

Minority Politics in Practice: Protection and Empowerment in the Danish-German Border Region

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This article examines how the members of national minorities in the Danish-German border region are protected and empowered. This is done through an analysis of the institutions and mechanism with which the state and land governments preserve the minority culture in the region today. The article uses as point of reference the 2005 *OHCHR Plan of Action: Protection and Empowerment*, which states that human rights are best protected when people are empowered to assert and claim their rights. The OHCHR plan further claims that, while human rights are universally accepted theoretically, there exists an implementation gap in practice. This article shows that this is not true for the Danish-German border region. The first part of the paper outlines the meaning of the expressions “protection” and “empowerment” as they are used in the OHCHR plan. The analytical part later shows how national minorities in the Danish-German border region are “protected” and “empowered” by the Danish and German governments. The paper further describes the mechanisms for the protection and empowerment of both minorities in the region, and how the institutions promoting minority cultures are organized and structured. The case study is well-suited to show how the theoretical empowerment of national minorities can be transformed into genuine minority empowerment.

Keywords: empowerment; national minorities; minority participation; minority protection; border region

The question of how European nation states, the European Union (EU), the United Nations (UN) or the Organization for Security and Co-operation in Europe (OSCE) deal with minorities, and how they institutionalize minority rights and minority protection, has increasingly become a topic of public debate and scientific discussion over the last decade (Malloy, 2005; Pan and Pfeil, 2006; Opel, 2007; Bowring, 2008). This trend was stimulated by the adoption of the Council of Europe’s European Charter for Regional or Minority Languages and Framework Convention for the

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Protection of National Minorities (Council of Europe, 1992; Council of Europe, 1995). At the same time the meaning of “minority protection” has changed (Malloy, 2010). Minority protection today is mainly about states’ efforts to preserve and develop minority cultures rather than protection from discrimination or persecution. In this discussion, means for societal and political participation concerning decisions that affect minorities’ lives receive considerable attention (Verstichel, 2005: 25). A more general point in the field of minority protection is the demand to provide the same basic human rights for members of national minorities as to all citizens. The 2005 Office of the High Commissioner for Human Rights’ (OHCHR) *Plan of Action: Protection and Empowerment* (‘OHCHR plan’) claims that human rights are universally accepted theoretically but at the same time there exists an implementation gap in practice. The OHCHR plan further makes two statements: that human rights are best protected when people are empowered to assert and claim their rights; and that, as a result, human rights holders must be empowered to do so.

This paper addresses both these statements specifically with reference to national minorities: the first (“protection” through “empowerment”) through the analysis of the notions of protection and empowerment, and the second (“empowerment” of rights holders) by outlining how the members of national minorities in the Danish-German border region are empowered. As will be shown later in the paper, empowerment works on an individual level as well as on a community or group level. For the first point, concerning usage of the terms “protection” and “empowerment”, the focus will be on two dimensions of protection as a desirable outcome and as a continuous process, and on empowerment as an activity that can change people’s mindsets (psychological change) and also their surroundings (political change).

For the second point, a region that is often said to be a role model for minority politics will be examined: the Danish-German border region. Here the Danish and German national minorities are considered indispensable parts of the societies in both countries; thus measures to promote their cultures implemented by two national governments and the government of the *Bundesland* Schleswig-Holstein (the state and land governments) are met with general approval in the region as a whole (Teebken and Christiansen, 2001: 43; Köhl, 2004: 575; Frandsen, 1994: 1). However, this has not always been the case. The history of the region has been characterized by a series of power struggles between the Kingdom of Denmark, Prussia and Austria that

culminated in a border revision after World War I and Denmark's occupation by Germany during World War II. Bearing this in mind, the harmonious relations between minority and majority that exists in the region today is all the more impressive. This positive example gives reason to believe that other regions where majority-minority conflicts exist today may be resolved in the future. This paper shows what institutions and mechanisms exist in the border region, how the "protection" of both minorities in the region is arranged and how the institutions through which the state and land governments preserve minority cultures are organized and structured. The example thereby illustrates how the theoretical "protection" and "empowerment" of national minorities may be transformed into actual minority "protection through empowerment", which is the intention of the OHCHR plan.

The text is structured in the following way: after a short introduction, the second section outlines the content of the OHCHR plan; the third section discusses in greater depth what "protection" and "empowerment" mean and in particular how they must be understood in relation to the situation of national minority members. The fourth part deals with the situation of national minorities in the Danish-German border region and the institutions and organizations that are concerned with minority issues. This leads to the conclusion that minority "empowerment" is present in the Danish-German border region and that institutions that genuinely "empower" minorities—instead of "protecting" them in a paternalistic way—satisfy members of minorities to a greater degree and are more conducive to the preservation of minority cultures.

1. The OHCHR *Plan of Action*

The UN declares 'development, security and human rights for all people' crucial foundations of their work (UN Secretary-General, 2005). The 2005 OHCHR plan calls for the strengthening of the OHCHR, but mainly aims to strengthen the UN human rights programme in general. It points out specific goals of the UN's work, names the main strategies for achieving those goals and suggests various tools to implement those strategies. The following section gives a brief summary of the document's relevant content in the context of protection and empowerment of national minorities.

