

SHADOW REPORT

on

The Situation of the Sorbian/Wendish Nation in Germany

Prepared by

Dr. Hagen Domaška (Hagen Domaschke), former election administrator

Dr. Andreas Kluge, member of the Serbski Sejm

Dr. Měrcin Krawc (Martin Schneider), member of the Serbski Sejm

Dr. Měrcin Wałda (Martin Walde), former spokesman of the initiative for the Serbski Sejm

Hańžka Marja Wjeselic, member of the Serbski Sejm

Dr. Tomaš Wornar (Thomas Werner), member of the Serbski Sejm

Dr. Viktor Zakar, journalist

On behalf of

The legal committee of the Serbski Sejm, the democratically elected parliament of the Sorbian/Wendish nation

(A non-government organisation - NGO)

For

The Advisory Committee of the Framework Convention (ACFC) for the protection of National Minorities, in preparation of the country monitoring visit in Germany, August 23 – 27, 2021

Final version 1.1 (minor correction made on page 19, Section D. V. Recommendation 5)

Date: September 06, 2021

Table of contents

Table of contents	2
Abstract	4
The situation of the Sorbian/Wendish nation in Germany	7
I. Introduction	7
II. Synoptic description of existing deficits, following the FCNM structure	7
Summary	7
Section I	7
Section II	8
Section III	15
III. Comments on the State report submitted by Germany, dated 31 January 2019 (ACFC/SR/V(2019/001); see Appendix 5	16
Section A / Preliminary remarks (p. 8)	16
Section C. I. 2. / General developments \ Changed framework conditions \ Funding Agreement (p. 16)	16
Section C. I. 4. / General developments \ ... \ Amended legal provisions in the federal state of Brandenburg (p. 25)	17
Section D. IV. Recommendations of the Committee of Ministers \ Recommendation 4 - Equality data collection and evaluation (p. 73)	18
Section D. V. Recommendation 5 - Preservation of cultural heritage (p. 74)	19
Section D. VI. Recommendation 6 - Targeted improvement of police structures (p. 74)	20
Section D. VII. Recommendation 7 - Minority languages in the media (p. 90)	20
Section D. VIII. Recommendation 8 - Minority languages in public life (p. 96)	21
Section D. X. Recommendation 10 - Education (p. 119)	22
Section E. III. 5. 1. / Recommendations of the Advisory Committee / Preserving and promoting the culture of members of national minorities (p. 144)	23
Section E. III. 5. 2. / Recommendations of the Advisory Committee / Impact of lignite mining on the preservation of Sorbian language and culture (p. 149)	24
Section G / Concluding remarks (p. 301)	25
IV. Historical Background	26
Middle Ages until World War 2	26
The post-war situation	27
The GDR period and its psychology toward the Sorbs	28

The policy of the German protestant church toward the Sorbs	29
The policy of the German catholic church toward the Sorbs.....	32
V. The Sorbian institutions and current issues	35
The establishment of the “Foundation for the Sorbian People” after German unification	35
„Shit Sorbs“ – current racism	39
The public image of the Sorbs, as conveyed in public schools and the media	41
The impossibility of Sorbian cultural self-determination under the current status quo.	43
“Divide and rule” as German governmental principle toward the Sorbs.....	44
Systematic blockade of suggested political improvements for the Sorbs by the Domowina	48
The Domowina organisation - Lobby of Sorbian or governmental interests?	52
The democratically legitimated Sorbian representation: The Serbski Sejm	52
Appendices.....	56

Abstract

The autochthonous West-Slavic Sorbian/Wendish nation living in the federal states of Brandenburg and Saxony (Eastern Germany) has maintained its cultural distinctness, identity and own actively spoken languages (Upper and Lower Sorbian) in spite of continuous assimilative pressure from government and church institutions from the Middle Ages to the present day.

