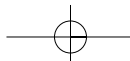
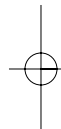
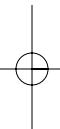




LA TOPONOMASTICA IN ISTRIA, FIUME E DALMAZIA



Coordinamento Adriatico

Università Popolare di Trieste



Coordinamento Adriatico

Istituto Geografico Militare



LA TOPONOMASTICA IN ISTRIA, FIUME E DALMAZIA

Volume I

Profili giuridici

a cura di

GIUSEPPE DE VERGOTTINI
VALERIA PIERGIGLI

Edizioni Istituto Geografico Militare

Con la collaborazione di

HISTORIA
Gruppo Studi Storici e Sociali
Pordenone

Con il contributo della Regione Autonoma Friuli Venezia Giulia

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Allestimento e stampa a cura del Servizio Riproduzione e Stampa I.G.M.

Curatore editoriale: GENTILE GIANFRANCO

Elaborazione grafica: FEI ANDREA, MAZZUCCATO MARCO, RENZI EMANUELA

Con la collaborazione di FUCCI MATTEO, NOZZOLI NICOLA

Finito di stampare nel luglio 2009

ISBN

NOTE DEGLI AUTORI

L'intero lavoro è stato ideato, discusso e redatto con unità di intenti, ma ciò non ha escluso una divisione dei compiti.
I testi dei saggi riportano sotto il titolo il nome dell'autore.

RINGRAZIAMENTI

Gli autori rivolgono i più vivi ringraziamenti a quanti hanno reso possibile la realizzazione di questo volume.

IN CORPERTINA

Il Ristretto della DALMAZIA [...] nel foglio Occidentale di Vincenzo Maria Coronelli, Venezia, 1688.

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La presente pubblicazione è il prodotto finale del progetto di ricerca dal titolo “LA TOPONOMASTICA IN ISTRIA, FIUME E DALMAZIA Progetto per uno studio di topografia storica, cartografia geodetica e giuridico-comparata in collaborazione con l’Istituto Geografico Militare” promossa dal Coordinamento Adriatico di Bologna d’intesa con l’Istituto Geografico Militare di Firenze e l’Università Popolare di Trieste ed interamente finanziato dal Ministero degli Affari Esteri e del Ministero per i Beni e le Attività Culturali, ai sensi della legge n. 193 del 2004.

PIANO GENERALE DELL'OPERA

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PARTE PRIMA

Profili generali di inquadramento linguistico e storico

PARTE SECONDA

Profili giuridici. La toponomastica come tecnica di tutela delle minoranze linguistiche in alcune esperienze contemporanee

Volume II

Aspetti cartografici e comparazione geostorica

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Topographic naming in Austria

PETER HILPOLD*

Summary: 1. Introduction. – 2. The relationship between topographic naming and minority protection. – 3. The relevant constitutional provision. – 4. What are «administrative and judicial areas»? – 5. What are municipalities with «mixed population»? – 6. The implementation of the relevant provisions. – 6.1 Implementation as a controversial process. – 6.2 The present situation.

1. Introduction

In Austria, the question of topographic naming enjoys high-standing importance in the political discussion. The official attitude towards this issue has not only become one of the most important benchmarks for the openness towards minority issues in general but it is also a mirror for broader trends in the dialogue between the main political parties. Legally speaking, the issue of topographic naming is of concern for several minority regions in Austria. In fact, however, it has become a contentious question only in the Federal Land of Carinthia. There, on the other hand, the subject of topographic naming transcends by far what usually is to be seen a technical question in the field of minority protection. The emotionality by which this dispute is characterized hints at deeper lying conflicts dating back to territorial struggles leading to the drawing of much-contested border lines. In an ethnically and linguistically mixed region, a situation so typical for the old Austrian-Hungarian empire, the drawing of border lines was *per se* a difficult issue. As long as these borders remained contested or, to put it more modestly, as long as the fear should persist that the other side could one day openly put in question these borders, topographic naming remains an issue of high political importance. In fact, in this context the names used in sign posts could easily be misread as justifications for territorial claims.

