



Title	Protection of the Frisian ethnic group in Schleswig after 1945
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Citation	The University of Osaka – Tongji University Joint International and Interdisciplinary Forum: Toward the Integration of Society and Knowledge Official Forum Proceedings. 2026, p. 87–99
Version Type	VoR
URL	https://doi.org/10.18910/104126
rights	
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Protection of the Frisian ethnic group in Schleswig after 1945

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Joint International and Interdisciplinary Forum:

Toward the Integration of Society and Knowledge

Official Forum Proceedings

Abstract

The German state of Schleswig-Holstein, located on the Danish border, is known for its active protection of national minorities. Within this region, the Frisian ethnic group, which lacks its kin-state, has developed differently from the Danish minority as the dominant of minority in Schleswig. This paper re-examines the model of national minority protection by focusing on the political development of the Frisian ethnic group, whereas previous studies have analysed primarily through linguistic and cultural perspectives.

Although Frisian politicians played a major role in the South Schleswig Voters' Association, a political party for the Danish minority established after WWII, the protection and the legal recognition of the Frisian ethnic group was not explicitly stated until the 1990 amendment to the Constitution of the State of Schleswig-Holstein and the 2004 Frisian Law. It lagged significantly behind the model of Danish minority protection. The results reveal that the Frisian ethnic group without a kin-state was politically marginalised compared to the Danish minority. Until the 1990s, when the trend toward national minority protection at the European level emerged, the absence of a kin-state and internal conflicts within the Frisian ethnic group significantly influenced their political development.

Keywords: National minorities, Frisian ethnic group, Schleswig-Holstein, South Schleswig Voters' Association

Introduction

This paper examines the political establishment and development of the North Frisians and the Frisian ethnic group in the German state of Schleswig-Holstein. According to the Landtag of Schleswig-Holstein, approximately 50,000 residents identify as North Frisians, 8,000 of whom actively use the Frisian language.¹ The Danish minority living in the state possesses a kin-state (*Mutterstaat*), the Kingdom of Denmark, a nation-state dominated by their own ethnicity. Since the 1950s, when they gained protection at both the national and regional levels, the Danish minority has often been cited as a model for minority protection in Europe. In contrast, the North Frisians lacked political support from a kin-state, which led to a delay in their protection as an ethnic minority at the national level. However, the current high level of protection for the Frisian ethnic group makes them a potential model for minorities without a kin-state.

A distinct feature of the Frisian ethnic group is its designation. While the Federal Republic of Germany recognises several national minorities under the Framework Convention for the Protection of the National Minorities (FCNM) of the Council of Europe, the Frisians are the only group referred to as an ‘ethnic group’ (*Volksgruppe*). This distinction stems from the 19th-century Frisian Movement (*friesische Bewegung*) and the internal conflicts regarding identity formation. Furthermore, the post-WWII political activities of the Danish minority, specifically the New Denmark Movement (*neudänische Bewegung*) and the resulting political party, the South Schleswig Voters’ Association (SSW), significantly influenced the eventual political formation of the Frisian ethnic group.

Research in Japan on the formation of the Frisian ethnic group is less comprehensive than that on the Danish minority in Schleswig. Soichiro Komine analyses the development of the Danish minority in Schleswig-Holstein based on legal texts, but offers limited coverage of the Frisians.² Makoto Shimizu discusses the Frisian movement, but focuses primarily on linguistic history, without detailing the subsequent political conflicts.³ Shun Fujita notes this gap, yet his analysis is limited to language education and Frisian associations, lacking a specific political analysis.⁴ Internationally, scholars of the Danish minority such as Martin Klatt and Jørgen Kühl have researched the SSW, but their coverage of the North Frisians is generally limited to historical overviews.⁵

¹ Landtag of Schleswig-Holstein. *The Frisian ethnic group in Schleswig-Holstein*. <https://www.landtag.ltsh.de/parlament/friesen/>

² See Komine (2007)

³ See Shimizu (2004)

⁴ See Fujita (2017)

⁵ See Klatt & Kühl (2015)

In general, the above previous studies have not analysed the formation of the Frisian ethnic group from the perspective of the political history at the regional level. This paper examines the political development of the 'National Frisians' (*nationale Friesen*) and the Frisian ethnic group in Schleswig-Holstein. It focuses on two major political dimensions overlooked in previous studies: the SSW as a minority political party, and the minority policies of the Council of Europe. The paper clarifies the process leading to the establishment of the designation 'Frisian ethnic group' and its subsequent protection policies. Specifically, it examines two points: First, it analyses the reasons for the delayed protection of Frisians compared to the Danish minority, focusing on their political development through the SSW. Second, it illuminates the formation of the Frisian ethnic group as a 'Belated National Minority' and examines its potential as a model for the protection of national minorities without a kin-state.

