «the right to use the Finnish language in a provincial court and other state authorities» (§ 37 Ål-AuSt). Finnish is only offered as an optional subject in schools.

Letters and other documents exchanged between provincial authorities and state authorities in the province must be in Swedish. The same provision shall apply also to correspondence between the said authorities and the Åland Delegation, on one hand, as well as the Council of State, the officials in the central government of Finland and the superior courts and other State

⁷⁷ O. PETERLINI, *Doppio passaporto – l'intento austriaco, il diritto internazionale, i precedenti italiani*, in *Nomos-Le attualità nel diritto*, n. 1/2020, Chap. 7.3 (2020).

⁷⁸ Cf. Chap. 0 6.2. International participation and EU protection rules for *Åland*.

officials to whose jurisdiction Åland or a part thereof belongs, on the other hand (§ 38.1 Ål-AuSt).

In South Tyrol, the situation is different because the province is not almost exclusively monolingual like Åland but is trilingual (although about 62 percent are German speaking). The German language has equal status with the Italian language in the region, i.e., in South Tyrol and in Trentino. However, in acts having the force of law and whenever the statute provides for a bilingual version, the Italian wording is decisive. The statute also underlines that Italian is the official language of the state. (art. 99 ST-AuSt).

For Italians, the use of their language is guaranteed everywhere; this was not specifically codified, since Italian is the state language. German-speaking citizens have the subjective right to use their mother tongue in public offices. They have the right to use their language in their dealings with the judicial offices and with the organs and offices of public administration that have their seat in the province or have regional jurisdiction, as well as with the concession companies that provide public services in the province (art. 100.1 ST-AuSt).

The Ladins have the right to use the Ladin language in oral and written communication with the public administration offices in the Ladin localities, as well as with those offices of the province that carry out tasks in the interest of the Ladin population (art. 32, DPR 574/1988).

In the meetings of the collegial bodies of the region and the province of Bolzano, as well as the local bodies in this province, the Italian or German language may be used, in the Ladin valleys also the Ladin language (art. 100.2 ST-AuSt). Knowledge of both provincial languages, Italian and German, is a prerequisite for entry into the public service in South Tyrol (DPR 752/1976, art. 1).

An essential difference to Åland and a problem in the use of language in court is that the use of German is only provided for within the region, which means that all documents, e.g. appeals to the central courts, must be translated. In many cases, therefore, plaintiffs in court forego the use of German from the outset if they expect to have to reckon with going through the higher courts.

Interestingly, in Finland, the use of Swedish is not only possible in the Supreme Court, but even for the documents in the Parliament in Helsinki, because Swedish is also an equal state language. «The government and other authorities shall submit the necessary documents for consideration in Parliament in both Finnish and Swedish.» The same applies «to parliamentary answers and communications, committee reports and statements, and written proposals from the Conference of Presidents». This is not provided for in the Ål Autonomy Statute, but directly in the Fi Constitution (§ 51).

In principle, the use of the minority language is also satisfactorily protected and regulated in South Tyrol, although weaker so than in Åland. However, one must also take into account the fact that a quarter of the population of South Tyrol speaks Italian and must be equally protected, which is why a provision only for the minority language would be inappropriate. In contrast, 94 percent of the Åland population speaks Swedish⁷⁹.

⁷⁹ F. DAFTARY, *supra* note 21, 94.

More problematic is the effective use of language, since many Italians, especially those of the middle and older generations, have little knowledge of German, which also applies to most police forces and some offices. Incidentally, the language can be freely declared (usually in the census) in a confidential act. This free choice implies that everyone can declare as they wish. However, this does not exclude purely opportunistic declarations, for example to apply for public positions. The posts are in fact reserved for the three language groups according to ethnic proportionality (art. 89 ST-AuSt).

In South Tyrol, this institute ensures proportional representation by language groups in the public and state administration and the organs⁸⁰. It is a proven means of consensual democracy. In comparison to Åland, with this protective measure, albeit controversial, South Tyrol is one step ahead.

