Chapter 5

Nor is the peoples' judgment always true: The most may err as grossly as the few.¹

John Dryden 1631-1700

Part I

5.0 Introduction

From ancient times to the present, there have been small groups or sub-sections in society that are ethnically different or distinct from the rest of the population, known as minorities. Ethnic minorities are groups held together by ties of common ancestry, language or religious faith and identify themselves as being different from the other inhabitants of a given political entity. This fraction of the whole is referred to as an "ethnic group". The word 'ethnic' has its origins from the Greek *ethnos*, to loosely mean tribes or nations. Schermerhorn defines an "ethnic group" as 'a collectivity within a larger society...having memories of a shared historical past, and a cultural focus on one or more symbolic elements defined as the epitome of their peoplehood'.²

However, it needs to be borne in mind that no matter the size of a collectivity, it will continue to have shared features, kinship and consciousness of kind among members of the group. Ethnic groups can either be dominant or subordinate. As Smith points out, 'ethnos would appear to be more suited to cultural rather than biological or kinship differences'.³ It is the similarity of cultural attributes in a group that attracts

the term *ethnos*, and the French term *ethnie*, 'which unites an emphasis upon cultural differences with the sense of an historical community'.

A dominant group means that a ‘collectivity within a society which has pre-eminent authority to function both as guardians and sustainers of the controlling value system’, and as allocators of rewards/resources in society. Thus, in this study, the Federal Republic of Germany (hereafter FRG) is the dominant group in relation to the Danish-speaking minority in Schleswig-Holstein, Frisian, Sorbian, Roma minority groups or populations, and not to mention recent immigrant minorities. Conversely, the Danes in Denmark are the dominant ethnic group in relation to the German minority in South Jutland.

The origins of some minorities can be found in past conquests, colonisation and peaceful unions, such as the union between Poland and Lithuania, when the latter included White Russian and Ukrainian populations. However, the nineteenth-century witnessed the rise of democracy and nationalism, when race, religion and language began to play their significant roles in the characteristics of national minorities. For instance, the Germans (among others) directed their political energies to the union of all German-speaking peoples within a united Germany. At the same time, many Slav people were minorities in the empires of the east, Germany, Austria, Turkey and Russia. Moreover, the nineteenth-century saw the growth of independence movements among these Slav minorities, which in turn threatened the territorial integrity of the political states where they lived. As it happened, minorities played an important role in international relations, to the extent that the fates of the Serbian.

---


minority in Austria and of the German minority in Poland were the immediate cause of two world wars. The historical outline of the national minorities under examination in this chapter will be discussed below (in Part II).

In order to bring this analysis into a contemporary context, Part I examines some theoretical perspectives, such as pluralism, multiculturalism and cosmopolitanism. It is not possible to provide an exhaustive study, but for now, it is argued that these concepts and contemporary phenomena are derivatives of a liberal democratic system. For instance, in broad terms, liberal democracies are characterised (but not always) by a majority group, which shares the same ethnic or similar societal values, and often has a greater share of resources and power. This position of dominance by a majority within a political arrangement can be referred to what J.S. Mills proposed as, the 'tyranny of the majority'. Of course, the focus is not as literal as a tyrannical arrangement, but as noted above, a pluralistic arrangement allows for the democratic/political space to be occupied by new actors, which for present purposes are considered as minority groups. The assumption here is, that if a polity is made up of say two major political parties, which form the dominant paradigm, minor parties may enter the political arena to compete for the allocation of scarce resources. This model is not limited to just political parties, but can include entities such as pressure groups, peak organisational bodies such as professional associations, trade unions, Gay Rights activists, environmentalists, feminists, commercial interests, and indigenous organisations, just to mention a few. In brief, the above represent a diversity of groups, and in a sense they dilute the Millsean concept of ‘tyrannical’ politics.
The discussion of multicultural arrangements, including their strengths and weaknesses introduces the notion of a heterogenous society, which in theory at least, advocates diversity, tolerance and the participation of other cultures and ethnic groups with the aim of cultural enrichment of the dominant group. A similar idea or ideals of heterogeneity may be found in a cosmopolitan approach to the human family — humanity.

Cosmopolitanism can include the concepts and practices of global responsibility, governance, ethics and a sense of international citizenship. Issues such as climate change, war criminals, human rights, free trade agreements and the Law of the Sea, are just a few concerns that the world has embraced, in the hope of enriching the status of the global village. At the same time, governments proclaim that they respect the sovereignty and the cultural differences of other states, or ethnicities and so on. However, the efficacy of such ideals or practices remains questionable.

Certainly, with improvements such as those found in communications technology and travel, they have become easily recognisable factors that can contribute to a sense of cosmopolitanism. But at the same time it can be argued that global economic influences contribute to the homogenisation of the world through the acquisition of a consumerist identity, rather than maintaining a cultural or national identity. In other words, it can be argued that cosmopolitanism, as a concept can be illusory, because as members of the global village, people or individuals are able to be ‘consumers’ of cosmopolitanism. Similarly, in a local (or state) context, individuals, that is, member of a dominant group can also be ‘consumers’ of multiculturalism. The above concepts
overlap in places, but at the same time they continue to be derivatives, or even side effects of an 'exponential democracy' in state and global contexts.

In any event, it can be said that the legal instrument known as the United Nations Universal Declaration on Human Rights, is the basis of its derivatives institutionalised at regional and national levels. In more specific terms, the above concern the rights of national minorities, which include the protection of their culture and language. Thus, Part III examines and assesses the efficacy of these regional and national legal instruments. The Danish-speaking minority mostly located in Schleswig-Holstein, which numbers an estimated 50,000\(^6\) is perhaps the most appropriate case study, as the number is comparable with the size of the Sorb minority. The latter group will take a central focus in the following chapter. Nevertheless, this is not to say that the Frisian, Roma and autochthonous minorities cannot be omitted from this study.

Moreover, as the term 'minority' was defined in Chapter One, which included the notion of minorities 'as having a common positive identity, rather than being united only in their opposition to the majority,'\(^7\) an analysis of this concept deserves further interrogation. It is fair to say that this chapter in particular, concerns the rights of minorities just as much as those of the dominant paradigm or political system. In

\(^6\) Danish is spoken in Schleswig, mainly in the rural districts of Rendsburg/Eckernfoerde, Schleswig/Flensburg, Nordfriesland and the city of Flensburg. The Danish language belongs to the Indo-European, Germanic, group of languages.


order to highlight this point, in the case of Germany its total population in 1994 was 81.1 million, consisting of least ten different ‘minority groups’.8

The two Germanys had historic minorities: Danes and Frisians in West Germany, and Sorbs in East Germany. In brief, the first phase of post-war immigration to West Germany (the FRG) comprised of ‘ethnic Germans’ expelled from Poland, Russia, Sudetenland or those fleeing from East Germany.

Moreover, the FRG experienced an economic miracle during its post-war reconstruction, which required an increased labour force. By 1961, when the Berlin Wall was built, migration had averaged 200,000 a year and had reached 9 million, but West Germany needed to turn to other sources of labour.9 Thus the second phase of immigration witnessed the recruitment of *Gastarbeiter* (guest workers) from Yugoslavia, Italy, Greece, Spain, Portugal, Tunisia and the most in numbers, Turkey. Meanwhile East Germany recruited foreign workers from Vietnam, Mozambique, Angola and Cuba. In brief, the immigration processes noted above, are the ingredients for a *multicultural* Germany in the modern period.

Thus, this chapter will examine theoretical concepts, and practical perspectives such as legislation and its implementation. A comparative study of the Danish-speaking minority and other minorities in Germany provides a basis for a detailed analysis of the Sorbs in the context of legal instruments designed to protect Sorbian interests.

---

8 The *World Directory of Minorities* lists the following minorities in Germany and their numbers: Turks and Kurds 1.6 million (2%), former Yugoslavs 956,000 (1.2%), Italians 568,000 (0.7%), Greeks 324,000 (0.4%), Poles 324,000 (0.4%), Roma/Gypsies/Sinti 110,000-130,000 (0.1-0.2%), others including Jews (60,000-70,000), Danes (50,000-60,000), Frisians (32,000), Sorbs (40,000-50,000), Vietnamese (40,000), Spanish, Tunisians, Portuguese and Mozambicans totalling 2 million (2.5%). Source: *World Directory of Minorities*, edited by Minority Rights Group, (London: Minority Rights Group International, 1997), p. 150.

9 Ibid.
5.1 Theoretical perspectives on the concept of minorities

5.1.1 Origins of the concept of multiculturalism

The post-war migration saw the multiculturalist movement first appear in Britain in the 1960s, which was inspired by the belief and declaration that Britain was a multicultural society, ‘suitably pluralizing its national identity’. By staying with the British experience, Parekh notes that,

Multiculturalism was advocated on three grounds. First, since human beings are culturally embedded and derive meaning and strength for their cultures, respect for them entailed respect for their cultures. Second, cultural diversity added to the aesthetic and moral richness of British society. Third, knowledge of and cultivation of respect for other cultures helped weaken the roots of white racism and made Britain a more humane and equal society.

Commentators such as Jenkins did not support the idea of a “melting pot”, that is a blending of all Britain’s citizens (and similarly the same idea prevails in the United States), which would make everyone a part of a common mould. At this time, multiculturalism appeared in Australia, the US, Canada and elsewhere, including Germany. Interestingly, the Canadian Prime Minister Pierre Trudeau introduced the policy of multiculturalism in 1971 in the Canadian House of Commons. As Trudeau stated, ‘the conscious support of individual freedom of choice must be safeguarded. If the freedom of choice is in danger for some ethnic groups, it is a danger for all’. Thus, Trudeau’s statement can be equally applied to an ethnic group such as the

11 Ibid.
12 Ibid.
Sorbs, as well as other ethnic minorities living in a society or system that claims to be *inclusive* and support diversity. This proposal should be borne in mind for later analysis in the German context.

5.1.2 Defining multiculturalism

One definition of the term multiculturalism is

The educational, social and political view that has gained ground in America, Britain and other Western countries since the 1970s, that it is wrong to impose a stereotyped national culture on those arriving from other lands.\(^\text{14}\)

Another definition of multiculturalism states that

The notion of Multiculturalism [sic] refers to a vision of Canada according to which the essence of our country cannot just be the reflections of its two largest communities, the English and the French, but it is rather the result of juxtaposition of many immigration waves. From such a perspective, the vision of Canada as a cultural "mosaic" appears legitimate.\(^\text{15}\)

Certainly, to state the obvious, the above definition refers to the Canadian experience, but there are common themes and issues that apply to other situations. The definition does not lose any of its validity when referring to the German experience. Despite the different historical contexts (Canadian and German), for the purposes of this study, indigenous populations are included here as they are affected in similar ways in terms of a multicultural policy exercised in the abovementioned societies. For instance, the


process of assimilation has occurred in Britain, the US, Australia, Germany, to name but few countries, where historically a colonial power has tried to forcibly subdue the indigenous population into accepting Western values and beliefs. This also meant that colonial policies were aimed at the erosion of indigenous culture and language. Another assimilating phenomenon was the Christianising of the occupied territory, which was often a pagan population to name but one process. But this now belongs more to the past as the world now faces other challenges from fundamentalism and extremism originating from the Middle East.

5.1.3 Multiculturalism and some of its criticisms

According to Parekh, postmodernists argue that 'multiculturalism froze existing cultures, took on an unrealistic view of cultural authenticity, and needed to be replaced by the more cosmopolitan and individualistic ideas of cultural hybridity and synthesis'. But, are not 'cultural hybridity' and 'synthesis' natural human processes that inevitably occur when different ethnic or racial groups peacefully coexist? One exception would be an apartheid system, where ethnic/racial groups are separated. To say that 'multiculturalism froze existing cultures' is an erroneous assessment, because it implies coercive assimilation.

If one examines Parekh’s postmodernists and replaces their claims with practical examples, a criticism of multiculturalism should become clearer in the following Australian experience. Australia prides itself on its claims to be a multicultural society, but it is haunted by the era of the White Australia Policy, which lasted from the time of federation in 1901 until 1975. Recent government policy towards

---

immigrants and refugees arriving in Australia, often illegally, has raised controversy and claims of xenophobia. Thus, the contradictory positions concerning the diversity of cultures which governments take, raises some normative issues for a satisfactory definition of multiculturalism.

The claim that multiculturalism harbours an ‘unrealistic view of cultural authenticity’ is perhaps a bit harsh, because it overlooks countries such as Australia, Canada and others, who are the host countries. It is inevitable that a perception of a culture that is outside that of the dominant paradigm (host society or country) will be one with limited authentic experience of that ‘foreign’ culture. On the one hand it is fair to say that agencies such as the media may distort one’s perception of a culture. On the other hand however, different racial or ethnic groups tend to share and exchange their cultural attributes in the absence of political or state influences. Put another way, a government may well have a policy concerning multicultural affairs that encourages tolerance, diversity and so on, but multiculturalism is often commodified.

It may be fashionable for a dominant group to experience some aspects of an ethnic culture through various commercial outlets, such as Chinatown in Sydney, or the Sorbian tourist attractions found in Spreewald, for instance. In this situation, is the cultural authenticity of the ethnic group eroded? The answer to this question is open, which deserves some thought and discussion.

An ethnic group residing outside their homeland can be guardians of ethnic authenticity. Another shortcoming in Parekh’s citation of postmodernists is for instance, implies that the celebration of ethnic cultures on specified days is marked by
an exhibition of cultural authenticity, and often it is accompanied by a genuine, if not curious interest from the dominant population.17

However, one could question whether the cultural authenticity of Chinese cuisine, ambience or some other traditions experienced in Chinatown Sydney, is really authentic. It can be argued, that there is some erosion of Chinese cultural authenticity by the mere fact of geography; that is, the place (and its culture) in question is Sydney, and not say, Beijing. Be that as it may, the Chinese in Sydney can still be regarded as guardians of their Chinese heritage, if not culture.

It would follow from the above, that a Sorbian folk festival — (dance, theatre, literature and the like) taking place in Bautzen or Cottbus would have cultural authenticity. But does such an event truly represent Sorbian culture in its ‘homeland’? An important point that must be made here is that the Sorbs living in their homeland are in a sense compelled to be guardians of their culture, because there is a sense, if not a reality, that they are outsiders in their own homeland. Outside public events such as festivals or similar venues, does not the Sorbian culture exist in the private sphere? Does it exist authentically in the confines or privacy of an apartment block occupied by Sorbs who once inhabited and toiled their traditional farmlands around Horno, but were coercively relocated? One could ask the same questions about ‘authentic’ Aboriginal cultures located in the Australian Outback, but are coercively relocated either by Christian missions or mining conglomerates.

---

17 For instance, in Hobart, Tasmania, the Greek community celebrates ‘Estia’ week, which has Greek cultural displays, dance, music and food. It also attracts Australians who partake in the celebrations. Similarly, the Chinese New Year celebrations almost seem as if they are integrated into mainstream Australian society.
The point that is made concerning culture in the above inquiry is that one does not witness how a culture lives in its day-to-day routines or activities. A Sorb commuting to work will be dressed no differently to any German doing the same thing. It may be true to say that the Sorbs can live their nationality privately, publicly and collectively. Perhaps there is a degree of historicity rather than an authentic representation of Sorbian culture in places such as the Spreewald, which experienced germanisation in the late nineteenth century. Traditional Sorbian rites of passage, such as a wedding are play-acted in the traditional costumes, but the actors are Germans with perhaps Sorbian names. Market stalls can be found in the township of Lübbenau, which is situated in the Spreewald, selling Sorbian artefacts, but the vendors are not Sorbs. In other words, the above scenarios do not realistically represent multiculturalism nor the Sorbs’ authentic culture, but rather, commodify a culture that once existed in those parts.

Another criticism of multiculturalism is that it is claimed to be racism in a politically correct guise. This is an inaccurate claim, because countries such as Australia for instance, have in place anti-discriminatory legislation known as ‘anti-vilification’ laws. However, this is not to say that in practice, minorities are not always treated equally.

---

18 A visit by the author to Spreewald in 2002 revealed that Sorbian festivities were re-enacted and other cultural markers of the Sorbs were manifested by women wearing traditional costumes, selling the renowned Sorbian conserves, such as the gherkin, along tourist barge routes. The author’s field research indicated that there were no Sorbian–speaking persons found in this population. A number of participants acknowledged their Sorbian heritage, but could only speak German. Germanisation of the Spreewald took place in the late 1800s.

The Rand Institute further argues that multiculturalism holds that an individual's identity and personal worth are determined by ethnic or racial membership, and that all cultures are of equal worth. Interestingly, Smoler, the Sorbian patriot stated in 1841 that,

Yes, it is true: A man who is proud of his own origins but in doing so does not despise the stranger is truly worthy of respect. A true Sorb and a true German are, both as to their nationality, equally worthy of honour. (Emphasis added).

It seems that the above claims imply a sense of rhetoric. In brief, it is often the case whereby political rhetoric does not converge with day-to-day practice.

Moreover, it is argued that the Canadian federal government

...tends to refer to multiculturalism in politically correct terms, insisting on the need to promote equity or diversity instead of explicitly using the term multiculturalism in its pamphlets and official publications.22

The above seems to suggest that some governments avoid the use of the term 'multicultural', because it confronts them with the responsibilities of addressing the problems associated with either indigenous and/or other ethnic minorities.

Thus, there seems little doubt that governments view multiculturalism in idealistic terms, because equality in particular, and diversity are such appealing concepts,

20 Ibid.
synonymous with fundamental democratic rights. It is as if equality is a readily acceptable tenet, yet there is inequality within a dominant society consisting of the same ethnic or racial grouping. Gender inequality (although it is also occurs across cultures) and socio-economic inequalities are just two examples of inequality that exist in Western developed countries. On a global scale, one does not need to look far to witness First and Third World or North/South disparities. The point is, even with the best of intentions, or rhetoric for the more cynical, governments are unable to fulfil all of their obligations in complex or diverse societies. Rather, governments try to be pragmatic by prioritising their political agenda and policies. Available or scarce resources and revenue in turn drive the latter. Revenue or taxes in turn are raised from its citizenry most of whom would be members of the majority ethnic group.

In any event, the preferred definition of multiculturalism in this study is the one noted by the Rand Institute in the above: ‘multiculturalism holds that an individual’s identity and personal worth are determined by ethnic or racial membership, and that all cultures are of equal worth’.

The above is only a brief synopsis of the workings of government policy. For now, one can avoid distraction with the study of a political economy, and remain on theoretical aspects, such as pluralism and its similar problems, as found in multiculturalism.

5.1.4 Pluralism

Connolly’s definition of ‘pluralism’ is extensive, and thus allows one to examine the following perspective
Pluralism is variously defined as an ideal of the good life; as a characterization of politics in western, capitalist democracies; as a theory of ethics relevant to the politics of liberal societies; and as a doctrine of *cultural diversity* that endorses neither a relativistic nor a monist assessment of *alternative cultures*.

Thus, if one interprets the above definition of pluralism (one of several) as having an ethical base to a society's values, then it is safe to say that as a part of these ethics, there is an inclusion of *cultural diversity* by that (pluralistic society). Furthermore, a pluralist arrangement holds that although there are ...

... variants of individualism [which] are insufficient to generate an ethical theory, there is no single purpose or good that deserves the highest support of all rational people.

In other words, a pluralist arrangement accepts groups such as minorities, because by definition pluralism does not endorse a monist assessment of 'alternative cultures'. It is considered that both majorities and minorities can add to the fabric of social norms that are accepted by most members of society as being advantageous to them all. However, these proclaimed social norms, which are held by ideologies such as pluralism, multiculturalism, which in turn espouse tolerance and equality need to be protected by the social dimension of justice. In order to realise these norms or *ideals*, 'ethical' governments implement a policy of social justice.

Therefore, a similarity exists between the concept of pluralism and multiculturalism, in that although in the former instance a society's makeup may be more or less

---

24 Ibid.
homogeneous, a diverse group (a minority), such as the Gay community can occupy the democratic space, and achieve legislation say, to legitimise same sex marriages. A multicultural society, may for instance legislate to institutionalise an education system for an ethnic minority, or at least provide the facilities. However, it should be noted that where there is mutual agreement to a diversity of arrangements (plural and multicultural), for different groups in order to meet their several interests, there is a departure from uniformity, but not from justice.\textsuperscript{25} The latter point is of course a theoretical and an idealistic consideration. This chapter will receive further attention in terms of assessing justice in the form of codification, and the extent to which it is practised/realised in the case of the minorities in Germany.

The influx of immigrants and the movement refugees into advanced capitalist states has presented the problem of negotiating with these minorities and diverse groups. However, in this case study, one must also include indigenous minority populations, such as the Danes and the Sorbs. In order to place the following discussion in the context of this entire study, one must also consider an analysis in terms of other concepts such as multiculturalism, citizenship and justice. Why? The concept of multiculturalism presents the problem of ‘incorporating diverse minorities on terms of equality into a nation state in which there is already a reasonable degree of consensus regarding basic liberal values and national identity’.\textsuperscript{26} Moreover, the indigenous minorities in Germany belong in Germany. They cannot be seen as invaders, who really belong somewhere else.

In brief, basic liberal values and national identity are just two issues for the Danish, Frisian, Sorbian, and Roma minorities that inadvertently arise from the Basic Law. The point here is there is no article addressing the national minorities in the FRG’s Basic Law. (See further discussion below).

Moreover, in the context of liberal theory, multiculturalism should provide a better understanding of equality and self-determination, but at the same time it ‘opens up the possibility for conservative interpretations of ascriptive identities and identitarian [sic] politics’.\(^{27}\) Thus, it is difficult to reconcile values such as equality and the Sorbian national identity with respect for diversity, because classical liberalism has always celebrated social and cultural diversity as part of the enrichment of social life.

In a sense, multiculturalism mirrors the concept of pluralism, in that pluralism, like multiculturalism, ‘promotes a plurality of goods modestly, each being confined only by the degree necessary to make space for the others’.\(^{28}\) Connolly further argues that ‘cultural pluralism, acknowledges that the good life endorsed by any particular pluralist society will sacrifice some recognisable virtues that other ways of life would allow’.\(^{29}\) In other words, both pluralism and multiculturalism are limited in the real world due to the character of the human condition, which seems to have difficulty in defining and accepting ‘otherness’. Pluralist societies such as those in Germany, Australia, the United States, or Canada, to name but few, do not impeccably make room or the democratic space for others (diverse groups), because in order to maintain

\(^{27}\) Ibid.


\(^{29}\) Ibid. p. 378.
political stability, a consensus, which can also be regarded as a majority intrinsically, subordinates that society.

In brief, and for the purposes of this chapter, pluralism is defined and understood to be a system or a society that has a diverse range of interests (actors), which may freely participate in the political processes.

5.1.5 Cosmopolitanism

There are several definitions of the terms cosmopolitan and cosmopolitanism some of which are found in the following. Before embarking further, Beck succinctly refers to Kant’s definition of cosmopolitanism as being a citizen of two worlds — ‘cosmos’ and ‘polis’.

5.1.6 Defining the term cosmopolitan

The WorldNet Dictionary presents the following definition.

[noun] a sophisticated person who has travelled in many countries
[adjective] of worldwide scope or applicability; “an issue of cosmopolitan import”; “the political and ecumenical comment of our time” — Christopher Morley; “universal experience”.
[adjective] composed of people from or at home in many parts of the world; especially attitudes or interests; “his cosmopolitan benevolence extended to all creeds” — T. B. Macaulay — “the ancient and cosmopolitan societies of Syria and Egypt, cosmopolitan, rather sinister crowd found around the Marseilles docks”
[adjective] (ecology) growing or occurring in many parts of the world; “cosmopolitan in distribution” [sic].

---

It continues with citing the *Webster's 1913 Dictionary*, which provides the following definition,

Having no fixed residence; at home in any place; free from local attachments or prejudices; not provincial; liberal. Common everywhere; widely spread; found in all parts of the world.  

The above definitions are varied. An observation that is noted in the above definition, as in 'having no fixed residence', resonates with the issue of homelessness. Homelessness is just one side effect of modern societies and it is a common global problem, but it is not specific. Thus, in that regard, the above definition is dated. Be that as it may, it does however make the point of being 'at home in any place', and being 'free from local attachments or prejudices', suggests some thing about the idea if being included in another, foreign society. That is, one is located or residing in a society or country outside that what is regarded as his or her homeland. At the same time however, where, and/or what an individual regards as 'home', can have so many different meanings. The term 'home' might mean a stable or permanent postal address in the country of an individual's origin, where one can exercise the rights of a citizen, but not in another.

In brief, the above definitions are a little vague and incomplete. It can be also argued that a person in his or her homeland feels or believes to be cosmopolitan. An expression such as, “I am a citizen of the world”\(^{32}\) implies that the constraints of

---


national boundaries, nationality and citizenship are eroded, because one can assume multiple identities.

5.1.7 Cosmopolitanism

A brief definition of cosmopolitanism, states that it is ‘the condition or character of a cosmopolite; disregard of national or local peculiarities and prejudices’.

5.1.8 Some implications of the term cosmopolitanism

In a sense, it is easy to confuse the concepts of cosmopolitanism and globalism. Indeed, there are some familiar or shared themes found in the two concepts. Globalism, among other things, includes the economic force and domination, which are wielded by transnational companies. Their products are so widely sold and distributed, that to consume or buy their product(s) is to succumb to the homogenisation of individual cultures into a global consumerist culture. For instance, fast food chains such as McDonald’s and soft drink companies, such as Coca-Cola are consumed on every continent of the globe, regardless of ethnic, religious and political considerations.

However, it can be argued here that the notion of being a “citizen of the world” manifests itself significantly through environmental issues concerning the globe. In other words, protests and challenges with the help of the media and subscriptions are directed at irresponsible environmental practises by states that threaten humans and other species. While it is not possible to enumerate in detail all of the activist

---

manifestations of global citizens, the environment debate is a good illustration of the Kantian notion of being a citizen occupying two worlds, the cosmos and polis. Non-government organisations (NGOs), such as World Wildlife Fund is just one example of institutions that lobby states and enterprises about environmental issues on behalf of a world citizenry, if one takes this in the form of a 'world governance' context. But, does this mean that the above NGOs 'are at home', or cosmopolitan in their outlook? The answer is open to interpretation.

5.1.9 Other definitions of cosmopolitan

The Oxford English Dictionary\textsuperscript{34} defines cosmopolitan as

1. Belonging to all parts of the world; not restricted to any one country or its inhabitants..
2. Having the characteristics which arise from, or are suited to, a range over many different countries; free from national limitations or attachments.
3. Natural History. Widely diffused over the globe; found in all countries.
4. Composed of people from many different countries.

Remaining with the Oxford English Dictionary, it defines cosmopolitanism as

1.a. Cosmopolitan character; adherence to cosmopolitan principles.
   b. In Soviet usage, disparagement of Russian traditions and culture (equated with disloyalty).
2. Natural History. World-wide distribution.\textsuperscript{35}

Interestingly, it should be pointed out that under the rubric of 'cosmopolitan', the Oxford English Dictionary notes that John Stuart Mill in Principles of Political

\textsuperscript{35} Ibid.
Economy Political Economy (1848) wrote, 'Capital is becoming more and more cosmopolitan'. In brief, Mill's claim continues to have currency with contemporary global economic behaviour. Mill continues the above statement by:

There is so much greater similarity of manners and institutions than formerly, and so much less alienation of feeling, among the more civilized countries, that both population and capital now move from one of those countries to another on much less temptation than heretofore. (Emphases added).

In essence, what Mill is saying, is that there is a homogenisation of the world. It has been markedly accelerated since the mid nineteenth-century by colonisation, technology, communications and freer human movement. It is interesting to note a logo, which reads “One World” on the passenger aircraft of Qantas and British Airways. This is not to say that cosmopolitanism and homogenisation necessarily mean the same thing. Nor can one fully subscribe to an economically (global marketplace) driven logo, such as “One World” amid political eruptions, which exist in Sierra Leone, Afghanistan, Sudan, South Africa, Aceh, to name a few. An armed child soldier does not have the same access to say, London or Sydney in order to experience the pleasure as a tourist or view the sights, as do a great number of Westerners. Put differently, it can be said that ‘a cosmopolitan global community cannot stand aside when genocide is committed, as in Rwanda, for example’.  

Thus, a definition of cosmopolitanism extends to the political aspects of world affairs. Manifestations of contemporary cosmopolitanism can be witnessed in efforts such as

---

37 Ibid. Mill further states that ‘there are still extraordinary differences, both of wages and profits, between different parts of the world’.
humanitarian, military and economic intervention. Whether certain actions are justified or considered, as moral behaviour is not a major concern here. The point is leaders and other protagonists often defend their wishes, or policies as a means to make the world "a better or safer place". In brief, the above intimates some care for the welfare of humanity, even though such approached may serve the interests of the few and powerful.

As alluded to in the above, a part of global commerce includes the pursuit of consumers perceiving themselves as being cosmopolitan. Goods or services such as coffee shops or mobile telephones are regarded as cosmopolitan in the construction of (cosmopolitan) consumer identity. In Hobart for instance, certain consumers falsely perceive themselves as being cosmopolitan. Thus an expression of collective consumerism in this context seems to resonate with Marx’s concept of ‘false consciousness’. In order to support this interpretation here, a café latte served in Salamanca Place in Hobart may taste the same as that served in Italy, but the former lacks the cultural symbolism and expression, which can only be authenticated in the land of origin. In this case, it is Italy, and the beverage is simply exported as just one of the cultural products among others.

It may be useful for the benefit of this study to suggest that a Sorbian living in a multicultural society or environment in Lusatia, but they are exposed to the mechanisms of cosmopolitan consumerism. For instance, a Sorb living in Cottbus, will find Turkish, Vietnamese, Russian and German fare, but will have to speak in

---

39 For instance, a night time economy has created new forms of social behaviours that differ from day time economy in that the consumption of fashion, music and entertainment (in pubs and clubs) becomes one of asserting and consuming particular identities.
German in the first three instances and vice-versa. However, using Kant’s definition of cosmopolitanism the Sorbs here are citizens of their polis, and the cosmos. But they will also be influenced by a global consumer identity construct.

5.1.10 Other considerations

The first consideration examines whether Europe qualifies as a cosmopolitan phenomenon. Certainly, in strict terms Europe does not constitute the entire globe. But, one can return to Schlegel and Novalis’s romantic idea of a united Europe, where cosmopolitanism was favoured in place of nationalism. 40 Certainly in today’s context a force resembling the Napoleonic expansion as it did during the time of the above Romantic thinkers does not threaten Europe. Perhaps nationalistic tendencies in some parts of Europe have been aroused in recent times by the influx of refugee and asylum seekers. In any event, it can be said that August Schlegel’s notion of ‘European patriotism’ is supplanted by what is referred to today as a European identity. 41 It is suggested here that the notion of a European identity is reinforced, if not institutionalised by a structure such as the European Union and its expansion and integration policy.

However, as Van der Veen argues, ‘the absence, emergence, or presence of a sense of shared identity across the European Union has become an increasingly salient issue over the past decade.’ 42 In brief, the statistical analysis (the Eurobarometer) in Van der Veen’s study shows that a sense of European identity is a prominent factor in

---

42 Ibid.
support of European integration.\textsuperscript{43} Starting in 1979, the Eurobarometer surveys, which were continued over the 1980s, showed that fifty-five percent 'of all respondents often or sometimes considered themselves Europeans'.\textsuperscript{44}

At the time of writing there were fifteen members of the EU, with ten more countries scheduled to join, among them being Poland, the Czech Republic and Hungary. The finer details of the EU's expanded membership can be discussed elsewhere, but one needs to consider the significant aspects of the free movement of capital, labour and people within the EU (see below). Despite any national allegiances, due to a supranational government such as the EU, which includes institutions such as the European Court of Justice and Human Rights, as well as a common currency, the Euro, the above can instil a feeling of being 'at home'.

Apart from some of the institutionalised factors as noted above, there are other phenomena that have shaped the relationship between language and identity in the European arena. For instance the traditional identity of EU states is challenged by major demographic changes (from rural to urban) as a result of 'migration and minorization'.\textsuperscript{45} As Extra and Yagmur note, 'Inhabitants of Europe no longer identify exclusively with singular nation-states, but give increasing evidence of multiple affiliations'.\textsuperscript{46}

\textsuperscript{43} Ibid. p. 23.
\textsuperscript{44} Ibid. p. 6.
\textsuperscript{46} Ibid.
The other consideration is, given that the definitions of cosmopolitan also allude to something being ‘widely diffused all over the world’, then one must ask whether the English language can be regarded as being cosmopolitan. As noted in this chapter’s introduction, the English language is examined as an influence, which may impact on the Sorbian language as well as the German language. But, one of the sub-hypotheses in this instance refers to global economic forces, such as those found in the power and influence of transnational companies. If one allows for the term ‘capital’ to be used, just as Mill did as short hand for the intricate facets of the world economy, then it is argued here that capital is the motor driving linguistic change, with English as a global, commercial language. If on the one hand one does assume that the English language is a cosmopolitan phenomenon, then on the other hand one needs to negotiate or argue in defence of minority languages, cultures and identities and address the obligations of a majoritarian identity in order to uphold the ethical tenets of pluralism, multiculturalism and cosmopolitanism.

5.1.11 Kant’s Cosmopolitan right

In Perpetual Peace and Other Essays, Kant claims that the Third Definitive Article for a Perpetual Peace is the Cosmopolitan right, which shall be limited to conditions of universal hospitality, that is, strangers should be tolerated and respected. In more specific terms, Kant argued that permanent peace could be achieved through states signing a peace treaty with one another, agreeing to the principle of non-intervention. The Cosmopolitan right (human rights) ‘need only to be confined to the right of hospitality’, and overrides sovereignty. In the modern context, states sign treaties,

---

which are usually bound by international law and become a part of a wider body of
governance, such as the United Nations. However, in some circumstances, a policy of
armed intervention or war is preferred to one of containment. Thus, at the centre of
the cosmopolitan position is ‘the notion that a new form of political legitimacy needs
to be constructed, one which offers an alternative to various forms of fundamentalism
and exclusivism’. 49 Not only should there be a commitment to and international rule
of law and global social justice based on cosmopolitan principles, but also a
commitment to human, economic and social rights. 50

In brief, it can be said that the term cosmopolitanism has many and diffuse
interpretations. But for the purposes of this study, it is simply defined as the
‘disregard of national or local peculiarities and prejudices’. It also includes the
concept and practice of tolerance, acceptance and recognition of different cultures,
nationalities and identities.

5.1.12 Marx on ethnic minorities

Nimmi makes the point that Marx and Engels, ‘were to put it mildly, impatient with
and intolerant of ethnic minorities’. 51 At the time of the 1848 revolutions, there was a
revival of nationalistic sentiment among the Czechs, Slovaks, Ukrainians and Serbs (a
group who belong to the constructed term ‘Southern Slavs’, or Yugoslavia), who with
the Poles shared a related Slavonic language, and each were influenced during the
Romantic period, already mentioned in the previous chapter. In general terms, they
were Eastern European national communities wanting liberation and independence.

49 Ibid.
50 Ibid. p. 20.
According to Marx and Engels' model of national formation, was that if

... the conditions of a national community do not allow for the formation of a viable state, the national community has to be assimilated into a larger state and a more viable national community, with "democracy as compensation." 52

Furthermore, Marx and Engels were of the view that 'national assimilation is not only highly desirable, but it cannot be opposed'. 53 The above model would have suited the GDR regime's nationalities policy in relation to the Sorbs, which included their assimilation. Old Hegelian references served a useful purpose in Marxian analysis of the Slavonic national communities because they were understood by Marx and Engels to be incapable of having national states of their own. 54 These Slavonic national communities were either too small or they lived in areas of mixed populations in the midst of a 'more energetic race', usually German or Magyar, where the other (dominant) national community was considered more advanced and better equipped in terms of its class composition to constitute a national state. 55

On the one hand Marx and Engels propose some pragmatic prescriptions in their support of a dominant national community, which may be argued as benefiting the

52 Ibid.
53 Ibid.
54 Ibid. p. 31.
55 Ibid. Marx and Engels referred to Ireland during the nineteenth-century as an example of imperialism and colonialism, and so 'they could not fail to support Irish independence, conceptualise the Irish minority in England as an integral part of the Irish nation, and defend the right of the Irish forced emigrants to organise politically in England'. However, Marx and Engels refused to take this position in the case of non-colonial minorities of Eastern Europe. In other words, there were two kinds of minorities with two different corresponding theories to deal with a particular situation at a particular point in history. Interestingly, Stalin's 'definition of the nation' became the orthodox concept of the nation, which was accepted by most Marxists. Complementing the concept of 'nation' was the concept of 'national minority', 'a term which designated ethnic communities that failed to qualify as nations'. See Blaut, J.M., "The Theory of National Minorities" in The National Question: Decolonizing the Theory of Nationalism, (London: Zed Books, 1987), <http://www.columbia.edu/~lhp3/my docs/Blaut/national_question.htm>. Sighted 5 September 2003.
'greater good'. But on the other hand there is an undercurrent of chauvinism in their theoretical blueprint.

5.1.13 A matter of autonomous viability versus pluralism?

In any event, the viability of a (independent) national community deserves some comment. It is one thing to support the self-determination of a national community (especially in the context of post-colonial independence struggles), but it is another matter when communities such as the Sorbs, among others, who would not be able to sustain the requirements to exist as an independent state.

Proponents of communitarianism such as Etzioni claim that there is a propensity for groups to create new divisions along ethnic lines within an emergent or existing state, but with a limited democratic government in its place. Etzioni cites the case of the Sorbs wanting to establish an independent state of Lusatia (see further discussion in the next chapter). Certainly, the historical record shows that the Prussians, Saxons, Nazis and communists have oppressed the Sorbs. Therefore, it can be argues here that it is difficult to reconcile the Sorbs' situation with Etzioni's claim of self-determination as being 'evil'. It is not safe to say that the Sorbs would have followed the same or similar pattern of other self-determination movements that challenge democracy by eroding its 'structural and socio-psychological foundations'.

On the one hand Etzioni points out that

57 Ibid. p. 31.
To ensure that a variety of needs within a population find effective political expression, democracies require that the sitting government not "homogenize" the population in some artificial manner, like imposing one state-approved religion. Only a plurality of social, cultural, and economic loyalties and power centers [sic] within society make it possible for new groups to break upon the political scene, find allies, build coalitions and effect change. 

On the other hand however, it seems that not only does Etzioni's theoretical if not idealistic argument reflects Connolly's definition of pluralism, but also one has to bear in mind that the assessment of day to day governance often excludes 'political expression' by taking a paternalistic position in implementing policies for national or ethnic minorities. The policy of assimilation often reflects a paternalistic approach, whether it takes place under an authoritarian/totalitarian or a liberal democratic regime, as the latter situation can be witnessed in the case of the Australian government's treatment of the aborigines during the latter part of the previous century. Further, it may be that the intentions of minorities desire to follow democratic principles, as opposed to ethnocentric tendencies, more than the majoritarian dominant paradigm. The following analysis of Germany's main national minorities may well vindicate this claim.

One may agree with Etzioni's claim that 'the preservation of a national community or democracy does not demand the assimilation or the elimination of ethnic groups', but it seems that the situation in Switzerland for instance is only one example of how pluralistic arrangements could function. By the same token, one can argue that

---

58 Ibid. p. 32.
59 Ibid. p. 35.
'pluralism can exist, even flourish, within a unified state; ethnic groups and other sub-groups need not be suppressed or dissolved to maintain community'.

In a sense pluralism keeps a check on a government provided that governments accommodate or address for instance, the inequalities that affect minority groups.

The way in which responsible governments address such issues of inequality is a test of their transparency and accountability. However, this is not to say that minority groups, such as the disabled in a community are awarded autonomy in the political structure in the same way an ethnic or national minority that seeks self-determination or independence. In the former instance, the minority group is bound by legislation within the same territory, whereas those such as an ethnic group seeking self-determination wish to create a separate state with different legislative authority.

5.1.14 Language and ethnicity

Language and ethnicity have been underlying themes of Fishman's work for most his professional life. The purpose of this analysis is not to revise definitions of language and ethnicity, but rather, to dispel the pan-Western tendency to equate ethnicity with minority status. However, Fishman's definitions cannot be ignored, especially when he presents the terms with remarkable clarity. For instance, 'ethnicity is a self-and-

---

61 Etzioni, A., "The Evils of Self-Determination", op. cit. p. 34.
62 Although the focus in this study is on ethnic groups, it needs to be borne in mind that in a pluralistic arrangement, by definition it accommodates a diversity of groups. For instance, in 1994 after some lobbying by a Gay Rights minority group in the state of Tasmania (in legal discourse, the case is known as Toonen versus Australia), the group successfully saw the repeal of Sections 122(a) and 123 of the Tasmanian Criminal Code, which in brief, previously made criminal 'various forms of sexual conduct between men'. Tasmania was the only state to have such laws. Not only did this minority group succeed in 'keeping a check' on the Tasmanian government, but also, the above case saw the effective implementation international human rights in terms of discrimination against a minority's sexual orientation. For further details of this case see, Dixon, M., and McCorquodale, R., Cases and Materials in International Law, 3rd ed., (London: Blackstone Press Limited, 2000), pp. 223-225.
64 Ibid. p. 7.
other aggregative definitional dimension of culture'. In some instances the above becomes a manifestation of ethno-nationalism, such as that seen in the recent Balkan violent conflicts involving Serbs, Croats, and Bosnians, in the former Yugoslavia. It is ironical that the Serbian and Croatian languages are virtually the same; that is Serbo-Croatian, so this is a peculiarity in Fishman's study that does not easily fit any suggestion of language being a defining link with ethnicity. Put another way, English as a language, is not an ethnicity marker in the sense of a direct relationship between language and ethnicity.

However, it is different or a more precise matter when the English language is linked with say, for instance, Jamaican English, or that found in the sub-continent, that is, in India and Pakistan. To state the obvious, English is one other language that is spoken as well as the mother tongue. The link between language and ethnicity here is, not English and an ethnic English group, or a consciousness of Englishness, but Jamaican, or Pakistani languages and a Jamaican or Pakistani homeland. By way of contrasting the above geographical and cultural situations, the same can be said in the Australian experience. English is the majority's language spoken in Australia. But say for instance, if Greek is spoken as the mother tongue in a household of Greek immigrants, then it is the Greek language that links the household's members with its ethnicity, not (Australian) English. In brief, ethnicity exists as a co-occurrence, that is, it embraces minorities and majorities.

65 Ibid. p. 5.
66 Ibid.
67 The late Australian singer and songwriter Peter Allen certainly exemplifies this sentiment in his acclaimed song 'I still call Australia home', released in 1995 on Aand M Records.
Thus, as Fishman claims, 'at every stage, ethnicity is linked to language, whether
indexically, implementationally or symbolically'. Where there are speakers of one,
or more than one language (bilingual or multilingual), one of those languages will link
the speaker with either a majority or minority (ethnic) group. The linkage between
language and ethnicity may involve deep feelings, loyalty and in some cases, a form
of defence where inter-group conflict occurs.

At the same time however, it should be borne in mind that language is intrinsically
practical in daily life. Keeping in mind the broad parameters that can define the term
language, which was discussed in Chapter One, there is a language for industry,
professions, services, disciplines and more. Now, if one considers the English
language as a global language, or cosmopolitan if you will, the usage of the English
language in the aviation industry is universal, because it is pragmatic. (It is also the
sole official language of international aviation). For instance, there are about one
million parts that make up a jumbo passenger aircraft. It would be chaotic to try and
provide all the instructions in all the known language (ethnic) scripts. But clearly, one
cannot say that the language noted above links an industry to ethnicity, because the
usage of the English language is universal in this instance. Another illustration of
English being linked to widely diffused commercial usage, is in the German company
Siemens, as with many others, all corporate memorandums are written in English.

---

Returning to Fishman’s work, it cites Gambino who maintains that ethnicity as coming ‘with the blood if not through it’. 69 Put another way, it is the ‘blood’ that connects one with one’s ancestors (parents, grandparents), which in turn is the basis for ethnicity. The linkage with others of the ‘same blood’ is a metaphor for kinship, which is the basis of a felt bond to one’s own kind.

5.1.15 Some preliminary formulations

The above analysis discusses how the concepts or ideologies of pluralism, multiculturalism and cosmopolitanism can operate simultaneously within the boundaries of a nation-state and within a broader region, such as the EU. Moreover, these ideologies share the notion of a community as a whole, but make room for diverse interests, identities and groups who either directly or indirectly voice their desire to be included in participation of the greater good of that community.

However, the idealistic aspirations of the above ideologies do not match the day-to-day political practices. It seems that whether the focus is on a global, or on a more defined, regional scale, there is an ongoing tension between majority and minority groups. In the case of a global situation, English as a global language is the legacy of colonialism.

---

Part II

5.2 The Danish-speaking minority in Schleswig-Holstein: background history

The Viking period (800-1050) provides evidence of a kingdom of Denmark during which time the northern expansion of Charlemagne's empire brought Denmark into close connection with the rest of Europe. The Danish king Godfred (or Gutfred) halted the Frankish conquests. His successor Hemming secured a treaty on the Eider in 811, which made this river the frontier until 1864.

In the meantime, during the reign of Frederick VI (1808-1839) four consultative provincial assemblies were set up to mark the beginning of parliamentary life and public discussion of political questions.\(^{70}\) During Frederick VII's reign (1848-1863), there were demands by the Danish people for a liberal constitution. A national assembly met on 3 October 1848, when D.G. Monrad presented a draft of the proposed constitution. In brief, the assembly prepared the Danish constitution of 5 June 1849. A Liberal party was formed, basing itself on the principles of constitutional and representative government.

However, the new constitution was overshadowed by the widening differences between the Germans and Danes. Thus, the following historical account may provide one with a further insight into this chapter's discussion, among other matters including language policy, on German-Danish border relations. Perhaps in more specific terms one can trace back the political bonds, which had existed between Schleswig and Holstein ever since the election the election of Christian I as their joint

\(^{70}\) Encyclopaedia Britannica, (Chicago: William Benton Publisher, 1965), Volume 7 in 24 volumes, p. 245.
ruler in 1460 ‘suggested that these two regions should form a single country within a united Germany’. 71

In any event, a countermovement developed among the Danish population in North Schleswig in 1838. From 1842 the Liberals insisted that Schleswig had belonged to Denmark for centuries, and that the frontier between Germany and Denmark must remain at the Eider. Another Liberal minister, Orla Lehmann advocated for the first time in 1842, that under the Eider policy, Schleswig ‘must either belong to Germany or to Denmark’. 72 As it happened,

This difference between Eiderdanism, as it became to be called, and Schleswig-Holsteinism led in March 1848 to an open Schleswig-Holstein revolution, helped by the armed intervention of Prussia. 73

In brief, a three years’ war (1848-50) followed and ended in a victory for Denmark. Interestingly, in the London convention of 1852, Great Britain, France, Russia, Norway-Sweden, together with Prussia and Austria recognised the integrity of the Danish monarchy. After the death of the childless Frederick VII, the above countries acknowledged Prince Christian of Glücksburg as heir to the whole monarchy. It is noteworthy, however, that in the agreement with Prussia the Danish government by a protocol of 1852 undertook not to link Schleswig more closely to Denmark than to Holstein.

71 Ibid. p. 245.
73 Encyclopaedia Britannica, op. cit. p.245.
By this time in the Danish rigsdag (legislature) there were three parties: the Conservatives, comprising most of the landowners and opponents of the 1849 constitution; the National Liberal Burgher party, which had carried through the above constitution; and the left, including the Peasants and the Friends of the Peasants, who campaigned for continued land reform. The point here is that the Conservatives were in favour of restricting the June 1849 constitution as much as possible, so as to fulfil the guarantee to Prussia ‘by creating a conservative joint constitution for the whole kingdom, with a joint rigsraad in which the Holstein landowners should also be represented’.\(^74\) When such a constitution came into existence in 1855, the Holsteiners refused to meet in a joint sitting of the rigsraad. The National Liberals returned to power after 1857 with Carl Christian Hall as prime minister, who abolished the joint constitution for Holstein on 18 November 1863. He prevailed on the new king, Christian IX (1863-1906), to sign a new constitution for Denmark and Schleswig. Prussia and Austria intervened as upholders of the 1852 protocol, by waging war with Denmark. The outcomes of two brief campaigns resulted in the treaty of Vienna in 1864 when Christian IX surrendered his claims in Schleswig, Holstein, Lauenburg and Danish North Schleswig to the Emperor of Austria and the King of Prussia. After the Austro-Prussian War in 1866, these territories became a part of Prussia. The treaty of Prague in 1866 provided that North Schleswig should be reunited with Denmark on the condition if the majority of the population freely voted for such an outcome. However, in 1878 Prussia and Austria agreed to cancel the article.

\(^74\) Ibid.
As the threat of World War I loomed, the Danish government began to consider its policy in such an event. Despite Denmark's determination to remain neutral, Germany remained suspicious. On 28 July 1914, the German Minister in Copenhagen, Count Brockdorff-Rantzau warned Denmark of any military preparations would lead to reprisals.

Certainly, a detailed history of Denmark is not necessary for this study. But it is of note that the encyclopaedic source used in this study thus far refers to the above conflict as 'The Schleswig-(Holstein) [sic] Question' in two instances. The second reference found in the Encyclopaedia Britannica deals with period 1918-24. In this instance, after the defeat of Germany in World War I, it seemed that it was possible for the return of (a part at least) Schleswig to Denmark. The Schleswiger representative in the German parliament, H.P. Hanssen, wanted only where those parts where the majority of the population was unquestionably Danish to return to Denmark. Hanssen suggested a plebiscite in the northern zone of Schleswig, but Danish popular opinion wanted the city of Flensburg, as well as the whole province of Schleswig be returned to Denmark.

Moreover, Hanssen had raised the question of self-determination for the Danes in Schleswig in the German Reichstag in October 1918. Thus, in brief it can be said that in a similar situation to the Sorbs of Lusatia, the Danish government appealed to the victorious Allied powers at Versailles for at least, the recognition of an ethnic minority located in German territory. As it happened, under the Versailles Treaty a plebiscite took place in two zones. The first occurred on 10 February 1920 in zone 1,

---
75 Birch, J.H.S., Denmark in History, op. cit 391.
76 Ibid. p. 392.
the province of Schleswig. The first zone voted as an entity, and the second zone in Flensburg voted on a community-by-community basis. The results of this plebiscite (first zone) were approximately 75,000 votes cast for Denmark and 25,000 for Germany, and on 14 March with regards to the second zone, there were 52,000 for Germany and 13,000 for Denmark. In brief, the frontier was drawn as close to the nationality line as possible, and in June the constitution was amended, thus incorporating North Schleswig into Denmark.

The rise of Hitler's power concerned the Danes, as they felt that the Germans would raise the issue of North Schleswig. In the 1930s, the German minority in this province became agitated, and its representative in the folketing (part of the legislature) raised the question of reunion with Germany. The Danish government tried to satisfy the German speaking population. Moreover, in May 1939 Germany proposed a nonaggression treaty, which Denmark accepted, as it understood that it could not withstand an attack, thus proclaiming neutrality as in 1914. Despite Denmark's neutrality, in January 1940 Hitler gave orders to occupy Norway, with Denmark as the vital passage.

In brief, the attack on Denmark began as planned on 9 April 1940. The king urged the people to maintain order and avoid conflict with German troops, but passive resistance began to increase, especially when the Minister of Trade, Christmas Møller was the first politician to express antagonism against the conqueror. In the autumn of 1940, a Nazi-infiltrated farmer's group, as well as some industrialists and rightists attempted unsuccessfully to force a change of government. Moreover, in November

77 Encyclopaedia Britannica, op. cit pp. 246-247.
78 Ibid. p. 249.
the Nazis under the leadership of F. Clausen attempted a coup, which failed. As the *Encyclopaedia Britannica* puts it, 'from beginning of 1941 the Germans increased their efforts to absorb Denmark into “the new Europe”'.

At the same time, the Communists were sympathetic towards the occupation, but when Germany attacked Russia, they were arrested, interned and the party was made illegal. Interestingly, with the official approval of Foreign Affairs Minister, Erik Scavenius, Danish volunteers joined *Frikorps Danmark*, to participate in the war on the eastern front. Yet, when *Frikorps Danmark* returned home on leave, clashes broke out between citizens and soldiers, because the population considered them as traitors.

In brief, the German occupation began as a “peaceful occupation”, but as the war continued, the mood changed and resistance began to increase, partly due to “occupation fatigue”, and partly due to the German defeats at the fronts at the end of 1942. When Germany was defeated, all German troops surrendered to the British forces on 5 May 1945, except for those stationed on the island of Bornholm, which lay within the Soviet theatre of operations. The war and occupation cost about 7,000 lives.

---

79 Ibid.
80 Ibid. It is interesting to note here that Scavenius was accused by many of a pro-German attitude during World War I. Ibid. p. 248. Also, it is of further note how sympathies change according to climate of the prevailing international relations or politics at any time. For instance, when Russia attacked Finland in 1940, Denmark’s sympathy lay with the latter. Danish volunteers joined in the war to support Finland. Medical and other supplies were sent. As noted above, the Communists’ benevolent attitude toward the German occupation of Denmark later changed to participation in combat against Germany in Russia. Ibid. In a sense, a similar phenomenon occurred with the Sorbs, that is, Sorbian soldiers in the German *Wehrmacht* as well as the Nazi Party. At the end of the war, as noted previously, the Sorbs welcomed the Soviet forces as liberators. It is suggested here that the will for survival, individual as well as collective, was an overriding factor, rather than political allegiances in many instances.
5.3 Identity shift

In the developments after 1945, many ‘German-minded people [thus] undertook an identity shift from German to Danish’.\textsuperscript{82} The reasons for this process were mainly attributed to the legacy of the Nazi regime, and partly because of ‘hopes and ambitions for a better life in the Danish cultural circle’.\textsuperscript{83} Also, the autochthonous German population perceived German refugees, who came to Schleswig-Holstein from the former German parts of Eastern Europe, as ‘absolutely alien and different’.\textsuperscript{84} This phenomenon resonates with a similar situation experienced by autochthonous Germans in the former East Germany during the same time when German refugees (or expellees) from Eastern Europe settled in Lausitz. (See below).

According to Kühl, ‘a considerable identity shift process took place among more than 100,000 former Germans, who in 1945 and 1946 totally changed their declared identity’.\textsuperscript{85} In other words, they decided that they would become Danish, rather than stay with their original German identity and culture. In May 1945, at the end of World War II, there were only 442 pupils left in Danish schools in South Schleswig.\textsuperscript{86} This figure grew to 12,495 in 1947, when the Danish minority school system was

\textsuperscript{83} Ibid.
\textsuperscript{84} Ibid.
\textsuperscript{85} Ibid. Kühl also notes that the size of the Danish minority ‘grew exponentially from 6,000 Danes in May 1945 to more than 120,000 the following year’. The membership of the main organisation of the Danish minority, the Sydtslesvig Forening (the South Schleswig Association), grew from about 2,700 in 1945 to 74, 683 in 1948, but in 1998 the Sydtslesvig Forening had approximately 16,000 enlisted members. Ibid. p. 14. Writers such as Kühl loosely use the terms ‘Danish minority’ to refer to the Danish-speaking minority across the Danish-German border residing in Germany. This area is also referred to as South Schleswig, and the region across the border in Denmark is referred to as North Schleswig. The field survey (see Appendices) that complements this chapter refers to Schleswig, although today the Land is Schleswig-Holstein in the FRG.
\textsuperscript{86} Ibid.
developed and extended'. The number of schools increased from nine in 1945, to 51 in 1947, with the new schools becoming 'the foundations of the construction and institutionalisation of the Danish minority all over South Schleswig'.

In 1948, the Danish-speaking minority in Germany also founded its own political party, the Sydslesvig Vælgerforening (SSW). The reason for this was not so much to pursue separate political action. Rather, the British occupation forces in Schleswig-Holstein urged the creation of a separate Danish (and Frisian) party that could 'participate in the political process and elections instead of the Sydslesvig Forening', which was primarily a cultural organisation. The Sydslesvig Forening had also contested the ballot as well, and with large success. Thus, the ethnic structure in South Schleswig had markedly changed.