Central to the identity of the Sorbs/Wends are the Sorbian languages, which in addition to being a regional means of communication, form *the* central part of religious and profane cultural practise, and most importantly mediate group identity as a nation, distinct from the German majority population.

In spite of constitutional guarantees (Saxony art. 6, Brandenburg art. 25, German Unification Treaty), given to the Sorbian/ Wendish nation to further exist, practise, and develop their culture and language in Germany, key educational infrastructures (Sorbian community schools, Sorbian language school for adults, Sorbian institute for formation of teachers, educational centre for bilingual pedagogy, Centre for Sorbian popular art) have 1990 been liquidated without replacement. In parallel, the only academic institute of Sorbian Studies has been cut-back from three to one professorships (University Leipzig).

The number of children speaking Sorbian as a mother-tongue has dropped by 50% between 1995 and 2015¹. Moreover, a study among Sorbian children in Brandenburg visiting the supposedly language-promoting WITAJ play schools and public schools, demonstrated devastating language proficiency levels (see Appendix 7), which did so far not lead to any changes of the educational system². A similar study on the WITAJ project in Saxony was not commissioned in recent times. A scientific evaluation which could have reflected the impact of abolishing full Sorbian language schooling for mother-tongue children in 2001 in favour of a mixed German-Sorbian schooling (referred to as “2plus”) is pending since 2010 (see footnote 12). More severe is that after every evaluation no or very few measures were adopted to improve the situation.

¹ Data of the responsible school administration in Bautzen/Budyšin, 01-Sep-2015; can be provided upon enquiry

² <https://sorb.philol.uni-leipzig.de/start/aktuelles/details/news-id/6695/>

While the existence-threatening problems of the Sorbian/Wendish cultural system as a whole, and in particular the importance of the language for the Sorbian/Wendish identity, are well known to the governments of Germany, Brandenburg and Saxony, the current political agenda aims to perpetuate the dysfunctional *status quo*, under which the Sorbian/Wendish nation

- continues not to have a collective legal status as a group in Germany, which would allow to take legal action, to ensure the practical and actual implementation of its constitutional rights formally guaranteed.
- has no authority to organise its educational system in self-determination, with the effect, that Sorbian language education is systematically, and progressively reduced by the German school system, leading to progressive assimilation
- has no democratic control of the funds exclusively allocated via the “Foundation for the Sorbian people” (FSP) for Sorbian purposes, and being allocated according to untransparent principles excluding the public by decision of a FSP council, dominated by German government officials. The budget of the FSP represents less than 6% of the taxes paid by Sorbian/Wendish tax payers.
- is under permanent threat of financial penalisation, since financing of the FSP depends on the ongoing goodwill of Germany, Saxony and Brandenburg, which precludes an effective, and long-term strategic representation of Sorbian interests by the funded structures.
- has no institutionalised means to prevent the destruction and exploitation of their traditional homelands by mining industry (EU petition, see Appendix 12)
- experiences that its – constitutionally defined and scientifically confirmed - status as a distinct people/nation is politically questioned or denied by German government officials, in the intention to circumvent granting of the pertaining self-determination rights.
- experiences, that the work of its democratically elected voluntary parliament, the *Serbski Sejm*, is obstructed, boycotted and defamed by the publicly-funded *Domowina* organisation, - officially a cultural roofing bond - de facto a non-NGO, directly or indirectly controlling most Sorbian media (newspapers, radio, Sorbian TV programme), the WITAJ language centre, and the majority of paid Sorbian positions, with toleration or implied encouragement of the authorities.
- experiences, that intellectual contributions from the *Serbski Sejm* as an NGO (*e.g., independent contributions to the official report on the situation of the Sorbian people in Saxony*), are systematically refused, suppressed or ignored by German government officials, who wish only to receive contributions from government-selected parties.

