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Paternalistic versus participation oriented minority institutions in the Danish-German border region

This paper aims to explain how Denmark and Germany face the task of ensuring minority protection and the preservation of cultural diversity by way of recognising the national minorities' needs for special attention. Both countries have installed different mechanisms that are designed to compensate minorities for their disadvantages as a group. Despite the fact that the equally well-developed structures on both sides of the border favour a compared analysis of the mechanisms in place, the disparity in the field of political participation receives particular attention in this paper. By way of analysing results from an online survey carried out in 2010, this paper shows how differently the minorities perceive the character of two special institutions for direct contact with political decision-makers. The Danish government and the state government of Schleswig-Holstein both introduced a contact person for the minorities within their area of responsibility. Our research has made interesting findings with regards to the composition of these institutions. It seems that the service offered by the geographically more distant Secretariat to the German Minority in Copenhagen is rated favourably, whereas the locally more present Commissioner for Minorities and Culture of Schleswig-Holstein has been a disappointment to the Danish minority.

Keyword: Minority rights; minority protection; minority participation; minority representation; national minority; Danish minority; German minority; border region

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I. INTRODUCTION

Democracy can, according to Robert Dahl, be understood as a political system in which those affected by a decision have a proper chance to take part in making this decision.[1] Although it is accepted by political theorists as well as many men and women on the street, this norm is not easily implemented in all situations. One situation in which implementation might not be as straightforward is the proper political participation of any kind of minority, be it national, ethnic, religious, cultural or otherwise. This question of minority political participation has grown in importance in Europe over the last decades. This is the case, because European nations

are beset by a total of more than 300 national and ethnic minority groups with over 100 million members. Awareness and appreciation of this fact has massively increased recently in terms of politics as well as with regard to discussion in the social sciences.[2] While there are at least some explicit perceptions of the institutional quality of participatory rights and facilities across Europe, there is almost no empirical account of the role and the perception of political rights and/or institutions that foster minority political participation.

One area in which — according to a perception in the literature — minority rights and structures for minority participation are exemplarily well developed is the Danish-German border region. This area is sometimes even perceived as a role model for minority integration in Europe.[3] But even for this area, concrete knowledge of how exactly participation has been institutionalised is limited and empirical knowledge about how the system is perceived is virtually non-existent. Given its positive reputation for minority integration on the one hand and the still sparse empirical knowledge on the other, we think that the Danish-German border region provides an excellent area of studying the means for and perception of successful minority political participation. It is of further analytic value that there are two structurally very similar minorities in two distinct political systems, with Denmark being a centrally and Germany being a federally organised state. This provides us with the additional opportunity to not only study form and function, but to compare two different systems for minority integration and their successes.

We focus our interest on two institutions that have been established to foster political participation in the Danish-German border region. These are the Commissioner for Minorities and Culture of Schleswig-Holstein (*Beauftragte für Minderheiten und Kultur des Landes Schleswig-Holstein*) and the Secretariat to the German Minority in Copenhagen (*Det Tyske Mindretals Sekretariat i København*). This article will provide an answer to the following question: How is minority political participation organised and how successful is it? By "success" we mean how modes or practices of participation are being evaluated by members of the minority population. To analyse how said institutions operate can help to identify best practices that might also be useful for other regions with national minority populations.

The article is organised as follows: By taking Robert Dahl and Charles Taylor as our starting point, we briefly emphasise why political participation is important in general and why minority political participation might be of importance in particular. Secondly, we take a look at the legal status of the minorities in the Danish-German border region and at the post-Second World War development in this region, paying special attention to the institutional structure within which minority participation has been organised. To this end, we first describe forms of political, social and cultural self-organisation of the minorities. We than move on to describing institutions and structures that are provided by the Danish, the German national and the Schleswig-Holsteinian state government to help minorities to make themselves heard in democratic decision-making processes. Finally, we present the results of the first empirical study on minority participation in the Danish-German border region, focussing on the evaluation of the above-named special institutions. We conclude with an

interpretation of the differences in evaluation we found between the Danish and the German minorities.

II. POLITICAL PARTICIPATION AND MINORITY POLITICAL PARTICIPATION

As has already been stated in the introduction to this text, democracy can be understood as a political system in which those affected by a decision have a proper chance to take part in the making of this decision.[4] Dahl adds that all citizens are to be treated equal with respect to their rights and chances to take part in those kinds of societal decisions.[5] This norm of course applies to members of minority populations as well, but what that means in the reality of democratic decision-making is again not straightforward. The reason is that, with respect to decision-making, a national, ethnic, cultural, etc. minority is defined by its permanent structural minority status.[6] What does this mean? While political minorities in a democracy can always have the hope of someday becoming or belonging to a majority, the same is not true for structural minorities. And this very fact, according to Taylor, at least has the potential to effectively prevent members of such a minority from effectively carrying out their rights as citizens. Therefore, Taylor continues, a democracy cannot simply grant members of structural minorities equal rights; it also has to protect such vulnerable groups as groups. And this protection "… cannot be fully attained just by ensuring non-discrimination against individual persons belonging to minorities but only by granting collective rights to the minority as a group"[7].