1.1 Challenges for human rights

The key point of the OHCHR plan is that there is an imbalance between the theoretical framework and practical implementation of human rights. Although it acknowledges that ‘basic human rights principles enjoy universal agreement’ (OHCHR, 2005: 7), it argues that the real challenge remains closing the gap between mere gestures of goodwill and actual implementation of human rights. The OHCHR plan defines two sorts of problems that need to be resolved to put human rights into practice. First, it identifies basic ‘human rights challenges’ (*ibid*: 7) which are linked to a specific context and have a particular character depending on each case. This category includes problems such as poverty, discrimination, armed conflict, impunity, democratic deficits and weak institutions (*ibid*: 7-10). It is apparent how these categories pose a threat for human rights and further explanation of what is meant by every category is not necessary. Secondly there are ‘implementation challenges’ (*ibid*: 10) which constitute more concrete barriers to human rights. Here the OHCHR plan lists knowledge, capacity, commitment and security as factors that create such challenges. With regard to “knowledge”, some governments have no understanding of their options to guarantee human rights, and lack insight into what can create the necessary political will for action. “Capacity” alludes to the fact that state authorities often simply do not have the resources to implement human rights obligations. Governments frequently lack the personnel to convert options and ideas into concrete actions, as well as the financial resources. The issue of “commitment” is raised when authorities pursue actions that expressly violate their human rights obligations, or even admit to such violations but refrain from changing the situation. “Security” refers to situations where state and non-state groups undertake actions that threaten people’s health and even their lives (*ibid*: 10-11).

1.2 Responses to human rights challenges

After outlining the main obstacles to guaranteeing human rights, the OHCHR plan offers five ways of improving the human rights situation and responding to the problems mentioned above. These five instruments are identified as “protection”, “empowerment”, “engaging countries”, “building partnerships” and “exercising leadership”. The latter three are of minor relevance to this article and will thus be explained only briefly. By contrast, “protection” and “empowerment” are given

extended attention: this section will place them in the context of the OHCHR plan, while the following section will discuss them in detail.

National governments still play a central role in the implementation of human rights standards, and the term “engaging countries” emphasizes the UN’s attempt to support the states’ leading role in the implementation process. “Building partnerships” also aims to improve co-operation between governments and the UN by working closely with national governments to establish partnerships, providing effective input, and advising and supporting leading actors. “Exercising leadership” refers to the role of the OHCHR. The OHCHR must take the initiative, draw attention to human rights issues, develop responses to existing threats and mobilize governments to take action. Besides these external tasks, the OHCHR plan also requires greater leadership from within the UN (*ibid*: 13).

The “protection” of human rights means ensuring ‘the respect for human rights in concrete ways for individuals’ (*ibid*: 12). Individuals who would otherwise be at risk of having their human rights violated are able to exercise them fully through the “protection” of their rights. It is one of the OHCHR’s responsibilities ‘to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties’ (OHCHR, 1996). The OHCHR plan further states that ‘protection is not a specific tool or approach, but rather refers to a desired outcome’ (OHCHR, 2005: 12).

The “empowerment” of human rights holders is the second central point of the OHCHR plan. It states that human rights are best protected when people are empowered to assert and claim their rights, and therefore human rights holders must be empowered. Another important aspect of the instrument is to equip ‘those with the responsibility to implement human rights with the means to do so’ (*ibid*: 12). The OHCHR plan states that best results for human rights are achieved at the local level, and that international actors must support and strengthen reforms on a national level (*ibid*: 12-13).

2. The concepts

The last section provided an outline of the OHCHR’s plan of action and introduced the main concepts that build a foundation for further analysis; this section focuses on “protection” and “empowerment”. What is written in the OHCHR plan about protection and empowerment is not sufficient to fully understand both concepts, let

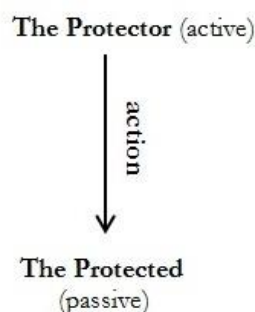
alone to use them for scientific analysis. The OHCHR plan is not very precise about how the two terms might be translated into practice. The section will clarify how they are used in this paper and how it might be possible to use them in practice (on this, see also Malloy's paper in this special issue).

2.1 Protection

"Protection" has at least two dimensions and is an action directed in one way only. The OHCHR plan states that protection is not a specific tool or approach, but refers rather to a desired outcome. Nevertheless, this does not mean that protection must only be seen as the result of an action, but rather as some kind of activity itself. The OHCHR plan does recognize this and refers to activities such as 'ensuring respect' and to the 'effective enjoyment' of rights (*ibid*: 12). The problem presented in the OHCHR's plan is that while human rights today may be universally accepted at a theoretical level, their implementation is still wanting in many regions of the world. However, a more compelling conclusion would be that human rights are *not* universally accepted and hence the protection of human rights is not something that just happens spontaneously. The protection of human rights is not a static outcome but rather a constant process and effort. The desired outcome that the OHCHR plan mentions is only one aspect of the term "protection", but to simply reduce the concept of protection to this aspect (a desired outcome) does not acknowledge its complexity. Protection must also be understood as *action*. The OHCHR plan does this by referring to an act to protect someone (a rights holder) or something (the rights of the rights holder). Someone active is doing something for someone passive that is either unwilling or unable to carry out the action for him/herself (see Figure 1). This means that a person, an organization or an institution can act on behalf of a person or group.