This paper first addresses the internal conflicts within the North Frisian community and their participation in the New Denmark Movement, followed by an overview of the development of the SSW. Secondly, it discusses the protection of the Frisian ethnic group at the regional level since the 1980s, alongside the development of minority protection policies at the European level since the 1990s and the corresponding federal policies of Germany. Finally, it concludes with a summary.

1. North Frisians and the SSW

The Frisians are an ethnic group that historically inhabited a vast coastal region extending from present-day Germany to the Netherlands. Their language, Frisian, constitutes the Anglo-Frisian language group alongside English. Today, their settlement areas are limited, with the majority being West Frisians residing in the province of Friesland in the northern Netherlands. Due to geographical separation, these Frisian groups had limited interaction for a long period; however, exchanges increased with the rise of nationalism in the 19th century.

Nevertheless, the North Frisians residing in the state of Schleswig-Holstein faced significant internal challenges. This was primarily the conflict between the majority, who asserted they were merely a 'tribe' (*Stamm*) within the German nation, and the minority 'National Frisians' (*nationale Friesen*), who perceived themselves as a distinct 'ethnicity' (*Volk*).⁶ The Frisian Movements exemplified by the establishment of the "North Frisian Association for Local History and Love of the Homeland" (*Nordfriesischer Verein für Heimatkunde und Heimatliebe*) in 1902. However, these efforts were led by the German-oriented North Frisian majority.

⁶ See Fujita (2017) p.201.

In opposition to this association, the National Frisians established the 'Frisian-Schleswig Association' (*Friesisch-Schleswigscher Verein*) in 1923. The National Frisians strove to strengthen cooperative relations with the Frisian association organised by the Danish minority residing in Schleswig. Furthermore, Johannes Oldsen, the chairman of the Frisian-Schleswig Association, was elected to the South Tondern municipal council in 1925. He later cast the sole vote against the *Gleichschaltung* by the Nazis, demonstrating a distinct policy as a National Frisian.

In contrast, the majority reaffirmed the German orientation of the North Frisians in the *Bohmstedter Richtlinie* of 1926 and distanced themselves from the position of being a national minority. This stance remained unchanged under the Nazi regime; in 1935, they renamed their organization the 'Homeland Union of Nordfriesland' (*Heimatbund Nordfriesland*), demonstrating an accommodating stance toward the regime. The fact that the minority National Frisians strengthened ties outside Germany while the majority strengthened ties with Nazi Germany, indicates that the internal division among North Frisians was already profound prior to WWII.

With the end of WWII in Europe and Germany's defeat, a massive influx of expellees from the eastern territories resulted in them comprising nearly half of Schleswig-Holstein's population. Faced with the crisis of the disappearance of the region's unique multicultural fabric, composed of German, Danish, and Frisian residents, a segment of the native population initiated the New Denmark Movement. This movement aimed for the separation of South Schleswig from Germany and the removal of the expellees. Within this context, Oldsen believed that Frisian culture and ethnicity could only survive under Danish democracy. Consequently, he sent a letter to the Danish Foreign Minister, John Christmas Møller, requesting the annexation of Nordfriesland to Denmark.⁷

Following demands by the South Schleswig Association (SSF) for the protection of rights for the Danish minority and North Frisians from the Schleswig-Holstein state government, a conference was held in 1949 in Kiel. Regarding the protection of Frisian rights, in the report of the third plenary session, under Item 5 "Clauses for the protection of Frisians and the Frisian language", the SSF demanded recognition of the interests of Danish-oriented Frisians, and the state government acknowledged this.⁸ Article 4 of the Kiel Declaration, issued by the state government in September of the same year, also stipulated that "The principles set forth here have corresponding validity for the Frisian population in Schleswig-Holstein". Thus, it efforts that the attempts of the National Frisians within the New Denmark Movement had succeeded.

⁷ See Klatt & Kühl (2015) p.91.

⁸ See Komine (2007) pp.169-170.