8. *Autonomous legislation and administration*

Åland and South Tyrol (in addition to the region) have both legislative and administrative autonomy, i.e. they can enact their own laws and administer these areas within the framework of certain competencies. The legislative and administrative bodies in South Tyrol and Åland are similar:

The legislative body, i.e. the provincial parliament, the *Landtag*, in Italian *Consiglio Provinciale*, in South Tyrol (art. 47 ST-AuSt), corresponds to the *Lagting* (in Swedish) or *Maakuntapäivät* (Finnish) in Åland (§ 13 Ål-AuSt)⁸¹.

the executive body, i.e. the provincial council or government, the *Landesausschuss* or *Landesregierung*, in Italian *Giunta provinciale* (art. 50 ST-AuSt) corresponds to the *Landskapsregering* in Åland, Finnish *maakunnan Hallitus* (§ 16 Ål-AuSt),

the President, the *Landeshauptmann* of South Tyrol, in Italian *Presidente della Provincia* (art. 52 ST-AuSt) corresponds in Åland to the Chairperson of the *Landskapsregering*, the *Lantrådet*, Finnish *Maaneuvosta*. However, this is not qualified as a separate body in Åland's Statute of Autonomy but is only mentioned once because of possible charges and the proceedings against the Chairperson (§ 60b Ål-AuSt).

In Åland, a particularly important role is played by the Speaker of the Provincial Parliament (*lagtingets talman/maakuntapäivien puhemies*), who acts as a partner in reaching an agreement with the state: for example, in the appointment or dismissal of the Governor (§ 53-54 Ål-AuSt) and the dissolution of the *Lagting* (§ 15 Ål-AuSt). In South Tyrol, the President of the Landtag has primarily internal tasks, namely the conduct of the sessions and the management of the Landtag (48ter ST-AuSt and internal rules of procedure).

The *Lagting*, the Åland Parliament, is opened and closed by the President of the Republic or by the Governor on his behalf (§ 14 Ål-AuSt). In addition, the President of the Republic, after

⁸⁰ Cf. O. PETERLINI, *Der ethnische Proportz in Südtirol*, Athesia, Bozen, 1980.

⁸¹ Because of the linguistic relationship and the comparability between German and Swedish, the first designation for the names in South Tyrol is always in German and for Åland in Swedish, followed by the Italian or Finnish designation.

consultation with the Speaker of the Åland Parliament, may dissolve the Åland Parliament and order elections. The right of the Åland Parliament to decide on dissolution and the calling of elections is regulated in an Åland Act (§ 15 Ål-AuSt). Apart from this last possibility, which is similar to that in South Tyrol, the regulation in South Tyrol is - from a constitutional point of view - significantly more autonomous.

Elections to the Landtag, the provincial Parliament in South Tyrol are called by the President of the province, i.e. in an autonomous manner (art. 48.1 AuSt), whereas in Åland they are called by the President of the Republic or his representative. Dissolution by the President of the Republic only takes place in South Tyrol, if the Landtag commits unconstitutional acts or serious violations of the law, or for reasons of national security, i.e., only in exceptional cases (art. 49bis ST-AuSt). The provisions on the election of the Landtag and the form of government are, as mentioned, enacted by the Landtag by means of a reinforced law (art. 47.2 ST-AuSt).

8.1. *Legislative competences*

Åland has far-reaching competencies, which are listed in a long catalogue (in § 18 Ål-AuSt) as a total of 27 points. In this regard, it follows the same pattern of the South Tyrol Autonomy Statute, which also makes a taxative enumeration. However, the Ål-Autonomy Statute also provides for an enumeration of state competencies (§ 27 Ål-AuSt).

The new South Tyrolean Autonomy Statute of 1972 transferred (besides state areas) most of the former competences of the Region Trentino Alto Adige-Südtirol to the two provinces, so that only some regulatory competences remained to the region (see art. 4 and 5 ST-AuSt). Thus, the two autonomous provinces of Bozen-Bolzano and Trento have been strengthened. The mayor areas of their autonomous legislation are mainly listed in art. 8 (in primary competence, 29 points) and 9 (in concurrent competence, 11 points) of the South Tyrolean Autonomy Statute.