The act of protection is a top-down process that comes from the protector and is directed towards the protected. This produces an imbalance of power that denotes a built-in dominance to the concept. Thus, while protection is carried out in manifold ways, it always retains its one-way (top-down) character. For example, the protected may be saved from prosecution, guarded from psychological or physical harm, relieved from injustice or safeguarded against danger. Even if civil liberties and human rights are protected, the fact remains that the receiver of protection is passive and thus remains an object of protection.

Figure 1. The act of “protection”



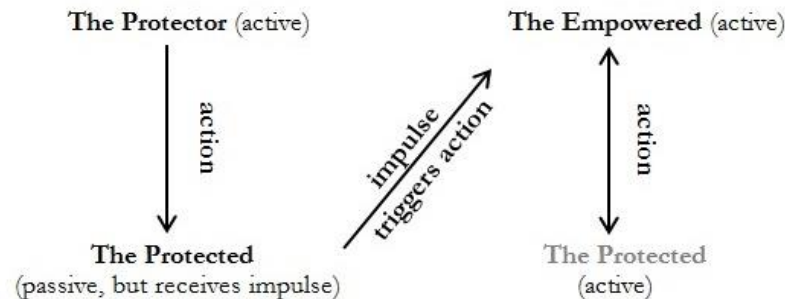
2.2 Empowerment

The two main arguments in this section are that “empowerment” is a process or activity and that it begins where the act of “protection” ends. Empowerment is a much more complex concept than protection. It is in relation to this component of the OHCHR plan that conceptual problems arise. The empowerment of people (human rights holders) is central to the OHCHR plan, and it focuses on two points: first, that human rights holders must assert and claim their rights; and second, that those with the responsibility for guaranteeing human rights must be equipped with the means to do so. Additionally, the plan gives the practical advice that best results for human rights are achieved at the local level, and that international actors must support and strengthen reforms at the national level.

The main difference between “protection” and “empowerment” is the active nature of “empowerment”. Rights holders are to assert and claim their rights (in other words: become active), while actors with the responsibility for upholding human rights must be willing to do so (OHCHR, 2005: 12). “Empowerment” may be a form of “protection” but, as this section will show, there is a point where empowerment becomes more than the mere action of protection can ever be. Hence, the desired outcome of protection may be realized enduringly through empowerment. Empowerment still has to be triggered by someone or something, and in that sense there still is a passive receiver at the moment the impulse (of empowerment) is given; this is equal or similar to what happens with protection. However, after a first impulse

the receiver of empowerment (the protected) becomes active, s/he is empowered and takes action to help him/herself (see Figure 2)

Figure 2. The act of “empowerment”



At the point where the protected becomes active, “protection” transforms into “empowerment”. Therefore the focus will now shift to the active component of the concept. This happens in line with Elisheva Sadan’s empowerment theory, introduced by Malloy in this issue. Sadan writes: ‘The process of empowerment is an active process. Its form is determined by the circumstances and the events, but its essence is human activity in the direction of change from a passive state to an active one’ (2004: 75-76). Sadan further describes the change at an individual level as a process that happens internally and externally. By referring to internal change she means a psychological change, and by referring to external change she describes something social or political. The first and the second changes are displayed in Figure 2 through the “impulse triggers action” arrow. Sadan argues that the change at the individual level has the potential to affect the political and social spheres that surround individuals, thereby affecting other individuals as well. Such a process may also be a sort of “collective empowerment” or “group empowerment”. Following Sadan, ‘a group is the perfect environment for consciousness-raising, for mutual help, for developing social skills, for exercising problem-solving, and for exercising interpersonal influence’ (*ibid*: 81). It also strengthens individuals’ capability to change. It follows that, if “empowerment” changes peoples’ minds and their lives positively, “collective empowerment” is all the more possible and suited to enriching people’s minds and according them greater control over their lives.

This means that despite the fact that empowerment, in the sense used by the OHCHR plan, starts out as a top-down mechanism, it transforms into a bottom-up

process. The active component of the concept is the truly relevant part here. Empowerment is an active process through which the empowered person, community or group is able and willing to change their own situation. This can be a change of mind or a change of life circumstances. In order to speak of empowerment as a means of protection, the change must be intended by the beneficiaries and they must be the ones that transform themselves from passive to active agents.

This section showed the substantial difference between protection and empowerment, namely that empowerment goes beyond protection and activates the protected individuals or groups to become engaged in their own protection and to further empower themselves and others. The following section will transfer the theoretical concept of protection and empowerment into a practical context. It will examine a region where the UN's fundamental values of development, security and human rights for all people are already upheld: the Danish-German border region. There, minority structures are equally developed as majority structures, and minority members enjoy the same human rights as members of the majority population. In addition, several institutions and mechanisms exist that may constitute forms of protection or empowerment. That this occurs against the backdrop of a history unlikely to be conducive to minority protection and empowerment is all the more remarkable. The examination of the Danish-German border region will therefore begin with a brief outline of its history, before taking a closer look at the arrangements currently in place, emphasizing that there is much to be learnt about minority protection and empowerment from the Danish-German border region.