However, the National Frisians failed to receive such protection at either the national or regional level during the 1950s. Although the German-Danish border was established by the 1920 plebiscite, German minorities lived north of the border and Danish minorities south of it, with both voicing opposition to its result. Since the Danish minority demanded border changes within the New Denmark Movement, settling the border issue through improved relations with Denmark was an urgent priority for the West German government.

Consequently, the Bonn-Copenhagen Declarations of 1955 were issued as mutual declarations between the German and Danish governments. In the Bonn Declaration, the German government confirmed the protection of rights for the Danish minority within the country, as well as the guarantee that the SSW would be exempt from the 5% hurdle in state and federal parliamentary elections. However, the Danish-oriented Frisians were excluded from this declaration, and the Kiel Declaration effectively lost its significance. In response, opposition arose not only from the National Frisians but also from the Danish minority,⁹ yet the federal government did not change its stance.

The Bonn-Copenhagen Declarations serve as a prime example of reciprocal rights protection between two related countries for minorities possessing a kin-state. Therefore, as noted in the introduction, they are often cited as a model case for minority protection in Europe. However, the fact that the Frisians were excluded from the declarations resulted in a delay in their subsequent protection.

Here, the focus now turns our attention back to the politics of Schleswig-Holstein. Although the SSW won six seats in the state parliamentary election of 1947, immediately following its formation, its representation gradually declined to four seats in 1950 and zero in 1954. As a result of the exemption from the 5% hurdle granted by the Bonn-Copenhagen Declarations of 1955, the party regained two seats in the 1958 election. However, for the 34 years from 1962 to 1996, the SSW entered a prolonged lean period, holding only a single seat in the state parliament.

Amidst these circumstances, Berthold Bahnsen, a Frisian, distinguished himself as the sole SSW member of the state parliament. He first became a member of the state parliament in 1947 and was sent to the Federal Convention (*Bundesversammlung*) as a state parliament representative in 1949. From 1962, as a 'One-Man Faction' (Ein-Mann-Fraktion) and the party's sole representative, he promoted financial assistance for national minorities.¹⁰

⁹ See Kühl (2011) p.209.

¹⁰ See Klatt & Kühl (2015) p.26.

Furthermore, the party platform was revised in 1966, explicitly stating that the SSW was the political party representing the National Frisians.

After Bahnsen's sudden death in 1971, Karl Otto Meyer took over the role of the 'One-Man Faction' until 1996. Meyer, a member of the Danish minority, dedicated himself to rebuilding the SSW. One example of this was the revision of the party platform in 1981. The previous platform had limited the scope of the party's activities to the Danish minority and National Frisians, stating: "The safeguarding of the interests of the Danish and National Frisian South Schleswigers is guaranteed only in a living democracy based on understanding and tolerance".¹¹ In contrast, the revised platform expanded its scope, stating: "Only in a living democracy, in mutual respect and tolerance, and with the will to achieve mutual understanding, is the peaceful coexistence between majorities and minorities guaranteed".¹² Through this change, the party aimed to capture a broad segment of the left-wing vote. Nevertheless, Meyer also implemented policies for the National Frisians. In 1987, the situation of the North Frisians was placed on the agenda of the state parliament for the first time. The following year saw the establishment of the 'Committee for Questions regarding the Frisian Population' (*Gremium für Fragen der friesischen Bevölkerung*) to discuss the maintenance and promotion of Frisian culture, language, and education, thereby accelerating Frisian protection at the state level.

The previous section examined the formation and development of the National Frisians with a focus on the SSW. The National Frisians have advocated for the protection of their rights by collaborating within the political framework of the Danish minority and the SSW. However, in contrast to the Danish minority, which became the subject of national-level protection as early as 1955, protection for Frisians did not progress even at the regional government level until the 1980s. This delay can be attributed to two main factors. The first is the presence or absence of a kin-state. In this regard, the Danish minority achieved success within post-war Germany's foreign policy due to the backing of the Danish government, whereas the Frisians were excluded from protection at the government level. The second factor is that identity conflicts arose among the North Frisians themselves, preventing the implementation of a unified minority policy.

2. the Frisian Ethnic Group and the Frisian Law

The following section analyses, from the perspective of political history, how the North Frisians came to be designated as the 'Frisian ethnic group'. As noted in the previous section, from the late 1980s, the SSW, under Meyer's leadership, accelerated efforts to protect the

¹¹ See Kühl (2015) p.98.