8.2. *Tab. Comparison of the competencies of the autonomous legislation of Åland with those of South Tyrol*

Competences of the Åland Legislature Lagting	Analogue competence of South Tyrolean Legislature (St) Landtag/Consiglio provinciale			
in Ål-AuSt (§ 18)	in ST-Autonomy Statute (art. 8 and 9 and others)			
	also in ST	in restricted. why	St and	not in St Sources: «art.» without indication = ST-AuSt

1) Organization and duties of Åland Parliament and election of its members, Government of Åland and officials and services subordinate to it	yes			art. 8 n.1 art. 47
2) Officials of Åland, the collective agreements on salaries of employees of Åland and sentencing of officials of Åland to disciplinary punishment;	yes	art. 117.2 e) Const		art. 8 n.1
2a) Employment pensions of the employees of Åland and the elected representatives in the administration of Åland, as well as of the headteachers, teachers and temporary teachers in the primary and lower secondary schools in Åland;		art. 117.2 o) Const, only complementary, art. 117.3	no	Only for member of prov. Parl. (art. 26; 47 AuSt. art. 69 Const)
3) Flag and coat of arms of Åland and use thereof in Åland, use of Åland flag on vessels of Åland and on merchant vessels, fishing-vessels, pleasure boats and other comparable vessels whose home port is in Åland, without limiting the right of State offices and services or of private persons to use the flag of State.		Banner and coat of arms must be approved by the President of the Republic. For navigation and others, the national flag must be used.		art. 3.4
4) Municipalities: boundaries, elections, administration and their officials, collective agreements on the salaries and sentencing of their officials to disciplinary punishment		Competence of region		art. 4 n.3
5) Additional tax on income for Åland and provisional extra income tax, as well as trade and amusement taxes, bases of the dues levied for Åland and		Only competing competence		art. 72; 73; 79
the municipal tax;	yes			art. 80
6) public order and security, with the exception of firearms, ammunition, armed forces and border guards; and		Only competing competence for public performance		art. 9 n. 6;

Firefighting and	yes	Competence of the region delegated to the provinces		art. 4 n. 6
rescue service	yes			art. 8 n.13;
7) Building and land-use plans, housing construction,	yes			art. 8 n. 5+10
neighbouring law conditions,		Not for minimum construction distances	no	Const art. 117.2 lit l; Civil Code art. 873
8) expropriation for public benefit in return for full compensation, except for the needs of the state;	yes			art. 8 n. 22
9) tenancy and rent regulation, lease of land;		Const art. 117.2 lit l+m	no	
10) protection of nature and environment, recreational use of nature, water law;		Nature parks, smaller hydraulic works, landscape protection, without environment		art. 8 n. 6+16 +24; 13; Const art. 117.2 lit s
11) ancient heritage, protection of buildings and objects of cultural and historical value in the landscape,	yes	except for state-owned property		art. 8 n. 3+4
12) health care, medical treatment, cremation, with the exceptions of deprivation of liberty, pandemics, sterilization, abortion, artificial insemination, forensic medicine, drugs, health qualifications, pharmaceuticals, et similar.		competing competence with the same exception		art. 9 n. 10
13) social welfare;	yes			art. 8 n. 25, 27
authorization to serve alcoholic beverages,		competing competence		art. 9 n. 7
14) Education, apprenticeships, culture, youth work; archives, libraries and museums, with the exception of state archives; and	yes			art. 8 n. 4
sport		competing competence		art. 9 n. 11

15) farming and forestry, regulation of agricultural production, provided that the State officials concerned are consulted prior to the enactment of legislation on the regulation of agricultural production;	yes			art. 8 n. 8+21
16) hunting and fishing, the registration of fishing vessels and the regulation of the fishing industry;	yes	limited by the competence of the state to environmental protection (Const art. 117.2 s)		art. 8 n. 15 Const Court ⁸²
17) prevention of cruelty to animals and veterinary care, with exception of pandemic control and import bans	yes			art. 8 n. 15, 16, 21; art. 9 n. 10
18) maintenance of the productive capacity of the farmlands, forests and fishing waters;	yes			art. 8 n. 21
obligation, for this purpose, to give agricultural land and fishing waters which are unused or only partially used into the possession of someone else for a certain period of time, against full compensation.		Expropriation for public purposes only, not for private use		art. 8, n. 22; Const art. 117.2 lit 1 and Civil Code
19) the right to explore for, mine and exploit mineral deposits;	yes			art. 8 n. 14
20) Postal service and the right to exercise radio and television broadcasting activities within the region, without foreign relations;		Posts no; use of Radio- TV yes, but without the right to establish radio-Tv stations		art. 8 n. 4
21) Roads and canals, road traffic, rail traffic, boat traffic, fairways for local maritime traffic,	yes	from local interest		art. 8 n. 17+18
22) Business activities, taking into account the restriction for those without the right of residence and the competencies of the state		competing competence		art. 9 n. 3

⁸² Inter alia Judgements of the Constitutional Court n. 536/2002, n. 227/2003; O. PETERLINI, *Südtirols Autonomie und die Verfassungsreformen Italiens*, New Academic Press, Wien, 2012, 256-274.