As a consequence of the extremely emotional value attributed to the issue of topographical naming it was difficult for the Austrian government or, respectively, for the Austrian Parliament, to find a solution that would not stir further rancour. Thus, the Austrian Constitutional Court had to step in to fill the most evident gaps. This jurisprudence met with criticism for two reasons: first of all, the Constitutional Court was ill-suited to assume the role of a legislator. Some decisions set new material law which could not easily be desumed from constitutional

provisions. Secondly, this jurisprudence was to be seen as problematic from the viewpoint of the constitutional division of powers. On the other hand it is true that by this intervention by the Constitutional Court it was possible to overcome a long-standing impasse.

2. The relationship between topographic naming and minority protection

There can be no doubt that the provisions on bilingual topographic names are, first of all, expression of a minority protection intent. At the same time it has to be taken into consideration that the provisions on topographic naming are usually qualified, from a human rights perspective, as collective rights, even though this qualification is not unproblematic. If we are putting these two elements together it would appear that the extent to which bilinguality in topographic naming is granted will generally depend from the strength of the various minority groups. On a practical level, however, the situation is more complicated. In fact, the international and constitutional obligations in the field of topographic naming have remained, for a long time, largely unimplemented. For some, a vicious circle was thereby established: the failure to implement minority protection provision has contributed to the weakening of the minority groups and as a consequence, the reduced strength of the group could be used by the government as a pretext to further lower the protective measures. Therefore, the question arose, whether the historic strength of the group (say, in 1955) should be taken as a reference. Though the adoption of such an approach may be required by considerations of political justice, in practice some sort of compromise will be necessary, as will be stated below.

Topographic naming makes part of the general language provisions in favour of minorities and therefore the

relevant norms have to be interpreted according to similar criteria. Viewed more closely there is, however, a great difference between provisions relating to the use of minority languages before public institutions and provisions on topographic naming. According to the Austrian Constitutional Court¹ the inherent function of the provisions on topographic naming is to give evidence to the public that a larger group of minority members is living – in an “eye-catching” manner –² on a certain territory. It is evident that the Constitutional Court has oversimplified the problem with this statement. In fact, as will be shown with this contribution, scope and function of topographic naming goes far beyond. Bilingual topographic names have not been introduced in the interest of the majority but in the immediate interest of the minority and their members. As a corollary of these considerations it has to be remembered that the strength of the various minorities is of pivotal importance for the implementation of these provisions.

The most recent census is of 2001. The figures exposed below have to be read, however, with caution. The counting of a minority is always a problematic issue as minorities often fear that this process is detrimental to their interests³. In view of past experiences⁴ members of minorities often refuse to be officially counted. Accordingly, there is no official counting of a minority affiliation in Austria. In the past, in Austria the “mother tongue” was counted. This was considered to be discriminatory by the minorities as there could be an inclination for an affiliation to the German language group. The requirement to indicate the “language of everyday life” (*Umgangssprache*) is surely more minority-friendly. For some, however, this requirement is too minority-friendly. On the other hand, there can be no doubt that a census, in what ever form formulated, tends rather to under-estimate the strength of a minority than to overstate it. As a consequence, minority representation organization indicate far higher numbers.

3. The relevant constitutional provision

Article 7, para. 3 of the Austrian State Treaty concerning the rights of the Slovenian and Croatian minorities goes as follows:

«In administrative and judicial areas of Carinthia, Burgenland, and Styria with Slovenian, Croatian and mixed populations, the Slovenian and Croatian languages shall be permitted as official languages in addition to German. Signposts and signs in these areas shall be in the Slovenian and Croatian as well as German languages».