The unwillingness of federal and state German government officials to pay attention to the needs of the Sorbian/Wendish nation, and to accept its right for democratic self-determination in the sense of the Framework Convention for National Minorities is further evidenced by the 5th report of Germany to the ACFC, dated 31 January 2019 (Doc no. ACFC/SR/V(2019)001), which does not at all mention the inner Sorbian discussion, nor the consecutive election of the *Serbski Sejm* in 2018. Similarly, the federal state of Saxony refrained on commenting on potentially reputationally sensitive issues, such as series of systematic extreme-right attacks on Sorbian youth party events, which were never cleared by the Saxonian Police, while at the same time, numerous Sorbian youths found themselves explicitly and strictly controlled when riding bicycles in the context of such parties.

To ensure the cultural survival, the *Serbski Sejm* has developed a political core programme (see Appendix 1) aiming to achieve cultural self-determination of the Sorbian/Wendish nation in Germany, which has been communicated to the authorities in May 2021, so far without any response.

In view of the present unwillingness of the German federal and state government levels, to accept the will of the Sorbian/Wendish nation to survive as a non-assimilated people, and to this end require and claim the right of cultural self-determination, and to articulate its specific needs via a democratically legitimated representation, the *Serbski Sejm*, the convocation of a so-called BLUE RIBBON COMMISSION is under preparation aiming to indicate ways to help Germany to fulfil its self-declared constitutional obligations towards the Sorbian/Wendish nation, according to both, German and applicable international law, in line with the international reputation of Germany as a constitutional state.

The situation of the Sorbian/Wendish nation in Germany

I. Introduction

In order to acquaint the Members of the Committee of Ministers, and the Advisory Committee of the Framework Convention for the Protection of National Minorities (ACFC) the most efficient and convenient way with the situation of the Sorbian/Wendish nation in Germany, as perceived and documented by the independent, volunteer Sorbian/Wendish parliament, the Serbski Sejm, (<https://serbski-sejm.de>), this shadow report will contain firstly a Synoptic description of the existing deficits concerning the Sorbian/Wendish nation, structured according to the articles of the Framework Convention (ETS 157) itself (Section II), followed by secondly Comments on parts of the Fifth State report submitted by Germany, dated 31 January 2019 (Section III).

This will be further complemented by a Historical Background, as far as needed to understand the current societal, reputational and psychological situation of the Sorbs/Wends, their language and culture in Germany (Section IV), followed by lastly a description of the two key institutions, governmentally funded to represent the Sorbs, and to finance the remaining Sorbian institutions (Section V).

Considering, that the Sorbian/Wendish Nation has achieved in 2018 with the election of first *Serbski Sejm* by direct ballot, for the first time in history an independent parliamentary representation, which currently has the status of a non-government organisation (NGO), this shadow report prepared from a Sorbian/Wendish perspective differs in various aspects from the official Fifth State report submitted by Germany in 2019.

II. Synoptic description of existing deficits, following the FCNM structure

Summary

The Federal Republic of Germany fails to create appropriate conditions, effectively enabling the Sorbs/Wends to preserve and develop their culture, and to retain their identity, in contradiction to the constitutional guarantees given to the Sorbian/Wendish nation by the federal states of Brandenburg and Saxony, as well as by the Federal Republic of Germany.

In spite of a general political awareness of this fact, based on multiple publicly commissioned expert opinions, no governmental initiative to improve the situation can be observed for more than 12 years, instead a “wait and see” strategy to perpetuate this situation prevails. Requests and intellectual contributions of NGO stakeholders are either ignored, or actively refused, and discouraged by the authorities.

Section I

Articles 1 & 2: *No complaints*

Article 3:

Sentence 1: No complaints

Sentence 2: Neither the Sorbs/Wends collectively as a group, nor any of their current organisations, have the status of a Corporation under Public Law (CPL), with formal legal capacity and democratic legitimacy to represent the Sorbian/Wendish nation as a whole before public authorities in Germany, in matters relating to its constitutional rights.