If we accept this premise, the question becomes one of how appropriate participation of structural minorities can be assured. In his essay *Multiculturalism and the Politics of Recognition*, Taylor understands recognition of "otherness" to be critical and declares being accepted on one's own terms a basic "human need".[8] He further declares every human being to be unique and inimitable and claims that everyone has to live this uniqueness as is best for him or her. "If I am not, I miss the point of my life; I miss what being human is for *me*".[9] Taylor then argues that the ideal living of one's own life not only applies to individuals but to groups as well. He understands this idea with regard to the individual in the midst of others but also with regard to a (minority) group surrounded by a majority with a dominant culture. He then presents two approaches of how a *politics of recognition* can be realised. The first one is called *politics of universalism*[10] and aims for a model of equal rights and demands. The second approach is called *politics of difference*[11] by Taylor. He describes the difference between the two approaches as follows:

> Where the politics of universal dignity fought for forms of nondiscrimination that were quite "blind" to the ways in which citizens differ, the politics of difference often redefines nondiscrimination as requiring that we make these distinctions the basis of differential treatment.[12]

The *politics of difference* as understood by Taylor offers a means of reverse discrimination to benefit disadvantaged groups and to alleviate their permanent structural disadvantages. Those disadvantages are to be balanced by means of reverse discrimination up to the point where no group is factually discriminated

against any longer. And often, writes Taylor, it is appropriate that such actions do not aim at creating simple equality, but at preserving difference. Whether universal rights or some kind of preferential treatment are more adequate depends on concrete circumstances.

It will be the task of the following sections of the text to first describe institutions that seem to follow Taylor's council to establish at least some sort for preferential treatment and, secondly, to report on an empirical study of how these institutions have been received by the minorities they are designed to serve.

III. FORMAL RECOGNITION OF MINORITIES IN GERMANY AND DENMARK

The Council of Europe's Framework Convention for the Protection of National Minorities from 1995 is one of the most important documents for European minorities in the last 20 years. It describes a group of people as being a national minority within a country if:

- the members of the group are state residents and live within the territory of the country,
- the members have long, permanent and solid connection to the country,
- the members have special ethnical, cultural, religious or linguistic character,
- the members' number is significant, although it is still smaller than the majority population of the country or the country's region, and
- the members desire to preserve the characteristics necessary for their identity, especially their culture, their religion or their language.[13]

The convention does not provide a binding definition of the term *national minority*, however. The countries that have signed the convention follow their national tradition and the current political situation when deciding how the term is used. This means that the countries decide for themselves which groups they acknowledge as a national minority within their national borders. The Federal Republic of Germany and the Kingdom of Denmark both transmitted a declaration concerning that issue to the Council of Europe. The Danish message reads: "[I]t is hereby declared that the Framework Convention shall apply to the German minority in South Jutland of the Kingdom of Denmark", whereas the German position recognises "the Danes of German citizenship and the members of the Sorbian people with German citizenship (…) the Frisians of German citizenship and the Sinti and Roma of German citizenship"[14] as *national minorities*.

However, Germany and Denmark did formally recognise the special situation of the two minorities in the Danish-German border region as early as 1955. The *Bonn-Copenhagen Declarations* of 29 March 1955 are unilateral notifications that set out the status and rights of the Danish national minority in the northern part in the region of Schleswig-Holstein and the German national minority in the southern part of Jutland. The declaration constituted a turning point in minority protection between the two states and also within Europe.[15]

According to the *Bonn-Copenhagen Declarations*, there is no formal, ethnic or similar criterion that defines who belongs to either minority and who does not. Rather, every person in the border region can define for him- or herself whether he or she feels an affiliation with the folklore and culture of the respective minority and does therefore

belong to this minority. This "self-affiliation" may not be questioned by officials.

IV. MINORITY POLITICAL PARTICIPATION IN THE DANISH-GERMAN BORDER REGION

a. German and Danish Minorities in the Border Region – The General Situation

The Danes and the Germans in the region share a long history of cultural exchange and amalgamation, since the territory of Schleswig was alternately ruled by Danish, German, Prussian and Swedish sovereigns over the last centuries.[16] The first intensive cultural exchange is said to have happened during the Protestant Reformation in the early 16th century.[17] Ever since the border revision of 1920, both groups have been officially acknowledged as national minorities in both countries and, as has just been stated, their status was codified after the Second World War in 1955 through the *Bonn-Copenhagen Declarations*. Since the 1950s, Denmark and Germany have developed a system of consultative and compensatory bodies to protect the individuals who belong to a minority and the culture and heritage of those minorities as such. Due to differences between the state structures of the two countries, these systems have developed differently, as we will show in the next section. This section, however, provides the reader with a brief understanding of the general situation and the political organisations of the two minorities.

There are approximately 60,000 Danes and 20,000 Germans who consider themselves members of either of the two minorities. Both groups are well organised and can offer their members a complex network of associations. These organisations and associations are financially supported by both the German and the Danish government.

Efforts within the groups to preserve the minorities' cultural and linguistic character begin at the earliest educational level with minority schools that are run by autonomous minority associations. The *Dansk Skoleforeningen for Sydslesvig* and the *Deutscher Schul- und Sprachverein für Nordschleswig* are primarily concerned with the minorities' kindergartens and schools. They maintain buildings and are responsible for hiring teaching staff and technical personnel. The minority schools in Denmark and Germany usually have the legal status of private schools and grant diplomas equivalent to those of public (that is, state) schools. Due to their status, the schools can modify the content of their education to a certain degree. However, they are still bound by the general curriculum stipulated by the authorities responsible. Schools also cooperate with the youth organisations *Sydslesvigs danske Ungdomsforeninger* and *Deutscher Jugendverband für Nordschleswig*, which further support the development of identification with the minority amongst the young people.