On a whole, this provision can be considered to be very minority-friendly. As States are generally very reluctant to grant to their minorities specific rights in this field – and this has been true even more so in the past – these provisions of 1955 constitute a very modern and advanced regulation. The practical implementation of this provision has constituted, however, a very irksome process. The reason for this difficulties cannot only be found, in the fact, already mentioned that the issue of topographic naming in minority areas is very controversial. In fact, the implementation process of Art. 7 para. 3 of the State Treaty revealed that the wording of the relevant provision in the State Treaty is rather ambiguous.

The Constitutional Court ruled that Art. 7 para. 3, first sentence of the State Treaty is self-executing⁵. Due to the close relationship between the first and the second sentence in Art. 7 para. 3 («in such districts [...]») this qualification has been extended to the second sentence and on this basis the Constitutional Court was able to rule also on the application of this provision.

4. What are «administrative and judicial areas»?

First of all, it was unclear what was meant with «administrative and judicial areas». In the meantime there is a general consensus that these expressions are not of a technical character in the sense that they had to correspond squarely to political units with the same naming in Austria. Special care has to be taken to find units with which minority groups truly can identify themselves. On a practical level these are usually municipalities (“*Gemeinden*”). Therefore, reference has to be made to municipalities – or territorial subdivision of municipalities (“*Ortschaften*”) – when it has to be determined whether we are in the presence of a “mixed” population⁶. Furthermore, according to the Constitutional Court, the obligation set by the State Treaty applies also for municipalities (“*Gemeinden*”) or single localities (“*Ortschaften*”) qualified as such by the Road Traffic Act (*Straßenverkehrsordnung*)⁷. Curiously, this Act became an important vehicle for the implementation of the international and constitutional obligations to install bilingual sign posts. It was also this Act which allowed individuals to act for the implementation for this right before the Constitutional Court. In fact, speed limitations according to the Road Traffic Act apply to municipalities or single localities if apposite signs indicate their beginning and end. These indications have to be made in a correct language – if legally required also in a bilingual way⁸. In view of this situation, members of the Slovene minorities who

were passed a fine for exceeding speed limitations in municipalities or single localities with a Slovene minority but with no bilingual signposts made their way to the Constitutional Court. They contested the traffic mandate before the Courts and at the end, the relevant question laid before the Constitutional Court. By this way it was possible for individuals to contest the non-implementation of group rights, although some lawyers expressed doubts whether this process was legally correct.

5. What are municipalities with «mixed population»?

The next question that was to be addressed regarded the definition of «Slovenian, Croatian and mixed population». It was obvious from the beginning that there are no municipalities in Austria with a majority of Slovenian and Croatian population. This formulation has, therefore, not to be understood literally but rather contextually. It is clear that municipalities with a mixed population of German and Slovenian or German and Croatian residents are meant.

Said this, it was to clarify what was meant with the term «mixed population» according to the State Treaty. With other words: it was clear that the presence of very small minority groups could not justify the demand for bilingual signposts. The question was, then, what was the percentage of minority members requested for a village to be considered as of «mixed population». As the State Treaty of 1955 contains no indications in this regard it has to be looked out for other documents which could be taken as an interpretative guide.

As already mentioned above, it was the Constitutional Court which had to bring important clarifications about. The compromise, formulated by the Constitutional Court, took the following form:

- the relevant data should be gained through a more generic process⁹;
- the relevant percentage should refer to a longer period.

This said, it was still to be determined what actually the percentage was, starting from which a «mixed population» can be considered to be given. Those few authors who expressed an opinion in this regard did not manage to bring much clarity to this subject. As a good example in kind one can refer to Theodor Veiter, in the past one of the most prolific authors on Austrian minority law. On various occasions he expressed different ideas in this regard. One time he wrote that a percentage of 10% was sufficient¹⁰ and on another occasion he was of the opinion that the threshold should not, in any case,

exceed 20%¹¹. It was also said that every percentage between a range of 5-25% would be in conformity with international law¹². For at least two reasons these proposals seems to be of little help: first of all, the fact that they diverge widely demonstrates that there is no consensus in this area. Secondly, even if it would be possible to narrow these differences the considerable extent of these ranges makes them widely useless.

