

Co-existence in some plural European societies

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- To secure justice for minority or majority groups suffering discrimination, by investigating their situation and publicising the facts as widely as possible, to educate and alert public opinion throughout the world.
- To help prevent, through publicity about violations of human rights, such problems from developing into dangerous and destructive conflicts which, when polarised, are very difficult to resolve; and
- To foster, by its research findings, international understanding of the factors which create prejudiced treatment and group tensions, thus helping to promote the growth of a world conscience regarding human rights.

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Co-existence: some plural European societies

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The picture on the cover is *The Co-existence Tree* by E. Box.

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This Report originated in discussions with The Churches' Project on Human Rights and Responsibilities in the United Kingdom and the Republic of Ireland, at which it was suggested that some constructive and positive lessons for helping to resolve the current problems of Northern Ireland might be learnt from looking at examples of co-existence in other plural societies. The present examples are limited to Europe, but although every minority situation is distinct and unique, they may be of interest elsewhere in the world.

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THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from any fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interest.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

MRG Reports deal with major human problems, so that, although hopeful aspects are recorded, the impression left may be one of pessimism. Reading several Reports in sequence can even provoke the view that man's inhumanity to man is unceasing and that conflict between ethnic or religious groups cannot be reduced in plural societies.

Such cynicism would be misguided. There are ways forward, even though these cannot promise overmuch: fundamental problems of social and political organization do not disappear overnight or even over a century. Nonetheless, there are some significant examples of ethnically or religiously segmented societies where civil war once prevailed or which plagued international statesmen and disrupted relationships between neighbouring States, but where this situation no longer prevails. Although, obviously, the risks of conflict inherent in any plural society remain, these societies now exhibit political characteristics and employ governmental arrangements which encourage amicable inter-group relationships.

In this context Switzerland trips from the lips. But Swiss ability to accommodate and reduce inter-group conflict is not unique in Western Europe. Nor can it be contended that its relatively successful political arrangements work only because of an unusual combination of historical and geographical factors. Holland, Belgium, Finland and Italy have also had major inter-communal problems, but have ameliorated these and exemplify societies where such divisions are currently accommodated.

Obviously some examples are happier than others. The length of time their compromises have endured is longer (Holland and Switzerland). Others have only relatively recently reached an accommodation (Italy regarding the South Tyrol, and Belgium). Their success naturally stimulates questions whether such success is merely the result of geographical and historical accident, or whether the experience of such States affords lessons for other plural societies where ethnic group conflict is endemic and intense.

Certain geographical factors (in the widest sense) have affected outcomes. The power and attitudes of neighbouring states are significant, especially if they place at risk peaceful co-existence of the diverse communities in neighbouring states by encouraging minorities in irredentism rather than supporting internal compromises. In this respect Sweden and Austria have shown wisdom. Again the size, characteristics and location of relatively homogenous populated areas within a State are also factors which influence whether it will hold or fall apart or be partly merged with a neighbour. Physical barriers such as mountains and sea likewise play a part. Another crucial factor is the state of the economy: economic growth softens inter-group competitiveness while economic decline worsens it, as was shown by the deterioration in Walloon-Flemish relationships with changes in industrial patterns in Belgium.

Internal political factors are however even more crucial. The capacity of leaders and the willingness of political parties to compromise, with majorities adopting concessive rather than majoritarian approaches and minorities accommodating rather separatist ones, are vital. Long-term integration is even possible in the presence of such factors – as in the Netherlands, where class divisions are becoming more significant than traditional religious ones.

Although political attitudes – whether of neighbouring states or of internal parties – are the most important factors, it is illuminating to note* that institutional arrangements can play a significant part in

creating a framework within which group cleavages become less sharp. This happy observation means that other societies can evaluate arrangements adopted elsewhere and adapt these (obviously with appropriate modifications) in an attempt to reduce their own inter-ethnic conflict.

The major institutional arrangements which damp down inter-group conflict are all, in lesser or greater degree, found in those plural societies dealt with in this Report. The according of a large measure of autonomy, whether political or cultural, is possibly the most significant device. Political autonomy may range from devolution of power to small communities, through regionalism to federal government. All the societies dealt with in this Report have accorded their groups (or areas where such groups are concentrated) considerable political autonomy, either today or in the past (as in the case of the provinces of the United Netherlands). Such autonomy has been particularly successful in stemming separatist tendencies where there are small community units and a willingness to allow even more sub-division (as in Switzerland).

Cultural autonomy is even more necessary if there are to be harmonious inter-group relations. Threats to language and religion are potent in provoking conflict, whereas tolerance, equality and non-discrimination tend to smooth it away. However, this may not suffice and 'positive discrimination' in the sense of 'protectionism' to preserve a particular language against encroachment may be demanded (as in Belgium).

Political practices, sometimes informal but often incorporated in the constitutional structure, assist in reducing direct inter-group conflict. The adoption of proportional representation voting systems of some kind – to diminish the sense of grievance of under-represented majorities – is general. The notion of proportionality is also found in executive power-sharing arrangements, whether in informal or in institutionalized coalitions (Switzerland, Belgium and earlier the Netherlands). Proportionality may well be extended to a share of the spoils of public administrative office with quotas for particular ethnic groups – as in the South Tyrol. Furthermore, to reduce the risk of divisive proposals for change, amendments of the major constitutional provisions is made difficult by requiring weighted voting in the legislature (thus tending in practice to depoliticize such issues by according mutual vetoes to the represented groups). Consultation provisions are another mode of achieving this.

All these arrangements presuppose political elites from the various communities bargaining and compromising *inter se* to maintain such systems. Even though some of these arrangements were serendipitously adopted at a time when politicians were less conscious of social and constitutional engineering, the countries described show that they are successful in assisting the maintenance of relative political stability.

If political elites in other ethnically plural societies have the will to adopt similar practices, these are likely in the long run to blunt the edges of intergroup ethnic conflict. Of course, other cleavages, which also require tackling and which will require new skills, will then become more apparent. Dr. Steinberg's article on Switzerland admirably illustrates this point in relation to dissent, non-conformity and humane attitudes to migrant workers in place of mere economic exploitation. Likewise Dr. Grunwald's essay on the Netherlands points to the emergence of class politics and the need to integrate immigrants and refugees following the end of empire. That new conflict has been and will remain the task of political leaders assisted by those of goodwill so long as men and women congregate in political society.

* These observations were first made by Professor E. A. Nordlinger writing about conflict regulation in divided societies and later elaborated by Arend Lijphart in his theory of consociational democracy.

SOUTH TYROL by Prof. Antony Alcock

Italy's northernmost Province, Bolzano, otherwise known as South Tyrol, has according to the 1981 census, a population of 433,229 of which some 66% are German-speakers, 30% Italian-speakers, and 4% Ladins.

The area was acquired by Italy at the end of the First World War, together with the Trentino (today's Province of Trento) as part of her reward for deserting the Triple Alliance and entering the war on the side of the Triple Entente. But whereas the Province of Trento was well over 95% Italian, the southern part of the Tyrol, divided from the northern part by the chain of mountains that included the Brenner Pass, was inhabited by some 85% German-speaking Austrians;¹ and thus the acquisition of South Tyrol was generally incompatible with the basis upon which it was expected that peace would be made – that of the principle of self-determination, and it was specifically incompatible with the war aims of the United States, as enunciated in President Wilson's Fourteen Points, the ninth of which laid down that there should be a 'readjustment of the frontiers of Italy along clearly recognizable lines of nationality'. Furthermore, as a great and victorious power Italy was not obliged to sign a minority treaty guaranteed by the League of Nations, that governed the way she treated her new citizens of another culture, as were the defeated powers and some of the new or recreated states of central and eastern Europe.

The Italian reason for wanting South Tyrol was to obtain a military barrier of the Brenner frontier against militant pan-Germanism, although at the Versailles conference the Italian negotiators argued that the Southern Tyrol and Trento were geographically part of Italy, and that since the area as a whole had an Italian majority then the areas as a whole should be transferred to Italy.² For their part, denied the right to choose their own destiny, the South Tyrolese refused to renounce the right of self-determination and at the same time pressed for an autonomy that would enable them to live and prosper under Italy as they would no doubt have lived and prospered under Austria. If the Austro-Italian political frontier should be drawn at the Brenner, then the ethnic and cultural frontier should be drawn at the pass of Salorno, which divided South Tyrol from Trento; in other words not only the German ethnic character of the South Tyrolese but also the German ethnic character of their homeland should be respected.³

But if various Italian governments in the immediate post-war period were ready to recognize the right of the South Tyrolese to maintain and develop their language and culture, they had no intention of agreeing to anything that might close an area of presumed strategic importance to Italian economic and cultural expansion.⁴ However, any dialogue on the status of the South Tyrolese within the Italian state ended with the Fascist seizure of power in 1922. For Mussolini intended not only to destroy the German character of South Tyrol but that of the South Tyrolese people as well, and turn them into Italians.

With these aims in view a comprehensive programme of cultural genocide was carried out in the years before the Second World War. It included the proclamation of Italian as the only official language in the area, and therefore the dismissal of all public officials who did not speak it adequately; Italianization of place-names, public inscriptions, given names and, in some cases, family names; the institution of Italian as the only language of instruction in all schools, and the only language to be used in the courts.

The policy of cultural genocide was supported by an economic programme designed in great part to alter decisively the ethnic balance in South Tyrol. Until 1934 the economy of the area was agricultural, with alpine farms and the cultivation of fruits and wines in the hands of the South Tyrolese while the Italians carried out the administration. But in order to take advantage of the hydro-electric facilities of South Tyrol it was decided to set up an industrial zone outside the capital of the Province, which bears the same name, and a large number of Italian workers were sent there to work from elsewhere in the Kingdom. The South Tyrolese did not participate in the industrialization of the Province. They had neither the skills nor the desire to participate, and in any case the Italians did not intend that they should participate because the zone was to be the means of increasing the Italian population in South Tyrol. By the outbreak of the Second World War 25% of the provincial population was Italian.

These developments had two main effects on community relations. First, the destruction of German schools and culture and the wholesale dismissal of South Tyrolese from public offices robbed the South Tyrolese of a generation of intellectual and administrative leaders. Second, the Italian population of the Province, administrative and industrial in character, became centred in Bolzano, Merano and other smaller urban centres, with their superior housing and educational facilities, while the South Tyrolese huddled on the land. Thus the ethnic division between German and Italian was compounded by an urban-industrial/rural-agricultural divide. Needless to say average *per capita* income was higher amongst the Italians than amongst the South Tyrolese.⁵

Perhaps it was because in their hearts the Italians knew the South Tyrolese would never abandon their cultural heritage despite the severest pressures that an agreement was reached in October 1939 with Nazi Germany making the South Tyrolese the object of a population transfer. Italian treatment of the South Tyrolese had caused great resentment in Germany and in Austria which it had taken over in the spring of 1938. But Hitler needed an Italian alliance for his aims and was determined not to let the South Tyrolese stand in his way.

Under the agreement the South Tyrolese were given the choice either of transferring to the Reich, and thus abandoning their homeland, or of remaining in the homeland and accepting the loss of their ethnic identity under conditions of complete assimilation. The dreadful choice was not made any easier by the tremendous pressure put on them to vote for Germany. As a result over 80% did so, but the course of the war hindered the transfer process. Only about 75,000 had left by 1943 (and the Italian proportion of the population rose to 35%), and about one third of these returned after the war.⁶

It was therefore no surprise that after the Second World War the South Tyrolese were determined that the Italians should never again have a say in their future, and sought to have South Tyrol returned to Austria. To their anger and bitterness, the victorious Allies decided to leave South Tyrol with Italy. There were two reasons for this. One was to reward a country that had reversed alliances for the second time in twenty-eight years but would nevertheless be losing territory in the east and all its colonies as punishment for her opportunist entry in the war on the side of Hitler. The other was that the future of Austria, then under Four-Power occupation, was uncertain.

However, in view of past experience the Allies put pressure on the Italian and Austrian governments to come to an arrangement on the future of the South Tyrolese. At the Paris Peace Conference in September 1946 the Italian and Austrian Foreign Ministers, Alcide de Gasperi and Karl Gruber, signed the Agreement which bears their name. Under its clauses the German-speaking inhabitants of the Province of Bolzano and the neighbouring bilingual townships of the Province of Trento were promised complete equality of rights with Italians within the framework of special provisions to safeguard their ethnic character and cultural and economic development. In addition, the populations of these zones were to be granted the exercise of autonomous legislative and executive regional power, and the framework within which this power would apply was to be drafted 'in consultation also' with local German-speaking representatives.⁷

Unfortunately, this Agreement was received in South Tyrol and in Austria with bitter disappointment. Leading Austrians and South Tyrolese insisted that the Agreement did not mean renunciation of eventual reunification of South Tyrol with Austria or renunciation of the right of the South Tyrol to determine their own destiny.⁸ This questioning of the territorial destiny of South Tyrol was to have unfortunate effects. The Italians appreciated well enough the hatred borne them, and feared that any South Tyrolese attempt to repair the economic, social and cultural ravages of Fascism would be at the expense of the Province's Italian community, so that any weakening or even reduction of the Italian population would be but a prelude to calls for a referendum on the return of South Tyrol to Austria in an area where the cultural minority was still, nevertheless, a majority, followed by pressure in international forums to that end.