23) Promotion of employment,	yes			art. 8 n. 23, art. 9 n. 5; 10
24) Statistics regarding the conditions in the region		only delegated		Const art. 117.2 lit r
25) Creation of an offence and extent of the penalty for it in respect of a matter falling within the legislative competence of Åland;		Administrative penalties yes, penal law no	no	Const art. 117.2 lit l
26) Imposition of a threat of a fine and the implementation thereof, use of other means of coercion in respect of a matter falling within the legislative competence of Åland;	yes	Administrative penalties yes, penal law no		art. 16;
27) other matters deemed to be within the legislative power of Åland in accordance with the principles underlying this Act.		Residual clause only according to Const 117.4		
Further provisions in the Ål-AuSt				
§ 28 The amendment of a Constitutional Act or another State Act shall not enter into force in Åland without the consent of the Åland Parliament, insofar as it relates to the principles governing the right of a private person to own real property or business property in Åland.			no	
§ 30,2 The word «Åland» shall be incorporated in a passport issued in Åland if the holder of the passport has the right of domicile;			no	
44 (28.2.2020/98) Economic autonomy (1) The province of Åland has economic autonomy as defined in this Act.	yes but limited to the areas listed.	Primary: Town and land planning, subsidised housing, inland ports, fairs, markets, mining, mineral- and thermal waters, hunting, fishing, farming, local public works,		art. 8

		communication and transport in the province's area of interest, tourism, hospitality, agriculture, forestry,		
		competing competence: commerce, public enterprises, industry		art. 9 n. 3, 7, 8
§ 44,2 The Åland Parliament adopts the budget for the Åland Islands. Detailed provisions on the budget are laid down in provincial law.	yes			art. 84
§ 44,3 The Åland Islands may take out loans and issue bonds for the needs of self-government.		Loans only for investments, issuance of bonds not		Const art. 119,6

The first column indicates the competencies of the Ål-AuSt (§ 18, etc.), the second («also in ST») whether there is a corresponding competence also in South Tyrol (St); the third column indicates those competencies that also apply to South Tyrol, but in a restricted form, either because they are only of a concurrent character (i.e. the state establishes the principles for them), or because only a part applies to South Tyrol, or because the competence does not lie with the province but with the region. The last column on the right indicates the sources on which the competencies in the ST-AuSt are based, or the competencies and their limits in the Constitution. The articles («art.») without further indication refer to the ST-AuSt. The Civil Code (Codice Civile) falls under the exclusive competence of the State (It-Const art. 117.2).

The Åland Provincial Government summarises the most important competencies of the autonomous legislation as follows⁸³: education, culture and the preservation of ancient monuments, health and medical care, the environment, promotion of industry, internal transport, local government, policing, postal communications, radio and television.

The latter three competencies go far beyond South Tyrol's autonomy. Police, post, radio and television are state competencies in Italy.

⁸³ UTRIKESMINISTERIET (Ministry of Foreign Affairs), *Ålands särställning* (Åland's special position), <https://um.fi/aland-sarstallning>.

The competencies of the state listed in § 27 Åland Autonomy Statute are summarised as follows. Finnish state law applies in the areas in which the Åland Parliament does not have legislative powers: foreign affairs, most areas of civil and criminal law, the court system, customs, state taxation⁸⁴.

These latter competencies are also competencies of the state in Italy, which go far beyond (art. 117.2 it-Vf).

According to the St Autonomy Statute, South Tyrol has no jurisdiction beyond the list in the Ål Autonomy Statute. Therefore, a separate presentation is not necessary. However, South Tyrol's competencies must also include those additional areas that the 2001 constitutional reform (Const-law 3/2001) transferred to the ordinary regions (compare chap. 3.2) and which subsequently also apply to South Tyrol. They are listed in the Italian Constitution in art. 117, para. 3 (concurrent) and are contained in para. 4 (residual clause in favor of the regions).

