

ECMI: Dinner Speech at the 31th of Mai 2016

Henrik Becker-Christensen

Thank you for inviting me to speak here this evening.

As you know ECMI is a child of the Danish-German border region. That is also the history about The Danish Consulate General here in Flensburg. And for both of us minority policy is a topic of special interest.

Therefore I would like to draw your attention to some main features of the historical development of the border region here. This also includes the latest development of minority politics.

One of my predecessors as Consul General here in Flensburg was Professor Troels Fink. In 1968, he published a book in German on the Danish-German relationship during the period 1863-1955. The book was titled "Deutschland als Problem Dänemarks" - Germany as a problem for Denmark.

The title was very appropriate. Due to Denmark's proximity to Germany the Danish foreign and security policy was heavily dominated during this particular period of time – and during World War II it was a question about the survival of Denmark as an independent nation.

If we look back in history, it was the upcoming national movements in the Nineteenth-Century Europe which led to the dispute about the nationality of the old duchy of Schleswig.

The duchy over centuries incorporated in the Danish Kingdom, had, however, a mixed population with Danish- and German-speaking people.

The national movement in the 1830s and the 1840s therefore finally led to a dispute about the Duchy being either under Danish or German national sovereignty.

This dispute resulted in two wars. The first Schleswig War lasting from 1848 until 1850 was essentially a civil war between Danes and Germans fought on Danish territory. The war ended with a Danish victory without yet solving the national issues.

It remained like this until 1864. That year the second Schleswig War broke out between Denmark on one side and Prussia and Austria on the other. After the Danish defeat and the cession of the duchy of Schleswig, a large Danish-minded population was turned into a national minority in what later became the German Empire.

After the end of World War I the wheels of history had turned again. The treaty of Versailles paved the way for two plebiscites conducted 1920 that – being under international control - determined the new border between Denmark and Germany. A border - which has survived until today.

The new established border resulted in a German minority north of the border and a Danish minority in the south.

This situation therefore triggered the governmental authorities - on each side of the border - to think in new terms of minority rights.

Back then, the points of reference were different, but during the end of the 1920s an alignment of minority politics had developed in an important area: the recognition of "the principle of disposition".

For example, this was expressed in a Prussian school order, where the Danish minority was simply defined as "those German citizens that confess to Danish nationality", adding that: "The confession to belonging to a minority may be neither tested nor disputed." From now on the rule was "Minderheit ist wer will" ("Those who wish to be part of the minority are part of it").

In 1945 the minority arrangement was put under pressure on both sides of the border.

The special rights of the German minority, which were introduced at the end of the 1930s and during the German occupation, were lifted in Denmark, when the Germans surrendered in 1945.

There was also the judicial purge of members of the German minority who had been helping the Third Reich and furthermore the confiscation of German private schools and the cancellation of teaching in German in municipal schools.

However, the core of the minority arrangement was preserved and confirmed in the so-called Copenhagen Protocol about the rights of the German minority in 1949. This

did not, though, change the fact that the relationship between the minority and the majority in Denmark was still tense.

This also applied for Southern Schleswig in Germany, which had been greatly affected by a substantial strengthening of the Danish minority. The Kiel Declaration of 1949 about the rights of the Danish minority in Germany did not ease the tension.

The conflict peaked in 1951, when the Schleswig-Holstein State Government used its majority in the Parliament (Landestag) in Kiel to raise the electoral threshold to 7.5%. This step was overruled by the Federal Constitutional Court of Germany, after which the 5% electoral threshold applied again.

But at that point the party of the Danish minority, South Schleswigian Voter's Association (Sydslesvigsk Vælgerforening) had already lost its chance of being represented in the Parliament of Schleswig-Holstein in Kiel.

Thus, at Parliament elections in 1954, in spite of having gained 42,000 votes, the minority lost its seat in Kiel. The previous year the party of the German minority had gained a seat in the Danish Parliament (Folketinget) in Copenhagen with just 9,700 votes.

It was on this background that the Danish Foreign Secretary, H.C. Hansen, touched on conditions in Southern Schleswig on 22 October 1954, at a NATO meeting in Paris.

He did so in connection with the question of admitting The Federal Republic of Germany to NATO. For that reason Konrad Adenauer, the German Federal Chancellor, had been invited to attend the meeting.

In his speech, H.C. Hansen stressed that the treatment of a minority might become a symbol of the future partnership. Here he referred to the fact that the German minority was represented again in the Danish Parliament, whereas the Danish minority, which was between four and five times bigger, did not have a seat in the Parliament of Schleswig-Holstein.