The result was that the Autonomy Statute granted the Province of Bolzano in 1948⁹ as fulfillment of the De Gasperi-Gruber Agreement was very restricted, following a minimal consultation with the South Tyrolese in its drafting.

For if it provided, on the one hand, for the restoration to the South Tyrolese of their German cultural identity through the re-establishment of German language schools which were to be separate from Italian schools, the right to use German in relations with public offices, and the return of German names that had been Italianized, on the other hand, there was nothing about the restoration of the German character of South Tyrol and it was quite clear that the cultural, economic and social development of the South Tyrolese would remain in Italian hands.

This was achieved in three main ways. The first was simply not to endow the Province of Bolzano, and its South Tyrolese majority in the population that would presumably be reflected in the Provincial assembly, with any meaningful powers, and certainly none regarding the economic development of the Province. Second, the South Tyrol was placed with the Province of Trento within the larger framework of a Trentino-Alto Adige Region (the Italian name for South Tyrol). It was the Region that possessed not only more powers but also all the most important powers, including those relating to agriculture, tourism and industrial development. But since the Province of Trento was more populous than Bolzano, and since Trento was 99% Italian and Bolzano 33% Italian, the Regional assembly was dominated by a two-thirds Italian majority. Third, since Italy was not a federal state but a centralized state with power devolved to the regions, government approval had to be given to any regional or provincial legislation before these could take effect. This approval might also require the prior issue of so-called 'Executive Measures', cabinet decrees having the force of law, whose function was to co-ordinate the legislative and administrative powers of the regions and provinces with the State, including defining their respective spheres of interest in the matter. This procedure was cumbersome and often lengthy, and what made it even more exasperating was that if the Province had the legislative powers to deal with a matter, such as housing, it was the state that provided – or not provided – the money.

There were other ways too in which a restrictive view was taken of the autonomy. For example, the De Gasperi-Gruber Agreement's stated aim of bringing about ethnic proportions in public offices was interpreted not to mean a blanket two-thirds: one third distribution of posts in all provincial, state and semi-state bodies operating in the province but only to offices of the provincial administration. However, one feature of government, at not only provincial and regional but also district council level, was power-sharing institutionalized between the two main ethnic groups. This required the governments of the Region and the Province of Bolzano, i.e., President, Vice-Presidents and Assessors responsible for the various sectors, as well as the governments of the 117 district councils in South Tyrol to be composed of representatives from both groups in their respective proportions.¹⁰

But did the obligation of both groups to participate in the government mean that there should be a coalition government policy? In other words, if the Italians had a right to be represented in the South Tyrol provincial government administration, was there an obligation for the South Tyrolese to devise a common programme with them? In fact, such a coalition has almost always existed, even though it might take some time to put together. What has made matters easier is that the South Tyrolese are overwhelmingly represented by the *Südtiroler Volkspartei* (SVP) which is close in ideology to the Italian Christian Democratic party, and thus although the Italian ethnic vote is always split between the traditional political parties covering the whole range of the political spectrum, coalition partners are available, and, reflecting coalitions at national level, the Italian Social Democratic and Socialist parties have also participated in the provincial government. Nevertheless should the SVP, with its clear majority over all other parties, decide on a policy with which the Italian members of the coalition do not agree, there is nothing to prevent the provincial assembly adopting that policy by the usual democratic process of majority vote.

Before the revision of the Autonomy Statute in 1972 this was not particularly important, since the number of sectors in which the provincial assembly could act was few, they were mostly unimportant, and the state had the last word through Executive Measures and the provision of finance and thus the will of the democratic majority could be thwarted in, more or less, anything. But there was another safeguard, namely that laws that were held to violate the principle of equality, between the two language groups –

but only such laws – could be contested before the Constitutional Court, although before 1972 only the Region could contest state laws and thus the South Tyrolese had to rely on Italian support in the Region to take such action on their behalf if desired.¹¹ On occasion this support was not forthcoming.

By the mid-fifties South Tyrolese dissatisfaction with the 1948 Autonomy Statute and its application had led to the first acts of violence, initially aimed at breaking the grip of the Region and having its powers transferred in order to provide a meaningful autonomy for the Province of Bolzano.

For it was clear that the way the autonomy was being applied was blocking the social mobility of the South Tyrolese during a period when there was a massive flight from the agricultural sector requiring the creation of new jobs in the countryside and towns, housing to accommodate job and population shifts, and increased vocational training facilities. Failure to respond to the pressures involved risked causing emigration of South Tyrolese from their homeland to seek work in Austria or West Germany, thus weakening the solidarity of the group, or immigration of skilled Italian workers to take jobs in expanding industry and commerce, thus upsetting further the ethnic balance in the Province.

However, in May 1955 the Four-Power occupation of Austria ended, and the Austrian State Treaty was signed, restoring that country's independence and conferring on it a status of permanent neutrality. Article 5 of the Treaty laid down the frontiers of Austria as being those of 1 January 1938. Guaranteeing, as signatories, those frontiers, the United States, the Soviet Union, Britain and France made it clear that a return of South Tyrol to Austria was no longer a possibility, and thus confirmed, after ten years of doubt, the territorial destiny of South Tyrol as part of the Italian state. Nevertheless, terrorism in South Tyrol did continue for another decade and a half, involving later pan-German and neo-Nazi forces from Austria and West Germany, and Austria brought the South Tyrol question before the United Nations in 1960 and 1961,¹² alleging that Italy had not correctly fulfilled the De Gasperi-Gruber Agreement. But the pressures to do something about the situation from the United Nations and the Council of Europe, coupled with the knowledge that concessions to the South Tyrolese would not be merely the first steps to secession, led to intense negotiations between Rome and Bolzano on the one hand, and Rome and Vienna on the other.

The result was a package deal agreed in 1969, under which the South Tyrol would receive a greatly improved autonomy, and Italy obtained from Austria a promise that when all the measures due under the new autonomy had been implemented, the latter would declare that Italy had fulfilled the De Gasperi-Gruber Agreement.¹³ But if the territorial destiny of South Tyrol had been accepted by both Austria and Italy, was it accepted by the South Tyrolese? The answer to this question must be given in two parts. On the one hand, while the territorial destiny of South Tyrol was in doubt, while the economic and social position of the South Tyrolese people was so uncertain, while terrorism and the actions of the Italian security forces created a gulf between the South Tyrolese and Italian people, it was not surprising that the overwhelming mass of South Tyrolese were in favour of a return to Austria. But once the question of the frontier ceased to be relevant, once the gains of the improved autonomy statute began to be felt (and, as we shall see, they were spectacular), once terrorism and security activity ceased, the South Tyrolese changed their minds completely. Instead of being poor relations in their homelands they were now the rulers of a rich province that made an envious contrast to the bankruptcies, unemployment, decay and political disorder in the rest of Italy. The maintenance of their cultural characteristics and the solidarity of the group were assured, to the extent that it was in their own hands. And it was surely preferable as Italian citizens, to be part of the EEC and NATO rather than an isolated, neutral small European country like Austria.

On the other hand, the South Tyrolese people were massively represented by the SVP which regularly took 90% of the German ethnic vote and it was stated in the statutes of the SVP that although it considered that the right of self-determination for the South Tyrolese people was inalienable, the Party recognized the De Gasperi-Gruber Agreement as 'the basis for the national development of the Tyrolese minority *within the Italian state*'.¹⁴

However, one might well ask if there was not a contradiction between agreement to operate within the Italian state yet accept

that exercise of self-determination might lead to separation from that state. Traditionally the call for self-determination has indeed been associated with the demand for separation, either of a whole people or of an ethnic or linguistic minority from the host state. But in order to get round the obvious political difficulties associated with such a move, and in order also to get round answering the awkward question as to whether the principle of self-determination, which is accepted as applying to whole peoples, should also apply to ethnic minority groups, the right of self-determination has recently been reinterpreted to mean the right of a people or group to decide freely what legislative and administrative powers in the cultural, and, possibly other fields, it might be necessary to have in order to enable it to maintain its cultural characteristics and separate identity, and to demand these from the host state. Separation would then only be sought as a last resort if the latter denied these legitimate demands.¹⁵

The principal features of the improved autonomy,¹⁶ which came into force in 1972 through amendment of the 1946 statute were, first, that if the Region continued to exist, the Province of South Tyrol had transferred to it legislative and administrative powers in regard to a large number of sectors hitherto controlled by the Region and the Italian state. These included agriculture and tourism. Second, the principle of ethnic proportions which had hitherto applied only to employment in offices of the provincial administration was extended to apply to all state and semi-state bodies operating in the Province, with the exception of the Ministry of Defence and the various police forces, but competence in both languages was required, through examination, for entry, preparation or transfer, at every grade from chauffeur or caretaker through to Director. Third, the clauses relating to financing the Province was interpreted to mean that it would automatically receive 1.61% of any state expenditure in all the important and relevant sectors of the economy and social welfare.¹⁷ Fourth, the Province could contest state laws *before* the Constitutional Court.¹⁸ Fifth, in regard to decision-making, it was spelt out that if a provincial bill was held to violate the equality of rights of one language group, a majority of the deputies of that language group could call for a vote by language groups. If the bill was passed despite the adverse vote of two-thirds of the deputies of the language group that called for the vote, that group could contest the law before the Regional Administrative Court. While the appeal was in progress, however, the law adopted remained in force.¹⁹

From the foregoing it can be seen that the question of ethnic identity was very important. It governed the school to which a child should go, access to employment in the public administration at all levels, the allocation of public housing and even the candidature of those standing for election. Everyone in the Province was now required to make an official declaration at the time of the national census as to his or her ethnic group, with parents making the declaration on behalf of their children and these declarations could not be disputed by the authorities.²⁰

Within ten years of the implementation of the improved autonomy statute (although in some areas the package had not been completely implemented), political and economic relations in the Province had been transformed, particularly to the advantage of the South Tyrolese.

First, the South Tyrolese were enabled to begin the process of being represented throughout the administration of their homeland at all levels, something crucial when one considers that for a minority to administer its homeland is significant not only in terms of jobs and pensions; important enough as they are, but in terms of morale. Second, administration expanded rapidly as the Province assembly not only took over sectors and powers from the Region but received considerable sums of money to implement policy, so much so that one could indeed see for the first time that a real Provincial autonomy existed, run, of course, by the SVP majority. Third, there was a tremendous economic boom, led by tourism, and caused by the decline of the lira and the rise of the German mark and Austrian schilling on the one hand, and completion of the Brenner motorway on the other. To meet the demand nine new ski areas were developed, so that tourism in South Tyrol approached an all-the-year-round activity. The Provincial government not only loaned money for guest-houses to be equipped with modern facilities, but arranged to pay a sizeable proportion of the interest on bank loans for the modernization or building of new hotels and guest-houses. The result was a construction boom. And the money entering the Province through tourism was added to the considerable

sums accruing to the Province through its receipt of 1.61% of sectoral government expenditures, as well as sums received from the EEC's Common Agricultural Policy, particularly from price support and farm modernization measures applying in mountainous areas.

That did not mean to say that all problems had now vanished, and that inter-community relations were perfect. The most important problem was the decline of the Italian group in terms of numbers and morale. The economic boom had benefitted the South Tyrolese much more, in that it was the countryside that was benefitting from tourism and agricultural expansion, whereas the industrial sector throughout Italy was marked by unemployment, inflation, stagnation and bankruptcy. But if this bastion of the Italian presence in South Tyrol was adversely affected, so was the second bastion – the public administration. In order to reach true ethnic proportions by the year 2002, as required by the 1972 Autonomy Statute,²¹ the number of Italians in state and semi-state bodies would have to be reduced over the years by over 2700. An indication of the seriousness of this situation in regard to employment in the Italian community was that Italians began to declare themselves or their children as Germans (i.e. South Tyrolese), thus raising the spectre of South Tyrolese assimilation of Italians rather than what the Autonomy Statute had been designed to prevent, namely Italian assimilation of South Tyrolese. Whether it was because of such declarations, or that the economic situation had led to Italians leaving the Province, it was of considerable concern to Italian nationalists that the Italian presence in South Tyrol declined from 33.3% according to the 1971 census to 30% according to that of 1981.