It could, therefore, be tried to seek clarification via an historic interpretation approach¹³.

As it is known, already after the First World War Austria had to assume minority protection obligations through the Treaty of Saint Germain of 1919. According to Art. 68 of this Treaty protective measures have to be granted only if minority members represented a «considerable proportion» of the respective population. During the negotiations for the State Treaty a similar clause was also discussed but in the end it did not find its way in the final text of the treaty. This fact has been interpreted as an expression of the intent to require a rather low threshold for the minority protection provisions to apply¹⁴.

After the uncertainties as to the exact minority size needed had lasted for decades in 2000 the Austrian Constitutional Court finally made important clarifications: a minority percentage of 10,4% was in any case sufficient for the protection provisions to apply¹⁵. As a consequence, it can be said that the relevant percentage is not a strictly fixed number but rather of an indicative nature. In 2001 the Constitutional Court transposed this figure to the area of topographic naming¹⁶.

For the following figures see European Council, Second Report Submitted by Austria Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities of 1 December 2006¹⁷.

Population according to everyday language and nationality - 2001 Census:

Everyday language	Total numbers for nationality		Place of birth			
	absolute	in %*	in Austria	in %*	abroad	in %*
Burgenland-Croat	19,37	5.9	18,943	11.3	431	0.3
Romany	4,348	1.3	1,732	1.0	2,616	1.6
Slovak	3,343	1.0	1,172	0.7	2,171	1.3
Slovenec	17,953	5.4	13,225	7.9	4,728	2.9
Czech	11,035	3.3	4,137	2.5	6,698	4.2
Hungarian	25,884	7.8	9,565	5.7	16,319	10.0
Windisch**	567	0.2	547	0.9	20	0.0

* Percentages refer to the total number of indications of a non-German everyday language

** A variety of the Slovene language, interspersed with German vocabulary

6. The implementation of the relevant provisions

6.1 Implementation as a controversial process

An important step for the implementation of the topographic provisions contained in the State Treaty was set in 1972 when the “Signposts Act” (“*Ortstafelgesetz*”) was adopted¹⁸. According to this Act 205 municipalities in Carinthia should obtain bilingual signposts. This act which was adopted only with the votes of the socialist members of the Parliament was opposed by the main actors in this area: for many members of the Slovene minority it was too restrictive, for German nationalist groups in Carinthia, like the “*Kärntner Abwehrkämpferbund*” it was much too generous. All bilingual signs were removed by force within a short period of time. The Austrian government did not insist on the implementation of this Act and tried rather to find a consensual solution. Intense negotiations set in and the result was the “Austrian Group Rights Act” (“*Volksgruppengesetz*”) which contained *inter alia* a regulation for the question of topographic naming. The Signposts Act of 1972 was formally repealed¹⁹. For two reasons minority representatives were sceptical towards the new situation that had come about:

- first of all, they were not satisfied with the modalities a special census, designed to implement the new rules that were to be enacted, had been carried out;
- secondly, the obligation to instal bilingual signposts applied only to municipalities with a minority presence of at least 25% while for the Signposts Act of 1972 a percentage of 20% had sufficed²⁰. The justification delivered by the government for this restrictive approach was shaky. In fact, according to the government this requirement corresponded to general international law criteria²¹. In reality, however, no such rule could be desumed from international law²².

At the end, even this very demanding Act was implemented only in part.

Only in 2001 the 25%-criterion was set aside by the Constitutional Court as described above²³.

6.2 The present situation

Over the years the situation consolidated somewhat and in the last years considerable progress has been made in the attempt to find a solution that would satisfy, to a certain extent, the aspirations of all the parties involved.

At present, in Austria bilingual signposts apply for the Slovene minority in Carinthia and for the Croatian and the Hungarian minority in Burgenland.

