Minority Schools Financing in the Danish-German Border Region

I. Introduction

The day after the Pentecost weekend of 2010, the Conservative-liberal (CDU-FDP) coalition government of the German federal state (Land) Schleswig-Holstein announced that it planned to cut funding of the private Danish-language minority schools from 100% to 85% of the statistical average per pupil operating costs of the state’s public schools. This decision was one among several measures to stabilize the budget of debt-ridden Schleswig-Holstein. The same prime minister (Peter Harry Carstensen, CDU) had as head of a grand coalition government of the CDU and the social democrats (SPD) signed a school law for Schleswig-Holstein characterizing the Danish minority schools, organizationally operated as private schools, to be the “minority’s public schools” and assuring them state funding on an equal level with the state’s public schools only three years earlier. The Danish minority and its political party, the South Schleswig Voters’ Association (Südschleswiger Wählerverband, SSW), had strived for this status for several decades and were consequently upset by the budget cuts, which they perceived as discriminatory. Regional minority expert Jørgen Kühl considered these events to be evidence for a crisis of a hitherto praised model of minority–majority reconciliation.¹ In this article, I will present the historic evolution of the models of minority schooling and its financing in the German-Danish border region and put them in context with minority policy principles of minority protection and non-discrimination and demonstrate the sensitiveness of the school issue, but also how financial resource conflicts influence the development of constructive minority policies. The article is divided into four sections. After introducing interna-

tional and European law development on minority education, I shortly present the model of minority integration including education in the Danish-German border region of Schleswig, the history of minority education there, finishing with the 2010-12 conflict on financing the minority school system in German South Schleswig and the impact of this conflict on the comprehensive system of minority accommodation in Schleswig.

II. Minority Education

Education is considered a fundamental human right based, among others, on Article 29 of the 1989 Convention on the Rights of the Child (CRC). Wisthaler identifies two roles of education; first, as an economic tool (to gain knowledge and skills to earn a living); second as a cultural tool to help individuals develop identity and opportunities to contribute to their society. Especially because of the latter, education is crucial for minority groups.² Education in minority language is a central element in preserving national minority culture.³ This is especially the case in areas where national minorities are also numerical minorities locally. In these areas, the dominant use of majority language and culture in workplaces, business and sports and leisure activities imply a trend to linguistic and cultural assimilation. Thus, minority language schools serve as cultural centres beyond the basic educational function. In consequence, threats to the funding of minority schools are a sensitive issue endangering the preservation and development of minority culture in general.

The issue of minority schools and their funding was already referred to in the minority treaties of the League of Nations concluded as part of the World War I peace settlements.⁴ After World War II, the UNESCO Convention against Discrimination in Education of 1960 used a non-discriminatory approach toward minority education. In Article 5(c), it refers to the right of minorities to operate their own educational activities. So far, the UNESCO Convention remains the only international legally binding document literally guaranteeing minorities’ right to education.⁵ Another legal source is the UN’s International Covenant on Civil and Political Rights (ICCPR) of 1966, which states in Article 27 that members of a minority have the right to enjoy their own culture. This article has not hindered governments from rescinding funding for minority language schools,

⁴ Wisthaler, op.cit. note 2, 127.
⁵ Ibid., 128.