5.3.1 The "New Danes"

Kühl notes that the new members of the minority were characterised by their Danish-oriented motives or political ambitions, which meant that they were 'going towards a territorial unification with Denmark'. However, the German majority regarded the "New Danes" as national traitors, and called them Speckdänen (Bacon-Danes) because they were accused of being a group who joined the Danish minority for materialistic or selfish reasons, as Germany was devastated due to the war.
Interestingly, the ‘New Danes’ were politically influential in the SSW, while the “old” Danish minority, together with the teachers sent from Denmark dominated the cultural organisations and the schools.\textsuperscript{93} When it became apparent that the borders and territories of Denmark and Germany would remain unchanged, many of the “New Danes” lost interest in the Danish movement. Moreover, they returned to their previous German orientation, and in some cases actively opposed the Danish minority.\textsuperscript{94} Although a large proportion of “New Danes” remained in the Danish minority, in the 1950s its size was reduced to approximately 50,000 persons.\textsuperscript{95} In brief, the Danish minority insulated itself from the surrounding German population, which also included conscious segregation, and strong anti-Danish sentiments from the German side.\textsuperscript{96} Moreover, large parts of the German majority questioned and criticised the “honesty of the national identity” of the “New Danes”, which among other factors, led to conflictual tensions between Danes and Germans in Schleswig-Holstein in the first decade after the war.\textsuperscript{97}

\textbf{5.3.2 The Plebiscites of 1920}

One of the outcomes of the Peace Treaty of Versailles of July 1919, among others, was that under Chapter XXII the northern and central parts of the former Duchy of Schleswig had to be divided into two plebiscite zones. Like a number of border areas in the former German and Austro-Hungarian Empires, it was decided that the population of these zones — had a right to practice their right of self-determination to decide democratically on the national status of the territory. The first plebiscite took

\textsuperscript{93} Ibid. p. 17.
\textsuperscript{94} Ibid.
\textsuperscript{95} Ibid.
\textsuperscript{96} Ibid.
\textsuperscript{97} Ibid.
place on 10 February 1920, in the zone, which consisted of the Northern part of Schleswig. The result showed a distinct majority of the votes for reunification with Denmark. In other words, 74.9 per cent of the voters (75,431 votes) decided for Denmark, and 25.1 per cent (25,239 votes) wanted to stay with Germany. However, it should be noted that the voting in a number of cities like Aabrenaa, Sønderborg and Tønder, as well as some municipalities showed clear majorities for Germany. The second plebiscite took place on 10 March 1920 in the zone, which consisted of the central part of Schleswig, and included the main city of Flensburg. In this instance, the result showed a distinct preference for Germany, with 80.2 per cent of the voters (51,724 votes) opted for remaining inside Germany, while 19.8 per cent (12,800 votes) wanted to join the first zone in the reunification with Denmark. In brief, as a result of the populations’ self-determination, the borderline between Denmark and Germany was formed and still exists.

However, since the plebiscites of 1920, the borderline between Germany and Denmark has been challenged several times. For instance, in the 1920s and 1930s the border drawing was ‘especially challenged by the new German minority in Denmark’. Moreover, to the frustration of the elite inside the German minority, Hitler ‘at no point seriously considered to push the border further North’, but rather, in 1940 all of Denmark was occupied by Germany. After the defeat of Germany in 1945, the Danish minority, as well a large segment of the German

98 Ibid. p. 10.
99 Ibid. p. 11.
100 Ibid. In this instance, Kühl points out that in the first plebiscite, the voting took place on the basis of a voting ‘en bloc’, while in the second plebiscite or zone, the voting took place on a municipality by municipality basis, and ‘thus created the possibility, that communities with a Danish majority would join Denmark’. As it happened, there was no majority for Denmark in any of the voting districts. Ibid. p.11.
101 Ibid. As Kühl states here, with regards to challenging borderlines there was no difference between the Germans in Denmark or the ethnic Germans in Poland, Czechoslovakia and elsewhere. Ibid.
autochthonous population in the southern part of Schleswig 'expected that the suddenly urgent "South Schleswig Question" would be solved by displacing the border towards the South'.\textsuperscript{103} To the surprise of the Danish minority, and also for parts of the German majority, a border change did not take place.\textsuperscript{104} According to Kühl,

> Denmark had no interest at all in a border change which consequently would lead to the formation of a manifold larger German minority that, over a period in which Germany would re-emerge as an important international actor, would once again give reason to a long-during border conflict and tensions between the two states.\textsuperscript{105}

Despite the high hopes held by the Danish minority that there would be a border change, it was some ten years after the end of the war that the Danish minority came to terms with territorial and political realities.\textsuperscript{106} Moreover, the German minority in Denmark distanced itself from its territorial ambitions. Instead, a newly formed elite among the German minority declared its loyalty to Denmark, and accepted the existing border, and thus allowed for reconciliation with the Danes.\textsuperscript{107}

By remaining with Kühl's study, it is noted here that the two respective ethnic groups treated each other with mutual suspicion. This suspicion for instance, included fears by the German majority group in Schleswig-Holstein, that due to the extensive Danish

\textsuperscript{103} Ibid. p. 12.  
\textsuperscript{104} Ibid.  
\textsuperscript{105} Ibid.  
\textsuperscript{106} Ibid.  
\textsuperscript{107} Ibid. pp. 12-13.
activities, they were ‘aiming at a revision of the borderline as a separatist movement in the first post-war years’.108 (Emphasis added).

However, in September 1949, the state government in Kiel issued a declaration ‘guaranteeing the rights of the Danish minority, recognizing and emphasizing the right of the individual to choose his own national affiliation’.109 But the relationship between Danes and Germans was strained and with discrimination occurring on both sides of the border. It can be said that the path to normalisation and integration was a difficult one, although when the Danish and West German governments ‘defined the rights of the minorities in the parallel declarations of Copenhagen and Bonn in 1955, the acceptance of the majorities was secured and the integration process could commence’.110

5.3.3 Continuing issues and resolution

Issues relating to political participation, education and recognition of full cultural autonomy continued. For instance, in 1954 the SSW made an appeal with the Federal German Constitutional Court for exemption from the five-per cent requirement in state elections in Schleswig-Holstein.111 It failed in this appeal. The SSW failed in the next elections in spite of a total of 42,000 votes, whereas in the previous year, the German minority’s SP won a seat in the Danish national parliament based on 9,700 votes.112

110 Ibid.
111 Ibid.
112 Ibid.
The Copenhagen-Bonn Declarations in 1955, in a sense re-affirmed the 1949 Kiel Declaration. One of the crucial principles that was agreed upon was: ‘Affiliation to Danish/German nationality and Danish/German culture is a free choice and may not be disputed or questioned by the authorities’, thus acknowledging ‘the individual’s rights to unrestricted and free identification’ with one’s national preference.\textsuperscript{113} Moreover, political participation also became a principle and exempted the SSW from ‘technical obstacles in statewide elections, thus enabling it to regain representation in the Schleswig-Holstein Landtag in 1958’.\textsuperscript{114} Although a resolution was achieved, this transformation was not instantaneous. It was the result of a long-term process of ‘mutual rapprochement and recognition, furthered and supported by the governments on both sides’.\textsuperscript{115}

5.4 The Frisians: A brief background

The Frisians can be subdivided into three groups: West Frisian, East Frisian and North Frisian.\textsuperscript{116} For the purposes of this study the focus will be on the North Frisians who have lived in Schleswig-Holstein for at least a thousand years. Interestingly, the land that they conquered on the northwest coastline is today the state of Schleswig-Holstein, but initially it was called Small Frisia (or Frisia minor) and later named North Frisia. Moreover, a North Frisian state never existed nor ever was it a goal.\textsuperscript{117} Thus, unlike the two other minorities in the region, the Danish in South and the

\textsuperscript{113} Ibid. pp. 18-19.
\textsuperscript{114} Ibid. p. 19.
\textsuperscript{115} Ibid.
\textsuperscript{116} The Frisian Islands are a low lying island chain which extends from Den Helder in the northwest of the Netherlands, eastward along the Dutch and German coasts as far as the Elbe, and then sharply north along the coast of Schleswig-Holstein and the southern part of the Jutland coast of Denmark. The West Frisian Islands belong to the Netherlands and the East Frisian (in German Ostfriesische Inseln) group belongs to Germany, extending from the Ems estuary to that of the Elbe. The North Frisian group (in German Nordfriesische Inseln) are divided between Germany and Denmark, located at Trischen, north of the Elbe estuary, northward along the coasts of Schleswig-Holstein and the Jutland peninsula to Fano near the Danish port of Esbjerg.
Germans in North Schleswig, the North Frisians cannot draw upon the support of a *kin-state*. (This is an important point in a comparative analysis of ethnic minorities because it contrastingly resonates with the situation of the Sorbs of Lusatia (Lausitz), and it will receive further examination below).

Certain parts of North Frisia, however, had strong self-administration until the middle of the mid-nineteenth-century, and it was only in 1970, the North Frisian areas were joined under the same peak administration body, except the island of Helgoland. Again, as noted in previous instances above, a significant number of immigrants came from the eastern parts of Germany in the years after 1945. Thus it seems to be a *pattern* of post-war change in ethnic composition of the areas, which is just one aspect of this study.

The first book written in the Frisian language was published in 1809. Interestingly, a number of Frisians considered themselves to be neither German nor Danish, but Frisian.¹¹⁸ For instance Christian Feddersen (1786-1874), wrote *"Fünf Worte an die Nordfriesen"* (Five statements to the North Frisians) in 1842 intended for an independent Frisian movement. During the same period, the old Duchy of Schleswig-Holstein witnessed the emergence of Danish-German dualism, which in this instance meant that 'neither the Germans of Schleswig-Holstein nor the Danes in favour of a Denmark stretching to the river Eider were interested in a separate Frisian consciousness'.¹¹⁹ In 1864, however, North Frisia’s connection with Denmark ended and the whole region became a part of Germany for the first time.

---

¹¹⁹ Ibid.
Feddersen was one of a few however; who held an independent position as most North Frisians sided with the Germans, adopted German national identity, and became fully integrated into the political, intellectual, economical and social developments and structures of Germany.\textsuperscript{120} The above was vindicated by the establishment of the \textit{Nordfriesischer Verein für Heimatkunde und Heimatliebe} in 1902, which was the first homeland association (\textit{Heimatverein}) for the whole of North Frisia that also sided with the German fatherland.\textsuperscript{121}

5. 4.1 German Frisians and national Frisians

It is interesting to note here, that the North Frisians in \textit{historical} terms identified with a German political and cultural identity, compared with the Danish and Sorbian minority. However, after the defeat of Germany during World War I, the Danish-German conflict returned to the North Frisian arena. The Treaty of Versailles foresaw a referendum to decide which part of the territory should remain with Germany, or become a part of Denmark. Interestingly, many people saw North Frisia as "pure" German because they had chosen freely to take on the German language and culture up until this time. But the common opinion changed at this point when a national movement emerged during the time of the referendum and regarded the Frisians as an \textit{independent people because of their language and their culture}. Moreover, North Frisians were colonised by a German superior class (\textit{Herrenschicht}), which attributed to the loss of their identity. Now they believed that is was necessary to break free of German suppression.

\textsuperscript{120} Ibid. p. 27. As noted by Teebken and Christiansen, the first Frisian local association was formed in 1879 and claimed, "We carry a free, pious and pure German heart in a Frisian robe". The Original read: "Wir wollen im frisischen Gewande tragen ein deutsch ehrlich fromm und freies Herz !" Ibid. p. 27.

\textsuperscript{121} Ibid.
However, the position of the Frisian national association *Friesisch-Schleswigscher Verein* that was formed in 1923 (today it is know as the *Foriining for nationale Frieske*) was not always clear. For instance on the one hand it cooperated with the Danish minority, which gave the impression that the organisation was representing Danish, not Frisians interests. On the other hand, the national Frisians tried to achieve formal recognition of the North Frisians as a national minority, and ‘pursued membership of the European congress [sic] of Nationalities’. Moreover, German politicians in the 1920s wanted to push the Danish-German border as far north as possible and regarded the Frisian problem as a hindrance. In addition, in 1926, the *Nordfriesischer Verein* made the following statements:

> We North Frisians are German minded. For centuries, we have felt connected to Schleswig-Holstein and German culture. Within this framework, we want to keep our special identity. We wish that our language is taken care of in the area where Frisian is spoken. We do not agree on being seen as a national minority.

As it happened, an overwhelming majority of North Frisians declared themselves members of the German people, but amidst the borderland conflict, ‘abstained from the possibility of being recognised as an independent group’. Thus during the Nazi period, the North Frisians were forced into the policy of *Gleichschaltung* (coordination), whilst the national Frisians had no possibility to represent themselves.

---

122 Ibid. p. 28.
123 Ibid.
124 Ibid.
125 Ibid.
126 Ibid. According to Teebken and Christiansen, over 13,000 North Frisians signed the *Bohmstedter Richtlinien* (Bohmstedt Guidelines), named after the village where the North Frisian Association made the above declaration.
127 Ibid.
The post-war period saw the pro-Danish movement, which comprised of half of the North Frisian inhabitants. In 1948 the *Verein Nordfriesisches Institut* (Association for the North Frisian Institute) was founded. It was not until Danish-German relations relaxed in the mid 1960s when the above also lessened tensions in North Frisia.\footnote{Ibid}

5.5 Roma and Sinti minorities

The history of the Roma and Sinti is difficult to reconstruct as the Roma and the Sinti themselves have not left any written sources. However a *linguistic* study by Grierson links the European Gypsy to tribes in the extreme northwest of India, particularly the Dom.\footnote{Van Baalen, H., "The Position of the Roma and Sinti in an Integrating Europe: Rethinking National Identity", in *Liberal International*, The Hague, 14 July 2000, p. 8. The term ‘gypsies’ is now considered to be politically incorrect, but it is the name given by other ethnic groups. For instance, in Ireland ‘gypsies’ were referred to as ‘tinkers’, because of their work associated with metal cookware and so on. Nowadays they are referred to as ‘itinerants’. The media and the Roma in Contemporary Europe: Facts and Fictions, A Note on Terminology, *Projects on Ethnic Relations*. The following is cited as found in the original source. Gypsy is an English term used to denote ethnic groups formed by the dispersal of commercial, nomadic, and other groups from within India beginning in the tenth century, and their mixing with European and other groups during their diasporas. The term Gypsy and several European variants of Tsigan are considered by many to be pejorative. Rom refers to a member of the group. Roma refers to a plurality of members and to the group as a whole. Romani refers to the language spoken by the Roma. It is also used as an adjective. Sinti refers to long-established Gypsies in Germany. Gadje is the term used by the Roma when referring to a non-Rom. <http://www.per-usa.org/rommedia.htm>. Sighted 13 July 2004.} (Emphasis added). Rom(a) is the name the Eastern European ‘Gypsies’ call themselves.

At the time of writing, there existed some confusion about the names ‘Roma’ and ‘Sinti’, notwithstanding some unconfirmed information concerning the change to simply ‘Roma’. The following discussion will avoid using the above terms interchangeably, except where referenced documentation is cited as ‘Roma/Sinti’. For the purposes of this study, ‘Roma’ refers to the Roma in Germany, notwithstanding
the stipulation that ‘Sinti’ can also refer to the Roma people in Germany, as noted in
the footnote below.

Professor Ian Hancock provides another explanation for their (the Roma) departure
from India. According to Hancock,

The ancestors of the present-day Roma population were a
conglomerate of non-Aryan peoples brought together as a military
force known as the Rajputs, who left India during the first two
decades of the 11th century as they pushed back the Muslim troops of
Mohammed Ghanzi.\textsuperscript{130}

In any event, ‘Gypsies’ migrated between the 9th and 14th century from India, through
Persia to Europe and by the 16th century the ‘Gypsies’ were found in almost every
European country. As Baalen notes, the first documents commenting on the arrival of
these dark-haired, dark-skinned travellers ‘called Atsinganos (Greece), Tsiganes
(France), Zigeuner (Germany, the Netherlands)... Gitanos (Spain) and Gypsies
(United Kingdom) are from the 14th and 15th century’.\textsuperscript{131} It should be noted however,
that the ‘Gypsies’ are no longer a culturally homogenous group. They have become ‘a
mosaic of different cultures’, which lead to the replacement of the word Gypsy with
the word Roma.\textsuperscript{132} Moreover, the replacement of the word Gypsy or Zigeuner, with
the word Roma is controversial because it is a denial of their specific interests and
culture.\textsuperscript{133} Instead, they regard themselves as German Sinti or Spanish Kalé and resist
the enforcement of a European Roman identity.\textsuperscript{134}

\textsuperscript{130} Ibid. p. 9.
\textsuperscript{131} Ibid. p. 10.
\textsuperscript{132} Ibid. p. 12.
\textsuperscript{133} Ibid.
\textsuperscript{134} Ibid.
Romany (or Romani) is the language of those people belonging to the traditional and indigenous minority of German Sinti and Roma, and it is different from the Romany languages spoken in other European states. The Roma are mainly located in the capital towns of the older German federal state, such as Berlin, as well as those of Hamburg, Düsseldorf, and Cologne and in the industrial centres of the Rhine-Ruhr, Rhine-Main and Rhine-Neckar. The number of German Sinti and Roma with German citizenship is estimated at 70,000.

During World War II the Roma and the Sinti were along with the Jews threatened with extermination by the Nazis in Western, Central and Eastern Europe. In brief, the Roma have been marginalised and have endured anti-Roma policies, such as assimilation and discrimination entrenched in law. Although some positive measures can be observed on the part of some authorities in some States, 'the overall picture is one of extreme alienation of Europe-wide under-class'. For now, it is sufficient to say that in comparison to the Sorbian and the Danish-speaking minorities in Germany, the Roma minority does not enjoy the same benefits as the two mentioned ethnic counterparts. A more detailed analysis of assessing the minorities policy in Germany will be taken up later in this chapter and in Chapter Six.

---

136 Ibid. p. 3.
137 Ibid. According to Baalen's report noted above, the number of German Sinti and Roma is estimated at about 90,000. Moreover, 'the reluctance of many Roma and Sinti to declare themselves as such, because of the stigma attached to the name, accounts for the fact that census figures for 'Gypsies' are often understated'. Baalen, H., op. cit. p.9.
Part III

5.6 Assessing the Minorities Policies in Germany

The following discussion introduces an analysis of the legislation or legal instruments, which are concerned with the rights of national minorities, in the context of the potential of their survival. Put another way, by instruments it is meant how national and regional institutions such as the Council of Europe can prescribe legislation to ensure cultural and language survival within the ethnic (national) minorities of Europe.

Under the rubric of the maintenance of culture and language of these minorities, there also exists the concept of rights of the national minorities. Certainly, it is possible to simply regard the term 'rights' as broad political or legal implementation. But in this context the maintenance of ethnic (minority) culture and language needs to be viewed as a political phenomenon. Not only does the question/issue of minority rights involve budgetary allocation or obligation to ethnic groups in order to maintain their culture and language within the boundaries of States, but also it extends to state intervention in the majority-minority polemic. The above can be extrapolated to include the concept of human rights. In brief, the above also embraces the polemic of ethnic homogeneity versus heterogeneity. Moreover, a State's adherence to these universal conventions, can be either directly, or indirectly manifestations of upholding a liberal democratic, pluralistic and multicultural arrangement or society.

However, the maintenance of an ethnic or national minority's culture and language does not translate into simply a matter of monetary allocation by a State government.
In brief, it means the implementation of an acceptable policy, which includes support for schools/language education, the media, cultural institutions and a dialogue between the representatives of an ethnic group and the centre. In the case of Germany, it is the Bundestag.

To begin with, one should provide an outline of the mechanisms that are in place, such as the United Nations *Universal Declaration of Human Rights* (UDHR) of 1948, with its 30 Articles, has become the accepted and authoritative statement of human rights for the whole world. Since 1948, the international community has adopted two important Covenants — *the International Covenant on Civil and Political Rights* (ICCPR) and *the International Covenant on Economic, Social and Cultural Rights* (ICESCR). At a national level, Germany has its Basic Law, which among other things guarantees the protection of human dignity, rights of liberty, equality before the law, freedom of faith and association. Moreover, the Council of Europe, acts as a supra-national body, which has in place the *Framework Convention for the Protection of National Minorities* (FCPNM) and the *European Charter for Regional or Minority Languages* (ECRML), which embodies rules for the protection of national minorities. Germany ratified the above in 1992. Furthermore, the constitutional framework of the respective Länder (states), such as Saxony, Brandenburg and Schleswig-Holstein need to be examined. The above are an integral part of Germany's federal system of government, which as a State has a legal personality in terms of international law. In addition, the Council of Europe evaluates whether the respective legislative and administrative bodies consider themselves to have met the obligations that are required by the two above Conventions.
In order to measure the extent or effectiveness of Germany’s minorities policy, one must rely on official documentation provided by the Council of Europe and the responses provided by the Federal German government. Certainly, the author’s research will come into focus later in this chapter. In brief, it is a test of whether the rhetoric on the minorities policy of a government coincides with the evidence found in the daily life of an ethnic community.

5.6.1 The United Nations Charter

As early as 1947, the United Nations (UN) founded a Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Its aim was and continues to ensure equal access to the universal human rights for every human being. However, the point of the following discussion is about human rights in the context of minorities, rather than specific issues such as torture or the right to vote. Although the UN’s UDHR of 1948 emphasises individual rights, ‘the article on the Right to Self-determination does have a collective character’. Thus for present purposes, Anaya for instance claims that many modern day minorities regard themselves as ‘culturally distinctive groups indigenous to the territories of independent states that have been constructed around them’. Consequently they define themselves as indigenous peoples or nations.

However, it seems that resolution of the extent of the exercise of the right of self-determination has been a vexed issue in the international community, as armed
conflict is often used as a means to resolve claims arising from the right. Hence, the international community has devised legal instruments to protect minorities. The following legal instruments are in a sense derivative of the UDHR. Moreover, there is an overlap between the UDHR and the guarantee of the rights to self-determination of all peoples.\textsuperscript{141} Thus, in 1992, the UN Declaration on Rights of Persons belonging to national, religious and linguistic minorities reinforced the understanding of international rights. This document together with the \textit{UN Declaration on the Rights of Indigenous Peoples} of 1993 made ‘state governments actively concerned with the existence and promotion of minority identities’.\textsuperscript{142} In brief, the above is aimed at merely giving one the awareness of protective measures concerning national/ethnic minorities, and there is no intention to engage this analysis in a legal interpretation or case law.

5.6.2 European Convention on Human Rights (ECHR)

It is safe to say that one of the key themes (among others) and consequently a fundamental principle of the ECHR is that of equality before the law, and equal protection of the law. This in turn, under the Protocol Number 12 to the \textit{Convention for the Protection of Human Rights and Fundamental Freedoms} provides Article 1 (1), the General Prohibition of Discrimination, which states

\begin{enumerate}
\item The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, \textit{race}, colour, \textit{language}, religion, political or other opinion, \textit{national} or social
\end{enumerate}


\textsuperscript{142} Anaya, S.J., “Self-Determination as a Collective Human Right under Contemporary International Law”, op.cit p. 7.
origin, association with a *national minority*, property, birth or other status.

2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.\(^{143}\) (Emphases added).

However, having stated the above legislation, recent debate seems to argue rather differently. In other words, it points to the democratic problems of the EU, which are deficiencies summarised in part at least as ‘European citizens do not have rights, nor do they have the ability to make laws that affect them’.\(^{144}\) Indeed, the shortcomings of the EU are the subject of another study elsewhere, but it may be useful to keep in mind the deficiencies of the EU in terms of it being an influence in determining the language policy of ethnic minorities. In other words, it is fair to ask whether the EU, but more so, the Council of Europe is an effective instrument in promoting and maintaining the culture and language of ethnic/national minorities in this and the following chapter.

5.6.3 Council of Europe: European Treaties — *The European Charter for Regional or Minority Languages* (1992)

Representatives of ten states signed the Statute of the Council of Europe in May 1949. Article 1 of the Statute states that,

---

\(^{143}\) Council of Europe, Protocol Number 12 to the *Convention for the Protection of Human Rights and Fundamental Freedoms*, signed at Rome 4 November 1950, p. 34. Please note: a consensus by academics could not be reached on whether the above legal instruments should be italicised, or printed in ordinary font.

The aim of the Council of Europe is to achieve a greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.\textsuperscript{145}

For the purposes of this study, the above Charter defines the above Convention as,

A “regional or minority languages” means languages that are:
I traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population; and
II different from the official language(s) of that State;
It does not include either dialects of the official language(s) of the State or the languages of migrants;
B “territory in which the regional or minority language is used” means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
C “non-territorial languages” means languages used by nationals of the State which differ from the language or languages used by the rest of the State’s population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.\textsuperscript{146} (Emphases added).

The entire Charter’s document does not need to be reproduced here, (see Appendices) but the most salient points are contained in Article 7 (1) under the heading of ‘Objectives and principles’, which are

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles.

A the recognition of the regional or minority languages as an expression of cultural wealth;
B the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
C the need for resolute action to promote regional or minority languages in order to safeguard them;
D the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
E maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
F the provision of appropriate forms and means for the teaching and study of a regional or minority language at all appropriate stages;
G the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
H the promotion of study and research on regional or minority languages at universities or equivalent institutions;
I the promotion of appropriate types of transnational [sic] exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.¹⁴⁷ (Emphases added).

However, the Framework Convention does not contain any definition of the term “national minorities”.¹⁴⁸ Article 7 (1) of the Charter certainly sets the benchmark for the conduct of action or behaviour required by member States. The above obligations will be used throughout this assessment of Germany’s policy, here and in the next chapter concerning the Lusatian Sorbs.

Although the Framework Convention does not define the term “national minorities”, to be fair, it should be noted that Germany has taken the initiative to define the term

¹⁴⁷ Ibid.
¹⁴⁸ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Comments by the Federal Republic of Germany on the Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in the Federal Republic of Germany, 19 July 2002, p. 5. However, Germany has laid down an abstract definition of national minorities, which is not too dissimilar to that made by other Member States of the Council of Europe. Ibid.
as regards to the groups in question. It considers national minorities to be groups of
the population who meet the following five criteria.

...their members are German nationals; they differ from the majority
population insofar as they have their own language, culture and
history; in other words, they have their own identity; they wish to
maintain this identity; and they are traditionally resident in Germany;
and they live in the traditional settlement areas. 149 (Emphases added).

5.7 The Danish minority in Germany: The case of Schleswig-Holstein, a
constitutional guarantee or rhetoric?

To begin with, under the heading of 'Promotional Policy', the groups protected in
Germany under the Framework Convention

... differ in terms of their regional distribution, the given (minority)
language proficiency, the infrastructure which they have established
and maintained for cultural institutions and associations, and their
respective concepts for preserving their cultural and linguistic
identity. 150

Furthermore, the FRG maintains that each respective situation tied to the historical
development, has influenced the state promotion policies, as has the various financial
capacities of the Länder and the respective number of members of the national
minorities and ethnic groups in each Land. 151

Thus it seems that the FRG's policy is similar to a pro rata method of allocating its
resources for the protection of its minorities and their languages. In any event, for

149 Ibid.
under Article 25, paragraph 1, of the Council of Europe's Framework Convention for the Protection of National
Minorities, p. 36.
151 Ibid.
present purposes it may be useful to cite the relevant part of the constitution for Schleswig-Holstein Article 5, paragraph 2, which states

The existence, in its own right, of the culture of national minorities and ethnic groups and their political participation are afforded protection by the Land, local governments and local authority associations. The national Danish minority and Frisian ethnic group are entitled to protection and promotion.\(^{152}\)

The above does not specify the nature and the extent of promotion and protection that the Land of Schleswig-Holstein is obliged to provide for the Danish minority and the Frisians. Thus it should be apparent that one cannot make a valid assessment of a policy based on a document such as a constitution, or part of, as noted in the above. By the same token, a document such as a constitution is not subject to the variations such as policy priorities, available resources, voter preferences and public opinion, to name but few.

The Advisory Committee set up under the Council of Europe’s Framework (hereafter referred to as the “Convention”) on 1 March 2002 submitted an Opinion to the Council of Europe’s Committee of Ministers on Germany’s implementation of the Convention. In other words the Advisory Committee serves as a mechanism to assess the achieved level of compliance with Germany’s obligations as a signatory to the Convention, and the situation of minorities in Germany. The umbrella organisations of the national minorities such as the SSV and SSW) were given the opportunity to express their views to the Opinion of the Advisory Committee.

\(^{152}\) Ibid.
5.7.1 The question of the media available in Schleswig-Holstein

Under Article 9 (1) of the Convention, not only does it stipulate the freedom of expression of every person belonging to a national minority, but also ‘persons belonging to a national minority are not discriminated against in their access to the media’. In particular, Article 9 (2) states that it ‘shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises’. The Advisory Committee in its findings claims that apart from a pilot project, ‘no television programmes are produced in Germany for the Danish minority, and only one private radio station in Schleswig-Holstein broadcasts a daily news programme in Danish’, despite a keen interest in such programmes among the Danish community. Thus the Advisory Committee made the recommendation that...

... the competent authorities should re-examine the Danish minority’s needs in terms of radio and television programmes and the possibility of supporting the creation of programmes aimed specially at this minority.

For present purposes, the German response to the above Committee’s claim was that ‘responsibility for programme-related issues does not lie with the authorities, but with the broadcasting corporations themselves’. In brief, the FRG claims that it is the responsibility of the latter (broadcasting enterprises) to implement the principles of media diversity, which in this instance would mean providing programmes for the

154 Ibid.
156 Ibid. Further to this point the Federal German government argues that, ‘the rule of governmental non-intervention in broadcasting means that broadcasting organizations themselves, not the Government, decide on broadcasting programme materials’. Ibid.
157 Ibid.
Danish minority. This is an interesting point in that under the rubric of free choice, or freedom of speech, or more precisely the freedom of a corporate enterprise to operate according to ‘market forces’ in the media industry, State intervention (here the FRG) may be seen as a contradiction to the concept of liberty. But at the same time, this presents a dilemma in terms of trying to uphold the ideals of pluralism and multiculturalism.

However, the argument does not close here. Again, in order to present a balanced case here, in its response to the Advisory Committee the German government claims that there are four “Open Channels” available in Schleswig-Holstein that give minorities an opportunity for airing programmes in Frisian, Danish or Lower German.¹⁵⁸ Moreover, the FRG states that they eligible for funding and /or production grants.¹⁵⁹

5.7.2 The Danish minority’s response

As alluded to in the above, the Danish umbrella organisations, the Sydslesvigsk Forening (SSF) and the Südschleswigscher Wählerverband (SSW) found the lack of a common definition of minorities regrettable.¹⁶⁰ Moreover, terms such as “national minorities”, “traditional minorities” or “autochthonous minorities” help toward a better understanding, but at the same time they require additional explanations and leave an opening to ‘unintended cultural and social differences’.¹⁶¹ In brief, the Danish organisations questioned that one of the German criteria is “that their members are German nationals” when members of the minority have declared their affiliation with

¹⁵⁸ Ibid. p. 15.
¹⁵⁹ Ibid.
¹⁶⁰ Ibid. p. 27.
¹⁶¹ Ibid.
the Danish minority. Also, the Danish representation claimed that there is a problem with the German criteria if their minority’s members’ affiliations are by marriage, or employment with the organisations and institutions of the Danish minority. Moreover, while it may be useful for the minority to have accurate figures regarding their size, there are difficulties with quantifying the size of the Danish minority (and others) due to the legacy of persecuting minorities during the Third Reich. Since World War II, there has been no official data collected on the number and identity of persons in Germany belonging to national minorities.

5.7.3 Financial support system

Other responses from the Danish minority include a criticism of the majority decisions resulting in the curtailment of grants provided by the Land (Schleswig-Holstein) in recent years. Financial support is primarily funded by the Schleswig-Holstein State, as well as by local governments, and with the smallest share from the Bund (Federation). Although the Danish minority acknowledges the funding provided by the Federal Commissioner for Cultural Affairs and the Media (BKM), it hopes that it will not have to rely on arbitrary financial support. One other issue that concerns the Danish minority regarding their funding, is that support of cultural activities are narrowly defined because of the differing conceptions of culture between the Federal Government in Berlin and Danish minority. That is, the Danish conception of culture is much broader in that under the rubric of culture, sports and church activities are

---

162 Ibid pp. 27-28
163 Ibid. p. 28, and p. 7.
164 Ibid. p. 28.
165 Ibid. p. 29. For instance, in 2001, the BKM provided 350,000 DM or deutschmark for alterations in the Danevirkegården Museum. The point here is, that the funding is entirely dependent on whether any appropriations go to the so-called Fuerwehrtopf (“fire-fighting”, or contingency, fund/reserve) and this in turn does not make funding continuous. In brief, funding is arbitrary, since it depends on the amounts flowing into the Fuerwehrtopf. Ibid.
interconnected and overlap. The above is explained by for instance, sport is not just
sport but rather it ‘is a person’s cultural opening up’ to ‘a wide range of cultural and
club-based activities’.

In brief, the Danish minority’s efforts in cultural policy are aimed at organising the
activities with greater flexibility and efficacy. It is appealing to the German Federal
Government to promote measures for minorities with promotional funds, and ‘to
simplify and clarify the financial support system for minority languages and
cultures’.

5.7.4 Contacts and exchanges with the German Bundestag

In the course of 2002, the Danish as well as the Sorbian, Frisian, Sinti and Roma
minorities as representatives of the four autochthonous minorities of the FRG, made
efforts to increase contacts (dialogue) and exchanges with the Bundestag and
Members of Parliament. Moreover, the minorities wanted to have an
institutionalised forum for dialogue and a regular presence at the Bundestag, as well
as continued efforts to formulate an Article on minorities for inclusion in the German
Basic Law. (The latter point will receive more detailed discussion in the next chapter
with particular reference to the Lusatian Sorbs). In brief, the minorities’ wishes
include participation with regard to legislative initiatives on minority-policy subjects
and also negotiations on, and monitoring of, the implementation of the Framework

---

166 Ibid.
167 Ibid. p. 30
168 Ibid. p. 31.
Convention for the Protection of National and of the Regional/Minority Language Charter.169

Hence, the above aspirations of the minorities return one to the concept of pluralism, particularly if one refers to Connolly's notion of providing 'a variety of agencies to appeal to in protecting one's interests and rights'.170 Surely, the above aspirations coincide with Connolly's partial definition of pluralism, even though there may be a democratic deficit at both the national and supra-national levels. Thus, the Danish minority’s political party, the SSW, furthers the aim of protecting one’s interests and rights, as well as occupying some democratic space within the German polity.

5.7.5 The Südschleswiger Wählerverband (SWW or the South Schleswig Voters’ Association)

Until 1948 the “South Schleswig Association” maintained the political representation of the Danish minority. As already mentioned previously, the SSW founded in 1948 is the party representing the Danish and Frisian minorities in Schleswig-Holstein. Its precursor was the Südschleswiger Verein/Sydslesvigske Forening, or the South Schleswig League. As it happened, the SSW gained 9.3 per cent in the elections of 1947 (six seats), but in 2000, it won three seats, or 4.1 per cent of the votes.171 Although from the beginning the SSW was a regional political force, it abandoned the

169 Ibid.
For a more detailed account of the Südschleswiger Wählerverband’s electoral successes, voter patterns and performance since 1948, see Klatt, M., and Kuhl, J., SSW Mindretals- og regionalparti i Sydslesvig, (Flensborg: Danskcentralbibliotek, 1999), pp. 43-46. Although it is beyond the scope of this study, it should be borne in mind that the German minority in north Schleswig are represented by the organisation Bund deutscher Nordschleswiger (BdN) and the Schleswigsche Partei (SP).
idea of being a political party, and reduced its focus to purely minority questions. Moreover, the SSW claimed a ‘political responsibility for all issues in South-Schleswig and the policies in the state’, adopting the slogan of being the ‘regional alternative’. 172

Interestingly, the party initiated many policies that were originally abandoned by the German parties, but today they are accepted as solutions to the political problems in the region, including:

Structural economic policies for South-Schleswig, ecological policies, Scandinavian labour market policies, the strengthening of “alternative” energy sources and the refusal of atomic energy from the very beginning. Further “trademarks” of the SSW are solidarity-based social policies and a democratic educational policy — both inspired by the Scandinavian welfare states. 173

Thus, it should become apparent here that the SSW is a significant political actor in not only the issues related to ethnic-related issues concerning the Danish minority (and Frisians) in the region, but also issues that concern the collective well being of its constituents. It can be argued here that among other issues concerning the region, the SWW underpins the strength of the Danish minority’s identity, and the language policy that is implemented in order to maintain the minority’s culture and language. This markedly contrasts with the lack of political mobility of the Lusatian Sorbs and will receive further analysis in the following chapter.

173 Ibid. p. 3. For further details concerning the SSW’s policies, see Halbzeit-Bilanz: SSW im Schleswig-Holsteinischen Landtag 2000-2003, author and other publication details not cited.
5.7.6 Other Danish minority institutions

As noted above, educational institutions and the media play a vital role in maintaining an ethnic group's language and culture. For instance, the Dansk Centralbibliotek in Flensburg employs fifty-four fulltime staff, and its annual report the Dansk Centralbibliotek recorded a total (adult and children) of 589,215 library loans for the year 2002.\textsuperscript{174}

The Danish minority's newspaper, the Flensborg Avis in Schleswig-Holstein has a circulation figure of about 6,000 copies per day.\textsuperscript{175} There a number of other organisations such as sporting clubs and the main cultural organisation is the Sydslesvigsk Forening, with about 15,000 members.\textsuperscript{176} At the time of writing there were fifty-three Danish schools in Schleswig-Holstein, with some as few as twenty pupils, and one junior high schools with about one thousand students.\textsuperscript{177} The subjects taught in all the schools are in the Danish language, except of course the German language, which is taught as a second language.\textsuperscript{178}

Therefore, on the basis of comparing the above stated Danish minority to the Sorbs of Lusatia, who as aforementioned are approximately the same population size, the Danish minority has significantly greater advantages over the latter group. In brief, the overriding advantage held by the Danish minority group in terms of culture and language maintenance is that Denmark is a kin-state, which supports this minority.

\begin{footnotes}
\item[175] Interview with Jesper Bolund Nielsen, chief librarian at Dansk Centralbibliotek for Sydslesvig, Flensburg 22 July 2003. See Appendices for a transcript of this interview.
\item[176] Ibid.
\item[177] Ibid.
\item[178] Ibid.
\end{footnotes}
The current level of support is about for the said minority is about 60% from the Danish government, and 40% from the German government. (Check exact figure, Bund, Land and Besirke financial support).\(^{179}\)

5.8 A brief overview of the German Federal Government’s minorities policy: the Frisians and the Sinti/Roma

As noted above in the Danish minority’s experience, in order to make even a cursory assessment of the FRG’s policy concerning the Protection of National Minorities, where the Frisians, Roma and Sinti are concerned one needs to rely on the documentation presented by the Advisory Committee.

To begin with, the Friesenrat/Frasche Rädj–Sektion Nord e.V. (Frisian Council, Section North) makes some rather vague or rhetorical introductory comments. In other words, it simply states that it welcomes the efforts made by the FRG in implementing the Framework Convention. However, the Friesenrat states that

The cultural promotion of national minorities does not depend on their number or on the percentage of national minorities in relation to the total population figure; rather, such promotion first of all depends on the fact that a group, irrespective of its size and demographic composition, fulfils the criteria for its recognition as a national minority.\(^{180}\) (Emphasis added).

---

\(^ {179}\) In a statement in Flensborg Avis 10 January 2002 says Heide Simonis: Vi må dog erkende, at Danmark betaler mere til mindretallene i grænselandet end den tyske side. (We have to admit that Denmark pays more to minorities in the Border areas than Germany)

Further is a report from the Danish ministry of Education quoted for: “Den viser, at Danmark betaler over 60% af alle tilskud til mindretallene i grænselandet. (It shows, that Denmark pays about 60% of all contributions to the minorities in the Border area). The percentage of funding by the Danish and German governments noted above is re-iterated in email correspondence from Jesper Bolund Nielsen, 4 December 2003.

\(^ {180}\) Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, op. cit p. 32.
Certainly, *recognition* is important here, because it does not only mean a token gesture, uttered somewhere in the halls of power, but also a visible or practical implementation of this recognition. For the Frisians it means that conceivable measures in favour of the Frisian ethnic group ‘would be an extension of Frisian language instruction, bilingual signposting or a higher profile given to the Frisian language in the media’.\footnote{Ibid. pp. 32-33.} In fact, it is the latter point, the media, which is of some concern for the Frisian minority. According to the *Friesenrat*, ‘a weekly radio programme of only three minutes’ duration aired by the NDR at an unattractive broadcasting time does not suffice for fulfilling the aforementioned right to media services’.\footnote{Ibid. p. 33.}

Furthermore, in its submission to the Advisory Committee, the *Friesenrat* points out that, despite the fact that since 2000 the Bund has provided support for the Frisians, the funds provided are ‘not considered sufficient for promotion of the Frisian language and culture’.\footnote{Ibid.} Thus, in spite of a brief examination here, one senses the Frisian discontent about the limited efforts by the FRG in the promotion of Frisian ethnicity. This dissatisfaction is put more strongly by Jörgen Hahn who states that

> In recent years some things have been done in Germany to promote the minorities, but we are still far away from being able to consider the situation for the Frisians reasonable. On the contrary, the cultural and lingual diversity in North Frisia is being starved, as the state does not afford adequate support to foster the Frisian language. We risk cultural poverty that a Central European land is not worthy of. Thus the threat of lingual decimation has to be prevented.\footnote{Hahn, J.J., “Germany would today stand no chance of being admitted to the EU” in *FUEN-Now Actuel*, Number 78, 2001-12, p. 2. *FUEN* is the acronym for the Federal Union of European Nationalities.}
The title of the article here alone is an indication of the discontent expressed by Hahn on behalf of the Frisians. Moreover, the grievance of three minutes' of radio per week is also reiterated by Hahn, as well as no television programmes in the Frisian language, and Frisian lessons only in single classes and work groups — 'the last place in Europe'.\(^\text{185}\) In brief, this assessment of Germany's promotion of the Frisian culture and language appears to be far from satisfactory.

In the case of the Roma/Sinti minority, the Advisory Committee finds that 'substantial efforts need to be made to ensure the effective participation of the Roma/Sinti minority, particularly in economic, social and cultural life'.\(^\text{186}\) The FRG however, makes a counter-claim to the above by maintaining that in recent years it has implemented the Convention by holding regular conferences with representatives of the relevant Roma/Sinti organisations.\(^\text{187}\) Moreover, the Federal Government argues that it has established regional organisations and agencies at Land and local government levels. For instance, the Land of Lower Saxony has since 1983 appropriated funds for the Niedersächsische Beratungsstelle für Sinti und Roma e.V. (Lower Saxon Advice Centre for Sinti and Roma).

According to the FRG's response here, the Lower Saxon Advice Centre offers personal support and advice to the Sinti and Roma with the objective of helping them integrate into social, cultural and economic life.\(^\text{188}\) On the one hand this may be so, but on the other it seems that as a policy it is no different for any German citizen who

\(^\text{185}\) Ibid.
\(^\text{186}\) Ibid. p. 19. Although a distinction between Roma and Sinti has been made earlier in this chapter, the two terms are used here because in the Council of Europe documents concerning the above, the Advisory Committee refers to the Roma and Sinti, rather than the one term, Roma.
\(^\text{187}\) Ibid.
\(^\text{188}\) Ibid. p. 20.
may be in the process of rehabilitation or re-adjustment into mainstream society. Certainly, the aspect of compensation for those who suffered under the Nazi regime is important. But surely, this would be mainly relevant to an elderly population rather than a younger generation of Sinti and Roma. The claim of 'fostering the social and economic integration' of the Sinti and Roma by 'setting them up in [their] traditional trades'\(^{189}\) is not necessarily the same as cultural and language promotion and maintenance. To be fair however, the FRG maintains that it enhances the possibilities of education and vocational training for Sinti youth, and the provision of additional lessons with the 'aim of promoting the bilingual and social skills of Sinti youngsters'.\(^{190}\)

Finally, it is noteworthy that the Advisory Committee finds no evidence of rejection or attitudes of hostility by certain public authorities towards the national minority of German Sinti.\(^{191}\) This is not to say that the Sinti/Roma do not experience hostility or discrimination at a grass roots level. To be sure, the Advisory Committee finds that the German authorities openly recognise the importance of the problem, but at the same time make the differentiation between German nationals (Sinti) and Roma refugees (asylum seekers).\(^{192}\) In brief, the Opinion of the Advisory Committee states, 'As far as we know there have been no right-wing extremist or racist outrages against

\(^{189}\) Ibid.  
\(^{190}\) Ibid.  
\(^{191}\) Ibid. However, in an open letter to the German Chancellor dated 6 November 1996, the European Roma Rights Centre (hereafter ERRC), which monitors the human rights of the Roma, expressed its concern about pending deportations of Roma individuals to republics of the former Yugoslavia (Bosnia, Serbia and Montenegro). The Bosnian Roma population suffered war crimes similar to the rest of the population, but also the Roma were targeted on ethnic grounds and were systematically subjected to ethnic cleansing during the Balkan conflict between 1992 and 1995. The ERRC was concerned that Germany may be in violation of international law by not providing asylum, and it (the ERRC) referred to the claim by leading German politicians that "Germany is not a land of immigration", which fosters an 'anti-foreigner sentiment'. Thus, it is interesting to note here the contrast in domestic and foreign policy toward the same ethnic group. See "Open Letter to the German Government" in Roma Rights Quarterly, 6 November 1996, <http://www.errc.org/publications/letters/1996/ger-2.shtml>. Sighted 16 November 2003.  
\(^{192}\) Ibid. p. 43.
Moreover, the Sinti Allianz Deutschland (Sinti Alliance Germany or SAD) seems to have difficulty with the German criteria to define its national minorities. The SAD calls for further specification and that a distinction must be made, as

The Gypsies in Germany do not define themselves as a national minority, but rather, they see themselves as an independent ethnic group within the German people, who in addition to their German culture and language live and maintain the Sinti culture and language on an equal footing.\(^{194}\)

In general terms, it seems that the FRG is willing to ensure that German Gypsies can contribute to and participate in the shaping of policies, and file for promotional grants.\(^{195}\) However, despite these assertions, the Sinti/Roma representatives maintain that more could be done by the FRG. An illustration of the above is perhaps highlighted by the fact that the Sinti who are members of the SAD, refer to the radio programme “Radio Flora” in Lower Saxony, which is funded by the members themselves and is operated on a voluntary basis.\(^{196}\) There appears to be a similar situation noted above, to that of the Frisian radio programming.

Although it can be argued that there is the absence of oppression of the above national/ethnic minorities, it does not necessarily absolve the FRG from upholding a fair, just and acceptable form of pluralism. At the same time it seems that there are conflicting positions in regards to making a reasonably accurate assessment of the FRG’s policy on minorities and minority language. For instance, in 1993, the FRG

\(^{193}\) Ibid.

\(^{194}\) Ibid. p. 42.

\(^{195}\) Ibid. p. 43.

\(^{196}\) Ibid. p. 44. It is interesting to note that there is a discrepancy in terms of financial support between the SAD and the Zentralrat Deutscher Sinti und Roma (Central Council of German Sinti and Roma), in that the ‘SAD and its affiliated organisations are not offered any comparable facilities’. Ibid.
together with the Länder instituted various public-oriented measures such as the
Fairstândnis – Menschenwürde achten – Gegen Fremdenhass (Fairness and
Understanding for Human Dignity – Against Xenophobia and Racism), which
initiated six to eight seminars per year for assessing ‘the threats posed to the
democratic constitutional state by racism, xenophobia and other trends and other
factors’.

However, in the 1999 report by the FRG as already mentioned above, the
Central Council of German Sinti and Roma, complained that ‘there are still instances
of harassment by public authorities towards individual members of the minority’.

Perhaps one of the difficulties in assessing the German government’s policy towards
its minorities is that one needs to bear in mind changes that do occur over time. In
other words, what may have been relevant in 1993 or 1999 say, may have no validity
in 2001 when the Advisory Committee finds no evidence of say racist attacks or
harassment. By the same token, one needs to note that phenomena such as
discrimination, racial vilification and other maladaptive behaviour are usually a part
of the socialisation of generations after generations. Prejudices against ‘the other’, or
those who are different, and at the extreme racial hatreds do not disappear overnight.
However, government policies aimed at eradicating racial discrimination, such as the
Fairstândnis – Menschenwürde achten – Gegen Fremdenhass noted above need to be
acknowledged.

---

under Article 25, paragraph 1, of the Council of Europe’s Framework Convention for the Protection of National
Minorities, p. 52. The word ‘fair’ is used artificially here as part of the full word, whereby Verstândnis is the
German for ‘understanding’.

198 Ibid. p. 21.
5.9 Danish minorities policy and the German minority in Denmark

A comparative study of Danish and German minority and language policy could well occupy a separate project, but in order to complete the above investigation a brief analysis is needed. Denmark ratified the Council of Europe’s Framework Convention for the Protection of National Minorities on 22 September 1997. This ratification applies to the German minority in South Jutland. The European Charter for Regional or Minority Languages also embodies rules for the protection of national minorities, which was signed by Denmark on 5 November 1992. There is no official record of the size of the German minority in South Jutland, but it is estimated to be at about 15-20,000 people.199

Interestingly, Denmark has a “dualist” system under which international agreements to which Denmark becomes a party are not automatically incorporated into domestic law. But, it is not disputed that international law, including conventions, is a relevant source of law in Denmark. Moreover, other legal instruments that protect minorities in Denmark include the International Covenant on Civil and Political Rights and the European Convention on Human Rights. However, the notion of national minority is not defined in the Danish Constitution or in any other statute, even though the German minority in Denmark is protected by section 70 of the Danish Constitution. But in essence, the above refers to basic civil and political rights as aforementioned in this chapter.

Moreover, other Danish legal (protective) instruments concerning the German minority includes a Board for Ethnic Equality, and the Criminal Code for instance, is

---

supplemented by the Danish Act on Prohibition Against Discrimination Based on Race.\textsuperscript{200} Finally, Denmark claims that it has 'refrained from policies or practices aimed at assimilation of persons belonging to national minorities against their will'.\textsuperscript{201} This claim is significant in that it appears to contrast with for instance, the former GDR's energy policy (open-cast lignite mining) in the rural areas of Lusatia, in particular at Horno. It can be argued here, that the dislocation of the Sorbian rural population as a result of the lignite mining is a form of forced assimilation. There is still a certain amount of controversy surrounding the mining operations in Horno by private enterprise that have continued since German re-unification. (See following chapter).

In any event, by now it should be apparent that the obligations of a dominant ethnic group towards a national minority could be summarised under three broad categories: the media, language education and the funding of the above, as well as other cultural institutions. However, in order to maintain or implement the policies concerning the above, it is of paramount importance in a pluralistic/liberal democratic society that representatives of the national minority have access to dialogue with and participation in the centre's government.

The Radio and Television Broadcasting Act allows national minorities, 'in parity with all other citizens, ...scope to establish their own radio and TV stations'.\textsuperscript{202} In South Jutland, Radio Denmark (DR) and TV2 run "Radio Syd" and "TV Syd" respectively. The German minority is represented on the two networks' councils, and in

\textsuperscript{200} Ibid. p. 24.
\textsuperscript{201} Ibid. p. 20.
\textsuperscript{202} Ibid. p. 26.
conjunction with Norddeutschrundfunkt (NDR) in Kiel transmits a joint hour-long Danish/German programme, entitled "Hierher". The above seems to contrast with the radio programming allocated to the Roma/Sinti and Frisian minority populations in Germany, that is, three minutes in the case of "Radio Flora".

In other spheres of public life, Part II, paragraph 2, of the Copenhagen Declaration of 1955, establishes the use of the German language before the courts of law and administrative bodies ‘must comply with the relevant regulations set out in legislation’. In the 1997 local elections, the German minority’s party, the Schleswigsche Partei (SP) participated in all of South Jutland’s twenty-three local councils, winning one seat in the county council and a total of eight seats in six local councils.

5.10 Conclusion

Minorities have always existed and they will always continue to exist. Ethnic or national minorities can be either dominant or subordinate groups. The term ‘minorities’ is not only restricted to groups differentiated by race, colour or creed. In other words, there are minority groups in society such as the disabled, or those who are marginalised due to inequalities or social injustice, but remain as members of the same ethnic group.

203 Ibid. p. 28.
204 Ibid. p. 29.
205 Ibid. p. 41.
However, this chapter has concerned itself with ethnic/national minorities in Germany and Denmark as a basis for a comparative study with the Sorbian national minority in Germany, which will be this study's central hypothesis examined in the next chapter.

National minorities are the products of a historical process, which may include conquest (or colonisation) by a dominant power, usually another ethnic group, although peaceful unions have occurred whereby national minorities co-exist with the dominant ethnic group.

In any event, a theoretical perspective in this chapter has enabled one to understand the relationship between a minority and the dominant group or paradigm. For this reason it was necessary to outline the idealism found in a pluralist society, because in a contemporary context other concepts such as multiculturalism and cosmopolitanism share similar characteristics, in that there seems to be an ongoing tension between homogeneity and heterogeneity. In other words, a force, usually a combined global economic influence such as transnational companies, which may be influenced or aided by a superpower, erode at national-state sovereignty, which in turn can undermine an ethnic identity, and its language.206

At the same time governments, are found to be ambiguous here. On the one hand they may be seen to collaborate with transnational enterprises to promote the welfare of its citizens (employment, purchasing power and so on), but of the other hand they

---

espouse policies that accommodate cultural diversity, either as partisan rhetoric, or under the rubric of a document referred to as a constitution.

However, it should be said that in spite of appearing to be cynical here, supra-national governments such as the EU have instituted a number of legal instruments that serve to protect national minorities and their languages. Assessing the efficacy of these legal instruments, such as the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities in Germany for instance, is at times difficult. It is one thing to have legislation that protects national minorities in place, and pretend to adhere to the obligations of various treaties, but it is another when a minority group such as the Frisians, or the Roma/Sinti argue that more could be done by the Federal German Government to protect their interests, which includes language maintenance, and promotion through media outlets such as radio and television.

There is a sense that the Danish government may be more generous in its support of the German minority in South Jutland, but this is not the main scope of this chapter. Rather, it provides a baseline in the assessment of the German government and its policy towards the Sorbs of Lusatia in the following chapter.
6.0 Introduction

The fall of the Berlin Wall and the collapse of Communism in the GDR marked the end of a chapter in German history. In broad terms, the collapse of Communism in the remainder of the Soviet bloc, not only marked the beginning of democratisation in Eastern Europe, but it also impacted on the shape of global politics. It can also be argued here, that in another sense, it accelerated the process of globalisation.

In terms of militaristic and economic perspectives, the United States became the world’s only superpower. However, under the rubric of ‘accelerated globalisation’, it also meant that cultural and linguistic characteristics, such as those found in the process that is often termed as ‘McDonaldisation’, were to escalate in continental Europe as well as in other parts of the world. In brief, in this context the above process refers to the use of English as a global language. Thus, it is essential that this chapter will also include a detailed discussion about this phenomenon, with particular

---

reference to its impact on the German language, and if any, consequences for the Sorbian minority language.

In a speech to a crowd in Dresden on 19 December 1989 during his first official visit to East Germany, Chancellor Helmut Kohl stated, ‘My goal, when the historic hour allows it, is the unity of the nation’. Certainly, the idea of unity has an idealistic if not a pragmatic resonance, but what would this mean to the Sorbs of Lusatia, and how would this shape their future as an ethnic minority?

This chapter will examine the language policy concerning the Sorbs under a reunified and democratic Germany. The analysis in Chapter 4 provided an empirical basis for the implementation of a language policy under a distinctive and authoritarian regime (Marxist-Leninist), the GDR. Moreover, such an analysis needs to investigate the language policy for a minority group not only in the national context, but also within the context of supra-national arrangement, as that of the European Union (EU).

For the purposes of this study, a supra-national arrangement refers to ‘laws and institutions that are above the state’. In other words, the power and authority is not restricted to one state, but is allocated to a number of states which supersede the sovereign authority of individual states who are constituent members of the organisation involved.

---

In particular, this study will examine institutional mechanisms such as the European Centre for Minority Issues (hereafter ECMI), the Federal Union of European Nationalities (hereafter FUEN) and the Bureau for Lesser Used Languages (hereafter EBLUL). The *European Charter for Regional or Minority Languages* and the *Framework Convention on the Protection of National Minorities*, are the main two legal instruments, which are monitored by the above institutions in order to ensure that the respective language and minority rights legislation is implemented according to supra-national or EU conventions. In other words, the analysis that follows in this chapter will in a sense assess the relationship between these structures and minority groups, and their effectiveness.

Certainly, the central focus of this chapter will not only concern the viability, as well as the potential of the Lusatian Sorbs to survive as a nation, but also a comparative study of other autochthon minority groups, particularly the Danish-speaking minority in Schleswig-Holstein places one in a position to assess the FRG’s policy concerning the Sorb minority. Although a study of the Danish-speaking minority has been conducted in the previous chapter, its usefulness reoccurs in the examination below. At the same time, a comparative method enables one to examine the Sorbs’ political mobility, including their position in a pluralistic arrangement.

It should now be apparent that the contemporary context of a unified Germany, the role of the EU’s ‘specialist’ bodies as noted above and the ‘strange natural force’ of language, that is English as a global language, are *influences*, ‘or natural forces’, which can either directly or indirectly influence the survival of the Sorbian cultural,
national and linguistic identity. In addition to the factors noted above, in the aftermath of unification, Germans were searching for a new identity.