¹² See Kühl (2015) p.100.

Frisians. In this context, the most distinctive feature of the minority protection model in Schleswig is the amendment of the Constitution of the State of Schleswig-Holstein in 1990.

When deliberations on the new State Constitution began in 1989, a minority protection clause covering both the Danish minority and Frisians was debated on Meyer's proposal.¹³ Arising from this debate, the question arose of whether to consider North Frisians as a 'national minority'. While the National Frisians identified themselves as a national minority, the German-oriented North Frisians viewed Frisians merely as a German tribe and did not consider themselves a national minority. In this respect, the designation 'national minority' was not acceptable to the North Frisians as a whole.

The designation proposed in this context was 'ethnic group'. Regarding this term, while Austria defines it through its Ethnic Group Act (*Volksgruppengesetz*),¹⁴ neither Germany nor the state of Schleswig-Holstein provides a definition. This approach of avoiding conflict by maintaining a passive stance and allowing room for interpretation is also observed in the Bonn-Copenhagen Declarations and in the application of the FCNM, discussed later. Consequently, it represented an attempt to include North Frisians in the minority protection clause without using the term 'national minority'.

The minority protection clause was realised in Article 5 (currently Article 6) of the Schleswig-Holstein State Constitution, titled 'National Minorities and Ethnic Groups', amended on 13 June 1990. Paragraph 1 states: "Adherence to a national minority is free; it does not exempt one from the general civic duty". Paragraph 2 states: "The cultural autonomy and political participation of national minorities and ethnic groups are protected by the State, municipalities, and associations of municipalities. The Danish national minority and the Frisian ethnic group are entitled to protection and promotion". Thus, under the name 'Frisian ethnic group', North Frisians became eligible for protection similar to that of the Danish minority.

However, the issue here lies in Paragraph 1. That describes the 'principle of self-determination' (*Bekennnisprinzip*), which stipulates that the determination of belonging to a national minority is made subjectively by individual judgment rather than objectively. However, its scope is limited to 'national minorities'. Since the term 'national minority' is used in Article 5 as a concept distinct from 'ethnic group', it can be interpreted that the Frisian ethnic group is excluded from the scope of Paragraph 1. In this respect, it can be said that the protection of rights for the Frisian ethnic group is not complete. Nevertheless, it is certain that this State

¹³ See Harm (2015) p.8.

¹⁴ Article 1, Section 2 of the Ethnic Group Act "Ethnic groups within the meaning of this Federal Act are groups of Austrian citizens with a non-German mother tongue and their own ethnic character (*Volkstum*), who are resident and at home in parts of the federal territory".

Constitution amendment served as a catalyst for advancing the protection of the Frisian ethnic group. Protection at the state level has since progressed, exemplified by the inclusion of Frisians in the 12th Minority Report issued by the state in 1992.

In the Federal Republic of Germany, protection for Frisians did not commence until the 1990s. In contrast, in the German Democratic Republic, the Sorbian people had already acquired the status of a recognised minority. Thus, unlike the Sorbian people, with whom they share the characteristics of lacking a kin-state and inhabiting a specific settlement area, the Frisian ethnic group can be perceived as a ‘belated minority’ (*verspätete Minderheit*) whose protection was delayed.

In the European context, the protection of national minorities was delayed. Although it became temporarily active after WWI, individualistic solutions were adopted after WWII, and collective rights protection for national minorities was not implemented. The European Convention on Human Rights (ECHR), entered in force in 1953, is a prime example of this. Although Article 14 mentions national minorities, it strictly prohibits discrimination against individuals, not against groups. During the drafting stage, the application of protection to minority groups was proposed,¹⁵ but the final text limited the prohibition to discrimination based on association with a national minority.

Following discussions on minority issues in the Council of Europe in 1990, the same year the Schleswig-Holstein State Constitution was amended, the European Charter for Regional or Minority Languages (ECRML) was adopted in 1992. Consequently, protection expanded, with the North Frisian language being recognised as a minority language. Subsequently, the FCNM was adopted by the Council of Europe in 1995. This convention is a flexible treaty that does not define ‘national minority’; instead, Article 4 obliges contracting states to guarantee protection, while Article 3 explicitly states adherence to the ‘principle of self-determination’. It has been pointed out that this approach mirrors the Bonn-Copenhagen Declarations.¹⁶

In 1997, Germany ratified the convention and designated Frisians as subjects of the minority protection stipulated by the convention. In its declaration of ratification, the German government pointed out that the convention does not define ‘national minority’ and noted that the scope of application is left to the judgement of each country. It then stated that the only national minorities within the country were the Danish minority and the Sorbian people holding German citizenship, but that the convention would also apply to Frisians as an ‘ethnic group’

¹⁵ See Robertson et al. (1975) p.64.