Some areas of so-called concurrent legislation actually extend beyond those of Åland (art. 117.3). However, they are not enshrined in the St Autonomy Statute and are subject to the essential principles established by state law, so they are not comparable to Åland's exclusive competencies. These are the following areas:

Foreign trade, professions, ports and civil airports, major transport and shipping networks, regulation of communications; production, transport and nationwide distribution of energy; and coordination of public finances and the tax system, savings banks and credit institutions of a regional character. The constitutional reform of 2001 thus not only removed the preventive control of provincial laws but also extended South Tyrol's autonomy. However, the Constitutional Court has subsequently restricted many of South Tyrol's autonomous rights through restrictive interpretations, by qualifying state competencies as transversal areas⁸⁵.

Also, these competencies, which are not in the Statute of Autonomy but the Constitution, could be taken back by a constitutional amendment of the state, as for example, the Parliament had decided with the constitutional reform Renzi-Boschi in 2016. This meant that these additional competencies for South Tyrol also lapsed⁸⁶. However, the reform was rejected by the people in a referendum on 4 December 2016.

8.3. *The quality of competences*

In terms of the number of competencies, South Tyrol does not lag much behind those of Åland. But the importance of the latter competencies (police, post etc.) and the international competencies of Åland go far beyond this.

An important distinction is also immediately apparent: while all of Åland's competencies are exclusively reserved for autonomous design, those of South Tyrol are differentiated into three

⁸⁴ *Id.*

⁸⁵ Cf. F. MARCELLI-V. GIAMUSSO, *La giurisprudenza costituzionale sulla novella del titolo V*, Senato, Servizio Studi No. 44 (2006); O. PETERLINI, *supra* note **Errore. Il segnalibro non è definito.**, 256-274, Cf. e.g. on hunting, note **Errore. Il segnalibro non è definito.**

⁸⁶ O. PETERLINI, *supra* note 59, 195-210.

quality levels and subjected to corresponding limits: so-called primary, under certain reservations comparable to the exclusive ones (art. 4 for the region, art. 8 for the province, ST-AuSt); secondary or concurrent, in which the state lays down the principles and the autonomies can regulate the details (art. 5 for the region, art. 9 and others for the province, ST-AuSt); and tertiary, which can only be complementary to the state (art. 6 region, art. 10 province, ST-AuSt). The particular weakness lies in the limits of legislation for all three quality levels. In fact, the regional and provincial laws of South Tyrol must adhere to the following limits:

1. conformity with the Constitution,
2. principles of the legal order of the Republic,
3. international obligations, including the EU treaties,
4. national interests,
5. principles of economic-social reform,

in the secondary, concurrent area, also to the principles of state laws.

The fact that provincial laws must adhere to the Constitution is not up for discussion. Åland's laws must also comply with the Constitution and are checked by the President of the Republic to ensure that they do not exceed competencies and endanger security. Nonetheless, the narrower limits for autonomies in Italy are fundamentally different from Åland's autonomy. In international treaties, Åland has a clear right of co-determination, as well as in EU implementation. The limits, national interests, principles of economic-social reforms and state laws are not known to Åland's legislation.

The «counter-list» of the state's competencies (art. 27 Ål-AuSt, *Rikets lagstiftningsbehörighet*) is also revealing, because it contains reservations that turn out to be Åland's competencies, such as the Åland Provincial Government's consent to nuclear energy installations.

8.4. Competences in the administrative sphere

While for South Tyrol the principle applies that the competencies of the administration apply in parallel to those of the legislation (art. 16 ST-AuSt), in Åland various administrative tasks are added, which are subject to state legislation, but in Åland are transferred either by agreement or directly to the government in Åland for administration. This applies, for example, to permission for foreigners or foreign associations to own real estate in the province or to conduct business there (art. 30 Zi 7 Ål-AuSt), the import of plant protection products and legislation on the production and use of poisons.

In South Tyrol, too, the state has delegated additional competencies to the province (e.g. state roads, German and Ladin radio and TV broadcasts, the cadastral system, the payment of teachers, the university or, to the region, the judiciary, without judges), but these are not in the South Tyrolean Autonomy Statute and can also be revoked.