A second serious problem was that of those who either would not or could not give the Declaration as to their group. There were those, children of mixed marriages, for example, who might genuinely be unable to decide which group they belonged to. Others, on the other hand, alarmed at the potential loss of rights that might occur following failure to give the Declaration, argued that it was unconstitutional to have to make such a declaration in that it violated Article 3 of the Italian Constitution which provided for equality of rights for all citizens without distinction as to sex, race, language, religion or political belief. At the time of the 1980 local council elections those candidates of the New Left Party were disqualified, one for declaring himself both German and Italian; the second for declaring that she belonged to no group; and the third for declaring himself Slovene.²² In 1984 the Council of State declared the law requiring the Declaration illegal because it did not provide the opportunity for citizens to declare themselves as 'other language' or 'mixed language'.²³

A third problem concerned the unexpected failure of sufficient numbers of South Tyrolese to apply for posts in state and semi-state bodies and get them. Such factors as the language examination, housing shortages in Bolzano, competition from the expanding provincial administration and the tourist boom played their part. The result was a crisis in some organizations, particularly the railways and postal services. According to the Executive Measures implementing the Package the service concerned could take on staff from elsewhere in Italy on temporary contracts but only for a twelve-month period, non-renewable. Even this had not sufficed, and Italian politicians and trade unions protested that it was absurd for job vacancies to remain unfulfilled in the Province in large numbers while unemployment was rampant elsewhere in the country.²⁴

The existence of these sorts of problems has meant that if the political situation cannot be compared to the years of inter-community bitterness and terrorism of the late fifties and the sixties, nevertheless there are grounds for some unease. The decline in the fortunes of the Italian group has led to calls for revision of the 1972 Autonomy Statute in many quarters in Italy, and a spectacular showing by the neo-fascist *Movimento Sociale Italiano* (MSI) at the 1984 local elections, when it became the largest political party in the Bolzano City council. On the other hand, there are still some South Tyrolese who are dissatisfied at the slow Italian implementation of the package, who see the 1984 Council of State decision as the first step in the eventual dismantling of the autonomy and proof that Italy cannot be counted on, who fear an eventual communist take-over in Italy, and who believe that a fundamental injustice was done in 1919 that can only be repaired by the separation of South Tyrol from Italy. To all of these, if South Tyrol cannot return to Austria, the transformation of

the Province into a Free State, or San Marino status within Italy, is a very attractive alternative.²⁵ In the meantime, with the Austrian and Italian governments determined not to let the South Tyrol question make difficulty between them and with the operation of the autonomy recognized by the leaders of the South Tyrolese as providing a very positive change in the position of the group it is likely that pressure to overturn the situation can be contained unless there is a sharp deterioration on the Italian economic or political scene.

* * * * *

The South Tyrol question, in existence now for nearly 70 years, contains one of the richest stores of information in the world on the issues involved in dealing with the problems of divided communities and the success or failure of the techniques used. For the problem of Northern Ireland the case of South Tyrol contains a number of lessons, some very important, others less relevant.

Of all the lessons, the most important, indeed the decisive one, is that peaceful inter-community relations, a meaningful political dialogue, and the development of economic and social policies can only be carried out within a stable political framework. It was the doubts about the future of South Tyrol raised by Austrian and South Tyrolese leaders that was primarily responsible for the imposed and restrictive 1948 Autonomy Statute, the application of which increased inter-community tension and their violence. And only when there were no doubts as to the political future of South Tyrol was it possible for negotiations to go ahead in an atmosphere with the necessary confidence between Rome and Vienna and Rome and Bolzano.

With regard to Northern Ireland, on the other hand, its territorial destiny is not only in doubt but has been in doubt since the partition of the island of Ireland in 1921. The proof that it is in doubt is that not only is the area formally claimed by the Irish Republic in Articles 2 and 3 of its Constitution, but that the claim is also, to a certain extent, underwritten by successive British governments, as can be seen from the Ireland Act of 1949, the Sunningdale Agreement of 1973 and the Anglo-Irish Agreement of 1985 which state that whenever a majority of the people of Northern Ireland (or of the Northern Ireland parliament in the first case) should wish for a united Ireland, they would give effect to that wish.

The consequences of this situation are far-reaching. On the one hand, although it is their homeland, the two communities in the Province have no common ground upon which to meet. For most of the minority community the Northern Ireland state has always been presented to them as something temporary, that soon will be part of the Irish Republic. Indeed there is intimidation against those that co-operate with it, particularly in the judiciary and security services. For the majority community it belongs – and always will belong – to Britain. The former hope for change in the Province's political position, the latter fear that prospect.

The immediate results of this rejection by the minority community of the Northern Ireland state are two. First, regional power-sharing as a clearly sensible technique of government where there are culturally divided communities, and one ardently supported by both the British and Irish governments, has been rendered meaningless since it is clearly absurd, if not dishonest, to share power within a political framework when it is the avowed intention of one of the parties sharing that power to do away with the framework within which that power is shared. It is instructive that in the only power-sharing experiment in Northern Ireland, the 1973-74 Executive, the Prime Minister, Mr Brian Faulkner revealed that he accepted as coalition partners the Social Democratic Labour Party (SDLP), representing the minority community, even though he knew its long-term policy was the creation of a united Ireland.²⁶ As is known, the power-sharing Executive was brought down by a general strike organized by the Ulster Loyalist Workers Council. The contrast between the SDLP and the South Tyrolese SVP is glaring.

Second, the minority community was affected by discrimination in jobs and housing. However regrettable, however unwise, this may be, one can understand the views of those who ask why the benefits of the state should be extended to those who have wished, and often sought the abolition of that state.

The failure of the two communities to agree on a stable political framework has led to decision-making being taken out of their

hands, to be exercised by bodies external to the Province and in the light of the particular interests and priorities of those bodies.

On the other hand, terrorism to ensure that a majority does one day come about in favour of Irish unification, and to intimidate potential supporters of the Northern Ireland state among the minority community is blessed, as is counter-terror in the name of self-defence, so that both communities are set against each other in distrust and alienation. Since it is almost impossible to deal with a terrorism that is so deep-rooted and pervasive as it is in Northern Ireland through the traditional methods of detection and trial by jury, recourse is had to devices such as internment, 'supergrasses' and the so-called Diplock Courts. The ensuing resentment fuels hunger-strikes which raise the level of violence and inter-community hostility. And of course the level of violence, intimidation and sabotage discourages outside investment, thus adversely affecting employment and economic prosperity.

The second important lesson of the South Tyrol question relates to the method of decision-making in divided communities. Should regional government be restored in Northern Ireland, with or without power-sharing the choices will be between decision by majority with certain safeguards or, as in the case of Cyprus, ability of the minority to exercise a veto either directly by the leader of the minority community or indirectly through the requirement that a majority of the minority approve bills. The unhappy experience of Cyprus, when use of the veto was a prime cause of the collapse of the Republic, provides much justification for decision-making by democratic majority, with the safeguard that any legislation or administrative act held by one of the communities either to be discriminatory or to affect adversely the cultural characteristics of the group, in such fields as education, language or religion, may be challenged before the courts, but until a decision by the courts is made the legislation or administrative act should remain in force.

The third lesson from the South Tyrol question relates directly to the two previous ones. In Northern Ireland one cause of instability is the fear that one day a majority for Ireland's unification would be found, whether brought about by terrorism or an increased birthrate in the minority community. Another cause for instability is the weak cultural position of the minority, constrained by the near and powerful influence of the English language from not only Britain but also the United States, a constraint that has also affected the cultural power of the minority's kin state, the Irish Republic. This weakness has caused dissatisfaction to be centred on discrimination in economic and social sectors, the solution for which is seen to be separation of Northern Ireland from Britain, rather than pointing out the effect of such discrimination on the well-being of the group, and thus its culture as a whole.

The solution of 'internal self-determination' would solve both problems. On the one hand it has to be realized that because a minority is a majority in a particular area it is not necessary for there to be a transfer of the territory concerned. Indeed in *most* areas with divided communities the minority community is a majority in its homeland, and national governments such as the French, Italian, Spanish, Finnish, Canadian and Indian are not contemplating any loss of their national territory, and the grave political crisis that would arise if it were attempted. Northern Ireland is an exception to the general rule in that the cultural minority is also a numerical minority. If the fear of an eventual separation of Northern Ireland from Britain could be removed, an important cause of inter-community tension would be lifted. In this case, the minority would be able to concentrate on the promotion, protection and development of its culture, demanding not only the measures directly required to that end, but others in economic and social sectors which indirectly affect it. Political activity with that end in view, rather than separation, would clearly be another major cause for the reduction of inter-community tension. With a stable political framework for policies, and creditable objectives for policies the power-sharing so ardently sought by Britain and the Irish Republic would have a much firmer foundation than at present.

The fourth lesson of the South Tyrol question for Northern Ireland concerns the claim by Irish nationalists that Ireland should be united for the geographical reason that this is an island and that the people of Ireland as a whole want, by a large majority, unification. The implications of this claim for states and cultural communities in other parts of the world have been fully dealt with by this author elsewhere.²⁷ In the case of South Tyrol, the area was denied a

plebescite even though other areas of Europe were given that right and some Italians also wanted one. As a result 220,000 South Tyrolese, 86% of the area, were transferred to Italy against their will on the grounds that the area was geographically part of Italy in general, in that it lay south of the alpine watershed and its flora was mediterranean rather than danubian, and on the grounds that it was geographically part of Trento in particular so that on the basis of the ethnic composition of the population as a whole, the area was clearly Italian, and therefore could be transferred to Italy on the basis of Point IX of President Wilson's Fourteen Points. The consequences of transferring territory on the basis of geography rather than democracy were cultural genocide, international tension, terrorism, economic sabotage, and more than six decades of inter-community tension which has not entirely died down. In Italian terms, has it been worth it?

The fifth lesson of the South Tyrol question is the satisfactory way in which the Provincial economy is boosted by the automatic receipt of a fixed quota of national sectoral budget. It is not only a question of a stable amount not inconsiderable in size and regularly available which facilitates planning but it facilitates distribution to further the aims of the different communities. Obviously it would be easier to provide large and regular sums to Northern Ireland if the framework for its distribution and the aims behind its distribution were accepted and administered with the aims of both communities in view.

FOOTNOTES

- ¹ Alcock, A, *History of the South Tyrol Question*, London, Michael Joseph, 1970, (hereinafter *History*), Table D, p 496.
- ² Alcock, *ibid.*, pp 20-21.
- ³ The programme of the *Deutscher Verband*, a union of all the German-speaking political parties in the area, in Alcock, *ibid.*, pp 27-30.
- ⁴ *Ibid.*, pp 30-31.
- ⁵ *Ibid.*, pp 33-45, and Table D, p 496.
- ⁶ The Options Agreement and its implementation is discussed in Alcock, *ibid.*, pp 45-59.
- ⁷ Text of the De Gasperi-Gruber Agreement in Alcock, *ibid.*, Appendix 1, pp 473-474.
- ⁸ *Ibid.*, pp 138-40.
- ⁹ Text of the Autonomy Statute, Constitutional Law of 20 February 1948, n.5, in Alcock, *ibid.*, Appendix 2, pp 475-492.
- ¹⁰ Autonomy Statute, Articles 30, 44, 54.
- ¹¹ Autonomy Statute, Article 83.
- ¹² Alcock, *op. cit.*, pp 330-349, and 373-377.
- ¹³ Text of the Package Agreement in Alcock, *ibid.*, pp 434-449 and in Alcock, A, *Südtirol seit dem Paket*, Vienna, Braumüller, 1982, (hereinafter *Paket*), Annex 2, pp 209-237.
- ¹⁴ Alcock, *Paket*, p 164.
- ¹⁵ Professor Theodor Veiter in *Das Menschenrecht*, Vienna, April 1970, p 12. Veiter's claim that acceptance of the 1969 Package Agreement by the SVP at a special party congress amounted to exercise of the right of self-determination by the South Tyrolese has been disputed principally

There are two other aspects of the situation in South Tyrol which require comment in relation to Northern Ireland.

The first relates to the principle of ethnic proportions in employment in the public administration. Its success in South Tyrol depends on the fact that almost everyone in the Province is satisfied as to his cultural identity; is proud of it; and is ready to give the Declaration as to his ethnic status upon which the system depends. Could the same be done in Northern Ireland? In the atmosphere of violence in the Province at present, people might well be naturally reluctant to declare their position, especially as long as the territorial destiny of Northern Ireland remains in doubt, if only because such a declaration might be interpreted as a political rather than a cultural one. Although there might be a great many who would have no difficulty in declaring themselves as 'Ulster-British' or 'Ulster-Irish', there might be some – many more than in South Tyrol – who would feel uncomfortable at having to make such a decision. How would they be accommodated? By declaring themselves of mixed culture?

The second aspect of the situation in South Tyrol requiring comment is the economy. Unlike in Northern Ireland, the economy in South Tyrol is ethnically dominated, i.e., that agriculture, tourism and rural commerce are South Tyrolese bastions; industry and urban commerce are Italian bastions. The administration, which was an Italian bastion, is now being divided on the basis of ethnic proportions. This situation does not apply in Northern Ireland.

- on the grounds that the South Tyrolese were not consulted directly in a referendum, and in any case since the SVP did not represent *all* South Tyrolese, and the vote in favour of the Agreement at the Congress was very close (52.9%), it was not certain that the Agreement did enjoy the favour of a majority of the South Tyrolese – to say nothing of the Ladin community. Alcock, *Paket*, pp 165-6.
- ¹⁶ D.P.R. of 13 August 1972, n.670.
- ¹⁷ *Ibid.*, Article 78. This percentage of 1.61 reached by adding the percentage of the provincial population of the national population (0.76%) to the percentage of the provincial territory of the national territory (2.46%), and dividing by two. Applied to Northern Ireland this formula would give a total of 4.275% (2.730% plus 5.825%, divided by two).
- ¹⁸ D.P.R. n.670, Article 98.
- ¹⁹ D.P.R. n.670, Article 92.
- ²⁰ D.P.R. of 26 July 1976, n.752, Article 18.
- ²¹ *Ibid.*, Article 46.
- ²² These issues discussed fully in Alcock, *Paket*, pp 65-69.
- ²³ Decision of 17 April 1984, n.439.
- ²⁴ *Alto Adige* (Bolzano), 16 September 1976.
- ²⁵ Alcock, *Paket*, p 167, and in issues of the Südtiroler Heimatbund (SHB), *Heimatbote* (Bolzano) 1984, 1985, etc.
- ²⁶ Faulkner, B., *Memoirs of a Statesman*, London, Weidenfeld and Nicolson, 1978, pp 195-196.
- ²⁷ Alcock, A, *Northern Ireland – Problems and Solutions*, Sindelfingen (West Germany), Libertas, 1985, pp 45-48.