The previous chapter provided an understanding of the concept of an ethnic or national ‘minority’. The metaphor noted at the end of the Chapter Four, “a tiny Slavic island in a Teutonic sea” immediately gives one the imagery to define and interpret this phenomenon. Moreover, as the term was defined in Chapter One, which included the notion of minorities ‘as having a common positive identity, rather than being united only in their opposition to the majority’, an analysis of this concept deserves further interrogation. It is fair to say that this chapter in particular, concerns the rights of the Sorbs just as much as those of the dominant paradigm or political system. Thus the analysis in this chapter will resemble the comparative method employed in the previous chapter. At the same time, the early part of this chapter is indebted to the work of Barker. However, one needs to add to Barker’s scholarship in order to attain a clearer understanding of Germany’s national minority policy in the context of domestic constraints, as the following data will soon reveal. For instance, in the case of Germany its total population in 1994 was 81.1 million, consisting of least ten different ‘minority groups’. More recent population estimates (2003) are 82,398,326, of whom 91.5 per cent are German. Therefore about 8.5 per cent of the population represents other ethnic groups.

---

6 The *World Directory of Minorities* lists the following minorities in Germany and their numbers: Turks and Kurds 1.6 million (2%), former Yugoslavs 956,000 (1.2%), Italians 568,000 (0.7%), Greeks 324,000 (0.4%), Poles 324,000 (0.4%), Roma/Gypsies/Sinti 110,000-130,000 (0.1-0.2%), others including Jews (60,000-70,000), Danes (50,000-60,000), Frisians (52,000), Sorbs (40,000-50,000), Vietnamese (40,000), Spanish, Tunisians, Portuguese and Mozambicans totalling 2 million (2.5%). Source: *World Directory of Minorities*, edited by Minority Rights Group, (London: Minority Rights Group International, 1997), p. 150.
The two Germanys had historic minorities: Danes and Frisians in West Germany, and Sorbs in East Germany. In brief, the first phase of post-war immigration to West Germany (the Federal Republic or FRG) comprised of 'ethnic Germans' expelled from Poland or those fleeing from East Germany.

Moreover, the FRG experienced an economic miracle during its post-war reconstruction, which required an increased labour force. By 1961, when the Berlin Wall was built, migration had averaged 200,000 a year and had reached 9 million, but West Germany needed to turn to other sources of labour.\(^8\) Thus the second phase of immigration witnessed the recruitment of *Gastarbeiter* (guest workers) from Yugoslavia, Italy, Greece, Spain, Portugal, Tunisia and the most in numbers, Turkey. Meanwhile East Germany recruited foreign workers from Vietnam, Mozambique, Angola and Cuba. In brief, the immigration processes noted above, are the ingredients for a *multicultural* Germany in the modern period.

The Domowina continues as a cultural organisation in the context of a changed Germany. It retains its role as the umbrella organisation of the Sorbian people and its cultural and linguistic organisations. However, there are still some deficits in the representation of the Sorbs at higher political levels.

This chapter will examine the minority and language policies of *Bund* and the *Länder* of Brandenburg and Saxony, which affect the existence of the Sorbs in Lusatia. Moreover, a brief discussion of the re-unification process may be warranted here, in order to appreciate the context of this change and the political environment thereafter.

\(^8\) Ibid.
After all, the re-unification of Germany marked a transition whereby the former GDR came under the supra-national governance of the EU. Thus, the chapter will be divided into two parts. Part I will examine the Sorbian structures that are in place, and by using statistical and other data; it enables one to examine the notion of viability. In other words, what does it mean to be the first and smallest Slavonic nation, to be a member of the EU, and its prognosis.

Part II will examine the influences facilitating the preservation and promotion of linguistic, national and cultural identity. These influences include the efforts by the above institutions, and can be regarded as advocates for the Sorbian people. At the same time however, one will become aware of the broad and difficult nature of acting on behalf of so many ethnic minorities in Europe. An assessment of the efficiency of the advocate organisations as a separate case study, or studies, is beyond the scope of this thesis. Thus, it is sufficient here to note the difficulties experienced by advocate organisations to secure funding for minorities, which in turn can be translated into the number of projects can be implemented to protect minority languages.

The subdivision of this chapter into two parts is intended to give this chapter some structure because of the frequent overlap between one broad perspective of the study (the ‘physical environment’ of the Sorbs) and the other broad perspective, which deals with the influences on that environment. In brief, the categories are permeable. Thus it needs to be stressed here that due to some interrelation between the two parts, it is difficult to neatly categorise the influences that assist the Sorbs in their survival. For instance, it is difficult to separate the Church and secular Polish advocates writing about the Sorbs in papers such as Katolicki Posel (Catholic Messenger) into single
categories. Further analysis in this chapter also presents a perspective on the narrative of the various legal instruments, and other documentation, which in turn suggest that they have little international authority. In any event, some of the main aspects of assessing the implementation of the legislation on national minorities and minority languages include the level of financial support for ethnic minorities, access to the media, education, bilingual sign posting, use of the minority language in official matters and access by the minority’s representatives to government and parliamentarians.

Part I

The physical environment

6.1 After the fall of the Wall, Re-Unification and a new course for the Domowina

The rapid changes within the Soviet Union and the dismantling of its satellite countries and their consequent relaxation of borders not only loosened the grip of the Cold War, but it also meant that the traces of the Second World War could finally be effaced. The new East German leaders at first wanted a socialist and neutral future for their country, or an alternative to Communist dictatorship and unrestrained capitalism. But Helmut Kohl seized the initiative in November 1989 with a ten-point plan that, in effect, would absorb East into West. As an incentive, Kohl offered a one-to-one exchange of East German pension and savings accounts for western Deutschmarks (DM). East Germans overwhelmingly opted for a fusion with West Germany by
giving over fifty per cent of their votes to the Christian Democratic candidates in the parliamentary elections on 18 March 1990.\(^9\)

In brief, Russian objections to German unification were based on the outright expansion of West Germany and the North Atlantic Treaty Organisation (NATO). However, these objections were settled by the continuation of Germany being denied atomic, biological and chemical weapons, the promise of economic aid, disarmament and the gradual withdrawal of Soviet troops from the eastern half. The four victor powers of 1945 met with the two Germanys (the “4+2 conferences”) and renounced their military occupation rights in Germany. On 1 July 1990, the western Deutschmark became the currency for all of Germany and the two Germanys became a single country on 3 October 1990. In brief, using the analogy of the health of a nation-state, it would seem that the above events indicated a good prognosis for the members of this organic entity, that is, the citizens of the former East Germany and its ethnic minority, the Sorbs.

6.2 A New Chapter for the Domowina

Although the Domowina was an organisation that was not created by the SED, it was from the early 1950s onwards subordinated to the requirements of SED policy. In December 1989 it was under immediate pressure to change. Earlier, in November, some Sorbian intellectuals, representatives from the Churches and opposition groups had already set up a rival organisation called the *Serbska narodna zhromadźizna*

---

(Sorbian National Assembly, hereafter called the SNZ). The SNZ attacked the Domowina by describing it as an organisation ‘pursuing a policy in which the real interests of the Sorbs were sacrificed to pure window-dressing’.

At the meeting in November, the first held by the SNZ, it demanded a new policy towards the Sorbs. It called for immediate action in the following main areas. As Barker states,

A fundamental re-working of the nationalities policy; proposals for the maintenance of the Sorbian language and the extension of its use in the public sphere; the organizational and ideological renewal of the Domowina, including its separation from SED control; recognition of the contribution of religion and the Churches to the preservation of the Sorbian language, culture and identity; the termination; termination of the destruction of the Sorbian area through open-cast mining.

When the Domowina abandoned its centralist democratic structure, the SNZ indicated its willingness to work together with the Domowina, which also meant its renewal, both organizations set up working groups on 13 December to reform the bilingual school system. It is fair to say, that on the basis of the above information, the Sorbs were speedy in taking initiatives to protect their interests after the fall of the SED regime. Perhaps more importantly, it can be said they were proactive. Their demands were put to the Volkskammer and later in Berlin (see below). It is considered here that a proactive approach may be interpreted as political expediency. In other words, the

---

11 Ibid.
12 Ibid. pp. 120-121.
13 Ibid. p. 122.
Sorbs tried to secure and procure measures that were in their interests at the time of another change in the German regime.

At the same time, as one may expect, there is a process of ‘re-organising’, if not a ‘cleansing’ of the actors and their psyches or ideologies following such a cataclysmic political process. In theoretical or in definitional terms at least, the influences and the *operandus modi* in the new regime are different to the former, which in turn changes the distribution of power and scarce resources in a new State, that is a re-unified Germany. Put another way, the Sorb minority now needs to contest or compete against a greater, an even larger German dominant paradigm. As an analogy in biblical terms, it is a contest between ‘David and Goliath’ in the arena of ethnic politics. The Sorbs as David are trying to survive in terms of their culture, language and identity.

In any event, the creation of a Sorbian Round Table (*Serbske bildo*, hereafter the SB) brought together representatives from the Domowina, the SNZ, the Catholic Cyrill-Methodius Association and the Protestant Church. Jan Malink, a member of the SNZ and a Lutheran pastor was deputed to represent Sorbian interests at a meeting of the central Round Table (*Runder Tisch/ the SB*) in Berlin on 18 December. On 9 January, at the second meeting, it was decided that the ‘prime purpose of the SB was to advise the Domowina in its attempts to renew itself’, and at the meeting a body worked out a new constitution for the Domowina which was to be presented to the

---

14 Ibid.
Extraordinary Congress of the Domowina scheduled for 17 March 1990, a day before the first free *Volkskammer* elections.\(^\text{15}\)

Thus, the new constitution of the Domowina was defined as ‘the independent national organization of the Sorbian nation’, which abolished its previous democratic centralist structure and replaced it by the post of chair of the executive committee, which was subject to an election each year.\(^\text{16}\) In other words, the Domowina returned to its original pre-war structure as the umbrella organisation for the Sorbian cultural associations, and at the same time apologised for its position in the GDR, especially for its attacks on Yugoslavia and Czechoslovakia (even it had been under SED pressure at the time).\(^\text{17}\) Other measures that were taking during this period included a commission to investigate the ‘question of personal rehabilitation’ and another to ‘look at the history of the GDR period in relation to Sorbian questions’.\(^\text{18}\) A separate Sorbian Youth Association, the *Serbska młodźina*, was established to replace the former GDR bodies. Moreover, the Extraordinary Congress passed a resolution supporting the unification of Germany, as long as it gave the Sorbs protection of their ‘legitimate rights as a minority’.\(^\text{19}\)

Other changes in the Domowina saw the resignation of Jurij Grós as a deputy to the new chairman and resign completely from all his positions in the Domowina. Grós tried to explain that he himself had been constrained by limits within the state apparatus, and that SED policy which was formulated in the 1950s and 1960s, ‘was

\(^{15}\) Ibid.

\(^{16}\) Ibid. p. 122.

\(^{17}\) Ibid.

\(^{18}\) Ibid. pp. 122-123.

\(^{19}\) Ibid. p. 123.
designed to settle the Sorbian question by doing nothing to prevent total Germanization'.

Malink, on the other hand, 'strongly emphasized the negative legacy of SED policy', which he maintained that the past five decades witnessed 'a decline in the Sorbian population and its sense of identity'. Moreover, Malink also argued that although 'culturally we were given strong support by the former SED [it] prevented many Sorbs, who for the most part have strong ties with Christianity, from actively supporting Sorbian traditions'.

6.3 Electoral aspects and following issues

It may be useful here to pause and outline some theoretical or conceptual parameters, in order to tie in several other useful theoretical strands of political thought. In brief, one is lured to Hegel's notion of a 'civil society' and the 'rational State'. This in turns leads to other theoretical concepts such as 'pluralism'. The point is, however, that this period in German history provides one with some remarkable transitions of a society from a totalitarian arrangement to one of democracy, which includes the cornerstones of a civil and pluralistic society. Thus fair and free elections in the former East Germany, such as those on 18 March 1990 for instance, are a manifestation of the abstract concept referred to as the 'social contract'. To take this theme one step further, the central thesis in this chapter is to examine how the Sorbs have lived or experienced their part of the 'social contract' with the unified German state.

---

20 Ibid.
21 Ibid.
22 Ibid.
23 See Singer, P., Hegel, (Oxford: Oxford University Press, 1983), p.43. For instance, in Singer's study he refers to Hegel's notion of freedom being realised in a rational State, and for Hegel 'no rational State could ever deal with its citizens as the Nazi and Stalinist States dealt with theirs'. Ibid.
The elections brought a large majority for the Christian-Democrat Union (CDU)-led coalition, ‘Alliance for Germany’, and they brought new challenges to Sorbian interests. It also meant that the Sorbian question introduced some constitutional, legal and political issues. For instance, the Alliance had contested the election on the basis of support for a speedy unification using Article 23 of the West German Basic Law. (See Appendix 5 for a full text). Before resuming a further discussion on constitutional issues associated with unification, it may be useful to identify partisan behaviour in the 1990 elections as a starting point.

6.3.1 Parties and policy positions

So far there has only been cursory reference to Helmut Kohl and his role in the unification process. Jeffrey, in his chapter titled “Electoral Volatility in United Germany”, states that Kohl ‘enjoyed neither widespread personal popularity nor a reputation for effective leadership before 1990’, but he suddenly discovered ‘an ... inspirational “can do” style in 1990, which both generated popular support across east and west’. The transformation witnessed in Kohl is interesting in itself, as one shall soon see in the following analysis. Kohl’s inspirational approach reunited the CDU-CSU firmly behind his leadership, such that

[a]ssuming the self-styled mantle of “Chancellor of all Germans”, he mobilized electoral support both by playing on his achievements in leading the Germans to unity and by capturing the popular mood through the projection of a somewhat nebulous and undeniably optimistic vision of a future Germany firmly imbedded in a prosperous and peaceful post-Cold War European order.

---

25 Ibid.
27 Ibid.
The opposition parties during 1990, such as the Social Democratic Party of Germany (SPD), the Greens and the Party of Democratic Socialism (PDS), 'conspicuously failed to project issue images in line with popular preferences'. As Jeffrey further notes, 'All three parties displayed an ambivalent and critical attitude to the unification process of 1990'. In brief, the Social Democrats were unable or unwilling to respond to the challenges of unification in a positive and visionary manner. Rather, they remained essentially a party responding to West German politics. Moreover, the SPD's disastrous campaign in the East German Volkskammer election of March 1990, confirmed the perception of the party's ambivalence to unification. This in effect gave the German electorate a single-issue election.

Although the 1990 election in Germany was about unification, it should also be noted that throughout Eastern Europe, the first free elections of 1990 were "plebiscites on democracy". Henderson describes the elections in March 1990 as a complex form of a referendum about the democratic future of the countries, in which the 'overriding desire of the majority... reject the discredited communist parties (however they might have been renamed)'. East Germans rejected communism through their vote for the CDU, 'the party whose label was most closely identified with a policy of rapid German unification'.

---

28 Ibid. p. 129.
29 Ibid.
31 Ibid.
32 Ibid.
Thus, it was in this context that a new political framework emerged, that is unification combined two electorates, which had and still have clearly divergent or opposed values and interests. In brief, a labelling phenomenon also emerged in the coming years as "Wessies" and "Ossies", which in a sense summarised the division seen in the social stratification (mainly wealth, standard of living, public attitude) between East and West Germany, yet within a now unified Germany. Moreover, unification presented some constitutional issues such as the Länder constitutions, which were abolished by the GDR in 1952 and a West German Basic Law that contained no provisions for the Sorb minority.

6.3.2 Constitutional issues and the emergence of a pluralistic arrangement

The Sorbs had been used to constitutional protection in the GDR. Concerned about the constitutional guarantee for Sorbian interests, the Domowina demanded a reformulation of Article 40 in any new GDR constitution in order to give more explicit guarantees.\(^3\) Similarly, the SNZ had made demands for constitutional and legal protection for Sorbian interests.\(^4\) As it happened, one of the major tasks of the Round Table in Berlin was to formulate a new article relating to the Sorbs for a new GDR constitution. The SB produced a comprehensive document, which covered the following areas:

The right to the use and cultivation of the Sorbian language, culture and traditions; the responsibility of the state to set up and support the necessary institutions; the right to the use of the language in court and in the administration; the responsibility of local and state

\(^3\) Barker, P., Slavs in Germany, op. cit p. 124. This demand was made in its first 'post-Wende' statement of 28 November 1989.

\(^4\) Ibid.
authorities to take into account Sorbian communities in their regional planning.\textsuperscript{35}

However, as Barker further points out, the above proposed article was never voted upon, nor debated in the \textit{Volkskammer}, as it was believed that the election result made the question of a new constitution superfluous.\textsuperscript{36} But, the West German Basic Law did not contain any article relating to minorities. Thus, a new constitution for a unified Germany would need to include the Sorb minority. Interestingly, the Danish-speaking Germans in Schleswig-Holstein were already under the West German Basic Law. But it still does not contain any reference to Germany's national minorities. Rather the Danish minority in Schleswig-Holstein are 'protected' by that state's (\textit{Land}) constitution.

The eight Sorb groups that came together at the last SB meeting in Berlin produced a memorandum, which demanded reform of the West German Basic Law in relation to the 'rights of the Sorbian nation'.\textsuperscript{37} (Emphasis added). Interestingly, the Round Table was at one end chaired by Church representatives and addressed by government spokespersons. Moreover, Osmond states that by the end of January the 39 participants were LDPD (3), NDPD (3), DBD (3), CDU (3), Association of Mutual Peasant Aid (2), Sorbian Round Table (1), SED-PDS (3), Democratic Awakening (2), Independent Women's Association (2), Peace and Human Rights Initiative (2), Green Party (2), New Forum (3), Democracy Now (2), SPD (2), United Left (2), and FDGB (2).\textsuperscript{38} Other groups were permitted observer status.

\begin{flushright}
\textsuperscript{35} Ibid. pp. 124-125. \\
\textsuperscript{36} Ibid. p. 125. \\
\textsuperscript{37} Ibid. \\
\textsuperscript{38} Osmond, J., (ed.) "Directory of German Unification" in \textit{German Reunification: A Reference}, op. cit pp. 233-234. The problem that emerged from such a proliferation of political groups in Poland at this time meant that the voters could not elect a clear majority.
\end{flushright}
The Round Table had no official or parliamentary function, but was purposeful, and as new members came in February (1990), several of the new groups who were represented at the Round Table joined the governmental coalition.\textsuperscript{39} In spite of the political uncertainty about the Sorbs' future, and in general the re-organisation of the unified German nation-state at this time, it is worth noting that the multiple representations at such forums as noted above, was a distinct manifestation of democratisation. A similar manifestation occurred in Poland in 1989 and 1990, when groups such as the Citizens' Movement-Democratic Action Party (ROAD), the Wałęsa-orientated Solidarity Centre Alliance, the Catholic Church and the Peasant Alliance (PL)/ United Peasants' Party (ZSL), among others occupied the emerging democratic space in Polish society. An exception is however, that unlike the case in Germany's SPD, the Polish Social Democracy Party (SLD) was the reformed-socialist successor to the Polish United Workers' Party (PZPR), which in brief was the heir to the former Communist Party of Poland (KPP). Its successor body, the pro-Moscow Polish Workers' Party (PPR) merged with the Polish Socialist Party (PPS) to form the PZPR during Stalin's time, and was the dominant party in Poland until 1989.\textsuperscript{40} Thus, while there is a similar pattern of democratisation, the political history and partisan make-up varies between the two former Eastern Bloc countries.

Returning to the situation across the border in order to resume the above analysis of the constitutional issues, there had been intense discussions on the \textit{Einigungsvertrag}

\textsuperscript{39} Ibid. p. 234. As the election of 18 March 1990 drew closer, the competition between parties increased and the Round Table was closed down. Ibid.

(Unification Treaty) and the new constitutions for the Länder of Saxony and Brandenburg, which were due to be reintroduced in October of the same year (1990).

Interestingly, as Barker notes, the Sorbs' memorandum criticised the Preamble to the Basic Law because it refers to the German people (das deutsche Volk) 'without any definition'. The Sorbs objected to articles in the Basic Law that referred to 'all Germans' because the Sorbs regarded themselves as citizens of Germany, 'but not as belonging to the German people'. For instance, Article 116 (1) defines who can be a German citizen, but it does not mention the Sorbs or any other ethnic group. Also, Article 3 of the Basic Law, which concerns equality before the law, mentions a 'homeland', but does not refer to equality for ethnic groups living in Germany. As it happened, the memorandum had little effect on the discussions about the Basic Law at this time, but the preparation had been made for the constitutions relating to the Land of Saxony and Brandenburg. In the meantime, the new head of the Domowina, Jurij Cyż wrote to Lothar de Maiziere (CDU), the Prime Minister of the new GDR government to ensure that Sorbian interests were represented in the forthcoming discussions of the Unification Treaty. The details of the Treaty were negotiated between the FRG and the GDR over the summer of 1990, and a draft of a new 'Law for the Protection of and Support for the Sorbian People' was presented by the PDS to the Volkskammer on 7 June 1990. Incidentally, the PDS is the re-structured SED after the fall of communism in the GDR.

---

41 Barker, P., Slavs in Germany, op. cit p. 125.
42 Ibid.
43 Ibid. p. 125.
Other constitutional problems that arose during this period included the Sorbs’ argument that the FRG had signed the ‘Vienna follow-on agreement’ in 1990 from the Helsinki Final Act on security in Europe (1975). This Act requires states to protect the ethnic, cultural, linguistic and religious identity, and thus the FRG had an obligation to include the relevant article(s) in its constitution. At this point, it should be apparent that there is an overlap between national and supra-national (the EU) legislation that concerns ethnic minorities. But this aspect will be discussed later in the chapter. However, codification, that is revision of the constitution(s) and its issues, continue in following discussions.

6.3.3 Re-unification and the Domowina’s ongoing concerns

The pace of unification increased after the date was brought forward to October 3 from the December 2 date for all-German federal elections. Sorb anxieties increased when they realised that the text of the Basic Law contained no reference to the Sorbian people, a Sorbian nationality. Cyż wrote in protest to the governments in Bonn and Berlin, and as a result ‘protocol note 14 to Article 35 relating to culture was added and passed by the Volkskammer on 13 September’. 44

In brief, for the purposes of analysis here one can refine or reduce the focus onto two main issues that arise from this situation. The basic rights and freedoms that are enshrined in the Basic Law, encompass all of Germany and its citizens. The point is, for instance in Article 1, which considers the ‘protection of human dignity’ as a duty of the State authority, and for the State to ‘acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world’ —

44 Ibid. p.126.
are universal norms.\(^45\) (Although these rights are not recognised by a number of regimes in the world, one needs to keep in mind the considerable number of ratifications and signatories to human rights treaties). Thus, there arises a strong possibility for interpretive difficulties. The ‘basic rights’ that are enshrined in the Basic Law mirror those that are in the UDHR. This is not to say that the Articles regarding basic rights are deficient, but rather the Basic Law does not specify the rights of ethnic minorities. Article 1 is broad, and in another sense vague, because there is no reference to include the minority communities of a unified Germany. The constitutional wording of Article 1 had an opportunity to do instead of stating ‘… the basis of every community’.\(^46\) (Emphasis added). It is argued in this study that wherever there is a different ethnic community, which is distinguished by its identity, culture and language, but exists within the same territorial boundaries as another more dominant community, the State, is also ‘contracted’ to guarantee the basic rights of its


In brief, the Basic Law document begins with Basic Rights. The following provides some insight into the concept of ‘rights’ in 1949 in Germany. For instance, Article I [Human dignity],

(1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority. Article 1 [Human dignity]

(1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.

(2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

Article 2 [Personal freedoms]

(1) Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law.

(2) Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law.

Article 3 [Equality before the law]

(1) All persons shall be equal before the law.

(2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.

(3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.

Article 4 [Freedom of faith, conscience, and creed].

\(^{46}\) Ibid. The wording in Article 1 could have included some thing to the effect of ‘the Basic Law extends to those indigenous communities in Saxony, Brandenburg, Schleswig-Holstein, and it will uphold the rights of those communities to maintain and promote their languages and culture as citizens of Germany….’ Although the above noted Länder have their respective constitutions with provisions for their ethnic minorities, it would seem that as a characteristic of a federal system of government, both tiers of government may appear to shirk legal responsibilities in certain areas of federal policy or affairs. This problem, usually referred to as “the division of powers” is not uncommon in federal systems of governance.
minorities. But, it can be argued that minority issues, in this case the Sorbs, are not an issue for the German Federal Government. Perhaps more specifically, the basic rights for a Sorbian means that he or she can freely express his or her Sorbian identity or nationality, and maintain the mother tongue. It should also mean that Sorbian culture and tradition are equally a part of ‘human dignity’, just as much as the ‘human dignity’ of regional Bavarian wearing Lederhosen and to express his/her identity by doing, for instance, a traditional dance. After all, in spite of the shortcomings the GDR had in its bilingual and nationalities policy, at least it referred to the Sorbs in its constitution. In brief, humanity is intrinsically heterogeneous but accompanied by homogenous societies. In a broader sense, societies and their strata compete for scarce public resources, and often struggle for recognised rights and freedoms. Thus a constitution should act as a mechanism to ensure that minority groups are recognised and that their basic rights to language, culture and tradition are upheld as an integral part of the greater society, or state. A constitution, as well as regional covenants, such as the Council of Europe’s Framework Convention for the Protection of National Minorities act as legal instruments to ensure that governments actually implement appropriate policies to maintain and promote the culture and language of national minorities. But, the above Convention is not legally binding.

The other constitutional point of debate concerns the Sorbian Law in Saxony of 1948, together with the implementation of the laws of 1951, which had not been revoked by the GDR, thus they were considered to still be in force. It is not altogether clear from Barker’s analysis of the protocol note as to whether it had legitimacy or not. For instance, he states that,
The protocol note has the same status as the text of the treaty, that is to say it has no constitutional force, but became part of federal law, and was intended to provide a bridge until the constitutional position of Sorbian rights could be fixed in the constitutions of Saxony and Brandenburg.\footnote{47} In other words, was the protocol note ‘a purely declaratory function’, as Pastor claims on the one hand, since it did not add anything to the basic freedoms enshrined in the basic rights of the Basic Law?\footnote{48} On the other hand, Barker describes some of the provisions such as those ensuring the freedom of Sorbian organizations ‘to cultivate and preserve the Sorbian language in public life’\footnote{49}. But it (Sorbian rights and freedoms) becomes an ambiguous concept in terms of legitimacy in either the federal government or in the Land (state) governments, or in both levels of government. The above instance highlights the inherent tension that can exist in a federal arrangement, especially in the areas of policy making and responsibility, often arising from constitutional interpretations and their subsequent disputes.

In any event, in the memorandum which accompanied the Treaty had an explicit reference to the definition of bilingual practice codified by the GDR, and was ‘taken as the minimum legal basis below which continuing practice was not allowed to fall’.\footnote{50} Furthermore, this paragraph was the most significant at this point because it ‘secured the legal basis beyond unification for the continuation of the bilingual institutions, such as the school system, and the use of Sorbian in a public context’.\footnote{51} Moreover, the memorandum also referred to the unchanged responsibilities of the Bund (Federation) and the Länder of Saxony and Brandenburg. In brief, these

\footnote{47 Barker, P., Slavs in Germany, op. cit p. 126.}
\footnote{48 Ibid. p. 126.}
\footnote{49 Ibid. p. 127.}
\footnote{50 Ibid.}
\footnote{51 Ibid.}
included the basis for split financing in 1991 of the *Stiftung für das sorbische Volk* (The Foundation for the Sorbian People) between the two tiers of government, and the GDR Law of 1974 which granted Sorbs the right to use Sorbian in a court of law.\(^52\) Overall, despite initial fears, Sorbian rights were not reduced as a result of the Unification Treaty.

### 6.4 Lusatia: A separate homeland?

It seems that with every cataclysm in twentieth-century history, the Sorbs have voiced some desire for a separate *Land*. This was the case after the First World War, and after the Second World War, and it also reappeared at various points in the history of the GDR, and during the process of re-unification. Attempts of creating a Lusatian *Land* were not successful. The demand for a Lusatian *Land* came from the Sorbian Territorial Commission, which rejected the reintroduction of five *Länder*,

\[...\] since this would exclude the possibility of Lusatia being united in to one *Land*, which it regarded as essential in order to bring both the Lusatian coal-mining area and the Sorbian are under one administrative roof.\(^53\)

However, field research conducted in the course of this study revealed that the Sorbs seem to have abandoned aspirations of a separate homeland. On the basis of the results of a survey conducted in 2002, over eighty per cent of the respondents stated that they see themselves as a part of a unified German nation-state, but would like to have autonomy in conducting their affairs.\(^54\) In a sense the aspirations for a separate Lusatian (nation)-state dissipated throughout the twentieth century as each bid for

\(^{52}\) Ibid.

\(^{53}\) Ibid. p.129.

\(^{54}\) For further detail and analyses, see Appendices.
independence failed. Although it should be noted, the intensity of aspirations for a separate Land among some Sorbs varies, and among some Sorbs it is not an issue.

Although the Sorbs have voiced separatist sentiments in the past, they cannot be equated with violent separatist movements such as those witnessed in Northern Ireland, Basque Spain, Sri Lanka, and to a lesser degree Quebec in Canada. It is important to note here that the Sorbs do not have a political party to represent them in the way that the Danish minority has the SSW in Schleswig-Holstein, which does not have a separatist agenda. The SSW merely wants to represent the minority groups in that Land. In brief, the Sorbs do not have the same degree of political mobilisation as some of the other ethnic groups noted above.

6.5 After re-unification old and new issues

6.5.1 Horno: synonymous with lignite mining

At the time of writing the issue of lignite mining in Horno remains contentious. It is an issue for the Sorbs because just as during the GDR, the mining is leading to the destruction of Sorbian villages, and consequently eroded Sorbian culture and language. In other words, the Sorbs were a majority in Horno and the above mentioned coal mining continues to force the population to re-locate in towns such as Hoyerswerda.

However, the problem is not as straightforward as simply trying to preserve heritage and folklore. On the one hand the constitution of Brandenburg, the state that encompasses most of the coalfield region guarantees “the preservation and upkeep of
the Sorb national identity and its ancestral settlement area'. On the other hand, regional unemployment is nearly 25 per cent, and Brandenburg's Culture and Science Minister, Steffen Reiche urges the Sorbs to become realistic, and accept the fact that the region needs jobs.

The above issue also demonstrates the different situation the Lower Sorbs face compared to the Upper Sorbs around the town of Bautzen. As Valaskova of the Prague Ethnological Institute states, in Bautzen: "Their folklore, customs and language are living culture — they're not just going through the motions". At the same time Norberg notes that "Typically, these days, only one parent is Sorb, or only the grandparents speak Sorbian. The children learn it more as a hobby". As Lower Lusatia was designated to be a key source of energy, the influx of outsiders (labour force) 'brought a dilution of the bloodlines and a feeling that submersion in the German identity was a prerequisite for social advancement.

6.6 English as an influence on the Sorbian (and German) language

Today English is spoken in every continent making it a 'global language'. It can be said that the French language also had the potential to become a global language, given the similar historical patterns of discovery and colonisation particularly during the eighteenth and nineteenth centuries. Anyhow, Crystal attributes two main reasons,
one geo-historical and one socio-cultural, as to why English is the global language, and not some other.60 However, as Crystal points out, ‘the combination of these two strands has brought into existence a language which consists of many varieties, each distinctive in its sounds, grammar and vocabulary’.61

It is not essential that one traces the historical context of English as a global language from the earliest times, but it is sufficient to say here that the first steps of international consolidation of English began in 1919.62 After World War I the League of Nations was created as part of the Treaty of Versailles in 1920. It directed that former German colonies be transferred to the administration of the victors. This administration, or mandates, included Britain and other English-speaking nations such as Australia, New Zealand and South Africa. Thus the English language grew in influence in Africa, Middle East, Asia and the Pacific, but ‘the growth of linguistic influence through political expansion was already on the wane’.63 As Crystal maintains, a far more important post-war effect was the way in which ‘cultural legacies of the colonial era and the technological revolution were being felt on an international scale’.64 Moreover, English was now emerging as a medium of communication in growth areas which would gradually shape the character of twentieth-century domestic and professional life’.65

---

61 Ibid.
62 Ibid. p. 78.
63 Ibid.
64 Ibid.
65 Ibid.
6.6.1 English in international relations

The League of Nations had forty-two members at the time of its First Assembly. It allocated English a place as one of the two official languages (the other was French) in its proceedings, which highlighted the importance of a lingua franca. When the League of Nations was replaced by the United Nations in 1945, the 'role of lingua franca become even more critical'. As the UN established a number of organs, agencies, organisations, commissions and other bodies, English remains as one of the official languages within all of these structures.

Moreover, English plays an official or working role in the proceedings of most major international political meetings, such as the Commonwealth Heads of Government Meeting, the Association of South-East Asian Nations, the Council of Europe, the European Union and the North Atlantic Treaty Organisation. According to Crystal, where certain bodies have restricted membership, such as those consisting of only Arabic-speaking or of Spanish-speaking states, 'the choice of lingua franca has to be made, and English is the first choice of most'. In brief, the extent to which English is used is demonstrated in Crystal's citation of the 12,500 international organisations, of which a sample of 500 showed that 424 (or 85 per cent) made official use of English, which is far more than any other language. French was the only other language to show a significant proportion, with 245 (49 per cent) using it officially.

---

66 Ibid. p.79.
67 Ibid.
68 Ibid. The above figures were obtained in 1995-96.
69 Ibid.
6.6.2 English in Europe

By continuing with Crystal’s work, it is stated that out of a sample of 1,000 European organisations, of these 440 specified the official or working languages used.70 Thus accordingly, almost all ‘used English as an official language — 435, a remarkable 99 per cent.’71 Furthermore, according to Crystal’s findings French was used by 278, or 63 per cent and German by 176 (40 percent) of the sample, with ‘English + French + German the most popular European combination’.72

Scientific organisations in Europe, which only work in English, are surprisingly common. For instance, Crystal cites organisations such as the European Academy of Anaesthesiology, the European Academy of Facial Surgery, the European Association of Cancer Research, and the European Association of Fish Pathology, are just to mention a few.73 Thus, by this stage it should be apparent that the English language is not only a global language, but it also has a wide application on the European continent, which is closer to the focus of this study.

For instance, in meetings where a large number of nations participate each has the right to use its own language. But it should be clear that there might not be a translator service available for certain pairs of languages, such as Danish/Greek, or Italian/Finnish. Therefore, an intermediary language, such as English could be used. According to the European Bureau of Lesser Used Languages, in 1995 42 per cent of European Union citizens could speak English, ahead of German at 31 per cent and

70 Ibid. p. 80.
71 Ibid.
72 Ibid.
73 Ibid. pp. 80-81.
French at 29 per cent. Moreover, Europe just like other continents is a market for the media, which includes the press, advertising, broadcasting, film and popular music. The English language is found and used in all of the above services or commodities.

### 6.6.3 Other applications of English

It is important to note that some other fields where English is widely used include international aviation and travel, international safety, education and communications.

### 6.6.4 International travel

People travel for many and varied reasons. Each journey has linguistic implications and consequences. In the tourism industry for instance, arrivals at destinations (UK, USA, Canada, Australia, and so on) where English is the official language, it can be said that English is the language of tourism in the above instances. Credit cards such as MasterCard and American Express are used worldwide.

### 6.6.5 English in Germany

English is taught in most German schools. The curricula may vary from location to location, region to region and so on, but the following is the situation in Alpirsbach, Baden-Württemburg. Children start primary school at about the age of six years and they begin to learn English by playing games and singing songs. At grade four primary school, it is decided which level of schooling they will continue in the latter years. The three strands of schooling are Hauptschule, Realschule and Gymnasium. Those pupils attending a Gymnasium are generally prepared to go on to university. Learning English is compulsory in all the school systems. Pupils attending

---

74 Ibid. p. 82.
Hauptschule and Realschule can also learn French or Latin. French is a compulsory subject at Gymnasium level from Grades seven to ten. In the Realschule, learning French is optional, whilst in the Hauptschule, pupils after grade seven can choose not to continue with English language instruction. Thus, it is safe to say that level of instruction in the English language in German schools is remarkable.

An observation made during the research for this study witnessed the use of English words in daily German life. One of the more frequently used words is 'service', which has several meanings in both English and German languages. But it should be noted that the word 'service' originates from the French language and borrowed by England. In any case, this illustration refers to an activity that performs a deed for customers or fulfils a public need. The German equivalent word is *Dienst*. Interestingly, the Sorbian, and the Polish adaptation of this word is *serwis* from the Latin. The Polish word for service is *obsługa*.

It is not uncommon to see signs located at commercial centres in Germany with the wording, 'Service point', or 'Check point'. Moreover, it is also not unusual to see major road or public signs with the word 'City', which can be argued here that the use of such English words is *legitimised*. Another example is found in the regional newspaper, *Lausitzer Rundschau* with a heading on the front page that reads, "Comeback der Bahncard" (Comeback of the Bahncard).\(^75\) It should be noted, this illustration and others refer to 'loan words' from the English language, and not cognate words.

\(^{75}\) *Lausitzer Rundschau* 2-3 August 2003, p. 1.
Other examples of the English language used in Germany are found in the following: A photocopying shop in Gottsched Strasse Leipzig has the slogan on its window front “The Next Generation”; and a confectionary dispensing facility at Görlitz railway station, on the German-Polish border, “Take a break”. In the media (television), expressions such as ‘weekend feeling’, (in German Wochenendegefühl), ‘happy weekend’ and ‘beach feeling’ are commonly used. One television show for instance, has the name “Talk, Talk, Talk”. Other examples include, Mexx, a men’s toiletry product has the slogan, ‘Mexx-pure life’. At a shopping complex, the Kornmarkt Center in Bautzen’s central business district, a sign reads “Center Management Parkhausbüro im 2. OG” In the Upper Sorbian language it reads “Centrowy management Bërow parkonwanskeho doma w 2.poschodże”, which translates into ‘Centre car park administration office [located] on the second floor’. Certainly, in this case the cognate words such as ‘centre’ are easily identifiable. Interestingly, it is argued here that names of businesses such as “McPaper”, (paper, books and stationary) and “McPfennig” (cheap goods) found throughout Germany, are gimmicky adaptations of the multinational fast food company McDonald’s, and it is fair to say that this is just one form of Americanisation. To state the obvious, this phenomenon is not just restricted to Germany, or Europe.

Therefore, it needs to be asked that if the above illustrations have had an influence on the German language, what are the consequences for the Sorbian language? Before answering this question, it should be borne in mind that as a participant observer in this study, it was not uncommon to hear that the older generation of Germans do not understand the above use of English in the printed press, or electronic media. This in turn raises the question whether there is such a phenomenon in Germany (and for the
Sorbs for that matter), which could be termed ‘language purism’? To say that the above is a form of language purism is inaccurate. A failure to comprehend foreign words is not language purism. Some Germans may disapprove of the influence of the English language in German daily usage, but there is little doubt that German morphology, phonetics and syntax have changed, or will change. The use of English loan words in German is perhaps preferred by the younger generation, because English is either trendy, chic, but not to mention its part in school curricula.

According to Wexler, language purism is an effort to purge the language of elements to be non-native and non-standard. Furthermore, Wexler argues that excessive borrowing and the increasing use of a rival written form lead to the native speaker fearing that his/her language could be ‘displaced as a politically recognised language of the community’, and consequently replaced by another language. Thus, the replacement of one language by another may pose as a threat to the ethnic or national identity of a society. This is another area of analysis that lies at the core of this thesis. In other words, for the Sorbs in Germany, it can be said that this linguistic issue has become a political issue since the sixth-century. But, it seems that the German language is not under threat from English as a global language. In a similar way subsequent mixing of French has changed parts of the French language. As a blend of words between some French and some English words there is a variation known as “Franglais”. In a similar way, the mixing of German and English words has produced “Denglish”. In both situations, the infiltration of English words does not threaten these languages.

77 Ibid. In this discussion, Wexler refers to the rivalry between Flemish in Belgium and French, and for French the written rival is English.
However, Germany is not a political threat to Britain, or France. The Sorbs may perceive Germany to be a political threat in terms of their survival as a national identity. But the English language may have an influence linguistically in Germany, France and for the Sorbs. How? For one, it is the prestige or status English has in the international community, not to mention its pragmatic applications. In any event, it can be argued that if language purism is an extreme position taken by an ethnic group, even with ‘linguistic impurities’ as noted above (mixing of words, such as French and English, German and English), the distinct language of an ethnic group, which may also include one or more dialects, has the capacity or ability to maintain ‘the politics of exclusion’. In brief, one returns to the notion of “us and them”, and back to the argument or issue of homogeneity versus heterogeneity in ethnic composition, culture, identity and language.

Thus, it would seem that the paternal figures of the Romantic Period (in Germany) as discussed previously in a sense formed the template of language purity. Moreover, continuing with the German context here, ‘the theme of the people’s historical and ethnic uniqueness’ was successfully implemented by the Nazis. The use of the word ‘theme’ is too soft a word for genocide, which was a manifestation of Hitler’s attempt of having a racially and linguistically pure Germany. But the Hitlerian policy came to a halt in 1945, and with the revision of European boundaries after the war, it can be said that two phenomena took place. Firstly, in general terms some ethnic Germans suffered expulsion and deportation in Central and Eastern Europe after 1945. In some

---

78 Henningsen, M., in The Politics of Language Purism, op.cit. p.47. However, it is of note to acknowledge that Henningsen observes some parallels between Hitler’s programme literary and linguistic purity and those that one can find in the decolonisation debate. Ibid. p. 51. In regards to the latter point noted here, Etzioni draws similar conclusions in his essay, “The Evils of Self-Determination”, in Foreign Policy, op. cit.
of their host countries in the West, ‘assimilation seemed to be their inevitable fate’.\textsuperscript{79}

Secondly, as part of the post-war Allied occupation of Germany, Americanisation of Germany and Europe took root, notwithstanding efforts and initiatives taken by European bodies and instruments, such as the Euro, to counter the trans-Atlantic influence. Hence, putting the post-war period into a contemporary context, a totalitarian force has been replaced by a linguistic force, commercial and cultural hegemony, under the broad rubric of globalism, and the English language is a part of that force.

Thus, the German language of today is not under the protection of a fatherland or Führer. The German language, among others, which include the lesser used languages, are subject to corporatist power. As Saul notes, ‘in a corporatist society, most people in positions of responsibility — public or private — are rewarded for controlling language’.\textsuperscript{80} (Emphases added). Furthermore, an ingredient for controlling language is knowledge. Language control by the corporatist society in Saul’s context is not by altering phonology, morphology or syntax, but rather, by the ‘corporate experts’ call for “the bottom line” and “action plan” to name but few examples. In other words, in a global context as Saul puts it,

Most of all, you acquire the knowledge that just may give you the edge on your competition. “Acquire” is used here in its financial sense. Knowledge is owned and controlled, bought and sold, in a corporatist society — knowledge which matter [sic], that is.\textsuperscript{81}

\begin{flushleft}
\textsuperscript{81} Ibid. In order to put the above citation in its proper context, Saul is referring here to a conference titled “Knowledge is Power”, organised by \textit{The International Herald Tribune}, which was aimed at the ‘managerial and technocratic elite’. Ibid.
\end{flushleft}
Thus, it should not come as a surprise that corporations such as *McPaper*, or *McPfennig*, exist in the German commercial environment. The name prefix ‘Mc’ or ‘Mac’ are not of German origin. These prefixes are usually associated with Celtic origin, particularly Irish and Scottish. Hence, it is argued here, that it is not the product as much that necessarily gives ‘the edge on competition’. Rather, it is the language that identifies the product (based on an already established global commodity, such as McDonald’s fast foods), as part of a corporatist entity, which in turn may give the purchaser, who is also a citizen of a said nation-state, a consumer identity.

6.7 What does this mean for the Sorbian language?

The ramifications of the above phenomenon have already received some mention, but here the focus is directed at the Sorbian language. According to Wolff, one of the limitations of the Sorbian language is that

The Sorbian language is degenerating into some sort of a dysfunctional language, as it lacks a stock of vocabulary. For example, if one is to include a vocabulary for politics, cooking, music and so on, there is none in the Sorbian language. The post-Wende generation’s use of Sorbian will eventually die out and it may be used as a language in private spheres, or learnt as a second language.\(^{82}\)

Werner Meschkank echoes another assessment of the present situation concerning the Sorbs. He claims that the influence of the English language and American cultural imperialism in the former GDR (since 1989) is less than the influence of Russian

\(^{82}\) Interview with Professor Stefan Wolff at the European Centre for Minority Issues, Flensburg 29 July 2003. The full text of the author’s interview with Professor Wolff is found in Appendix 6. Post-Wende refers to period of the Sorbs as a national minority after the end of the GDR regime.
under “Soviet rule”. Interestingly, Meschkank states that those (Sorbs) during their studies in Czechoslovakia and Poland under the communist regime, felt 'more at home' than those Sorbs who studied in East Berlin or other East German institutions. The point here is also one of being in a Slavonic environment, as opposed to a German/Teutonic one, whereby in the former instance there is a sense of a cultural belonging. It can be said that the aforementioned notion of a ‘cultural belonging’ is augmented by a similar historical pattern (for instance, oppression) and a similarity in the language (Slavonic) shared by the Sorbs, Poland, and Czechoslovakia.

At the same time, the survival of the Sorbian language and culture needs to be examined in the context of a pluralistic arrangement. Thus, the notion of a language policy needs to be considered.

6.7.1 The Sorbs and the Federal Government of Germany: An assessment

As previously noted in Chapter Five, Germany considers national minorities to be groups of the population who meet five criteria. Thus in a sense, Germany has laid down an abstract definition of the term “national minorities”, which also applies to the Sorb population. At the same time, the Member States of the Council of Europe cannot find a definition that they can agree upon, although Germany’s definition is not too dissimilar to that made by other Member States, such as Denmark. However, the terms of reference chosen by Germany in relation to its definition of ‘nationality’

---

83 Interview with Werner Meschkank at Wendisches Museum/ Serbski Muzej (Sorbian or Wendish Museum), Cottbus 16 August 2002.
and the protection of national minorities are within the scope of the Council of Europe.\textsuperscript{85}

The Framework Convention is not a general human rights instrument for all groups of the population that differ from the majority population in one or several respects. General human rights laws, such as those prescribed by the UN protect these groups in Germany and they have further protection established by national law, and the ratification of a wide range of relevant instruments. The latter instruments include protection for the Sorb minority. As was the case in the previous chapter, in assessing the implementation of these instruments with regards to the Danish, Frisian and Roma minorities, the same methodology applies to the Sorb minority. In other words, the same approach is used here to determine to what extent the FRG implements the Framework Convention in terms of maintaining and promoting Sorbian culture and language. The key areas of concern include the media, education, financing cultural institutions and the access (including political mobility) that is available for Sorbian representatives to have a dialogue with German authorities.

\textbf{6.7.2 The issue of Sorbian as an official language (Article 10)}

For present purposes, Article 10 refers to the right to use freely a minority language in private and in public and in dealings with the administrative authorities. It also allows a person to defend him or herself in this language. The Advisory Committee finds that there 'appear to be shortcomings in the practical implementation of the relevant legal provisions', particularly in the areas traditionally settled by the Sorbs in the Land of

\textsuperscript{85} Ibid. The above is recognised in the protection concept of Parliamentary Recommendation 1201 (1993), Article 1(a) of the draft contained in that Recommendation. 'Reference is also made to the Regional/Minority Language Charter that stipulates in Article 1(a): the term "regional or minority languages" does not include the languages of migrants'. Ibid.
Brandenburg. The Advisory Committee ‘considers that the German authorities should make sure that existing legal provisions concerning the use of Sorbian in official dealings are properly implemented in practice and remedy any shortcoming in this field’. (The above resonates with the Sorbs having been given the right to use their language in court proceedings in 1952). Whilst the German government (the FRG) acknowledges the importance of the use of the minority language (Sorbian) in the traditional settlement areas, it claims that it is trying to ‘enhance the effective use of the minority language’. At the same time however, the FRG maintains that ‘the Sorbian language is rarely used in dealings with public authorities’. The FRG goes on to argue that ‘the experience gained so far suggests that this is due to the lack of demand among the population. People are actually given the opportunity to use this language’. However, in the context of this document, it is difficult to determine what does the FRG mean when it states that ‘people are actually given the opportunity to use this language’. Certainly, there would be plenty of opportunity to use the Sorbian language in the context of their own cultural institutions, and the like. But one needs to ask whether such opportunities exist in day-to-day interactions such as those that transpire at supermarkets, banks, post offices, council chambers, railway stations and employment offices, to name but few.

In any event, the response by the Presidency of the Domowina-Bund Lausitzer Sorben (Association of Lusatian Sorbs) is clear on this matter. It claims that there is a public demand for the use of Sorbian as an official language. Indeed, it is difficult to make a

86 Ibid. p. 16.
87 Ibid.
88 Ibid.
89 Ibid.
90 Ibid.
balanced assessment here on this issue alone. To be fair, the FRG has a valid point. It believes that it should not create a demand that is not there. Furthermore, the evidence gathered from field research by the author suggests that there is reluctance by younger Sorbs to either learn or speak the Sorbian language. As noted previously, younger Sorbs regard German as having more status and prestige. For instance, from a sample of 20 students attending the Dolnoserbski gymnazium Chošebuz (Lower Sorbian High School in Cottbus) ranging between 15 and 19 years of age, the entire sample claimed that they speak German at home.\textsuperscript{91} Interestingly, only three regard English as their favourite language, and the remainder of the sample claim that German is their favourite language. Certainly, one needs to be cautious in interpreting such results, as they are not representative of an entire population. However, on the basis of other evidence gathered in the course of this study, such as that provided by Meschkank and Spieβ,\textsuperscript{92} the above seems to indicate that the Lower Lusatian language as a lesser used language is under threat.

6.7.3 The issue of bilingual signs (Article 11)

According to this report the Advisory Committee, it

... finds that despite legal requirements to display topographical indications in the Sorbian language in areas traditionally inhabited by Sorbians, notably in the Land of Brandenburg, monolingual signs are only being replaced by bilingual ones at a very slow rate so that

\textsuperscript{91} See Appendices for a complete text of the survey and its findings. It seems that linguistic peculiarities are not confined to the specificity of this study. For instance, toward the end of his first field research visit, the author attended a child's birthday party in the German city of Karlsruhe on 8 September 2002. More than twenty adult Polish persons, now resident in Germany, and only one native German, attended the party. Throughout the entire celebratory function, all the guests spoke in German. Although the author speaks Polish, there seemed to be no accommodation for his paucity in the German language. Furthermore, it seems that for some reason the figure 'twenty' has some coincidental repetition. In the first interview with Werner Meschkank on 16 August 2002, he stated that 'if there are twenty Sorbs gathered together speaking in their Sorbian language, and a German joins the group, then those Sorbs will speak in German in order not to offend the German'.

\textsuperscript{92} See full text of interviews with Meschkank and Spieβ conducted in Cottbus in 2002 and 2003 in the Appendices.
the whole operation (of bilingual signposting) could take several more years.\textsuperscript{93}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{bilingual_sign.jpg}
\caption{Bilingual street sign in Lower Lusatia}
\end{figure}

\textsuperscript{93} Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, op. cit. p. 16.
Picture 2 Bilingual street sign in Lower Lusatia

Picture 3 Bilingual street sign in Lower Lusatia
(Pictures 1, 2 and 3 illustrate the use of bilingual signs around the centre of Cottbus. Not all street signs are bilingual. A similar situation prevails in Bautzen. Photographs taken by the author in August 2002).

In brief, the FRG’s response to this finding by the Advisory Committee claims that new bilingual signposts will be replace the old monolingual signs at regular intervals when the old signs need replacing. Furthermore, the FRG argues that it does not contravene ‘the obligations ensuing from the Framework Convention which does not require immediate replacement of signs, but grants longer periods of time’ in order to implement the necessary measures.

Although it is difficult to place a numerical value on the number of bilingual signs in the major centres such as Cottbus and Bautzen, it can be said that there is a lot of work to be done. Perhaps a useful comparison is found in the Republic of Ireland, where there is extensive use of bilingual signs (Irish and English). Yet only a very small number of Irish in the Republic speaks Gaelic, that is, Irish. Although on the surface it may seem that the two nation-states (Germany and Ireland) have rather different backgrounds, Ireland seems to have benefited markedly since joining the European Economic Community (EEC) in 1973, now the EU. Certainly, the former GDR became a member of the EU after re-unification. The point here is both states, Ireland and East Germany possessed considerably sub-standard infrastructure at different points in time. In brief, Ireland’s economy was depressed for a number of decades in the post-war years. East Germany’s infrastructure was neglected during the Cold War, and this neglect is evident to the present day. Communications such as rail,

---

94 Ibid. p. 17.
95 Ibid.
and other transport, to name but few areas, not to mention the high unemployment rate would have a higher priority for Bund and Länder policy makers than replacing signs in traditional Sorbian settlement areas.

Nevertheless, the issue of bilingual sign posting is also subject to bureaucratic complexities. For instance, the FRG in its response to the Advisory Committee noted that

According to Section 3 (2) of the Act on the Specification of the Rights of the Sorbs (Wends) (Sorben (Wenden)-Gesetz – SWG), a municipality belongs to the traditional settlement area of the Sorbian people if the features mentioned in this Act apply to them.96

Section 3 (2) of the above mentioned Act (English translation) states

Im einzelnen umfaßt das sorbische Siedlungsgebiet die Gemeinden und Gemeindeteile, die in der Anlage diesem Gesetz festgelegt sind.97

6.7.4 Media

There is no reference to the aspect of the media concerning the Sorbs in this document provided by the Council of Europe. As it happens, at the time of researching this subject the Sorbs residing in Lower Lusatia had access to six and a half hours of radio programmes in the Lower Sorbian language during the week, transmitted through

---

96 Ibid. p. 24.
97 Article 11, Council of Europe, Framework Convention on the Protection of National Minorities. The most recent issues concerning bilingual sign posts is reported in Eurolang by James Fife, 7 July 2004. Wjelike Linje/Groß Leine is a Sorbian village of 215, losing its bilingual road signs after the municipality consolidated with the municipality of Märkische Heide in south Brandenburg. This is reported to be a cost-saving measure by not providing bilingual road signs. In brief, it is a violation of Article 11.
Ostradiobrandenburg (ORB). The weekday radio programmes transmitted in the morning were repeated in the evening. In Upper Lusatia, Sorbs have access to nineteen and a half hours of radio programmes transmitted in the Upper Sorbian language through Mittledeutschrundfunk (MDR). Interestingly, ORB transmitted a programme for Sorbian youth in the Sorbian language only once a month, for one hour, while MDR allocated a programme for Sorbian youth in Upper Lusatia for two hours per week. Thus, on the basis of the available information there is a marked difference in the amount of airplay between the two Sorbian regions. Once again, the disparity in language maintenance between the Sorbian groups is remarkable.

It should be apparent here that the Sorbs have significantly more access to radio programmes transmitted in their language than the Danish, Frisian and Roma minorities. As there is no mention in the Council of Europe’s document in this instance, it can only be assumed that the aspect of access to media by the Sorbian minority is not an issue. One possible explanation for this is that one of the fundamental rights fixed for the Sorbs in the Land of Brandenburg is the fact that ‘the Sorbian (Wendish) culture and language is to show appropriate advantage in the media under public law. This is the basis for transmitting Sorbian (Wendish) programmes on TV and radio’. 98

It may be useful at this point to illustrate for comparative purposes, the depth and diversity in multicultural television transmission as that found in Australia’s Special Broadcasting Service (hereafter SBS-TV). To state the obvious, the official and dominant language is English. According to Derbyshire and Derbyshire, Australia’s

---

ethnic composition is ‘about 99 per cent the population is of European descent — British, Maltese, Italian, Greek, Dutch, and Polish, in that order’. The remaining one per cent is Aborigine or Asian. Although the population has increased since the above publication, it is safe to say that Australia is a multicultural society, with as many as one hundred and sixty different ethnic groups. The point here is, that although it would be impossible for a public broadcaster such as SBS-TV to cater special programmes for all the different ethnic groups, it is significant that for instance, it transmits German, French, Greek, Russian, Arabic and Indonesian news, to name but few, each of thirty minutes duration six days a week. SBS-TV transmits other multicultural programmes in different languages, including documentaries and films.

However, in order to qualify the above position of Australia’s SBS, it does not have to rely on the minority groups in Australia to write and produce these programmes. It simply buys them. The FRG would have to rely on the Sorbs to produce their own programmes. Also, the demand for SBS programmes may be higher in Australia, because the Australian viewers cannot access programmes from other countries in the way Europeans do.