8.5. *Legislative control*

Once a provincial law has been passed by the Lagting in Åland, it cannot immediately enter into force. It must first be submitted to the Ministry of Justice and the Åland delegation. The latter gives an opinion to the Ministry of Justice. The Act is then submitted to the President of the Republic with the opinion of the Åland delegation. After obtaining the opinion of the Supreme Court, the President may veto the law or part of it or release the law. However, the veto can only be done on two grounds: if the President is of the opinion that the Lagting has exceeded its legislative power, or the provincial law endangers the internal or external security of the state. The President must make his decision within four months (art. 19-20 Ål-AuSt), but a long time!

There is an exception that allows for a more expeditious procedure. If an allocation of funds contained in the Åland budget requires the enactment of an Åland law, and if there are special urgencies, the Lagting may authorise the provincial government to enact the law in whole or in part even before the President of the Republic decides whether or not to veto it. In this case, the law may subsequently be annulled by the President of the Republic (art. 20,3 Ål-AuSt).

A similar, even more restrictive, preventive control is also provided for in the for the provincial laws of South Tyrol and the laws of the region. The provincial or regional law must, after its respective approval by the provincial (Landtag) and regional parliaments, be sent to the state government, which can reject the law within thirty days for exceeding its competencies or for violating the national interests or those of the region or the other province (art. 55 ST-AuSt). In the case of an insistence resolution (with an absolute majority) of the provincial or regional parliament, the government can challenge the law before the Constitutional Court, or before the state parliament on the grounds of the violation of national interests. This would make the local law subject to a political judgement.

Formally, it still stands in the South Tyrolean Autonomy Statute (art. 55), but the constitutional reform of 2001 (Constitutional law no. 3/2001) abolished this procedure for all regions of Italy. According to this, the provincial and regional laws can enter into force after their approval and publication, without preventive control by the central government. The state government can only challenge them before the Constitutional Court within 60 days (art. 127 it-Const). Meanwhile, the state law remains in force. The procedure is thus much more autonomy-friendly than that of Åland's.

9. *Conclusions*

In view of its far-reaching autonomy, which is only just below the threshold of full independence, some authors describe the Ålanders as one of the best-protected national minorities in the world (references). But South Tyrol's autonomy is also cited as a successful model for minority protection; both have their strengths and weaknesses.

The South Tyrolean Autonomy Statute is a constitutional law that stands on the highest level of legal sources, the Åland Autonomy Statute does not, but it is equally rigid and secure in the Finnish Constitution. The far greater advantage than this formal aspect of the Ål-AuSt, however, is that it can only be amended by consensus. This means that the competence-competence (i.e. the authority to define Åland's competencies) in Åland does not belong to the national parliament alone but to the same extent the *Lagting*.

Åland's provincial laws are subject to the preventive control of the President of the Republic. Historically, South Tyrol's provincial laws required the government's approval and were subject to a similar procedure. However, since the 2001 reform of the Constitution, there is no longer preventive control. The South Tyrol legislative procedure is more autonomy-friendly than that of Åland.

As far as financing is concerned, both autonomies have no financial sovereignty, apart from minor taxes. South Tyrol's financial regulation stipulates that 90 percent of the territory's tax revenue is refunded to the province, but since 2014 South Tyrol has also contributed to the interest burden of Italy's high national debt so that this percentage has dropped to around 80 percent. Both autonomies, however, have far-reaching spending autonomy.

New financial provisions have entered into force for Åland as of the beginning of 2021 (Chapter 7, § 44-51 Ål-AuSt). Each year, the Åland Islands receive a sum of money from state funds to cover the costs of autonomy. The amount is determined in a special compensation procedure. From the point of view of autonomy, the South Tyrolean system is more favourable than financing that relies on subsidies from the central state, as was the case with the former South Tyrolean system.

Åland's autonomy is much broader in terms of competencies, both in terms of subject matter, which includes a few more important areas, and especially in terms of quality. By comparison, all of Åland's competencies are exclusive, while South Tyrol has only secondary competence in many areas and must abide by the principles of state law.

The special clause on Finland's accession to the EU enables Åland to better protect its special features, especially its provincial citizenship and the Acquisition Act. Neutrality and demilitarization are also advantages, that South Tyrol cannot match. However, both are subject to constant erosion through the transfer of competencies to the EU, with only Åland having the right of co-decision.