Section II

Article 4:

Sentence 1: No complaints

Sentence 2: The use of the Sorbian language in public is effectively discouraged, by official administrative measures, e.g.:

- disregarding the formal right to be served in Sorbian language at public offices in the settlement area
- absent, incomplete, or at best smaller public signposting in Sorbian language
- inexistence of official forms in Sorbian
- missing recognition of Sorbian - as full-value and serious school subject
- impossibility to use Sorbian female family names in official documents
- restricted access to Sorbian-language school education

Apart from occasional features about their “exotism”, public non-existence of Sorbs in German media, avoidance of Sorbian culture (music, literature) in public broadcasting organisations, informal instruction not to confess as Sorbian in the general German programme.

Sentence 3: Systematic avoidance of positive discrimination measures. Interpretation of administrative regulations (ordinances, implementation rules) preferably to the disadvantage of Sorbian interests (*e.g.*, terminal liquidation of Sorbian village schools, for missing administratively specified numbers by a single pupil, using a high proportion of the few existing Sorbian teachers for non-Sorbian tuition at the discretion of school administration and school managements, with no pre-paved possibility to correct such decisions).

Article 5:

Sentence 1: The cluster of institutions, with the official mission to promote maintenance and development of the Sorbian/Wendish culture, funded by the German government via the FSP (Foundation of the Sorbian People) is not effective to preserve a living Sorbian/Wendish language and identity, but in contrast promotes assimilation, as determined by a series of independent expert opinions, commissioned by the FSP itself (Kreck, Vogt 2009, see Appendix

2). Concepts consequently developed by the German government itself (see Appendix 3), on how to improve the implementation of Sorbian/Wendish constitutional rights, have not been pursued for the last twelve years, except by the Sorbian democracy movement and the *Serbski Sejm*.

The Sorbian school system, as key function to replicate current cultural and language competences over the generations, is organised by the German education and school administration, where promotion of adequate Sorbian/Wendish competences is not a priority. In spite of a detrimental shortage of Sorbian teachers at all educational levels, these continue to be deployed for tuition of other matters, thereby preventing Sorbian tuition (Saxony 36%³, Brandenburg 47%⁴). Schools forming important centres of active cultural practise have been progressively closed by central decision, on which neither communities nor the publicly paid Sorbian organisations have any influence.

Sorbian constitutional rights, are not systematically codified by administrative regulations, which could provide a clear pathway for the Sorbs/Wends to actually receive the formally guaranteed rights (for instance for mother tongue tuition). The constitutional regulations, therefore, have the quality of discretionary clauses, to be granted or not granted at the mercy of the majority government, subject to criteria, beyond the control of the Sorbs/Wends. This is further aggravated, by the lack of an institution, which could formally take legal action on behalf of the Sorbian/Wendish nation collectively, so that Sorbs/Wends are in isolation, if intending to actually pursue their formal rights.

Sentence 2: The progressive reduction of the Sorbian Educational System after the German unification [liquidation of the **SSW** Sorbian institute for formation of teachers, *Kleinwelka/Bautzen 1991*, **APW** educational centre for bi-lingual pedagogics, 1991, Sorbian language school for adults, Minakał 1993, reduction of academic Sorbian Studies 1990ies (University Leipzig), closing of important community schools 1990ies – 2000s (e.g. Panschwitz / Pančicy; Crostwitz / Chróścicy; Heinersbrück / Móst] has dramatically reduced the educational offering, both for children and adults. In parallel – not unexpectedly –the number of children with adequate mother tongue competences in Sorbian/Wendish sharply dropped by 50% since 1995 (see footnote 1). The described government decisions, beyond any possibility of the Sorbs/Wends to correct these, represent a direct government intervention furthering assimilation.