3. Protection and empowerment in the Danish-German border region

The Danish-German border includes the southern part of Denmark (*nordslesvig*) and the northern part of Germany (*Südschleswig*). Geographically the area stretches from the city of *Ribe* and the *Lillebælt*¹ in the north to the sea reach and the middle reaches of the *Eider* to the *Kieler Bucht* (bay of Kiel). Both margins are about 50 kilometers away from the Danish-German border. The Danes and the Germans in the region share a long history (Fink, 1958). Some sources date the beginning of a conscious cultural exchange back to the Protestant Reformation in the early sixteenth century (Frandsen, 1994: 15). To explain how the current manifestation of minority life developed in the region, it is sufficient to mention some key points from the eighteenth century onwards. From 1773 to 1864 the region of Schleswig was

governmentally independent, but aligned to the Danish Kingdom as the Danish king² was also the duke of Schleswig and Holstein. During the course of the nineteenth century, re-occurring attempts to separate Schleswig from the Danish Kingdom on the one side, and attempts to fully integrate the duchy of Schleswig into the Danish Kingdom on the other, led to heavy confrontations in the region (*ibid*: 67-69). These started out as cultural confrontations but quickly turned into political battles charged with nationalistic ideologies (Strange-Petersen, 2002: 245). The situation escalated into the First Schleswig War (1848–1851) and then the Second Schleswig War (1864). Following the Danish defeat of 1864, the duchy of Schleswig was annexed by Prussia while the adjoining duchy of Holstein was annexed by Austria (Fink, 1958: 157). It was only after another war, the Austro-Prussian War of 1866, that both duchies were united as the province of Schleswig-Holstein under Prussian rule in 1866.³ Fifty years later, after World War I, two plebiscites were held in Schleswig (the northern part of the Prussian province of Schleswig-Holstein) to revise the Danish-German border after the German defeat (Christiansen, 1990: 282). On the 5th of July 1920 the border was moved 70 kilometers south. Hence 1920 is often referred to as the “birth year” of the German minority (Toft, 2005: 157).⁴

Since the border revision of 1920, both Denmark and Germany have repeatedly acknowledged the respective minority as an official national minority. Both states defined the national minorities’ status through the Bonn-Copenhagen Declarations of 1955 (Klatt, 2005). Since then, Denmark and Germany have developed consultative and compensatory bodies to protect members of minorities and minority culture in the region.⁵ The next section will give an overview of the institutions and organizations with relevance for the two national minorities in the region. Special attention will be directed towards the question of whether the respective bodies further provide a sort of empowerment for the national minorities.

There are around 60,000 members of the Danish minority and 20,000 members of the German minority in the border region who consider themselves members of one of the two minorities.⁶ Both minorities run networks of various organizations and associations, which receive most of their financial support from the German and Danish governments. The literature on minority protection sometimes refers to the situation in the Danish-German border area as being a possible role model for other minority regions where national minorities do not thrive to the same extent (Teebken and Christiansen, 2001: 43; Kühl, 2004: 575; Frandsen, 1994: 1). The

next section examines two kinds of bodies with relevance to minorities: first, the organizations that are run entirely by national minorities themselves; and, second, the political bodies that are established by national governments and the *Bundesland* Schleswig-Holstein to foster and support minority members and their culture.⁷

3.1 *Minority organizations*

Both minorities run associations that promote the preservation of the minority culture and languages from pre-school and early school levels. The *Dansk Skoleforeningen for Sydslesvig* (Danish school association for South Schleswig) and the *Deutscher Schul- und Sprachverein für Nordschleswig* (German school and language association for North Schleswig) are autonomous minority associations that oversee the minorities' buildings and manage the teaching staff and technical personnel for nurseries and schools. Minority schools in Denmark and Germany have the same legal status as private schools and grant equivalent diplomas as state schools. Due to their private status, these schools may vary the content of their education to a certain degree. However, their teaching plans still have to meet the requirements of the general curriculum stipulated by the responsible authorities. Most of the funding for the educational minority institution is granted by Germany, Denmark and the land of Schleswig-Holstein.⁸ The schools co-operate with the youth organizations *Sydslesvigs danske Ungdomsforeninger* (South Schleswig youth associations) and *Deutscher Jugendverband für Nordschleswig* (German youth association for North Schleswig), and foster the development of minority identification among young people.