While the implementation of the relevant provisions has been (and, to a certain extension, continuous to be) very contentious with regard to Carinthia, in Burgenland the relevant measures – which came very late – were adopted in a calm political climate.

The relevant Topographical Ordinance for Burgenland²⁴ went into effect on 22 June 2000. It refers to 28 municipalities and to 47 places for which also Croat names apply. With regard to the Hungarian minority living in Burgenland there are four municipalities and/or places for which the respective designation has official status also in the Hungarian language.

Topographic naming in Carinthia is now regulated by a Topographical Ordinance of 2006²⁵. On the basis of this Ordinance the number of municipalities with bilingual signpost has been considerably enlarged. Nonetheless, in the aftermath further municipalities were added to this list by the Constitutional Court. The Constitutional Court has also taken a clear stance against any attempt to circumvent the relevant obligation. Thus in 2006²⁶ this Court ruled, for example, that the obligation to instal bilingual signposts was not fulfilled by the installation of an additional (smaller) sign with Slovene names.

On a whole, this subject is still in fermentation. The Constitutional Court has given important guidelines for the implementation of Art. 7 para. 3 2nd sentence of the Austrian State Treaty. Nonetheless, it is also clear that the Constitutional Court cannot fully take the place of the legislator. Notwithstanding the fact that the Constitutional Court has repeatedly returned to this issue many elements still remain uncertain. There are two reasons why this will be the case also in the future:

- first of all, Court rulings, which are passed in view of a specific controversy, can never do fully justice to a reality which is enormously complex and variegated;
- secondly, even if the legislator acts these rules can again be set aside by the Constitutional Court which bases its findings on a higher-ranking constitutional norm.

This controversy could be closed only if a general consensus was found on the issue of topographic names and if this consensus could be transformed in an act of constitutional rank. Of course, such an approach would also have drawbacks as this would practically paralyze the further development of these rules while the public discussion is still under way. On a whole, however, the stability brought about by such a consolidation of the rules would be surely beneficial and would by far outweigh the drawbacks

associated with the loss of dynamics in the whole legislative development. The main problem lies, of course, in finding such a consensus that would mirror a general compromise. In a political landscape in Austria that has been characterized in the last years by major shifts it is not easily foreseeable when and how a compromise on this eminently political issue can be found.

At the same time it has also to be remembered that the need to find a satisfactory solution in the field of topographic naming is not only commanded by constitutional obligations but to the same extent also by international law obligations. In this context not only the Austrian State Treaty has to be mentioned but also the European Framework Convention on Na-

tional Minorities (FCNM) of 1995²⁷. Although the relevant provision in Art. 11 para. 3 appears, at first sight, rather vague²⁸, the process of implementation for this provision has given further clarity to this norm. The Advisory Committee on the Framework Convention for the Protection of National Minorities has repeatedly admonished individual parties to this convention to give effective implementation to this provision²⁹ and it has also expressed its approval for the judgment of the Austrian Constitutional Court of 13 december 2001³⁰.

It is to be expected that the further development of the situation in Austria with regard to topographic naming will be closely followed by the treaty organs of the Framework Convention.

NOTES

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¹ See VfSlg. 12.836/1991, 16.404/2001 and V 131/03 of 14.12.2004.

² The Constitutional Court used the term “*ins Auge springend*”.

³ See generally and with relation to South Tyrol P. Hilpold, *Minority Census and Declaration of Membership to a Minority - A Pillar of the South Tyrolean Autonomy under International Scrutiny*, in *Italian Yearbook of International Law*, XV, 2005, pp. 81-109.

⁴ See P. Hilpold, *Modernes Minderheitenrecht*, Vienna/Baden-Baden/Zürich, 2001, p. 392 s. Thus, for example, in 1938 the Roma population in Austria was first registered and afterwards murdered by the National Socialists.

⁵ See VfSlg. 9744/1983.