Minority structures that are provided for young adults are also very well developed. Additionally, there are organisations that handle various key activities in both countries, such as library associations, minority newspapers, social services, linguistic groups, music associations, sports clubs and student organisations. These more socially and culturally oriented organisations are

supplemented by cultural umbrella organisations (the *Südschleswigsche Verein*, or SSF, in Germany and the *Bund deutscher Nordschleswiger*, or BdN, in Denmark) as well as a minority political party in the southern part of Denmark (the *Slesvigske Parti*, or SP) and in the Northern part of Schleswig-Holstein (the *Südschleswigsche Wählerverband*, or SSW).

The SSF was founded in 1920. At that time it was under a different name and was reorganised and renamed in 1946 as the minority's main cultural organisation. The new structure became necessary because the minority's membership numbers increased rapidly after the Second World War. Today, the SSF not only acts as a cultural and social organisation but is also very active in representing and advocating for minority political interests.

The SSW has represented the Danish and the Frisian minority in Schleswig-Holstein since 1948.[18] The party's main political and societal ideas clearly have a Scandinavian social democratic background, and the party has a special interest in participatory public decision-making processes.[19] The party's status in German politics is quite special on account of the condition that the SSW is freed from the 5 per cent threshold in federal and state elections. Despite this fact, the party has not taken part in national elections since 1961 and has had strongly varying results in regional and federal elections since then. Today the party is not only a minority party but also a regional party that deals with minority issues as well as with regional matters.[20] The recently held regional elections swept the SSW into government office for the first time as part of a social democratic and green coalition government.

The BdN is responsible for all matters concerning the German minority in Denmark. The organisation was founded in 1945 by former members of a Danish resistance group against the German occupation during the Second World War. It is the minority's main cultural organisation but is active in many other fields, such as minority politics or social and economic problems.[21] The BdN is also responsible for reviewing legal proposals in the *Folketing* that could be of relevance to the minority. Furthermore, the BdN is obliged to represent the minority's view on minority-related issues to politicians, political parties and the government.

The *Slesvigske Parti* (SP) is a regional party in Southern Denmark. Its party platform demands equal treatment for the German minority, its members and its institutions in cultural, social and economic matters. The SP is of the opinion that "sometimes equality can only be achieved through special rights".[22] The SP was founded in 1920 and is the political representation of the German minority in Denmark. From 1953 to 1964, the SP was represented in the *Folketing* but has not won a seat in parliament since then. The party last participated in national elections in 1971 and today is only active in regional and community politics. The SP is a sub-organisation of the BdN, and all party candidates and its leader are elected by the BdN's general assembly. The party's organisational structure shows a board of directors as well as an executive board and four municipal boards that run the party's daily affairs.

In addition to the political groups and social associations established by the minorities themselves, there are 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 the minorities to make themselves heard in processes of political decision-making. It is these bodies to which we now turn.

b. Special Political Bodies for the Minorities in the Border Region

The most relevant institution for the German minority in Denmark is the German Minority's Secretariat in Copenhagen (*Det Tyske Mindretals Sekretariat i København*; "Secretariat" in what follows). It was established in 1983 to compensate the minority for not being represented in the Danish national parliament (*Folketing*). Its tasks are to monitor the parliament's work by attending the plenary meetings and reviewing the parliamentary protocols and legislative proposals. The Secretariat is officially entitled to represent the minority's political views towards the parliament in general and towards committees in the *Folketing* in particular. In addition, the Secretariat establishes and maintains contact with delegates from all parliamentary parties, the government and the ministerial departments. It informs the BdN on all issues and processes in Copenhagen concerning the German minority.[23]

The head of the Secretariat must always be a member of the minority and is elected by the BdN's board of directors for a period of three years. The head of the Secretariat is always a member of the parliament's most relevant advisory body for the German minority, the Contact Committee for the German Minority (*Kontaktudvalget for Det Tyske Mindretal*). This committee was established in 1965 to negotiate and discuss political and cultural concerns of relevance to the minority. In addition to the head of the Secretariat, the committee today consists of the minister of children and education, the minister of economy and interior, a member from each party in the *Folketing* and three members from the minority's organisations. These latter three members are formally selected by the minister of interior and health, but are in effect chosen by their respective organisations.[24]

There is yet another committee with similar tasks 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 is involved with all questions regarding the German population in Southern Denmark, ranging from financial and cultural issues to questions of political representation. The Committee meets twice a year, is chaired by the Minister-President of Schleswig-Holstein and is attended by delegates of all parliamentary parties, all Schleswig-Holsteinian members of the *Bundestag*, 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.

Lastly, there is the Commissioner for Questions Regarding the German Minority and the Border Region (*Beauftragter für Fragen der deutschen Minderheit und Kontakte im Grenzland*), who is located in the German Embassy in Copenhagen. This role is usually fulfilled by Germany's assistant ambassador in Denmark. He or she establishes direct contact between the

German minority in Denmark and the German government in Berlin, particularly by providing communication channels at the embassy in Copenhagen.