Outside the educational sector there are various organizations that deal with a plethora of activities of relevance to minority communities in both countries. There are library associations, minority newspapers, social services, linguistic groups, music associations, sports clubs and student organizations which are to a greater or lesser extent connected to a cultural umbrella organization: in Germany this is the *Südschleswigsche Verein*, or South Schleswig association (SSF); in Denmark the *Bund deutscher Nordschleswiger*, or League of German People of North Schleswig (BdN). The SSF not only acts as a cultural and social organization, but is also very active in representing and advocating for minority political interests in Germany. The BdN is responsible for all matters concerning the German minority in Denmark. The organization is the minority's main cultural organization but it is active in many other fields, such as minority politics or social and economic problems (Lubowitz, 2005:

379). The *Slesvigske Parti* or Schleswig party (SP) in the southern part of Denmark and the *Südschleswigsche Wählerverband* or South Schleswig voters' organization (SSW) in the northern part of Schleswig-Holstein represent the interests of the respective minority within the party system. The SSW has represented not only the Danish, but also the Frisian minority in Schleswig-Holstein since 1948 (Nonnenbroich, 1972: 111). The party's status in German politics is quite special on account of the condition that the SSW is exempt from the 5% threshold in federal state and national elections. The party has not participated in national elections since 1961, but since 2012 it has formed, for the first time, part of the land government of Schleswig-Holstein (*Landesregierung*) as a third component in a social democratic and green coalition government (Landesregierung Schleswig-Holstein, 2014).

The southern Danish SP party is a regional party. It calls for equal treatment of the German minority, its members and its institutions in cultural, social and economic matters and is of the opinion that 'sometimes equality can only be achieved through special rights' (Schleswigsche Partei, 2010: 1). Contrary to the SSW, which is an autonomous organization, the SP is only a sub-organization of the BdN. The party candidates and leader are elected by the BdN's general assembly. In addition to the associations that are run by minorities, there are several special political bodies that have been established by the Danish and German national governments as well as the regional government of Schleswig-Holstein. These bodies exist to help "protect" minorities from marginalization by the majority culture, but they may also empower the minorities to improve their own situation. These bodies will be discussed in the following section.

3.2 *Special institutions for minority participation*

The German minority is compensated for its non-representation in the Danish national parliament (*Folketing*) by being granted their own bureau to represent their interests in Copenhagen. The German Minority's Secretariat in Copenhagen (*Det Tyske Mindretals Sekretariat i København*; hereinafter "the Secretariat") was established in 1983. The head of the Secretariat, who is always a member of the minority and is elected by the BdN's board, monitors the parliament's work and represents the minority's political views to the parliament and the public. Furthermore, it establishes and maintains contact on behalf of the minority and keeps the BdN informed about minority-relevant processes in Copenhagen (Det Tyske Mindretals Sekretariat i

København, 2013). The head of the Secretariat is always a member of the Contact Committee for the German Minority (*Kontaktudvalget for Det Tyske Mindretal*). The committee negotiates on issues of relevance to the minority. The other members of the committee are: the Minister of Education (*Undervisningsminister*), the Minister of the Economy and the Interior (*Økonomi- og indenrigsminister*), a member from each party in the *Folketing* and three members from minority organizations. All are formally selected by the Minister of the Economy and the Interior, but are in effect chosen by their respective organizations (*Undervisningsministeriet*, 2013). A similar committee can be found in the state of Schleswig-Holstein: the Committee for Questions Concerning the German Minority at the *Landtag* of Schleswig-Holstein (*Gremium für Fragen der deutschen Minderheit beim Schleswig-Holsteinischen Landtag*). This committee deals with all questions regarding the German minority in Southern Denmark. Members of the committee are the Minister-President of Schleswig-Holstein (*Ministerpräsident*) and delegates of all parliamentary parties, all members of the *Bundestag* from Schleswig-Holstein, representatives of the BdN, the Commissioner for Minorities and Culture of Schleswig-Holstein (*Beauftragte für Minderheiten und Kultur des Landes Schleswig-Holstein*) and the head of the German Secretariat in Copenhagen. Germany's Assistant Ambassador (*Stellvertreter des Botschafters*) in Denmark is simultaneously acting as Commissioner for Questions Regarding the German Minority and the Border Region (*Beauftragter für Fragen der deutschen Minderheit und Kontakte im Grenzland*) and is responsible for establishing direct contact between the German minority in Denmark and the German government in Berlin (*Deutsche Botschaft Kopenhagen*, 2014).

The central institution for minority political participation of the Danish minority in Schleswig-Holstein is the Commissioner for Minorities and Culture of Schleswig-Holstein (*Beauftragte für Minderheiten und Kultur des Landes Schleswig-Holstein*; hereinafter "the Commissioner"). The Commissioner is appointed by the Minister-President of Schleswig-Holstein and is thus a state employee. The Commissioner's main task is to develop and maintain contacts between the government and minorities. The Commissioner also upholds contact between the Danish minority and the Minister-President as well as with the parliament of the *Bundesland*. The Commissioner's work is independent of the presence of the Danish minority in the *Landtag* of Schleswig-Holstein, and even now that the SSW is a regular member of the governing coalition, with a seat in the cabinet, the

Commissioner's work continues. As for the Danish government, the German government addresses the problems and special needs of national minorities in the country. This is translated into practice through the Commissioner for Emigrant and Minority Issues of the German government (*Beauftragter der Bundesregierung für Aussiedlerfragen und Nationale Minderheiten*).