³ <https://edas.landtag.sachsen.de>; document number Drs 7/5768

⁴ https://www.parlamentsdokumentation.brandenburg.de/starweb/LBB/ELVIS/parladoku/w6/drs/ab_9600/9686.pdf

Critical for Sorbian/Wendish life is further the frequent inefficiency, inability or unwillingness of the Public Security and Legal System (e.g., Saxonian police and public prosecution) to protect Sorbian social life, to identify, elucidate and systematically prosecute verbal or violent offenders. See also 6(2).

Representation of Sorbian Interests. While in 2009, as a result of the FSP commissioned expert opinion (Vogt, see Appendix 2), it was widely politically acknowledged, that Sorbian/Wendish interests - in keeping with the constitutional guarantees - cannot effectively be ensured by the *status quo*, in which the FSP funds a cluster of non-coordinated, highly dysfunctional institutions, among which the Domowina organisation.

The lack of real competences, democratic legitimacy, and transparency on one hand, and the missing of any efficiency control of measures and spending were described as major drawbacks, ultimately favouring assimilation. A Working Party “Corporation under Public Law” (CPL) under participation of all political levels in Germany prepared concepts, to improve the situation, and its Final Report was delivered for public discussion in 2011 (see Appendix 3).

In 2021, though, this public *status quo* still continuous, since the government-funded Domowina organisation used its privileged position in Sorbian public, to a) suppress a public discussion about the CPL, and b) in 2014 to effectively impeded a planned reform of the Saxonian so-called “Law on Sorbs”, which intended to improve the *status quo* for the Sorbs/Wends, however potentially at the expense of some privileges of the organisation.

In the absence of any seizable progression or improvement of the situation, the Sorbian democratic movement campaigned for the election of a democratically legitimate Sorbian/Wendish representation by direct ballot, which led in 2018 to the election of the first *Serbski Sejm*, under international observation, according to electoral principles as established in Germany (see Appendix 4). Massive attempts to impede these elections, to put their legitimacy into question, or to deny the democratic value of elections for Sorbs/Wends in general, and more recently to defame the parliament and its members were and continue to be made by the government-funded Domowina organisation. While the Domowina organisation systematically blocks any public and constructive discussion with the *Serbski Sejm* even on urgent matters of vital interest for the nation, the government either requests that “the Sorbs should agree among themselves first” or refers citizens to the Domowina organisation about any Sorbian matters, effectively denying the civil society rights right of the Sorbian/Wendish population, to directly reach out to our government.

Article 6:

Sentence 1: In absence of an indigenous ethnicity of significant size, the modern German state is still conceived as a German national state by a majority of citizens, as well as by the state administration. The existence of the Sorbian/Wendish nation in Germany is seen mainly under the aspect of “exotism”, folklore, and at best tourism, whereby a general expectation of inevitable decline, musealisation, and extinction in the not-too-distant future is connotated,

which is subtly transported even by school books, media coverages or in the public. A proactive, enthusiastic approach, considering the linguistic, and intellectual potential of a population, able to convey intercultural competences, and which represents the ancestry culture of the population majority in Brandenburg and Saxony, is nowhere visible.

Sentence 2:

The security and legal systems (public prosecution), namely in Saxony, sustainably fails to ensure the security and general respect toward the Sorbian/Wendish population.

Over years, Sorbian/Wendish weekend parties and social gatherings, most important for Sorbian youth life, have been systematically assaulted by large groups of unknown rowdies, which the police officially was unable to identify to the present day. As a result, some venues, ceased to offer Sorbian/Wendish events to protect themselves, which further reduces the space for Sorbian life.

Since at the same time, the police was and is regularly very active in controlling Sorbian/Wendish youths in the context of such Sorbian youth events, many Sorbs/Wends doubt the inability to identify assaulters as asserted by the police. If Sorbs/Wends raise complaint for offenses in front of the legal system, outright anti-Sorbian acts are not unfrequently either publicly questioned, or classified as part of “the freedom of opinion”.