Now we turn to the Danish minority in Schleswig. Here the central institution for minority political participation is the Commissioner for Minorities and Culture of Schleswig-Holstein (*Beauftragte für Minderheiten und Kultur des Landes Schleswig-Holstein*; "Commissioner" in what follows). This office originated from an honorary office for border regional and minority issues in 1988. The Commissioner is appointed by the Minister-President of Schleswig-Holstein. He or she is a state employee and is usually a member of its (major) governing party. In addition to the Danish minority, the Commissioner is also responsible for the Frisian minority, the Sinti and Roma and the Schleswig-Holsteinian culture in general. The commissioner's main task is to develop and uphold contact between the government and the minorities, but not to lobby directly for any minority's political interests. Furthermore, he or she is the Minister-President's main contact with the minorities in Schleswig-Holstein. The person in office is obliged to advise and inform the parliament of the *Bundesland* on all minority issues and to maintain contact with the German minority in Denmark and the Danish minority in Germany.

Unlike that in Copenhagen, the Commissioner's work is independent of a presence of the Danish minority in the *Landtag* of Schleswig-Holstein, and even now that the SSW is a regular member of the governmental coalition including a seat at the cabinet table, the Commissioner's work continues.

Like the Danish government in Copenhagen, the German government in Berlin is concerned with the problems and special needs of the national minorities living in its country. This concern is expressed 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 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 duty of this special committee is to discuss all government decisions that could affect the Danish minority and to ensure the minority's contact with the German government and the *Bundestag*.

Last but not least, the Danish Consulate General (*det danske generalkonsulat*) is to ensure contact between the Danish minority and the Danish government in Copenhagen. In this task the consulate is supported by the Committee Concerning Danish Cultural Activities in South Schleswig (*Udvalget vedrørende danske kulturelle anliggender i Sydslesvig*), which consists of five members of the five biggest parties in the *Folketing.* The main task of this committee is the distribution of government grants to the Danish organisations in Germany.

The vast number of bodies with responsibilities concerning the minorities exemplifies the importance that both the

Danish and the German governments ascribe to the national minorities in their territory.

The information given above is summarised in Table 1.

Table 1: Institutions for political participation of the national minorities

	Institution	Tied to	Represented through	Responsible for
Denmark	German Secretariat in Copenhagen	Danish parliament	Self-representation	German minority
	Contact Committee for the German Minority	Danish parliament	Governmental chairmen/self-representation	German minority
	Committee for Questions Concerning the German Minority in the parliament of Schleswig-Holstein	German federal parliament	Governmental chairmen/self-representation	German minority
	The German Embassy in Copenhagen	German government	Governmental chairman	German minority
	Commissioner for Questions Regarding the German Minority and the Border Region	State Government of Schleswig-Holstein	Governmental chairman	Border region
Germany	Commissioner for Minorities and Culture of Schleswig-Holstein	German federal government	Governmental chairman	Several minorities
	Commissioner for Emigrant and Minority Issues of the German Government	German government	Governmental chairman	Several minorities
	Advisory Committee for Questions Regarding the Danish Minority in the Ministry of Interior	German government	Governmental chairmen	Danish minority
	The Danish Consulate General	Danish government	Governmental chairmen	Danish minority
	Committee Concerning Danish Cultural	Danish parliament	Governmental chairmen	Danish minority

	Activities in South Schleswig			

As has been stated before, out of these committees, roundtables and governmental representatives, there are two institutions that can claim special importance in caring for the minorities' political participation: the Commissioner for Minorities and Culture of Schleswig-Holstein and the German Secretariat in Copenhagen. These are institutions that have been installed by their governments especially to maintain direct contact with the minorities in question. The special role of these two bodies is emphasised by the fact that the head of the Secretariat as well as the Commissioner in Kiel are official members of many of the other organs established to ensure minority political participation. Despite their similarities, however, there are also strong differences in the structures of these two institutions.

The Danish government only provides the premises for the Secretariat and carries a certain percentage of its costs; it is not in any way authorised to interfere with work done there. Nor is the Secretariat tied to any Danish government ministry. While the Secretariat is thus formally detached from the Danish government, it is instead subordinate to the BdN and is responsible to the BdN's board of directors. This automatically establishes a close connection between the Secretariat and the SP, because, as was mentioned, the SP is rooted in the BdN. The head of the Secretariat in Copenhagen is always an active member of the German minority and is elected by the BdN. The Secretariat's sole task is to compensate the German minority for not being directly represented in the Danish parliament through a party of its own. Were the SP to gain just one seat in the *Folketing*, the Secretariat would be shut down for as long as this representation were to last.

The Commissioner for Minorities and Culture of Schleswig-Holstein, on the other hand, is appointed by the Minister-President and is an employee of the government of Schleswig-Holstein. The minority in Germany is neither directly involved in the commissioner's work nor in the selection process of a Commissioner. Furthermore, the Commissioner is not only responsible for the Danish minority, but also for the Frisian minority, the Sinti and Roma and the Schleswig-Holsteinian culture in general. The Commissioner's main task is that of a liaison officer between the minorities and the government. Active representation of the minorities' political interests, however, is not among the tasks of the office. The Commissioner does not hold special relations with the SSW and the SSF. The operation of this office is nevertheless independent of the presence or absence of the Danish minority's party in parliament. Even under the new state government in which the SSW is a regular coalition partner, the commissioner's work continues. An overview of the differences between the two institutions is provided in

Table 2.