Together with the Minister of the Interior and one of his employees, two members of the factions of the *Bundestag*, three minority members and the Commissioner for Minorities and Culture of Schleswig-Holstein, the German government's minority commissioner sits on the Advisory Committee for Questions Regarding the Danish Minority in the Ministry of the Interior (*Beratender Ausschuss für Fragen der dänischen Minderheit beim Bundesministerium des Innern*). The advisory committee discusses all government decisions of relevance to the Danish minority and ensures contact between the minority and the German government and the *Bundestag*. Finally, the Danish Consulate General (*det danske generalkonsulat*) ensures contact between the Danish minority and the Danish government. At the same time the Committee Concerning Danish Cultural Activities in South Schleswig (*Udvalget vedrørende danske kulturelle anliggender i Sydslesvig*) reports back to the parliament on all issues regarding the Danish minority. The large number of bodies that are concerned with minorities demonstrates the importance that the Danish and German governments ascribe to the protection of national minorities in the region.

3.3 Evaluation of "protection" and "empowerment" in the border region

This section assesses the organizations and institutions in the border region in relation to protection and empowerment. The minority youth and school organizations, the cultural umbrella organizations and the political parties are all minority bodies that empower minorities. They do this by providing opportunities and means through which minority members can promote minority affiliation. While the government funds many activities and guarantees the basic rights to run the organizations, the government does not directly engage in these activities. The government only provides the first impulse (here: legislation and funding) through which the receivers of empowerment (the minorities) are enabled to act to improve their situation. In youth and school organizations members of minorities have the opportunity to form a minority identity early on and to become conscious of their rights as minority members. The cultural and political organizations continue to foster awareness of

minority identity and to provide structures to advance minority rights. By doing so these organizations foster change that is predestined to affect the individual's surroundings and hence may trigger what Sadan calls "collective empowerment" or "group empowerment" (Sadan, 2004: 81).

All those institutions where minority members are not themselves represented merely *protect* the minorities. This can be said for six out of the ten bodies listed in section 4.2, namely: the German Embassy in Copenhagen, the Commissioner for Questions Regarding the German Minority and the Border Region, the Commissioner for Minorities and Culture of Schleswig-Holstein, the Commissioner for Emigrant and Minority Issues of the German Government, the Danish Consulate General, and the Committee Concerning Danish Cultural Activities in South Schleswig. Three out of the ten minority protection bodies are committees where the minorities themselves are represented. For all three committees—the Contact Committee for the German Minority, the Committee for Questions Concerning the German Minority in the parliament of Schleswig-Holstein, and the Advisory Committee for Questions Regarding the Danish Minority in the Ministry of Interior—the extent of the impact of minority representatives on committee decisions is unclear and their participation may be merely symbolic. It is also not clear what impact the committees themselves have. The only special institution that clearly *empowers* a minority in the region is the German Secretariat in Copenhagen, as the Head of the Secretariat is a minority member and is thus directly involved in changing the situation of the minority. For a summary of all special institutions see Figure 3.

The relevance of the German Secretariat in Copenhagen has been explained by Schaefer-Rolffs and Schnapp (2014a), who show that the Commissioner for Minorities and Culture of Schleswig-Holstein and the German Secretariat in Copenhagen are of special importance. The two institutions have been established by their governments to support minority interests. The special role of these two bodies is further underscored by the fact that the head of the Secretariat in Copenhagen, as well as the Commissioner in Kiel, are official members of most of the other organs established to ensure minority political participation. Despite these similarities, there are major differences in the structures of these two institutions, which show why the Commissioner merely *protects* the Danish minority whilst the Secretariat *empowers* the German minority as stated above.

Figure 3. Institutions concerning national minorities

	Institution	Affiliated to	Empowerment
Denmark	German Secretariat in Copenhagen	Danish parliament	Yes
	Contact Committee for the German Minority	Danish parliament	Unclear
	Committee for Questions Concerning the German Minority in the parliament of Schleswig-Holstein	German land parliament	Unclear
	The German Embassy in Copenhagen	German government	No
	Commissioner for Questions Regarding the German Minority and the Border Region	German government	No
Germany	Commissioner for Minorities and Culture of Schleswig-Holstein	German land government	No
	Commissioner for Emigrant and Minority Issues of the German Government	German government	No
	Advisory Committee for Questions Regarding the Danish Minority in the Ministry of Interior	German government	Unclear
	The Danish Consulate General	Danish government	No
	Committee Concerning Danish Cultural Activities in South Schleswig	Danish parliament	No

Three of the main differences between the two institutions are outlined here:

The head of the German minority's Secretariat in Copenhagen has no affiliation with a party of the *Folketing* or the government, whereas the Commissioner for Minorities and Culture of Schleswig-Holstein is always a member of a governing party in Schleswig-Holstein. The head of the Secretariat in Copenhagen is personally a member of the German minority, whereas the Commissioner for Minorities and Culture has no affiliation to the minority whatsoever. The head of the Secretariat in Copenhagen is elected every three years by the BdN's board of directors, whose members are themselves elected by the minority population for a four-year term of office. By contrast, the Commissioner in Kiel is not an electoral office, but the office is given to a suitable person from the governing party by the Minister-President of Schleswig-Holstein for each legislative period of five years. (Schaefer-Rolffs and Schnapp, 2014a: 69-70)

An overview of the differences between the two institutions is also provided in Figure 4.