The members of the Danish Parliament expected that the principles behind the NATO partnership would make Germany pursue a similar liberal policy characterised by the understanding for the special problems of a national minority.

H.C. Hansen concluded, expressing the hope that the Federal Government in Bonn in cooperation with the Parliament of Schleswig-Holstein in Kiel would be able to find a solution to the problem.

Adenauer's response was positive. This triggered the process that resulted in the signing of the Bonn-Copenhagen Declarations five months later - in March 1955; declarations outlining the future rights of the Danish and German minorities.

The declarations of the two governments were carefully coordinated. They both start by declaring the intention of furthering the friendly co-existence between the populations on both sides of the Danish-German border and the friendly relationship between the two countries. The preamble also refers to article 14 in the European convention on Human Rights and to the Danish and German minority declarations from 1949 (the Copenhagen Protocol and the Kiel Declaration).

Thereafter the declarations list the civic rights as stipulated in the constitutions of the two states, explicitly pointing out that these rights also apply to anyone belonging to the Danish or German minority.

As a consequence of these principles, it is stated that the affiliation to German or Danish nationality and culture "is free and may neither be tested nor disputed by the authorities". Persons belonging to the two minorities and their organisations may not, whether orally or written, be prevented from using the language they prefer. In the judicial system and in the public administration the language(s) used follow conventional rules.

Furthermore, the two declarations establish the rights of the Danish and German minorities to cultivate their religious, cultural and professional connections with, both

Denmark and Germany, and the minorities are guaranteed their rights to establish their own kindergartens and schools.

In an additional protocol from 1955 with the title "The result of the Danish-German dialogues about the rights of our respective minorities" the Federal Government promised to preserve a federal act from 1953 benefiting national minorities in connection with elections held to choose a federal government.

This law constituted something new: it gave national minorities the possibility to be represented in the Federal Parliament if they could mobilise the average amount of votes required to have one candidate from their own regional state in Germany represented in the Federal Parliament. This law is still valid.

Furthermore, the Federal Government pronounced that the Parliament of Schleswig-Holstein would introduce an exemption from the 5% electoral threshold under the Electoral Law of Schleswig-Holstein aimed at the Danish minority in the state.

In the future the Danish minority would only have to gain votes enough for one mandate to be represented in the Parliament (Landestag) in Kiel.

Furthermore, in the additional protocol of the Bonn-Copenhagen Declarations the German Government promised that the subsidies given to the schools of the Danish minority would again be fixed at 80% of the average expenses needed to cover pupils in the public schools in Schleswig-Holstein and that the minority would be authorised to establish further and higher educational institutions and to hold recognised examinations.

Correspondingly, the Danish Government promised that the German minority would be allowed to establish similar schools and arrange recognised examinations.

Subsequently the two declarations on the rights of the Danish and German minorities were ratified by the Danish Parliament and the German Federal Parliament respectively.

In the following decades, the development of the border region has been formulated as follows; from “against each other” over “next to each other” to “together with each other”.

Of course there were more reasons for this development: The general development in Western Europe, the cooperation between Denmark and Germany in NATO and the Common Market, tourism and much more.

But the development in the implementation of new minority policies also played an important role and added a special dimension to the Danish-German relations.

Here the Bonn-Copenhagen declarations were, as mentioned, the starting point and have over time gained the status of an unofficial constitution; a guiding point for “good behavior” in the border region.

But several other steps were taken.

Let me give you a couple of examples:

In 1965 the Danish Government established a special Liaison Committee - with representatives of the German minority, the Danish government and parliament - for solving problems of interest for the minority in annual meetings. The very same year the German federal Government established a corresponding Committee for the Danish minority.

In 1983 the Danish State supported the establishment of a Secretariat of the German minority in Copenhagen, which now handles the daily communication with the Danish ministries and the Danish Parliament.

In 1985 equality between the subsidies for the Danish minority schools and the public schools in Schleswig-Holstein was reached. Also between the German minority schools and Danish public schools was an equality reached.

In 1990 the Schleswig-Holstein constitution was revised. The article 5 about “National Minorities” was extended to include the following proclamation:

“The cultural autonomy and political involvement of national minorities and ethnic groups enjoy the protection of the state, the community and the institutions of the community. The national Danish minority and the Friesian ethnic group have a claim to protection and support”.

In 2005 special provisions were made in connection with the Danish Municipal reform for the German minority, which secures the representation of the German minority in the four big municipalities of North Schleswig. It is seen from a European perspective, as a significant step in the development of minority policies.