THE SWEDISH COMMUNITY IN FINLAND by Prof. Antony Alcock

The population of Finland is some 4,844,000, of which just over 305,000 (6.3%) are Swedish-speaking. However, of the latter nearly 21,700 inhabit the Åland Islands, where they form 95.2% of the population.¹ The Åland Islands enjoy a special autonomous system of government, and therefore it is necessary to examine the situation of the Swedes on the Finnish mainland separately from those on the Islands.

a) The Swedes on mainland Finland

The Swedes came to Finland in the course of crusades in the twelfth century and from then on dominated the country, incorporating it into Sweden until forced to cede it to Russia in 1809. During that time the Swedish language and culture prevailed amongst all

classes and in government, business, education and the courts. Even after the cession of Finland to Russia the country continued to be administered by Swedes. With the re-emergence of Finnish, by 1902 the privileged position of Swedish was moderated in favour of a system of equality between the two languages.²

A few weeks after the Bolshevik Revolution of 1917 the Finns declared their independence. In the Finnish Constitution, promulgated in 1919, both Finnish and Swedish were proclaimed as national languages, with citizens entitled to use either language before the courts or the administration, and all official acts, bills and orders had to be published in both languages.

Today the Swedish-speaking population of mainland Finland is concentrated in two areas, along the southern coast between Helsinki and Hango and along the western coast between Pori and Jakobstad.

There are two consequences of the declaration of the equality of two languages. First, there has been no need for legislation

providing for special protection of the Swedish minority, such as, for example, linguistic proportions in public employment. Second, communal boundaries have been drawn to make them as nearly unilingual as possible.³ Communes are declared bilingual wherever the minority exceeds 10% of the population or contains at least 5000 persons from the minority. There are 44 communes that are unilingually Swedish, 35 with a Swedish majority and 12 where the minority is Swedish.⁴

With regard to schools, Swedish children go to their own primary, secondary and vocational schools. In 1966-67, for example, there were 471 Swedish primary schools with an enrolment of some 27,000 out of a total of 5805 such schools with an overall enrolment of nearly half a million. There were 55 Swedish secondary schools out of 559, with 17,800 pupils out of an overall enrolment of 267,000.

Communes are obliged to set up primary schools for the minority wherever there are at least 18 pupils from that minority, and such schools cannot be closed unless the number sinks to 12 in three successive years.

In order to maintain higher education in Swedish, a number of courses are given in Swedish at the University of Helsinki, Abo Academy, the Abo Academy School of Higher Education in Trade and Commerce or the Swedish School of Higher Education in Trade and Commerce in Helsinki, with the right to use the language in examinations.⁵

With regard to the press and radio, there are four main Swedish daily newspapers, one of them amongst the biggest in the country in terms of sales. About 10 other local papers, dailies, weeklies, etc., appear as well. There is a daily Swedish language radio programme, and programmes in Swedish appear on television.⁶

At the political level, a Swedish political party, the Swedish People's Party is represented in the Finnish Parliament, and it is estimated that about 75% of the Swedish-speaking population votes for it, mainly for cultural reasons. It has participated in various post-war governments.⁷

There can be little doubt that the Swedish community in Finland has been treated very satisfactorily. The only problem is the decline of that community in absolute and relative terms. In 1920 nearly 339,000 persons, or 11% of the Finnish population claimed Swedish as their mother-tongue.⁸ Since then the decline has been relentless, and a cause of great concern. Among the reasons given are the lower birth-rate of the group (17.9 per thousand as against 21.5 for the Finns), mixed marriages, and emigration.⁹ Of particular significance in this regard is the fact that no guarantees exist on the Finnish mainland for the maintenance of Swedish, although after the First World War the idea of an autonomous administration for those areas where Swedish predominated was canvassed, without, however, finding much support in either group.¹⁰

This situation contrasts strongly with that on the Aland Islands where the Finnish government has undertaken both to maintain Swedish and the Swedish character of the Islands as well.

(b) The Swedish-speaking population of the Aland Islands

As with the rest of Finland the Islands, entirely Swedish-speaking, were ceded to Russia in 1809. Russia particularly wanted the Islands since they had a strategic value, dominating the approaches to Stockholm, the Gulf of Bothnia, and the Gulf of Finland with its approaches to St Petersburg (now Leningrad).

Shortly after obtaining the Islands Russia fortified them, but these fortifications were destroyed in 1854 by British and French troops during the Crimean War. Although not engaged in the war, Sweden claimed the Islands back during peace discussions held at Paris in 1856. This claim was unsuccessful, but Russia was forced to accede to a Convention providing for demilitarization in the Appendix in the 1856 Paris Peace Treaty.¹¹

After the declaration of Finnish independence in 1917, the Islanders, fearing possible threats to Swedish language and culture, sought re-unification with Sweden. And that country too wanted the Islands for strategic reasons against a Russia potentially far more dangerous than under the Tsars.¹²

During the peace negotiations at Versailles in 1919 after the First World War, Sweden asked the Allied Powers for a plebiscite to

decide the future of the Islands, along the lines of that proposed for North Schleswig, lost by Denmark following the 1864 war with the German Confederation.¹³

The Finnish government, however, hoping that a far-reaching autonomy in favour of the Islanders would induce them to drop demands for re-unification with Sweden, argued that the issue was a domestic problem and therefore for Finland alone to settle, and began drafting a statute of autonomy for the Islands, a statute which was promulgated in 1920. That year the British Foreign Secretary brought the Aland Islands question before the Council of the League of Nations. A legal committee of the League decided that in international law the question was not a purely domestic Finnish affair, and the question of the territorial destiny of the Islands was then submitted to another committee of the League, which reported in April 1921, that since the Islanders represented less than 10% of the Swedish population of Finland, they could not claim the right of self-determination which applied to national groups as a whole. It recommended that Finland should have sovereignty over the Islands but that special guarantees on the Islands' language and culture should be provided and that the Islands should remain demilitarized.

Two months later, on 24 June 1921, the council of the League endorsed these recommendations, urging Finland and Sweden to negotiate about the issues concerned and stating that the League would guarantee any solution reached. On 27 June 1921 an agreement was reached between Finland and Sweden according to which the former undertook to preserve the Swedish language, culture and traditions of the Islanders and to introduce measures to maintain the Swedish character of the Islands, and to forward any complaints from the Islands about the way the measures concerned were being applied. For its part, in accepting the decision of the council of the League of 24 June, Sweden automatically withdrew its claim to sovereignty over the Islands.¹⁴

The Finnish government thereupon amended the 1920 Autonomy Statute so as to incorporate the guarantees requested, and the revised statute, commonly known as the Aland Guarantee Act, was accepted by the Islanders in 1922.

Relations between Finland, Sweden and the Aland Islands developed satisfactorily between the wars, but a number of technical shortcomings in the Act as well as demands by the Islanders to extend its scope led to pressure for revision. Work, however, was interrupted by the events of the Second World War, during which the Soviet Union attacked Finland, which led after a short peace to Finland later fighting on the side of Germany.

This had an effect after the war on the revision of the Autonomy Statute, which as a result was not completed until 1951.¹⁵ The new Autonomy Act, containing 45 articles, came into force on 1 January 1952.¹⁶

It is this Act which not only gives the Islanders almost absolute control of their own affairs but enables the Swedish character of their homeland to be preserved. The basic principle of the autonomy is that the Islanders have the right to control their own affairs subject only to the maintenance of Finland as a state.

The Islands, which collectively enjoy the status of a province of Finland, have a single-chamber parliament of 27 members. The administration is in the hands of a 7-member Provincial Executive Council. The members of the Council are appointed by parliament but the chairman, who is the Governor of the Islands, must have his appointment agreed by the Finnish government.

In conducting its legislative business the Islands' parliament either issues laws independently in the fields in which it has competence, or adopts analogous national laws for implementation in the Islands either in their original form or with the appropriate changes.

The laws issued by the Islands' parliament can only be ratified by the President of the Republic. He has three months in which to approve or veto such laws, and the veto can only be exercised on two grounds – that the Islands' parliament has exceeded its competence, or that the law in question threatens the security of the state. On the other hand, before the Finnish government issues administrative orders which are to apply solely to the Islands but which relate to matters in the jurisdiction of the state, the Provincial Executive Council must be consulted.

Article 13 of the Autonomy Act lists the 21 fields in which the provincial parliament enjoys legislative power. Among the most

important of these are the right to expropriate property in the public interest; education (but parliament must observe national principles on children's ages, and standards of competence); communal administration; taxation; electoral law (but Finnish laws on the voting age must be respected); labour exchanges; housing; agriculture and fisheries; the police and maintenance of public order and security; commerce and industry, including planning and building regulations; health and hospital services (but with the obligation to respect national regulations regarding the qualifications of medical staff and the combatting of human and animal epidemics.)

The Provincial parliament determines the Islands' budget. Revenue is raised from income and corporation taxes, customs duties and licences. The rates of these are, however, fixed by the national government which also collects them before paying them back to the Islands. But the Islands can impose supplementary and temporary income taxes (Art. 23).

Justice in the Province is administered by national law courts (Art. 21). Although the Islanders are exempt from military service, on the grounds that the demilitarization of the Islands is still in force, those eligible have to serve for a comparable period in the pilotage or lighthouse service or in another section of the civil service (Art. 34).

The Swedish character of the Islanders and their homeland is preserved through four means: regulations on language, education, regional citizenship, and the acquisition of property on the Islands. With regard to the former, Swedish was declared the official language of the Islands, although a Finn may use his language before the courts. Swedish must be used in official correspondence between the provincial administration and the state authorities operating in the Province, as well as between the two of them on the one hand and the Finnish government and organs of the state authorities and courts which include the Islands in their administrative districts on the other. No one may be employed in the Islands' civil service who cannot prove full command of Swedish in speech and writing (Arts. 36-39).

With regard to education, the teaching language is Swedish. Neither the Provincial parliament nor the communes are obliged to maintain any schools in which the teaching language is not Swedish. Instruction may not be given in a language other than Swedish without the consent of the commune concerned (Art. 35).

The population of the Islands enjoys Aland regional citizenship, the qualification for which is an unbroken period of five years' residence in the Province. Citizenship may be acquired by marriage, but only when a woman marries a man already in possession of such citizenship. Residence outside the Province for a period of five years entails loss of citizenship.

Only those with regional citizenship can acquire land in the Islands or vote in communal and provincial elections. In order to carry on a business in the Province persons must have regional citizenship or been resident and domiciled there for at least five years. Companies, partnerships, etc., may only have their legal headquarters in the Province if all their Board members have regional citizenship or been resident and domiciled there for at least five

years. However, the Provincial Executive Council may grant permission for firms or individuals to set up in business if it feels so inclined.

If ownership of property is transferred by means other than inheritance or expropriation to a person who does not possess regional citizenship, or to a firm whose legal headquarters are not in the Province, then the Province, the commune, or a private individual with regional citizenship – in that order – have the right to redeem the property. Any disputes between the acquirer and redeemer as to the purchase price must be settled in court. However, the Provincial Executive Council does have the power to waive these conditions (Arts. 3-5).

Finally, the provisions of the Autonomy Statute may not be amended or abolished without the consent of the Provincial Parliament (Art. 44).

* * * * *

The treatment of the Swedish population of Finland has been generally considered as the best treatment of a minority group by a host nation anywhere in the world. What, if any, are the lessons for Northern Ireland?

The main lesson, as in the case of South Tyrol, is that the issue of territorial destiny is crucial. Swedes are in the majority in a number of areas on the Finnish mainland, and form 95% of the population of the Aland Islands. Yet since 1921 only once, in 1945, did the latter raise the possibility of separation from Finland.

On the mainland, Swedes are considered and see themselves not as a cultural minority but as co-founders of the Finnish state. This is an attitude adopted, interestingly, also by Turkish Cypriots and French Canadians in regard to their respective countries. For their part the Aland Islanders enjoy an extraordinary degree of autonomy in an area where they are such an overwhelming majority precisely because Sweden withdrew its claim to the Islands in 1921, and has refrained from pursuing it since.

In this regard the events of 1945 are instructive. At the end of the Second World War the destiny of Finland itself was at stake following defeat at the hands of the Soviet Union. Certainly either reincorporation into Russia like the Baltic Republics on the other side of the Gulf of Finland or satellite status in the Soviet sphere of influence like so many other Eastern European countries were uninviting prospects.

It was against this background that the Aland parliament expressed a wish for future reunion with Sweden. This, however, was immediately rejected by the Swedes.¹⁷

On the other hand, it has to be said that – unlike in Northern Ireland – there is really only one community in the Aland Islands. Furthermore the Islands have no strategic significance – not only are they demilitarized, but even if they were not, it is doubtful if they would have a useful role to play in today's technological age. Nor, at the time of writing, do they have any economic significance. Were these two factors to change, and the Finnish government consequently wished or saw themselves obliged to increase the national presence there, then the present tranquillity in the Province, and its autonomy, would be more thoroughly tested.