⁶ See extensively, P. Hilpold, *Modernes Minderheitenrecht*, Vienna/ Baden-Baden/Zürich, 2001, p. 277ss. as well as D. Kolonovits, *Sprachenrecht in Österreich*, Vienna, 1999, p. 138 ss. See also VfGH 13.12.2001 G 213/01, V 62.63/01:

“*Von all dem ausgehend ist dem Begriff ‘Verwaltungsbezirk’ gemäß Art. 7 Z 3 zweiter Satz des Staatsvertrages von Wien, insoweit es um das Verfassen von ‘Bezeichnungen und Aufschriften ... topographischer Natur’ in Form der in Rede stehenden straßenverkehrsrechtlichen Hinweiszeichen geht, aber ein Verständnis beizulegen, das sich an den tatsächlichen, d.h. - gegebenenfalls - ortschaftsbezogenen, Siedlungsschwerpunkten der betreffenden Volksgruppe orientiert. Demgemäß sind unter dem Begriff ‘Verwaltungsbezirk’ in diesem normativen Zusammenhang auch ‘Ortschaften’ im mehrfach erwähnten gemeindefrechtlichen Sinn zu verstehen*”.

⁷ See VfSlg 16.404/2001.

⁸ As Rudi Vouk, the lawyer who brought this case before the Constitutional Court, has pointed out place-name signs (such as “St. Kanzian” in the respective case) “declare the boundaries of of the locality and at the same time prescribe a speed limit [...] In

the legal sense these place-name signs are in effect an ordinance”. Cited according to *Österreiches Volksgruppenzentrum*, 2nd Report on the implementation of the European Framework Convention for the Protection of National Minorities, Vienna, 2007, p. 88.

⁹ See VfGH 12.836/1991.

¹⁰ See Th. Veiter, *Das Recht der Volksgruppen und Sprachminderheiten in Österreich*, Wien, 1970, p. 539.

¹¹ See Th. Veiter, *Das Österreichische Volksgruppenrecht seit dem Volksgruppengesetz von 1976*, Wien, 1979, p. 112.

¹² See F. Matscher, *Die Stellung der Minderheitensprachen in Österreich*, in F. Kojas, G. Stourzh (eds.), *Schweiz - Österreich, Ähnlichkeiten und Kontraste*, Wien 1986, pp. 103-122 (111). For F. Sturm, *Der Minderheiten- und Volksgruppenschutz*, in R. Machacek et al. (eds.), *Grund- und Menschenrechte in Österreich*, vol. II, N.P. Engel: Kehl am Rhein, 1992, pp. 77-111, this range should go from 10-20% (ibid., p. 106).

¹³ See Art. 32 VCLT.

¹⁴ See G. Stourzh, *Um Einheit und Freiheit. Staatsvertrag, Neutralität und das Ende der Ost-West-Besetzung Österreichs 1945-1955*, Wien, 1988, p. 159.

¹⁵ See the decision of 4 October 2000, V 91/99-11. This decision regarded the municipality of Ebensdorf and concerned the Slovene Language Decree. On the basis of this decision Slovene had to be accepted as an official language before municipal authorities also in Ebensdorf. Due to the strict connection between the provisions on the use of minority languages before public authorities and the use of these languages for signposts it was only a matter of time before also the provisions on bilingual topographic naming should find a more extensive application.

¹⁶ See the decision of 13 December 2001, G 213/01, V 62, 63/01.

¹⁷ ACFC/SR/II(2006)008.

¹⁸ See BGBl. 270/1972 of 6 July 1972.

¹⁹ See § 24 para. 3 of the Austrian Group Rights Act.

²⁰ See § 2 para. 1 n. 2 of the Group Rights Act 1976.

²¹ In particular, the government had referred to minority provisions attached to the London Memorandum for Trieste of 1954. According to these provisions it was planned, amongst others, to install bilingual topographic signpost in areas with a minority presence of at least 25%. These provisions were, however, never put in effect and in 1976, when the Group Rights Act was issued, they were no more in force.