Table 2: Organisational structure of the special institutions

	Commissioner (G)	Secretariat (DK)

Governmental institution	Yes	No
Direct connection to minority party	No	Yes
Minority member in charge	No	Yes
Only responsible for the German/Danish minority	No	Yes
Stays in place when minority is represented in parliament	Yes	No

We now turn to the results of a heretofore unique survey study on the minorities' attitudes towards the organisations and institutions active in their political representation in the Danish-German border region. We focus in particular on attitudes towards the *special institutions* discussed at length above.

V. PERCEPTION OF SPECIAL INSTITUTIONS BY MINORITIES- PRELIMINARY SURVEY RESULTS

a. General Characteristics of the Study and of the Survey Respondents

Thus far there has been no substantial empirical research on the minorities' perception of their political situation and their integration into the host countries' political processes. In the remainder of this paper, we describe such perceptions and the degree of satisfaction with the institutions described above on the basis of an online survey conducted by one of the authors in late spring 2010.

The survey reached 232 respondents, of which 206 said they belong to either the Danish or the German minority. Since there is no official register for membership in either of the two minorities, sampling had to be organised through a sampling mechanism that borrowed strongly from the idea of "facility-based sampling"[25]. In order to spread the information about this survey and to reach potential respondents, several associations (e.g. the minority parties as well as the cultural associations) were contacted. Contacts were asked whether they had means of distributing information electronically and if so, whether they were willing to spread information about this survey along those channels. Several organisations on both sides of the border agreed to help, and eventually 126 members of the Danish minority in Schleswig-Holstein and 80 members of the German minority in Denmark took part in the study. Given the sampling technique, the sample can clearly not be considered representative of the whole minority population. It does, however, offer important and valuable insights into the actual inclusion of both minorities in the political process of their host countries. Some of these results are presented below.

The sample consists of 206 persons, of which 126 live in Germany and 80 in Denmark (

Table 3). There are more men than women in the sample of every country; but whereas the distribution of gender is almost even in Denmark, women are underrepresented in Germany.

Table 3: Participants (gender and country)

	Germany (Danish minority)	Denmark (German minority)	Total
Male	61%	54%	58.3%
Female	39%	46%	41.7%
N	126	80	206

When comparing the age distribution of the sample (

Table 4) with a Eurostat survey from 2010, it is clear that the Danish minority population in our sample has a similar age distribution to the general population, as reflected in the Eurostat data. The German minority population in our sample shows that under-25-year-olds are underrepresented in comparison to the Eurostat data, whereas the other two age groups are overrepresented.[26]

Table 4: Participants (age and country)

	Germany (Danish minority)	Denmark (German minority)	Total
Under 25	13%	30%	20%
25 to 49	40%	36%	38%
50 and over	47%	34%	42%
N	129	80	209

Most of the respondents are highly interested in current political events (

Table 5). It was to be expected that people who consider themselves part of a national

minority would show more interest in political affairs than the general population.

Table 5 clearly backs this expectation by showing that 96 per cent of the participants are somewhat or even very interested in current political events.

Table 5: Interest in current political events (country)

	Germany (Danish minority)	Denmark (German minority)	Total
Very interested	81%	69%	76%
Somewhat interested	17%	24%	20%
Barely or not interested	2%	8%	4%
N	128	80	208

Of the participants, 74 per cent feel as though they have equal or better opportunities to participate politically than is true for the majority population. When looking at Table 6, it becomes clear that this is all the more true for the younger age cohort in our sample. Nearly every fifth participant under twenty-five years of age is of the opinion that they are treated better than the majority population, whereas the other age cohorts have a weaker tendency towards this answer. The group over 65 years of age has the strongest preference for the answer that they feel disadvantaged (42 per cent). The reverse is true for the feeling of being disadvantaged. Here it is about one-third of those over 50 years of age who feel disadvantaged, but only one-tenth of the youngest cohort shares this feeling.

Table 6: Treatment compared with the majority (row per cent by age)

	Under 25	25 to 49	50 and over	Total
Advantaged	17%	12%	6%	10%
Equal	71%	65%	60%	64%
Disadvantaged	12%	23%	34%	26%
N	41	78	86	205

The survey showed that the primary representation is perceived as happening through the minorities' political parties (

Table 7). At the same time, one can see a decisive distinction in the two countries' results. For 96 per cent of the Danes in Germany, the most important actor is the minority party. The situation seems to be somewhat different on the Danish side of the border. Here only 69 per cent of the participants named the minority party, 11 per cent named the cultural organisation (BdN) and six per cent the office in Copenhagen as the most decisive actor, and 14 per cent of the Danes chose the option "other". Upon being asked what "other" meant, all respondents in this subset said something like "all three together"; "a combination of the three" or "all three are important".