Article 7: No complaints

Article 8:

The Sorbian people of Christian belief are allocated to four different church districts (two Protestant and two Roman-Catholic), all of them are dominated by German Christians. All top positions in the church districts are filled by Germans. Sorbian congregations have no possibilities to prevent structural changes that are disadvantageous for the presence of Sorbian languages. As an example, the traditional protestant Sorbian parish in Hodźij/Göda was merged with traditional German parishes in 2021.

Article 9:

Sentence 1: Use of language and media access. Public written documentation, inscription or forms are only exceptionally available in Sorbian/Wendish, in contrast to multiple foreign language versions for immigrants. An exception form school certificates at a few remaining Sorbian schools. Deficient language training, and hiring policy even in the so-called official Sorbian “settlement area” make Sorbian dealings in most places today impossible, due to inadequate language proficiency levels or unwillingness to offer Sorbian services in many institutions.

The closeness of available Sorbian print media to the FSP and Domowina organisation, constitutes a constant threat for independent, and critical reporting, especially, when fundamental questions are to be discussed, such as deficits in the current representation of the Sorbs/Wends, and the role of the traditional structures and the government for the current situation.

In television and broadcasting, Sorbian/Wendish offerings are reduced to a minimum (2 x 30 min monthly TV emission in Saxony and Brandenburg, resp.), usually few hours daily radio programme in off-peak hours, receivable in a restricted area. Contents and staffing are informally influenced by the government-funded Domowina organisation, so that information is frequently unilateral. Structurally, the public broadcasting board (MDR Rundfunkrat) refuses, to consider an independent candidate for board membership suggested by the *Serbski Sejm*, with the - untruthful - argument, only the government-funded Domowina organisation was entitled to suggest candidates (in fact, the law does not specify anything in this regard).

Media libraries, such as streaming services, are undeveloped for Sorbian content. There is no professional production of entertainment films in / with Sorbian languages or about Sorbian contents. The Sorbian languages are not present in German-language media (print media, TV, radio) of the majority population.

In the daily life, there is an overwhelming dominance of the German language in the media that are available to Sorbian people.

Sentence 2 & 3: No complaints

Sentence 4:

As mentioned, the public German programme gives away the possibility to contribute to a multicultural normality, by essentially not representing Sorbs/Wends as part of the normal general society in Germany. While in Saxony quite many Sorbs work in the public broadcast MDR, Sorbian employees in the MDR are informally reprimanded, not to confess as Sorbs in the German programme, which further contributes to a negative awareness of the Sorbs regarding their own culture, and helps to perpetuate the “exotic” preconception by non-Sorbs.

Article 10:

Sentence 1: No complaints

Sentence 2: Active language knowledge in Sorbian/Wendish at authorities is increasingly scarce. No systematic strategy to improve this by preferentially hiring or qualifying public employees to actively speak Sorbian can be recognised.

Sentence 3: *No complaints* (most Sorbs/Wends speak well also German)

Article 11:

Sentence 1: The right to use Sorbian variants of personal names in official documents is not fulfilled. Especially the female ending variant (-*owa* or -*ina* added to the male form) is subject of a chronic political debate, so far without conclusion.

Sentence 2: *No complaints* (except for lack of protection, see article 6, sentence 2)

Sentence 3: The general tendency is to reduce public signposting in Sorbian/Wendish language, hence subtly putting its public value into question. Unequal font sizes, typing errors and missing Sorbian content is a general problem and subject of recurrent complaints. Although bilingual legends on federal autobahn signs are typical for, e.g., Polish and Czech expressions of destinations, this is refused for Sorbian expressions of destinations.

Article 12:

Sentence 1: Education and research in Sorbian/Wendish culture and language has systematically been reduced since 1990. Ongoing cultural and language research focuses predominantly on historiographic, musealising issues, while proactive, regular tuition of Sorbian for adults has been essentially abolished in the 1990ies, while in parallel academic Sorbian Studies (university Leipzig / Lipsk) have been reduced from three professorships in 1990 to currently one. The promised re-establishment of a language school (liquidated in 1993), has been under discussion for almost five years now. Currently, regional courses are offered by Saxonian school administration, but a well-stuffed and -equipped institution as such is yet missing.