FOOTNOTES

¹ Figures for the Finnish population relate to 1982; the Swedish-speaking population to 1979; and the Aland Islands to 1980.

² Stephens, M., *Linguistic Minorities in Western Europe*, Llandysul Gomer Press, 1976, pp 270-74.

³ Stephens, *ibid.*, p 275.

⁴ Straka, M., *Handbuch der Europäischen Volksgruppen*, Vienna, Braumüller, 1970, pp 261-62.

⁵ Straka, *ibid.*, p 263.

⁶ Straka, *ibid.*, pp 263-64.

⁷ Stephens, *op. cit.*, p 281.

⁸ Straka, *op. cit.*, p 257.

⁹ Stephens, *op. cit.*, pp 283-84.

¹⁰ Stephens, *ibid.*, p 279.

¹¹ Straka, *op. cit.*, p 252.

¹² Modeen, T., 'The International Protection of the National Identity of the Aland Islands', in *Scandinavian Studies in Law* 1973, p 179.

¹³ *Ibid.*

¹⁴ *Ibid.*, p 200.

¹⁵ In particular the Soviet Union objected to the attempt to insert in the new act the possibility of obtaining an international guarantee in so far as the provisions for the protection of the Islanders nationality were concerned to replace the defunct League of Nations. Such a guarantee was considered to be a limitation of Russia's controlling power over Finland at the time. In the end the revised Act contained no guarantee but the Finnish government informed the Swedish government that it did not consider thereby its international obligations to be in any way affected. *Ibid.*, pp 188-93.

¹⁶ Details of the Act in *The Autonomy Act for Aland*, Mariehamn, Alands Tidnings – Tryckeri Ab, 1978.

¹⁷ Modeen, *op. cit.*, p 189.

BELGIUM: Part I

by Prof. Marc J. Bossuyt

Belgium became independent in 1830 after a successful uprising against the Dutch King, who had been the sovereign of the reunited Netherlands since 1815. As had been the case since time immemorial, the population of southern Belgium (the Walloon area) spoke French dialects, while the population of northern Belgium (Flanders) spoke Dutch dialects. However, due to historical circumstances the ruling classes in Flanders became French-speaking. This was not only the result of a spontaneous phenomenon since the fourteenth century, but also of a deliberate policy of 'Francization' – particularly after the independence of Belgium.

In social life the Francization policy was revealed in the fact that any Flemish-speaking Fleming who succeeded in climbing the social ladder was obliged to become 'francized' if he wished to be received in 'good' society. A Fleming who refused to meet this requirement would have been virtually ostracized. In official life in every field – military, administrative, legal and educational – all matters above a certain level were dealt with in French, including throughout Flanders. Gradually however this policy was amended. The first linguistic law of 1873 introduced the use of Dutch in criminal proceedings in Flanders; a law of 1898 provided for the publication of future Acts of Parliament in French and Dutch. Nevertheless, up to 1930, there was no Dutch language university in Belgium.

The result of this policy was that around 1930 the linguistic situation in Belgium was roughly as follows. The aristocracy spoke French and did not know either Dutch or the Flemish dialect. The same was true in general of people of social standing in the towns, except that they tended to have a rudimentary knowledge of Dutch/Flemish. In the towns, but more particularly in the countryside, there was a middle-class that normally spoke Flemish dialect but spoke and wrote French whenever they wished to show signs of distinction. Thus the situation in Flanders was that, with a few rare exceptions, no one was able to use fluently the literary language (Dutch) that corresponded to the language of the people (Flemish). Between 1830 and 1914 there had been a reaction from certain Flemish literary men, who had only a limited influence on the upper middle-class but received more support from the lower middle-class. This reaction was accompanied by a certain bitterness against the disdain shown to the language of the people. The switch after the 1914-18 war from an electoral system based on qualification by tax assessment to straightforward universal suffrage in 1920 brought a far-reaching change in the social climate. There was a linguistic revolt of the Flemish people against its ruling class which took the form of a Flemish national feeling that was sometimes violently anti-Belgian.

The linguistic laws of the 1930s

By 1930 most Belgian politicians agreed that there was a need for far-reaching linguistic reform. A whole body of legislation, aimed at placing the two languages of French and Dutch on an equal footing, was worked out. As the introduction of a bilingual system on both sides of the language border was not accepted, the principle of equality was implemented by introducing a unilingual Dutch system in Flanders, and French unilingualism in the Walloon area. An Act of 1932 on the use of languages in primary and secondary education provided that in Flanders as well as in the Walloon area the language used in official education would be that of the region. Private education could be subsidized and have its certificates recognized only if it, too, were given in the language of the region. As a result the Flemings got a new élite which remained Flemish even when they occupied high social positions.

However, far-reaching Francization went on along the language boundary, in Brussels and in the Flemish communes on its outskirts. Because of the social predominance of the French language (and, in the case of communes on the outskirts of Brussels, a migration of French-speaking inhabitants of Brussels to those communes) Francization continued to take place which affected not only Flemings who had risen in the social scale, but also the lower middle-class and even the masses. The 1932 legislation allowed communes on the language boundary to make educational and administrative adjustments on the basis of ten-

yearly censuses including questions on language. The result of the census in 1947 proved how far the phenomenon of Francization had developed. As the effect of the adjustments was almost entirely one way – in favour of the French-speaking community – the Flemish claimed integrity for their territory, as a corollary of the existence of Flemish national feeling. The census of 1947 resulted in a serious clash between the two linguistic communities: the Walloons charged the Flemings with demographic imperialism while the Flemings accused the Walloons of geographical imperialism.

The linguistic laws of the 1960s

Instead of holding a new language census around 1960, the great majority of Belgian politicians agreed to fix the language boundary once and for all. An Act of 8 November 1962 established the language boundary on the general basis of the report of the 'Centre Harmel', which was set up in 1948 to study linguistic problems. An Act of 30 July 1963 once again stipulated that official education should be given in the language of the region and that private education, if it was to receive grants and have its own certificates recognized, must also be given in that language. An Act of 2 August 1963 deals with the position of certain Flemish communes on the outskirts of Brussels, allowing certain exceptions in primary education for the benefit of the French-speaking inhabitants of those communes.*

The constitutional reform of the 1970s

In 1970 the Belgian state structure underwent major changes through a revision of its constitution introducing 'cultural autonomy' for its Dutch-speaking and French-speaking communities. More and more the Flemish and Walloon communities became conscious of their own identity and perceived their interests differently. The constitutional revision of 1970 provided for:

- a) the division into Dutch- and French-speaking groups of all members of the national parliament, for them to exercise as members of two cultural councils legislative authority in cultural matters over the citizens belonging to their respective cultural community (new article 32*bis* of the constitution);
- b) the division of Belgium into four linguistic territories: the unilingual Dutch, French, and German territories and the bilingual territory of Brussels-Capital (new article 3*bis* of the constitution). No change in the borders of the four territories is possible except by a law adopted by a majority of each of the two linguistic groups, the majority of each group being present, and a two/third majority of all members of the chamber of the parliament participating in the vote;
- c) the division of Belgium into three regions: a Flemish region, a Walloon region and a Brussels region (article 107*quater* of the constitution); the composition and competence of the regional organs to be determined by laws adopted by specially qualified majorities;
- d) the institution of an 'alarm bell' procedure whereby three-quarters of the members of any linguistic group in the parliament may declare that the provisions of a draft law which may endanger the relations between the communities shall be referred to the Council of Ministers;
- e) parity between Dutch- and French-speaking Ministers, with the exception of the Prime Minister (new article 86*bis* of the constitution).

The constitutional reform of the 1980s

In the early 1970s the main political parties in Belgium (Christian-Democrats, Socialists and Liberals) split each on linguistic lines into two distinct parties. At the end of that decade three 'linguistic' parties participated in a government: the *rassemblement wallon* in 1974-1977, and the *front démocratique des francophones* together with the *volksunie* in 1977-1979. A persistent call for greater autonomy led to another revision of the constitution in 1980, which put into effect the most profound institutional reform in Belgian history. Henceforth at the federal level there are three communities (Flemish, French and German-speaking) and three regions

* see also the European Court of Human Rights' judgment in the Belgian Linguistic cases of 27 July 1968, and also see *Belgium's Walloons and Flemings*, MRG Report No. 46

(Flemish, Brussels and Walloon). The subjects of the communities are determined *ratione personae*, the subjects of the regions are determined *ratione loci*. While Flanders comprises both the Flemish community and the Flemish region, Wallonia only consists of the Walloon region, greatly overlapping the French community *ratione loci*, but *ratione materiae* distinct from it.

Pending a more definite solution for Brussels-Capital, the executive for the Brussels regions operates within the national government. The administrative region of Brussels-Capital is composed of the City of Brussels and 18 neighbouring municipalities. Brussels-Capital does not have its own legislative body. As far as the 'communal' matters are concerned, the Flemish community norms apply to the Dutch-speaking institutions, the French community norms to the French-speaking institutions and the national laws to the bicomunal institutions and to the persons on the territory of Brussels-Capital. The national laws apply to regional matters. For those matters which are localized in the territory of Brussels-Capital, a Ministerial Committee composed of one Minister and two Secretaries of State belonging to the national Cabinet are responsible. They act by consensus; in the absence of consensus the matter is deferred to the full Cabinet.

The Flemish community and the Flemish region have one common executive and legislature, which functions independently from the national government and legislature in community as well as regional powers. The Walloon region and the French community each have a distinct executive and legislature, also independent from the national government and respectively competent for regional and community matters. The community powers concern the so-called 'matters linked to the person' and encompass, besides cultural affairs, social affairs, health and welfare as well. The regional powers range from environmental protection, physical planning, housing and inland waterways to regional economic policy, energy policy, employment and research.

It has to be confessed that the actual state structure is somewhat confused due to a lack of clarity in the terms of the law and to the incomplete character of the reform. No homogeneous policy-packages have been transferred to the communities or the regions and the limits between the several fields of competence are far from clear-cut. Unlike other federally organized states, the national norms do not prevail over the regional or community norms. The question remains whether the plan of central laws and regional and communal decrees is a correct decision, or whether a more far-reaching transfer of authority to the regions should not be accompanied by accepting the principle of the priority of national norms under strict conditions. The present system provides only for the settlement of conflicts of jurisdiction by a new Court of Arbitration, which started work in 1985 and which is composed of six Dutch-speaking and six French-speaking members, half of them being lawyers and half of them former politicians.

The current financial arrangement for the communities and the regions is the weak point of the reform. The component member units receive appropriations from the national budget and have only limited taxation powers of their own. However, it is generally felt that in order to be able to implement their own policies in their own areas of jurisdiction the communities and regions should have their own financial resources and should bear full financial responsibility for their own policies.

The 1980 state reform is not satisfactory because a definitive settlement for the Brussels region was left out and because the transformation of the Senate into a chamber for regions and communities is not yet underway. The regions and communities are independent from the national state organs, but to date the legislative organs of the communities and the regions are composed of the members of the national parliament.

The elections in 1981 and 1985 resulted in a continuous decline of the linguistic parties. In particular, after the elections of 1985 the *rassemblement wallon* disappeared, the *front démocratique des francophones* was considerably weakened, and the *volksunie* also lost some seats. In a period of economic crisis the electorate turned back to the main political bodies. Nevertheless, the clock cannot be put back and a further transfer of authority to the regions may be expected at some time in the future.

BELGIUM: Part II

by Dick Leonard

Historically, the language issue in Belgium took the form of a struggle by the Flemings for equality with the French-speaking Belgians who formed the governing elite. In the 1960s this was paralleled by a militant movement of French-speakers who asserted that the boot was now on the other foot: that it was the French language that was discriminated against. This claim did have some foundation, but it is my conviction, based on six years' residence and work in Belgium, that – partly owing to the constitutional changes of recent years – neither side now has a serious basis for complaint. What injustices remain are (despite the Fourons crisis of October 1986) essentially of a marginal nature.

The disadvantages of Flemish-speakers are well described in Professor Bossuyt's contribution, and he is quite right to pinpoint the granting of universal male suffrage in 1919 (women had to wait for the vote until 1948) as the necessary, and in the end, sufficient condition for them to win parity for their language. In the previous, unreformed Parliament not a single speech in Dutch had been made until 1889, over 50 years after its foundation. As it was, it took another forty or so years before the full effect of the Dutch-speaking majority* made itself felt.

The 1963 language laws ostensibly promoted equality between the two language groups. Effectively, however, they put French-speakers at a disadvantage. The French-speaking population of Brussels was most directly affected. Three provisions, in particular, hit them hard:

- (1) Jobs in the public service in Brussels were to be divided on a 50-50 basis, even though Brussels was four-fifths Francophone;
- (2) Top civil-service jobs would be open only to recruits competent in both languages. As middle-class Flemings almost invariably spoke good French, while middle-class Walloons seldom bothered to master Dutch, this threatened to exclude the latter from the high echelons of the government service;
- (3) The freezing of the 'linguistic' boundary, which had previously been revised with each decennial census. This meant that French-speakers in the peripheral suburbs of Brussels would remain under Dutch-speaking administrations, even when they had become the majority.