²² See, more extensively, P. Hilpold, *Modernes Minderheitenrecht*, Vienna/Baden-Baden/Zürich, 2001 and P. Hilpold, *Der Ortsnamenstreit in Kärnten und in Südtirol aus rechtsvergleichender und völkerrechtlicher Sicht*, in 125 *Juristische Blätter* 2/2003, pp. 92-105 (93).

²³ Decision of 13 December 2001, G 213/01, V 62, 63/01.

²⁴ See BGBl. II 170/2000.

²⁵ Published in BGBl. 245/2006.

²⁶ See V 81/2006.

²⁷ See on this subject P. Hilpold, *Ortsnamenregelungen aus völkerrechtlicher und aus europarechtlicher Sicht - unter besonderer Berücksichtigung der Kärntner Ortstafelfrage*, in *Juristische Blätter*, 129, 2007, pp. 228-236.

²⁸ «In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where

appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications».

²⁹ See, for example, Advisory Committee, Opinion on Albania, ACFC/INF/OP/I (2003) 004, 2002, para. 47 and Advisory Committee, *Opinion on Armenia*, ACFC, INF/OP/I (2003) 001, 2002, para. 103.

³⁰ See the *Opinion on Austria* of 16 May 2002, ACFC/INF/OP/I (2002)009, para. 50:

“The Advisory Committee particularly welcomes the Austrian Constitutional Court’s interpretation of the second sentence of Article 7, paragraph 3 of the State Treaty as regards the threshold required for topographical indications to be displayed in minority languages. This interpretation, which is entirely in keeping with Article 11, paragraph 3 of the Framework Convention, represents a major improvement in the rights of persons belonging to national minorities. The Advisory Committee considers it important that this ruling, which comes from the highest Court of the State which deals with constitutional issues, be respected and implemented by the various authorities concerned at all levels. In this context, the extremely negative reaction of the Governor of Carinthia gives rise to deep concern [...]”.

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ABSTRACT

La disciplina della toponomastica in Austria è oggetto di accese controversie. In base al Trattato di Stato del 1955, secondo cui l'Austria ha riacquisito piena sovranità, nella Carinzia, nel Burgenland ed in Stiria i toponimi nelle località abitate da minoranze slovene, croate o con popolazione mista devono essere espressi anche nella lingua della rispettiva minoranza.

Attualmente una toponomastica bilingue esiste in Carinzia e nel Burgenland. Per la Stiria si discute se esista una minoranza autoctona e di conseguenza non si applicano misure di tutela.

Nel Burgenland, dove vivono una minoranza croata ed una minoranza ungherese, la toponomastica bilingue è stata introdotta molto tardi, nel 2000. In questa regione la questione della toponomastica non ha mai suscitato discussioni di rilievo. Al contrario, nella Carinzia, la toponomastica da decenni è al centro di forti dissidi politici. Questa problematica è legata sicuramente anche ai conflitti territoriali con la Jugoslavia del pas-

sato. I toponimi sono elementi che esprimono l'identità di una popolazione e quindi anche delle minoranze. Dall'altro lato, spesso essi vengono anche percepiti come manifestazioni di pretese territoriali e ciò attribuisce a questa materia una enorme delicatezza.

Nel 1972 il governo austriaco intendeva introdurre una regolamentazione piuttosto generosa della toponomastica ma l'opposizione di una parte della popolazione tedesca in Carinzia era troppo forte. Continuò quindi ad applicarsi il principio secondo il quale la toponomastica sarebbe bilingue soltanto nei comuni dove la minoranza rappresenti almeno il 25% della popolazione. Questa regolamentazione venne dichiarata inconstituzionale nel 2001. Per la Corte Costituzionale austriaca è sufficiente anche la presenza di una minoranza del 10%. L'applicazione di questo nuovo principio è tuttora in atto ed incontra notevoli resistenze per la presenza di alcuni elementi nazionalistici.