¹⁶ See Kühl (2021) p.177.

and to the Sinti and Roma. In other words, the German government treats the Frisian ethnic group as a de facto national minority.

As a matter of fact, the Federal Ministry of the Interior and Community treats the Frisian ethnic group and the Sinti and Roma as national minorities legally recognised by the German Bundestag and the Bundesrat.¹⁷ Regarding this recognition criteria for national minorities, it is understood that the German government takes the position that among North Frisians, only the National Frisians are a national minority, while those claiming to be a 'German tribe' are not. This classification follows the principle of self-determination, where belonging to a national minority is determined subjectively. In other words, the principle that was not recognised for the Frisian ethnic group in the amendment of the Schleswig-Holstein State Constitution, was effectively recognised here.

Following the ratification of FCNM, minority protection at the national level accelerated. In 2004, the Minority Council (*Minderheitenrat*), consisting of the four minority groups, the Danish minority, the Sorbian people, the Frisian ethnic group, and the Sinti and Roma, was established in Berlin. Following demands for the establishment of a permanent representative for the Frisian ethnic group in the Bundestag or the Federal Government, the Consultative Committee for Questions regarding the Frisian Ethnic Group (*Beratungsausschuss für Fragen der friesischen Volksgruppe*) was established within the Federal Ministry of the Interior in 2005.¹⁸ Similar consultative committees exist not only for the Frisian ethnic group but also for the Danish minority, the Sorbian people, the Sinti and Roma, and the Low German speakers, aiming for the broad protection of minorities within the country. Thus, as a result of the progress in minority protection in Europe, protection of the Frisian ethnic group at the national level by the German government was secured. In other words, it can be stated that they have established a status as a de facto national minority within Germany.

As confirmed in the previous section, the protection of the Frisian ethnic group at the national level progressed as a result of the advancement of minority protection in Europe. However, what of the situation at the regional level? This section focuses on the 'Frisian Law' (*Friesisch-Gesetz*) of 2004.

In the case of the Sorbian people, who share several commonalities with the Frisian ethnic group, the state of Brandenburg enacted a law guaranteeing their own rights protection in 1994, followed by the state of Saxony in 1999, collectively known as 'Sorbian Laws' (*Sorben-*

¹⁷ <https://www.bmi.bund.de/DE/themen/heimat-integration/gesellschaftlicher-zusammenhalt/minderheiten/minderheiten-in-deutschland/minderheiten-in-deutschland-node.html>

¹⁸ See Kühl (2015) p.94.

Gesetze). However, no legislation specific to the Frisians existed in Schleswig-Holstein. In light of this situation, Lars Harms, a Frisian who had served as a member of the state parliament for the SSW since 2000, submitted a draft bill modelled on the Sorbian Law to the parliament in 2004, which was enacted within the same year. Formally titled the ‘Law on the Promotion of Frisian in the Public Area’ (*Gesetz zur Förderung des Friesischen im öffentlichen Raum*), this law aims to promote the language and culture of the Frisian ethnic group. Its preamble states that the law is enacted:

“In recognition the will of the Frisians to preserve their language and thus their identity for the future; being conscious that adherence to the Frisian ethnic group is free; taking into account the fact that the Frisians have no kin-state outside the borders of the Federal Republic of Germany that feels committed to them and cares for the preservation of their language; being conscious that the protection and promotion of the Frisian language lie in the interest of the Land Schleswig-Holstein; and taking into account the FCNM by the Council of Europe and the ECRML ... the Parliament of the State of Schleswig-Holstein enacts the following law”.¹⁹

In other words, the law establishes that the ‘principle of self-determination’ for the Frisians, previously absent from the State Constitution, is explicitly stated for the first time at regional level.