Table 7: Best interest representation (country)

	Germany (Danish minority)	Denmark (German minority)	Total
Minority party	96%	69%	85%
Cultural organisation	3%	11%	6%
Special institution	2%	6%	3%
Others	0	14%	6%
N	112	71	183

The results of the questions concerning the special institutions will be reviewed in the following section.

b. Opinions on the Special Institutions

In the following section, we take a closer look at the knowledge about usage of and opinion on the special institutions. We understand the special institutions to be the Commissioner for Minorities and Culture of Schleswig-Holstein and the German Secretariat in Copenhagen (see section 3.2).

Table 8 shows that a total of 86 per cent of the participants in our study are familiar with the special institutions. There is only a very slight difference between respondents to the north and to the south of the Danish-German border, with 90 per cent of the German minority and 86 per cent of the Danish minority expressing such knowledge.

When looking at the knowledge by age group, we find considerable differences between the youngest cohort in our study (those respondents between 18 and 25 years of age) and the older cohorts. Among the youngest respondents from the Danish minority in Schleswig-Holstein, only 41 per cent are familiar with the special institutions. This figure jumps to 88 per cent with those respondents between 25 and 49 years of age and is close to 100 per cent among the oldest cohort. The trend is similar with the German minority in Denmark, although it starts at a much higher level. Of the respondents in the youngest cohort, 71 per cent are familiar with the special

institutions, whereas 29 per cent are not. In all other ages, familiarity is close to or at 100 per cent.

Table 8: Knowledge of the special institution (by country and age)

	Germany (Danish minority)				Denmark (German minority)			
	Under 25	25 to 49	50 and over	Total	Under 25	25 to 49	50 and over	Total
Inst. is known	41%	88%	97%	86%	71%	97%	100%	90%
Inst. is unknown	59%	12%	3%	14%	29%	3%	0	10%
N	17	49	61	127	24	29	27	80

We are not able to give a plausible explanation for the lower amount of familiarity among the younger age cohort on the basis of our data. However, Westle observed in a recent survey carried out in Germany that knowledge of political problems and issues is smaller among younger respondents. To put it differently: Older people systematically have more knowledge about politics than younger ones.[27] We assume that the mechanism observed by Westle is showing its effects here as well.

In Table 9 we present data on contact with special institutions for those respondents who had knowledge of the special institutions. In total, about one-half of the respondents with knowledge had had contact with one of the special institutions. This characteristic, however, is very unevenly distributed among the Danish and the German minorities. Whereas only about one-third of the participants from Germany have had contact with the Commissioner, we find that two-thirds of the participants from Denmark have had contact with the Secretariat.

Table 9: Contact with the special institution (by age)

	Germany (Danish minority)				Denmark (German minority)			
	Under 25	25 to 49	50 and over	Total	Under 25	25 to 49	50 and over	Total
Contact with Inst.	40%	15%	46%	34%	55%	64%	80%	67%
No contact with Inst.	60%	85%	54%	66%	45%	36%	20%	33%
N	5	20	26	51	11	25	20	56

The strong difference between the two minorities and their respective special

institutions can be explained by some of the evidence laid out below. In brief, one can say that the Secretariat has garnered much more acceptance among the German minority than the Commissioner among the Danish minority. This is first exemplified by Table 10 below, in which the data on concrete experience with the special institutions is presented. Here we can see that, while close to two-thirds of the instances of contact with the Secretariat have resulted in a positive experience, the same is not true for the Commissioner. Only ten per cent of the contact experiences have been positive, slightly more than one-half resulted in a neutral evaluation and more than one-third of the evaluations are negative. If one assumes that such experience travels by word of mouth, this could be an initial explanation for the smaller share of respondents in Germany that have had contact with their special institution.

Table 10: Experience with the special institution's performance (by country)

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

Answers to another question dealing with the role of the *special institutions* are displayed in Table 11. Here we asked respondents whether they think that the special institution is an appropriate method of organising political representation for the interests of their minority. Again we observe strong differences between the Danish and the German minorities. Whereas the Secretariat is considered an appropriate representative by almost 80 per cent of the respondents who belong to the German minority, less than half of the respondents from the Danish minority think similarly about the Commissioner in Kiel. This finding clearly requires explanation, not least because the literature is usually very positive about minority integration and minority political representation in the Danish-German border region.[28] This finding also indicates that the role of the Commissioner has not yet been fully explored.

Table 11: Appropriateness of the special institutions (country)

	Germany (Commissioner)	Denmark (Secretariat)	Total
Eligible	46%	79%	59%

Ineligible	54%	21%	41%
N	108	72	180

A provisional answer, however, is possible on the basis of our data. In the questionnaire, all the people who were not satisfied with the work of the Commissioner or the Secretariat[29] were asked the additional question: "Can you explain why you feel that way?" Answers to this question were open-ended and reveal the following consensus about the role of the Commissioner.

The largest subgroup within the group of dissatisfied respondents (20 per cent) stated their impression that the Minority Commissioner primarily acts as a representative of the interests of the state, and only secondly as a representative of the actual interests of the minority. Disaffection with the Commissioner who was acting at the time of the survey (Caroline Schwarz) was expressed by 18 per cent of the answers, mostly focusing on her lack of presence and her lack of connection to the minority.