Presently, the German minority is not represented in the Danish Parliament. Even though it should be added that the German Schleswigian Party is exempted from having to collect 20,000 signatures in order to be nominated for election.

Also regardless of the 2% electoral threshold in Denmark the party may be represented, if it wins one mandate in the large constituency of Southern Jutland. At the latest national elections, that required about 22,000 votes, equivalent to 0.6 % of all votes cast nationally.

It was because of this rule that the Schleswigian Party was represented in the Danish Parliament between 1920 and 1945 and from 1953 to 1964.

The Danish Minority in Germany is thanks to the exemption from the electoral threshold of 5% represented in the Parliament of Schleswig-Holstein. In the 2012 Parliament election of Schleswig-Holstein, the Danish Minority Party, the South Schleswigian Voter´s Association, received 4.6% of all votes and won 3 seats in the Parliament of Schleswig-Holstein.

The Danish Minority Party is also currently represented in the Schleswig-Holstein State Government with its own Minister for Justice, Culture and European Affairs.

It should be mentioned that the Danish minority has 46 schools and 57 kindergartens of its own and that the German minority has 16 schools and 20 kindergartens of its own. In addition both minority groups are in the possession of several other institutions and associations. The Danish Minority in Germany consists of

approximately 50,000 persons whereas the German minority in Denmark numbers about 15.000 persons.

As time has passed, the promises of the Bonn-Copenhagen Declarations of treating the respective minorities liberally seem to be taken for granted by the public mind in Germany as well as in Denmark. However it must be remembered, that the idea that the confession to one's nationality and culture "is free and may be neither tested nor disputed by the authorities" has not been a matter of course everywhere in Europe. The same goes for the other elements in the two declarations.

Therefore, against a European background the Bonn-Copenhagen Declarations are still of interest and form the framework of the current Danish-German minority policy.

This was emphasised in 2005, at Sønderborg Castle in Denmark, where representatives of the German Federal Government, the State Government of Schleswig-Holstein and the Danish Government met to celebrate the 50th anniversary of the signing of the two minority declarations.

In a joint statement, Prime Minister Anders Fogh Rasmussen and Federal Chancellor Gerhard Schröder declared that the Bonn-Copenhagen Declarations have furthered and secured the peaceful co-existence between the minorities on both sides of the border and paved the way for the development of friendly and close relations between Denmark and Germany.

They expressed their belief that these declarations may serve as an inspiration for the settlement of minority problems in Europe and elsewhere. Among other things, the statement also referred to the Bonn-Copenhagen Declarations as one of the sources of inspiration for the defining of the so-called Copenhagen Criteria that in turn were required to become a member of the European Union.

Also, at last year's common celebration of the 60th anniversary of the Bonn-Copenhagen Declarations both the German and the Danish Foreign minister stressed

the important role that the declarations play in the Danish-German border region and in the mutual relations between Denmark and Germany.

These statements emphasise that the Bonn-Copenhagen Declarations are integrated in modern minority policies in Europe. They are still abreast of international minority rights, both compared with The European Charter for Regional or Minority Languages from 1992 and The Framework Convention for the Protection of National Minorities from 1995, both ratified by Denmark and Germany.

The joint celebrations of the two declarations have also contributed to highlight the fact that the minority regulations have given the Danish-German relationship a special dimension.

Good neighbourly relations require nursing and an active effort. The same goes for the national coexistence of majority and minorities. The Federal Chancellor Konrad Adenauer and Prime Minister H.C. Hansen laid the foundation stone of this development when signing the Bonn-Copenhagen Declarations in 1955.

This was what H.C. Hansen had in mind when he stated in one of his speeches: "I am happy that all parties have endeavoured to overcome old differences. We all know that these are long-term efforts and that setbacks may occur. I do, however, cherish the hope that the spirit permeating these negotiations will also leave its mark on daily life in the border region."

And this was what actually happened. And this was the sum of all these initiatives and efforts – many of which have been mentioned here - known under the label: the Danish-German minority model.

It was also the awareness of the particular significance of the minority rules that in 1996 made Denmark and Germany establish the "European Centre for Minority Issues" (ECMI) here in Flensburg.

Is this a European model, then?

Since no two minority conflicts are identical, we cannot automatically transfer experiences and instruments from one region to the other. Instead we shall have to pick relevant experiences and instruments.

The so called "Schleswig Model" is a positive example on how it can be possible to find workable solutions to a thorny minority problem, an example that may inspire others and provide them with a useful knowledge.

In other words, the Danish-German minority model is not an "export article" but a moral example demonstrating that you may be able to reach a long-term solution if all parties involved show their goodwill.