The government representative in Åland is appointed in agreement with the speaker of the provincial parliament (the equivalent of the president of the provincial parliament in Italy); for South Tyrol, the state alone decides. Their duties are also more comprehensive in South Tyrol, as he is responsible for the entire state administration and the power of public safety.

The language regime in Åland is just as generous; the languages have equal rights in South Tyrol too, but in bilingual texts the Italian wording is authoritative. The fact that there cannot be an exclusive provincial language in South Tyrol, as in Åland, is necessary because of the strong presence of the Italian and German ethnic groups.

An important advantage for Åland is the secure constituency in parliament. South Tyrol also provides its representation in parliament, but always has to fight for exceptions when electoral

laws provide for special thresholds. A separate European seat is on the wish list of both autonomies, whereby South Tyrol would have a better starting position because of its population size. Through an agreement with a nationwide party and a clause for linguistic minorities in the Italian European Election Law, South Tyrol has so far always been able to provide one EU parliamentarian, sometimes even two. The election of one representative is thus favored, but not guaranteed.

In summary, it can be said that both autonomies have reached a degree of self-legislation and self-administration that makes it possible to guarantee the protection of the various language groups. Both are capable of further development; the autonomy of Åland has more comprehensive competencies than South Tyrol, both quantitatively, and especially qualitatively.

No autonomy is static; it must keep pace with social, economic and cultural developments, as well as to adapt to domestic and supranational changes. In Åland, three commissions have been set up to work on updating autonomy and their reports have been submitted: one commission of the central state, one of the Åland Provincial Parliament and one joint between the state and the province⁸⁷. In South Tyrol, the provincial parliament enacted a specific provincial law (of April 23, 2015, no. 31) and set up an autonomy Convention in a new, participatory process⁸⁸. The Convention worked for more than one and a half years, from January 2016 to September 2017, collecting several suggestions to improve autonomy⁸⁹. But since then, nothing has happened and the results risk gathering dust. This would also require agreement with the state. After all, the Statute of Autonomy is almost 50 years old.

In order to design a model for an ideal autonomy, the following conclusions and preconditions can be noted:

1. The first autonomy statutes were unsatisfactory in both cases and led to conflicts. Pacification only set in when autonomy was achieved that allowed for genuine protection and self-administration and legislation.

2. Both autonomies were internationally anchored and bilaterally negotiated. Both have been consolidated domestically through constitutional arrangements. These preconditions ensure each autonomy the necessary sustainability and legal certainty.

3. The autonomies finally brought peace to the conflicts in both countries and guaranteed the protection of the linguistic minority and the peaceful coexistence of the language groups, which is an additional advantage, especially in South Tyrol because of its linguistic diversity.

4. The history of the two ethnic groups shows how resistance to oppressive systems and the will to secede increases the greater the pressure. Conversely, acceptance towards the state increases when a satisfactory solution is found, and an autonomous framework is granted. From this point of view, the granting of satisfactory autonomy is also in the interest of the host state because it reduces the will to secede making its borders more secure.

⁸⁷ S. SIMOLIN, *The Aims of Åland and Finland Regarding a New Act on the Autonomy of Åland*, in *Journal of Autonomy and Security Studies*, JASS, 2(1) 2018, 8-48.

⁸⁸ T. BENEDIKTER, *supra* note 4, at 94-98.

⁸⁹ EURAC RESEARCH, *Autonomiekonvent*, <http://www.konvent.bz.it/de/content/autonomiekonvent-stellt-ergebnisse-im-landtag-vor-0.html>; <http://www.konvent.bz.it/de/files.html>.

5. In both cases, the autonomy is territorial, which means that in the sense of a vertical division of powers, responsibilities in legislation and administration have been transferred to the sub-state level. As well as the protection of minorities, this division also enables a citizen-oriented administration and stronger democratic participation of the citizens, which is expressed in satisfaction.

6. In South Tyrol, this territorial autonomy was complemented by ethnic group protection, i.e., aspects of ethnic autonomy and instruments of concordance democracy, which guarantee the participation of all language groups in public life. In the case of several language groups, this instrument has proven equally effective, as the example of Switzerland also shows.