In addition, the above public broadcaster provides the service of SBS National Radio, which prides itself on providing programmes in sixty different languages. Thus, for a comparatively smaller population, Australia provides a comprehensive media service for its multicultural society. The Deutsche-Welle network, which transmits through

---


100 Ibid.
the Australian public broadcaster SBS-TV and radio provide only thirty different 
language services.

However, it is interesting to note here the contrast between the Danish minority and 
the Sobs in terms of the printed media. The Danish minority’s newspaper Flensborg 
Avis in Schleswig-Holstein has a daily circulation of about 6,000\textsuperscript{101} compared to the 
Serbske Nowiny, (Sorbian News) which is about 2,100 and the Nowy Casnik (New 
Times) has a circulation of 1,100 copies per day.\textsuperscript{102} This observation does not imply a 
shortcoming of the FRG in promoting the Sorbian printed press, but rather it seems to 
reflect certain apathy by the Sorbs.

### 6.7.5 Education

As noted in previously in Chapter 4, education was an issue for the Sorbs during the 
Marxist GDR regime it continues to be an issue at the time of writing, fourteen years 
after German re-unification.

### 6.7.6 Sorbian Education in Lusatia (Lausitz): An overview of past and present

There is little if any doubt that education is not only a transmitter of knowledge, but it 
is also a transmitter in the process of socialisation — the socialisation of culture and 
language. Therefore, the theoretic blueprints of language and the sociology of 
language established in Chapter Three are now translated into the sphere of ethnic 
politics. In order to acquire a comprehensive understanding of education as a process

\textsuperscript{101} Email correspondence from: “Jesper Bolund Nielsen” \texttt{<jbn@dcbib.dk>} to the author \\
\texttt{<tcichon@postoffice.utas.edu.au>}, 29 November 2003.

\textsuperscript{102} Email correspondence from Marka Macijowa (address suppressed on request) of Domowina Verlag GmbH to 
the author \texttt{<tcichon@postoffice.utas.edu.au>} 15 January 2004.
that attempts to maintain and promote the Sorbian national minority and itsraison d'etre post 1990, it may be useful to summarise here the outcomes of the former GDR regime. Before 1945 the Sorb minority had very limited opportunities for education and development. After World War II, an equal rights approach made it possible for Sorbs to be educated from nursery school to university in their language. In 1947 anOberschule was established in Bautzen, as well as a new publishing house for Sorbian books. As mentioned previously in Chapter 4, in Saxony, the 1948 law protected the Sorbs. In 1952, there were seventy-eight Sorbian elementary schools and four Sorbian secondary schools, of which there were nine bilingual schools known as the A-schools with Sorbian as a medium of instruction. By 1962 the situation deteriorated, when the directive from Minister für Volksbildung (Minister for Folk Institutions) ‘prescribed the use of the German language in the case of chemistry, mathematics, physics and citizenship education’. As Hemminga notes, in 1963, 11,600 pupils took part in Sorbian education, but a year later only 3,300 pupils received Sorbian education. In brief, the status of the Sorbian language declined, as only a third of the pupils met the educational aims and a half of the pupils left school with an insufficient knowledge of the Sorbian language.

According to Hemminga’s study, up until 1990 there existed seven Sorbian polytechnical A-schools, and eighty-five polytechnical B-schools where Sorbian was taught as a second language and German was the medium of instruction. There were two extended secondary schools, one in Cottbus, Lower Lusatia, and the other in

---

104 Ibid.
105 Ibid.
106 Ibid.
107 Ibid.
Kleinwelk (Mały Wjelkow), in Upper Lusatia. Interestingly, by 1990 more than 500 bilingual teachers were employed in Lusatia.\footnote{Ibid.}

Since reunification, the German Federal Republic comprises of sixteen Länderkern, and the German school system is governed by the federal principles of the Land. In Brandenburg and Saxony, schools can be administered by the state, the district, the municipality, or by private organisations. In the case of Saxony, the Kulturminister (Minister for Culture) is the highest authority in the portfolio of general and vocational education. The minister cooperates with the Landesbildungsrat, State Education Council) the Landeselternrat (State Parents Council) and the Landesschülerrat (State Schools Council). Moreover, Saxony has Regionalschulämter (regional school offices) in Bautzen, Dresden, Chemnitz, Leipzig and Zwickau, which act as regional inspectorates and form intermediaries between the schools and the Ministry. It is beyond the scope of this study to examine in detail the German education system, but further detail can be found in the Appendices. For present purposes, it is sufficient to say that in general terms compulsory school attendance begins at the age of six years, and at the beginning of the fifth year of school, a eleven year old child may go to the Hauptschule, Realschule or the Gymnasium. In order to pursue a higher level of education (advanced college or university), a student must gain his/her Abitur. Sorbian can be studied at the Universities of Potsdam and Leipzig, as well as at the universities of Hamburg, Lwów, Prague, Warsaw, Saarbrücken and Regensburg.
6.7.7 Further educational infrastructure

Bautzen as the capital of Upper Lusatia is also the centre of Sorbian life. In Bautzen there a number of Sorbian organisations, such as the Foundation for the Sorbian People, the Sorbian Schools Association, the Domowina Publishing House, the Sorbian Folk Ensemble, the Sorbian Institute, the Sorbian Museum, Witaj Centrum and the Serbski Dom (Sorbian House). Some of these organisations have branches in Cottbus, the centre of Lower Lusatia, but there they are the smaller counterparts of the above. In addition, the Roman Catholic Marienstern convent in Panschwitz-Kuckau is an influential centre in Sorbian life. For practical purposes, the following discusses education in the two regions of Lusatia; hence it closely follows the work of Hemminga.

6.7.8 Brandenburg Lower Lusatia

6.7.8.1 The constitution

In brief, in the re-unification contract between the GDR and the FRG there were fixed guarantees for the protection and promotion of the Sorbian language and culture. The rights of the Sorbs in Lower Lusatia (that is, in the Land of Brandenburg) as promulgated on 12 July 1994 were codified in Article 25, paragraph 4, whose text is the following:

1. The right of the Sorbian people to protection, maintenance and cultivation of their original settling area is guaranteed. The land, the communities and community federations promote the realisation of this right, especially the cultural independence and the effective political assistance of the Sorbian people.
2. The land aims at the protection of the cultural autonomy of the Sorbs even beyond the land’s frontiers.
3. The Sorbs have the right to preservation and promotion of the Sorbian language and culture in public life and to its teaching in schools, crèches and kindergartens.
4. In the settling of the Sorbs, the Sorbian language is to be integrated in the official lettering. The Sorbian flag shows the colours blue red and white.
5. The concrete formation of the Sorbs’ right is regulated by a law [sic]. This law has to make sure that in all matters of the Sorbs, especially in legislation, Sorbian representatives are integrated.¹⁰⁹

The above document seems to be clear and unambiguous, and it will be used for assessing Brandenburg’s (therefore as a part of the German State’s) policy of protecting a national minority, the Lower Sorbs of Lusatia (Lausitz).

6.7.8.2 Pre-school education

Children up to the age of two years can be taken to Kindertagesstätten, KITA’s (or day nurseries), where they can be cared for up to six hours per day, which in turn accommodates working parents. These day nurseries do not have an educational aim, but as German is the common language, KITA’s practice some of the Sorbian traditions such as Vogelhochzeit (the wedding of the birds).¹¹⁰

6.7.8.3 Witaj

Witaj is the Sorbian (and Polish) word for ‘welcome’. The Witaj project is a bilingual approach (German and Sorbian) for children. In 1998 the Mato Rizo nursery in Cottbus had 54 children of a total of 105 in Brandenburg.¹¹¹ In these nurseries, the childcare workers use one language in sequence after the other with the aim of achieving bilinguality of the children. One of the problems in these nurseries is the

¹¹¹ Ibid. ‘Witaj’ is not capitalised here as it is not an acronym.
lack of native Sorbian-speaking childcare workers. For the record, in the school year 2000-2001, the Witaj-children received 'seven hours a week of separate Sorbian instruction in reading, writing and arithmetic. The German-speaking children in the same class have Sorbian instruction one hour a week'.

6.7.9 Primary education

6.7.9.1 Legislation

The Brandenburg school law legislation of 1996 provides pupils in the traditional Sorbian settlement area with the right to learn Sorbian and be taught in Sorbian in subjects and grades. These teaching facilities are yet to be arranged. Interestingly, one-way of viewing the Sorbian language is that ‘Sorbian can have the position of a mother tongue, second language and foreign language in education’, but this does not necessarily raise its status.

6.7.9.2 Grundschule

The language at primary schools in Brandenburg, and in Lower Lusatia is monolingual German. Sorbian is taught for one hour a week in grade 1, and three hours in grades 2 to 6, but only as an additional subject to the regular curriculum. But a school’s provision of teaching in Sorbian depends on the wishes of the parents. As noted in Chapter Four, after 1989 the number of pupils with Sorbian education decreased markedly. For instance, in the school year 1990-1991, only fourteen schools offered Sorbian as a school subject, which was attended by 373 pupils.
Hemminga provides further data in that ‘after 1991 the number of schools and pupils has continuously increased, notwithstanding... a rapidly decreasing birth rate and the emigration of young people to the western part of the GDR’ [sic]. Remaining with Hemminga’s data, in 1999-2000, 1036 children attended Lower Sorbian instruction at 23 primary schools.\(^\text{118}\)

6.7.9.3 Teachers

Only two out of 36 Sorbian teachers have a native knowledge of Lower Sorbian, which means that the other teachers had to learn Sorbian at school themselves.\(^\text{119}\)

According to Hemminga, ‘the number of qualified Sorbian teachers is higher than 36, but the small number of lessons means that the language skills of these Sorbian teachers are not used’.\(^\text{120}\) Therefore, on the basis of the above information, two observations emerge. One, Sorbian is an optional subject at primary school, which depends on the wishes of the parents; and, secondly, although the number of pupils and schools have fluctuated in the decade after German reunification, in relation to the number of qualified personnel, there seems to be a low level of demand for instruction in Sorbian at the designated schools in Lower Lusatia.

6.7.9.4 Secondary and vocational education

Brandenburg has three school types at the secondary level, the comprehensive school, the grammar school and the pre-university grammar school. Students are offered Sorbian as an optional subject at the first two types of school for three hours a week,

\(^{117}\) Ibid. Hemminga’s acronym is misleading here. If he intended to mean ‘West Germany’, then it would be more correct to use the acronym FRG, or Federal Republic of Germany.

\(^{118}\) Ibid.

\(^{119}\) Ibid.

\(^{120}\) Ibid.
located at Cottbus and Sielow, but the demand for these classes is very small.\textsuperscript{121} (Emphases added).

\textbf{6.7.9.5 Niedersorbische Gymnasium (Lower Sorbian High School)}

The Niedersorbisches Gymnasium in Cottbus offers Sorbian as a compulsory second foreign language and it is the only grammar school in Lower Lusatia with Sorbian as a second foreign language in its programme. As Hemminga notes, the Gymnasium had begun in 1952 as a bilingual school with the final examination in Lower Sorbian, but as parents did not pass the language on to their children, schools were forced to become monolingual.\textsuperscript{122} However, since 1992 the school has offered Lower Sorbian as an obligatory second foreign language. In the school year 1998-1999, 488 pupils attended the Gymnasium with the number increasing to 518 in the following school year.\textsuperscript{123} In addition the school has a Lower Sorbian choir, a dance group and has lessons in arts and music with a focus on Lower Sorbian themes.

The above data omits one very important point: there is no mention of linguistic competency achieved by its students. As Werner Meschkank points out, there are only two persons of the younger generation he knows of who can speak fluent Lower Sorbian, and they are his two sons, of whom one is still attending the Gymnasium in Cottbus.\textsuperscript{124}

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{121}] Ibid.
\item[\textsuperscript{122}] Ibid. p. 7.
\item[\textsuperscript{123}] Ibid.
\item[\textsuperscript{124}] Interview with Werner Meschkank, Cottbus, 16 August 2002. During the author's second visit to the Sorbian Institute in Cottbus in 2003, one of the Meschkank's sons also commented on the above situation. Thus, at the time of writing, out of a student population of about 600 at the Niedersorbisches Gymnasium, only one pupil has linguistic competency in Lower Sorbian.
\end{itemize}
\end{footnotesize}
6.7.10 Higher education

6.7.10.1 Potsdam

Since 1998 the University of Potsdam has offered an additional course in Sorbian, mainly for the purpose of enabling teachers to get an official qualification for teaching Sorbian in the lower, first and second level classes. In 2001, the number of Lower Sorbian teachers stood at forty-five.\textsuperscript{125} The University of Leipzig in Saxony also offers courses for teachers in Sorbian (see below).

6.7.11 Saxony Upper Sorbian

6.7.11.1 Pre-school education: nurseries

The Saxon Law of 1993 requires day care institutions in the German-Sorb area to teach the Sorbian language and culture and to cultivate Sorbian traditions. (See Appendices). As Hemminga notes, in 1997 about 700 children attended eight Sorbian day nurseries in the districts of Bautzen, and Kamenz, with another twenty bilingual nurseries in the districts of Bautzen, Kamenz, Niederschlesier and in the town of Hoyerswerda.\textsuperscript{126} Moreover, there are 685 children in Sorbian groups, and the above employ seventy-four childcare workers who are able to speak Sorbian.\textsuperscript{127} The Sorbischer Schulverein (Sorbian Schools Association) took the initiative to establish four Witaj-KITAs in Saxony, similar to those found in Brandenburg.\textsuperscript{128} It is of note here to observe Hemminga’s claim, that although these initiatives are seen as the hope for the future of the Sorbian language by Sorbian officials, ‘the number of children

\textsuperscript{125} Hemminga, P., “The Sorbian language in education in Germany”, op. cit., p. 7.
\textsuperscript{126} Ibid.
\textsuperscript{127} Ibid.
\textsuperscript{128} Ibid.
participating in these nurseries is too small to expect a real renaissance of the Sorbian language.\(^{129}\)

6.7.12 Primary education

6.7.12.1 Legislation

All schools in Saxony are required to teach a basic knowledge of Sorbian history and culture.\(^{130}\) In other schools where German is the medium of instruction, Sorbian is taught as one of the subjects stipulated in the schools’ curricula. Paragraph 2 of the Saxon Law on Education (1991) sets out the right of the Sorbs to have Sorbian as a subject and as a medium of instruction. Moreover, in the school year 2000-2001, there were forty-three schools in Saxony that taught Sorbian, and attended by about 7,473 pupils, of which 957 with Sorbian as their mother tongue.\(^{131}\)

6.7.12.2 Grundschule

The former A-schools that existed during the GDR regime, have been re-established as Sorbian schools, located in the Sorbian language areas of Saxony. (See Barker’s map depicting Sorb speaking areas in Germany in Chapter Three). Sorbian is the language of instruction, with the exception of German, which is taught in German. The Saxon School Law requires Sorbian schools to promote and develop the culture and language of the Sorbs. According to Hemminga, in 2000 there were five primary schools in Saxony, one in Bautzen and four in Kamenz.\(^{132}\) In brief, ‘of these, 229 pupils studied Sorbian as their mother tongue language, 191 pupils studied Sorbian as

\(^{129}\) Ibid.

\(^{130}\) Ibid.


a foreign language and 155 pupils had Sorbian as a second language on their curriculum.\textsuperscript{133} In addition to these Sorbian primary schools, in Hoyerswerda, Kamenz and Görlitz, there are twenty-four German primary schools, which offer Sorbian as a second language, either as a foreign language or as a language of communication.\textsuperscript{134} Hemminga provides further data here, in that in the school year 2000-2001, a total of 2,607 pupils attended these schools, of which 408 studied Sorbian as a second language; 153 pupils attended Sorbian classes as a foreign language and 166 pupils studied Sorbian as a language for basic communication.\textsuperscript{135}

6.7.13 Secondary and vocational education

6.7.13.1 Sorbian schools

There are six secondary schools in Upper Lusatia. The district of Bautzen has two and the Sorbian Catholic district of Kamenz has four. Four schools offer classes with Sorbian as mother tongue and as a second language. Hoyerswerda has six schools that teach Sorbian as a foreign language. There is a Sorbian grammar school in Bautzen and in 2000-2001 516 pupils, of whom 215 pupils attended Sorbian as a mother tongue and 186 pupils attended Sorbian classes as a second language, attended the only pre-university grammar Sorbian school.\textsuperscript{136} Sorbian now has recognition as a state-specific school final examination subject, thus students are allowed to choose examination in Sorbian as their mother tongue. This in turn places Sorbian on a par with German as a fully-fledged examination subject.

\textsuperscript{133} Ibid.
\textsuperscript{134} Ibid. It is also interesting to note that as Görlitz (Zgorzelec in Polish) is on the German-Polish border. Recently, a bilingual programme has been established for German children to learn Polish. At the time of writing this class consisted of twenty-eight German children. Source: British Broadcasting Corporation (BBC) World Service, \textit{Europe Today}, transmitted through the Australian Broadcasting Corporation, ABC- Radio PNN, 2 February 2003.
\textsuperscript{135} Hemminga, P., "The Sorbian language in education in Germany", op. cit., p.8.
\textsuperscript{136} Ibid.
6.7.13.2 German schools

Hemminga notes that ‘in bilingual or German schools Sorbian is taught exclusively as a foreign language in small groups (of at least five pupils) in addition to the curriculum of the whole class’.\textsuperscript{137} An active command of a small range of vocabulary of about 2,100 words acquired by the tenth class is the aim of these lessons.\textsuperscript{138} Furthermore, these groups are usually heterogenous in their composition, so that pupils who have no knowledge of Sorbian are often taught in the same group as pupils who have almost perfect command of Sorbian.\textsuperscript{139} Keeping in mind that the school environment is German speaking, Hemminga claims that ‘school principals are often not in favour of Sorbian, because Sorbian is seen as a matter for the Sorbs themselves’.\textsuperscript{140} In the school year 2000-2001 there were six German secondary schools that taught Sorbian as a second language. The above schools had 2,143 pupils attending, but only 159 pupils attended these Sorbian lessons.\textsuperscript{141} Finally, in the same year as noted above one German grammar school in Hoyerswerda offered Sorbian lessons as a foreign language, \textit{attended by three pupils} out of 484 pupils.\textsuperscript{142} (Emphases added).

6.7.13.3 Vocational education

The training of bilingual primary school teachers and nursery childcare workers took place at the Sorbian Institute of Teacher Training in Bautzen until 1991. Since then primary school teachers and subject teachers of Sorbian receive their training at the University of Leipzig. There are no other higher education courses with special

\textsuperscript{137} Ibid.
\textsuperscript{138} Ibid.
\textsuperscript{139} Ibid. pp. 8-9.
\textsuperscript{140} Ibid. p. 9.
\textsuperscript{141} Ibid.
\textsuperscript{142} Ibid.
provisions for Sorbian. Thus, according to Hemminga, people wishing to pursue other vocations, such as for example, 'actors, journalists, priests, or staff members of Sorbian establishments', need to rely on self-study or their knowledge learnt at the Sorbische Gymnasium.\textsuperscript{143}

\textbf{6.7.14 Higher education}

\textbf{6.7.14.1 University of Leipzig}

The University of Leipzig has a long history of teaching Sorbian dating back to 1716 with the foundation of the Wendish Theological College. The Institute of Sorbian Studies was established in 1951 and was the only tertiary education establishment in Germany to offer Sorbian studies. Although initially it was meant for the training of Sorbian teachers, and personnel working in affiliated Sorbian institutions, the Institute of Sorbian Studies later broadened its scope to include other professional fields. Hemminga argues that the latter development is attributed to 'the growing significance and recognition of minorities and small peoples within Europe'.\textsuperscript{144}

Studies in Upper and Lower Sorbian at the University of Leipzig have traditionally been regarded as a course for native Sorbian speakers but it is now incorporated into other disciplines such as German and Slavonic Studies, as well as research into European minorities. For the record, in the academic year 2000-2001 Sorbian studies were attended by sixteen full-time students, six of whom studied Sorbian as a main subject, three as an additional subject and seven as a teacher training course.\textsuperscript{145}

\textsuperscript{143} Ibid.
\textsuperscript{144} Ibid.
\textsuperscript{145} Ibid.
6.7.14.2 Educational research

The Sorbische Institut (Sorbian Institute) in Bautzen and its branch office in Cottbus are the successors of the former Institut für sorbische Volksforschung der Akademie der Wissenschaften der DDR (Institute for Sorbian Anthropology of the Academy of Sciences of the GDR). The Sorbische Institute is supported by Brandenburg and Saxony, has 36 staff members, including 22 researchers. The main points of scholastic attention include social and cultural history, ethnology and linguistics. Moreover, the Sorbische Institut is in charge of the Sorbische Zentralbibliothek and the Sorbische Zentralarchiv, which house 75,000 volumes and 325 yards of acts respectively.

6.8 Some preliminary analysis and deductions

The above information concerning the educational institutions for the Sorbs in Lusatia, which Hemminga describes also provides one with the raw materials for further analysis. In the first instance, it can be said that there is considerable support by the State. (In this context, the State refers to the federal system that exists in Germany, complemented by the Länder of Brandenburg and Saxony). Secondly, the legislation that exists in the two Länder, should, theoretically make the position of the education for the Sorbs in Lower and Upper Lusatia reasonably clear. Thirdly, it is clear that the issue of culture and language preservation in Lower Lusatia is endangered, more so than in Upper Lusatia.

---


147 Ibid. The Sorbian library and archives located at the Sorbian Institute in Bautzen also house a range of literature on the subject of Slavonic Studies, including, among others, English, Polish, Czech, French, and Russian publications.
However, in a sense the legislation in relation to the Sorbs of Lusatia in this environment is a blueprint for an *idealistic* situation. The spirit of the legislation is no different to that which existed under the former regime of the GDR. Why? Both regimes purport *recognition* and *equality* for the Sorbs. It seems that the use of the terms ‘recognition’ and ‘equality’ have an altruistic intent. Perhaps the strongest piece of evidence to support this claim is provided by Hemminga, is where he states that, ‘school principals are often not in favour of Sorbian, because Sorbian is seen as a matter of the Sorbs themselves’.

Certainly, in one respect the above claim is ‘open-ended’, in that one can interpret it in several ways. However, it can infer that the question of Sorbian education is the responsibility, or a problem for the Sorbs to resolve. If that were the case, then the evidence thus far would suggest that the Sorbs have excelled themselves in attempting to maintain and promote their culture and language. Then why are the figures, such as those regarding pupil attendance of Sorbian classes in bilingual and German schools provided by Hemminga so low? The point that is overlooked in Hemminga’s paper, is, that the Sorbs as a threatened ethnic minority are entitled to the fullest protection of the legal instruments that are available to them under national (the FRG), supranational (the EU) and international (the UN) bodies. This in turn beckons the question, why, or what is the *cause* for the low attendance, which Hemminga’s statistics seem to show? Is it an outcome of German policy? The following discussion attempts to address these salient questions.

At the same time however, one must keep in mind the psychodynamics of majority ethnic group and minority ethnic group relations. In other words, it is important to
bear in mind some of the overriding tenets such as 'the greater good', especially when one tries to place the Sorbian situation in a political context of an ethnic minority that numbers between fifty and sixty thousand, compared with a national population of about eighty million, not to mention the other ethnic groups that contribute to the total German population. In other words, 'the greater good' of the German State includes policy measures to address problems such as high unemployment, crime, refugee and asylum seekers, social welfare issues, (homelessness, drug and alcohol dependence), reconstruction of the former East Germany, as well as foreign policy matters, to name but few. Thus, problems faced by a minority group such as the Sorbs would be placed further down the list of policy priorities.

In any event, Germany is not the only European country to experience some of the policy issues noted above. As a measure to reduce government expenditure on public goods and services, many Western countries, including Germany, embarked on a policy of 'economic rationalism' throughout the latter decades of the previous century. Since the introduction of the single currency, the Euro, EU members are obliged to stay within a three per cent deficit of their gross national product. Education, among other portfolios, was one of the commonly targeted areas where governments attempted to reduce expenditure. For instance, financial reports show that between 1992 and 1997 the proportional funding by the federal and state governments for the Sorbs remained fixed at fifty percent (50%) from the federal government and 33.3% from Saxony and 16.6% from Brandenburg.\(^\text{148}\) However, the

total sum of financial grants decreased from 1992 to 1997. See graph below.\textsuperscript{149} In brief, the decrease in funding has occurred during the Kohl/CDU chancellorship, and during the incumbent Schröder/SPD chancellorship.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{sorbian_funding_chart.png}
\caption{Sorbian funding by the German government (federal)}
\end{figure}

It should be apparent from the above figures that the level of funding for the Sorbian Foundation indicates a decrease from 1992, to 1997, by 6,503,4 (in thousands) DM.

Returning to Hemminga’s study, it seems that some other observations and/or conclusions that can be made include; first, the number of Sorbian speakers has been markedly in decline since the end of World War II, when they were estimated at 140,000\textsuperscript{150} and about 67,000 in the 1980s\textsuperscript{151}. There is little doubt that the decline began prior to World War II, but for now it is sufficient to say that the Nazi regime

\textsuperscript{149} Ibid. p. 15.
\textsuperscript{150} Hemminga, P., “The Sorbian language in education in Germany”, op. cit., p.4.
\textsuperscript{151} Ibid. p. 3.
ruptured the continuation of the Sorbian culture and language. Second, the number of hours of instruction per week given to pupils at the primary level of education is insufficient, particularly if Sorbian is not spoken at home. The point here is that in order to achieve linguistic competence in any language, it is a discipline that requires daily rigor and practice, rather than say, three hours per week as in the case of the Grundschule.

The third point that needs to be made is, that although the number of primary schools (23) in say, Brandenburg, in 2001 may be adequate, they were attended by 16,000 pupils, of which 1036 attended Lower Sorbian instruction\(^\text{152}\), or an average of fifteen of so Sorbian pupils for each school. Certainly, there is a risk of inaccuracy when manipulating such figures, but it does leave one to consider the cost-effectiveness from a government policy point of view of maintaining special lessons for Lower Sorbians. This is not to suggest that bilingual instruction is not warranted, but rather government policy makers and advisors would need to justify budgetary allocation for such programmes. Moreover, in theory at least, the German government is accountable to the voting public, many of whom would be taxpayers who demand what they see as responsible fiscal policy.

Once again, by using the available information and thereby referring to the situation in Saxony, where in 2001 there were 43 schools that taught Sorbian and attended by 7,473 pupils, of which there were only 957 with Sorbian as their mother tongue.\(^\text{153}\) In the case of the grammar school in Hoyerswerda, as noted previously, only three pupils out of 484 attended classes in 2001 that offered Sorbian as a second

\(^{152}\) Ibid. p. 6.

\(^{153}\) Ibid. p. 7.
The above figures, no matter which way they are interpreted, are not encouraging to say the least. The following table summarises the above data.

### 6.8.1 Summary of school attendance Statistics

<table>
<thead>
<tr>
<th>Type of education</th>
<th>Enrolment</th>
<th>Sorbian as medium of instruction</th>
<th>Sorbian as a second or foreign language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day nursery</td>
<td>95*</td>
<td>685***</td>
<td>337***</td>
</tr>
<tr>
<td>Witaj nursery</td>
<td>54**</td>
<td>78**</td>
<td></td>
</tr>
<tr>
<td>Grundschule</td>
<td>1,112**</td>
<td>229*</td>
<td>1073*</td>
</tr>
<tr>
<td>Realschule</td>
<td>7**</td>
<td>296*</td>
<td>634*</td>
</tr>
<tr>
<td>Gymnasium</td>
<td>513**</td>
<td>215*</td>
<td>377*</td>
</tr>
<tr>
<td>University</td>
<td>6**</td>
<td>16**</td>
<td></td>
</tr>
</tbody>
</table>

* = 2000/2001  
** = 1999/2000  
*** = 1997/1998

---

154 Ibid. p. 9.  
On the other hand, *Euromosaic*, which is a project of the Research Centre of Multilingualism in Brussels, provides the following table, which also gives strong indications of the use of the Sorbian language as ‘community language use’.

### 6.8.2 Community language use

<table>
<thead>
<tr>
<th></th>
<th>As a child</th>
<th></th>
<th></th>
<th>Now</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Often</td>
<td>Sometimes</td>
<td>Seldom</td>
<td>Never</td>
<td>Often</td>
<td>Sometimes</td>
<td>Seldom</td>
</tr>
<tr>
<td>Streets</td>
<td>56%</td>
<td>26%</td>
<td>14%</td>
<td>4%</td>
<td>29%</td>
<td>26%</td>
<td>31%</td>
</tr>
<tr>
<td>Shops</td>
<td>44%</td>
<td>29%</td>
<td>17%</td>
<td>10%</td>
<td>21%</td>
<td>27%</td>
<td>32%</td>
</tr>
<tr>
<td>Church</td>
<td>60%</td>
<td>13%</td>
<td>6%</td>
<td>21%</td>
<td>46%</td>
<td>14%</td>
<td>15%</td>
</tr>
<tr>
<td>Clubs/Societies</td>
<td>57%</td>
<td>15%</td>
<td>5%</td>
<td>23%</td>
<td>39%</td>
<td>27%</td>
<td>10%</td>
</tr>
</tbody>
</table>

Thus, the above survey clearly indicates the marked decline in the use of the Sorbian over time, that is, from childhood to adulthood or adolescence. The exception is the use of Sorbian within the Church. (See below). (The survey does not give the age group of “Now”). In a sense the above table complements the following analysis.

### 6.9 Sorbian youth: ‘global youth’?

In order to provide a more complete perspective on linguistic socialisation in the Lusatian context, it is necessary for one to return to the impact of English as a global language. As mentioned, English has penetrated the vocabulary of the daily use in the German language, as it has in a number of other languages. Furthermore, it can be said that although today’s German language has its ‘impurities’, the contemporary or current language form (English words and expressions) used in the German language

---

156 Ibid. p. 3.
makes it a ‘working’ language (in the workplace and in social settings). For instance, when Siemens executives view information at a meeting or conference at their factory in Prague, or elsewhere, and this information is provided by computerised means, such as a ‘power point presentation’, those participating in this activity all know and understand this medium of information transmission.

Again, one sees an example here of technology shaping and creating language, as the contents of the information will more than likely contain several English words and phrases, or even complete sentences. In brief, it should be clear here, how contrasting are the concepts and practices of ‘technology’ and language in cultural contexts, which includes popular culture, collaborate with a ‘working’ language in order to give information to the receiver(s); the audience, or those who may have to obey the language if it contains commands, instructions and executes subordination.

One possibility in the Sorbian language is for it to incorporate English words out of necessity, in order to have a ‘working’ language in daily interactions, but this is unlikely. It seems that language purity would need to be sacrificed in this situation and elsewhere. Language purity is sacrificed in current German usage, but an important difference here is that German retains its status and prestige. The evidence thus far does not suggest that the Sorbian language has status and prestige outside the confines of Sorbian institutions.

Although the sample of Sorbian student youth attending the Niedersorbische Gymnasium as noted above is very small, it is stressed here that this is not an absolute datum and an empirical datum that will quantify Sorbian secondary education.
However, it does seem to coincide with Hemminga’s figures of very low attendance at Sorbian lessons to suggest that Sorbian adolescents are not willing to pursue linguistic competency in their ancestral language, even though Sorbian officials may not wish to recognise this. In spite of Hemminga’s other statistics concerning Lower and Upper Lusatian pupils attending Sorbian education, the need or a demand for it appears unconvincing.

Moreover, popular culture will influence Sorbian youth in much the same way as it will influence German youth, but the former group follow the dominant latter group in order to gain approval and recognition by its peers. Put another way, even at an adolescent age level, it involves the politics of inclusion, whereby ‘inclusion’ in this context also means homogeneity in consumption, such as fashion/apparel, fast food, music, *language*, technology and entertainment. In brief, it safe to say that in the age of cyber and cultural globalisation, the Sorbian language ‘is doomed to the fate of a stagnant and ultimately dying language’.\(^{157}\) In addition the severe economic problems of East Germany and in the region of Lusatia ‘contribute to a steady and even rising emigration of younger Sorbs to the West’.\(^{158}\) Finally, youth creates its own language.\(^{159}\)


\(^{158}\) Ibid. See also transcript of interview with Professor Dietrich Scholze-Solta, Sorbian Institute, Bautzen, 21 August 2003, in the Appendices.

\(^{159}\) See for instance Biernacka-Ligisza, I., “Wulgaryzmy w slangu młoǳieży” (Vulgarisms in the youth slang), in *Kształcenie Językowe* (Language Education), Volume 2, Number 12, 2001, pp.73-96. This study shows that Polish youth in this instance retained a Polish vocabulary (in terms of phonology at least) rather than adapting an anglicised repertoire in the construction of their language. Professor Spieß on the Sorbian Institute in Cottbus for instance, supports youth making or changing their own language, which it can be argued, belongs to youth culture, if not sometimes a youth sub-culture (for instances the Goths). See Appendices for full text of interview.
6.10 Bilingual Sorbs or bilingual Germans?

In response to the Advisory Committee, the Domowina’s Chairman, Jan Nuck acknowledges that ‘the demand by the Sorbian population for use of the Sorbian language in dealings with public authorities is at a low level’.\(^{160}\) Nuck goes on further to report that in the past and nowadays, when using the Sorbian language, the speakers were, or are, ‘reproached by the “opposite side” with lack of insight, intolerance and nationalist attitudes’.\(^{161}\) In brief, there is the intimation that Sorbian is an inferior language, and to some extent the Sorbs themselves are responsible for this situation, because every Sorb citizen speaks the German language. In the latter instance, the status of the Sorbian language is further eroded by Sorbs identifying themselves as German first, and then as being Sorbian.

Nuck also responds to the Advisory Committee’s Comments, some which are also shared by the Sorb representatives. In the case of say, recruitment for the public service, The Sorbs view it as unfortunate that

\[
\ldots \text{recruitment decisions in the public service are to be based on the applicant's suitability, skills and specialised performance, and that only in the second place knowledge of the Sorbian language can be taken into account in recruitment decisions if such knowledge is required for the fulfilment of the specific duties.}\(^{162}\)
\]

The precise meaning of the above issue is unclear, except that once again the Sorbs view the above statement ‘carries the connotation of inferiority of the Sorbian language’.\(^{163}\) The Sorbs insist on the one hand that an additional qualification

\(^{160}\) Council of Europe, Advisory Committee, op. cit., p. 39.
\(^{161}\) Ibid.
\(^{162}\) Ibid.
\(^{163}\) Ibid.
criterion, that is, "command of the Sorbian language" should, in cases where applicants have the same specialised qualification, be included in all recruitment decisions, so that 'the very prerequisite for use of this language by Sorbian citizens in their dealings with public authorities is provided within the administration itself'.\textsuperscript{164} Certainly, in cases where the recruitment is intended for Sorbian institutions and organisations, the Sorbian language should be a prerequisite for prospective applicants. On the other hand the FRG maintains that the authorities are prepared 'to meet the already existing demand for use of the Sorbian language in dealings with administrative authorities, but not to create a demand that is not there in the first place'.\textsuperscript{165}

Clearly, the issue of 'demand' for the use of the Sorbian language is important here. By this it is meant that the Sorbs wish to convince the German authorities that a demand for the use of the Sorbian language exists in dealings with them, but at the same time the above position taken by the FRG denotes that such a demand is tenuous. In any event, the German government at state level is in a sense exonerated by legislation under Section 8 of the Saxon Sorbs Act, which reads as follows.

Use of their own language is an essential feature of the Sorbs' identity. The Free State of Saxony recognises the Sorbian languages, especially Upper Sorbian, as an expression of the intellectual and cultural wealth of the \textit{Land}. Use of the Sorbian language shall be left to the speakers' discretion. Its use, in spoken and in written form, in public life and encouragement to use it in this way shall be protected and promoted.\textsuperscript{166}

\textsuperscript{164} Ibid.
\textsuperscript{165} Ibid.
\textsuperscript{166} Ibid.
In other words, the Sorbs have a choice to use their language in dealings with public authorities. But a **choice** (discretion) does not equate with a **demand** for the use of the Sorbian language, if all Sorbs are bilingual. The above Section once again highlights the polarity between an ideal situation (the legislation) and the ascertained use of this language in day-to-day social intercourse. It would be a different situation if the public services were Sorbian utilities, rather than German. In a sense it is as if there is an expectation that German public servants should speak Sorbian. But, one can argue that despite Sorbian sentimentalities, having German as the first language of use is probably the easiest way, even if there are Sorbian speakers. It is highly unlikely that Germans **per se**, would embark on such an exercise, but at the same time there are sporadic instances of Germans learning the Sorbian language.167

---

167 It is interesting to note the comments of Robert Brytan, a lobbyist at the Domowina in Bautzen. Brytan claims, that “Germans are lazy when it comes to learning another language”. It must be noted that this claim is a perception, and it is subjective. (It may be more correct to say that the Germans are selective in which foreign languages they choose to learn, such as French or Italian and so on.) Although he does not qualify his statement, one can only assume that he refers to the Germans in the former East Germany. It is well known that for an array of reasons, West Germany was after all under foreign occupation in the years after World War II, and as previously noted in the above text, that the influence and presence of Anglo-American interests formed a part of English language education in the West. In this context (the former GDR) Brytan would be incorrect. Moreover, he claims that East Germans reveal a certain amount of jealousy towards those who are bilingual (Sorbian and German languages). For instance, if a Sorb is speaking German, and then changes his/her language to Sorbian, sometimes the response from the Germans is “verdammt Polak” (damn Pole). The point here is, a German is not able to identify which Slavonic language is being spoken, so it is assumed that for perhaps reasons of geographical proximity, and a large number of Poles living in Germany, that the foreign language is Polish, notwithstanding the linguistic similarities that exist among the Slavonic countries. However, his comments go beyond issues of language. Brytan claims that the Sorbs are more adaptable than ‘East Germans’, some whom have ‘a welfare state mentality, they rely on West Germany, whereas Poles, Czechs and Hungarians have had “shock treatment” for the last ten years’. The above analogy belongs to the political ruptures in those countries which with the downfall of communism they then turned to a market economy style, not to mention that West Germany has had over fifty years of significant economic performance in Europe and globally. Brytan also expects that when Poland, the Czech Republic and Hungary join the EU (May 2004), there will be an influx of investment from these new EU members in East Germany. Source: Interview with Robert Brytan, Bautzen, 13 August 2003. In another discussion on language acquisition, Robert Matuszak, a technical worker originally from Poland, but based in Karlsruhe, Germany, is employed by Siemens in Prague, where he speaks German, the company’s official language. He states, “Know your neighbour by learning their language; Germans are not keen to learn another language like the British. The German has the ethic of obedience contrasted with Slavonic flexibility, and that is why in the former character, another dictator could come along”. Source: Discussion with Robert Matuszak, Prague, 18 August 2003. It needs to be noted here that Matuszak is unaware of the English reluctance to learn a foreign language, but the purpose of the comment here is although it is anecdotal in part, it reveals how others perceive attitudes towards bilingualism, especially in the German and Slavonic perspective. Current Prime Minister Tony Blair is well known for his linguistic competence in French. A similar discussion on the unwillingness of the English to learn another language found in BBC’s World Service, *Inside Europe*, transmitted through the Australian Broadcasting Corporation (ABC), Radio PNN, 4 November 2003. Finally, on the subject of Germans learning Sorbian, Naegele claims that ‘some Germans who have settled in Lusatia since unification nine years ago are setting an example by attending evening classes in Upper or Lower Sorbian and by sending their children to bilingual schools’. 
Thus, to be fair to all the parties or actors concerned here, it is difficult to assess the policy and practice of protecting and promoting a national minority, such as the Sorbs. On the one hand, a legal instrument, such as a constitutional document may be cynically viewed as a rhetorical exercise, which in a sense may give the State immunity if the law does not translate into a policy that is palpable. On the other hand the point that needs to be made here is that as a ‘criterion’ for what constitutes a demand for the Sorbian language, which is based on an assessment of *actual use* of this language, is difficult to quantify.\(^{168}\) (Emphases added). Furthermore, an assessment of ‘actual use’ is compounded by the German policy of not making official registration (census) of those belonging to ethnic minorities, who in turn may assume several identities — German, Sorbian or European. Perhaps investigating the level of financial support for protecting and promoting the Sorbs can make a more concrete assessment of this obligation.

### 6.11 German financial support for the Sorbs

The Sorb (Wend) Law, as cited above, does not include the financial demands required for the protection of the Sorbs’ rights. Since the Treaty of German Unification in 1990, the minority has been guaranteed financial support from the German government, but the text of the Treaty ‘does not stipulate the amount of the

---

See Naegele, J., “Ten Years After: Germany’s Lusatian Sorbs Determined to Survive”, Radio Free Europe/Radio Liberty, 12 January 2000,  

\(^{168}\) Council of Europe, Response by Nuck, J., regarding Article 10, number 85, op. cit. p. 39. The text of the Sorbs’ claim here expressed by Nuck reads as follows: ‘Basing the assessment of the demand for use of the Sorbian language in relations with public authorities on the ascertained actual use of this language gives rise to concern from a constitutional law point of view’. Ibid.
annual subvention'. A summary of the annual funding for the Foundation of the Sorbian People by the German government during Kohl’s chancellorship is already provided in the above. The financial support for the Foundation of the Sorbian People, from 1998 to 2002, during Schröder’s chancellorship is found below.

According to the Domowina, Chancellor Schröder promised in December 1998 to maintain the level of funding at 16 million DM (8.2 Euro) for the Foundation for the Sorbian People. But in 2000, the federal government announced its intention to reduce the annual funding to 14 million DM (7.2 million Euro), which means a reduction of twelve per cent. However, the official records provided by the Jahresbericht (Year Report) 1998-2000 does not reflect such a marked decrease.


6.12.1 Financial assistance

In its Opinion on Germany concerning the implementation of the Framework Convention, the Advisory Committee

... considers that Germany has made commendable efforts to support national minorities and their cultures, notably through the financial support provided by the Federal authorities and the various measures taken by the Länder in the fields of education, media and cultural affairs.

---

170 “Germany: Sorbs protest in Dresden during Schröder’s visit”, Eurolang, op.cit.
171 Ibid.
Certainly, the above comment is broad in its reference to Germany’s implementation of the Framework Convention concerning national minorities. In other words, the above *Opinion* concerns Germany’s obligation to protect the Danish, Frisian Sorbian and Roma minorities. However, the Advisory Committee is more specific by noting that ‘the Federal authorities’ commitment to the Sorbs and Roma is far greater than to other national minorities’. Furthermore, the Advisory Committee notes that it ‘welcomes the Federal State’s substantial financial commitment in favour of the Sorbian minority’. In brief, the comments made by the Advisory Committee are favourable.

By the same token, however, the Advisory Committee notes that ‘the financial contributions of the Federal authorities and the Länder will not be reduced in the future’. As noted above, according to *Jahresbericht*, the Yearly Report(s) for the Foundation of the Sorbian People, 1995-1997 and 1998-2000, there has been a reduction, *but also a fluctuation* in the financial support to the Sorbian People’s Foundation. (See discussion below).

The *Jahresbericht 1998-2000* (Yearly Report 1998-2000), unlike the preceding Report, in its edition for the Foundation of the Sorbian people does not provide a graphic representation of the funding provided by the respective German  

Sighted 1 August 2003.
174 Ibid. p. 8.
175 Ibid.
176 Ibid.
177 *Jahresbericht 1998-2000: Založba za sorbski Ludl Stiftung für das sorbische Volk* (Year Report 1988-2000, Foundation for the Sorbian People). The Year Report cited provides an itemised list of all the funding and expenditure allocated to and by the various Sorbian institutions and organisation that come under the umbrella of the Domowina.
governments. Nevertheless, it is of note to refer to the financial figures as showing government funding totalling 32,396,027 DM in 1998, and with 201,967 DM as unspent and returned funds to the State by the Foundation. In 1999, the figures show that the total State funding was 31,929,095 DM, and 236,141 DM as unspent and returned funds. In other words, funding decreased by 466,932 DM in 1999. The figures for 2000 totalled 32,377,142 DM State funding and on this occasion, 106,746 DM returned by the Foundation.

In order to present a balanced argument here, one needs to consider the intricacies of domestic policies that the German State needs to address as part of its obligations to its constituents who form a majority. For instance, 2003 was the weakest full-year economic performance since the 1993 recession and Germany’s inability to keep its budget deficit within EU limits has triggered a legal challenge from the EU. That is, Germany experienced a four per cent budget deficit in 2003, which is in excess of the EU’s pact on economic stability that is required by EU members. Moreover, in the field of tertiary education, the Schröder government announced a reduction of ‘twenty-five per cent’ in the ‘next few years’ in its academic staff employed by the nation’s universities. This is just one of many area of domestic policy that faces budgetary restraints. If one considers that there are 335 higher education

179 Ibid. p. 21.
180 Ibid. p. 22.
182 British Broadcasting Corporation (BBC) News, World Service, Europe Today, transmitted through ABC-Radio Parliamentary News Network (PNN), 16 January 2004. Paradoxically, the other point made in this news bulletin was the proposal of Germany establishing some elite universities similar to those like Oxford and Cambridge universities in the United Kingdom, and Yale and Harvard universities in the United States, due to a reported decline in the standard of education at tertiary level.
establishments in Germany, attended by 1,838,456 students,\textsuperscript{183} then one needs to take into account the priorities in policies that need to be made under the rubric of governance, and responsible government, whether it is the German State or some other regime. Whilst the needs of a national minority need to be recognised, an elected government cannot overlook the needs (public goods and services among other responsibilities) of its constituents, which in liberal democratic systems are founded on utilitarian principles of the 'greatest good for the greatest number'.

In order to complete the fiscal analysis concerning State funding for the Sorbs, the decreases recorded in the \textit{Jahresbericht 1998-2000} are not severe. Although there was an incremental increase in State funding for 2000, as already noted in the above, the Sorbs also returned funds to the State in 1999 totalling 236,141 DM.\textsuperscript{184} This may not seem as remarkable as a proportion of the total, but it remains as an unused amount of funding in a competitive environment in which resources are scarce. Notwithstanding other domestic responsibilities that face the German State, it is reasonable to postulate a correlation between funding by the German Government and Hemminga's study of class attendance in Sorbian instruction. In order to be fair, the German State may have a valid argument in responding to the Advisory Committee to suggest that the public demand for Sorbian language usage is not as high as claimed in some Sorbian quarters.

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{184}] Council of Europe, Advisory Committee, \textit{Opinion on Germany}, p. 21.
\end{itemize}
\end{footnotesize}
6.13 Access and dialogue with the German government

To begin with, it should be noted here, that access and dialogue with the German government (federal and state) by national minorities relates to Article 15, which states

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.\(^{185}\)

The Advisory Committee recognises the *Stiftung für das sorbische Volk* (Foundation for Sorbian people, hereafter referred to as ‘the Foundation’) as a specific body representing the Sorbs’ interests. The Foundation helps to enhance the Sorbs’ participation in cultural, social and economic life, but the Advisory Committee notes that ‘only six of the fifteen members of the Foundation’s governing board are representatives of the Sorbian minority, without any veto right’.\(^{186}\) The FRG has responded to the Advisory Committee by claiming that,

... it would not be expedient to grant the Sorbian members of the Foundation’s Governing Board a veto right on policy matters since the margin of practicability is narrow due to the lack clarity in defining the term “policy matters”.\(^{187}\)

The other arguments presented by the FRG in not allowing a majority of Sorbian representatives on the Foundation’s Governing Board, are based on the premise that

---


\(^{186}\) Ibid. pp. 18-19.

\(^{187}\) Ibid. p. 19.
the Federal Government, Brandenburg and Saxony are parties providing funding to the Foundation. The above-mentioned level of governments, in turn,

... would have to claim a veto right in all financial matters and since, due to the financial implications of many decisions taken by the Foundation’s Governing Board, the majority right would be incomplete in a large number of issues, and this would be perceived as a de facto weakening of the majority principle.\textsuperscript{188}

The above is an interesting, but a difficult legal issue. On the one hand it is understandable that the levels of government that provide funding to the Foundation would desire to have a majority representation in the delegation of financial matters at an executive level. For the Sorbs who are members of the Foundation’s Governing Board, on the other hand, may perceive this disproportionate representation and the lack of the right of veto as a form of paternalism. Further, it may also intimate a lack of ability, accountability and responsibility by the Sorbs to administer their own affairs, especially if one considers that the Sorbian members of the Governing Board have no voice on fundamental issues.\textsuperscript{189}

However, it should be noted here that if one assumes that the FRG and the relevant \textit{Länder} that provide the funding for the Sorbian minority have a valid argument in terms of executive control, then it is only fair that the Sorbs have autonomy in the administration of their institutions. This is not the case where the \textit{Wendisches Museum/Serbski Muzej} (Sorbian Museum) in Cottbus is concerned. The former chief executive officer (hereafter CEO) of the above museum is a native Lower Sorbian and was replaced by a German in 1999, because he was considered to be ‘too

\textsuperscript{188} Ibid.
\textsuperscript{189} Ibid. p. 18.
There is no evidence of nationalist or separatist sentiments among the Sorbian community. Rather, as Meschkank states, “Today, they (the Sorbs) want to live within a unified German State, but the ‘patriarchal’ attitude of the ‘big’ State is that it knows best for a minority”. Moreover, Meschkank claims that he and other Sorbs do not consider the Germans as ‘enemies’, but as equals.

In brief, it is safe to say that on the basis of this interview, there are tensions, or at least some discontent about the German domination in the administration of Sorbian organisations. Moreover, other Sorbian institutions/organisations that have experienced changes in their leadership include the Sorbian Theatre and the National Ensemble, based in Bautzen. If appointments to administrative positions were ideally made on the basis of merit, surely this would include knowledge of the Sorbian language and culture. Conversely, it would seem almost comical to appoint a Sorb in an executive position pertaining to an agency representing or promoting Bavarian culture and traditions for instance. Hence, it is safe to say that not only do the above instance indicates that the administration of Sorbian affairs is undermined, but also, that this state of affairs jeopardises the access that Sorbian representatives have to the German authorities.

At the same time however, in the FRG’s First Report it states that under the provisions of Article 15 of the Framework Convention, national minorities and ethnic

---

190 Werner Meschkank was the former director of the Wendisches Museum/Serbski Muzej (Sorbian or Wendish Museum) who argued that a German could not understand the ‘needs’ of the Sorbs in terms of cultural and linguistic preservation and promotion. The German director apparently tried to reassure Meschkank that he would learn Lower Sorbian within a year after accepting the post, but at the time of writing this had not occurred, and nor is it likely to happen in the future. Source: Interview by the author with Werner Meschkank, Wendish Museum Cottbus, 16 August 2002.

191 Ibid.

192 Ibid.
groups are ‘ensured by Germany’s constitutional order as a free democratic state under the rule of law’, to participate in their affairs. In addition, the FRG maintains that ‘there are legal protective provisions and practical promotion measures designed to realise such participation’.

On the basis of the evidence noted above, it seems that once again there is a discrepancy between the guarantees codified in respective legislation (federal and state), and the practice found in daily life in the affairs of the Sorbs. In brief, the Sorbs who are members of the Foundation’s Governing Board are not equally represented, and neither do they have rights to exercise in fundamental policy matters. For present purposes, the above does not seem as a fair and equal arrangement.

In any event, by returning to the Opinion on Germany of the Advisory Committee it is interesting to note that as well as the Sorbian representatives not having the right of veto, even on fundamental issues.

At the same time however, it seems here as if the FRG attempts to exonerate itself by claiming that under Article 21 of the Basic Law there is no restriction for national minorities to form political parties. In brief, under the rubric of ‘participation’ in public affairs national minorities are free to form political parties, which are not subject to authorisation. Indeed, here one makes one of the key distinctions (as previously noted in Chapter Five) between the Danish minority in Schleswig-Holstein and the Sorbs. In other words, the Sydslesvigsk Vaelgerforening (hereafter referred to

---

194 Ibid.
195 Ibid.
as the SSV), that is the South Schleswig Association of Voters, is the political party of
the Danish minority in the FRG, and the nationale Friiske (national Frisians), a
minority of Frisians in Germany co-operate with the Danes in the political sphere. The
point here is, that the Danish minority have political mobility. The following section
will examine the position of the Sorbian minority in the context of political mobility.

6.14 Are the Sorbs politically inert?
As German citizens the Sorbs have of course the right to vote in federal, state and
local elections. But, the Sorbs unlike the Danish minority do not have a political party
to represent them in the political process. Although a representative of the Sorbian
people was re-elected for the Christian Democratic Union (hereafter the CDU) to the
European Parliament in 1996, and two others (one for the CDU and another for the
Party of Democratic Socialism, hereafter the PDS) to the Landtag of the Free State of
Saxony in 1999, the above parliamentary representation is minimal.

According to the FRG’s First Report, it notes that

... the Sorbian people is represented in Kreis councils and in
municipal parish councils in the Free State of Saxony by 136
deputies, of which 31 are elected candidates of Sorbian association
of voters, and the remainder were elected under various party lists
(municipal elections: 13 June 1999). In the Land of Brandenburg,
at the Kreis [district] and local government levels, at present some
40 local councillors who consider themselves members of the
Sorbian people sit on municipal/parish councils (municipal
elections: 27 September 1998).\(^{196}\)

\(^{196}\) Ibid. pp.113-114.
On the surface, the above information appears to be impressive. However, it is misleading, and a cynical view may regard it as a propaganda exercise by the FRG. Why? The first consideration that needs to be made, is, that state (Land) and local (Kreis) governments do not have legal personality in the context of international law. Thus, it should be noted here, that it is the FRG that is accountable to the Council of Europe in the context of the Framework Convention on the Protection of National Minorities, which in turn is a legal instrument. Neither the Länder nor the Kreise are signatories to the above Convention, which for all intents and purposes, is international law. Certainly, the respective local governments would, physically deal with issues that are concerned with say bilingual signposting in traditional Sorbian settlements — not the federal centre in Berlin. In brief, it is another example of the problems encountered in a federal government system's division of powers.

The other consideration that needs to be made here, which follows on from the above illustration, is one of policy. This is not to say that the respective Länder and Kreise are void of policies or policy development and implementation. However, one of the essential characteristics of a federal system is the division of powers between the centre and the constituent states. At the same time, however, the states in a federal arrangement have their own constitutions, and often there is an overlap between the two tiers of government. In other words, there may be similar policies with similar objectives, which are shared by the two tiers of government. But, the main source of power in a national context resides in the centre — in this case, Berlin.

Therefore, whilst it may appear to be a favourable situation to have a number of Sorbs elected to local councils, the above report does not state whether these councils
represent Sorbian interests. It is not unusual for ethnic persons to be elected to local governments and be primarily concerned with the business of local government, rather than matters pertaining to ethnic politics.

However, the FRG in its response to the Advisory Committee states that the providers of funds (the different tiers of government), 'so far have not intervened in the Sorbs' policy formation process and since important decisions must be taken by mutual agreement with the majority of the Sorbian representatives'.197 This assertion by the FRG provokes further examination. As it will be soon apparent, the above claim does not reconcile with some contemporary issues affecting the Sorbs.

Before one can arrive at the crucial point of contention, that is Sorbian representation and Sorbian political mobility, it is useful here to note two other points. In order to appreciate the salience of this analysis, one needs to consider the following. Further to the above, the FRG states that

In co-ordination with the local authorities of the Sorbian settlement areas of the Land of Brandenburg and of the Free State of Saxony, the respective Association of Municipal Corporations and Local Authorities (Saxon Städte - und Gemeindetag; Brandenburg Städte - und Gemeindebund) and the respective Landkreistag (Association of Landkreise) of these Länder by mutual agreement appoint the representatives as listed in Article 7 (1), nos. 5 and 6.198

Article 7 cited above refers to the Inter-State Agreement, which regulates the composition of the Sorbian Governing Board. There are two representatives in the German-Sorbian settlement areas in the Free State of Saxony and one representative

---

197 German Federal Republic's response to the Council of Europe's Advisory Committee, op.cit. p. 19.
198 Ibid.
in the Land of Brandenburg.\textsuperscript{199} Again it should be noted here, on the basis of the above numbers, that the Sorbian representation is minimal. Moreover, the FRG makes an interesting claim, in that the Inter-State Agreement does not state that the “representatives of the Sorbian people” are obliged to acknowledge that they belong to this ethnic group.\textsuperscript{200} Germany’s response to the Advisory Committee continues by arguing that the wording of Article 7 does not rule out the possibility that the representatives may represent the interests of the Sorbian people. In other words, the representatives do not have to be Sorbian in order to represent the Sorbian people.