Figure 4. Comparison of Commissioner and Secretariat

	Germany (Commissioner)	Denmark (Secretariat)
Governmental institution	Yes	No
Direct connection to minority party	No	Yes
Minority member in charge	No	Yes

The Secretariat is directly connected to the minority and it seems to be an institution that genuinely empowers the minority. Again the government only provides the structures for the special body and then empowers the minority by letting it choose its own representative to lead the Secretariat. It is interesting to note that the Secretariat is also much better evaluated by members of minorities than the Commissioner, as shown by Schaefer-Rolffs and Schnapp (2014a) through a study conducted in 2010, and as can be seen in Figure 5.⁹ Of the respondents (minority members) in Denmark, 79% considered the Secretariat to be an appropriate representative, whereas only 46% of the respondents from the Danish minority in Germany had a similar opinion about the Commissioner in Kiel.

Figure 5. Appropriateness of the special institution (country)¹⁰

	Germany (Commissioner)	Denmark (Secretariat)	Total
Eligible	46%	79%	59%
Ineligible	54%	21%	41%
N	108	72	180

This difference in perception seems to be mainly attributable to the fact that the Commissioner is not part of the minority but addresses minority issues in a paternalistic way, as shown by respondents' answers to the question of why they did not find the respective institution eligible. One fifth (20%) of all respondents stated that they did not find the respective institution eligible to represent their political

interests, and expressed the opinion that the Minority Commissioner was more representative of the interests of the state than of the minority. Nearly one fifth (18%) of respondents expressed dissatisfaction with the acting Commissioner at the time of the survey (Caroline Schwarz), mostly on the grounds of her lack of presence and lack of connection to the minority. The same amount of answers indicated the perception that the Commissioner spent more time fulfilling various other duties than politically representing the Danish minority. A further 16% cited lack of necessary influence as a reason for their dissatisfaction while 14% were of the opinion that the Commissioner usually had little interest in or knowledge of the minority (Schaefer-Rolffs and Schnapp, 2014a: 68).

Minority empowerment implies that minorities are directly involved in the work that is done for them. The relatively bad impression that the Commissioner left with the minority is partly due to the fact that the office has a paternalistic structure that stands *for* the minority. It is a protective body with a top-down approach, and the receivers of protection (minority members) are passive, remaining an object of protection. In this way the institution is neither well-suited to represent the interests of the minority, nor is it well-positioned to gain full support from and acceptance among the minority population because of its paternalistic character (*ibid*: 71). In Denmark, on the other hand, with the German Secretariat we find a very participation-oriented structure with extensive direct minority involvement. The Secretariat is much more favorably evaluated in its work by minority members than the Commissioner in Kiel, as can be seen in Figure 6. In Denmark, 63% of minority members had positive experiences with the Secretariat and 35% had neutral experiences, while in Germany only 10% had positive experiences with the Commissioner, 55% reported neutral experiences and 35% negative experiences. These figures support the central argument of this paper, if one takes into account that the Commissioner only *protects* the minority while the Secretariat *empowers*.

Figure 6. Experience with the special institution (by country)¹¹

	Germany (Commissioner)	Denmark (Secretariat)	Total
Positive	10%	63%	38%
Neutral	55%	38%	46%
Negative	35%	0	16%
N	49	56	105

The situation of minority political participation in the northernmost part of Germany is still very positive because the SSW, the minority political party, is a very visible political actor in Schleswig-Holstein and a constant member of the land parliament. The reason for its constant representation in the *Landtag* is its exemption from the 5% electoral threshold. This threshold is in place for all other parties running for parliamentary office. It is well-known that this exemption is meant to facilitate minority participation. This again must be seen as a mechanism that *empowers* and does not just *protect* minority members. Schaefer-Rolffs and Schnapp (2014b) have argued that the representation of minority interests and political participation in Germany mainly happen through the SSW and that the special institution (the Commissioner) is only of minor relevance for the minority members. Across the border, in Denmark, the German Secretariat is of great relevance whereas the political party, the SP, does not reach the same degree of influence as the SSW. See also Figure 7.

Figure 7. Best interest representation¹²

	Germany	Denmark	Total
Minority party	96%	70%	85%
Cultural organization	3%	11%	6%
Special institution	2%	6%	3%
All three together*	0	14%	6%
N	112	71	183

* The answer “something else” was chosen by 14% of the German minority in Denmark. Asked why they chose that answer, all of them answered something along the lines of: “all three together”, “a combination of the three” or “the three are equally important”. No-one from the Danish minority chose the answer “something else”.

There is considerable trust in the SSW within the Danish minority which cannot be achieved by the SP, and which is rooted in the structural conditions created to favour

the minority party (SSW) in Germany.¹³ The release from the 5% threshold at regional and federal land elections makes it possible for the SSW to gain greater political influence than the SP could achieve.

Conclusion

This paper started out by emphasizing the importance that the 2005 *OHCHR Plan Of Action: Protection and Empowerment* ascribes to the concepts of “protection” and “empowerment”. In studying the usage of both terms in the OHCHR plan, and by explaining how they can be understood, section two and three—following Elisheva Sadan’s empowerment theory—presented the two central concepts of the paper.

