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The Bonn-Copenhagen Declarations: Background, Context and Impact.

Ladies and Gentlemen, Konrad Adenauer Stiftung, dear members of this seminar.

Last year we have in Denmark and Germany marked the 150th anniversary of the Second Schleswig War, erupted 1864 between Denmark on one side and Prussia and Austria on the other. This year Denmark and Germany have jointly celebrated the 60th anniversary of the Bonn-Copenhagen Declarations regarding the rights of the Danish and German minorities.

In between these two extremes "the Danish war 1864" and the "60th anniversary of the minority rights" the relationship between Denmark and Germany has undergone a lengthy development, which can be summed up as follows: "From Confrontation to Cooperation - and good neighborliness".

Today, I am here to talk about our common minority policy. It has been a confidence-building initiative and has added value to the close relationship between our two countries.

But allow me to start from the beginning.

The national movements in the Nineteenth-Century Europe 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 not 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.

There were also other problems that made the relationship between minority and majority thorny.

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 not be tested or 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.

According to the declarations, the access of the minorities to the radio should be considered – minorities should also have public announcements published in their own newspapers.

Finally, the declarations promise that the minority aspect will be borne in mind when it comes to filling political posts in the municipalities and that when allocating public funds, members of the minority will not be discriminated against compared with other citizens.

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.

Thus, on 23 May 1955, the Parliament of Schleswig-Holstein voted in favour of suspending this threshold in the case of the Danish minority. This suspension was to take effect at the next election for the Parliament of Schleswig-Holstein and onwards. 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. Thus, there was a basis for holding A-levels examinations at the Danish Duborg School

(highschool) in Flensburg in Germany and at a new German highschool in Aabenraa on the Danish side of the border.

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.

Signing the Bonn-Copenhagen Declarations in 1955 marked a new chapter in the Danish-German relationship.

Obviously the two declarations do not stand alone. The general development in Western Europe – and from 1989 a united Europe – the expansion of international cooperation, the development of close partnerships within NATO and the European Union, international trade, tourism and much more has all added to improving the Danish-German relationship, which has never been better.

Nevertheless, the Bonn-Copenhagen Declarations do stand out and enjoy a high status, because not only was importance attached to them internationally, they also affected the everyday lives of people living in the border regions and were perceived as a confidence-building initiative. They solved some acute problems and laid the foundations for a gradual improvement of the relationship between minorities and majorities on both sides of the border. This process has often been characterised with the words "from confrontation over neighbouring to cooperation".

During the first years it was very important to make both the letter and the spirit of the Bonn-Copenhagen Declarations come true. Among other things this applied to authorising minority schools to hold examinations and the exemption of the 5% electoral threshold when it came to the Danish minority being represented in the

Parliament of Schleswig-Holstein. Concerning the latter, at the election in 1958 South Schleswigian Voter's Association (SSW, the political organisation representing the Danish minority) was represented in the Schleswig-Holstein Parliament again.

At the national Danish elections in 1964, however, the German minority dropped out of the Danish Parliament, as Schleswegian Party (the party representing the German minority) did not reach the threshold of one mandate with its 9,274 votes. This resulted in 1965 in the Danish Government subsequently establishing a special Contact Committee concerning the minority, counting representatives of the Danish Parliament and Government. This committee was also active in the years between 1973 and 1979 even though the German minority was represented in the Danish Parliament qua their co-operation with a Danish party (Centrumdemokraterne).

In 1965 the Federal Government in Bonn established a similar committee for the Danish minority, belonging under the German Federal Ministry of the Interior.

The contact between the German minority and the regional political powers in Kiel was also strengthened when in 1975 the Parliament of Schleswig-Holstein established a committee responsible for issues relating to the German minority in Denmark – and with the president of the Parliament as the chairman.

In the 1980s new steps were taken in the area of minorities.

The German minority found it important when, supported by the Danish state, a German Secretariat was established in Copenhagen in 1983. This Copenhagen Secretariat of the German minority, which was inaugurated by the then Prime Minister Poul Schlüter, handles the daily contact with Ministries and the Danish Parliament.

At the same time, Prime Minister Uwe Barschel of Schleswig-Holstein took steps to gradually increase the subsidies to the Danish minority schools so that in 1985 they matched the average expenses per pupil in the public schools, i.e. 100% subsidies.

Furthermore, it should be pointed out that in October 2014, the financial equality of Danish minority schools to the public schools of the German majority was enshrined in the constitution of Schleswig-Holstein.

It was also decided in 1985 that in every electoral period the Schleswig-Holstein State Government was to make a report on the Danish and the German minorities. The first such report was presented and discussed in the Parliament of Schleswig-Holstein in 1986 – a similar report on Frisian language and culture was presented in 1987. The following reports dealt with all these three minorities – in 1996 the Romani/Sinti living in the state were added in these reports, so that from that year the minority policy of Schleswig-Holstein came to cover all of these four groups.

In 1988 a new, special position as "Border Region Commissioner" for minority issues was created – later the position was renamed "Commissioner for Minorities". An important feature of this position is that the Commissioner is a direct connecting link between the Prime Minister of Schleswig-Holstein and the minorities.

In 1988 the Parliament of Schleswig-Holstein also set up a special contact committee for questions relating to the ethnic Frisians – in 2013 a similar committee was set up dealing with the Romani/Sinti in Schleswig-Holstein.

A change in minority politics occurred when in 1990 the Statutes of Schleswig-Holstein ("Landdessatzung") was revised and credited

with a formal status as a Constitution of Schleswig-Holstein. Here the wording in article 5 from 1949 that the confession to a minority is free but does not relieve the person in question from common civic responsibilities, was supplemented with the following declaration of intent:

"The cultural independence and political commitment of national minorities and ethnic groups are protected by the State of Schleswig-Holstein, the municipalities and the municipal organisations. The national Danish minority and the ethnic Frisians are entitled to protection and support."

In 2012 the Romani/Sinti were also included in this passage. Thus, Schleswig-Holstein was the first federal state, which embedded the protection of the Romani/Sinti in its regional constitution.

In Denmark the so-called Structural Reform in 2007 resulted in 270 municipalities being reduced to 98 mostly larger entities and it also resulted in the Government introducing a handful of new electoral rules to facilitate the political representation of the German minority in the four municipalities in Southern Jutland.

Presently, the German minority is not represented in the Danish Parliament. Even though it should be added that the Schleswigan Party is exempted from having to collect 20,000 signatures in order to be nominated for election. Also regardless of the 2% electoral threshold 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 Schleswigan 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 not be tested or 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 on 29 March 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 this 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) in the German town of Flensburg, located close to the Danish-German Border.

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.