Another 18 per cent of the respondents stated that the commissioner has to fulfil duties other than politically representing the Danish minority. An equally large number of persons (16 per cent) were of the opinion that the Commissioner lacks the necessary influence to actually be of relevance. A final 14 per cent of the answers stated that the person in office generally neither has enough knowledge about the minority nor a sufficient interest in gaining such knowledge while being in office.

This surprisingly negative outlook on the Commissioner for Minorities and Culture of Schleswig-Holstein appears to be politically as well as theoretically relevant.

VI. CONCLUSIONS

We started this article with the question of how minority political participation is organised in the Danish-German border region and how successful it is. While looking at the institutional structures for minority participation, we found that the Danish as well as the German federal and the Schleswig-Holsteinian state governments do a great deal to make active participation of the minorities possible. However, there seem to be distinct ways of doing this.

In Germany, we find a rather paternalistic institutional structure with the Commissioner for Minorities and Culture of Schleswig-Holstein. Its activity is not that well received by the minority population. The situation of minority political participation is, of course, not at all bad in the northernmost part of Germany, because the SSW, the minority political party, is a very visible political actor in Schleswig-Holstein and a constant member of the state parliament. The main reason for its constant representation in the *Landtag* is its exemption from the five per cent electoral threshold that is in place for all other parties running for parliamentary office. It is well known that this exemption is expressly meant to facilitate minority participation.

In Denmark, on the other hand, with the German Secretariat we find a very participation-oriented structure with extensive direct minority involvement. This structure was established as compensation for the lack of formal parliamentary

representation of the German minority since the 1970s. The Secretariat is evaluated by the respondents from the German minority much more favourably than is the Commissioner in Kiel. The four most important differences between the Commissioner and the Secretariat are summarised below (see also Table 2):

1. 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.
2. The head of 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.
3. 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.
4. The Secretariat in Copenhagen is only responsible for the German minority, whereas the Commissioner in Kiel has many other responsibilities.

Looking at the picture more generally, it seems that institutions that do more that is aimed at preferential treatment are more successful. The SSW with its preferential treatment at the ballot box as well as the Secretariat in Copenhagen with its specific access to the parliamentary arena are cases in point. Institutions that acknowledge a difference but probably do not give it enough space for sufficient self-expression, such as the Commissioner in Kiel, are not as well perceived in terms of their value for the minority as the former ones.

The somewhat negative opinion of the Commissioner for Minorities and Culture appears to be politically as well as theoretically relevant. Politically, of course, one would wish for a better acceptance of and cooperation with the Commissioner. Theoretically, there is a rather obvious interpretation of the tainted impression that the Commissioner leaves with the minority. This office is not, as Taylor would suggest, a position that represents and *comes from* the minority that is to be integrated into the political process. Rather, it is a paternalistic structure that *stands for* the minority. In this way it is neither well suited to represent the interests of the minority, nor is it well positioned to gain much support from and acceptance among the minority population because of its paternalistic character. That respective affairs can be organised differently and with good results is clearly demonstrated by the German Secretariat in Copenhagen, which, according to our survey, is well received by the German minority in Denmark. If one were looking for a role model, and a political party (possibly with preferential treatment at the ballot box) is not the preferred model, then the Danish variant of organising minority access to political decision-making is a model that clearly deserves consideration.

Footnotes

[1] Robert A. Dahl, *Democracy and Its Critics*, (Yale University Press, New Haven and London, 1989) pp. 106–109.

[2] *See* B. Bačlija and M. Haček, 'Minority Political Participation at the Local Level: The Roma', *International Journal on Minority and Group Rights* 19, (2012) pp. 53–68; A. Verstichel, 'Recent Developments in the UN Human Rights Committee's Approach to Minorities, with a Focus on Effective Participation', *International Journal on Minority and Group Rights 12 [1]* (2005) pp. 25–42; E. Sobotka, 'The Limits of the State: Political Participation and Representation of Roma in the Czech Republic, Hungary, Poland and Slovakia', *Journal on Ethnopolitics and Minority Issues in Europe* (2002) pp. 1–23; M. Opitz, 'Politikwissenschaft und Minderheitenschutz – Ein Streifzug über altes und neues Terrain', *Europäisches Journal für Minderheitenfragen 1 [3]* (2008) pp. 165–179.

[3] See A. Teebken and E. M. Christiansen, *Living Together: The Minorities in the German-Danish Border Regions* (European Center For Minority Issues, Flensburg, 2001) p. 43; J. Kühl, 'Nationale Minderheiten in der Europäischen Union am Beispiel der deutschen Minderheit in Dänemark', *Friedrich-Ebert-Stiftung, Archiv für Sozialgeschichte 44* (J. H. W. Dietz, Bonn, 2004), p. 575.

[4] Dahl, *supra* note 1.

[5] *ibid*.

[6] E. K. Francis, *Ethnos und Demos. Soziologische Beiträge zur Volkstheorie* (Duncker & Humblot, Berlin, 1965) pp. 205–206.

[7] H.-J. Heintze, 'Minority Issues in Western Europe and the OSCE High Commissioner on National Minorities', *International Journal on Minority and Group Rights 7* (2000) pp. 381–392, p. 385. *See also* T. Jovanovic, 'National minority groups in post-Lisbon Europe: the presence of Europeanisation and transnational human rights in one policy field', *ECMI Working Paper,* (2012) pp. 10–11.