7. Both autonomies are embedded in democratic states that have enshrined fundamental rights in general, and the protection of minorities in particular, in their constitutions. Democracy, the rule of law and equality for all citizens are essential prerequisites for autonomy⁹⁰. Otherwise, even with the best intentions, it is in danger of falling into disrepair, as the example of Hong Kong not least shows⁹¹.

8. From the strengths and weaknesses of the two models compared, an ideal model of autonomy can be sketched. It is not only the abundance of competencies that is decisive but their quality. The competencies should be exclusive in an ideal, far-reaching autonomy, to avoid conflicts and legal disputes before the constitutional court, as is the case in Italy.

9. The legislative process in Italy's autonomies, on the other hand, is much more autonomous than in Åland; regional and provincial laws come into force immediately, and the state can challenge them before the Constitutional Court, just as the regions and autonomous provinces can challenge state laws.

10. Peace can probably only be guaranteed in the long term if amendments to the autonomy statutes are made bilaterally (or multilaterally). In Åland, agreement on this is anchored in the Constitution, in South Tyrol, it is politically assured but not anchored.

The models that can be drawn from these considerations are, of course, theoretical ideals. The realities of the world are different everywhere; every model must take into account the different situations presented. It is probably not possible to implement ideals anywhere. However, such ideals can provide a framework and serve as models to ease ethnic conflicts and create peace.

ABSTRACT

Le isole Åland si trovano nell'alto nord nel mar Baltico tra la Svezia e la Finlandia e contano 30.000 abitanti. L'Alto Adige-Südtirol si trova sul versante meridionale delle Alpi, con oltre 500.000 abitanti. Entrambe le aree sembrano avere poco in comune. In realtà, però, sono unite dalla peculiarità di un'autonomia e da un destino comune. Åland è popolata da una popolazione svedese, ma è diventata parte della Finlandia dopo la Prima guerra mondiale. Il Sudtirolo fu staccato dalla madrepatria Tirolo e dall'Austria nello stesso periodo e divenne parte dell'Italia. Dopo anni difficili, hanno raggiunto uno stato di autonomia, apprezzato come un modello per la soluzione dei problemi delle minoranze. Questo studio comparativo analizza la portata di queste autonomie, i loro punti di forza e di debolezza.

⁹⁰ T. BENEDIKTER, *supra* note 4, 20-23.

⁹¹ O. PETERLINI, *Hongkong - die Schwächen einer starken Autonomie, Gründe für ihre Krise*, in *Europa Ethnica* 3/4, 2020, 113-125.

Åland is a group of islands located in the northern hemisphere in the Baltic Sea between Sweden and Finland with only 30,000 inhabitants. South Tyrol lies on the southern slope of the Alps and has over 500,000 inhabitants. At first sight, the areas seem to have little in common; however, they are united by the peculiarity of autonomy and a similarly fateful history. Åland has a Swedish population but became part of Finland after the First World War. South Tyrol was detached from its motherland Tyrol and Austria during the same period and became part of Italy. After difficult years, they acquired autonomy, which is often praised as a model for the solution of minority issues. This comparative study will analyze the extent of these autonomies and their strengths and weaknesses.

PAROLE CHIAVE

Åland, Alto Adige, confronto, autonomia, minoranze etniche, modello di pace.

KEYWORDS

Åland, South Tyrol, comparison, autonomy, ethnic minorities, model for peace.

Oskar Peterlini, Autonomy – Model for Conflict Resolution? Åland and South Tyrol – 100 Years in a Foreign State – Comparison and Conclusions

Abstract[It]: Le isole Åland si trovano nell'alto nord nel mar Baltico tra la Svezia e la Finlandia e contano 30.000 abitanti. L'Alto Adige-Südtirol si trova sul versante meridionale delle Alpi, con oltre 500.000 abitanti. Entrambe le aree sembrano avere poco in comune. In realtà, però, sono unite dalla peculiarità di un'autonomia e da un destino comune. Åland è popolata da una popolazione svedese, ma è diventata parte della Finlandia dopo la Prima guerra mondiale. Il Sudtirolo fu staccato dalla madrepatria Tirolo e dall'Austria nello stesso periodo e divenne parte dell'Italia. Dopo anni difficili, hanno raggiunto uno stato di autonomia, apprezzato come un modello per la soluzione dei problemi delle minoranze. Questo studio comparativo analizza la portata di queste autonomie, i loro punti di forza e di debolezza.

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