It was not only political and constitutional changes which helped the Flemish cause. Economic changes, particularly since the Second World War, have transformed Flanders from what the leading Flemish bank called 'an impoverished and backward agricultural area'. Since 1945 investment, particularly from overseas, has flowed into Flanders, attracted by its proximity to the sea and to major ports such as Antwerp, its surplus labour and low wages at a time of general labour scarcity and its better industrial climate, as measured by a substantially lower incidence of strikes. At the same time French-speaking Wallonia, burdened with its inheritance of old heavy industries, was entering into a long period of relative decline. The consequence is that today Flanders is a shop-window for modern technology, while Wallonia is painfully struggling to catch up, with a higher unemployment rate, slower growth and much lower profit ratios. The 1980 devolution programme gave the Flemish regional executive effective control of the Flemish economy, while leaving the Walloon regional executive the same responsibilities in Wallonia.

The Flemings now have few if any remaining grounds for feeling any sense of inferiority. They are the majority, their part of the country is the more prosperous half and it is governed by Flemings in the Flemish interest. In the national government of Belgium their influence is predominant, despite mathematical formulae designed to give the French-speakers a 50% share. For example, 10 of the last 11 governments have been led by a Dutch-speaker, and the exception was a caretaker administration which lasted only a few months.

As for the French-speakers, the penalties inflicted by the 1963 language laws have been attenuated with time. Ambitious young Francophones now take their studies of Dutch seriously, and there are many cases of French-speaking parents deliberately enrolling their children in the Dutch-speaking schools of Brussels, or even of

* The language ratio in Belgium is now 57% Dutch, 42% French, 1% German.

moving to neighbouring towns in Flanders, in order that they should grow up perfectly bilingual.

The consequence has been that since 1980 language disputes have disappeared from the top of the Belgian political agenda. Apart from the case of the Fourons (a largely French-speaking enclave inadvertently left on the wrong side of the language border), and some muted dissatisfaction over the status of Brussels and its periphery, few people now get worked up about what used to be *the* issue in Belgian politics. If this state of affairs continues, a heavy burden will have been lifted from Belgian consciousness.

The possible lessons for Northern Ireland

On the face of it, there does not seem much in common between the Belgian and Northern Irish situations. In Belgium the conflict has been linguistic – not religious; the two communities are more evenly balanced in numbers; and no neighbouring country has any desire to incorporate any of Belgium's territory. (Flemish separatism has never been seen as a prelude to union with Holland; nor has France given any encouragement, at least since the reign of Louis Philippe, to the idea of its incorporating Wallonia.) Inter-marriage between the two communities is commonplace, and, apart from occasional fracas, there has been none of the violence which has afflicted Northern Ireland. Finally, the disputes themselves have never claimed the primary political allegiance of the bulk of the population. At their height, the linguistic parties together received about 22% of the total vote: at least 90% of Northern Irish votes regularly go to parties whose main *raison d'être* is the religious divide.

Nevertheless, some aspects of the Belgian mix might usefully be copied in Northern Ireland, *viz.*:

- (1) The use of proportional representation in *all* elections.
- (2) The requirement that a fixed proportion of Ministers should come from each community.
- (3) The devolution, both to geographical and community (in this case linguistic) authorities of important economic, social and cultural powers.
- (4) Institutional arrangements, such as the 'alarm bell' procedure in Parliament and the Court of Arbitration (as described by Professor Bossuyt), for trying to avoid or resolve conflicts between the communities.

What Belgium could most usefully lend elsewhere may not, unfortunately, be transferable. It is the spirit of compromise which seems deeply ingrained in the Belgian psyche. It is the result not just of harbouring different communities, but of having to live with a succession of occupying powers – Burgundians, Spaniards, Austrians, Frenchmen and Dutchmen – over five centuries. For most of this time Belgians were able to work out a *modus vivendi* with their occupiers, which enabled them to get on with their own lives in tolerable circumstances. With this history behind them, Belgians have generally found means of resolving their own disputes, or at least of containing them until such time as passions have cooled.

SWITZERLAND by Dr. Jonathan Steinberg

When I asked the Swiss Embassy for the text of their law or laws covering minority rights, I received a huffy reply from my friend there, a diplomat: 'We don't need minority protection; in Switzerland we are all members of minority groups.' I had heard the remark before and it is quite true. In Switzerland, there is no majority – no equivalent of white, English-speaking and Protestant Christians in Britain or the USA. It is true that the German-Swiss make up two-thirds of all Swiss citizens, but the language they speak, *Schwyzerdütsch*, turns them into a minority group within the German-speaking world and gives them many of the touchy attitudes to be found among Welsh or Catalan speakers. German-Swiss divide between Protestant and Catholic, between highland and lowland, between urban and rural, between large canton and small canton, between radical and conservative, so that even within the majority Germanic world most Swiss feel themselves, as my diplomat friend said, 'members of a minority group'.

Switzerland as a state among states belongs to a tiny minority. One of the very few states in the world committed to international

neutrality, it constitutes a minority of one in its attitude to international organizations. The voters recently again turned down, as they had done on previous occasions, a referendum which would have permitted Switzerland to join the United Nations. Other neutral European states, Austria, Sweden and Finland, have not gone that far.

Switzerland is also in a minority in its extreme commitment to the democratic process. All legislation at either federal or cantonal level can be altered either by referendum or by initiative, that is, by formal procedures in which the citizen replaces the lawmaker. Issues such as the introduction of value added tax, limitation on the number of foreign workers, adoption of summer time, footpath networks for hikers, revision of the law on atomic energy, legalisation of induced abortion and consumer protection go almost automatically to the 'sovereign' as the people are fondly called in Swiss political usage. The commitment to democracy extends to school curricula, to the language of instruction and to issues such as the local sewers. I recall an agreeable evening spent over large schooners of beer with a man who rejoiced in the romantic title of *Brunnenmeister*, master of the fountains, of a small central Swiss village. He explained to me that he had recently been appointed to this high office and that equipping himself and his firm had cost him thousands of Swiss francs. The job involved maintenance of drains and water supplies. I asked him if he had got the job through competition. He looked at me pityingly. 'But I am a Liberal', he said. 'We have a 3 to 2 majority on the town council.' Did that mean that if the Conservatives got in at the next local election, he would be out, thousands of francs invested or not? 'But of course', he answered, now genuinely puzzled.

Switzerland, depending on how the calculation is made, may be the richest country in the world. No doubt certain oil sheikdoms had higher figures for gross national product per head until the recent fall in oil prices, but in terms of living standards for the majority Switzerland always excelled them. It has more banks than dentists. It has almost no unemployment, almost no inflation and almost no strikes (in 1982, for example, there was one strike at one enterprise which involved 55 workers and lasted for ten days). Its citizenry is fully armed, and all adult males serve first in the army and then in the reserve until the age of 50. As Machiavelli observed in the fifteenth century, 'the Swiss are most armed and most free'. An army of some 750,000 can be mobilized within a few days of hostilities. Only Israel has a population so thoroughly militarized, and it uses the Swiss mobilization procedures.

These very peculiarities lead the Swiss to think that collectively they are a kind of national minority, *Sonderfall Schweiz*, the Swiss special case. They see themselves as an embattled small people surrounded by a dangerous and hostile world, constantly threatened by alien powers and alien trends. The country has magnificent scenery but few natural resources. Mr. Reagan and Chernobyl between them can cause a catastrophe for the tourist industry – estimated to rank third among Swiss industries, after machines and textiles, but ahead of watches. The diabolical Japanese threatened with their cheap digitals to ruin the watch industry; foreign states may put up trade barriers against which a tiny trading country has no redress; wild currency fluctuations caused by what the Swiss regard as irresponsible economic policies by the large states push the Swiss franc out of international competition. (Just over a decade ago the pound sterling bought 10 Swiss francs, now just under 3, while the dollar has plummeted from over four francs to about Sfr 1.80.) Through no fault of their own, indeed, through their virtues, Swiss products become more and more expensive for foreigners as anybody who has recently enjoyed a holiday in Switzerland soon discovered.

There is in Switzerland a fortress mentality, which underlies the confidence and the success. The Swiss, not always consciously, feel that their wealth, their way of life, their independence, their neutrality are always at risk. Like the Jews and other minorities, below the conscious level, there is a feeling of precariousness which the Swiss respond to by hard work. Nowhere in Europe is the work ethic so entrenched, so pervasive and powerful. Two years ago Grenchen, the centre of the traditional watch industry, looked like becoming a ghost town. Today the Swatch has turned it into an eldorado again. Just as in the 1870s and 1880s, Switzerland fought back against the cheap American mass-produced Waltham watch, so in the 1980s by sheer hard work, flexibility, ruthlessness

(complete managements forcibly retired), and ingenuity, they have beaten the Japanese at their own game, the only Western country to have done so.

None of this may look at first as if it ought to be discussed in a report devoted to minorities, but the collective background explains in part why my diplomat friend responded so characteristically to my question. If a whole country feels itself to be a minority in the world, surely it does not need to worry about minority rights. In this, I think, the Swiss delude themselves, just conceivably rather dangerously.

It was Alexis De Tocqueville in his *Democracy in America* written in the 1830s who first noticed how intolerant genuine democracy can be. There was, he saw, in the New England townships a kind of 'tyranny of the majority' which suppressed unpopular or eccentric thought and deed. Nathaniel Hawthorne in his *The Scarlet Letter* and *The Blithedale Romance* rang the changes on them, especially in the latter, less well-known novel, in which a utopian commune tries to erect the perfect society and ends by perfecting a special kind of tyranny. Nobody who suffered an American high school education, as I have, can ever forget the relentless pressures to conform.

Switzerland has the same democratic vices. Swiss communities are not tolerant nor easily amused. They distrust wit and frivolity. They want their governors to be as much like themselves as possible. They distrust dissent and have resisted longer and more bitterly the acceptance of conscientious objection than any other civilized society in the world. Article 18 of the Swiss Constitution states that 'Every Swiss is obliged to perform military service'. In 1977 and again in 1984 the voters overwhelmingly rejected popular initiatives that would have permitted those with conscientious objection to service in the military to do alternative civil service in hospitals, old peoples' homes or in social welfare. Not even membership of pacifist religious communities will exempt a man but, under certain circumstances, such persons may do their service in branches without weapons like the medical corps. The democracy will not tolerate exemptions.

The Swiss are not all that keen on the very variety which so strikes the observant foreigner. My wife who belongs to a large energetic Swiss family in Central Switzerland had never met a Swiss Protestant until I introduced one to her – and that in spite of the fact that the main village where the older members of the family lived contained a sizeable Protestant minority. Catholics and Protestant cantons fought a civil war in 1847 and, while Bismarck contemptuously dismissed it as a 'rabbit shoot', it left a legacy of communal bitterness. A historian of the Catholic community has written of 'the Ghetto mentality' of Swiss Catholics. Even among Swiss Catholics political hostilities run deep. I know a village in Canton Luzern where housing officers reward party adherents and punish opponents in a manner worthy of Belfast, and I can recall an evening when a Luzern conservative who was explaining party policy dropped to a whisper because people from 'the other side' had entered the pub. Party rivalry in the Italian-speaking Canton of Ticino frequently erupted into physical violence in the last century and on occasions even in the twentieth. Swiss police were no more notably tolerant of hippy and counter-culture manifestations in the 1970s than the notorious German and French police forces.

Some minority groups behave as if they were not Swiss at all, but like other people. During the struggle for a 'Free Jura' of the 1960s and 1970s, the Jurassien separatists – French-speaking Roman Catholic inhabitants of what were then the north-western districts of Canton Bern – took up the techniques of liberation movements everywhere. 'Jura libre' signs covered the walls of public buildings in Porrentruy and Delémont; the odd bomb went off to underline the sentiments.

Swiss political structures cope with separatism better than they do with dissenting behaviour because Swiss politics crumbles so easily into smaller and sub-divisible units. Swiss cantons frequently have enclaves of other cantons within them or, as in the Canton Schaffhausen, bits of Germany. Along the shores of Lake Lugano, there is the Italian community of Campione d'Italia, completely surrounded by the Swiss Canton Ticino. The Swiss are not bothered by the fact that political entities have, so to speak, holes in them. They live comfortably with political maps that look like patch-work quilts.

Since political units have to be, first, democratic and then built from the bottom, there was no difficulty in principle in sub-dividing Canton Bern to permit the Jurassiens to form their own Canton. It was self-evident that French-speaking Protestant villages dotted among the Catholic ones would stay with Bern and in the case of Moutier the division might be made street by street. The difficulty lay not in the principle but in the people. The voters of Bern took a decade and some violence before they agreed to sever the offending districts from the body politic. Divisible, democratic units make it possible for certain sorts of minorities to be made comfortable within the larger framework.

Federalism helps too. The 25 cantons each have considerable powers over the lives of their citizenry. Catholic cantons behave differently from Protestant ones but all have got used to the existence of pockets of minority culture within their boundaries. Cantons like Fribourg, Valais or Graubünden have learned to allow local communities cultural sovereignty right down to the village level. Language borders cross political borders, and it is only by the different flowers in the window boxes that one can tell that one has passed from, say, German to French Fribourg.