On the surface the above statement may appear to have honourable qualities, in that a German can represent the Sorbian people, but have no ethnic connections with this ethnic group. It seems paradoxical and counter-productive to propose this alternative, particularly when concerned parties, such as Meschkank and Brytan among others, oppose German involvement in administrative arenas.\textsuperscript{201} The point is, whilst affiliation with an ethnic group is not precluded, kinship, or a common ancestry usually determines allegiance to an ethnic group.\textsuperscript{202} The following conflict, which

\begin{itemize}
\item 199 Ibid.
\item 200 Ibid.
\item 201 A useful analogy is found in the case of the Australian aborigines. The Australian federal government provides the funding for the Australian aborigines through their peak body known as the Aborigine and Torres Strait Islander Commission (ATSIC), which administer aboriginal affairs throughout all the states and territories. In addition there are a number of different aboriginal bodies/organisation throughout the Australian commonwealth that concern themselves with matters such as housing, education and welfare, to name but few. It is a prerequisite to be either an indigenous person, or at least claim aboriginality in order to be elected to ATSIC. Certain personnel positions with different aboriginal organisations require the applicants to identify themselves as aboriginal in order to be eligible to apply for "identified positions". In the former instance above, it is interesting to note that disputes have arisen between aboriginal groups, or otherwise known as factional fighting. In other words, one's aboriginal identity has been challenged and questioned by other aboriginal candidates seeking election to ATSIC. At the time of writing, mid-2004, the Australian Government announced that it would dismantle ATSIC. The above remains as an illustration of "identified positions" in the context of a minority group.
\item 202 In Australia, a petition for separate indigenous representation was presented to the Prime Minister of the day, Joe Lyons, in 1938. The case on behalf of reserved seats for Aboriginals gathered interest again in the 1980s and 1990s, but the Constitutional Commission has not yet formed an opinion on the matter. ATSIC has claimed that 'political participation would foster: 'greater equity in the provisions of services; governmental accountability; the articulation of indigenous policy perspectives; broader participation in policy development; and a wider understanding of indigenous issues in the broader community'. See Griffith, G., "The Politics of Difference: The Political Representation of Ethnic and Racial Minorities" in \textit{New South Wales Parliamentary Library Research Service, Briefing Paper 029/95}, 1995, pp. 22-25. (In essence, these claims are no different to those claimed by
\end{itemize}
concerns the destruction of a traditional Sorbian settlement, is just one example of the political immobility experienced by the Sorbs of Lusatia.

6.15 Horno: a case in point

6.15.1 Background information

The issue of lignite mining as a part of the former GDR's energy policy has already been discussed in Chapter Four. It was previously noted that the above mining contributed to the destruction of Sorbian villages, which contributed to assimilation of the Sorbs, and the decline in Sorbian culture and language. After 1989, private enterprises such as Southern Energy, a large American company had hoped to become a major player in the lucrative German electricity market. This in turn meant that Southern Energy had an opportunity to buy Veag, which owns the entire power grid of former communist East Germany. Laubag, a regional mining company supplies Veag with lignite for its power plants. The village of Horno is just one of the locations that Laubag had been trying to buy, in order that the mine can continue to supply the Veag power plant. Those villagers, who did not sell their land voluntarily, were to be forced out by 2002.

Moreover, the Oberbergamt (State Government Mining Office), which oversees the mining industry could enforce "property - transfer proceedings" against any property owner who refused to move on the basis that the economic interests of the wider national minorities in the EU). Interestingly, and by way of comparison, New Zealand Maoris were guaranteed representation under the Maori Representation Act 1867. However, the above representation was based on property ownership, which in turn acted against the Maori's tradition of commonly owned lands. In 1876 the Act was extended indefinitely, but the situation was that 'only four Maori seats for a population of about 50,000, compared with 72 European seats for a population of about 250,000'. Today, there are only five seats reserved for Maori representation. Ibid. pp. 31-37.
populace superseded the rights of villagers. German mining law allows the state to do this without a court trial.

In 1994, the people Horno filed its first court suit against Laubag's plan for the Jänschwalde mine. The Verwaltungsgericht (Administrative Court) in Cottbus, disregarded the right of the Sorbs to be heard in court under the Federal Constitution for five years, with the case only being heard, and dismissed, at the end of 1998.203

Also in 1994, Horno filed a suit with the Brandenburg State Constitutional Court against the Brown Coal Plan for the Jänschwalde mine, which had been approved by the State Government the previous year.204 However, in June 1995, the Brandenburg State Constitutional Court declared the Brown Coal Plan to be unconstitutional, because the plan foresaw the dissolution of the Horno municipality.205 The above decision marked the first major victory for the villagers of Horno, because in order for such an act to be executed, the Constitution requires a specific law to be enacted by the Landtag, which did not exist.206

However, two years later the Brandenburg Parliament enacted the Braunkohlengrundlagengesetz (also known as the "Horno Law"), which stripped Horno of its municipal status and incorporated it into the neighbouring community of Jänschwalde.207 A new site for Horno eighteen kilometres south was also proposed near the town of Forst. In the meantime the community of Horno, with the support of

204 Ibid.
205 Ibid.
206 Ibid.
the Democratic Socialists (PDS) had filed a suit with the Brandenburg Constitutional Court against the Brandenburg Government’s “Horno Law” on the grounds that it violated Article 25 of the Brandenburg Constitution.\textsuperscript{208} Article 25 of the Constitution was intended to prevent the further destruction of Sorb villages.

As it happened, the Domowina also became involved in the above legal process, and when the Court reconvened in June 1998 it announced its majority (seven to two) verdict that the “Horno Law” did not violate the Brandenburg Constitution.\textsuperscript{209} Thus, not only had the Constitutional Court betrayed the rights of the Sorb minority, but also, the Constitution became subordinate to political expediency.\textsuperscript{210} In the latter instance, the government’s main argument was about the number of jobs that would be created in the mining region. But, as Gromm points out,

\begin{quote}
The proposed mining plan would continue, “disemployment” [sic] because already the mining was totally mechanised, requiring no more than a handful of people to be directly employed on site at any one time.\textsuperscript{211}
\end{quote}

Certainly, at the time of writing the issue of high unemployment in the Land of Brandenburg (18.9 per cent or 253,836)\textsuperscript{212} is not disputed here. But Gromm alleges that the Brandenburg State Government in 1993 was ‘morally bankrupt’ when it

\begin{itemize}
\item \textsuperscript{208} Ibid. p. 3.
\item \textsuperscript{209} Ibid. p. 4.
\item \textsuperscript{210} Ibid. It is interesting to note that Gromm’s paper also points out that one of the judges, Dr. Wolfgang Knippel, Vice-President of the State Constitutional Court, said of the Court’s decision: “The important thing is that parliament remains capable of reaching decisions”. In a similar case, there was the judgement by the Constitutional Court of the State of Saxony in July 2000, regarding the Saxon Landtag, which passed the “Heuerdorf Law”. The “Heuerdorf Law”, which denied the community of its municipal independence and incorporated 270 inhabitants into the town of Regis-Breitingen. Heuerdorf filed a complaint against the new law with the Saxony Constitutional Court arguing that it was incompatible with the State Constitution. However, the Constitutional Court’s judgement was made on different grounds compared to the Horno case, in that the Court ruled that the Saxon government based its legislation ‘on the model of closed utility market’ against the changes made possible ‘by the liberalisation of the European electricity market’. Ibid.
\item \textsuperscript{211} Ibid. p. 2.
\item \textsuperscript{212} Source: Schanzmann, S., cited in Döbelner Allgemeine Zeitung, 7 August 2003, p. 6.
\end{itemize}
claimed that ‘only the destruction of Horno would save jobs in the mining industry’. According to Gromm, at the end of 1993 the government claims were “Horno or 30,000 (jobs)”; a year later after privatisation: “Horno or 12,000 jobs”; and in 1997, when the Horno Bill was passing through Parliament: “Horno or 4,000 jobs”. In brief, as Gromm puts it, ‘The truth is, that more than 90 per cent of jobs in Lausitz brown coal mining in 1990 have since been lost in a never-ending process of rationalisation, which has had nothing to do with Horno’.

Moreover, the environmental impact should be clear. For instance, the Jänschwalde power station burned twenty-five million tonnes of brown coal in the year 2000, and thus emitted twenty-two million tonnes of carbon dioxide into the earth’s atmosphere.

In brief, in December 1998, thirteen Horno residents, together with the Domowina, the Association of Lausitz Sorbs, filed suit at the European Court of Justice for Human Rights against the German Federal Government, claiming violation of their rights under the European Convention on Human Rights. In May 2000, the European Court rejected the Horno case. The Court conceded that there was a serious encroachment on the rights of the Horno people, but denied a violation of their human rights, because the Federal Government

\[\text{\footnotesize\cite{213}}\]


\[\text{\footnotesize\cite{214}}\]

Ibid.

\[\text{\footnotesize\cite{215}}\]

Ibid.

\[\text{\footnotesize\cite{216}}\]

justified the devastation of Horno as being necessary to protect the well being of the State of Brandenburg.217

Therefore, the above discussion demonstrates not only the ambiguous nature of the legal instruments concerning the Sorbian minority that are in place, but also the lack of effective political mobility experienced by the Sorbs. As Łuścanski puts it

You know, the laws help. We have such a good situation that the whole Sorbian people could be replaced by a law. But laws are just paper and are insufficient if we ourselves aren’t engaged. It is up to us to ensure that these laws are actually implemented [sic].218

For present purposes, Łuścanski makes an important point that is noted above, in that the Sorbs themselves need to be proactive in their struggle for survival as an ethnic

217 Ibid. p. 5. By way of a comparison, it is interesting to note that on the matter of ‘human rights’, a group of foreign policy journalists claim that ‘Germany has successfully used its “Minorities Policy” to undermine nation-states and has already achieved its aim in Czechoslovakia (peacefully) by splitting it into the Czech and Slovak republics.’ Furthermore, according to Free Nations, one attempt by Germany as stated in the German Foreign Office bulletin claims that the German care for “human rights” in central and south America is flanked by a steadily advancing economic penetration of the sub continent. Large German corporations use the cheap labour force (amongst which are many people of indigenous origin) to create competition for the USA… [S]trikers at Volkswagen (in Mexico) were campaigning against an hourly rate of around 3 dollars.. Comparable hourly rates in the US were around 20 dollars and in Germany around 25 dollars.

Sighted 16 November 2003.

By remaining with the “human rights” theme, excerpts from a speech given on 16 November 1999 in Haifa, (author not cited) titled “Protecting minorities within the context of German foreign”, and released by the German Foreign Affairs Office, states that

The framework of German foreign policy is aimed at shifting the focus of attention onto protecting the victims. This line is based on our belief that securing the rights and the identity of members of national or ethnic, linguistic and religious minorities can be achieved most effectively through guaranteeing individual human rights.

minderheitenschutz.html>.
Sighted 16 November 2003.

Two points arise here. First, the issues or the narrative concerning “human rights” can take many different forms, such as poorly paid workers, or the right to maintain and promote a national or an indigenous minority. The second point is, that there seems to be two different doctrines regarding “human rights” adopted by a nation-state; one is for domestic issues concerning national minorities, and the other in a foreign policy context.

group, but at the same time, the above discussion should demonstrate the absence of Sorbian representatives, that is — Sorbian politicians at state and federal levels.

6.15.2 Opinion and Comments by the Advisory Committee\textsuperscript{219} regarding Horno

The Advisory Committee acknowledges the deleterious impact on the Sorbs resulting from the displacement of Sorbs that lived in the lignite mining areas of Brandenburg. It also makes reference to the decision by the European Court of Human Rights, dated 25 May 2000. In a sense, the Advisory Committee reiterates the comments made by the European Court. For instance, it points out the legal obligations of Article 25 of the Constitution of the \textit{Land} of Brandenburg, ‘which establishes the right of the Sorbian people to the protection, preservation and maintenance of their national identity and their original settlement area’.\textsuperscript{220}

Although the Advisory Committee ‘expects that the German authorities will pay due heed to Article 5 of the Framework Convention’ (in brief Article 5 refers to financial support), when weighing any public interest against the legitimate aspirations of the Sorbian people,\textsuperscript{221} it seems that the Advisory Committee lacks any effective influence over the future of the resettled Sorbs in the municipality of Forst. In other words, there is no guarantee that ‘the Sorbian character and culture [will be] clearly visible’ in the new location.\textsuperscript{222}

The historian Kopper presents another perspective on the relationship between lignite mining and cultural destruction. He states

\begin{footnotes}
\item[220] See Appendices, Constitution of the \textit{Land} of Brandenburg, Article 25.
\item[221] Ibid.
\item[222] Ibid.
\end{footnotes}
The problems of the East German economy — which can hardly be considered "transitional problems" — are culturally more destructive for the Sorbian region than the former devastation of Lusatia through open pit mining.\textsuperscript{223}

\section*{6.16 Sorbian political immobility and voting patterns}

In some western liberal democracies, there is an identifiable partisan voting pattern within in the electorate. For instance, in Australian politics, environmental issues are the main concern of the Greens Party. Preference votes by Green voters may be distributed to the Australian Labor Party (hereafter the ALP) at state and federal elections rather than the conservative Liberal Party in the belief that the ALP is more sympathetic to the former, regarding environmental policy and so on.

Traditionally, the two major political parties in Australia, that is, the ALP and the Liberal Party have attempted to appeal to the 'ethnic vote' during elections. In addition, the two major parties (and to a lesser extent other political parties), have tried to promise land rights to the aborigines in Australia if one of the political parties wins office. Thus, by continuing with a comparative approach regarding partisan support for minorities, one is able to examine the situation or the relationship between the major political parties in Germany, such as the CDU and the SPD, (to a lesser extent the PDS) and the Sorbian minority.\textsuperscript{224} The following analysis attempts to

\textsuperscript{223} Kopper, C., "The East German Sorbs and the challenge of globalisation", op. cit. pp. 5-6.

\textsuperscript{224} For instance, Jaensch notes that the non-British migrant population in Australia in the post-war wave of immigrants (especially from Italy, Germany and Greece) has shown a lower level support for the ALP, despite their working class bias. As Jaensch puts it, 'part of the explanation for this is the 'Communist issue', based on the nature of the political environment in some of the source countries', and also the Labor Party being tainted as being too close to Communist sentiments, especially where party members were also trade union officials. Interestingly, after 1967 'these communities have shifted to the point where they are almost anti-Liberal-National Party'. Another interesting phenomenon witnessed in Australia in electoral behaviour was in the 1950s with the formation of the Democratic Labor Party (DLP). The collapse of the DLP in 1974 may be interpreted, as 'the party of Catholics' never became 'the Catholic party'. See Jaensch, D., The Politics of Australia, (Melbourne: Macmillan Education Australia Pty Ltd, 1992), pp. 413 and 17 respectively.
unravel this supposition in broad terms as the parameters of the discussion are aimed to give one an overview of voting patterns, rather than a detailed interrogation based on say, age, gender, and other socio-economic stratification.

As mentioned previously, the Sorbs do not have a political party that represents their interests in the same way the Danish minority is represented by the SSV. Therefore, it can be asked whether the Sorbs consider one party as being more sympathetic than another to their cultural and linguistic preservation and promotion. In order to ascertain the Sorbs' partisan preference one needs to examine their pattern of voting in German elections. This in turn leads one to the question of Catholic voting preferences in Upper Lusatia compared with a predominantly Protestant Sorbian vote in Lower Lusatia. Put another way, the above question can be extrapolated to the conservative and progressive or social democratic ends of the political spectrum.

Federal elections in the expanded Germany were held in 1990, 1994, 1998 and 2002. In brief, Helmut Kohl (CDU) was the Chancellor at the time of German reunification, but lost office to Gerhard Schröder (SPD) in the 1998 elections. Twenty-four political parties contested in the 1990 federal elections. A similar number of Polish political parties contested the elections in the first post-communist election. For present purposes, the following details will refer to Saxony and Brandenburg, as well as an overview of national results in order to maintain this analysis in the context of a federal system of government.

---

6.16.1 1990 elections

The March 1990 election to the GDR Parliament (*Volkskammer*) saw a 93.4 voter turnout in which the CDU won 41.8, and the SPD won 21.9 per cent of the vote respectively.\(^{226}\) In order to focus on the results in Brandenburg and Saxony, the following abridged table\(^{227}\) has been adopted.

**Table 1: 1990 Federal Elections Results**

<table>
<thead>
<tr>
<th>State</th>
<th>Participation</th>
<th>CDU</th>
<th>SPD</th>
<th>PDS</th>
<th>DSU</th>
<th>BFD</th>
<th>B90</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brandenburg</td>
<td>93.5</td>
<td>34.3</td>
<td>29.9</td>
<td>18.3</td>
<td>3.3</td>
<td>5.2</td>
<td>5.4</td>
<td>3.6</td>
</tr>
<tr>
<td>Saxony</td>
<td>93.6</td>
<td>44.3</td>
<td>15.1</td>
<td>13.6</td>
<td>13.1</td>
<td>6.1</td>
<td>4.7</td>
<td>3.1</td>
</tr>
</tbody>
</table>

To state the obvious, the CDU had a significant win over the SPD, and markedly in Saxony. But, the above does not give any indication of how the Sorbs would have voted.

6.16.2 1994 elections

In the 1994 elections, when the voter turnout was 74 per cent, Franc Brusk (CDU), Petr Soňta (CDU) and Tomas Cornak (CDU) were Sorb candidates who stood for election.\(^{228}\) They represented the traditional Sorbian areas of Worklecę, Chrosćicy

---


\(^{227}\) Ibid.

\(^{228}\) *Serbske Nowiny*, 13 June 1994, p. 2.
(Crostwitz) and Njebjelčicy respectively. In the electorate of Bautzen, the CDU party won 52.9 per cent of the votes, SPD 16.4 per cent and the PDS 13.7 per cent.\textsuperscript{229}

In September 1994, two Sorbs, Marko Šiman (CDU) and Sieghard Kozel (PDS) were elected to the Saxon parliament out of a total of only four candidates in the state elections.\textsuperscript{230} The unsuccessful Sorb candidates were Benedikt Dyrlich (SPD) and Radoměr Wićaz (The 90 Association).\textsuperscript{231}

6.16.3 1998 elections

In the 1998 federal elections, the CDU’s vote decreased to 32.2 per cent, whilst the SPD increased its poll to 43.8 per cent, and the PDS won 4.9 per cent.\textsuperscript{232} The voter participation was 82.3 per cent.\textsuperscript{233} Results by religious affiliation are found in the table below.\textsuperscript{234}

Table 2: 1998 Federal Election Results by religious affiliation

<table>
<thead>
<tr>
<th></th>
<th>SPD</th>
<th>CDU</th>
<th>Greens</th>
<th>FDP</th>
<th>PDS</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>40.9</td>
<td>35.2</td>
<td>6.7</td>
<td>6.2</td>
<td>5.1</td>
<td>5.9</td>
</tr>
<tr>
<td>DENOMINATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catholic</td>
<td>36</td>
<td>47</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Protestant</td>
<td>46</td>
<td>33</td>
<td>7</td>
<td>7</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Nondenominational</td>
<td>41</td>
<td>21</td>
<td>8</td>
<td>5</td>
<td>16</td>
<td>9</td>
</tr>
</tbody>
</table>

The percentage of the votes by the Protestants for the SPD was (46%) and Catholic (47%) of the votes was for the CDU. According to this information it should be clear that the two main Christian denominations are evenly divided over party choice.

\textsuperscript{229} Serbske Nowiny, 15 June 1994, p.2.
\textsuperscript{230} Serbske Nowiny, 9 September 1994, p. 1.
\textsuperscript{231} Ibid.
\textsuperscript{233} Ibid.
\textsuperscript{234} Ibid. p. 5. Table reproduced “Results by Religious Affiliation” from the source.
Certainly, one cannot necessarily translate the above analysis into the voting pattern among Sorbs in Lusatia. It is possible that it will never be known because of the complexity of the event (voting) and voters regarding it as a personal matter. One needs to rely on the commentary by Scholze-Śolta, but later in this section.

6.16.4 2002 elections

In its edition of 25 September 2002, the Serbske Nowiny reported "W hornich Serbach głosy za CDU dominowali", which roughly translates into "The Sorb vote favours the CDU". Marja Michalkowa of Horno in Lower Lusatia (CDU) won a seat in the Saxon Parliament, as did Antju Hermenau (B’90) of Branibor.

By now it should be apparent that the number of Sorb politicians elected to federal or state parliament is sporadic. The voting statistics noted in the above were not intended to prove something specific about Sorb voting patterns, as the qualitative task makes it virtually impossible.

However, Scholze-Śolta responding to the suggestion that the Catholic Church claimed that it could achieve more in maintaining Sorb culture than the State, he refers to the relationship between the two (Church and State), as the "Polish effect". In other words, Poland is predominantly Catholic and Poles are identified mostly as being Catholics. This analogy is differentiated a little in the German context in that the Sorbs identify and connect themselves with Christianity (regardless of whether they are Catholic or Protestant) and align or support the conservative, the Christian

---

237 Interview with Professor Dietrich Scholze-Śolta, Director, Sorbian Institute Bautzen, 11 August 2003.
Democratic Union (CDU). According to Scholze-Solta, even if the CDU policies are about funding cuts to the Sorbs, ‘they will blindly vote ‘Christian’, the CDU’. Certainly, the above analysis is in broad terms.

6.16.5 Political prospects?

There have been several instances where minorities have been able to mobilise themselves, forming minority political parties, and occupy a political space. Over time they may have considerable influence in policy making, which can affect the majority, or common good, or have favourable outcomes concerning the issues that the minority group (party) is seeking to address. The SSW in Schleswig-Holstein is one case in point, whereby it has been waived the five per cent barrier by the FRG in order to allow representation in the respective Landtag. Another instance is the Greens Party in Germany, which was once a minority party, but it is now a part of the coalition federal government in Germany. The point here is, that there is nothing to stop the Sorbs to mobilise themselves in a similar way as the Danish-speaking minority in Schleswig-Holstein, and form a political party that may exert more

238 Ibid.
239 Ibid.
240 The rise of the Greens in Germany in a sense parallels the rise of the Greens in Australia, notwithstanding some differences in the two political systems. For instance, in 1989, in the state of Tasmania, the Green Independents won five seats in the state elections. However, the state Australian Labor Party (ALP) could not form a government in its own right because it won only thirteen of the House of Assembly. Therefore, 'in combining with the Greens the ALP was able to marshal 18 seats, and therefore a majority in the thirty-five member Tasmanian lower house'. It was the first time in a Westminster-style parliament that the 'new politics' of environmentalism gave the Greens the balance of power. See Haward, M., and Larmour, P., (eds.), The Tasmanian Parliamentary Accord: Public Policy 1989-92, (Canberra: Federalism Research Centre, 1993). In 1996, Australian politics witnessed the rise of Pauline Hanson's One Nation Party, which One Nation (officially called Pauline Hanson's One Nation at the federal level, but known by different variants of the name in the states) is a conservative, nationalist and protectionist political group in Australia. One Nation was formed in 1997 by Pauline Hanson, David Oldfield and David Ettridge. Hanson, an endorsed Liberal Party candidate at the 1996 federal election, had been expelled from the party shortly before the elections due to comments against what she saw as "race-based welfare," made to a newspaper in her home town of Ipswich, Queensland. One Nation's peak was the 1998 Queensland state election, at which the party won 22.7% of the vote and 11 of the 89 seats. The point is, small political groups have the potential to mobilise themselves and form political parties, which may or may not be successful. "One Nation Party", <http://www.wordiq.com/definition/One_Nation_Party>.
pressure and influence on the state and federal governments of Germany in order to achieve more favourable outcomes concerning Sorbian cultural and linguistic maintenance and promotion.

**Part II**

**Influences on the physical environment**

**6.17 English and popular culture**

Certainly, the use of English is not restricted to the scientific or academic community but also spreads to the grass roots level, which includes Europe’s youth, who are receptive to the influences of popular culture, which is often expressed or presented in the English language.241 This is not restricted to just an Anglo-American use of lyrics or expressions in popular culture, which in turn influences European tastes and demand. Perhaps one of the earlier examples of blending English and German lyrics is found in Elvis Presley’s song *Wooden Heart*, released in 1958242 when Presley served as an American soldier in Germany. More recent examples include the works of ‘Falco’, an Austrian born singer who made his mark in popular music with the song *Rock me Amadeus* in 1982,243 and later, when he released the controversial song

---

241 It is worth noting that as mentioned earlier above, that English consists of ‘many varieties, each distinctive in its sounds, grammar and vocabulary’, which in turn is markedly demonstrated in popular culture and is found in different strands mostly as ‘pop music’. For instance, Jamaican English varies from the English spoken in England.

242 A part of Presley’s lyrics in German in *Wooden Heart* are

```
Sei mir gut — Treat me nice
Sei mir gut — Treat me good
Sei mir wie du wirklich sollst — Treat me like you really should
Wie du wirklich sollst
```

243 In the case of Falco, some of the lyrics of the song *Rock me Amadeus*, are:

```
Er war ein Punker — (He was a Punker)
Und er lebte in der groben stadt— (And he lived in the big city)
Es war in Wien, war Vienna --- (It was Vienna, was Vienna)
Wo er alles tat— (Where he did everything)
Er hatte Schulden denn er drank — (He had debts, for he drank)
Doch ihn liebten alle Frauen —(But all the women loved him)
```
Jeannie, which was interestingly about the issue of child sex-abuse. Both of the above songs' lyrics alternate between German and English verses, which are not uncommon in contemporary popular music. (See below).

Therefore it can be said here that popular music such as that of say Falco, will be a consumer item demanded by younger people more so than a Sorbian folk song. However, it is possible for Sorbian artists to use popular culture as a medium to help maintain the notion of a Sorbian identity and its language. Martin Weclich for instance, has released pop music on compact disk under the category of ‘Sorbian Hits’. The question remains though as to whether such a form would have an appeal, and consequently a demand for such expression. At the same time it seems unlikely that a Sorbian song for instance would have significant commercial success outside of Lusatia. One reason for this is that Sorbian does not have the ‘linguistic dyskinesia’ that is evident in the use of English. Certainly, there are exceptions regarding the musical tastes of youth, including Sorbian youth. But youth in other parts of the Western world is more likely to follow the works of popular artists than say, the works of Volksmusik. In a similar way Sorbian youth is more likely to follow the ‘big hits’ of popular culture more than say, the symphony works of Jan Paul Nagel or the choral works of Korla Awgust Kocor and Handrij Zejler. In any event, it

Und jede rief — (And they shouted:)
Come and rock me Amadeus.

244 The booklet Lodka is distributed through Serbska kulturna informacija w Serbskim domje (Sorbian cultural information at the Sorbian House), Cottbus, 2002 and has a rich catalogue of Sorbian artefacts and products such as books, videos, cassettes and compact disks on Sorbian literature, history, music, dance, traditions and more. Martin Weclich’s work is found at p. 17. Interestingly, the booklet has only one page out of 27 written in the Sorbian language. The remainder is in German.
245 See Gesamtverzeichnis 2003, (author not cited), a catalogue of literature, music and videos by Sorbian writers, artists, performers and composers, published by Domowina-Verlag and available at Sorbian commercial outlets in Bautzen and Cottbus.
should be noted that the works promoted in Gesamtverzeichnis is impressive and demonstrates the richness of Sorbian culture.

6.18 Advocates of the Sorbian Minority

6.18.1 The Federal Union of European Nationalities (FUEN)

6.18.1.1 Background information

The First Congress of European Regions met in April 1949 in Paris to discuss and address 'the problem of diversity, emphasizing the fact of heterogeneous states in Europe and pointing out the federalist solution'. The above meeting made three key resolutions on such matters as political issues, economic aspects and cultural matters. For present purposes, and in order to outline the functions of FUEN, at the above meeting in Paris, the resolution on cultural matters was made in view of emphasising the fact, 'that a number of diverse communities, regions and people exist in Europe, and that they do possess rights'.

A detailed discussion on the history of FUEN is beyond the scope of this study, but it is useful to present an outline of its role and objectives in relation to national minorities. In brief, at the General Meeting of the Federal Council in 1950, it declared that it rejects all ideas of separatism. Rather, the aim of the Federal Council was 'to create a united Europe on Federal principles'. In 1990, after the fall of communism in Eastern Europe, FUEN invited various minorities to join the Union. The Verband der Lausitzer Sorben-Domowina joined the Union as an associated member.

---

247 Ibid.
248 Ibid. p.25.
249 Ibid.
Although the aims and objectives of FUEN have not fundamentally changed since its inception, it can be said that it revised its agenda in line with changes in the EU’s Convention on Minority Rights. For instance, in 1990 the international community started a process of designing a common European standard on minority rights. The break-up of Eastern Europe enabled FUEN to renew its efforts in 1991, claiming that 'a true European system of rights of nationalities was still missing'. Thus in 1992 at the FUEN Congress in Cottbus, the Draft Convention on the Fundamental Rights of Ethnic Groups in Europe, placed FUEN in the process of elaborating minority standards, which 'were finally recognized and acknowledged by a broad European theatre of decision makers'.

Thus, on the basis of the above information, it can be said that FUEN improved the position of the Sorbs in Germany in terms of legal instruments, and conventions to which Germany is a signatory. But, it should be noted that the achievements of FUEN also refer to other minorities of Europe, rather than being in a unilateral or a direct relationship with the promotion of rights of the Sorbian minority, which would be interpreted as bias. According to Elle, who is the Vice-President of FUEN, and also one of the Sorbian protagonists in Bautzen states that,

A fundamental principle of the FUEN is to facilitate the fostering of solidarity between minority organizations and minority politics, based on the democratic process involving cooperation between the minority and the majority.

---

250 Ibid. p.110.
251 Ibid. pp. 110-111.
However, Elle is sceptical about the efficacy of the FUEN's President who is from Switzerland; in that Elle claims he is one who can hardly be described as an "instrument for German minority politics abroad". It is not clear here whether Elle is referring to the President's persona, or political standing in Switzerland or his party's ideological position. In any event, Elle goes on to say that,

Notwithstanding that "the destruction of the Sorbian basis is unconstitutional", I now wish to disassociate both myself and FUEN from comparisons made between the political school problems in Saxony, involving the Sorbs, and the darkest chapters of Sorbian history [sic].

However, the FUEN's President, Romedi Arquint stated that the Ministry of Arts and the Administrative Tribunal in Dresden had ignored the requirements of the Framework Convention, by allowing the decision to close the school at Crostwitz.

The FUEN defines its task as being an advocate for a large number of minority groups in Europe. The FUEN's representation of the different minorities has increased since the expansion of the EU's membership. In any event, it can be said that the FUEN and its member organisations monitor the extent to which EU members implement the Framework Convention. For instance, in an analysis of a survey among the FUEN member organizations, the Domowina notes that

---

253 Ibid.
254 Ibid. In May 2003, Dr. Nigel Hicks was appointed as the new Vice-President of the FUEN to replace Pierre Le Moine who left office in 2001.
It would be appropriate for the general conditions necessary for cultural autonomy to be created. It would like to see the political influence of the Sorbs improved by permanent mandates in the regional parliaments as well as the fostering by public authorities and in the civil service of an ongoing intercultural dialogue with the majority population.\textsuperscript{256}

In brief, the above comment by the Domowina resonates with those made by the Advisory Committee in its \textit{Opinion on Germany}. Moreover, the FUEN makes recommendations to the European Commission on policies concerning minority languages.\textsuperscript{257} In brief, the FUEN suggests that the EU should implement a linguistic policy that reflects the lingual diversity of the EU, given that the EU demands ratification of the European Charter for Regional or Minority Languages from all new states desiring admission.\textsuperscript{258}

However, it is of note to point out that the FUEN reports the concern of the German minority in Denmark, regarding structural change that will reduce the representation of the German minority's political party (Schleswiges Partei), due to the dissolution of the county of S\o{}nderjylland/Nordschleswig.\textsuperscript{259} In another report, the FUEN 'welcomes the initiative for a special law to support the Frisian culture and language which was brought into the Regional Parliament of Schleswig-Holstein by the SSW'.\textsuperscript{260} But, it should be noted here that in the above press release, the kudos for

\begin{itemize}
\item \textsuperscript{258} Ibid. p. 2.
\item \textsuperscript{260} Ibid. Press Release 2004-1.
\end{itemize}
achieving legal recognition of the Frisians’ cultural and linguistic rights belongs to the SSW, not to the FUEN.

Another illustration of what appears as the agenda for the FUEN at various forums is found in the following press release titled “Implementation Conference on 25th and 26th June 2003 in Berlin: Letter written by the chairman of the Lusatian Sorbs Domowina, Jan Nuck from 21st June 2003.”261 As the above title suggests, the press release simply describes the agenda for the conference concerning representatives of the umbrella organisations of the minorities settled in German and the German authorities. The issues for discussion here are expressed in general terms. It is only at the end of the press release that there is a specific reference to the Lusatian Sorbs, which states, ‘The Conference is of utmost importance for the Lusatian Sorbs living in Saxony. Still it does exist [sic] the intention to abolish the exemplary important Sorbian secondary school at Crostwitz’.262 (See Appendices for the full transcript of this press release).

It is not the author’s intention to underestimate the importance of such a conference, which among other things is a positive sign of the national minorities having dialogue with, and access to the German authorities or government, which is also the dominant majority ethnic group. But at the same time, it needs to be asked whether the national minorities organisations, and the FUEN for that matter, are effective in achieving change or improvement in the status of the concerned national minorities? Certainly,

262 Ibid. p. 19.
there is no harm in referring to a press release as to the intention of closure facing the Sorbian school at Crostwitz. As it happened, the Sorbian school at Crostwitz was closed. Although the Advisory Committee also notes this issue in its response to Germany, and as part of its monitoring of the Framework Convention, that is evaluation the implementation of the Convention, it seems that the Advisory Committee had no influence over preventing the school's closure later in 2003.

6.18.2 European Centre for Minority Issues (ECMI)

6.18.2.1 Background information

The Governments of the Kingdom of Denmark, the FRG and the German Land of Schleswig-Holstein founded the ECMI in 1996 as a non-partisan institution. Moreover, the ECMI advances majority-minority relations in the wider Europe through action, research and documentation. According to the ECMI's mission statement,

It supports the stabilization of areas of ethno-political tension and conflict, contributes to the strengthening of relevant legislation and best practices in governance and enhances the capacity of civil society actors and governments to engage with one another in a constructive and sustainable way. 263

6.18.2.2 ECMI as an advocate

It can be said here that the ECMI has similar functions to that of the FUEN concerning national minorities, in that the two organizations engage in action, research and documentation. The ECMI also shares similar functions as the FUEN in that a number of its publications provide evaluations and criticisms of policy

measures implemented by states which have ratified the Framework Convention and the European Charter for Regional or Minority Languages.

For instance, the ECMI in its report, titled, "Evaluating policy measures for minority languages in Europe: towards effective, cost-effective and democratic implementation" (hereafter referred to as the Report), not only refers to the political and legal aspects of the rights of minorities, but also policy analysis. In other words, the ECMI notes that there is little information on the evaluation of policies addressing minority issues, in particular, minority language policies. Certainly, mere acknowledgement of any deficiencies in the aforementioned policies is not enough for an organisation such as the ECMI for it to be effective in the protection and promotion of minorities' rights and their languages. Thus, the ECMI launched a research project to address the issues noted in the title of its report. Perhaps one of the salient points made by the Report, is that 'Governments are often ill-equipped to select, design, implement and assess language policy measures'. Keeping in mind that the above refers to the same policies affecting all national minorities in Europe, for the purposes of this study, it needs to be asked here whether the ECMI's evaluation is applicable to the German State.

The answer to the above question is not readily available in the Report. To state the obvious, the Report is applicable to Germany, as it has ratified the Framework Convention and the European Charter for Regional or Minority Languages. However, the Report makes its Recommendations in conjunction with the Oslo, Hague and

265 Ibid.
266 Ibid. p. 7.
Lund Recommendations. The above-mentioned Recommendations (Oslo, Hague and Lund), do not contribute any new material to the issues that national minorities experience. For instance, the Oslo Recommendations refer to the Linguistic Rights of National Minorities; the Hague Recommendations refer to the Education Rights of National Minorities and the Lund Recommendations concern the Effective Participation of National Minorities in Public Life. In other words, the above Recommendations have been rehearsed elsewhere, particularly when expressed as legal instruments. They become institutionalised through such review processes of the appropriate EU bodies, of which the Council of Europe's Framework Convention's Advisory Committee is just one, and where the aims and aspirations of the Convention are usually recorded/documentated in a policy type of 'inputs' and 'outcomes' such as the Opinion on Germany.

This is not to say that the Advisory Committee is without a purpose. The strengths and weakness of the Advisory Committee have been reviewed by scholars such as Verstichel, and are analysed later in this chapter. For now it is of interest to point out that it is often the case whenever the Advisory Committee commences it proceedings with its findings, the wording of, 'The Advisory Committee finds that'..., and its Comments form a familiar approach to the cases before it. The seemingly mild language that is used in the findings of the Advisory Committee may provide an insight into the level of its effectiveness, or ineffectiveness. In other words it seems that a rehearsed pattern, which the Advisory Committee often states at proceedings, such as an Opinion on Germany, is stated with limited authority. It seems to repeat itself in a similar narrative, which usually consists of analyses of the Articles relating

267 Ibid. p. 38.
268 Ibid.
to minority rights. The Advisory Committee also seems to lack authority in its dealings with the issues of education, linguistic policy, access to government, bilingual road signs, and the official use of the minority language (in this case Sorbian) in dealing with the authorities, (including public service), to name just few.

In order to make some sense of this cyclical and repetitive pattern of requests or demands by national minorities, and the counter-claim by States (in this case the FRG), one needs to consider that the European Charter for Regional or Minority Languages is superimposed with the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Furthermore, Universal Human Rights Law commonly binds the above national and international instruments, but as noted previously the FCPNM and the ECRML are not legally binding. They have no legal force. An evaluation of the FCPNM is found below.

The point of the above discussion alludes to an analysis of not only the effectiveness of the FUEN and the ECMI, but a fascinating perspective on breaches of human rights around the globe. Some breaches of human rights laws have resulted in devastating military interventions. Thus, the worst ‘penalty’ a State, such as the FRG can expect in terms of ‘retaliation’ or response to discrepancies in its minorities policies, is perhaps some short-term national embarrassment. In other words, the international community, which clearly includes the EU, is very unlikely to impose sanctions such as trade embargoes, or a build up of military might on border frontiers between two or more nation-states. After all, the membership of the EU has prescriptive/requirements

---

269 For instance, Europe also has the same declaration. Only the wording is ‘Fundamental Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities’.
for member states in relation to national minorities. Moreover, these same member states claim to be civil societies, where diversity, rule of law, multiculturalism, tolerance, and to some degree immigration, are exponents of a pluralistic and democratic society.

As an illustration of extreme abuse of human rights laws in our time, was the ethnic cleansing in the Former Republic of Yugoslavia in the 1990s. The latter case is just one among many that required military intervention. In the above-mentioned situations, and in broad terms the atmosphere or milieu reveals dialogue, negotiations, agreements, political representation and access to the media. Certainly not all issues concerning national minorities are fully resolved, but it need to be said here that the European ethos is one of persistence and this is why there is a consciousness within Europe, which despite some antagonisms, the European consciousness welcomes ethnic and linguistic diversity.

At the same time however, the representatives of umbrella minority group organisations state, or rather request, through the mechanisms of the said legal instruments, very much the same narrative. The content of the narrative is persistent and repetitive. Perhaps, in order for national minorities to secure cultural and linguistic rights, or ethno-political recognition, they need to be persistent and repetitive in their dialogue and negotiations with the dominant majority. Thus, it can be said here that organisations such as the FUEN and the ECMI are vehicles for the minorities’ ‘message’ to be expressed either in documentation or at a forum, such as a convention, conference or a research study of the issues.
6.18.2.3 Agents of reversing language shift

Whilst English as a global language is prominent in trade, commerce and popular culture, in the contemporary world which is also referred to as the ‘global village’, it can be said that the EU through its legal instruments, and the advocates for the ethnic minorities (see below), are in fact agents of reversing language shift. As Fishman argues, ‘the European Community itself has called several times for increased use of, respect for and assistance to the non-state minority languages of that continent’.

Furthermore, it is fair to say by adopting Fishman’s thesis, that the efforts of the Sorbian institutions in Germany, are

... part of the pursuit of meaningful identity and the attainment of a cultural future related to one’s own cultural past and in accord with one’s own definition of what the relationship between the past and future should be.

Thus, it can be argued here, that the Sorbian cultural and educational organisations are the primary agents of reversing language shift within Lusatia. As already mentioned above, the various EU organisations, including FUEN, ECMI and EBLUL, among others are agents of reversing language shift. Interestingly however, in this study, one should also include the German State as an agent of reversing language shift. By its support and implementation of the Framework Convention and the European Charter on Regional or Minority Languages, it is instrumental in this process. Moreover, there is a resistance to the use of Anglo-American loan words used in the German language.

---

271 Ibid.
272 Ibid. p. 288.
within the native German population. In other words, Germany to some degree at least, is resisting a language shift of its own.\textsuperscript{273}

In any event, by returning to the discussion on the advocates of the Sorbs, the ECMI’s efforts such as those published in its evaluation of policy measures for minority languages, as noted in the above, it reached a consensus that “effectiveness”, “cost-effectiveness” and “democracy” ‘should be seen as relevant principles of policy evaluation for minority languages’.\textsuperscript{274} Put another way, the ECMI attempts to formulate a State’s best practices in the implementation of the legislation as policies concerning ethnic minorities. However, the ECMI concedes that the conference in question here, which in turn led to the publication of the Recommendations and its consequent evaluation of minority language policies in the European, did not focus on ‘the specific measures adopted, but rather on the principles according to which policy measures can be selected, designed, implemented and evaluated’.\textsuperscript{275} Thus, once again it seems that the narrative concerning minority language issues, such as policy formulation by member and signatory states, are expressed in \textsl{vague} and in \textsl{general} terms. The ECMI among other organisations, claim that one of the difficulties that arise in making specific proposals in such evaluation and prognostic activities, is due to the linguistic diversity across Europe. The Sorbs were not represented at this conference, and there was no reference made to them, or their language as a minority

\textsuperscript{273} The use of loan words used in the German language has already been noted in the above text. During the two field researches conducted in the course of this dissertation, it was observed that a number of Germans disapprove of the Anglo-American English usage in the German language. A number of Germans claimed, that in particular the elderly Germans did not understand the blend of English and German words in the printed press and other forms of media, such as television. Interestingly, in one edition of a German tabloid, \textsl{Das Bild} (The Picture), (5 August 2003), there was not one instance of the usage of English loan words. This does not necessarily suggest a form of language purism engaged by the tabloid, but even the lay observer would notice the frequent use of English loan words in the daily activities of the German populace, particularly in the western parts.

\textsuperscript{274} Grin, F., European Centre for Minority Issues, in \textsl{Reports, “Evaluating Policy Measures for Minority Languages in Europe: Towards Effective, Cost-Effective and Democratic Implementation”}, op.cit p. 42.

\textsuperscript{275} Ibid. p. 42.
language, or as one that is being threatened. Yet, the conference’s publication makes several valid points, one of which states that ‘successful policies require taking account of both supply and demand’. In other words, the ECMI evaluation claims that

A good policy can work if and only if the most directly interested stakeholders, that is, the users of regional or minority languages themselves, are directly involved in the revitalisation or maintenance of their language. This raises, on the one hand, the question of the “democracy” of policies. On the other hand, it raises the question of the relationship between the “supply of policies” and the “demand for policies” by the public.277

The public in this context is understood to be the providers of policies, the majority, negotiating with a minority public, such as the Sorbs, who demand the policies. Thus, it seems as if this analysis in a sense has turned the full circle. The above assertion resonates with the FRG’s concern about the demand for Sorbian education in Crostwitz under Article 14 when it responded to the Sorbian representatives and the Advisory Committee.


One may be forgiven for asking about the appropriateness of this discussion here. Certainly, it may deservedly belong to the earlier discussion on the Framework Convention, and its relevant Articles. However, it seems that an analysis of the Framework Convention at this point, raises some interesting features that arise across

276 Ibid. p. 43.
277 Ibid.
all the institutions and organisations mentioned thus far. For this reason, the following
examination belongs here, but also keeping in mind that the examination here is
relating the outcomes affecting the Sorbian people. (There is also a pattern found
among the issues that affect other national minorities).

As noted in the above discussion, all the actors that are engaged in the national
minorities debate, including the minorities themselves, the FUEN, the ECMI and the
EBLUL, rehearse more or less the same aspirations concerning national minorities
rights, or ethno-political status, and ethno-linguistic status. If the Framework
Convention for the Protection of National Minorities (hereinafter “FCNM” where
cited by Verstichel) is considered to be the apex of recognition/acknowledgement of
national minorities, as well as the key legislative instrument regarding the
implementation of policies by state parties, then how is it evaluated in this context?

By now it should be well established that the principal concerns of national minorities
and the legislation found in the Framework Convention consist of the necessary
conditions for the effective participation of persons belonging to national minorities in
cultural, social, economic life and public affairs. According to Verstichel’s study, she
identifies at an early stage, the Advisory Committee for the Framework Convention
(hereafter “ACFC”) ‘assumes its monitoring role and gives content to the rather
vaguely formulated right to effective participation’. 278 (Emphasis added). As
Verstichel points out,

Review of the Advisory Committee Regarding Article 15 of the Council of Europe Framework Convention for the
FCNM, hence her material is cited as is. The author considers ‘Protection’ to be an important part of the
Convention; hence there is some inconsistency in the two acronyms.
This formulation of the right is not entirely new but inspired by paragraph 35 of the 1990 CSCE Copenhagen Document and Article 2(2) and 2(3) of the 1992 UN Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Ethnic Minorities — two of the international conventions and declarations referred to in the preamble of the FCNM.  

It should be immediately recognised that the above text has appeared only just recently, in the above. Moreover, the monitoring of the FCNM by the ACFC is similar to the one of the International Covenant on Social, Economic and Cultural Rights. Thus the point here is that across the range of laws, declarations and recommendations concerning minority groups, the themes repeat themselves. In the above instance, it is as a legal instrument. Further more, Verstichel points out that

Comments on the effective participation of persons belonging to national minorities in cultural, social and economic life constitute only a minor part of the ACFC’s considerations under Article 15 FCNM and are framed in very general terms. (Emphases added).

However, it needs to be noted that ‘only in its latest opinion has the ACFC commenced elaborating on the necessary conditions states should create for effective participation of minorities in social and economic life’ under the Equality Principle, but it remains that ‘the effectiveness of the FCNM protection stands or falls with the holders of the rights enshrined in the Convention’. If this is the case, then the FCNM has been clearly ineffective in the issues concerning the brown coal mining in Horno and the school closure in Crostwitz. The Sorbs as ‘holders of the rights

279 Ibid. p. 3.
280 Ibid. p. 5.
281 Ibid. pp. 5-6.
enshrined in the Convention’ depended on procedural justice or due process executed by the FCNM, but this did not happen.

Another criticism by Verstichel, and one that has been referred to previously, is the lack of a definition of national minorities in the FCNM. Thus, the lack of a definition and ‘the further vagueness in the FCNM’s wording regarding its scope leaves room for interpretation in a more positive direction’. (Emphasis added). Although a national minority such as the Sorbs need not concern themselves with the qualification as citizens (of Germany), it is interesting to note that the inclusion of “other groups” is ‘too vague and the ad hoc reference to non-citizens and immigrants is insufficiently systematic. It undermines the credibility of the ACFC as an objective expert body.’

A detailed analysis of the effectiveness of the FCNM is beyond the scope of this chapter. It is sufficient however, to refer to the work of Verstichel to give an overview of the difficulty in achieving the desired outcomes, which national minorities wish to see materialised. In view of Verstichel’s focus on ‘effective participation in cultural and economic life’, she refers to the limited representation of the Sorbs when commenting on the Foundation for Sorbian People. As noted previously in this chapter, the German government’s response to the issue of only six Sorbians sitting on the Governing Board of the Foundation with no veto right, the FRG argues that these representatives of the Sorbian people are not obliged to acknowledge that they

282 Ibid.
283 Ibid. p. 7. It should be noted here that Verstichel makes the point that non-citizens should be included as minority groups and that they should be covered by the FCNM on an article-by-article basis in consultation with those concerned.
284 Ibid. p. 8.
belong to this ethnic group. Thus in brief, the theoretical literature on fair and
effective political participation and representation of minorities makes the distinction
of presence and influence by minorities. 285 To be sure on this point, Verstichel argues
that, 'one can see that the second level is completely disregarded in the opinions of
the ACFC, except for one comment on an advisory board'. 286 In other words,

... having a voice in the legislature or being present in a
parliamentary debate through for example reserved seats for
minorities, does mean that one has an influence on matters which
affect a specific minority. A veto right would be an example for a
measure for having effective influence on the decision. 287

In order to be fair, the ACFC takes into account economic difficulties experienced by
a state and 'shows itself sensitive to the past and present political situation when
evaluating the implementation of the FCNM'. 288 In brief, the ACFC 'adopts an
inclusive and rather expansive approach — related to its expansive conception of
equality — which sometimes could endanger its well-deserved credibility as an expert
body'. 289 To sum up,

The ACFC does not go as far in its expansive approach as to
comment on the influence of minorities on the outcome of decision-
making processes but limits itself to commenting on measures
ensuring the presence of minorities in these processes. 290 (Emphases
added).

286 Ibid.
287 Ibid.
288 Ibid. p. 35.
289 Ibid.
290 Ibid.
Therefore, the theoretical literature and practice on the effective participation (specifically the Sorbs here) of persons belonging to national minorities in cultural, social, economic life and in public affairs, seems to follow a similar pattern, or theme. This is evidenced at all levels of the national minorities debate, ranging from the ACFC at the top, down to organisations and institutions such as the FUEN, the ECMI, the EBLUL, and the Domowina, the latter being at grass-roots level. The legal instruments that state what the conditions experienced by national minorities ought to be are mirrored by the organisations of the national minorities. It seems that as part of the ‘action’ needed to be employed to effect change, such action it is expressed in vague and general terms. This is notion of ‘inaction’ is discussed in the following.

6.19.1 Legal instruments and their failure: the case of Crostwitz

The issue of education has attracted considerable attention in the municipality of Crostwitz in the Land of Saxony. In order to make up a year-group at intermediate secondary schools in Saxony, there needs to be a minimum of forty pupils. The number of applicants for the 2001-2002 school year in Crostwitz was only seventeen.\(^{291}\) Thus the FRG has argued that there is insufficient demand for an intermediate secondary school in Crostwitz, and the school is threatened with closure. The planned closure has created a controversy, not only because it jeopardises education in the Sorbian language, but also it regarded as a threat to “the spiritual centre” of the Sorbs in this region.\(^{292}\) Clemens Hrjehor refers to the time when the feast day holiday of Corpus Christi was not recognised under the GDR regime, but it

\(^{291}\) Ibid. p. 17

allowed Sorbian religious processions and still managed to accommodate only twelve students in class in Bautzen.\textsuperscript{293}

Furthermore, the Education Ministry in Dresden argues that according to its education law, that although fifty pupils is the norm, a minimum of forty students in rural areas are required to make up two classes for each grade.\textsuperscript{294} However, the Advisory Committee ‘considers that the authorities should urgently review the possibility of keeping the 5th class of Crostwitz’s secondary school open’.\textsuperscript{295} The FRG on the other hand, in particular the Dresden Administrative Court and the Saxon Higher Administrative Court in Bautzen, argues that

\ldots the “sufficient demand” mentioned in Article 14, paragraph of the Framework Convention on the Protection of National Minorities obviously no longer exists for the intermediate secondary school in Crostwitz due to demographic developments there.\textsuperscript{296}

The ‘demographic developments’ that the above German authorities are referring to, include the sharp decline in the birth rate of the early 1990s in Eastern Germany, which are mirrored in the German-Sorbian settlement area.\textsuperscript{297} As a counter argument to this claim, the Sorbs maintain that Saxony’s education policymakers cannot fail to recognise that ‘an ethnic group of 60,000 cannot be measured by the same demographic standards as a nation of 80 million’.\textsuperscript{298}

\textsuperscript{293} Ibid. A former Sorbian teacher, Elizabeth Nuck makes the comment in this article, “Now that really was better in communist East Germany”. Certainly, that may be Nuck’s perception, but at the same time it should be borne in mind that under the control of Moscow, Russian was compulsory in the education system of the communist bloc countries, and the promotion of the Sorbian culture and language served ideological (Marxist) purposes, as well as a measure of Slavonic bias in place of German domination.
\textsuperscript{294} Response by the FRG to the Council of Europe’s Advisory Committee, op.cit. p. 17.
\textsuperscript{295} Ibid.
\textsuperscript{296} Ibid. p. 18.
\textsuperscript{297} Ibid. p. 17.
\textsuperscript{298} Stadler, S, “Nobody Forgets His Mother Tongue”, op. cit. The Encyclopaedia Britannica 2003 Year Book cites the estimated German population in 2002 to be 82,506,000.
6.20 The European Bureau of Lesser-Used Languages (hereafter “EBLUL” or “the Bureau”).

The European Parliament’s support for RMLs began with only 100,000 Euros in 1983, and rose to 4 million Euros in 1998.299 A number of projects were initiated over this time and are active today. Euroschool is a European Union-wide biennial event in which children from 10 to 15 linguistic communities have a week of exchange in one minority language region. In 2001, schoolchildren from the following language communities participated: Croatian (Austria), Frisian (the Netherlands), Sorb (Germany), Sámi (Sweden), German (Denmark), Breton (France), Slovene (Italy), Basque (Spain), Welsh and Irish (UK).300

All the language communities in the EU are invited to each Euroschool, but not all are willing or have the resources to attend. In brief, the criteria for selection of participating schools include active involvement ‘in the vitality of the RML and associated culture’, and ‘an enrolment of children who are competent speakers of the language’.301

Fabula is a project that concerns itself with the development and use of software for computer-assisted learning. The Naionrai establishments provide Irish pre-schooling. There are a number of other projects within the sphere of the EBLUL’s activities, but they will be enumerated later in the following discussion. Once again, there is no need

300 Ibid. p. 103.
301 Ibid. p. 104.
for detailed analyses of these projects, but rather, acknowledge their relationship with RMLs.

As the EBLUL’s focus is on policies to implement linguistic diversity and RMLs, it is useful to examine here how the Bureau considers the above language policy within the EU. Firstly, the Bureau maintains that ‘different types of measures can be distinguished in terms of different dimensions. One such dimension is the domain, which for simplicity we shall define here as “an area of intervention”’. Areas of intervention ‘typically include education, public administration, the judicial system, culture, economic and social life’. Again, it should be apparent here, that there is an overlap of the objectives targeted by various agencies that are concerned with national minorities, except that in this instance, the above spheres (private and public) refer to linguistic use by a minority group in these spheres.

Furthermore, the EBLUL maintains that interventions in the field of language should be seen as a type of public policy, thus there is the need for public intervention as there is no “market” for diversity. In the case of the Sorbs in Germany, the Foundation for the Sorbian People is a joint instrument of the German federal government and the two Länder concerned (Länder of Saxony and Brandenburg). According to the literature, the 2001 annual budget of the Foundation amounts to Euros 17,135,000. The federal government contributes Euros 8,181,000 and the Länder of Saxony and Brandenburg contribute Euros 5,454,000 and Euros 2,727,000.

\[302\] Ibid. p. 35.
\[303\] Ibid. pp. 35-36.
\[304\] Ibid. p. 44.
\[305\] Ibid. p. 39.
respectively. To be sure here, staying with Grin and Moring's figures, the above amounts 'do not include expenditure by the state directly, notably in the domain if education'. Moreover, 'this (indirect) state spending on cultural activities can therefore be estimated at approximately Euros 1,142 per active speaker and per year'.

One may argue that the above financial support is not sufficient. Or, more to the point, EBLUL is not claiming any recognition for having secured the above level of financial support for the Sorbs. Rather, it is suggested here that it has been the persistent and repetitive narrative or work of the Sorbian peak bodies such as the Domowina, the Sorbian Institutes and more. Earlier in this chapter, the direct contact with Chancellor Schröder by the Sorbian umbrella organisation on the matter of cuts in funding to the Sorbs has been noted. In the Biennial Report 2001-2002 is a summary of the events EBLUL events that took place in Germany. The Report, which is descriptive not analytical, is in general achievements in informing about the aspects of minority languages, but that is all. The Danish-speaking minority in Schleswig-Holstein is mentioned, as too are the North-Frisian communities. The Sorbs and Roma/Sinti are not reported. The narrative here is in general terms.

However, this is not to say that the EBLUL is ineffective. The difficulties that the EBLUL may have are accepted here. The point is, awareness, information and understanding of minority languages has resonance in a collective consciousness of a

---

306 Ibid.
307 Ibid.
308 Ibid.
continent such as Europe, as the evidence shows, that Europeans do not want to be homogenised in the way Anglo-American or globalisation processes have occurred elsewhere, notwithstanding that there is an Anglo-American influence in Europe. Every effort is valuable for a formidable task in acting on behalf of many minority language communities there exists also a moral responsibility and obligation, not only by the EBLUL, but other agencies involved in this arena of linguistic-politics, which includes the member states that have minorities within their sovereign state. Awareness, tolerance and understanding of difference, and allowing the minorities to occupy their part of the democratic space in multicultural and civil society are all the values that the organisations under discussion here aim to promote.

