

Comments made by the German minority on the 2nd State Report of the Danish government with respect to the Framework Convention of the European Council about national minorities (09-09-04):

It is with interest that the German minority in Denmark has taken note of the second State report handed over by the Danish government to the European Council in Strasbourg on May 13, 2004. Via its office by the government and the parliament (Folketinget) in Copenhagen, the German minority has assisted the Ministry of the Interior by delivering factual information but at the same time always pointed out that the minority can not be held responsible for the content of the second State Report. The Danish Ministry of the Interior has been informed that the German minority will prepare its own statement to the European Council – as it already has been the case with the statement of April 7, 1999 after the first State Report.

Unfortunately, our suggestions/propositions of that time have scarcely been taken into account by the Committee of Ministers of the European Council.

Here, the German minority only wants to make some comments on the second State Report of the Danish government.

As it was the case with the Language Charter, a discussion in Northern Schleswig with the Advisory Committee of the European Council will offer the best opportunity to explain and to deepen directly to you the point of view/attitude of the German minority.

Preamble ad b)

We appreciate the declaration made by the Danish government that in the future, statements made by the Advisory Committee and the Committee of Ministers will be published with a greater impact on the general public as it was the case until now.

Of course in German language - as we expect. While the Danish government has sustained the implementation of the Language Charter of the European Council at least by means of a pamphlet (also provided with a preface of the Minister of Foreign Affairs) for the general public, unfortunately nothing correspondingly at all has happened until now with respect to the Framework Convention in order to inform the general public – the majority as well as the minority – about the obligations according to international law

Denmark has assumed. Therefore, it is not the question at all of citizens participating actively in the implementation. Thus, there is an information gap which, unfortunately, quite often also gives rise to misunderstandings between the majority and the minority, also as far as the self-conception of the use of the German language is concerned.

Preamble ad c)

In our opinion, the so-called monitoring process has taken a wrong direction. However, in the meantime the Copenhagen Working Group - proposed in our statement of 1999 has been established. We welcome this measure as it can deepen the contact between the governmental institutions in Copenhagen and the German minority and may serve as "early warning". But therewith, the objective of a broad information of the general public has not been achieved at all. This applies especially to the administration, that means public institutions and authorities. In this connection, we are again and again annoyed to hear that most of the members of the German minority are bilingual. The fact that we are actively making efforts to become bilingual thus turns into a disadvantage of cultivating our German language. At the same time, we want to mind the Danish authorities to make greater efforts to translate documents to the German language as today, only the English language is used.

II:

In connection with the preamble and article 18 of the Framework Convention it was mentioned that during the implementation a cooperation exceeding the bounds of local and regional authorities was necessary. We regret that up to now we have not seen such a cooperation on the Danish side in order to ensure that the Framework Convention has a broad effect for the benefit of the minority. It is with satisfaction that the German minority takes notice of that the Danish government continues to acknowledge its obligations according to international law with respect to the German minority in Northern Schleswig. This also complies with the spirit of the bilateral Declarations of Minorities made up between Bonn and Copenhagen which, in 2005, looking back at 50 years of existence and having all together brought substantial progress in the minority policy in our German-Danish borderland.

As far as the general information about the Framework Convention is concerned, we refer to our introductory statement expressing

our discontent but also our misunderstanding. Although the report of the Danish Centre for Human Rights on the Framework Convention is positive, it does not look into the specific interest of the German minority in Northern Schleswig.

As to the question how far people belonging to the German minority but living outside Northern Schleswig are covered by the Convention, the German minority hitherto has defended its self-conception and position that the German minority is based on the historical province of Southern Jutland/Northern Schleswig. Therefore, the German minority has never claimed to achieve a status of minority for people belonging to the German minority but living outside these historical boundaries in Denmark.

But on the other hand, the German minority expects from the Danish State to "stick to those boundaries". The global structural reform of the Danish government will by far exceed the existing territorial boundaries in political, cultural and administrative respects. This endangers the basis of the German minority and therefore, we expect from the Danish government to give attention to the interests of the German minority also according to the intentions of the Framework Convention (Article 16)"warning the Member States to change the administrative boundaries if that causes disadvantages for a national minority". In this connection it has, for example, to be said, that at the moment it is not at all certain how Southern Jutland/Northern Schleswig will be demarcated/defined within the future region.