“Protection” has at the least two dimensions. It is a desired outcome and an action. It is furthermore an action that is one-sided. The receivers of protection are not themselves active in being protected. The action is a classical top-down process. “Empowerment” starts out as top-down process, but transforms into a bottom-up process. It is an active process in which the empowered person, community or group are able and willing to change their own situation. Empowerment triggers change that can either be a change of mind or a change of life circumstances or, in the best case, both. To speak of empowerment as a means of protection, the action must be intended by the beneficiaries of change and they must be the initiators of the progress.

The preservation and development of national minority culture in the Danish-German border region is something that the land and national governments in the region take very seriously, and a plethora of minority organizations and special political bodies exist for the purpose of minority protection. The OHCHR plan states that the most effective protection of human rights (and thus also of minority rights) is achieved through empowerment. In the border region many organizations are run by minorities, such as school and youth organizations, library associations, minority newspapers, social services, linguistic groups, music associations, sports clubs and student organizations. These are financially supported by the two governments and provide for a kind of empowerment as described in section 2.2. All the organizations mentioned in 3.1. activate their minority members, foster minority identity and create awareness of minority rights, thereby empowering them. This can also be viewed from another perspective: by funding the many minority organizations, while at the same time letting them run their own affairs, the land and national governments practice a politics of empowerment.

Additionally, special institutions exist in the border region to enhance minorities' chances of political participation and thus provide minority protection (Henrard, 2005: 135). Most of these special institutions follow a "classical" protection-oriented approach, whereby government personnel watch over the minority, monitor their problems and/or provide contacts for the members to articulate specific problems. Whatever the particularities of the respective bodies, the process is always top-down.

However, one of the special institutions in the border region—the German Minority's Secretariat in Copenhagen—stands out. The Secretariat is the only one of the special institutions that is entirely run by a national minority. Although it is funded by the Danish government, it reports to the German minorities' main cultural organization, the BdN. The Secretariat monitors the parliament's work in Copenhagen and represents the minority's political views to the parliamentarians and the public. Furthermore, it lobbies on behalf of the minority and does so to the satisfaction of the members of minorities it represents.

If one accepts that the most effective protection of human rights (and thus also minority rights) is indeed achieved through empowerment, and given that the Danish-German border region provides a minority situation where minority rights are upheld, the following recommendations seem appropriate. Governments should provide funding to such institutions and organizations that stimulate minority social life and foster minority identity among minority members. They should further acknowledge that the work of protective institutions is limited to monitoring and strengthening relations between minorities and governments. Moreover, special institutions that seek to empower minorities ought to be independent of government bodies and run by minority members themselves, because 'visible political leadership by members of a minority group [...] enhance[s] trust in government, efficacy, group pride, and participation' (Banducci *et al*, 2004: 538). It seems to be the case that institutions with a strong focus on preferential treatment are more successful than paternalistic ones. The SSW, which is empowered through its preferential treatment at the ballot box, as well as the Secretariat in Copenhagen, which is empowered through its access to the parliamentary arena, are cases in point.

Notes

1. The *Lillebælt* (small belt) is the sea gate between the peninsula *Jylland* and the isle of *Fyn*.
2. Christian VII from 1773 to 1808, Friedrich VI from 1808 to 1839, Christian VIII from 1839 to 1848, Friedrich VII from 1848 to 1863, and Christian IX from 1863 to 1864.
3. For further historical background to the region, see Hvid (1990).
4. For an overview of events relating to the border revision of 1920, see Rheinmeier (2006).
5. For co-operation in the region between Denmark and Germany, see Klatt (2006).
6. These numbers are based on membership numbers of minority organizations and electoral results of minority parties. According to the Bonn-Copenhagen Declarations, there is no formal, ethnic or similar criterion that defines who belongs to a minority and who does not. Rather, every person can define for him/herself whether s/he feels an affiliation with the folklore and culture of the respective minority and thus belongs to that minority. This “self-identification” may not be questioned or tested by officials.
7. An overview on the institutions in this section was already published in Schaefer-Rolffs and Schnapp (2014a). Due to constraints of space, the information has been shortened and summarized. For more detailed information on the Danish-German border region see the respective article, especially sections 3 and 4.
8. Denmark: about 70% from the Danish state, about 30% from the German state or Schleswig-Holstein; additional funding (if needed) is private. Germany: about 50% from the Danish state, about 43% from the German state, about 3% from municipalities and about 4% private funding. See Undervisningsministeriet (2014); Region Sønderjylland (2014); Language Diversity (2014).
9. The authors’ study is based on a survey of 206 minority members, of which 126 live in Germany and 80 in Denmark. They asked respondents about several aspects of minority participation in the Danish-German border region. For a description of the general characteristics of the study, see Schaefer-Rolffs and Schnapp (2014a), section 5.1.
10. Table taken from Schaefer-Rolffs and Schnapp (2014a: 68): ‘Do you find the *institution*, eligible or ineligible to represent your political interest?’.
11. Table taken from Schaefer-Rolffs and Schnapp (2014a: 67): ‘If you ever had contact with the *Special Institution*, how was your experience?’.
12. Table (in German) taken from Schaefer-Rolffs and Schnapp (2014b).
13. For results of the survey that was conducted among the minority members concerning the general status of political participation of minorities, see Schaefer-Rolffs and Schnapp (2014b), sections 4 and 5.

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