Thus, it has to be said that the efforts by the EBLUL (as well as other protagonists) are contributions towards resolution of ethnic conflict at one end of the spectrum by prophylactically arresting the influences of racism, discrimination and other prejudices. At the other end of the spectrum, the efforts of organisations such as the EBLUL promote linguistic diversity and multilingualism. After all, the freedom of movement in Europe, especially among EU members, and the exchange of schoolchildren between countries lend themselves to the above linguistic aspirations.

6.20.1 Background information

The European Bureau of Lesser Used Languages is a non-government organisation working for languages and linguistic diversity, which was set up in 1982 through the Arfè Resolution of the European Parliament. Its head office is based in Brussels. The EBLUL is based on a Member State Committees (MSCs) in 14 EU Member States, all of which represent the interests of the various regional or minority communities
within their state. Together, the MSCs represent about 40 million EU citizens speaking a language other than the official language of the state in which they live. The Bureau has the central role of language promotion and securing the future of Europe’s 40 linguistic minorities through a General Assembly of the MSCs who meet every three years to determine the Bureau’s policy and strategy.

Moreover, the EBLUL has close working relations with the European Commission, the European Parliament and a consultative status the Council of Europe. Other close ties that the Bureau experiences include the UN Economic and Social Council (ECOSOC) and operational relations with UNESCO and the OSCE. EBLUL’s task is to carry out activities in order to achieve the best possible policies in the domain of European lesser-used languages. The Bureau bases its activities on policy analysis, rather than on ‘rights’.

6.20.2 The EBLUL as an advocate

As noted in the above, there are a number of minority languages in Europe, thus the following analysis once again is based on the overall performance of the EBLUL, which in turn will be translated as the Bureau being an advocate of the Sorbian minority’s language. A detailed analysis of the EBLUL is not the scope of the following survey.

One of the comments the EBLUL makes in this joint report with the ECMI concerns the level of EU financial support through the Action Line for Promotion and
Safeguard of Minority — and Regional Languages and Cultures (RMLs).\textsuperscript{310} Established as part of the EU budget in 1983, a number of changes occurred in the latter half of the nineties. The budget line was suppressed in 2001, thus creating a degree of 'continuous insecurity' for the support of linguistic diversity, including regional and minority languages.\textsuperscript{311} A budget ruling in 1998 by the European Court of Justice resulted from legal implications that had nothing to do with RMLs.\textsuperscript{312} Small communities do not have the resources required to compete with bigger communities in networking and co-funding required for EU-projects.\textsuperscript{313}

In any event, the EBLUL recognises a \textit{de facto} imbalance in that the teaching of or through the dominant or majority language, all students learn the dominant language at least as well as the minority language, while the reverse is not always true.\textsuperscript{314} In order to provide teaching programmes in minority language education, the EBLUL has developed Euroschool, Fabula and \textit{Naionrai} (Irish with accents needed). Euroschool has had 12 language communities participating in its projects, including the Sorbs.

Other projects offered by the EBLUL include, Socrates I, Socrates II, Lingua, Comenius language projects, Comenius assistantships and Erasmus intensive preparation courses, open and distance learning, Arion, adult education are just some or the wide-ranging activities of the EBLUL.


\textsuperscript{311} Ibid. p. 33.

\textsuperscript{312} Ibid. p. 32.

\textsuperscript{313} One of the criticisms that Spieß (see interview in Appendices) makes about the funding of minority languages by the Commission of the European Communities is that it will be based on a per capita basis. Although it is unclear what Spieß means in particular, the impression he gives is that there is disparity in the allocation of funds by the above institution, in that smaller minorities will get more funding under the proposed plan. See also Commission of European Communities, Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006, Brussels, 24 July 2003, p. 14.

It is difficult to assess the effectiveness or what impact an organisation such as the EBLUL has had on a minority group such as the Sorbs in terms of language maintenance. A part of this difficulty lies in the large number of linguistic communities. Therefore one is left with limited empirical data to make such an assessment. All the European minorities celebrate events such as the 2001 European Year of Languages European (EYL). Therefore, such an activity would have broad or diffuse effects in terms of acquiring linguistic competence. In other words, the above event may be seen as a celebration of linguistic diversity, rather than a plan of action to maintain linguistic diversity.

In any event, according to Grin and Moring’s study, in 1997 an event is listed as ‘Sorbian culture, leverage for development’ [sic].\textsuperscript{315} Other EBLUL affiliated events or projects include Gesellschaft zur Förderung eines sorbischen Kultur (Society for the Promotion of Sorbian Culture) and Neuauflage der Informationsbroschüre zum sorbischen Kultur — und informationszentrum (New Edition Information Brochure and Information Centre) in 1998,\textsuperscript{316} Sorbisches insitut e.V Interaktives deutsch-niedersorbisches Internet Lernerwörterbuch (Sorbian Institute Interactive German-Sorbian Internet Dictionary) in 1999\textsuperscript{317}, and the Volkfest (Folk Festival) in Cottbus, in 2000.\textsuperscript{318} Other EBLUL projects concerning other minorities in Germany are also listed in Grin and Moring’s work.

\textsuperscript{315} Ibid. p. 228.
\textsuperscript{316} Ibid. pp. 231-232.
\textsuperscript{317} Ibid. p.237.
\textsuperscript{318} Ibid. p. 226.
6.20.3 Mercator

Mercator was founded in 1987 as an initiative of the European Commission to establish a network for minority and regional language communities to exchange experiences and cooperate in a European context.\(^{319}\) Mercator’s functions can be described as providing education, legislation and media. Its main goal is to ‘gather, store and distribute information through a documentation and information network for regional and minority languages in the European Union.’\(^{320}\) Another claim by Mercator is that bilingual education is considered as a means of safeguarding smaller languages and providing ‘a good preparation for a multilingual and multicultural society’.\(^{321}\)

As already noted above, Mercator’s functions can be divided into three main areas, that is, Mercator Education, based in the Netherlands studies education at all levels; Mercator Legislation, based in Barcelona, is concerned with language legislation and language in public administration, and Mercator Media, which is based in Wales, deals with the press and the media.

In brief, the functions of Mercator resemble those of EBLUL. However, once again, it should be noted that Mercator’s resources and capacity to protect and promote minority languages applies to all the European minorities concerned, rather than a concentrated focus on just one minority, such as the Sorbs. Thus, Mercator’s


\(^{320}\) Ibid.

\(^{321}\) Ibid.
effectiveness as an organisation that protects and promotes minority languages may be limited.

At the same time it can be noted that Mercator provides information and therefore awareness, that the Member States of the Central European Initiative (hereafter CEI are signatories to the protection of minority rights.\textsuperscript{322} Moreover, the Universal Declaration on Linguistic Rights, established in 1996, contains fifty-two Articles, which as the name suggests, specify the linguistic rights of ethnic and/or national minorities. However, it is one thing to provide such legislation, and this is commendable, but to enforce it is another matter. Thus, in the context of States’ policy priorities concerning the ‘common good’ of its citizenry, and notwithstanding the ideals of such legislation, it lacks legal authority.

\textbf{6.21 Slavonic brothers and sisters: the Czechs and the Poles as advocates}

In view of the historical background and the geographical proximity that is shared by the Sorbs, the Czechs and the Poles, it may suggest that there is support from Lusatia’s Slavonic neighbours. Informal inquiries by the author at the Sorbian Institute in Bautzen, suggest that the Czech government provides a little more support than the Polish counterpart.\textsuperscript{323} There exists in Poland for instance, a liaison between the \textit{Opolski Oddzial Towarzystwa Polsko-Serbołużyckiego} (loosely translates as ‘The Opole Section of Polish-Sorb Relations’) in neighbouring Silesia and the Sorbs in Germany. This


\textsuperscript{323} Research visits to the Sorbian Institute in Bautzen, August 2002 and August 2003.
organisation publishes Pro Lusatia, a compilation of articles on Sorbian history, political and current issues. Other publications include My i Oni: Kontakty kulturalne Polaków i Łużykan (Us and Them: Cultural Contacts between Poles and Lusatians), by the Silesian Institute in Opole. The extent or intensity of the contact between the two nations is not clear. However, there are exchanges between Polish and Sorbian schoolchildren in Bautzen, which are organised by the Catholic Church.

6.21.1 The Church as an advocate

It is worthwhile to pause and comment on the role of the Churches as advocates for the Sorbian people. The influence of the Catholic Church on preserving the Sorbian language and culture has already been noted. Similarly, the Lutheran Church played an important role in the last stages of the former GDR regime as the embryonic stages of civil society. The Catholic Church also has some weekly publications of journals, namely the Źródło (The Source), a Catholic weekly, and the Słowo i Myśl (Word and Thought) is a Protestant publication.

Another significant point is the ecumenical perspective of Catholic and Protestant denominations sharing Saint Peter’s Cathedral in Bautzen. The services are conducted in Sorbian, in both denominations’ religious celebrations such as Mass and other

---


326 As part of the author’s field research, a group of about fifteen Polish schoolchildren were observed to be returning to Poland after spending several weeks of cultural and linguistic exchange in Bautzen. They were supervised by a Catholic priest who was one of the subjects in the survey conducted there. (Name of priest suppressed due to requirements by the Ethics Committee at the University of Tasmania).
rituals. Sorbs have also appealed to Pope John Paul II to preserve the school at Crostwitz.\textsuperscript{327}

The EBLUL's study conducted by Euromosaic provides the following data. It should be noted however, that only fifteen per cent of the children attended the predominantly Sorbian language church choir and a further ten per cent attended the Sorbian language Sunday school.\textsuperscript{328} Moreover, the study estimates that fewer than half of the Sorbian community are regular church attenders.\textsuperscript{329}

Table 3: Sorbian and German language usage in religious services\textsuperscript{330}

<table>
<thead>
<tr>
<th></th>
<th>Sorbian</th>
<th>Sorbian And German</th>
<th>German</th>
<th>Latin</th>
<th>DK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sermon</td>
<td>34%</td>
<td>34%</td>
<td>11%</td>
<td>2%</td>
<td>20%</td>
</tr>
<tr>
<td>Public Prayer</td>
<td>31%</td>
<td>35%</td>
<td>11%</td>
<td>-</td>
<td>23%</td>
</tr>
<tr>
<td>Private Prayer</td>
<td>41%</td>
<td>21%</td>
<td>15%</td>
<td>-</td>
<td>23%</td>
</tr>
<tr>
<td>Bible lesson</td>
<td>29%</td>
<td>35%</td>
<td>11%</td>
<td>-</td>
<td>25%</td>
</tr>
<tr>
<td>Hymn singing</td>
<td>30%</td>
<td>37%</td>
<td>10%</td>
<td>-</td>
<td>23%</td>
</tr>
</tbody>
</table>

\textsuperscript{327} Alfter, B., "Sorbian parents to take Saxony to court over school closure", in Eurolang, 29 July 2003, sent in email from <bsorb@hotmail.com> to author <tcichon@postoffice.utas.edu.au>, 6 October 2003.


\textsuperscript{329} Ibid.

\textsuperscript{330} Ibid.
In spite of phenomena such as secularisation in contemporary Europe, the Church remains as a central pillar and maintains a role in consolidating the language. It continues to be an important agent of language production and reproduction.

Returning to the earlier discussion here, The Poles acknowledge that they may have been remiss of the Sorbians when writing articles such as “Zapomniane sąsiedztwo” (Forgotten Neighbours). Although the latter discourse is in general terms, that is, a brief outline of the shaping of post-war borders between Germany, Czechoslovakia and Poland, it is interesting to note that Grzelak claims that there were tensions between former Czechoslovakia and the Poland during the post-war years, in that ‘Prague jealously tried to protect the monopoly of its representation of the Lusatians’. In brief, it seems that there existed a degree of rivalry between Czechoslovakia and Poland, as which country would win independence for the Lusatians. The above contrasts with the Lusatians’ wartime plea with Winston Churchill, stating that, ‘The necessary condition of our future existence is the support of our kinsmen, the Polish nation, which is so well disposed towards us’. Of course, 1949 saw the Sorbs come under the control of the GDR.

In any event, other Polish publications include Tygodnik Nowe Państwo (The New State Weekly) in which Górny refers to Lusatia as the smallest Slavonic nation.
which in turn resonates with the title of Stone’s work.\textsuperscript{335} Górny’s work also briefly refers to the wartime and post-war periods of Lusatian history, whereby in the former instance he states that the Second Polish Army suffered the highest number of casualties (25,000 dead) of World War II at the battle of Crostwitz.\textsuperscript{336}

However, there is reference to the Sorbs’ threatened culture and language, germanisation, and the reduction in the budget that is allocated for cultural and linguistic maintenance are defined as the major causes of decline.\textsuperscript{337} As stated previously in this chapter, the issue of unemployment in the former GDR is noted here by Górny, who claims that many Sorbs move to Westphalia and Bavaria in the western part of Germany.\textsuperscript{338} In brief, Górny presents a critical account of the contemporary German policy towards the Sorbs.

There are several other Polish publications that acknowledge the history of the Sorbs, such as that found in \textit{Sprawa Polska} (Polish Matter), in which the historian Skrukwa refers to the Sorbs as the ‘forgotten opposition’ during the years 1945 to 1950.\textsuperscript{339} Although the above may strictly belong to the discipline of history, there seems to be an undertone of subtle criticism of German policy towards the Sorbs in the past, such as assimilation, which continues in the present, but the process is more refined. In other words, previously the above policy may have taken the form of colonisation, conquest and oppression, whereas in a contemporary context it attempts to avoid


\textsuperscript{336} Górny, G., “Najmniejszy słowiański naród świata”, op.cit. p. 32.

\textsuperscript{337} Ibid. p. 33.

\textsuperscript{338} Ibid.

culpability under the pretext of economic forces, especially since German reunification.

Siatkowska and Molas find perhaps a more pertinent point for present purposes, in their study that focuses on Sorbian literature, language and ethology. For instance, Al refers to the political influence on the standardisation of language in Lusatia and Silesia. However, it should be noted that the work by Siatkowska and Molas consists of comparative studies, which include other Slavonic situations, such as the Polabian, Cassubian and the Lusatians. For instance, Derlatka investigates whether the Cassubians will follow the Sorbs in terms of cultural and linguistic extinction. Thus, at this stage one may question whether the above enterprises contribute to the preservation of Sorbian culture and language. To be fair, their efforts would have a rather limited political impact or influence on any policies affecting the Sorbs. One of the problems is the small scale of the above journalistic, academic and Polish-Sorbian linguistic activities. There seems to be no evidence to suggest that the Polish Government is active in pressuring the German Government at high diplomatic levels to revise their policies, and perhaps financial support for the Sorbs in Germany.

Brytan presents one possible explanation for the above. In view of Poland’s (and the Czech Republic’s) application for membership of the EU, it did not wish to place any obstacles that might impede accession to the Union. As Brytan puts it, “Germany

343 Interview with Robert Brytan, Bautzen, 13 August 2003.
has been Poland’s lawyer” in its bid to gain EU membership.\textsuperscript{344} In any event, it can be said that Poland should take the initiative to extend its cultural ties with the Sorbs. Such an initiative would remain within the spirit of European linguistic diversity and the maintenance of that diversity.

There is one more phenomenon that needs to receive mention here. \textit{Sokol} (the Falcon) is a Slavonic movement, which was founded as a gymnastic society in Czechoslovakia in 1862 as a means to revive Czech national consciousness. Its aim was also ‘to promote Czech culture and social life and to cultivate physical, cultural and intellectual development among its members’.\textsuperscript{345} Due to its ideals, Sokol was banned during the Nazi occupation, and again during the communist regime.\textsuperscript{346} Chapters of the organisation were formed in other Slavonic countries including Poland and today there exists a chapter within the Sorbian community in Germany. The extent of political activity of the Sorbian chapter of \textit{Sokol} is unclear. In the Upper Lausitz there are a number of Sorbian and bilingual sport associations. These united themselves in the sports club \textit{Sokol}, which was revived in 1992. Team sports such as soccer and volleyball are practiced. The Sorbian soccer association \textit{Sokol} Ralbitz/Horka and Budissa Bautzen play in the local leagues. At the time of writing there is no concrete evidence available that specifies \textit{Sokol}'s alternative political objectives. This is not to say that they do not exist. However, notwithstanding anecdotal evidence, the point here is, that the movement has anti-German sentiments.\textsuperscript{347}

\textsuperscript{344} Ibid.
\textsuperscript{346} Ibid.
\textsuperscript{347} Interview with Jurij Luščanski, spokesperson for cultural affairs, Domowina, Bautzen 12 August 2003.
6.22 The Czech as advocates of the Sorbs

In August 2003, the Czech News Agency cited a statement made by the Czech Association of Friends of Lusatia that the closure of the Sorbian school in Crostwitz was ‘an open attack on the national identity of the smallest Slav nation’. Moreover the above organisation claimed that

The current situation shows that neither democratic principles of society nor the institutions of the European Union which we are entering themselves [sic] cannot ensure the protection of interests of small nations and minorities.

In the case of the Czechs as advocates of the Sorbs, the Friends of Lusatia Association led by Leos Satava, also demonstrated in protest against the closure of the school in Crostwitz during a visit by to Prague by Chancellor Schröder in September last year. According to the report here, several dozens of Czech and Sorbian activists demonstrated in Prague, using the one-day visit by Schröder to voice their protest, and handed a petition to the German Embassy and the Office of the Czech Government in Prague.

Brigitte Alfter also reports on the above protest concerning the closure of the Crostwitz School in Eurolang, which is a European news agency for minority

349 Ibid.
351 Ibid.
languages. In an earlier report by the same author, Alfter notes that the German-Czech cooperation group ‘Lusatia and EU’ ‘where several members of the Czech Parliament are represented, shortly after signed a plea for the preservation of the school to the responsible Saxon ministry’ [sic].

It appears that the above noted activism in support of the Sorbs is on a small scale when compared to other civil demonstrations, which have sought to bring about change or reform within a society. As already suggested in the above, small groups with only a few elected representatives have the capability to exert pressure on the dominant paradigm and have their claims heard.

A significant contribution by the Czechs however, may be found in the study of the Sorbian language, or ‘Sorabistik’ at Charles University in Prague. In addition, Varnsdorf, a northern-Bohemian town, plays host to an annual literary festival. Since the early nineties, Varnsdorf and the Polish town of Radibor have become like satellites of the main settlements in Bautzen and Cottbus. Milan Hrabal of the Cultural Ministry of Varnsdorf is active in producing translations form Czech into Sorb, and is one of the coordinators of establishing links between the town and the Sorb population.

---

352 Alfter, B., “Sorbian parents appeal to keep their school”, in *Eurolang*, Copenhagen 18 September 2003. This information was transmitted by email from Robert Brytan to the author on 24 September 2003.
353 Alfter, B., “Sorbian parents to take Saxony to court over school closure”, in *Eurolang*, Copenhagen 29 July 2003. This information was transmitted by email from Robert Brytan to the author on 24 September 2003.
355 Ibid.
6.23 Other advocates: Eurolang and the Foundation for Endangered Languages

6.23.1 Eurolang

Eurolang is an information service established in February 2000, which covers issues related to linguistic diversity within the EU and in application states.\(^{356}\) Based in Brussels, the objectives of Eurolang are ‘to supply national and regional media with news of general interest about Europe’s linguistic diversity’.\(^{357}\) Eurolang is a non-profit organisation. Its own network of correspondents supplies news to the Brussels editorial office, where the articles are put online.

On the one hand it may seem that Eurolang does not have a measurable influence on minority language policy formulated by states. On the other hand however, one cannot dismiss the incisive nature of Alfter’s recent report whereby she highlights the issue of the closure of the Sorbian school in Crostwitz, as well as the other minoritised and endangered languages in Germany.\(^{358}\) Not only does the article criticise the German federal Commissioner for Minorities, Jochen Welt, for his report as part of the implementation process for the *European Charter for Regional and Minority Languages*, but it also reveals some solidarity or support for the Sorbs by the Danish-speaking minority in Schleswig-Holstein. For instance, the issue of cutbacks in funding by German federal and state governments were raised by a Sorbian representative, which in turn prompted the reminder that the majority of funding for

---


\(^{357}\) Ibid.

\(^{358}\) Alfter, B., “Three minoritised languages in Germany threatened by extinction”, *Eurolang*, 8 March 2004. <http://eurolang.net/news.asp?id=4453>. Sighted 19 March 2004. Alfter begins her report by stating the Committee of Ministers of the Council of Europe recommend that “Immediate measures to strengthen education in North Frisian, Saterland Frisian and Lower Sorbian, as those languages are especially threatened by extinction”. It seems that the criticisms expressed by the above minorities, and others, gain momentum as the report continues.
both the Danish minority in Germany and the German minority in Denmark are paid for by the state of Denmark.\textsuperscript{359}

Once again, the issue of the closure of the Sorbian school in Crostwitz arises in this article by Alfter. But the criticism of Welt is further compounded when the Danish-speaking minority’s newspaper editorial in the \textit{Flensborg Avis} refers to Welt’s praise of the well-functioning minority schools in the Danish-German border region as exemplary.\textsuperscript{360} The \textit{Flensborg Avis} editorial calls it “grotesque”.\textsuperscript{361}

Thus it appears that an agency such as Eurolang is precise in its information and analysis concerning European minority languages. It is important that such an organisation maintains its pressure on states to ensure that they implement the respective conventions concerning minorities, rather than dilute them when it comes to policy requirements.

\textbf{6.23.2 Foundation for Endangered Languages (hereafter FEL)}

The Foundation for Endangered Languages states that there are ‘just over 6,500 living languages’, but ‘of these 6,000 it may be noted that 52 % are spoken by fewer than 10,000 people, and 83% are restricted to single countries, and so are particularly exposed to the policies of a single government’.\textsuperscript{362} It concedes that ‘we cannot stem the global forces which are at the root of language decline and loss’.\textsuperscript{363} Thus, the enormity of protecting endangered languages becomes apparent here, and again one

\textsuperscript{359} Ibid.
\textsuperscript{360} Ibid.
\textsuperscript{361} Ibid.
\textsuperscript{363} Ibid.
should put this task in perspective. In other words, it would be difficult for the FEL to allocate its resources in a concentrated manner in the quest to preserve the Sorbian language. This is not to say that the FEL is a passive organisation, but simply the fact that minority and endangered languages are dispersed all over the globe, where in most cases the majority outweighs the concerns of the minority.

6.24 Conclusion

The fall of the communist regime in East Germany among other political changes, which included new experiences such as freedom of movement and freedom of speech, also heralded the entry of the Sorbian national minority into a pluralistic and multicultural political system. In other words, this meant a re-unified Germany also included other national minority groups, as well as an immigrant population. However, this change in the status of the German State, also presented new challenges for the Sorbian minority to maintain their national identity. In brief, the Sorbs of Lusatia now had to compete with other ethnicities for government support in order to maintain and promote their ethno-linguistic status.

Moreover, the Domowina changed its status from one of being an ideological showcase for the SED regime, to one of recognising the contribution of religion and the Churches to the preservation of the Sorbian language, culture and identity. In addition the Domowina under its new constitution was defined and restructured as the umbrella organisation for the Sorbian cultural associations, similar to its pre-war position. Together with the SNZ and the SB, one of their demands was the reformulation of Article 40, which included constitutional and legal protection for Sorbian interests.
However, constitutional issues arose during the reunification process. The main problems were associated with the Sorbs’ criticism of Basic Law, because it referred to the German people (das deutsche Volk). For the Sorbs, they considered themselves as German citizens, but not as belonging to the German people. Furthermore, the Unification Treaty required new constitutions for the Länders of Saxony and Brandenburg, which included specific articles concerning the protection of Sorbian rights.

For all intents and purposes, Sorbian minority rights are protected by German federal and state legislation, and also by the European Union’s (Council of Europe) Framework Convention on the Protection of National Minorities. The European Charter for Regional or Minority Languages also supplements the Framework Convention. However, the idealism, cultural and linguistic maintenance and promotion, and the aspirations of ethnic equality that is expressed in these documents do not coincide with daily practice. The discrepancies noted above are evidenced particularly in the cases of schools closures in Crostwitz and Heinersbrück/Most, and the destruction of Sorbian villages due to lignite mining in Horno. In brief, the above are examples of policies that are contrary to the legal provisions aimed at the protection of not only Sorbian rights, but also measures that contribute to the erosion of Sorbian national identity, as well as effective participation by Sorbs in the administration of Sorbian affairs.

At the same time however, it should be noted that English as a global language, which is intertwined with global commerce and popular culture, impacts upon the languages
of Europe, including German. But, *English does not threaten either the German or Sorbian language*. Rather it seems that English as a language experiences *prestige* and *status* in Europe and elsewhere. Similarly, there is little doubt that German as a dominant language in the context of this study, experiences status and prestige in comparison to the now endangered Sorbian language. In Lower Lusatia, the situation concerning the maintenance of the (Lower) Sorbian language can be considered as extremely threatened, despite the efforts of organisations such as the Witaj Zentrum and the Niedersorbische Gymnasium.

Although the field research conducted by the author in Lusatia is not representative of the entire Sorbian population, together with other qualitative data, it does however suggest that the younger generation of Sorbs favour German as their language of choice, notwithstanding that a significant proportion of Sorbs are bilingual.

The above assertion is supported by the study conducted by Hemminga in that the number of pupils attending Sorbian instruction/classes is very low. In brief and in general terms, it can be said that low attendance at Sorbian classes is palpable in Upper and Lower Lusatia. The decline of the use of the Sorbian language depicted in the above Table ("As a child" and "Now") clearly demonstrates this phenomenon, and the forces of globalism accelerate it. By the same token, and in spite of state education legislation in Saxony and Brandenburg, which is designed to ensure the maintenance of Sorbian instruction, ranging from pre-school to higher education levels, the rate of attendance remains extremely low. Therefore, in order to be fair, one must consider the German government’s position as being held accountable to the German populace. To state the obvious, the German government also has the responsibilities of
addressing the issues of high unemployment, 'reconstruction' of the former East Germany, welfare and economic policies to name but few. In terms of national policy priorities it is reasonable for the German government to raise the point of 'demand' for instruction whenever it has been placed under scrutiny of not only the Sorbs, but also the Advisory Committee. In a similar way, the question of 'demand' for the use of the Sorbian language by Sorbs in dealings with public authorities is raised by Germany in its response to the Advisory Committee.

Certainly, this is not to say that the interests and the promotion of national minorities, such as the Sorbs are unimportant. According to the findings of the Advisory Committee, there is praise and criticism of the German government’s performance in meeting its obligations of the Framework Convention on the Protection of National Minorities. For instance, on the one hand the Advisory Committee finds that the level of financial support for the Sorbian minority is commendable. On the other hand, the Advisory Committee is concerned by the absence of the Sorb representatives' power of veto in the decisions made on policy matters by the Governing Board of the Sorbian Foundation. Moreover, of the fifteen members who are appointed to the Governing Board, there are only six Sorbs.

The above illustration of a mixed report (Opinion on Germany) by the Advisory Committee is just one example. For the purposes of this study and by way of a comparison, it is useful to note the variation between say, the access of the Frisian and the Roma/Sinti minority to the media, and the Sorbs; particularly television and radio. In this instance, the Sorbs have a commendable access to the above-mentioned form of media. However, it should be noted that there is a variation in the policy toward the
Sorb minority in matters such as education (as noted above), and in the administration of Sorbian affairs, such as executive positions in organisations as the Wendish Museum in Cottbus, and the National Dance Ensemble in Bautzen, to name just two. The point here is that the German policy towards the national minorities, including the Sorbs, is inconsistent.

In any event, whilst on the one hand the extent of support for the Sorbian minority from the German government is apparent, on the other hand one needs to ask what political measures are the Sorbs taking in order to help themselves? It seems that unlike the Danish-speaking minority in Germany, who appear to be more united in their effort to have minorities interests (Danish and Frisian) heard and represented, the Sorbs are fragmented. The Sorbs do not have a political party of their own, such as the SSW, which represents the Danish-speaking minority in Schleswig-Holstein.

The above point needs to be emphasised, because it is a significant difference between two minorities in Germany that are of approximately the same size. As the Sorbs do not have their own political party, the electoral pattern in German elections seems to one where the Sorbs (although so few in number) either stand as candidates for the CDU, or the Sorbs as members of the electorates in Brandenburg and Saxony, vote for the CDU. In brief, Sorb political mobilisation seems to be inert, or, at least not proactive enough to form partisan representation (their own political party) such as the Danish-speaking minority’s SSW.

The above point of political immobility or mobility is not to be underestimated in view of the ‘successes’ of other minor parties, such as the Greens in Australia, in
Germany, and at another extreme, Sinn Fein in Northern Ireland, have all entered the
democratic space in the context of pluralistic and democratic values. The point here
is, the Sorbs, like the Danish-speaking minority’s SSW would have the five per cent
of the vote requirement in order to have any political representation barrier waived.
Thus, the Sorbs should consider forming their own political party.

An interesting point noted in this chapter was, that neither of the two major political
parties in Germany offer the Sorbs some tangible or guaranteed assurance of their
cultural and linguistic status. In other words, the available evidence suggests that
neither the CDU, nor the SPD include Sorbian interests/concerns as a part of partisan
policy. Personal assurances such as those provided by Chancellor Schröder regarding
a certain level of financial support for the Sorbian minority cannot be interpreted as a
partisan (SPD) manifesto. It needs to be noted here that the PDS, as a minor political
party supported the Sorbs in their case regarding the destruction of Horno, and it
seems that the PDS has been the most vocal party in support of the Sorbs.

Certainly, the interests of the national minorities in Germany are a part of federal
governmental responsibility by mere fact that Germany has ratified the Framework
Convention on the Protection of National Minorities. No matter which political party
is in office, it is obliged to observe and implement the prescriptions of international
law or European Union law.

In addition to the legal instruments that are available to the Sorbs in their struggle
to maintain their national and cultural identity, there are several other agencies that act
as advocates for the above. Among these agencies, FUEN, EBLUL and the ECMI are
the major actors. In brief, they all share a similar mission statement, in that action, research, documentation/publication and other efforts are directed at the protection of minorities and minority language. The European Bureau of Lesser Used Languages for instance, organises projects and their respective venues, which promote minority languages. It can be said that the above organisations are agents of ‘reversing language shift’. To a certain degree the German State itself is an agent of the reversal of language shift, because the adaptation of English loan words in the German language does not receive unanimous approval, notwithstanding a marked proportion of Germans speak English. Also, as the German federal government provides funding for its minorities, which enables the implementation of minorities policies, immediately makes it an agent of reversing language shift.

However, to assess the above-mentioned organisations that are advocates for a large number of national minorities and minority languages, and how they influence outcomes for the Sorbs, is a difficult exercise. The difficulty lies in the significant number of minorities that are represented in more or less the context of the objectives of these organisations, namely: action, research, education, awareness, documentation and monitoring policies. But, in trying to develop and conduct linguistic projects that will reach as many European national minorities as possible, the problem of limited resources is there as well.

This study would not be complete without some reference to Sorbs’ connection with the Czechs and Poles. The historical and geographical ties are well documented. However, it can be said that advocacy for the Sorbs by the Czechs and Poles dates back to the late nineteenth-century and during World War II. In a sense this advocacy
by the Sorbs' Slavonic neighbours, has continued till present, although cultural and linguistic associations and civil action, such as that witnessed in Prague, are small manifestations. As EU expansion draws nearer, it can be said that the majoritarian agenda and dialogue revolves around the concept of a "New Europe". Among other things, this will test the viability of the Sorbian nation.

Even though they do not have 'authoritative force', the efforts of the above organisations and structures (legal frameworks) play an important role in protecting and promoting national and linguistic minorities. At the same time, it can be said that these organisations also have an indirect influence, in that they promote tolerance and acceptance of other cultures, which make up the fabric of a civilised, multicultural and pluralistic Germany.

To sum up, the Sorbs find themselves in a competitive environment, which on the one hand promotes linguistic diversity, but on the other hand is subject to global forces driven by commerce and the language of commerce. Politically, it is not beyond the Lusatian Sorbs to mobilise themselves in order to gain representation at state and federal levels, if they are to survive as Europe's smallest Slavonic nation.
Conclusions

From the outset of this study, it has been useful to reaffirm that the purity of races is mythical. Although that may be the case, the study of race has preoccupied scholars such as Crystal. Crystal, on the one hand claims that a definition of race is ‘a biologically distinctive human group’, but on the other hand he argues that ‘there have been few isolated human groups in recent millennia’ because gene pools are in constant flux due to imperialism, slavery and colonisation.\(^1\) Thus, population differences between populations are slight. In any event, in broad terms this led to an awareness of the heterogeneity among population groups, rather than homogeneity.

The Roman historian Tacitus provides one of the earliest pieces of evidence when he referred to a Slavonic-speaking race, the *Venethi*, as eastern neighbours of the Germani. For the purposes of this study the work of Lundman has been of a particular interest because of his anthropological focus on Europe and its consequent investigation of the origins of its peoples.\(^2\) At an early stage, this study has directed its attention to the origins of the Germano-Slavonic tribes. For instance, the Byzantine writer Constantine Porphyrogennetus noted that a group of Slavs settled between the Elbe and Saale Rivers to form a state they called White Serbia.\(^3\) Dvornik argues that the remnants of the Lusatian Serbs (Sorbs) recall this name to the present day.\(^4\)

In any event, through evolutionary processes, including identity formation, these tribes formed their respective nations, and eventually separate legal entities referred to

---

\(^1\) Crystal. D., in *The Cambridge Encyclopedia*, op. cit., p. 998.
\(^2\) Lundman, B.J., *The Races and Peoples of Europe*, op. cit.
\(^3\) Cited in Dvornik, F., *The Slavs and Their Early History and Civilization*, op. cit., p. 27.
\(^4\) Ibid.
as states. One of the main distinctions between the two concepts of 'nation' and 'state' lies in the notion of a nation as being a psychological concept, which may not have any legal legitimacy. An ethnic group is defined by Weber as 'a group whose members entertain a subjective belief in their common descent because of physical type or of customs or both, or because of memories of colonization and migration'.

Ethnic groups can exist as entity, which is referred to as a nation, and which may or may not be in control of a state.

For the purposes of this thesis, language was defined as 'a system of symbolic communication using vocal and written forms or signs'. Moreover, linguistic competence refers to the individual's command of both vocabulary and grammatical rules. Fishman, however, points out that the best known societal behaviours toward language is 'the codification and acceptance, within a community of users, of a formal set of norms defining 'correct' usage'.

The origins of the Slavonic nations have proved to be problematic, which in turn has made it difficult to establish the origins of the Sorbs. However, it is safe to say that in the ninth-century, the Sorbs, a Slavonic people whom the Germans called Lausitzer, Sorben or Wenden, had settled in the eastern frontier of the Frankish empire and extended westward to the Saale River. Lusatia was conquered by the Germans in 928 and lost by them to the Poles in 1002, was incorporated into Poland in 1018. In 1033 the Germans reconquered Lusatia and it was later partitioned between Meissen and Brandenburg. It can be said that this event marked the beginning of the germanisation

---

process, as Sorbs were forbidden to settle in towns or to hold any office. There was improvement in their situation when Charles IV in 1368-70 made Lusatia a part of the Bohemian crown.

The brief historical overview noted above is important, in that as a case study, it gives one a sense of the evolving Sorbian identity. It also makes one aware of the relationships between the Sorbs and the Poles and the Czechs, which date back to this period. In brief, it enables one to identify some of the historical, cultural and linguistic characteristics that are shared by these Slavonic groups. Thus, by continuing with a case study approach this study required a comprehensive historical survey of the Sorbs to the present day.

In order to complete this survey one needed to highlight the significant milestones in Sorbian history. For instance, in 1635, by the Peace Treaty formulated in Prague, Lusatia became part of the electorate of Saxony. In the 1650s and early 1660s, efforts were made ‘to create a written Lower Sorbian language in the electoral Brandenburg Wendish (Sorbian) district... with the translation of Martin Luther’s catechism’. But later in the 1660s, decisive measures were taken against the Sorbian language in the Lower Lusatian territory when worship in Sorbian was abolished and the ethnic composition was changed by the invitation to more Germans to settle in the region. In any event, the role of the Church in the maintenance of the Sorbian language has been identified as a constant theme, which is still relevant to the present day.

---

One of the consequences of the Congress of Vienna in 1815 was that Lusatia was partitioned again. Saxony retained Upper Lusatia, with Bautzen, while Lower Lusatia was given to Prussia, with Cottbus and its vicinity in Brandenburg.

Perhaps one of the significant features of this period was the Romantic Movement in Europe, particularly in Central Europe. It is important to note here, that the romanticism experienced by Germany differed markedly to that found in its Slavonic neighbours. In other words, while German romanticism can be described as universal or encyclopaedic in nature, the Slavonic Romantic movement was characterised by literature, music and dance, which symbolised oppression, occupation and the desire for freedom. Moreover, romanticism for the Czechs, Poles and Sorbs also became an expression of nationalism.

German unification took place in 1871, which was followed by intensive germanisation in Lusatia, mainly through the schools. By 1880 the number of Sorbian-speaking was reduced to 185,000 (90 per cent Lutheran and 10 per cent Roman Catholic). Furthermore, according to the German census of 1925 it ‘claimed that only 62,000 Sorbian-speaking people remained, but the leaders of the Sorbian national minority estimated their number at 260,000 in 1939’. The issue of estimating the Sorbian speaking population has been a recurring problem. The point here is, that a population size of an ethnic group influences the policy of the dominant ethnic group towards the minority ethnic group. At the same time however, it is interesting to note that as a legacy of the Nazi period in Germany, the German

---

10 Ibid.
government has avoided a policy of pursuing ethnic identification among ethnic groups.

This study also established that after major events or ruptures in world history, such as World War I and II, the Sorbs hoped to have their separate and autonomous homeland. On each occasion they were unsuccessful. In the course of this investigation in a contemporary context, there was no evidence of the Lusatian Sorbs being involved in a separatist movement, as witnesses in other ethnic conflicts such those found in Sri Lanka, Northern Ireland, Chechnya and the Basque Country to mention but a few. Certainly, the Sorbs wish to be identified as a separate ethnic group, or put another way, as German citizens, but not as Deutsche Volk.

As noted before, a comparative approach as a key method used in research and analysis in this thesis has proved to be useful on a number of occasions. Thus, an examination of the East German State’s policy towards the Sorbs during the former GDR regime was an essential part of this thesis. In other words, after the defeat of Nazi Germany in 1945, the Lusatian Sorbs came under the control of a Slavonic power, the Soviet Union. To state the obvious, in a divided Germany the Sorbs were subjected to a Marxist-Leninist ideology, which was in direct conflict with its western counterpart, the FRG, or West Germany. Of course, the remainder of ‘the West’ as it was referred to, had become locked into an ideological conflict, which became know as the Cold War.

The Domowina, among other Sorbian cultural institutions, which were banned by the Nazis, was recreated as an ‘anti-fascist-democratic’ organisation on 10 May 1945.
Apart from the German Communist Party (KDP), it was the first organisation that was given permission to operate officially in the Soviet zone. Thus, the Soviet authorities' sympathetic attitude towards the Sorbs, as shown by the prompt recognition of the Domowina, is crucial in this context. However, the Soviet Union as an ally did not support Sorbian separatism. Moreover, the KDP was alarmed by moves towards a separate Sorbian section of the party, which had been intensified by links with the Lusatian National Committee in Prague. Two important points that arise here, which illustrate the Sorbs' connection with their Slav brothers and sisters in the former Czechoslovakia, and gives one an insight into the relationship between the Sorbs and the SED from 1949 to 1989. In brief, what appeared to be a favourable national minorities policy towards the Sorbs, came at a high political price. It is reasonable to interrogate in historical terms at least, as to why the antagonism between a Slavonic group of people, such as the Sorbs (not to mention the Poles, Czechs, among others) and the Germans, reverse this position in post-war East Germany.

The question of whether such a measure taken by the GDR was a matter of rehabilitating (East) Germany's legacy of the Nazi period, or whether it was a utopian exercise in the internationalist Marxist doctrine, needs to be addressed here. In brief, according to Wolff, the SED's nationalities policy towards the Sorbs can be described as a symbiotic relationship in that it served the Sorbs, and the SED. In terms of utopian Marxist ideology and propaganda, for the GDR the Sorbs were a Vorzeigeminderheit, that is, a 'show case' minority.\footnote{Interview with Professor Stefan Wolff, at European Centre for Minority Issues, Flensburg, 22 July 2003, op. cit.}
However, it should be noted here that this study needed to examine not only the Sorbian identity, but also the issue of a German identity in the post-war years. In brief, the respective parts of a divided Germany dealt with the legacy of the Nazi period in two different ways. Put differently, the above legacy manifested itself in terms of collective guilt and collective shame. The GDR saw itself as an anti-fascist state, while West Germany’s collective psyche (FRG) experienced the phenomena of guilt and shame.

Again, this study’s indebtedness to Barker’s work cannot be understated, particularly his analysis of the period of the GDR and its nationalities policy towards the Sorbs, which includes the aspects of cultural and linguistic maintenance. In order to summarise this period in East Germany’s political history, the author has referred to a previous paper.

The division of Germany after the Second World War simply meant that the Sorb minority in East Germany experienced one totalitarian regime replaced by another. In effect, the policy of assimilation of the Sorbs accelerated and intensified during the time of the GDR regime.

In spite of the GDR’s constitutional measures, introduced in 1949 and 1968, assuring Sorb nationality and the right to cultivate the mother tongue and culture, the Sorbs’ experience did not coincide with the provisions made in the constitution. Certainly, Sorbian institutions such as the Domowina continued to exist legitimately, but at a high cost in political terms. It did not experience the autonomy it had hoped to

---

achieve. Instead, the SED attempted to use the Domowina as a vehicle for the Sorbs to accept socialist (Marxist-Leninist) policies and economic reconstruction.

The GDR's energy policy contributed to the acceleration of assimilation and germanisation. It did this by the destroying of many rural areas and villages where a high number of Sorbian speakers had lived. At the same time, the language policy that was introduced into the education system for the Sorb population was contradictory. In one sense it seemed as if the GDR was committed to its nationalities policy, but in fact 'levels of attainment were poor, with pupils having great difficulty in formulating written sentences or conducting a simple conversation in Sorbian'. Whenever the Domowina raised its concerns about the bilingual schools to the SED, the latter responded with allegations of the Domowina as indulging in nationalistic chauvinism. Another response that the SED had rehearsed for the Domowina’s grievances was that the organisation’s claims were exaggerated.

It should be noted here that early instances of dissent and later developments in Czechoslovakia and Poland during the GDR’s regime had some encouraging influence on the Sorbs. Certainly, towards the end of the SED’s rule the political initiatives of Mikhail Gorbachev cannot be discounted. But perhaps the role of the Catholic Church in Lusatia needs to be acknowledged, as a major influence in the preservation of Sorbian language and culture. It acted as an obstacle to complete domination by the SED, but at the same time found itself in conflict with the Domowina, which it believed was responsible for the decline of Sorbian culture and language.
Although there were some positive outcomes for the Sorbs during the time of the GDR, it should be noted that the relationship between the Sorbs and the Marxist State was interdependent. The GDR’s policy avoided ethnic activism (or separatism), and the Sorbs were anxious to have their interests, such as cultural and language maintenance acknowledged by the State. In brief, the GDR’s policy worked both ways. It served the Sorbs, and the SED. In terms of utopian Marxist ideology and propaganda, for the GDR the Sorbs were a Vorzeigeminderheit, that is, a ‘show case’ minority.

The fall of the Communist Bloc in 1989 has been discussed elsewhere, but in this study it takes on a crucial perspective in terms of a comparative analysis in the investigation of the changes in the ethno-linguistic status of the Sorbs in Germany. In other words, this study progressed to the stage whereby a re-unified Germany has different implications for the State’s (the FGR) policy towards a minority group, such as the Lusatian Sorbs.

In order to achieve a comprehensive as well as a comparative analysis of the changes in the ethno-linguistic status of the Sorbs in Germany, this study also examined the position or status of the Danish-speaking minority situated in Schleswig-Holstein. The above survey was a useful enterprise in that the Danish-speaking minority are approximately the same size as the Sorbs in Lusatia. In brief, this study revealed some major features which place the Danish-speaking minority in an advantageous position in terms of cultural and linguistic maintenance.
Firstly, the Danish-speaking minority have the benefit of a mother country, Denmark, which provides about sixty per cent of the financial support for education and other cultural institutions located in the border-region of Schleswig-Holstein. Secondly, the Danish-speaking minority are more politically mobilised, in that their political party, the SSW, represents them. Its main focus is to represent the above minority and the issues that affect the Danish-speaking minority, which in turn allows greater access to the federal German political centre, the Bundestag in Berlin. The Sorbs do not have the advantage of having their own political party, which in turn facilitates political mobility when its representatives need to engage in a dialogue with the dominant (German) and governing political structure.

Moreover, by considering not only the two historically ethnic minority groups, that is the Sorbs and the Danish-speaking minority as noted above, but also the Frisians and the Roma/Sinti in Germany, it allows one to have a broader overview of Germany’s policy towards these minorities. In other words, it provides a means of assessing the implementation of such a minorities policy, which also includes linguistic and cultural maintenance. Moreover, the German State, which together with its immigrant population must be considered in the context of a heterogeneous or multicultural society. In brief, a reunified Germany is also engaged in the rigorous and demands of a democratic, pluralistic and civil society. Thus, it is fair to say that as the political context of the German State changed over the last century, but so too has the status of the Lusatian Sorbs.

In any event, returning to the assessment of Germany’s minorities policy, it introduced another dimension in that its national minorities are protected by national
(constitutional) and supranational legal instruments. For instance, the Land constitutions of Brandenburg and Saxony have special provisions that protect the Sorbs of Lower and Upper Lusatia respectively. It has been argued however, that in spite of these constitutional guarantees, which are aimed at protecting the rights and the language of the Sorbs, there exists a discrepancy between the theoretical ideals of the above codification, and the day-to-practice. That is, the implementation of the national minorities policy. Moreover, at a federal level, Germany’s constitution (the Basic Law) has not resolved the issue of minority rights in terms of specifically acknowledging their raison d’être.

However, the Council of Europe’s Advisory Committee acts as a guardian in that it monitors the extent of Germany meeting its obligation to implement the two main legal instruments in regard to the Sorbian (and other) minority. These two main legal instruments are referred to as the Framework Convention on the Protection of National Minorities (FCPNM), and the European Charter on Regional and Minority Languages. In broad terms, the FCPNM is designed to protect basic human rights of ethnic minority groups, and it is argued that it is a derivative of the UN Universal Declaration of Human Rights. However, it can also be said that the FCPNM’s focus is on political rights, which include participation, representation and access to dialogue with central governments whose territories encompass minority groups. For the purposes of this study, the analysis focussed on the main criteria set down by the FCPNM, which is also used as an assessment of the implementation of the policy towards ethnic minorities. The main markers of the Council of Europe’s policy assessment of its member states include practical measures such as access to the
media, financial support, education and the extent of the usage of a minority language in public interactions.

Although scholars such as Verstichel expose some of the limitations of the FCPNM,\textsuperscript{13} the Advisory Council seems to have made some comprehensive assessments of Germany’s implementation of the FCPNM. However, one of the salient conclusions that were made in this study found that Germany is \textit{inconsistent} in its implementation of the FCPNM. In order to be sure in this study’s assessment, among other sources, the Advisory Committee’s \textit{Opinion on Germany},\textsuperscript{14} is used. For instance, it pointed out the extremely limited access to radio broadcasting time by the Friesians and Roma minorities. The Sorbs however, have a greater access to the media in Brandenburg and Saxony. On the one hand, it can be said that the Sorbs experience a considerable degree of access to their cultural institutions and organisations, which are funded by the German State. However, on the other hand, there remains an inconsistency in terms of minorities policy implementation, such as that found in Sorbian representation on the Sorbian Foundation Governing Board, continued disruption of traditional Sorbian settlements around Horno due to lignite mining, and the closure of Sorbian schools in Crostwitz and, recently (this year) in Heinersbrück/Most. In addition, it has been noted that the level of funding provided for the Sorbs by the German State has decreased since 1989. The tardive rate, at which German local governments install bilingual road signs in traditional Sorbian settlement areas, has also been noted by the Advisory Committee.


\textsuperscript{14} Council of Europe, Advisory Committee, \textit{Opinion on Germany}, op. cit.
Thus, in a sense it would be an unbalanced assessment of the German governments’ policy implementation concerning the Sorbs if one were to consider the above-mentioned analysis as unfavourable. One of the crucial findings made by Hemminga\textsuperscript{15} and by the Research Centre of Multilingualism in Brussels\textsuperscript{16}, demonstrates that the attendance and enrolment of pupils in Sorbian schools, or taking Sorbian as a second language are remarkably low. The comparison between the usage of the Sorbian language in childhood and in a variety of community settings later in life decreases by about one half.\textsuperscript{17} Hemminga also points out that the level of enrolment at a tertiary level of education is low.\textsuperscript{18} By the same token, the volume of publications (Domowina-Verlag) and other cultural items such as music seem to be in abundance. In brief, the above data, particularly in the sphere of education is an argument presented by the German government in response to the Advisory Committee in order to counter the Sorbs’ assertion that there is a public demand for greater use of their language.

It seems that on the basis of the above findings, the facilities or infrastructure for the maintenance and promotion of the Sorbian language and culture is supported by the German State. But at the same time the social usage of the Sorbian language does not seem to be as an attractive choice by Sorbian youth. The Sorbian language lacks prestige and status in the context of German society as the dominant ethnic group, especially if one considers the size of the Lusatian Sorb population. Although assimilation has often been seen as a deliberate policy undertaken by the German

\textsuperscript{15} Hemminga, P., “The Sorbian language in education in Germany”, in Mercator-Education, op. cit.
\textsuperscript{16} Euromosaic, “Sorbian Language Use Survey”, op. cit.
\textsuperscript{17} Ibid.
\textsuperscript{18} Hemminga, P., “The Sorbian language in education in Germany”, in Mercator-Education, op. cit.
polity, it is not the sole cause of the decline in the use of the Sorbian language that is alluded to in the above.

Certainly, factors such as school closures and continued lignite mining in traditional Sorb areas contribute to the erosion of the Sorbian language and culture. In the latter instance, displaced Sorbs move to urban centres, including those in the western part of Germany and intermarry. One of the distinguishing features of the former GDR was that although the Sorbs were protected by constitutional measures, they were also ‘contained’ within the borders of the GDR. In other words, the totalitarian regime prevented the free movement of its people.

A high level of unemployment in Germany is a serious issue, which is exacerbated in the eastern Länder. In brief, external and internal economic forces can influence the way in which the German government prioritises its domestic policies. Perhaps one of the main external influences on language per se, (including German) is the use of English as a global language.

In this study it was important as well as essential to investigate English as a language of commerce. There would little argument that English has infiltrated the German language, but it does not pose as a threat to the German language. Nonetheless, the English language has prestige and status. It is useful to note that the Sorbian vocabulary restricts it to be a ‘working language’, unlike the German language which can incorporate English words, or loan words in order to adapt it to a commercial
context. Thus, writers such as Wolff, among others regard the Sorbian language as one that will be learnt as a separate interest rather than a language that is viable for use in daily social and commercial interactions. In brief, the Sorbian language is an endangered language.

In spite of the influences that place the Sorbian language and culture in a threatened position, there are a number of agencies that are attempting to avoid its expiration. Put another way, European organisations such as FUEN and EBLUL, to name just two, are attempting to reverse language shift, not only among the Sorbian population, but also among other ethnic minorities. The ECMI focuses more on the political issues affecting ethnic minorities, but it too adds to the debate on linguistic heterogeneity.

Finally, given that Poland and the Czech Republic have shared a similar history with the Sorbs, and due to their close geographic proximity, these three Slavonic countries share a similar culture and language. Moreover, there have been political associations shared between them. Hence, some discussion about this aspect was warranted. It has been argued in this study that there is little that the Poles or the Czechs can do to enhance the Sorbs' political status. While cultural exchanges are encouraged, they occur on a small scale between these three actors. However, a more proactive position may be taken to maintain the ethno-linguistic status of the Sorbs in the future now that the above and other Slavonic states have gained EU membership.

To sum up, the ethno-linguistic status of the Sorbs in Germany is eroding as time passes. The position of the Lower Lusatians is more critical than their counterparts in

19 Interview with Professor Stefan Wolff, at European Centre for Minority Issues, Flensburg, 22 July 2003, op. cit.
Upper Lusatia. Some observers within the Sorbian community give the former group no more than fifty years before their language will become extinct. Unless the Sorbs mobilise themselves politically and establish some robust economic entities, their heritage, language and culture will retire to become quaint tourist attractions, such as those found in the Spreewald.

The qualitative changes in the ethno-linguistic status of the Sorbs thus presents a major challenge, but it is not a unique one. There is a distinct possibility that the leaders of the Sorbian community can help in creating a will to survive.
Official Documents

Appendix B: Exemplary legal regulations in the Federal Republic of Germany that serve to protect groups falling under the Framework Convention for the Protection of National Minorities, including Federal Law, Land [Federal State] Law: Land of Brandenburg;
Free State of Saxony
3. Constitution of the Free State of Saxony (Excerpt: Article 2, paragraph 4; Articles 5,6)
4. Act on the Sorbs’ Rights in the Free State of Saxony- Saxon Sorbs Act
Land of Schleswig-Holstein
Constitution of the Land of Schleswig-Holstein (Excerpt: Article 5)

Sighted 9 July 2003.


Sighted 16 November 2003.

Council of Europe, Committee of Ministers, Resolution ResCMN (2003)3 on the implementation of the Framework Convention for the Protection of National Minorities by Germany, (Adopted by the Committee of Ministers on 15 January 2003 at the 824th meeting of the Ministers’ Deputies).


Europäisches Büro für Sprachminderheiten Komitee für die Bundesrepublik Deutschland (European Bureau for Lesser Used Languages (EBLUL) Germany), Report on activities from May to September 2003.


Bibliography and other reference sources


_________, “Sorbians file case at German Constitutional Court”, in *Eurolang*, 24 October 2003, Website address not cited, transmitted in a personal email from Robert Brytan, <rbsorb@hotmail.com> to Ted Cichon, <tcichon@postoffice.utas.au>, 25 September 2003.


<http://www.aicgs.org/wahlen/saxony.shtml>
Sighted 18 February 2004.


Ayn Rand Institute, “The New Racism”, (author not cited)
Sighted 16 October 2003.


______, “The Birth of Official Policy towards the Sorbian Minority in the Soviet Zone of Occupation in Germany (1945-1948)” in *German History*, Volume 14, Number 1, pp. 38-54. Personal email correspondence from Barker, P, <p.j.barker@reading.ac.uk> to <Ted.Cichon@utas.edu.au>, 21 May 2003.


*Berliner Zeitung* (Berlin Newspaper), 1 August 2002.


Cichoń, T., “From the pulpits to parishioners, to Rome and back again”, in *The Church and the Conflict in Northern Ireland: A Case for Corrymeela?*, dissertation submitted for the requirements for the degree of Master of Arts, School of Government, University of Tasmania, 1 September, 2000.

_______, “The Lusatian Sorbs and the German Democratic Republic (GDR)”, Australasian Political Studies Association Conference, 29 September - 1 October 2003, University of Tasmania.


Das Bild (The Picture), 5 August 2003.


*Die Sorben in der Niederlausitz* (The Sorbs in Lower Lusatia), (booklet, author not cited), (Published by the Domowina, no other publishing details cited).


*Dziennik Zachodni* (The Western Daily), [Katowice], 20 August 2002.


European Bureau of Lesser Used Languages (EBLUL), Biennial Report 2001-2002 (author not cited),
Sighted 1 March 2004.


Field, H., in “EU Cultural Policy and the Creation of a Common European Identity”,

“Federal Republic of Germany”, in MSN Encarta,
Sighted 7 December 2003.


Firth, W., “A German minority buffeted by unification”, in Green Left Weekly, (author not cited), 17 February 1993,


Foundation for Endangered Languages, (author not cited),
Sighted 19 March 2004.

FOTW "Flags of the World" — South Schleswig Voters’ Association (Schleswig-Holstein, Germany), (author not cited),
<http://fotw.vexillum.com/flags/de\{ssw.html>
Sighted 1 July 2003.

Frankfurter Allgemeine, 5 August 2002.


"Germany" (author not cited),


Gesamtverzeichnis (Catalogue booklet), (author not cited), (Bautzen: Domowina-Verlag, 2003).


Głos (The Voice), [Zabrze], 29 August 2002.


Grzelak, W., “Zapomniane sąsiedztwo” (The Forgotten Neighbourhood) in Czas, (Time), Number 5, 1 January 2003, pp.32-33.


Hahn, J.J., “Germany would today stand no chance of being admitted to the EU” in FUEN-Now Actuel, Number 78, 2001–12.


Halo Nowiny (Hallo News), [Prague], 6 January 2004.


Lausitzer Rundschau, (Lusatian Review) [Cottbus] “Die Bahncard hat ein erfolgreiches Comeback gefreiert” (The Bahn Card has made a successful Comeback), (author not cited) 2-3 August 2003.