The German minority is in dialogue with the Danish government and at present negotiating solutions with the government supposed to continue the cultural work of the German minority without any changes by means of the subsidies granted by the Danish State and the communes. At the same time, we – together with the government and the parliament – strive for a satisfactory settlement of the future political representation of the German minority.

The creation of the planned greater region of Southern Denmark and the inherent abolition of the department of Southern Jutland/district of Northern Schleswig and the greater municipalities in Northern Schleswig which are to be expected at the same time will reduce the chances of a political representation of the minority to the best of their own ability dramatically. We are

sorry to say that we can not accept the existing suggestions put forward by the Danish government with respect to the future political representation which are especially alarming for three core areas of the German minority within the communes of Tondern, Lügumkloster and Hoyer. Therefore, the German minority has addressed a letter to the Minister of the Interior in order to ask the government to take into account the specific interests of the German minority especially at the West coast of Northern Schleswig when finally establishing the coming communal map, if necessary by means of a veto to prevent a greater communal solution outside the existing Northern Schleswig.

Ad Article 9 (the problem of programmes in German language):

The German minority still sees the need of getting granted the chance to speak by programmes in the German language.

The statement made that the German minority now is broadcasting news in the German language in the Danish private broadcasting service through the daily paper "Der Nordschleswiger" is correct - just as much as the deserving statement made by the local Danish Broadcasting Council in Apenrade. However, this solution has the following consequences for the German minority: first, it imposes considerable financial costs as airtime has to be bought and second, it prevents, of course, from bringing about the same media effect as could be achieved if it was an integrated part of the channel "Radio Denmark" regulated by public law, for example by means of a window programme financially supported by the Danish State.

If a link-up under public law should not be possible, we then expect from the Danish State to at least assume the charges for the programmes in the private broadcasting service. At the moment, the German minority and the Media Secretariat by the Danish Ministry of Cultural Affairs which is the competent national authority for the guidelines and air frequencies defined for local broadcasting services are discussing this issue.

All in all, it has to be established that also in the 2nd State Report on the Framework Convention, Denmark shows lack of offensive activity as already objected to before. Up to now, Denmark has made no amendments to the law in order to guarantee the implementation of the Framework Convention.

However, on the background of the proposals and the criticisms put forward by the Committee of Experts who on the spot in Northern Schleswig has had the opportunity of getting their own picture of the actual facts, the recent recommendations of the European Council to Denmark with regard to the Language Charter give us hope and trust that in the future, the Danish government will pursue a more active minority policy not only in the linguistic domain. The political decisions on the coming global government reform in Denmark will be a touchstone for Denmark also on the international scene to do justice to a minority policy aiming at protecting and encouraging the life of a national minority and not make it more difficult.

The German minority does not insinuate that the Kingdom of Denmark has bad or even unfriendly intentions against the minority but a consequence of the existing policy could be that the German ethnic group in Northern Schleswig would suffer severe damages on a medium and long term basis.

During a discussion that representatives of the Federation of the German Minority in Northern Schleswig had with Prime Minister Anders Fogh Rasmussen in Copenhagen on August 13, the Prime Minister has expressed the clear determination of his government that in the course of the global government reform Denmark will strive for a sustainable political solution for the German minority.

It is with satisfaction that we have learned that the European Council already has contacted the Danish government in this matter which is fatal to us, thus making an attempt to prevent that the positive solution for the minority in the German-Danish borderland will be seriously troubled as certainly, nobody means to do. Therefore, we are looking forward to the upcoming discussions with the Advisory Committee of the European Council on the Framework Convention in Northern Schleswig.

Hans Heinrich Hansen, Head of the Federation of the German Minority in Northern Schleswig

Siegfried Matlok, Head of the German Secretariat by the Government and the Folketinget in Copenhagen.