Of particular note here is the expression ‘kin-state’ (*Mutterstaat*). While this term, frequently used in this paper, is employed in the Frisian Law, its origins lie in the aforementioned Sorbian Laws. Indeed, the preambles of the respective laws share significant similarities, as the Frisian Law explicitly references the Sorbian Law of the State of Saxony. Consequently, at the regional level, protection for the Frisians is heavily influenced by the precedents set for the Danish and Sorbian national minorities, and thus cannot be described as entirely unique.

Following the state election of 2012, the SSW formed a coalition government known as the ‘Coastal Coalition’ (*Küstenkoalition*) with the Social Democratic Party and Alliance 90/The Greens. Harms, who was elected as chairman of the SSW parliamentary group, pledged to improve opportunities for Frisian language education in kindergartens and schools in the district of Nordfriesland and Heligoland.²⁰ Consequently, the amendment to the State Constitution in 2014 enshrined the protection and promotion of the provision of education in Frisian and Low German in public schools in Article 12. Furthermore, the SSW fulfilled its responsibilities as a party for minorities, for instance by ensuring the addition of the Sinti and Roma to the minority provisions, which were relocated to Article 6. In 2016, the Frisian Law

¹⁹ The preamble of the Law on the Promotion of Frisian in the Public Area.

²⁰ See Kühl (2015) p.94.

was amended, resulting in an expansion of the public spheres where the Frisian language could be used.

However, the Coastal Coalition was dissolved following the results of the 2017 state election. In 2020, the ‘Law on the Establishment of a Foundation for the Frisian Ethnic Group in the State of Schleswig-Holstein’ (*Gesetz zur Errichtung einer „Stiftung für die friesische Volksgruppe im Lande Schleswig-Holstein“*) was passed by the state parliament, leading to the establishment of the Frisian Foundation (*Friesenstiftung*) in Kiel, aimed at protecting language and culture. In 2021, the SSW won a seat in the federal election for the first time since 1949, and as of 2025, it remains a party represented in national politics. Thus, even after the formal recognition of the Frisian ethnic group, the SSW continues to commit itself to the protection of the rights of the Frisians, not only the Danish minority. As confirmed above, the SSW advanced further cultural protection and promotion at the regional level even after the protection of the Frisian ethnic group had been codified at the national level.

Conclusion

The preceding analysis has elucidated the political development and establishment of the Frisian ethnic group in Schleswig-Holstein. In what follows, this paper will summarise the findings based on the two key issues raised in the Introduction.

First, regarding the factors contributing to the delay in the protection of the Frisian ethnic group compared to the Danish minority, two main points can be identified: the absence of a kin-state and internal conflict. National minorities in the traditional sense, such as the Danish minority, possess a nation-state dominated by their own ethnic group. Backed by this strong support, they achieved rights protection in the 1950s. In contrast, the Frisians without a kin-state were not subject to protection at the national level. Furthermore, identity within the North Frisians was bifurcated between the National Frisians, who sought recognition as a national minority, and the majority, who viewed themselves merely as a German tribe. Consequently, they were unable to advocate for collective rights protection as a unified North Frisian group. As a result, the Frisian ethnic group was marginalised in Schleswig, becoming a ‘belated minority’ whose protection was deferred until the 1990s.

Regarding the second point, the potential of this case serving as a protection model for minorities without a kin-state, a cautious evaluation is required. While the necessity of dual protection at both the national level and the regional level can be posited, national-level protection in Germany is situated within the supranational context of Europe, meaning its reproducibility in other regions is by no means high. Moreover, state-level protection was

modelled on the precedent of the Sorbian people; thus, the Frisian case does not constitute a unique model. Therefore, its potential as a standalone model for protecting stateless minorities is considered low.

However, significance can be found in the process revealed in this paper: achieving rights protection through cooperation with other minorities, and the implementation of measures allowing for interpretative flexibility through the designation ‘ethnic group’, which differs from the traditional ‘national minority’ concept. Possessing a political party in the form of the SSW alongside the Danish minority is considered useful for amplifying the voices of minorities, who often tend to be politically isolated. Furthermore, unlike the traditional term ‘national minority’, the concept of ‘ethnic group’ can include within its scope those who do not self-identify as a national minority. Thus, it is adaptable to broader rights protection and may contribute to resolving issues in other regions facing similar identity conflicts.

Declaration of Generative AI and AI-assisted Technologies in the Writing Process

AI-Assisted Technologies were used in the translating process from Japanese and German into English. The original text in Japanese was written without AI assistance.

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