Leszczyński, R., My i Oni: Kontakty kulturalne Polaków I Łużykan (Us and Them: Cultural Contacts between Poles and Lusatians), (Opole: Stowarzyszenie Instytut Śląski (Association of the Silesian Institute, 2000).


McDonald, W., Reminiscences of a Maynooth Professor, (Cork: Mercier Press Ltd, 1967).


Mercator, History, Structure and Goals, (author not cited),


Mladá Fronta Dnes (Young Front Today), [Prague], 6 January 2004.


Nowa Doba, (New Day), [Cottbus] 24 March 1990

Nowy Casnik (New Times), [Cottbus], 17 August 2002.


*Polityka* (Politics), [Warsaw], Number 35, 31 August 2002.


*Serbske Nowiny*, (Sorbian News), [Bautzen], “Wójna” (War), (author not cited), 3 May 1937.

*Serbske Nowiny*, “Wcèera wuzwoleni wjesnjanosća serbskich gmejnow Kamjenskeho wokrjesa” (Sorb candidates standing for the Kamenz district), (author not cited) 13 June 1994.


*Serbske Nowiny*, “Serbia kandiduja za nowy Saksi krajny sejm” (Sorbian candidacy for new Saxon parliament), (author not cited), 9 September 1994.


*Serbske Nowiny*, “Serbska waha we wolbnymaj wokrjesomaj skerje snadna” (Sorbian vote makes a mark in elections), (author not cited), 25 September 2002


Snyder, L. L., Encyclopaedia of the Third Reich, (Hertfordshire, Ware: Wordsworth Editions Ltd, 1998).


Stock, M., and Drinkmann, M., (eds.), Lodka: Serbska kulturna informacija w Serbskom domje (Lodka: Sorbian Cultural Information at the Sorbian House (booklet), (Cottbus: Foundation for the Sorbian People, 2002).


*Südschleswigsche Wählerverband (SSW)* (South Schleswig Voters’ Association), (pamphlet, author not cited).


Tetzner, F., *Die Slawen in Deutschland*, (The Slavs in Germany), (Braunschweig: Friedrich Vieweg and Son, 1902).


*The Sorbian Institute*, (2nd ed.), (booklet, author not cited, English translation by Vallance, M.), (Bautzen: The Sorbian Institute, 2000).


*Trybuna Śląska* (The Silesian Tribune), [Katowice], 20 August 2002.


Urbankowski, B., “Zamykanie slowianskich szkół- skąd to pamiętamy?” (“Closure of Slavonic schools – from where do we remember that?”), in *Nowa Myśl Polska* (New Polish Thought), Number 29-30, 27 July 2003, <file:///C:\WINDOWS\Temporary%20Internet%20Files\Content.IE5\LGKLMN\Now a...>. Sighted 28 October 2003.


**Media Sources**


“A Visit to the Lusatian Sorbs”, (video cassette recording), Sorabia Film Studio, Bautzen, 1995.

“Sorben Im Nationalsozialismus”, (The Sorbs during National Socialism) (video cassette recording), Sorabia Film Studio, Bautzen, 2000.
# Table of Contents Appendices 1-5

**Appendix 1** ........................................................................................................ 573

1.0 Issue(s) of statistics ....................................................................................... 573

**Appendix 2** ........................................................................................................ 574

2.0 The German Democratic Republic Constitution ............................................ 574
2.1 Selected Articles of the 1968 GDR Constitution ............................................. 574
2.2 Sequence of Tables.......................................................................................... 575
2.2.1 Participants in Sorbian school classes 1959-1969 ...................................... 575
2.2.2 Comparison of school figures for 1963 and 1964 in selected districts .......... 575
2.2.3 Number of pupils taking Sorbian 1967-1989 .............................................. 575
2.2.4 Number of Pupils attending Sorbian classes after 1989 .......................... 576
2.3 Membership of the Domowina .................................................................... 576

**Appendix 3** ........................................................................................................ 577

3.0 Official Documents — Selected Articles, extracts and texts ....................... 577
3.1. Federal Law .................................................................................................... 577
3.1.1 II. Land [Federal State] Law(s).................................................................. 577
3.2 Basic Law for the Federal Republic of Germany (Grundgesetz) of 23 May
1949, as amended last on 16 July 1998 ................................................................. 578
3.3 The Schleswig-Holstein State Constitution of 1990 ...................................... 580
3.3.1 Selected Article(s) of the Schleswig-Holstein Constitution ...................... 581
3.4 Official Documents (Selected Articles and Extracted) ................................. 583
3.4.1 An Overview of European Bodies and Mechanisms .................................. 583
3.5 Framework Convention for the Protection of National Minorities
Strasbourg 1 February 1995 ............................................................................... 583
3.6 European Charter for Regional or Minority Languages ............................. 589
3.7 Appendix B: ..................................................................................................... 602
3.8 Constitution of the Land of Brandenburg of 20 August 1992..........................602
3.9 Constitution of the Free State of Saxony of 27 May 1992.............................607
3.10 Comment ........................................................................................................612
3.11 Charter of Fundamental Rights of the European Union..................................612
3.12 European Charter for Minority or Regional Languages..................................615
3.13 Danske foreninger og institutioner i Sydslesvig (Danish Associations and Institutions in Schleswig) .................................................................620
3.14 Sorbian Institutions and Organisations ............................................................621
3.15 Comment ........................................................................................................622
3.16 Der Südschleswigsche Wählerverband/SSW) (South Schleswig Voters' Association) ............................................................................................622
3.16.1 Municipal Elections .....................................................................................622
3.16.2 State Elections .............................................................................................622
3.17 Interviews ........................................................................................................623
3.17.1 Interview with Werner Meschkank at the Wendisches Muzej (Wendish Museum) Cottbus 16 August 2002 .........................................................623
3.17.2 Interview with Professor Dietrich Scholze-Šolta, Director of the Sorbian Institute, Bautzen, 21 August 2002 ............................................................624
3.17.3 Interview with Jesper Bolund Nielsen at the Danskcentralbibliotek for Sydslesvig (Danish Central Library for Schleswig-Flensburg). 23rd July 2003 ..626
3.17.4 Interview with Professor Stefan Wolff, 29 July 2003 at European Centre for Minority Issues (ECMI) Flensburg .........................................................628
3.17.5 Interview with Professor Günter Spieß, Sorbian Institute Cottbus, 4 August 2003 ........................................................................................................630
3.17.6 Interview with Professor Dietrich Scholze-Šolta, Director of the Sorbian Institute, Bautzen, 11 August 2003 .............................................................633
3.17.7 Interview with Robert Brytan and Jurij Łuśćanski, at Serbski Dom (Sorbian House), Bautzen 12 August 2003 ..............................................................634
3.17.8 Letter written by the Chairman of the Lusatian Sorbs Domowina, ..........637
3.18 Speech-areas of the Sorbs today .....................................................................637
3.19 Sorbian Traditions ........................................................................................................ 639

Appendix 4 ........................................................................................................................... 642

4.0 Findings of Field Research in Lusatia and Schleswig-Holstein ......................... 642

Survey 2 Schleswig-Holstein, July 2003 ............................................................................. 648

Appendix 5 ........................................................................................................................... 655

Recommendations .............................................................................................................. 655

Charts
Chart 1: Sorbian Identity .................................................................................................... 644
Chart 2: On Language Use ................................................................................................. 645
Chart 3: Concepts of a Sorbian Homeland ......................................................................... 646
Chart 4: The Future ? .......................................................................................................... 647
Chart 5: Danish-Speaking Identity in Schleswig ................................................................. 651
Chart 6: Language Use in Schleswig .................................................................................. 652
Chart 7: Schleswig; Danish or German Homeland? ......................................................... 653
Chart 8: Danish Identity in Schleswig ................................................................................ 654
Appendix 1

1.0 Issue(s) of statistics
Different scholars and contributors to this specific body of work concerning the Sorbs provide different population statistics, which may provoke some debate. It is not the intention here to dismiss or disprove one set of figures or another. Certainly statistical methods have been further refined, and thus a researcher would expect a degree of reliability and validity in the available information. At the same time, this study did not intend to be pedantic, rather, population statistics of an ethnic group may influence a government’s national minorities policy, and as this study has shown, has legal implications in a regional or international judicial context. Moreover, this study referred to the way the GDR viewed Sorb numbers, and later, the way in which the FRG (before and after 1989) dealt with the size of its ethnic populations. In other words, in the latter instance, Germany’s legacy of its Nazi past has resulted in a policy that does not require German inhabitants or citizens, to identify their ethnic identity. It remains a sensitive topic in German domestic policy.

In any event, the following provides a range of Sorbian population statistics at different points in time. For instance, Barker notes that the Sorbian population by the middle of the fourteenth century would have been about 320,000 if it had doubled since the mid-eleventh century.¹

In the eighteenth century, Lower Lusatia was a point of contention between Prussia and Saxony, when the area around Cottbus was ‘amounted to only 10-15 per cent’ share of the total (German) population.² In any case, staying with Barker’s information, at the beginning of the nineteenth century it was estimated that ‘there were over 200,000 Sorbian speakers’.³ The figure ‘shrank to 160,000 in the 1880s’.⁴ In 1900 official statistics noted that 93,000 Sorbs were monolingual, whereas the official census in 1933 the figure was 57,000, but private survey reached a figure of 11,000.⁵ Interestingly, the GDR ‘was notoriously shy of accurate statistics’, but a survey in 1955-6 arrived at a figure of 81,000.⁶ The GDR continued to use the figure of 100,000, but results published in 1989, claimed a population of around 67,000, estimating that 25,000 spoke Sorbian fluently, and only 45,000 ‘acknowledged their identity as Sorbian’.⁷ Dalby⁸ for instance, places the number of Sorb speakers at 100,000. This figure seems to be exaggerated when compared to other sources noted in this study. In this study, the Sorbian population is considered to be between 40,000 and 50,000, by sources such as World Directory of Minorities notwithstanding a potential variation of about 10,000.⁹

⁴ Ibid.
⁵ Ibid.
⁶ Ibid. p. 21.
⁷ Ibid.
⁸ Dalby, A., Dictionary of Languages, op. cit. p. 575.
⁹ World Directory of Minorities, op. cit. p. 150.
Appendix 2

2.0 The German Democratic Republic Constitution

The GDR was proclaimed in the Soviet sector of Berlin on October 7, 1949, by native German communist leaders (many of whom had lived in exile in Moscow during the Second World War) with Soviet backing. It was heavily based on the Weimarer Reichsverfassung (Weimar Constitution), such that the GDR would be a federal and democratic republic. Because the original version did not accurately reflect the actual political climate of the GDR, it was decided in the late 1960s to replace the old constitution with a new version. The new constitution of the German Democratic Republic was approved on 6 April 1968, and promulgated by the Chairman of the Council of State of the German Democratic Republic on 8 April 1968. It reflected the communist roots of the GDR as well as the political rule of the SED.

Chapter 1, Article 1 of this constitution begins with the lines,

The German Democratic Republic is a socialist state of workers and farmers. It is the political organization of the workers in city and country under the leadership of the working class and their Marxist-Leninist party.

2.1 Selected Articles of the 1968 GDR Constitution

Article 19 (1)

Every citizen of the German Democratic Republic has the same rights, irrespective of his nationality, race, world outlook, social origin and position. All citizens are equal before the law.

Article 20 (1)

Every citizen of the German Democratic Republic has the right to participate fully in shaping the political, economic and cultural life of socialist society and the socialist state. The principle "Participate in working, planning and governing!" applies.

Article 39

Citizens of the German Democratic Republic of Sorb nationality have the right to cultivate their mother tongue and culture. The exercise of this right is promoted by the state.

Article 40

---

Citizens of the German Democratic Republic of Sorb nationality have the right to cultivate their mother tongue and culture. The exercise of this right is encouraged by the state.

2.2 Sequence of Tables
In order to provide a comprehensive and a coherent set of statistics, the following Tables belong to the GDR period and as indicated, after 1989's re-unification of Germany, hence they are presented together to enable one to make comparisons.

2.2.1 Participants in Sorbian school classes 1959-1969

<table>
<thead>
<tr>
<th>Year</th>
<th>Dresden Region</th>
<th>Cottbus Region</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959</td>
<td>9,791</td>
<td>3,041</td>
<td>12,832</td>
</tr>
<tr>
<td>1962</td>
<td>7,302</td>
<td>2,409</td>
<td>9,711</td>
</tr>
<tr>
<td>1963</td>
<td>1,997</td>
<td>1,247</td>
<td>3,244</td>
</tr>
<tr>
<td>1964</td>
<td>1,588</td>
<td>1,137</td>
<td>2,725</td>
</tr>
<tr>
<td>1969</td>
<td>1,548</td>
<td>1,511</td>
<td>3,059</td>
</tr>
</tbody>
</table>

The remarkable decline of Sorbian participation in school classes from 1962, and particularly in 1964, is attributed to in part at least, policy changes in April 1964 made participation in Sorbian classes voluntary. Barker also notes that the Domowina was prevented from lobbying parents, who were also 'excluded from the consultations with head teachers and teachers in the preparations for the coming school year'.

2.2.2 Comparison of school figures for 1963 and 1964 in selected districts

<table>
<thead>
<tr>
<th>District</th>
<th>1963/64</th>
<th>1964/65</th>
<th>% Fall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bautzen</td>
<td>8,016</td>
<td>2,009</td>
<td>80</td>
</tr>
<tr>
<td>Weißwasser</td>
<td>620</td>
<td>483</td>
<td>20</td>
</tr>
<tr>
<td>Hoyerswerda</td>
<td>1,255</td>
<td>517</td>
<td>60</td>
</tr>
<tr>
<td>Cottbus</td>
<td>529</td>
<td>106</td>
<td>80</td>
</tr>
</tbody>
</table>

2.2.3 Number of pupils taking Sorbian 1967-1989

---

11 Barker, P., Slavs in Germany: The Sorbian Minority and the German State Since 1945, op.cit., p. 87.
12 Ibid. p. 86.
13 Ibid.
15 Ibid. p. 108. Reproduced from the table provided by Barker. Original Source: Sorbian School Section, GDR Ministry of Education.
### 2.2.4 Number of Pupils attending Sorbian classes after 1989\(^\text{16}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>A-Pupils</th>
<th>B-Pupils</th>
<th>C-Pupils</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989/90</td>
<td>1,204</td>
<td>4,971</td>
<td>—</td>
<td>6,175</td>
</tr>
<tr>
<td>1990/91</td>
<td>1,267</td>
<td>3,333</td>
<td>—</td>
<td>4,600</td>
</tr>
<tr>
<td>1991/92</td>
<td>1,215</td>
<td>2,785</td>
<td>—</td>
<td>4,000</td>
</tr>
<tr>
<td>1992/93</td>
<td>1,397</td>
<td>3,053</td>
<td>—</td>
<td>4,450</td>
</tr>
<tr>
<td>1993/94</td>
<td>1,398</td>
<td>3,162</td>
<td>250</td>
<td>4,810</td>
</tr>
<tr>
<td>1994/95</td>
<td>1,446</td>
<td>3,622</td>
<td>164</td>
<td>5,232</td>
</tr>
<tr>
<td>1995/96</td>
<td>1,415</td>
<td>3,733</td>
<td>—</td>
<td>5,188</td>
</tr>
<tr>
<td>1996/97</td>
<td>1,457</td>
<td>3,999</td>
<td>—</td>
<td>5,412</td>
</tr>
<tr>
<td>1997/98</td>
<td>1,371</td>
<td>4,128</td>
<td>—</td>
<td>5,499</td>
</tr>
</tbody>
</table>

Barker attributes the fall in the number of pupils attending Sorbian instruction/classes due to the choice and availability of French and English language classes after re-unification. Although the above figures show an increase in the number of pupils attending Sorbian classes from 1992 onwards, it should also be noted that the number of hours of Sorbian instruction amounts to no more than three per week. This seems to coincide with Hemminga’s data.\(^\text{17}\)

### 2.3 Membership of the Domowina \(^\text{18}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Groups</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977</td>
<td>274</td>
<td>12,406</td>
</tr>
<tr>
<td>1978</td>
<td>282</td>
<td>12,740</td>
</tr>
<tr>
<td>1979</td>
<td>280</td>
<td>12,593</td>
</tr>
<tr>
<td>1980</td>
<td>280</td>
<td>13,468</td>
</tr>
<tr>
<td>1981</td>
<td>281</td>
<td>13,866</td>
</tr>
<tr>
<td>1982</td>
<td>281</td>
<td>13,910</td>
</tr>
<tr>
<td>1983</td>
<td>281</td>
<td>13,910</td>
</tr>
<tr>
<td>1984</td>
<td>281</td>
<td>14,206</td>
</tr>
<tr>
<td>1985</td>
<td>283</td>
<td>14,378</td>
</tr>
<tr>
<td>1986</td>
<td>283</td>
<td>14,612</td>
</tr>
<tr>
<td>1987</td>
<td>283</td>
<td>14,663</td>
</tr>
</tbody>
</table>

\(^{16}\) Ibid. p. 147. Original Source: Domowina and the Serbske šulske towarstwo (Sorbischer Schulverein e.V. (Sorbian School’s Association).

\(^{17}\) Hemminga, P., "The Sorbian language education in Germany", in Mercator-Education, Regional Dossiers Series, op. cit.

Appendix 3

3.0 Official Documents — Selected Articles, extracts and texts
3.1. Federal Law

1. Basic Law [Constitution} for the Federal Republic of Germany
   (Excerpt: Articles 1, 2, 3, 4, 5, 7, 8, 9, 11, and 21)

2. Political Parties Act
   (Excerpt: Sections 18, 25)

3. Federal Electoral Act
   (Excerpt: Sections 6, 20, 27, and 33)

3.1.1 II. Land [Federal State] Law(s)

Land of Brandenburg

1. Constitution of the Land of Brandenburg
   (Excerpt: Article 25)

2. Act to Regulate the Development of the Sorbs ('Wends')
   Rights in the Land of Brandenburg - Sorbs (Wends) Act

Land of Mecklenburg-Western Pomerania (text omitted here)

3. Constitution of the Land of Mecklenburg-Western Pomerania
   (Excerpt: Article 18)

Free State of Saxony

4. Constitution of the Free State of Saxony
   (Excerpt: Article 2, para. 4; Articles 5, 6)

5. Act on the Sorbs' Rights in the Free State of Saxony - Saxon Sorbs Act

Land of Saxony-Anhalt (text omitted here)

6. Constitution of the Land of Saxony-Anhalt
   (Excerpt: Article 37, para. 1)

Land of Schleswig-Holstein


Enclosure B-I-1

Translation (excerpt):
3.2 Basic Law* for the Federal Republic of Germany
(Grundgesetz) of 23 May 1949, as amended last on 16 July 1998

Article 1 Human Dignity
(1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.

(2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

(3) The following basic rights shall bind the legislature, the executive, and the judiciary as directly applicable law.

Article 2 Rights of Liberty; Personal Freedoms
(1) Every person shall have the right to free development of his/her personality insofar as he/she does not violate the rights of others or offend against the constitutional order or the moral law.

(2) Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law.

Article 3 Equality before the Law
(1) All persons shall be equal before the law.

(2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.

(3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.

Article 4 Freedom of Faith and Creed
(1) Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.

(2) The undisturbed practice of religion shall be guaranteed.

Article 5 Freedom of Expression
(1) Every person shall have the right freely to express and disseminate his/her opinions in speech, writing, and pictures and to inform him/herself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.

Article 7 School Education
(1) The entire school system shall be under the supervision of the state.

(2) Parents and guardians shall have the right to decide whether children shall receive religious instruction.

* The Basic Law is the Constitution.
(3) Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned. Teachers may not be obliged against their will to give religious instruction.

(4) The right to establish private schools shall be guaranteed. Private schools that serve as alternatives to state schools shall require the approval of the State and shall be subject to the laws of the Land. Such approval shall be given when private schools are not inferior to the state schools in terms of their educational aims, their facilities, or the professional training of their teaching staff, and when segregation of pupils according to the means of their parents will not be encouraged thereby. Approval shall be withheld if the economic and legal position of the teaching staff is not adequately assured.

(5) A private elementary school shall be approved only if the educational authority finds that it serves a special pedagogical interest or if, on the application of parents or guardians, it is to be established as an interdenominational or a denominational school or as a school based on a particular philosophy, and no state elementary school of the type exists in the municipality.

(6) Preparatory schools shall remain abolished.

Article 8 Freedom of Assembly
(1) All Germans shall have the right to assemble peacefully and unarmed without prior notification or permission.
(2) In the case of outdoor assemblies, this right may be restricted by or pursuant to a law.

Article 9 Freedom of Association
(1) All Germans shall have the right to form corporations and other associations.
(2) Associations whose aims or activities contravene the criminal laws, or that are directed against the constitutional order or the concept of international understanding, shall be prohibited.
(3) The right to form associations to safeguard and improve working and economic conditions shall be guaranteed to every individual and to every occupation or profession. Agreements that restrict or seek to impair this right shall be null and void; measures directed to this end shall be unlawful. Measures taken pursuant to Article 12~, to paragraphs (2) and (3) of Article 35, to paragraph (4) of Article 87a, or to Article 91 may not be directed against industrial disputes engaged in by associations within the meaning of the first sentence of this paragraph in order to safeguard and improve working and economic conditions.

Article 11 Freedom of Movement
(1) All Germans shall have the right to move freely throughout the federal territory.

Article 21 Political Parties
(1) Political parties shall participate in the formation of the political will of the people. They may be freely established. Their internal organisation must conform to democratic principles. They must publicly account for their assets and for the sources and use of their funds.
Article 33 Equal Citizenship; Professional Civil Service

(1) Every German shall, in every Land, have the same political/civic rights and duties.

(2) Every German shall be equally eligible for any public office according to his/her aptitude, qualifications, and professional achievements.

Enclosure 8-1-2 I

Translation (excerpt):

Section 18 Principles and Extent of Public Funding

(1) The State shall grant the political parties funds to partly finance their general activities pursuant to the Basic Law. The criteria for the distribution of public funds shall be the parties' performance in European, Bundestag and Landtag [state parliament] elections, the sum of its membership dues, and the amount of donations received.

Enclosure 8-1-3
Translation (excerpt):

Section 6 Election by Land List

(1) For the distribution of seats on the basis of Land lists, the second votes cast for each Land list shall be added up.

(6) In distributing the seats among the Land lists, only such parties shall be taken into consideration as have obtained at least five per cent of the valid second votes cast in the electoral area or have won a seat in at least three constituencies. The 1st [sic] sentence shall not apply to lists submitted by parties representing national minorities.

Section 27 Land Lists
Land lists may only be submitted by political parties... moreover, in the case of the political parties mentioned in Section 18, para. 2, they must be so signed by one per thousand of the persons entitled to vote in the Land at the last elections to the Bundestag, but by not more than 2,000 persons entitled to vote. The right to vote of the signatories of a nomination by one of the parties mentioned in Section 18, para. 2, must exist at the time of the signature, and shall be proven when the nomination is submitted. The requirement to present additional signatures shall not apply to Land lists of parties representing national minorities.

3.3 The Schleswig-Holstein State Constitution of 1990

The Constitution guarantees in:
Article 5(1)
The identification with a national minority is free; it does not exempt from the common duties as a citizen.

**Article 5(2)**
The cultural independence and the political participation of national minorities and ethnic groups is [sic] protected by the state, municipalities, and associations of municipalities. The national Danish minority and the Frisian ethnic group have a claim of protection and support.

### 3.3.1 Selected Article(s) of the Schleswig-Holstein Constitution
Ministry of Foreign Affairs 7 June 1955, H.C. Hansen


Desiring to promote peaceful relations between the population on both sides of the German-Danish border and thus also the development of friendly relations between the Federal Republic of Germany and the Kingdom of Denmark and considering the obligation under international law into which the Federal Republic of Germany has entered by virtue of its accession to the European Convention on Human Rights in respect of the obligation not to discriminate against national minorities (Article 14), the Government of the Federal Republic of Germany issues the following declaration in the spirit of the principles, also laid down in the Basic Law of the Federal Republic of Germany, to which the Government of Schleswig-Holstein referred in its declaration of 26 September 1949:

I

Like all citizens, the members of the minority shall enjoy the rights guaranteed in the Basic Law of the Federal Republic of Germany of 23 May 1949. Within the framework of the Basic Law they shall have the following rights in particular:

- The right to inviolability of the liberty of the individual;
- Equality before the law;
- freedom of faith and of conscience;
- the right to freedom of expression and freedom of the press;
- freedom of assembly and association;
- the right freely to choose their occupation and place of work;
- inviolability of the home;
- the right freely to establish political parties;
- equal eligibility for any public office according to their aptitude, qualifications and professional achievements; in the case of civil servants, employees and workers in the public service no distinction may be made between members of the Danish minority and other citizens;
- the right to general, direct, free, equal and secret elections, which shall also apply to regional and local elections;
- the right to have recourse to the court in the event of their rights being violated by public authority;

---

20 Document available from  
Sighted 1 July 2004.

the right to equal treatment, pursuant to which no one may be
disadvantaged because of his parentage, his language, his origin or his
political opinions.

II.
In execution of these legal principles it is herewith stated that:
It shall be possible to freely to profess one's loyalty to the Danish people and
Danish Culture and such a profession of loyalty shall not be contested or verified
by an official authority.

Members of the Danish minority and their organizations may not be hindered from
speaking and writing the language of their choice. The use of the Danish language
in courts and administrative agencies shall be governed by the relevant legal
provisions.
In respect of financial assistance and other benefits from public funds on which a
discretionary decision is taken, members of the Danish minority may not be treated
differently from other citizens.

The special interest of the Danish minority in fostering contacts with Denmark in
the religious and cultural as well as in specialist fields shall be acknowledged.

III.
The Federal Government gives notice that the Government of Schleswig-Holstein
has informed it of the following:

Since, under local legislation, the committees of local representative bodies are set
up on the basis of proportional representation, representatives of the Danish
minority shall be involved in committee work in proportion to their numbers.
The Government of the Federal German state recommends that the Danish
minority be duly taken into consideration within the framework of the rules in
force on the use of radio.

In respect of public notifications the newspapers of the Danish minority should be
duly taken into consideration.

In Schleswig-Holstein general schools and (also specialist) adult education centres
as well as kindergartens may be set up by the Danish minority in line with the
relevant legal provisions. At schools where teaching is in Danish adequate teaching
shall be given in the German language.

Parents and persons legally responsible for a child's education may decide freely
whether their children are to attend schools where teaching is in Danish.

For the purposes of this Appendix, the following has been reproduced from the
Council of Europe ACFC/SR (99) 17 Appendices concerning "Report Submitted
by Germany Pursuant to Article 25, Paragraph 1 of the Framework Convention for
the Protection of National Minorities (Appendix A exists only in German and
Appendix B only in English). Received on 24 February 2000. It is convenient that
other Official Documents (excerpts and so on), which are relevant to this study are
found in the same document. However, material (Articles and paragraphs) that is not relevant to this study has been edited, but the format follows the style presented in the cited document, including abbreviations and translator's notes. William McKinney, the librarian at the ECMI in Flensburg transferred these scarcely available documents (Appendix B) by electronic mail to the author, 3 August 2004.

3.4 Official Documents (Selected Articles and Extracted)
3.4.1 An Overview of European Bodies and Mechanisms
The European Convention on Human Rights: The European Court of Human Rights
The Framework Convention for the Protection of National Minorities
The European Charter for Regional or Minority Languages
The European Bureau of Lesser Used Languages
Fundamental Rights and their Protection in the European Union
OSCE High Commission on National Minorities and other OSCE Conflict Management Mechanisms
OSCE Contact Point (Roma ODIHR)
Bilateral and Constitutional Approaches
Long-established Bilateral Arrangements
Stability Pact Treaties and their Implementation Committees
A Comparative Analysis of National and International Remedies
Human and Minority Rights Implementation Mechanisms in Complex Peacekeeping

3.5 Framework Convention for the Protection of National Minorities
Strasbourg 1 February 1995.

The member States of the Council of Europe and the other States, signatories to the present framework Convention,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles, which are their common heritage;

Considering that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Wishing to follow-up the Declaration of the Heads of State and Government of the member States of the Council of Europe adopted in Vienna on 9 October 1993;

Being resolved to protect within their respective territories the existence of national minorities;

Considering that the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent;

Considering that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a
national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity;

Considering that the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society;

Considering that the realisation of a tolerant and prosperous Europe does not depend solely on co-operation between States but also requires transfrontier co-operation between local and regional authorities without prejudice to the constitution and territorial integrity of each State;

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto;

Having regard to the commitments concerning the protection of national minorities in United Nations conventions and declarations and in the documents of the Conference on Security and Co-operation in Europe, particularly the Copenhagen Document of 29 June 1990;

Being resolved to define the principles to be respected and the obligations which flow from them, in order to ensure, in the member States and such other States as may become Parties to the present instrument, the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states;

Being determined to implement the principles set out in this framework Convention through national legislation and appropriate governmental policies,

Have agreed as follows:

Section I

Article 1
The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Article 2
The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Article 3
1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights, which are connected to that choice.
2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Section II

Article 4
1 The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 5
1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Article 6
1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Article 7
The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8
The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Article 9
1 The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 10
1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against
him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Article 11
1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Article 12
1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 13
1 Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2 The exercise of this right shall not entail any financial obligation for the Parties.

Article 14
1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Article 15
The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Article 16
The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Article 17
1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Article 18
1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2 Where relevant, the Parties shall take measures to encourage transfrontier cooperation.

Article 19
The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.
Section III

Article 20
In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

Article 21
Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

Article 22
Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

Article 23
The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.

Section IV

Article 24
1 The Committee of Ministers of the Council of Europe shall monitor the implementation of this framework Convention by the Contracting Parties.

2 The Parties which are not members of the Council of Europe shall participate in the implementation mechanism, according to modalities to be determined.

3.6 European Charter for Regional or Minority Languages
Strasbourg 5 November 1992

Preamble

The member States of the Council of Europe signatory hereto,
Considering that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles, which are their common heritage;

Considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

Considering that the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

Stressing the value of interculturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

Realising that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;

Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

Have agreed as follows:

Part I — General provisions

Article 1 — Definitions
For the purposes of this Charter:

a “regional or minority languages” means languages that are:

i traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and

ii different from the official language(s) of that State;

it does not include either dialects of the official language(s) of the State or the languages of migrants;

b “territory in which the regional or minority language is used” means the geographical area in which the said language is the mode of expression of a number
of people justifying the adoption of the various protective and promotional measures provided for in this Charter;

c "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 Undertakings
1 Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 Practical arrangements
1 Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.

3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 Existing regimes of protection
1 Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.

2 The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 – Existing obligations
Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the
United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

Article 6 – Information
The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

Part II Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 – Objectives and principles
1 In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

a the recognition of the regional or minority languages as an expression of cultural wealth;

b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

c the need for resolute action to promote regional or minority languages in order to safeguard them;

d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

h the promotion of study and research on regional or minority languages at universities or equivalent institutions;

i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

2 The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or
minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

3 The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

4 In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups, which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

5 The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Part III Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 – Education
1 With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or

iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

b i to make available primary education in the relevant regional or minority languages; or

ii to make available a substantial part of primary education in the relevant regional or minority languages; or
iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

c i to make available secondary education in the relevant regional or minority languages; or

ii to make available a substantial part of secondary education in the relevant regional or minority languages; or

iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

d i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

e i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education in institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

ii to offer such languages as subjects of adult and continuing education; or
iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

2 With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 9 – Judicial authorities
1 The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to guarantee the accused the right to use his/her regional or minority language; and/or

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b in civil proceedings:
i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

2 The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or

c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.

3 The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

Article 10 – Administrative authorities and public services
1 Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a i to ensure that the administrative authorities use the regional or minority languages; or

ii to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or

iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or

v to ensure that users of regional or minority languages may validly submit a document in these languages;

b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;

c to allow the administrative authorities to draft documents in a regional or minority language.

2 In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

a the use of regional or minority languages within the framework of the regional or local authority;

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

c the publication by regional authorities of their official documents also in the relevant regional or minority languages;

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

2 With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

a to ensure that the regional or minority languages are used in the provision of the service; or

b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

c to allow users of regional or minority languages to submit a request in these languages.

4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a translation or interpretation as may be required;

b recruitment and, where necessary, training of the officials and other public service employees required;

c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

5 The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 — Media

1 The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

i to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or

ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or
iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

ii to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;

f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or

ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

g to support the training of journalists and other staff for media using regional or minority languages.

2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
3 The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities
1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

2 In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a
regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

3 The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

**Article 13 – Economic and social life**

1 With regard to economic and social activities, the Parties undertake, within the whole country:

a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;

c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;

d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

2 With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;

b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;

c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;

d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;

e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.
Article 14 — Transfrontier exchanges
The Parties undertake:

a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;

b for the benefit of regional or minority languages, to facilitate and/or promote cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Part IV — Application of the Charter

Article 15 — Periodical reports
1 The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.

2 The Parties shall make their reports public.

3.7 Appendix B:
Exemplary legal regulations in the Federal Republic of Germany that serve to protect groups falling under the Framework Convention for the Protection of National Minorities (in English translation)

Enclosure 8-11-1 t
Translation (excerpt):

3.8 Constitution of the Land of Brandenburg of 20 August 1992
Article 25- Rights of the Sorbs (Wends)
(1) The right of the Sorbian people to the protection, preservation and cultivation of their national identity and of their ancestral settlement area is guaranteed. The Land, local governments and local authority associations promote the fulfilment of this right, especially the existence of the Sorbian culture in its own right and the effective political participation of the Sorbian people.

(2) The Land will work towards ensuring the cultural autonomy of the Sorbs across the Land borders.

(3) The Sorbs have the right to the preservation and promotion of the Sorbian language and culture in public life and to its conveyance in schools and day-care centres.
In the settlement area of the Sorbs, the Sorbian language shall be included in public signs for buildings and places. The Sorbian flag has the colours blue, red, white.

A law will lay down the details of the rights of the Sorbs. This law shall ensure that Sorbian representatives will participate in matters of the Sorbs, especially as regards legislation.

Enclosure 8-11-2.

Translation:

Act to Regulate the Development of the Sorbs’ (Wends’) Rights in the Land of Brandenburg - (Sorbs (Wends) Act of 7 July 1994

The Landtag\(^2\) has adopted the following bill:

Article 1 Sorbs (Wends) Act

Preamble

RECOGNISING that the Sorbs (Wends), who since the 6\(^{th}\) century have lived in Lusatia and, despite many and various attempts aimed at their assimilation, have preserved their language and culture throughout history up to this day, wish to retain their identity also in future;

AWARE of the unity of the Sorbian (Wendish) people whose traditional settlement area is in the Land of Brandenburg and in the Free State of Saxony;

IN CONSIDERATION of the fact that outside the borders of the Federal Republic of Germany, the Sorbs (Wends) do not have any mother country that would feel committed to their concerns and would take care of the preservation and promotion of their language and culture;

MINDFUL that, in the interest of maintaining and strengthening the bicultural character of Lower Lusatia, the Land has a particular responsibility for the protection, preservation, fostering and promotion of the Sorbian (Wendish) identity;

IN CONSIDERATION of international standards governing the protection and promotion of national minorities and ethnic groups;

INVOKING Article 3 of the Basic Law\(^2\), and REFERRING to Protocol Not-no.14 to Art. 35 of the Unification Treaty, and IMPLEMENTING Article 25 of the Constitution of the Land of Brandenburg;

the Landtag adopts the following bill:

Section 1 -Right to a national identity

(1) Citizens of Sorbian (Wendish) ethnic origin who live in the Land of Brandenburg are members of the State's population who enjoy equal rights.

\(^{22}\) Name used in Lower Lusatia [Translator’s note].

\(^{23}\) Land Parliament

\(^{24}\) Constitution of the Federal Republic of Germany
(2) The Sorbian (Wendish) people and each Sorb (Wend) have the right, unrestricted by any attempt to assimilate them against their will, to give free expression to their ethnic, cultural and linguistic identity and to preserve and further develop that identity.

(3) The Sorbian (Wendish) people and each Sorb (Wend) have the right to the protection, preservation and fostering of their national identity. The Land and local governments in the Sorbs' (Wends') ancestral settlement area will ensure and promote the fulfilment of this right.

Section 2 - Sorbian (Wendish) ethnic affiliation

Any person acknowledging his or her affiliation with the Sorbian (Wendish) people, is a member of that people. Such declaration shall be free, and shall not be contested or verified. No disadvantages may accrue from such declaration to the citizen concerned.

Section 3- Settlement area of the Sorbs (Wends) (1) The right of the Sorbian (Wendish) people to the protection, preservation and fostering of its ancestral settlement area is guaranteed. The special character of the traditional settlement area and the interests of the Sorbs (Wends) shall be taken account of in the design of the policies of the Land and local governments.

The Sorbs' (Wends') traditional settlement area in the Land of Brandenburg includes all local government units where a linguistic and cultural tradition can be proven to continue in existence up to this date. The area covers the Spree-Neisse Landkreis, the non-district municipality of Cottbus, the Ämte. of Märkische Heide, Lieberose and Straupitz of the Dahme-Spreewald Landkreis and the Ämter of Lübbenau, Vetschau, Altdöbern, Großräschen and Am Senftenberger See of the Oberspreewald-Lausitz Landkreis.

Section 4 - The Sorbian (Wendish) flag

The Sorbian (Wendish) flag has the colours 'blue, red, white'. It may, in the traditional settlement area of the Sorbs (Wends), be used together with state emblems.

Section 5 - Council for Sorbian (Wendish) Affairs

The Landtag shall, for the duration of each legislative period, elect a Council for Sorbian (Wendish) Affairs. It shall consist of five members. The members of the Sorbian (Wendish) Affairs shall be members of the Sorbian (Wendish) people. For election, the Sorbian (Wendish) association have the right of nomination. The members of the Council for Sorbian (Wendish) Affairs hold their office in an honorary capacity. They receive an expense allowance for their work on the Council.

25 Ruml district [Translator's note]
26 kreisfreie Stadt: municipality not forming part of a Kreis; "county borough" type authority [Translator's note]
27 Amt: a local authority union (intermediate tier comprising a number of communities) [Translator's note]
(1) The Council for Sorbian (Wendish) Affairs advises the Landtag. It has the

task to safeguard the Sorbs' (Wends') interests in all matters of consultation

by which the Sorbs' (Wends') rights might be affected. The pertinent details

shall be laid down in the Rules of Procedure of the Landtag.

Section 6 -Commissioners for the Sorbs' (Wends') Affairs appointed to local
governments

(1) The Ämter, municipalities not forming part of an Amt and localities as well as

the Landkreise in the Sorbs' (Wends') traditional settlement area shall, within

the framework of local self-government, appoint Commissioners for the Sorbs' (Wends') Affairs or take other appropriate measures for safeguarding the Sorbs' (Wends') interests.

(2) The Commissioners for the Sorbs' (Wends') Affairs represent the interests of the Sorbian (Wendish) fellow citizens. They are contact persons for the Sorbs (Wends) and promote harmonious and mutually beneficial community life among the Sorbian (Wendish) and the non-Sorbian (non-Wendish) populations. Section 23, para. 3, of the Local Government Code28 of 15 October 1993 (Gazette of Laws and Ordinances, Part I p. 398) and Section 21, para. 3, of the Landkreis Statute29 of 15 October 1993 (Gazette of Laws and Ordinances, Part " p. 398), amended last by an Act of 14 February 1994 (Gazette of Laws and Ordinances, Part " p. 34), shall apply mutatis mutandis.

Section 7 Culture

(1) The Land of Brandenburg shall protect and promote the Sorbian (Wendish) culture,

(3) The Landkreise and local authorities in the Sorbs' (Wends') traditional

settlement area shall adequately include the Sorbian (Wendish) culture in their cultural activities and policies. They shall promote Sorbian (Wendish) art, traditions and customs.

Section 8 Language

The Sorbian language, in particular Low Sorbian, shall be protected and promoted. Use of the Sorbian language shall be left to speakers' discretion.

Section 9 Study of Sorbian language and culture

The Land of Brandenburg shall promote the study of Sorbian language and culture

as an academic subject. In this field, it shall closely co-operate with the Free State of Saxony.

Section 10 Education

(1) Children and youngsters in the traditional Sorbian (Wendish) settlement area, whose parents so wish, shall be given the opportunity to learn the Sorbian language.

28 Statute enacted by the Land concerning the organization and powers of local governments [Translator's note].
29 Statute enacted by the Land concerning the organization and powers of Landkreise [Translator's note].
(2) In child day-care centres and schools in the traditional Sorbian (Wendish) settlement area, the Sorbian (Wendish) history and culture shall, in an age-appropriate manner, be included in play programming and educational work.
(3) The Land of Brandenburg shall promote teachers' education, advanced training and follow-up training in the Sorbian language. In this field, it shall closely co-operate with the Free State of Saxony.
(4) The preservation and cultivation of the Sorbian (Wendish) language shall be promoted by further-education offers for adults.
(5) Child day-care centres and schools operated by Sorbian (Wendish) associations in the Sorbs' (Wends') ancestral settlement area shall be particularly promoted and assisted by the Land provided that these institutions primarily serve the cultivation, promotion and imparting of the Sorbian (Wendish) language and culture and thus are operated, on a continuing basis, as bilingual institutions.

Section 11 - Bilingual inscriptions in the traditional settlement area
(1) Public buildings and institutions, streets, lanes and roads, squares and bridges in the traditional settlement area as well as the pertinent informatory sign-boards shall be marked in the German and Low Sorbian languages.
(2) The Land of Brandenburg shall work towards ensuring that also other buildings in the traditional settlement area - to the extent that these are of significance to the public - will be marked in the German and Low Sorbian languages.

Section 12 Media
(1) Adequate account is to be taken of the Sorbian (Wendish) culture and language in the programmes of the public-service broadcasting media.
(2) The Land of Brandenburg shall work towards ensuring that the Sorbian (Wendish) culture and language will also be given attention by the private media.

Section 13 Cross-State Co-operation
The Land of Brandenburg shall promote cultural exchanges between the Sorbs (Wends) of Lower Lusatia and Upper Lusatia. For this purpose, it shall closely co-operate with the Free State of Saxony.

Section 14 Promulgation
1 This Act shall be promulgated in the German and Low Sorbian languages.

Article 2
Amendment of the Land Electoral Act of Brandenburg
The Brandenburg State Electoral Act of 2 March 1994 (Gazette of Laws and Ordinances, Part I, p. 38) is amended as follows: In Section 3, para. 1, 3rd sentence, the words "Domowina - Bund Lausitzer Sorben" are replaced by the words "of the Council for Sorbian (Wendish) Affairs under Section 5 of the Sorbs (Wends) Act".

Article 3
Entry into force; repeal
(1) Article 2 shall enter into force on 12 September 1994. The remainder of the present Act shall enter into force on the day of its promulgation.
(2) At the same time, the First Ordinance concerning Promotion of the Sorbian Ethnic Group of 12 September 1950 (Gazette of Laws and Ordinances, Part II, p.
417) and the Fourth Decree Implementing the Act on the Uniform Socialist Education System -Education and Upbringing in the Bilingual Area of the Districts of Cottbus and Dresden of 20 December 1968 (Law Gazette, Part II, p. 33) shall cease to have effect.

Potsdam, July 7, 1994
The President of the Landtag of Brandenburg
Dr. Herbert Knoblich

Enclosure 8-11-4

Translation (excerpt):

3.9 Constitution of the Free State of Saxony of 27 May 1992
(4) In addition to the colours and the coat of arms of the Land, the colours and coat of arms of the Sorbs may be deployed, on an equal basis, in the settlement area of the Sorbs, and the colours and coat of arms of Lower Silesia in the Silesian region of the Land.

Article 5
(1) Among the people of the Free State of Saxony are citizens of German, Sorbian and other nationalities. The Land recognises the right to one's home.
(2) The Land guarantees and protects the right of national and ethnic minorities with German citizenship to preserve their identity and to cultivate their languages, religion, culture and tradition.

Article 6
(1) The citizens of Sorbian ethnic origin living in the Land are members of the state's population who enjoy equal rights. The Land guarantees and protects the right to the preservation of their identity and to the cultivation and development of their traditional language, culture and tradition, especially by schools, pre-school facilities and cultural institutions.
(2) Within the framework of Land and local-government planning, the basic needs of the Sorbian people shall be taken into account. The German-Sorbian character of the settlement area of the Sorbian ethnic group shall be preserved. Co-operation across Land borders among Sorbs, especially in Upper and Lower Lusatia, is in the interest of the Land.

Enclosure 8-11-5 Translation:
Act on the Sorbs' Rights in the Free State of Saxony (Saxon Sorbs Act)
(Sächsisches Sorbengesetz -SächsSorbG) [Zakoi wo prawach Serbow w Swobodnym stacee Sakskej- (Saksi serbski zakoii –SSZ] of 31 March 1999
THE SAXON LANDTAG\(^{39}\), on 20 January 1999, adopted the following bill: Preamble ACKNOWLEDGING the will of the Sorbian people, having their traditional settlement area and home in Lower and Upper Lusatia and having preserved their language and culture up to this day, to retain their identity in future as well;

\(^{39}\) Land Parliament
IN CONSIDERATION of the fact that outside the borders of the Federal Republic of Germany, the Sorbs do not have any other mother country that would feel committed to their concerns and would take care of the protection and preservation of their language, culture, and tradition; HAVING IN MIND that the protection, fostering and development of Sorbian values and the preservation and strengthening of the Sorbian-German character- of Lusatia are in the interest of the Free State of Saxony; RECOGNIZING that the right to the national and ethnic identity, and the granting of all rights of minorities and of ethnic groups do not represent a donation or a privilege, but are an integral part of the universal human rights and personal liberty rights; IN IMPLEMENTATION of the international conventions on the protection and the promotion of national minorities and ethnic groups, that have been ratified by the Federal Republic of Germany; INVOKING Article 3 of the Basic Law, Article 35 of the Unification Treaty as amended by Protocol Note no.14, and the Constitution of the Free State of Saxony;

THE SAXON LANDETAG, on the basis of Article 6 of the Saxon Constitution, adopts the following Act on the Sorbs' Rights in the Free State of Saxony: Section 1 -Sorbian Ethnic Affiliation
Any person acknowledging his or her affiliation with the Sorbian people, is a member of that people. Such declaration shall be free. It shall be neither contested nor verified. No disadvantages may accrue from such declaration to the citizen concerned.

Section 2 Right to the Sorbian National Identity
(1) Citizens of Sorbian ethnic origin who live in the Free State of Saxony are members of the State's population who enjoy equal rights.
(2) The Sorbian people and each Sorb have the right to give free expression to their ethnic, cultural and linguistic identity and to preserve and further develop that identity.

(1) The Sorbian people and each Sorb have the right to the protection, preservation and cultivation of their ancestral homeland and of their identity. The Free State of Saxony, the Landkreise, local authority associations and municipalities in the Sorbian settlement area will ensure and promote conditions which will enable the citizens of Sorbian origin to preserve and further develop their language and traditions as well as their cultural heritage as substantial integral parts of their identity.

Section 3 Settlement Area of the Sorbs
(1) Within the meaning of this Act, the Sorbian settlement area is understood to comprise the kreisfreie Stadt of Hoyerswerda and those municipalities, and parts of municipalities, of the Landkreise of Kamenz, Bautzen and Niederschlesischer Oberlausitzkreis, where the vast majority of ethnic Sorbs living in the Free State

31 Constitution of the Federal Republic of Germany
32 Administrative (rural) districts
33 Non-district municipality; county borough type authority
34 Lower Silesian District of Upper Lusatia
of Saxony have their traditional homeland and where a Sorbian linguistic or cultural tradition demonstrably continues in existence up to this day.

(2) A detailed list of the local government units comprised by the Sorbian settlement area is given in the Annex to the present Act. Any changes entailed by local-government territorial re-organization will not affect the inhabitants' status as regards the Sorbian settlement area.

(3) The Sorbian settlement area defines the geographic scope of application of area-related measures for the protection and fostering of the Sorbian identity. In particular cases, the State Ministry for Science and the Arts may, upon a local request, grant exemptions from area-related measures, after having heard the Landkreis concerned, the Representation of the Sorbs' Interests pursuant to Section 5, and the Council for Sorbian Affairs pursuant to Section 6.

(4) The special character of the Sorbian settlement area and the Sorbs' interests account for in the design of town and country planning at the Land and local levels.

Section 4 Colours of the Sorbian Flag, and Sorbian Anthem

(1) In the Sorbian settlement area, the colours and the coat of arms of the Sorbs may be used, pari passu, together with the colours and the coat of arms of the Land. The Sorbian colours are blue-red-white.

(2) In the settlement area of the Sorbs, the Sorbian anthem may be used pari passu.

Section 5 Representation of the Sorbs' Interests

The interests of citizens of Sorbian ethnic origin may, at the Land, regional and local government levels, be represented by an umbrella organization of Sorbian associations and societies.

Section 6 Council for Sorbian Affairs

(1) The Saxon Landtag shall, by a majority of the votes cast, elect a Council for Sorbian Affairs for the duration of each legislative period. It shall consist of five members. For election, the Sorbian associations and societies and the local government units of the Sorbian settlement area pursuant to Section 3 have the right of nomination.

(2) On matters affecting the rights of the Sorbian population, the Saxon Landtag and the State Government shall hear the Council for Sorbian Affairs.

(3) The members of the Council for Sorbian Affairs hold their office in an honorary capacity. The State Ministry for Science and the Arts pays them an expense allowance for their work on the Council.

Section 7 Report to be submitted by the State Government

The State Government shall, at least once per legislative period, submit a Report on the Situation of the Sorbian People in the Free State of Saxony to the Saxon Landtag.

Section 8 The Sorbian Language
Use of their own language is an essential feature of the Sorbs' identity. The Free State of Saxony recognises the Sorbian languages, especially High Sorbian\textsuperscript{35}, as an expression of the intellectual and cultural wealth of the Land. Use of the Sorbian language shall be left to speakers' discretion. Its use, in spoken and written form, in public life and encouragement to use it in this way shall be protected and promoted.

Section 9 The Sorbian Language as an Official Language Used in Court and in Dealings with Public Authorities

(1) In the Sorbian settlement area, citizens shall have the right to use the Sorbian language in the courts and vis-à-vis the public authorities of the Free State of Saxony and in dealings with public-law corporations, statutory institutions and public law foundations, which are under the supervision of the Free State of Saxony. If they exercise this right, such use will have the same effects as if they would use the German language. Citizens' requests submitted in the Sorbian language may be responded to and decided upon in the Sorbian language by the public authorities of the Free State of Saxony and the public-law corporations, statutory institutions and public law foundations, which are under its supervision. Such practice must not entail any cost burden or any other disadvantages for the Sorbian citizens.

(2) The Free State of Saxony shall work towards achieving that the provisions of paragraph 1 will also be applied to Federal authorities and private-law institutions, especially those which deal with transport and communications, telecommunications, postal services, public health and social services, and cultural affairs and education, and which have their seat in the Sorbian settlement area.

Section 10 Bilingual Inscriptions and Signposts

(1) In the Sorbian settlement area, inscriptions and signposts in the public sphere, especially as regards public buildings, institutions, streets, lanes and roads, public spaces and bridges, shall be provided in the German and Sorbian languages by the public authorities of the Free State of Saxony and by the public-law corporations, statutory institutions and public law foundations under its supervision.

(2) The Free State of Saxony and the public-law corporations, statutory institutions and public law foundations under its supervision shall work towards ensuring that also other buildings of significance to the public in the Sorbian settlement area will be provided with inscriptions in the German and Sorbian languages.

Section 11 Contact Persons of Public Authorities

(1) In the Sorbian settlement area, the public authorities of the Free State of Saxony and the agencies of public-law corporations, statutory institutions and public law foundations under its supervision should, wherever possible, designate as contact person a staff member having command of the Sorbian language.

(2) In the Sorbian settlement area, the Free State of Saxony shall strive to ensure that the Sorbs' interests and concerns and the acquisition of the Sorbian language

\textsuperscript{35} Spoken in Upper Lusatia
will be adequately taken account of in the training and further education offered to public employees.

Section 12 Science
(1) The Free State of Saxony shall promote scholarly research as regards the Sorbian language, history and culture.
(2) The Free State of Saxony runs a university research and teaching institution for Sorbian studies (the study of Sorbian language and culture) at Leipzig University.

Section 13 Culture
(1) The Free State of Saxony shall protect and promote the Sorbs' culture and artistic work.
(2) The Landkreise and local authorities in the Sorbs' settlement area shall adequately include the Sorbian culture in their cultural activities and policies. They shall promote Sorbian art, traditions and customs, and their citizens' living together, founded upon tradition, tolerance and mutual respect.

Section 14 Media
The Free State of Saxony shall endeavour to ensure that adequate account will be taken of the Sorbian language and culture, especially by means of Sorbian language broadcasting programmes and contributions in the media.

Section 15 Cross State Co-operation
(1) The Free State of Saxony shall promote the unity and fellowship of the Sorbs of both Lower and Upper Lusatia, and the cross-State interests of all Sorbs. For this purpose, it shall closely co-operate with the Land of Brandenburg.
(2) The Free State of Saxony shall adequately involve the Sorbian associations and institutions in its transfrontier co-operation with both other Federal Lander and foreign States.

Section 16 Promulgation
This Act shall be promulgated in the German and the High Sorbian languages.

This Act shall enter into force on the day after its promulgation. At the same time, the following shall be repealed: the Act to Safeguard the Rights of the Sorbian Population of 23 March 1948 (Gazette of Laws and Ordinances, Land Saxony, p. 191), if and where it continued to be in force under the provisions of Article 3 of the Act Repealing Obsolete Statutes of the Free State of Saxony of 17 April 1998 (Saxon Gazette of Laws and Ordinances, p. 151 seq.); Section 3 of the Preliminary Act on Administrative Procedure for the Free State of Saxony (short title: SächsVwVfG) of 21 January 1993 (Saxon Gazette of laws and Ordinances, p. 74), as amended by Section 22 of the Act of 19 April 1994 (Saxon Gazette of Laws and Ordinances, p. 777 seq.); and Section 3 of the Act on the Implementation of Administrative-Law and Land-Law Regulations within the Area of Responsibility of the State Ministry of Justice (short title: Justizausführungsgesetz -JustAG) of 12 December 1997 (Saxon Gazette of Laws of Ordinances, p. 638).
The above Act is hereby enacted and shall be promulgated. Bautzen, 31 March 1999

The President of the Landtag
Erich Iltgen

The Minister-President
Prof. Dr. Kurt Biedenkopf

The State Minister for Science and the Arts Prof. Dr. Hans Joachim Meyer

3.10 Comment

The selected Articles of the Basic Law noted above, concern themselves with human rights, which in brief are variations or derivatives of universal human rights. Basic rights and freedoms, such as those stated in the above are also replicated in a number of other documents such as the Charter of Fundamental Rights of the European Union. This received extensive discussion in Chapter Six. Thus there is no need to cite the entire document(s), but rather provide a selection of Articles or extracts in order to establish an understanding of the concepts, as well as identifying an overlap between national and international (including European) law.

It should be apparent from the above documents that rather than do a disservice to the analysis and thus the significance of the legal provisions enshrined in Land Constitutions, a complete text concerning Saxony and Brandenburg’s national minorities policy is complementary to the functions of the Framework Convention for the Protection of National Minorities. Moreover, the respective Articles correspond to the criteria by which the Framework Convention’s Advisory Committee assesses the extent to which the Länder, and consequently the German Federal State meets its obligations in implementing the Convention. In other words, matters such as access to media, representation, education, bilingual signposting, among others, are a part of the Länder’s constitutions.

3.11 Charter of Fundamental Rights of the European Union

CHAPTER I
DIGNITY

Article 1
Human dignity
Human dignity is inviolable. It must be respected and protected.

Article 2
Right to life
1. Everyone has the right to life.
2. No one shall be condemned to the death penalty, or executed.

Article 3
Right to the integrity of the person
1. Everyone has the right to respect for his or her physical and mental integrity.
2. In the fields of medicine and biology, the following must be respected in particular:
• the free and informed consent of the person concerned, according to the procedures laid down by law,
• the prohibition of eugenic practices, in particular those aiming at the selection of persons,
• the prohibition on making the human body and its parts as such a source of financial gain,
• the prohibition of the reproductive cloning of human beings.

Article 4
Prohibition of torture and inhuman or degrading treatment or punishment
No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5
Prohibition of slavery and forced labour
1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. Trafficking in human beings is prohibited.

CHAPTER II
FREEDOMS
Article 6
Right to liberty and security
Everyone has the right to liberty and security of person.

Article 7
Respect for private and family life
Everyone has the right to respect for his or her private and family life, home and communications.

Article 8
Protection of personal data
1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law.
   Everyone has the right of access to data, which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority.

Article 9
Right to marry and right to found a family
The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Article 10
Freedom of thought, conscience and religion
1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

**Article 11**

**Freedom of expression and information**

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected.