[8] C. Taylor, 'Multiculturalism and "The politics of recognition": an essay' (Princeton University Press, Princeton NJ, 1992), p. 26.

[9] *ibid*, p. 30.

[10] *ibid*, p. 37.

[11] *ibid*, p. 38.

[12] *ibid*, p. 39.

[13] Council of Europe, *Framework Convention for the Protection of National Minorities* (1 February 1995.

[14] Council of Europe, *List of declarations made with respect to treaty No. 157*, <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?CL=ENG&CM=1&NT=157&VL=1>, visited on 17 April 2012.

[15] See M. Klatt, 'The Danish-German Border Region as an Example for Integration in the European Context', in J. Kühl and M. Weller and M. Lloydd, *Minority policy in action. The Bonn-Copenhagen Declarations in a European context 1955–2005* (Institute for Border Region Studies, University of Southern Denmark and European Centre for Minority Issues, Aabenraa, 2005) pp. 139–158.

[16] T. Fink, *Geschichte des schleswigschen Grenzlandes* (Eijnar Munksgaard, Copenhagen, 1958).

[17] S. B. Frandsen, *Dänemark – Der kleine Nachbar im Norden. Aspekte der Deutsch-Dänischen Beziehungen im 19. und 20. Jahrhundert* (Wissenschaftliche Buchgesellschaft, Darmstadt, 1994) p. 15.

[18] K.-F. Nonnenbroich, *Die dänische Minderheit in Schleswig-Holstein nach 1945 unter besonderer Berücksichtigung des Südschleswigschen Wählerverbandes. Dissertation zur Erlangung des Doktorgrades der Philosophischen Fakultät der Christian-Albrechts-Universität zu Kiel* (Universität Kiel, Kiel, 1972) p. 111.

[19] SSW: http://ssw.de/www/de/ueberuns/kurzueberdenssw.php. Visited on 7 November 2012.

[20] L.N. Henningsen and M. Klatt and J. Kühl, *SSW. Dansksindet politik i Sydslesvig. 1945–1998* (Studieafdelingen ved Dansk Centralbibliothek for Sydslesvig, Flensburg, 1998) p. 431.

[21] F. Lubowitz, 'Organisationen, Vereine und Institutionen der deutschen Minderheit in Nordschleswig' in: J. Kühl and R. Bohn, *Ein Europäisches Modell? Nationale Minderheiten im deutsch-dänischen Grenzland 1945–2005* (Verlag für Regionalgeschichte, Bielefeld, 2005) pp. 378–387, p. 379.

[22] Schleswigsche Partei, *Richtlinienprogramm der Schleswigschen Partei. Programm 2010+* (Deutsches Generalsekretariat: Apenrade, 2010) p. 1.

[23] Det Tyske Mindretals Sekretariat i København, *Funktioinsbeschreibung*, <http://www.bdn.dk/SEEEMS /9099.asp>, visited on 15 January 2013.

[24] The Ministry of Children and Education, <http://www.uvm.dk/Om-os/Ministeriets-internationale-arbejde/Europa-og-uddannelse/Kontaktudvalget >, visited on 15 January 2013.

[25] Facility-based sampling proper means that persons are contacted for an interview who use certain types of facilities such that they can be easily approached there. We did not visit such facilities in order to conduct interviews, but asked "facilities" to spread the word about our minority survey. For facility-based sampling, see S. Semaan, 'Time-Space Sampling and Respondent-Driven Sampling with Hard-to-Reach Populations' (Methodological Innovations Online 5 [2], 2010) pp. 60–75; P. Ardilly and D. Le Blanc, 'Sampling and Weighting a Survey of Homeless Persons: A French Example', (Survey Methodology 27 [1], 2001) pp. 109–118.

[26] As a comparison for Table 3, *see*: Eurostat, 'Bevölkerung und soziale Bedingungen Bevölkerung. Personen nach Altersklassen. Anteil an der Gesamtbevölkerung in Prozent', <http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tps00010&language=de>, visited on 16 January 2013. "Under 25 years: 13% Germany and 14.7% Denmark; 25–49 years: 40.8% Germany and 41.2% Denmark; over 50 years: 46.2% Germany and 43.9% Denmark". Caveat: The Eurostat data include people of all ages, whereas our data only includes people 15 years and older. We therefore omitted people younger than 15 years of age when calculating percentages in the EUROSTAT data.

[27] See B. Westle, 'Politisches Wissen in Deutschland. Ein Vergleich von Bürgern mit türkischem Migrationshintergrund und einheimischen Deutschen', *Zeitschrift für Parlamentsfragen 4*, 2011) p. 847.

[28] See K.-R. Fischer and K. Schulz, *Vom Kanon der Kulturen. Minderheiten- und Volksgruppenpolitik in Schleswig-Holstein als Architektur des Friedens* (Nordfriisk Instituut, Bredstedt, 1998) p. 74. See also Teebken and Christiansen, *supra* note 8. See also Minister-President of Schleswig-Holstein, *Minderheiten und Volksgruppenpolitik in Schleswig-Holstein. Bericht für 2005–2010* (Staatskanzlei, Kiel, 2008). See also Frandsen, *supra note* 17*,* p. 1.

[29] Empirically there were none for the Secretariat. Nevertheless, the questionnaire had that option.

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