Language poses minority problems of its own. Switzerland recognizes four official languages – German, French, Italian and Romanche. The first three appear by law on state documents, national monuments, federal regulations and instructions, the railway time-tables and by custom on a variety of labels, announcements, journals and advertisements. Announcers on planes and at railway stations employ the language most likely to be used. In parliament Italian-speaking deputies have the right to speak in Italian, and do so on ceremonial occasions in the full chamber. If they want to be understood, and always at committee stage, they speak German or French.

French and Italian Swiss, irrespective of any other divisions among them, share a common sense that they belong to minority communities. The preponderance of German Switzerland is more than just weight of numbers. German Switzerland houses the big banks, the big companies and the big investors. French and Italian Swiss resent the economic hegemony of the German Swiss business community, a resentment felt underneath all the politeness that marks inter-linguistic relations. Swiss German speakers break down into three distinct linguistic variants and countless local dialects. Swiss German when spoken in the more remote regions sometimes baffles Swiss Germans themselves, and the whole linguistic thicket of dialect keeps the foreigners out. French Swiss rarely learn Swiss German, preferring if they make the effort at all to learn proper German, what Swiss Germans tend to call High German or Written German, so that personal encounters across the Franco-Germanic linguistic borders normally take place in French. Swiss Germans like to practise and Swiss French cannot be bothered. I met a distinguished French Swiss journalist who speaks English without an accent, but not a word of German, proper or Swiss. French Swiss look to Paris culturally and tend to regard dialect, as 'patois', a sign of provinciality and backwardness. Nobody, save the Swiss Germans, bothers to learn Italian, and the grievance of the Italian Swiss about the dominance of Swiss Germans is as keenly felt as in French Switzerland.

Romanche speakers make up the most embattled and endangered linguistic minority. Whereas about 10% of the resident population of Switzerland speak Italian and just under 20% speak French, less than 1% still speak the ancient Romanche vernacular of the high mountains in the Grisons. There are, according to the most recent linguistic census, now less than 50,000 Romanche speakers left. All the Romanche communities are contained within the tri-lingual Canton of Graubünden (or Grisons in French, or Grigioni in Italian, or Grischun in Romanche). During the past century more than 40 formerly Romanche-speaking communities have gone over to German and the proportion of the inhabitants of the Canton who use Romanche regularly has fallen from just under half to just under a quarter. Economic realities, not persecution of minorities, account for the disappearance of Romanche. Like all economies of the European periphery the high valley economies of Graubünden cannot compete with the lowlands. Either the population descends to the plain to work and hence the Romanche-speaking pool dribbles away down the slopes of the Alps; or enterprise, stimulated by well-meaning governments, finds its way up the valleys. Ski resorts, hotels, and tourist shops bring their Swiss German workers with them. Either way Romanche declines.

Italian may be a minority language in Switzerland but it is the majority language across the border. Radio, TV, newspapers, publishers, authors and editors keep Italian bubbling with new life. Italian films and TV flood Canton Ticino and the Italian-speaking communities of Graubünden. No external support enriches Romanche. The Romanche themselves manage to disagree on cultural attitudes and divide into three main written and seven main spoken variants, divisions so keenly felt that for years no Romanche appeared on Swiss bank notes – not because of official neglect, but because the Romanche could not agree how to spell 'Ten Swiss Francs'. This is the one area where official Switzerland recognizes that a minority needs special protection. In June 1983 the Federal Parliament passed the 'Federal Law concerning Contributions to Cantons Graubünden and Ticino for the promotion of their Cultures and Languages'. Article I stipulates explicitly that these contributions must go to the encouragement of the Rhaeto-Romanche language and culture and for the promotion of Italian culture both in the Italian-speaking valleys of Graubünden and in Canton Ticino itself. The *Lia Rumantscha*, the official representative of Romanche culture, has charge of the administration of funds and the obligation to report through the cantonal government to the federal department of the interior.

A chair for Romanche literature now exists at the University of Zurich and its first holder, the brilliant Iso Camartin, does his best to awaken his fellow Swiss to the plight of the linguistic minority on their doorstep. As he said to a group of Welsh writers at a conference a few years ago, 'there is a kind of cultural tolerance which reveals an ill-concealed affinity to contempt'. The problem is, as Professor Camartin shrewdly notes, that Romanche literature has only a past, no future. Its very vocabulary reflects the experiences of its speakers, their history as poor peasants in the high valleys of the upper Rhine. The language imposes by its very nature a kind of provinciality, and if the language does not do that, the readers soon will.

If official Switzerland recognizes and protects its delicate linguistic minorities, it gives little or no protection to its hundreds of thousands of foreign workers. *Fremdarbeiter* or foreign workers come in three types: the largest group, the settled workers who have lived and worked in Switzerland long enough to have permanent residence (roughly 350,000) and the other two groups, those who cross the frontier daily to work in Switzerland but live in Germany, France or Italy, and those who cross the border on seasonal or annual permits. The second group numbered 277,609 in 1979, down from 523,304 in 1974. In effect, Switzerland has no unemployment because it exports the unemployed by simply reducing the number of permits it gives for seasonal or annual work.

The numbers are large – and even larger when families of foreign workers are considered. The population of Switzerland in 1983 was 6,436,500 of whom 956,000 or 14.9% were aliens. Of these just under a third are Italians. This huge foreign population constitutes an underclass whose evolution promises to be the great social problem of the next generation. Take the case of Giovanna M., born in Schaffhausen of Italian parents working in Switzerland. Giovanna grew up speaking Italian and Swiss German without an accent in either. She went to Swiss schools and had Swiss training, but she has no Swiss rights. Since neither of her parents had Swiss nationality, she cannot claim it either. Indeed until recently even a Swiss mother could not pass nationality on to her off-spring, and even now, if married to an alien, can only do so if the child is born in Switzerland.

Citizenship in Switzerland depends on membership of a local community. Every Swiss, regardless of where he or she may live, has a place of fundamental civic identity, where the register records his or her name. Generations may pass. The person may never have seen his 'home' but there on his or her passport is entered the name of the *Heimort*, the place of his or her home. It sounds romantic until the case of Giovanna M. is considered. Since Swiss communities have ultimate relief and welfare responsibilities for their 'citizens', i. e. those registered, they have little incentive to add strangers to the list, still less the names of immigrant Italian children with lower class backgrounds and origins in the Mezzogiorno. Some communities and cantons charge large sums for the privilege of registration. Hence the cruel anomaly that allows refugee Bolivian tin millionaires to buy citizenship almost as soon as their expensive shoes touch the tarmac while Giovanna born and bred Swiss must be content to be a non-person in the Swiss community.

Will she be content? I doubt it. The great waves of migration of foreign workers occurred in the 1950-1970 period. By now the children are reaching their twenties and thirties. Like Giovanna M. they feel bitter about Switzerland. Some day that bitterness and the bitterness of the tens of thousands of others will explode. I have repeatedly asked Swiss friends if the prospect does not alarm them. I have found few who seem to be alarmed.

This loose survey suggests that Switzerland has its share of the general problems that beset humanity but that in Switzerland, as always, they take peculiar forms. It may have no legislation to acknowledge the existence of most of its minorities, but it has them nonetheless. It also offers its peculiar bee-hive structure of democracy to those minorities which can be defined by residence. Swiss communal democracy could provide the structures to cope with minority problems in Beirut or Belfast, but for that to work the warring communities would have to accept the lesson the Swiss seem to have absorbed: you may hate your neighbour, but you do better to give him his own community with rights equal to yours than to try to crush him. Otherwise, in the end he will try to crush you. I do not know how they learned it or when, but it has made the protection of the minorities in Switzerland easier and much more peaceful.

THE NETHERLANDS by Fred Grunfeld

The population of the Netherlands comprises a large number of minorities. In comparison with other plural societies, it is remarkable that minorities in the Netherlands are not of ethnic or national origin – with the sole exception of the Frisians in the north, who have not only their own language and culture, but also a strong attachment to the Royal House of Orange, and therefore have never developed a separatist movement but remained loyal to the Kingdom of the Netherlands.

The minorities were originally based on religious denominations. An ethnic aspect entered Dutch society only recently with the arrival of foreign workers and people from former Dutch colonies, who can be described as the 'new' minorities. It is possible therefore to distinguish between the 'old' and the 'new' minorities. The latter came to the Netherlands over the past twenty years to find employment, and initially with the intention of only staying in the Netherlands for a short period. The first of such groups of 'new minorities' came from the Mediterranean (mainly Spain, Portugal, Turkey and Morocco), and their members did not have Dutch nationality. Another group of immigrants arrived during the 1970s from the former Dutch colonies in Central and Latin America (Surinam and the Dutch West Indies); these have Dutch nationality. Combined, the members of the 'new' minority groups form more than 5% of the Dutch population today.

The 'old' minorities can be broadly divided into Roman Catholics (38%); mainly located in the southern provinces of the Netherlands; and Protestants (31%), among whom can be made a distinction between the members of Calvinist churches and the adherents to more liberal Protestant denominations. Although such distinctions derived from membership of religious groups, the implications of membership came to extend far beyond church-related affairs and as such played an important role in Dutch politics and society in general.

As a result of the peaceful co-existence of minority groups, the Netherlands acquired the reputation of being a relatively tolerant society. As a consequence of this tradition other groups, such as Huguenots and Jews, also chose to settle in the Netherlands. Freedom of religion and equal rights were – after an initial period – granted to them.

One may question to what extent this reputation for tolerance also implied a sense of solidarity with other minorities, or whether it was only the reflection of an attitude of indifference. In this connection, the fact should not be forgotten that only 20% of the pre-war Dutch Jewish community survived the Second World War. In no other West European territory which was occupied by the Germans was the loss of Jewish lives so high as in the Netherlands.¹ It goes beyond the scope of this paper to analyse the causes of this tragedy, but – certainly from this example – one may doubt how far successful co-existence in plural societies stands the test of emergency situations during dramatic periods in history.

The 'old' minority groups and compromise politics

For a long time – until the mid-1960s – political, social and cultural life in the Netherlands was described by the term 'pillarization' (*verzuiling*). (Another term for such denominational segregation is 'columnization'.) A 'pillar' consists of a conglomerate of sections of the population, who are united in a complex of organizations and institutions in society which are rooted in the same religion or ideology. The key question is how solid these confessional-political groups of the population were, and how a form of national political unity was achieved through which consensus could be reached.

The three main 'pillars' were the Roman Catholics, the Protestants and the socialists: each with their connected political parties, trade unions, newspapers and broadcasting organizations, etc. The Roman Catholics and Protestants also run the majority of all schools in the Netherlands, which are 100% subsidized by the government. The liberals and conservatives never developed their own similar 'pillars', although they have connections with the employers' organization, and to a lesser degree with newspapers and broadcasting companies. The chart below illustrates the organizations according to the three main co-existing 'pillars', in the years following the Second World War:

	Political Group	Trade Union	Broadcasting Company ²	Newspaper
(A) Roman Catholics	K.V.P.	N.K.V.	K.R.O.	<i>Volkskrant/Tijd</i>
(B) Protestants	A.R.P./C.H.U.	C.N.V.	N.C.R.V.	<i>Trouw</i>
(C) Socialists	P.v/d.A.	N.V.V.	V.A.R.A.	<i>Vrije Volk/Parool</i>

Some insight can be gained into the solidarity of the inter-relations within one 'pillar', together with the divisions between the pillars, by reference to some results of research conducted in 1964:

- (A) 81% of the members of the N.K.V., 76% of the listeners of the K.R.O., and 72% of the readers of the *Volkskrant/Tijd* voted for the K.V.P. (the Catholic People's Party);
- (B) 68% of the members of the C.N.V., 72% of the listeners of the N.C.R.V., and 95% of the readers of *Trouw* voted for the A.R.P. (the Anti-Revolutionary Party) or the C.H.U. (the Christian Historical Party);
- (C) 78% of the members of the N.V.V., 76% of the listeners of the V.A.R.A., and 68% of the readers of the *Vrije Volk/Parool* voted for the P.v/d.A. (the Labour Party).

After the Second World War the socialists did not envisage forming their own pillar, but hoped for a breakthrough by attracting members of different religious denominations. However, these efforts largely failed because the traditional confessional pillars offered stubborn resistance; for instance, in 1954 the Roman Catholic bishops ordered members of the Roman Catholic church not to become a member of the N.V.V. or even to listen to the V.A.R.A. or read a socialist newspaper. Accordingly, the solidarity within the pillar remained strong, and cross-contacts were minimal – certainly at the level of the mass-membership, although among the élite there were many more contacts between members of different pillars. There were, for example, a number of umbrella organizations (for instance, in socio-economic fields) in which all the pillars were represented. These played an important advisory role for the government, and such structures were necessary to counter the centrifugal tendencies of the 'pillarization'.

No political party of any one pillar obtained a majority of votes in the elections, and different political parties were therefore obliged to co-operate in coalition governments. The role of the political leaders necessarily had to be directed towards a policy of compromise. In this way they could maintain their position of power within their own group, and keep the groups separate while avoiding conflicts between them. To put it another way, dynamic political choices had to give way to a proportional distribution of power and resources, in order that 'everybody could be the boss in his own house while the house is paid for by the public purse'.