**Article 12**

**Freedom of assembly and of association**

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

**Article 13**

Freedom of the arts and sciences

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

**Article 14**

**Right to education**

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

**Article 15**

Freedom to choose an occupation and right to engage in work

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.
3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

3.12 European Charter for Minority or Regional Languages

Part I — General provisions

Article 1 — Definitions

For the purposes of this Charter:

a. "regional or minority languages" means languages that are:
   i. traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
   ii. different from the official language(s) of that State;

   it does not include either dialects of the official language(s) of the State or the languages of migrants;

b. "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;

c. "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 — Undertakings

1. Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

2. In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 — Practical arrangements

1. Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

2. Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or
minority languages, or to other official languages which are less widely used on
the whole or part of its territory.
3. The undertakings referred to in the foregoing paragraph shall be deemed to
form an integral part of the ratification, acceptance or approval and will have the
same effect as from their date of notification.

Article 4 – Existing regimes of protection

1. Nothing in this Charter shall be construed as limiting or derogating from
any of the rights guaranteed by the European Convention on Human Rights.
2. The provisions of this Charter shall not affect any more favourable
provisions concerning the status of regional or minority languages, or the legal
regime of persons belonging to minorities, which may exist in a Party or are
provided for by relevant bilateral or multilateral international agreements.

Article 5 – Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any
activity or perform any action in contravention of the purposes of the Charter of
the United Nations or other obligations under international law, including the
principle of the sovereignty and territorial integrity of States.

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons
concerned are informed of the rights and duties established by this Charter.

Part II – Objectives and principles pursued in accordance with Article 2,
paragraph 1

Article 7 – Objectives and principles

1. In respect of regional or minority languages, within the territories in which
such languages are used and according to the situation of each language,
the Parties shall base their policies, legislation and practice on the
following objectives and principles:
a. the recognition of the regional or minority languages as an expression of
cultural wealth;
b. the respect of the geographical area of each regional or minority language
in order to ensure that existing or new administrative divisions do not
constitute an obstacle to the promotion of the regional or minority
language in question;
c. the need for resolute action to promote regional or minority languages in
order to safeguard them;
d. the facilitation and/or encouragement of the use of regional or minority
languages, in speech and writing, in public and private life;
e. the maintenance and development of links, in the fields covered by this
Charter, between groups using a regional or minority language and other
groups in the State employing a language used in identical or similar
form, as well as the establishment of cultural relations with other groups
in the State using different languages;
f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;
i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

2. The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

3. The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

4. In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups, which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

5. The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Part III — Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 — Education
1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

(a). to make available pre-school education in the relevant regional or minority languages; or
(b). to make available a substantial part of pre-school education in the relevant regional or minority languages; or
(c) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

2. if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

(a) to make available primary education in the relevant regional or minority languages; or
(b) to make available a substantial part of primary education in the relevant regional or minority languages; or
(c) to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
(d) to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;
(e) to make available secondary education in the relevant regional or minority languages; or
(f) to make available a substantial part of secondary education in the relevant regional or minority languages; or
(g) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
(h) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
(i) to make available technical and vocational education in the relevant regional or minority languages; or
(j) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
(k) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
(l) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
(m) to make available university and other higher education in regional or minority languages; or
(n) to provide facilities for the study of these languages as university and higher education subjects; or

3. if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

(a) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or
(b) to offer such languages as subjects of adult and continuing education; or
(c). if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

(d). to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

(e). to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

(f). to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

4. With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 9 — Judicial authorities

a. The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

1. in criminal proceedings:

(a). to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

(b). to guarantee the accused the right to use his/her regional or minority language; and/or

(c). to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

(d). to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

2. in civil proceedings:

(a). to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

(b). to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

(c). to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

3. in proceedings before courts concerning administrative matters:
(a). to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
(b). to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
(c). to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

3.13 Danske foreninger og institutioner i Sydslesvig (Danish Associations and Institutions in Schleswig)

www.sydslesvig.de
Redigeret af Presseudvalget, SSF
(Editor of the SSW Press Committee)

Kongeligt Dansk Generalkonsulat, Flensborg
(Danish Consulate in Flensburg)

Sydslesvigsk Forening
(Cultural organisation)

Dansk Skoleforening for Sydslesvig
Herunder de enkelte skolers hjemmesider
(Schools Administration)
3.14 Sorbian Institutions and Organisations

Stiftungsverwaltung (Foundation Administration)
Sorbisches National-Ensemble (Sorbian National Ensemble)
Domowina e.V. (The Domowina)
Domowina-Verlag GmbH (Domowina Publishing)
Sorbisches Museum Bautzen (Sorbian Museum Bautzen)
Wendisches Museum Cottbus (Wendish Museum Cottbus)
Sorbisches Institut e.V. (Sorbian Institut)
Sorbischer Schulverein e.V. (Sorbian School Association)
Internate des Sorbischen Gynasiums Bautzen und des Niedersorb. Gymansiums Cottbus (Sorbian Boarding High Schools of Bautzen and Lower Lusatia, Cottbus)
Schule für niedersorbische Sprache und Kultur Cottbus (School for Lower Sorbian Language and Culture, Cottbus)
Sprachschule Milkel (Milkel Language School)
Deutsch-Sorbisches Volkstheater Bautzen (German-Sorbian Peoples’ Theatre Bautzen)
Arbeitstelle Bildungsentwicklung Cottbus (ABC) Vocational and Education Development Cottbus)
Staatliches Liegenschaftsamt Bautzen (State Real Estate Office Bautzen)
Staatshochbauamt (State Building Approval Office)
Projektförderung (Project Promotion).

3.15 Comment
The Danish-speaking minority and the Sorbs seem to have the same number of institutions or organisations, which provide more or less the same services and functions in order to maintain and promote their respective cultures and languages. As noted previously, both ethnic populations are about the same. However, two notable organisations that the Danish-speaking minority has are the political party SSW and private health insurance for its members.

3.16 Der Südschleswigsche Wählerverband/SSW) (South Schleswig Voters’ Association
The German electoral laws since 1955 provide that parties of the Danish minority are exempt from the minimum of 5 % of the votes, which is usually necessary to enter German parliaments at state and federal level. However, there is still a minimum amount of votes, which the SSW must achieve. Usually the Landtag has 75 seats, which means that the SSW usually needs some 20,000 votes to get a seat if there is an average voter turnout. Interestingly, the SSW won 82,100 votes in 1946 in the Kommunalwahlen (municipal elections) and 99,500 in the 1947 Landtagwahlen (state) elections. The following table provides the results for both level of lections to 1998 and 1996 respectively.36

3.16.1 Municipal Elections

<table>
<thead>
<tr>
<th>Year</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>82,000</td>
</tr>
<tr>
<td>1948</td>
<td>92,130</td>
</tr>
<tr>
<td>1951</td>
<td>65,967</td>
</tr>
<tr>
<td>1955</td>
<td>42,097</td>
</tr>
<tr>
<td>1959</td>
<td>33,460</td>
</tr>
<tr>
<td>1962</td>
<td>29,265</td>
</tr>
<tr>
<td>1966</td>
<td>24,710</td>
</tr>
<tr>
<td>1970</td>
<td>21,803</td>
</tr>
</tbody>
</table>

3.16.2 State Elections

<table>
<thead>
<tr>
<th>Year</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947</td>
<td>99,500</td>
</tr>
<tr>
<td>1950</td>
<td>71,864</td>
</tr>
<tr>
<td>1975</td>
<td>20,703</td>
</tr>
<tr>
<td>1979</td>
<td>22,291</td>
</tr>
</tbody>
</table>

36 Source: Der Südschleswigsche Wählerverbandl (SSW) pamphlet. Author and other publication details not cited.
<table>
<thead>
<tr>
<th>Year</th>
<th>Votes</th>
<th>Year</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1954</td>
<td>42,242</td>
<td>1983</td>
<td>21,807</td>
</tr>
<tr>
<td>1958</td>
<td>34,126</td>
<td>1987</td>
<td>23,316</td>
</tr>
<tr>
<td>1962</td>
<td>26,883</td>
<td>1988</td>
<td>26,646</td>
</tr>
<tr>
<td>1967</td>
<td>23,577</td>
<td>1992</td>
<td>28,245</td>
</tr>
<tr>
<td>1971</td>
<td>19,720</td>
<td>1996</td>
<td>38,285</td>
</tr>
</tbody>
</table>

Thus, even when the SSW recorded its lowest number of votes in the 1971 state elections, (19,720), this figure is about one-third of the Sorbian speakers in Lusatia. In other words, the above elections results highlight the political advantage the Danish-speaking minority has in comparison to the Sorbs.

3.17 Interviews
3.17.1 Interview with Werner Meschkank at the Wendisches Muzej (Wendish Museum) Cottbus 16 August 2002

The following is an unstructured interview. It is a record of an informal discussion. Notwithstanding some necessary editing by the author, every effort has been made to preserve the original conversation in the vernacular form. Hence, any grammatical irregularities may remain due to the above objective, which continues throughout all the following interviews.

During the years 1945-48, there was the expression for an independent Sorbian state. Today the Sorbs want to live within a unified German state, but the attitude of is a patriarchal attitude of a 'big state' that knows what is best for a minority. Meschkank and other do not consider the Germans as 'enemies', but as equals.

On the matter of English language influence and American cultural imperialism, Meschkank considers that there was less influence under "Russian or Soviet rule", than the above. In his experience and others, those who studied in Czechoslovakia and Poland under the communist regime, felt 'more at home than those Sorbs who studied in Berlin or other German institutions. Meschkank did not belong to the Communist Party and the above countries being Slavonic gave him more of a sense of solidarity, than the latter. Czech support for the Sorbs is greater than the Polish support.

During 1970-74 at his school at least one pupil in each class spoke Sorbian. Now only his two sons speak Sorbian. Previously, there were four Sorbian schools around Cottbus area, now there are none. There is no college for the official training of teachers in the Sorbian language.

A lot of Sorbians are willing to please others, namely the Germans (FRG), that is to give an official view, but the truth is very different. Meschkank gave the following example. If there were 20 young people speaking Sorbian, and a German appeared, then rather than continue to speak Sorbian they would speak German in order not to offend the German. Meschkank also gives the scenario if there was a soccer match between various teams, that is any Slavonic team versus a German team, any Sorbian member would claim a German identity.
Meschkank expresses grave fears about the survival of the Sorbian language (compared to Upper Lusatia) because of three reasons: 1. institutional fragmentation, which includes lack of support from the elders; 2. factional fighting, and 3. lack of support by his own people.

For instance, the appointment of a German Chief Executive Officer of the Wendish Museum, replaced Meschkank who worked so hard to establish the place in the first instance. Why? Even he does not know the answer and is hurt by it all. This may be ambiguous as he said earlier that there was no discrimination towards the Sorbs. Meschkank is bewildered as to why he has been replaced. He claims that he has no more energy to fight for the Sorbian cause (especially language) and in time he may consider himself as German. He claims that some Sorbs, especially in Lower Lusatia are responsible for the germanisation of the Sorbs. (They claim to be German rather than Sorbian (and this seems to be supported by the author’s observations, especially in the survey done in Cottbus — is it a sycophantic gesture)? He claims that there was no compensation for the Sorbs post World War Two compared to the Jews. Also, if the same conditions applied regarding his loss of the position of CEO of the Wendish Museum, it would be different, that is, an outcry!

Twenty five per cent of Germans do not know about their Slavonic heritage. In other words, up to twenty-five per cent of Germans may have a Slavonic heritage — this seems to be vindicated by Sorbian names that have been germanised. For example, the wine maker Henschke in Australia is Helisc.

3.17.2 Interview with Professor Dietrich Scholze-Šolta, Director of the Sorbian Institute, Bautzen, 21 August 2002

TC How do you see the Sorbian language surviving in Germany?

DSS I think Sorbian has as much chance of surviving as any other foreign language, although it faces the lack of publicity, and cooperation to promote it because the main values/force/direction is economical, ‘self-realisation’ and individualism. Old values like God, the homeland and nationality no longer have the same strength because of mass movement of populations due to employment, the search for wealth, makes them lose the connection with old or patriotic values. This gives minority languages a lot of stress but I think the Sorbian language will be alive and well in this century, but after that I do not know. The trend is one against the interests of minority groups.

TC Today, one can more or less regard English as a global language. Do you think that English as a global language will affect the survival or maintenance of the Sorbian language?

DSS Only indirectly. It is almost a given for the modern individual to learn English all over the world. But if we accept English as a global language, then the German language is threatened because English has crept into German among others, as a contemporary language, and say in professional circles too. It is the practice to
write in English. This is another stage of globalisation, but for now, as long as there is the Sorbian language, there will be competition with the national language (German) as Sorbs lose their ancestral links through intermarriage with Germans. This sort of thing is competeing with the preservation of the Sorbian language.

TC Do you see the EU, and say in particular the European Bureau of Lesser Used Languages (EBLUL) playing a useful/helpful role in the maintenance of the Sorbian language.

DSS Yes, the EBLUL certainly does have a role to play, not to mention the German Government departments responsible for the the protection of minority languages. However, it can be said that the EBLUL works within a given framework, which tries to ensure certain rights for minority groups, but this does not influence the way people behave in regards to maintaining the ancestral language.

TC In addition to the above question, does the EU, the EBLUL promote or help with the maintenance of national identity?

DSS Yes, directly by the funded initiatives and projects placed on the protection of minority languages in Germany and elsewhere. Perhaps more importantly the EU creates an atmosphere of attracting attention to minority languages, and indeed the Germans and the community publicly acknowledges the importance how worthwhile it is to protect a minority language, and that is very important, in that it is not the EU members that openly support the preservation of minority languages as they have their own minorities to deal with. The important point is that there is a positive atmosphere of acknowledging the sensitivities of minority groups and recognition of an identity by Germany and internationally, that minority groups challenge the dominant paradigm, or put another way, sameness.

TC Are you able to say that the EU’s initiatives are effective in their promotion and maintenance of minority languages?

DSS I do not know how to assess the effectiveness of the EU’s projects, because I do not know the mechanism of allocation of resources. We get assistance, financial aid but we have to contend with bureaucracy. We do not know how the resources/funding are allocated to other projects, or whether it is on each case’s merits. I do not know, and how much funding they require to maintain their own organisation, EBLUL, their bureaucracy, and their personnel, that I do not know. TC Effectiveness is a difficult thing to measure.

DSS Yes it is and for instance, how long it took to uncover corruption among the high ranks of the EU Commission.

TC I was hoping to hear some spoken Lusatian in public. So far I have not heard the language spoken in neither Cottbuss or in the Spreewald. Do you think that there is some discrimination towards the use of the Lusatian language?

DSS Discrimination, no, but the older people have a ‘complex’ about using Lusatian, and would rather not when it seems to lose its value. In Lower Lusatia, around Cottbus people do not converse in Lusatian in the streets. Here in Bautzen
it is different. We converse in Lusatian in the streets. But in Bautzen there five per cent Lusatians, so one is bound to hear a lot more German spoken in the streets.


JBN is Jesper Bolund Nielsen  
TC is Ted Cichon

TC First question, what are the issues for the minority, Danish minority in the Schleswig-Holstein?

JBN It is bit of a historical problem because Schleswig-Holstein is considered to be two duchies Schleswig belonging to Denmark and Holstein a part of Germany and they stayed together for a long time. Since the end of the First World War under the Treaty of Versailles and as a part of a referendum which divided North Schleswig into Denmark and south Schelswig into Schleswig-Holstein, and since then it was the Danish minorities vote to stay as a Danish minority in Flensburg, Germany. They did not immigrate to Denmark but they decided to stay in Germany in Flensburg as Danes, and thus they built up a system of Danish schools, Danish churches. Danish meeting houses, Danish libraries and a Danish political party. Therefore the aim of the Danish minority is to stay as a group in Germany forever.

TC What are the prospects of the Danish language surviving in Schleswig-Holstein?

JBN For the time being it looks rather good, it is about 8-10% of the Schleswig population attend Danish schools and learn Danish just like Danish in Denmark. They learn German just like they would learn German in Germany and thus they become bilingual and the percentage of students attending Danish schools is about the same as the last 20 years; that is above 5000, but it is very stable and therefore the overall situation is very stable if one sees the number of schools twenty years ago. It is the same as now. One could say that in the next twenty years it will almost the same too.

TC Thus so one could say that the Danish minority or rather, the language of the Danish-speaking minority is not threatened?

JBN There is another reason because the language in Denmark is Danish and there are a lot of Danish newspapers, magazines, television, books and therefore you don't have to print your own books, make television programs in the Danish language and with new communications we have Danish television in Schleswig. Therefore it is a good thing and also we have the backup from the Danish State. In contrary to the Frisians on the west coast, there is no Frisian country and they have to make all their own books and all the learning books at school, they have to make themselves. In contrast we can buy them from the Danish publishing companies.
TC I asked this on Monday and we can talk a little bit more about it in detail and the question is, what is the role of the EU for the Danish minority here in Schleswig-Holstein and that includes support, EU policy, financial support and language policy?

JBN That is very easy to answer. The European Union has no influence in the direction of this German/Danish program (language policy and maintenance). They allocate no money except some for documents, but it really does not matter, because first in Germany they have the federal states and then the local states and everything about school politics are made by the local state. Then you have the town councils and therefore the European Union has nothing to say, but the most important thing is that it is run by the state government in Kiel and the town council here in Flensburg and in other towns where local politics are making the local things and therefore you can forget about the European Union for the time being.

TC As you would understand, the EU is quite ‘heavy’ with bureaucracy and there are other offices and departments. For instance, the European Centre for Minority Issues in Flensburg. Does that office have any connection or any participation in minority affairs for the Danes here in Schleswig-Holstein?

JBN Very little, because they are making studies of the minority issues in the Balkans when the war went on in the Balkans and they do very little research about Danes in Germany and Germans in Denmark. It is not likely that they will do much research on this issue. There is a research and archive unit in this library, and they are interested in research topics on minority issues, historical issues and PhD theses on the German/Danish border area.

TC The other day you talked about support from the Danish government. Could you refresh my memory about percentages?

JBN Since the border was made in 1920 the Danish government and the Parliament has supported Danish schools, churches and libraries south of the border just like the Germans are supporting the German minority north of the border and of course we are subsidised by the German side but mostly we get the most money from Denmark. If you take all the Danish minority institutions all together, there is about 400 million kroner support from Copenhagen. In Euros it is about 50 million and if you put all the support for both minorities together you will find out that the Danish are paying about 60% of the costs for the Danes in Germany and the Germans in Denmark and the Germans only about 40%, and for the time there are some political discussions. First of all the Danish party, the SSW, is making some Parliamentary inquiries and is trying to raise the subsidies on the German side, but also the Danish government is in a diplomatic way telling the Germans that they have to pay a little bit more and the Danish a little bit less. But that is in a diplomatic way.

TC You mentioned the other day that the Danish government meets about 60% of the cost for the support of Danish institutions in Schleswig-Holstein.
JBN: Yes. But the level of support varies from one institution to another. For example, for the schools it is 50/50%, but for the library here we get about 86% from Denmark and the other percentage from Germany and that is a long history here because libraries in Denmark in general are bigger than in Germany and therefore if you consider a population of 50,000 people in Denmark, and if you have a town of 50,000 people they will have a bigger library in Denmark than in a German town with 50,000 inhabitants.

TC: What is the population of Flensburg?

JBN: The population of Flensburg roughly is about 80,000.

TC: Of that 80,000, what percentage would be Danes?

JBN: About 25% vote for the Danish party at the elections and about 35% go to Danish schools.

TC: A question I have also asked the Sorbs, and that is, if we regard English as a global language, how do you think it will impact on the survival of Danish language in Schleswig-Holstein?

JBN: Well, English is the world language and the children in the Danish schools are bilingual German/Danish and then they learn English as a third language and of course your third language will not be as a good as your first and second language but in general English is not so important for the Danish minority in daily life.

3.17.4 Interview with Professor Stefan Wolff, 29 July 2003 at European Centre for Minority Issues (ECMI) Flensburg

SW: Stefan Wolff
TC: Ted Cichon

TC: How does the German government view its minorities? Is it in terms of a pluralistic society, or a Derridean concept of ‘difference’?

SW: The German society and government have come to accept multiculturalism as a good thing. To some extent it follows the American model of multiculturalism. There has been some examination of German citizenship laws in 1989/90. The German government is bound by the European Charter, and ultimately by international law. The more local the situation is, then there may be more sensitivity regarding minorities. The German government accepts that it has minorities, but it is low on the policy agenda.

TC: What do you think is the future for the minorities in Germany?

SW: For the next generation, there will be a dilution of ethnic or of a minority identity, as there is and will continue to be a dispersion of indigenous populations due to economic factors, such as employment. For instance, the regions of Schleswig-Holstein and Lausitz are not in great shape economically. On the subject of the Turkish population, the Turks will continue to be a constant in the German
polity, given that there are second and third generation Turks here. There will continue to be a multicultural policy, but less relevance for small minorities. There are some 8 million foreigners in Germany, and thus Germany has accepted that it is an 'immigration country'.

The Sorbian language is degenerating into some sort of a dysfunctional language, as it lacks a stock of vocabulary; for example, if one is to include a vocabulary for topics such as politics, cooking, music and so on, there is none in the Sorbian language. The post-Wende generation’s use of Sorbian will eventually die out and it may be used as a language in ‘private’ spheres, or learnt as a second language.

TC I asked Professor Wolff about the present situation in say Spreewald, in Lausitz, and compared it to the hamlet of Hahndorf, in South Australia, which was settled by Germans in the mid-nineteenth century. Hahndorf today has commercial representations of ‘Germanness’ (shops, such as ‘wursthouses’, German names and so on), but it can be hardly be described as German in the real sense. In brief, it is a tourist attraction. Similarly, Stefan Wolff referred to the Spreewald, once a Sorbian microcosm (100 years ago or more), and described it as "nothing more than a place of folklore, where the locals put on the traditional/national costumes for the tourists. The Spreewald may be known for its gherkins, but this will not lead to any group or collective identity”.

On the subject of the Sorbs and the GDR
The main purpose of the following question was to ascertain as to whether the nationalities and language policy during the East German regime was an exercise in the rehabilitation of the former Nazi period, or an example of “internationalist Marxism”?

SW Both Marx and Engels saw ethnic groups as backward, and like the state, would eventually fade away. But for the DDR, the Sorbs were a Vorzeigeminderheit, that is, a show case minority. It was a propaganda exercise (to support the DDR ideology). At the same time the DDR’s policy worked both ways; it avoided ethnic activism, and the Sorbs were anxious to have their interests, such as cultural and language maintenance acknowledged by the state. Certainly, there was some guilt about the Nazi period, and some Sorbs were entitled to compensation. But, the main focus was the ideological perspective as far as the DDR was concerned.

Lessons from the GDR period for policy framework in a re-unified Germany

SW The DDR realised that it needed to maintain some kind of policy towards the Sorb minority. Thus today there is a better understanding of a constructive minority policy. The DDR policy worked both ways, that is, it served the Sorbs and the SED. The government knows that it needs to maintain a minorities policy; whether it is one of assimilation, or one of providing financial support for the various ethnic organisations that aim to preserve their culture, traditions and language. The government acknowledges that its minorities have the right to claim their respective ethnic identity/identities.
3.17.5 Interview with Professor Günter Spiess, Sorbian Institute Cottbus, 4 August 2003

GS is Günter Spiess

TC is Ted Cichon

GS The youngest people that are speaking the Sorbian mother tongue are about 60 years of age. So, the people that are younger, have only some limited knowledge.

TC How do you assess, or what is your assessment of the chances for survival of the Sorbian language in Lausitz?

GS ... and as far as Lower Sorbian is concerned the perspective is, well... let us say, rather unsure because we are now beginning to introduce, already a few years ago, that is, Lower Sorbian was introduced into kindergarten. So children with German as their mother tongue are now learning Lower Sorbian in kindergarten. But I do not know exactly how many, hundreds approximately. At school there are bilingual classes where Lower Sorbian is used as a [language] medium of instruction, in mathematics and so forth, and depending on how the language in kindergarten can be expanded there may be a chance for the Lower Sorbian to survive. But that will be in 20 to 25 years or about that. If we do not succeed, with this project, the Lower Sorbian will have no future as a living language. I think that is all we can say at the moment, but there is a slight chance that it will survive. But I am rather, sceptical.

TC If we if we regard English as a global language how do you think this will impact upon the survival of the Sorbian language?

GS In my opinion, English as a global language gives a chance for minority languages, because there are several global languages. For instance English, French, Spanish and Russian, but nearly everybody has some knowledge of English and you can communicate everywhere in English. The minorities have a chance to overcome this, because you can concentrate on besides English, on your minority language. I do not know if I whether express myself clearly.

TC I understand what you are trying to say.

GS The reason is that the ability to learn languages is restricted. Not everybody can learn five or six foreign languages. But everybody can learn two or three languages. So the mother tongue whether it is a minority language or not, the status of a minority language with English as a global language leads to most people believing that English is a danger for other languages, but I don't think that.

TC The reason why I ask is that before coming to Germany, on the one hand, it was perceived that the use of English words in the German language is limited. But on the other hand, phrases such as 'last minute trips' 'travel', 'service centre', and the adaptation of business names, such as 'Mac Paper' and several others, is relatively common. It appears that from this trend that there will be in time, not in
our time, a kind of Esperanto as global commercial influences and American-English become more and more a part of daily life.

GS I see, yes but, ... well it is normal that English has certain influences on German vocabulary, but I do not see any danger, because German has well over 260000 words and English words are what, let us say 1000 or 2000, a minority, a small part of that vocabulary. Also everywhere, even the Polish have English words, and English words influence the French, Russian languages, so that is quite normal. Formally it was the French that influenced German.

TC Moving along to the next question, I understand that you were with the European Union office of minority languages organisation in Europe. How would you assess, or what is your assessment of the European Union effectiveness in maintaining minority languages.

GS Well, there could be done a lot more, but the budget for minority languages is very small.

GS There are two countries in Europe at least that are against minority languages, France and Greece. So it is quite difficult to convince them that money should be spent on minority languages. Of course the position of these countries can change in the near future.

TC Do you mean that minority languages would be depending on other countries and, or, a change of government?

GS Yes, a change of government in those countries. I think that in principal that the EU could do quite a lot for minority languages.

TC That leads me to the next question. Does it (the EU) help to maintain or encourage national identity through its policies of maintaining minority languages or generally anyway?

GS National identities, well that's a difficult question. That depends on the country. Germans have some difficulty with national identity. It may be because of what happened in World War Two, [pause] I could not answer, I do not know what to say. I think in principal national/regional identity can of course be preserved within the EU. I think diversity is just one of the most protective, contentious things we have in Europe. There are no melting pots and stuff like that. Preserving national and regional identity on one hand, and European identity on the other hand does not exclude, do not exclude each other [sic]. You can have different identities — like my European identity is stronger than my German identity. Depends on the situation in contact with Americans as to how you would stress your European identity, but I think it will be essential for Europe that the different nations, nations and minorities preserve their identity.

TC It is constructed.

GS Yes. So let us construct a triple identity, and in that case, Sorbian German European.
TC I can see parallels that exist with provincial or regional identities in Silesia for example.

GS Ja.

TC ... where in Silesia for instance, the Silesians consider that the rest of Poland is inferior or put differently, there is a certain chauvinistic attitude to the rest of Poland and certainly one could argue that pride, heritage and other characters such as regional costumes, dialect can contribute to this. But I think that in the end Silesians would say that they are Polish as well. Needless to say, there are a number of German Silesians living in Silesia.

GS Ja, ja they would.

TC By considering a national identity I am finding so far with my research there is a dual identity, where people are saying that they are Sorbian and German as well.

GS Yes (repeated several times). More than two centuries ago, before World War Two you had the two, either Sorbian or German. And with other minorities in Europe the situation was exactly the same. But nowadays you do not have the two. You can have a couple of identities or more and in Germany regional identity is very strong everywhere...yes. You are Bavarian and German, Bavarian first and then German, not German and Bavarian. Double identity, at least in Germany is not a great problem.

TC Just as an incidental question I did hear that, correct me if I am wrong, but I heard at the Sorbian Gymnasium where they said Sorbian is the official language just for this area. Is that true?

GS No, no it is not true. Sorbian has no official status. Well, traffic signs and streets are bilingual. For example, Welsh in Wales, Gaelic in Ireland have no real official status, and as far as Sorbian is concerned, it not an official language here.

TC Thank you. I suppose we have already covered this earlier but how active has the EU been in the survival of the Sorbian language, specifically the Sorbian language?

GS Our institute gets money since 1996 for our lithographical projects, which are to contribute to the survival of the Sorbian language. But specific measures are not taken by the Union. You have to apply for money and either you get it or you do not. There is no official policy that is true for all the minority languages. And for instance, the budget line for all minorities regional and minority languages is always threatened. For instance, we do not know if there is any money for our language next year. There is opposition from several countries, especially France and Greece.

TC Putting it another way, support, funding and future policy is uncertain and the available funding for the preservation of minority languages is difficult to obtain.
GS Yes. I do not remember exactly how much, two and half million Euros, for two years.

GS Yes that is nothing. About other budget lines, they are 50 million Euros and so forth. That is not enough and we do not know whether there will be any money next year (2004). So we do not know. The decision has not been taken yet.

TC - I think that covers it, thank you.

3.17.6 Interview with Professor Dietrich Scholze-Šolta, Director of the Sorbian Institute, Bautzen, 11 August 2003

TC Is the situation concerning the Sorbs better or worse since re-unification in 1989? In other words, how does it differ after 1989 compared to that of the GDR period?

DSS It is hard to answer such a question because there are different criteria, but in the first place, for the Sorbs it is easier. Why? Because, the circumstances are different. People have freedom of movement, freedom of speech and now there is democracy. It is significant for a minority such as the Sorbs because it has its own terrain, institutions and it is like a nation with its own territory. People can travel to other parts of Germany and the world, work in other parts of Germany and the world. But at the same time this has accelerated assimilation and germanisation than during the time of the DDR. People were forbidden freedom of movement, but there was more solidarity and cooperation between themselves. Today 'nobody needs their neighbour', there is more individualism, mixed marriages between Sorbians and Germans and 80 or 90 per cent of the children from these marriages are brought up as Germans. In brief, the erosion of Sorbian culture is occurring faster than under the totalitarian regime of the DDR.

TC What the Sorbs need to do to halt the erosion of Sorbian culture?

DSS In previous times, we lived in a State based on ideology. Today, ideology does not play a primes role, but the economy. That means individuals live where there is employment. Therefore we need Sorbian firms, Sorbian schools, so that people can stay within their traditional territory and strengthen the Sorbian culture and language, and have a means of earning a living. This is one of the aspirations of the Domowina but the Domowina also means to support these economic plans, so that young Sorbians would have employment.

TC According to Barker, during the GDR regime, individuals such as Oelßner were very supportive of the Sorbs. What was the relationship between the hierarchy of the Domowina and the SED?

DSS The hierarchy of the Domowina were fully in support of the DDR. From 1945 and 1975, they believed in the ideology of Marxist-Leninism. They could not imagine how the Domowina could exist in a capitalist system. When the downfall
of communism took place in 1989, and re-unification followed, the Domowina hierarchy found themselves without any connections with the West.

TC Barker also writes about the relationship between the Roman Catholic Church and the Domowina. Moreover, Barker discusses the claim that the Catholic Church asserted that it could be more effective in maintaining and promoting Sorbian culture and language. Can you comment further on this claim by the Catholic Church?

DSS This is what I call the “Polish effect”. In other words, during the communist regime (in Poland), the Poles were devoted to the Catholic Church. Devotion to the Church is a matter of national identity. Today the Church preaches “nation and faith”. If there is no belief in a nation, then there will be no faith, as they go together. The Church sees the dual role of a nation and its faith. The Sorbs are a Catholic minority compared to the Protestant Sorbs. We did not intermarry, that is Catholic Sorbs with Protestant Sorbs, and today we are feeling the effects of an endogamous society.

3.17.7 Interview with Robert Brytan and Jurij Łuścanski, at Serbski Dom (Sorbian House), Bautzen 12 August 2003.

The interview with the above persons is unstructured. In other words, the following is an informal discussion with the author. The contributions made by the above two persons provide some insights into the issues that the Sorbs have faced, and their ongoing challenges. Therefore it should be noted that it would detract from Brytan and Łuścanski’s frankness if it were conducted in a formal context. Although making some adjustments or editing is inevitable, the author has followed the original text as closely as possible, notwithstanding imprecise grammar that is used by the interviewees.

RB is Robert Brytan
JL is Jurij Łuścanski

RB In 1945 expellees came from Poland and Czechoslovakia, [expulsion] which was enforced by the Allies – there was tension among existing Sorbs in Lausitz and the newcomers.

JL Regarding school closures by this government, it also happened under a CDU government. For instance, the latest issue is the “Jurij Chezka” Middle School in Crostwitz in 2003 by the state government. It is the only middle school where all subjects are taught in Sorb.

RB If Sorbs had a national sticker, they were refused service. A few years ago a swastika was painted on a Sorbian house and Jurij Łuścanski got ‘hate’ phone calls in 2001.

TC Is there a Sorbian apathy?
JL No, just like a big nation in terms of collective habits, characteristics and behaviours, for instance, on the 2nd of July this year (2003) the Sorbs sent a letter to the Pope regarding school closure.

RB The Horno coal mine case is in the Strasbourg ECHR.

JL The Roman Catholic Church supports the CDU. Holy Mass is in Sorbian. People see the CDU as the Christian Party and nothing else. Hrjehor Clemenz is a bishop who also supports them (the CDU).

RB Ongoing discrimination for example “verdamt Polak”, whenever Sorbs change from German language to Sorbian in public, that is, there is some linguistic jealousy because the Sorbs are bilingual.

RB I call the town hall in Bautzen as the “yellow brothel” because of its obedience to other hierarchy, including decisions concerning Sorbian interests.

JL The 1948 Saxony Law changed in 1999 and Article 3 of Constitution Brandenburg 1989 Law changed in 1994 to Article 25. Brandenburg municipal areas are not included in bilingual policy as Saxony there are bilingual areas, for example, bilingual names. The law on page 38 should include streets and government office signs. Law in Saxony is better than Brandenburg, but the practical experience is different — the Sorbs have to fight to have the bilingual laws implemented.

JL 1960s with the advent of TV — bilinguality and German Jurij Lušćanski adds “don’t mention the war in Germany,” it is spoken in German by Sorbian children because the Sorbian language does not have mainstream access to specialised terms in specific arenas, such as technical and military vocabulary.

RB Vocabulary has a psychological effect as Sorbs fought with Germans but against their Slavonic brothers (the Sorbs do not talk about the war).

RB The Slovenian minority’s newspaper office in Carinthia (Kärnten), Austria gets letter bombs. This is an example of nationalism in Austria, but it has not happened here as yet.

JL Jurij Grós — had his ideology to bring the Sorbs to a higher level, even though he was Roman Catholic and a member of SED.

JL In 1948 the SED members included two Catholic priests — Jan Węńka and Michal ... I cannot remember his last name, but it is ironical that Roman Catholic priests worked side by side with SED, because they believed that this new party (SED) would help the Sorbs, but later they learnt that the SED would not be of help to the Sorbs. For example, during the DDR time, Corpus Christi which is celebrated on the 3rd Thursday of June, was not a public holiday, but the school head master opened up the school for the day knowing that there would be no Sorbian pupils attending. The Sorbs took the day as a holiday and so did the German pupils, therefore the DDR could not destroy the Sorbs and their religion.
**JL.** During the late 1950s the communists tried to remove the crucifix from class rooms, thus the DDR had to back down, but as the Sorbs were a minority, they did not want conflict because it was supposed to be an ideal socialist state.

**JL.** Czech ties are strong because of the history (Bohemian king). Another example: Löwen Strasse (the Czech lion) is associated with Lausitz belonging to Czech crown, and one coat of arms represents Lusatia, because of the Slavonic connection, (see the three Czech crowns in Prague Karls Bridge, the three statues made by a Sorbian sculptor).

**JL.** The two bishoprics Görlitz (Sorb) and Meissen — attempted to include just one bilingual area, but the Berlin Archdiocese refused this and kept the Görlitz because of the Silesian population.

**JL.** Bishop Christian Schreiber sold the Sorbian Seminary in 1923 without the Sorbs’ knowledge. Later Schreiber became a cardinal and a Nazi sympathiser. After unification Bishop Benno Hause wanted to name it ‘Cardinal Schreiber’ House — the Sorbs opposed this — preferring Bishop Benno, the patron saints of Sorbs. The Protestant Church in Brandenburg tried to pass a law in 1941 that forbade the use of Sorbian language, and this was not officially revoked until 1991, that is, the law forbade the use of Sorbian languages in Brandenburg churches.

**JL.** Pawol Nedo was the president pre-war World War I and post World War I stated,

All that the Sorbs achieved, nothing was given to them for free; they had to fight for it all.

**JL.** The DDR in the late 1960s and early 1970s found that most party officials were intelligentsias, so the SED brought in workers/farmers into the SED party ranks.

**JL.** Prominent figures in the Sorbian struggle during the DDR were Pawol Nedo, Kurt Krenz, and Jurij Grós, who was the most diplomatic between the SED and the Sorbs.

**RB.** Germans are lazy when it comes to learning another language - ignorance and another language is “not well tolerated”.

**JL.** After democratisation, the number of signs in German increased in Czechoslovakia, but now there is a noticeable anti-German sentiment, particularly in Prague. There is growing confidence in the younger generation, and there is no more ‘bowing and scraping’ to the Germans.

**RB.** Czechs and Sorbs are more adaptable than East Germans who have a ‘welfare state’ mentality. They rely on West Germany, whereas Hungarians, Poles and Czechs have had “shock treatment” (the change from a planned economy to a free market economy) for the last 10 years or so. When Poland, Czech Republic and Hungary join the EU, I expect that there will be an influx of investment from the above new EU members. West Germany has had over 50 years experience of the market economy and its associated competition.
Thank you for your time, gentlemen.

3.17.8 Letter written by the Chairman of the Lusatian Sorbs Domowina, Jan Nuck 21 June 2003

On June 25th and 26th 2003 the capital of the Federal Republic of Germany will host a so called “round table” with the participation of the representatives of German authorities, responsible delegates of umbrella organizations of the minorities settled in Germany and the representants [sic] of the pertinent bodies of the Council of Europe.

The agenda of the Implementation Conference will enclose the following issues:

1. Coordination of the German authorities approach towards the minorities

2. Implementation of the Conventions of the Council of Europe (- General Convention on the Protection of National Minorities, 1995, - European Charter of Regional and Minority Languages of the Council of Europe, 1992) and taking on suitable measures in accordance with the German Constitution, which would meet the requests and conclusions of the European Council’s experts ensuing from the inspection of the European Council’s inspecting bodies

3. Better mutual exchange of information among the countries involved and also between those countries and the German Federation’s authorities will be stressed during the discussions of the Conference. Similarly, more sensible approach of regional and local authorities towards the issues included in both documents of the Council of Europe will be dealt on.

The Conference is of the utmost importance for the Lusatian Sorbs living in Saxony. Still it does exist [sic] the intention to abolish the exemplary important Sorbian secondary school at Crostwitz.

3.18 Speech-areas of the Sorbs today

---

37 Cited in Council of Europe, Advisory Committee on FCPNM, Response by Nuck J., regarding Article 10, op cit. p.39
The Domowina's Emblem

On 8th October 1949 the Domowina, adopted a red emblem with a white lime tree showing three large leaves, bordered with a blue fimbriation. The design was made by the artist Hanka Krawcew. The emblem is regarded as the unofficial emblem of the Sorb people.
3.19 Sorbian Traditions
The Sorbs of Lusatia in one instance have been described as the “Amish people of Germany”.
This description is misleading because it would suggest a religious identity rather than an ethnic identity. Although there may be some similarities in terms of costumes and that the two groups are minorities with their respective traditions and customs, the Sorbs are not a religious minority. Certainly, Sorbs belong to the Protestant (mainly Lutheran) and Roman Catholic denominations, but regardless of their religious affiliations, they have some distinct traditions, which are a part of their cultural identity. For instance, Easter egg decoration is one of the best known Sorbian Easter customs. There are similar customs shared by the Czechs and Poles. Other Easter customs that the Sorbs practice include the Easter Riders, who ride round their church and churchyard to proclaim the resurrection. The Easter Riders have had an unbroken tradition since 1540, which dates back to 1490. There are a number of Easter processions.

Moreover, in Sollschwitz (Sulšecy in the parish of Wittichenau), a procession of St. Barbara is still practiced, and girls wear the družka, a costume, when taking part in the Corpus Christi Procession. The Protestant Sorbs, mainly in the Lower Lusatia area, practice similar customs and wear traditional costumes that are markedly similar to their Catholic counterparts in the Bautzen region.

At a Sorbian wedding the participants celebrate this occasion by wearing the traditional wedding costumes. The bride and her party wear a distinctive costume with head bonnets, while the groom and his party wear bridal suits with matching top hats. The Birds’ Wedding on 25 January is a custom enjoyed by children, who on the eve of that day place a plate on the windowsill or in front of the door. The next morning they find ‘birds made of pastry or sweetmeat in gratitude for the great care they took of the real birds in the winter season’.

41 Ibid. Reproduced from The Sorbs in Germany, p. 37.
42 Ibid.
The Birds’ Wedding custom observed in the Sorbian nursery school in the Kamenz District

An intricate and distinctive blue patterned design is found in cloth and textiles, which are mostly used for scarves. The use of blue colours and particular patterns are also pronounced in Sorbian pottery. This is an example of a non-linguistic cultural marker.

43 Ibid. Reproduced from The Sorbs in Germany, p. 22.
Appendix 4

4.0 Findings of Field Research in Lusatia and Schleswig-Holstein

4.1 The Sorbs of Lusatia: Survey/Umfrage (July – September 2002). The analysis in the following section(s) of this Appendix provides, firstly, a reproduction of the survey instrument used in Lusatia, followed by a statistical analysis of the findings. However, for the purposes of this study, the four key areas that will receive further examination include the concepts of identity, homeland/nation, language and how the Sorbs see the future of Lusatia. (The analysis of the Danish-speaking minority in Schleswig-Holstein follow a similar method).


Englisch: (E) This is a survey for the purposes of a doctoral thesis. The survey is anonymous. Thank you for your time and co-operation.

1. (D) Wie identifizieren Sie sich?
    Bitte markieren Sie die Boxen in der passendsten Reihenfolge von 1 bis 5.
    Achtung: Nicht ankreuzen bitte. Please do not place a cross.

    (E) How do you identify yourself?
    Please mark in order of preference, 1-5

    □ Deutsch/ German
    □ Ostdeutsch/ East German
    □ Europäisch/European
    □ Sorbisch/Sorbian
    □ Slawisch/ Slavonic
    □ weder/noch - none of the above

2. (D) Welche Sprache sprechen Sie am liebsten?
    (E) Which language do you prefer to use?

    □ Deutsch/German
    □ Sorbisch/Sorbian
    □ Englisch/English
   (E) Do you consider Lausitz (Lusatia) as one of the following? Please mark the boxes 1 to 4 in the order of your preference.

☐ als slavische Nation/A Slavonic nation
☐ als geographische Provinz Deutschlands/a geographical province of Germany
☐ Lausitz soll ein unabhängiger Staat sein/ It should be an independent nation-state
☐ Lausitz ist meine Heimat, und die meiner Vorfahren, egal welche ausländische Einflüsse auf sie wirken/ Your ancestral homeland regardless of foreign influences.
☐ Ich habe keine Meinung dazu

4. (D) Wie sehen Sie Lausitz in 25 Jahren?
   (E) How do you see the status of Lausitz in 25 years?

☐ als Teil einer größeren Europäischen Union/ As part of a greater European Union
☐ als unabhängiger Staat/An autonomous state
☐ von Deutschland offiziell abgespalten/Ceded from Germany
☐ unverändert/Unchanged

5. (D) Beruf .............
   (E) Occupation/profession........

6. (D) Alter ........
   (E) Age ........

7. (D) Geschlecht: M / W
   (E) Sex: M / F

8. (D) Welche Sprache sprechen Sie zu Hause?
   (E) Which language do you speak at home?

......................

Vielen Dank!
Ted Cichoń
Doktorand

1. (D) Wie identifizieren Sie sich?
   Bitte markieren Sie die Boxen in der passendsten Reihenfolge von 1 bis 5.
   (E) How do you identify yourself?
   Please mark in order of preference, 1-5

Chart 1: Sorbian Identity

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>German</td>
<td>12</td>
<td>21.1</td>
<td>21.1</td>
<td>21.1</td>
</tr>
<tr>
<td>East German</td>
<td>4</td>
<td>7.0</td>
<td>7.0</td>
<td>28.1</td>
</tr>
<tr>
<td>European</td>
<td>10</td>
<td>17.5</td>
<td>17.5</td>
<td>45.6</td>
</tr>
<tr>
<td>Sorbian</td>
<td>26</td>
<td>45.6</td>
<td>45.6</td>
<td>91.2</td>
</tr>
<tr>
<td>Slavonic</td>
<td>5</td>
<td>8.8</td>
<td>8.8</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
2. (D) *Welche Sprache sprechen Sie am liebsten?*
   (E) Which language do you prefer to use?

*Chart 2: On Language Use*

<table>
<thead>
<tr>
<th>Language</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>4</td>
<td>7.0</td>
<td>7.0</td>
<td>7.0</td>
</tr>
<tr>
<td>German</td>
<td>26</td>
<td>45.6</td>
<td>45.6</td>
<td>52.6</td>
</tr>
<tr>
<td>Sorbian</td>
<td>24</td>
<td>42.1</td>
<td>42.1</td>
<td>94.7</td>
</tr>
<tr>
<td>English</td>
<td>3</td>
<td>5.3</td>
<td>5.3</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
3. (D) *Wie betrachten Sie Lausitz? Bitte nummerieren Sie in der passendsten Reihenfolge.*

(E) Do you consider Lausitz (Lusatia) as one of the following? Please mark the boxes 1 to 4 in the order of your preference.

**Chart 3: Concepts of a Sorbian Homeland**

<table>
<thead>
<tr>
<th>q1d</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Opinion</td>
<td>3</td>
<td>5.3</td>
<td>5.3</td>
<td>5.3</td>
</tr>
<tr>
<td>Slavonic nation</td>
<td>5</td>
<td>8.8</td>
<td>8.8</td>
<td>14.0</td>
</tr>
<tr>
<td>Geographic province of Germany</td>
<td>14</td>
<td>24.6</td>
<td>24.6</td>
<td>38.6</td>
</tr>
<tr>
<td>Ancestral Homeland</td>
<td>31</td>
<td>54.4</td>
<td>54.4</td>
<td>93.0</td>
</tr>
<tr>
<td>Ancestral Homeland regardless of foreign influences</td>
<td>4</td>
<td>7.0</td>
<td>7.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Independent</td>
<td>4</td>
<td>7.0</td>
<td>7.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
4. (D) *Wie sehen Sie Laustiz in 25 Jahren?*

(E) How do you see the status of Lausatia in 25 years?

**Chart 4: The Future?**

<table>
<thead>
<tr>
<th>Option</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unchanged</td>
<td>32</td>
<td>56.1</td>
<td>56.1</td>
<td>56.1</td>
</tr>
<tr>
<td>Part of the European Union</td>
<td>21</td>
<td>36.8</td>
<td>36.8</td>
<td>93.0</td>
</tr>
<tr>
<td>Autonomous state</td>
<td>2</td>
<td>3.5</td>
<td>3.5</td>
<td>96.5</td>
</tr>
<tr>
<td>Ceded from Germany</td>
<td>2</td>
<td>3.5</td>
<td>3.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Please note: In q3 (question 3) of this survey, many respondents (laypersons) do not have the same understanding of the conceptual or political understanding of the term ‘nation’. In one instance, a respondent answered “Quatsch!” (rubbish) to any suggestion of Lusatia as a nation.
Survey 2 Schleswig-Holstein, July 2003


Englisch: (E) This is a survey for the purposes of a doctoral thesis. The survey is anonymous. Thank you for your time and co-operation.

(D) = deutsch
(E) = English

Achtung: Nicht ankreuzen bitte. Please do not place a cross.

1. (D) Wie identifizieren Sie sich?
   Bitte markieren Sie die Boxen in der passendsten Reihenfolge von 1 bis 5.
   (E) How do you identify yourself?
   Please mark in order of preference, 1-5

  ☐ Deutsch / German
   ☐ Dänisch / Danish
   ☐ Europäisch / European
   ☐ Skandinavisch / Scandinavian
   ☐ weder / noch - none of the above

2. (D) Welche Sprache sprechen Sie am liebsten?
   (E) Which language do you prefer to use?

   ☐ Deutsch / German
   ☐ Dänisch / Danish
   ☐ Englisch / English
   ☐ andere Sprache - (.................................)
       spezifizieren Sie bitte
       Other (please specify) .................................

(E) Do you consider Schleswig-(Holstein) as one of the following? Please mark the boxes 1 to 4 in the order of your preference.

☐ als dänische Nation/A Danish nation

☐ als geographische Provinz Deutschlands/a geographical province of Germany

☐ Schleswig-Holstein soll ein unabhängiger Staat sein/ It should be an independent nation-state

☐ Schleswig-Holstein ist meine Heimat, und die meiner Vorfahren, egal welche ausländische Einflüsse auf sie wirken/ Your ancestral homeland regardless of foreign influences.

☐ Ich habe keine Meinung dazu./I have no opinion on this.

4. (D) Wie sehen Sie Schleswig-Holstein in 25 Jahren?

(E) How do you see the status of Schleswig-Holstein in 25 years?

☐ als Teil einer größeren Europäischen Union/ As part of a greater European Union

☐ als unabhängiger Staat/An autonomous state

☐ von Deutschland offiziell abgespalten/Ceded from Germany

☐ unverändert/Unchanged

4. (D) Welche Sprache sprechen Sie zu Hause?

(E) Which language do you speak at home?

..........................................................

6. (D) Halten Sie sich für verschieden von den Dänen in Dänemark?

(E) Do you consider yourself as different from the Danes in Denmark?

Ja oder nein/yes or no.

7. (D) Beruf

(E) Occupation/profession

8. (D) Alter
(E) Age ........

9. (D) Geschlecht: M / W
   (E) Sex: M / F

Vielen Dank!
Ted Cichoń
Doktorand

Please note: due to historical factors, in strict terms the above survey refers only to the territory or the geographical area of Schleswig. As noted in Chapter Five, Holstein was a separate duchy, and there is no political issue concerning the latter. Hence, in question three in the above and for the purposes of this study, Schleswig has been differentiated and considered as a separate entity.
1. (D) *Wie identifizieren Sie sich?*
   Bitte markieren Sie die Boxen in der passendsten Reihenfolge von 1 bis 5.
   (E) How do you identify yourself?
   Please mark in order of preference, 1-5

**Chart 5: Danish-Speaking Identity in Schleswig**

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>1</td>
<td>2.7</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>German</td>
<td>12</td>
<td>32.4</td>
<td>32.4</td>
<td>35.1</td>
</tr>
<tr>
<td>Danish</td>
<td>21</td>
<td>56.8</td>
<td>56.8</td>
<td>91.9</td>
</tr>
<tr>
<td>European</td>
<td>2</td>
<td>5.4</td>
<td>5.4</td>
<td>97.3</td>
</tr>
<tr>
<td>Scandinavian</td>
<td>1</td>
<td>2.7</td>
<td>2.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
2. (D) *Welche Sprache sprechen Sie am liebsten?*
   (E) Which language do you prefer to use?

Chart 6: Language Use in Schleswig

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>German</td>
<td>13</td>
<td>35.1</td>
<td>35.1</td>
<td>35.1</td>
</tr>
<tr>
<td>Danish</td>
<td>23</td>
<td>62.2</td>
<td>62.2</td>
<td>97.3</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>2.7</td>
<td>2.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

(E) Do you consider Schleswig-Holstein as one of the following? Please mark the boxes 1 to 4 in the order of your preference.

**Chart 7: Schleswig; Danish or German Homeland?**

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danish Nation</td>
<td>1</td>
<td>2.7</td>
<td>2.9</td>
<td>2.9</td>
</tr>
<tr>
<td>Province of Germany</td>
<td>22</td>
<td>59.5</td>
<td>64.7</td>
<td>67.6</td>
</tr>
<tr>
<td>Ancestral Home</td>
<td>11</td>
<td>29.7</td>
<td>32.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>34</td>
<td>91.9</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
6. (D) *Halten Sie sich für verschieden von den Dänen in Dänemark?*
   (E) Do you consider yourself as different from the Danes in Denmark?
   (D) Ja oder nein?
   (E) Yes or no?

**Chart 8: Danish Identity in Schleswig**

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>German</td>
<td>12</td>
<td>32.4</td>
<td>36.4</td>
<td>36.4</td>
</tr>
<tr>
<td>Danish</td>
<td>21</td>
<td>56.8</td>
<td>63.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Other</td>
<td>33</td>
<td>89.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
the whole operation (of bilingual signposting) could take several more years.⁹³

Appendix 5

Recommendations

The Sorbs of Lusatia face challenges that are quite formidable. The prognosis concerning the survival or maintenance of the Sorbian language and culture is poor. Sorbians know this, and they also know that their language community faces extinction. Thus in brief, the promotion of their language and culture is an antidote.

However, influences such as globalisation, or homogenisation may prove to be too strong and contribute to the above fate. Hence, in order that the Sorbian language and culture survive in future generations, there are a number of proactive measures that the Sorbian community in Germany should pursue. By the same token, one needs to be realistic in what can be achieved in the face of inevitable political, social and commercial processes, both regionally and internationally.

There are a number of structures and mechanisms, which are already in place to protect and promote national/ethnic minorities, including the Sorbs. In other words, organisations and institutions legislate and monitor the implementation of policies by member States and their governments, which protect their minorities’ rights. Moreover, there are also a number of non-government organisations that monitor and implement projects and programmes aimed at maintaining cultural and linguistic diversity in Europe. All of these structures and mechanisms that are referred to here (and discussed in the respective chapters) need to be strengthened, not only in monetary and resource terms, but also in terms of efficacy.

It is not the best practice whenever there are binding legal instruments (such as the FCPNM) in place, but fail to be effective in situations or rather when State behaviour (for instance Sorbian school closures) contravenes regional and constitutional (federal and state) obligations. In other words, national and supranational bodies should exert more pressure on the appropriate governments to fulfil their obligations, as the law requires them.

However, for as long as there is an adversarial but a democratic political system in place, decisions on how to allocate scarce resources for an ethnic minority, such as the Sorbs, may not be always be considered as satisfactory outcomes by the Sorbs and their cultural institutions. Thus, the Sorbs should establish whether they are adequately represented in the prevailing political arrangement. Although it is stated in their literature that ‘the Sorbs are at present represented in the State Parliament of Saxony as well as in community councils’, and that a “Council for Sorbian (Wendish) Affairs” is active in the Brandenburg Parliament, there remain some deficiencies in this arrangement. It is not necessary to reiterate the Advisory Committee’s Opinion on Germany, which was discussed in Chapter Six. The point is, the Sorbs could politically mobilise themselves in a more effective way by

following the Danish-speaking minority’s model, by forming a political party such as the SSW. Moreover, the German Constitution (Basic Law) allows them to do so.

A higher level of unemployment in the former East Germany is another influence that threatens the Sorbs’ survival as a national minority. As a result young Sorbs move to other parts of Germany to seek better economic opportunities. It seems that for the number of Sorbs in Lusatia, there is an absence of Sorbian enterprise. There is a lack of commercial enterprise that would promote Sorbian identity and culture, and provide jobs for Sorbs. Certainly, this is not a panacea for all of the Sorbians’ concerns. Whilst the efforts of the existing commercial agencies are acknowledged, a greater focus could be directed towards creating Sorbian owned, for instance, financial institutions and/or services such as those provided by the Danish-speaking minority to its community. It is possible for the Sorbs to produce and market a commodity that is unique to their culture with identification such as ‘Made in Lusatia’, or ‘Product of Lusatia’. However, Wolff takes an opposing view to the above suggestion. Although Sorbian commercial ventures may not necessarily increase their linguistic status, it may contribute to an increased awareness by others of their existence.

Although there exists an exchange of cultural ties and language classes between the Sorbs and the Czechs and Poles, it is on a small scale. This activity could be strengthened and expanded by engaging the Czech and Polish governments to be more involved and supportive in promoting Slavonic culture and language at all levels. In view of the EU’s expansion in May this year, which included some Slavonic States, Slavonic studies could be given a higher profile within the European varsity community.

The above suggestions are only an outline of some of the areas, which could be given greater consideration in terms of maintaining Sorbian language and culture. However, no matter how much assistance or measures are attempted to preserve and promote the Sorbian language and culture, there needs to be a collective will by the Sorbs themselves, rather than a small committed group within the Sorbian organisations. But a collective will would also require that individuals identify themselves as Sorbs first, rather than firstly as Germans. At the same time, however, one is free to choose one’s identity as one sees fit, which may include multiple identities.