It is possible to identify several characteristics of this politics of compromise, including:

- (1) The fact that it was a practical, businesslike policy, directed at obtaining concrete results;

- (2) In a pragmatic acceptance or tolerance of another pillar, a kind of 'agreement to disagree' was reached: the political majority took account of the feelings of different minorities, and did not adopt a policy which offended the principal ideological views of these minorities, with sensitive decisions being taken only after consultation with those minorities;
- (3) Key meetings between the leaders of the pillars took place in cases of serious crises;
- (4) There was a 'just' proportional distribution of power and money;
- (5) A tendency to depoliticize developed, presenting politically sensitive issues as mere technical complexities;
- (6) A trend towards secrecy also evolved, in order that the élite could seek and find compromises untroubled by popular interference;
- (7) The government came to be perceived as neutral, yet vested with a great deal of authoritative power.

It was central to this form of politics that the various constituencies trusted their respective leaders and held them in high esteem, and that they agreed with this policy of compromise in order to solve problems in a harmonious way by avoiding conflicts. This attitude, however, came to an end in the mid-1960s, for several reasons.

Democratization and politicization

In international politics a number of important developments took place which had a profound impact on political life in the Netherlands. Following the diminution of the Cold War, the bi-polar world system was replaced by a more poly-central system, and furthermore Dutch perception towards its most powerful ally changed as a result of the latter's actions abroad (Vietnam) and at home (Watergate). A growing awareness of the North-South dimension, accompanied in certain sectors of the population by admiration of the revolutionary heroes of the Third World and their ideals, resulted in broadening the previously somewhat narrow view of the national role in international politics. All this not only made Dutch foreign policy more open to discussion (leading to an increase in controversies about foreign policy), but also created conflicting views on domestic policy issues.

Strong economic growth, following the reconstruction period of the two decades immediately after the Second World War, created new social tensions since an increasing number of people were more concerned about relative differences and inequalities in society rather than about absolute economic growth. The old social ties loosened and many young people created their own sub-culture. These developments led to demands for greater participation and democratization in many fields – expressed through, for example, the student revolts in and after 1968. The result was a challenge to authority and a decline in respect for political leaders. This also led to polarization both within and among the political parties, and to the creation of single issue groups in society. This emancipation of sectoral interests in turn caused the decay of internal loyalty within the pillars, and the confessional parties began to lose support in the elections. Stressing their ideological differences during the election campaigns, political leaders found it increasingly difficult to form a coalition cabinet after the elections. It also became no longer possible to hold top-level meetings in secrecy, because the rank and file wanted to have a say in the decision-making process. The freedom of action of the leaders diminished markedly throughout the 1970s: grass-roots members of the political parties obtained more power, and began to control their political leaders by claiming a voice in major issues of decision-making, including the composition of the cabinet.

Furthermore, recent governments have had only small majorities in parliament; and their support has become even more unstable because, even within the political parties supporting the government, those members holding dissenting opinions became more vocal. To the observer, policy-making in the Netherlands became more interesting: clashes between government and parliament took place on many subjects such as the question of abortion, socio-economic policies, the embargo on South Africa, the cruise missile issue, etc.

Increasingly the conflicts, on both domestic and foreign affairs, could be characterized as conflicts between the left and the right of the political spectrum. This trend has been reinforced because of

the loss of power of the Roman Catholic and Protestant pillars, which in reality disappeared as separate entities. That of the Roman Catholics – the largest minority in the Netherlands, with a central position in the Dutch political system which had to some extent completed their emancipation – was the first to crumble. Many of the new generation, among Roman Catholics in particular, broke with their religious community. The Roman Catholic political party (KVP) shrank during the 1970s to half of what it had been in the 1950s. In 1980 it merged with the two other confessional parties (CHU, ARP) to form the Christian Democratic Appeal (CDA); the Roman Catholic trade union merged with the socialist trade union eventually to form the Netherlands Trade Union Federation (FNV). Of the Roman Catholic newspapers, one stopped publication and the other became an important national newspaper of the left. Partly as a result, the new confessional party (CDA) lost its left-wing electorate and became more and more a conservative party. At the municipal elections of 1984 it lost its majority position in the predominantly Catholic south, and in some southern cities the Labour Party (Pv/dA) became the largest party for the first time.

In some respects this heralded the introduction of a form of class struggle into Dutch politics. The present economic decline reinforced these tendencies: the Netherlands has become a more polarized society. On the other hand, it still remains a country of minorities; and those in power continue to give due respect to the feelings and principal views of the other minorities, trying to avoid offending their sensitivities. If they do so – as happened over the deployment of the cruise missiles – they do so reluctantly: a number of the proponents of the final decision deplored that this decision had to be taken on the basis of a narrow majority.

The new minorities

On 1 January 1984 there were 552,000 aliens in the Netherlands (3.8% of the population). The most conspicuous increase in their numbers occurred after 1960; this development was mainly caused by the arrival of foreign workers – especially Turks and Moroccans – together with their families. The immigration of foreign workers has now virtually ceased, but dependants of those already in the country are still being admitted. Indeed it is now – in a declining economy – exclusively for purposes of family reunion that entry is granted.

The average fertility rate of alien women is about twice as high as the overall average for Dutch women. Furthermore, the death rate of aliens is some three times lower than that of Dutch nationals, as a result of the relatively youthful age structure of the group. At the start of 1984, about 60% of the aliens had been living in the Netherlands for more than five years. These aliens were entitled for the first time to participate in the municipal elections of 1986, both as voters and as candidates. Apart from these groups, about 225,000 people of Surinam or Caribbean origin (1.5%) are resident in the Netherlands, which brings the total of the new minorities to 5.3%.

An increasing growth in their numbers can be expected in the future. For example, when the South Moluccans arrived in 1951

they numbered 13,000, and had risen to 35,000 by 1980. Furthermore, there is a concentration of the minority groups at certain places such as in the city of Amsterdam where, in 1981, 6.1% of the total population were people of Surinam and Caribbean origin, and 6.5% had a Turkish and Mediterranean background; and in the age group of 0 to 5 years old they constitute 34% of the Amsterdam population.

When the foreign workers first arrived, it was expected that they would stay for a short period. By the beginning of the 1980s, however, it had become clear that this expectation was not going to be fulfilled. The permanent nature of the settlement of foreign workers changed the Netherlands into a multi-cultural society. In response the government formulated a policy: the official aim was to integrate the foreigners into Dutch society, while assuring that they could maintain their own identity. At the same time it was recognized that the similarities between the minority groups were greater than the differences among them. These similarities were identified as structural, having been caused by their position in Dutch society. Their level of education is low; their housing situation is poor; their unemployment level is at least twice that of the other inhabitants of the Netherlands. After it was realized that they were beginning to settle permanently, it was recognized that the state of knowledge about them and their position in Dutch society was inadequate. A very large number of research projects were therefore set up; for instance, in August 1984 more than two hundred projects were undertaken under the sponsorship of the central government (41%), local administration (27%), universities (26%) and others (6%). In the period between 1980 and 1984 more than eight hundred publications on the results of such scientific projects were issued in the Netherlands; although, of these, only 35% were investigating the new minorities themselves; 45% was directed at the relationship between Dutch institutions and the new minorities; while about 20% dealt with the attitude of the Dutch vis-à-vis the new Dutch minorities.

In almost all of these publications, Dutch researchers were very critical about the attitude of the Dutch population: while it is important to state that systematic racial discrimination did and does not exist in the Netherlands, a growing number of racial incidents were identified. Nevertheless, there is a wide degree of consensus that discrimination is totally unacceptable.

One possible explanation of this situation may be the – already described – political culture of Dutch society. Because of the old 'pillarization', in which the internal sovereignty of each section of society ('a boss in his own house') was accepted, assimilation was not forced upon the new minorities. It was not claimed that it was necessary for them to give up their own identity in order to integrate into Dutch society: a society in which strong feelings of nationalism have been markedly absent. Nevertheless, one of the major problems today is that, in a declining economy, competition among people is sharper and more direct. This competition can arouse prejudices, which however do not always entail discriminatory behaviour. There is an awareness of the existence of these problems in Dutch society; it is therefore to be hoped that co-existence between the Dutch and these new minorities will still remain successful.

FOOTNOTES

¹ In 1940 there were 128,000 Dutch Jews; 107,000 were deported to concentration camps, of whom 5,200 survived. The loss of 101,800 – about 80% of the pre-war Dutch Jewish community – should be compared with the loss in Belgium of about 28%, in Luxembourg of 15%, in France of about 19%, in Germany itself of about 74%, in Denmark of 1%, and in Italy

of about 15%. (In some countries sources differ as to the number of Jews living there before the war.)

² Radio and television time in the Netherlands is distributed according to the adherents of the different broadcasting companies, and is paid for by the government.

AFTERWORD by Paul Sieghart

Though few of them realize it, the traditional liberal professions see the world through a distorting mirror. Doctors see a preponderance of the sick, priests of sinners, and lawyers of criminals and the litigious. Sadly, the same is also true of the media of publicity, which provide our only view of those vast parts of the world that we cannot experience directly. Until one realizes – and how many ever do? – that to the news media only the exceptional is news, one might be forgiven for believing that the world consisted of nothing but floods, earthquakes, famines, wars, coups, murders and rapes.

The field of human rights is no different. To work in any part of it is profoundly depressing, for one's attention and concern is only attracted when things go wrong – and sometimes very wrong. The fact that no one starves in Ruritania, that freedom of speech is well respected in Ecuamba, or that no one is imprisoned without a fair trial in the Wilhelminian Democratic Republic, makes no headlines and is therefore largely ignored. This is unfortunate for two reasons: obviously, because the price of freedom is eternal vigilance; less obviously, but perhaps more importantly, because people are apt to take it for granted that gross and persistent violations of human rights are an inevitable feature of the human condition, and that trying to do anything to diminish them is a waste of time and resources which could be put to more fruitful use.

The great value of this Report is that it demonstrates the profound fallacy of that proposition. Human rights problems *are* potentially soluble, and once this is shown to be so it behoves us all to play whatever part we can in helping to solve them. What then *can* we do to contribute to this aim? Doubtless, most readers of this Report will have tried to look for golden keys. What is it that all these success stories have in common, from which one might distil some balm to be applied to the still bleeding wounds of other divided communities, in Europe and elsewhere? Are religious differences easier to reconcile than linguistic ones, for instance, or linguistic ones than those of ethnic descent or national allegiance?

In fact, this Report shows clearly that *all* the classical divisions between majorities and minorities are potentially bridgeable. The Belgians are divided by language, the Dutch by religion. The Aland Islanders and the South Tyrolese are distinguished by language, ethnicity, and traditional national allegiance – which, in their cases, all happen to coincide. And the Swiss manage to accommodate distinctions of language, religion, and ethnicity which do *not* coincide. If they have all been able to resolve their differences – sometimes against heavy odds, and only after the shedding of much blood – why do others in Europe, like the Basques and the Northern Irish, still persist in shooting and bombing each other?

In order to answer this, one must, I think, investigate rather more deeply the soil in which a minority's sense of identity is rooted, and

this entails much more thorough research than has yet been done into the recesses of the human psyche where that soil is to be found. Why is membership of a cohesive group, distinguished from others around it, so important to so many individuals? We know that, in the human perception, identity is precious, but why do so many seek it outside rather than inside themselves? Why does *what* people are still seem to matter so much more – to them and to others – than *who* they are? Why does it seem so much more important to some to be a boilermaker, a schoolteacher, a Protestant, or a Basque, than to be – uniquely – themselves? Could it be because individual autonomy – supported, of course, by profound relationships with others, but entailing also considerable self-confidence, a high degree of personal responsibility, and in the last resort an element of solitude and self-reliance – is perceived as a threat rather than a challenge, and that it is both easier and more comfortable to share one's identity with a supportive group, especially in times of adversity and fear?

'Collective identity' seems almost a contradiction in terms, yet the aspiration of it is undoubtedly a factor of great power in human affairs. The phrase is constantly on the lips of members of minorities, or at all events of their leaders. Yet it is deeply divisive, and were it somehow to disappear from the world one cannot help wondering whether the sum of human happiness might not increase substantially. But all that is speculation. Achieving a greater degree of self-confidence, autonomy, and personal responsibility even among the members of European minorities, until they can be themselves and no longer need the comfort blanket of group allegiance, may take generations of education and effort. Meanwhile, we must take the phenomenon of collective identity as given, and seek to accommodate it within our communities. The examples described in this Report show that it is perfectly possible for a Swede to be a Finn without losing his or her Swedishness, for a Tyrolese to remain an Austrian and yet be an Italian, and for Swiss of diverse religions, languages, and cultures to go on being Swiss without forfeiting their sense of belonging to one or more of a multitude of other groups. And, just as Belgians can be Flemish or Walloon, so can Dutch be Protestants or Catholics, without having to kill or maim their fellow-citizens for no better reason than that their languages or their beliefs are different.

Ultimately, it seems to me that what all these accounts of relative success have in common is respect for the common humanity – and therefore the common entitlements which we now call the 'human rights and fundamental freedoms' – of the erstwhile stranger. If there is a golden key, it lies in a preference for peace rather than violence, for generosity rather than greed, for gratitude rather than envy, for creativity rather than destructiveness. There, if anywhere, lies the hope for the future of still divided communities. And that is something to which everyone – and not only politicians and their advisers – can contribute.

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