The German-language majority population receives almost no information about Sorbian languages, culture and history. The history lessons in school impart an unilateral history concept, which totally neglects the Sorbian history in the east of Germany, especially the process of assimilation since the so-called Ostsiedlung in High Middle Ages. This results in poor acceptance of the presence of Sorbian languages in Saxony and Brandenburg, even by the local German-language population.

Sentence 2: Pedagogic offerings for training of non-Sorbian teachers to enable them to instruct non-Sorbian pupils about essentials of Sorbian culture, are essentially missing. Existing materials focus on exotism and touristic value of the “foreign” phenomenon, thereby transporting and perpetuating non-inclusive stereotypes.

Sentence 3: For decades, access to the studies as Sorbian teacher (university Leipzig / Lipsk), had been restricted to persons with prior knowledge of Sorbian language. This regulation, which was particularly discriminating for many Sorbs/Wends, who were without appropriate language knowledge as a result of governmental school closures, was abolished only a few years ago in view of the no longer concealable imminent collapse of the Sorbian school system, due to the lack of pedagogues.

Article 13:

Sentence 1: *No complaints*

Sentence 2: No complaints

Article 14:

Sentence 1: While the right to learn Sorbian/Wendish is formally guaranteed by the constitutions of both states, Brandenburg (Lower Sorbian/Wendish) and Saxony (Upper Sorbian) for anyone living in the so-called official “settlement area of the Sorbs/Wends”, practically the tuition of Sorbian/Wendish and even more so tuition of other subjects in Sorbian/Wendish is not accessible in the vast majority of communes of the respective area. On the contrary, in Brandenburg, implementation of Sorbian/Wendish tuition is enigmatically administratively impeded, requiring more than four different approvals, even if in a given school interest and capacity for such tuition exists. Local communes, where the living culture is rooted, by principle have no influence on school matters, which are centrally, and remotely decided by the German school administration, often leading to results, evocative of a purposeful destruction of a living culture.

Sentence 2: Since publicly no information is available, the *Serbski Sejm*, in collaboration with deputies of the Saxonian and Brandenburg parliaments, made requests about numbers and deployment of Sorbian teachers in so-called parliamentary requests (“kleine Anfrage”), which demonstrated, that in Saxony only 64%, and in Brandenburg even only 53% of active Sorbian teachers do actually instruct the language. In Saxony the school administration allegedly does even not have statistics, on the number of subject teachers, capable to give lessons in other matters in Sorbian language, as required for the governmentally propagandised “2plus concept” (German-Sorbian teaching)

Sentence 3: De facto, Sorbian tuition is effectively in most places replaced by German tuition (citation from the former Saxonian ministry of sciences and arts in 2017, Dr. Eva-Maria Stange, SPD: “they shall after all first learn German”). In this Saxonian ministry, the department 21 deals with “Sorbian matters” and “remembrance culture”, indicating the General attitude towards Sorbian issues.

Article 15: In the current situation, Sorbs/Wends have no generally accepted means to effectively participate in decision making on matters affecting them, culturally, socially, economically, or otherwise. The possibility for participation in the general political system (parties, parliaments), do not allow to adequately take care of the particular, cultural requirements, differing from the needs and preferences of the majority population.

In democratic societies of European tradition, a parliamentary representation is the usual, and generally accepted form of political representation, and democratic formation of will. For this reason, the *Serbski Sejm* was elected by general, free, and secret direct ballot, according to the general constitutional principles of subsidiarity and democratic representation governing in Germany.

The – via the FSP – directly governmentally funded Domowina organisation, formally a registered association, can represent only its member organisations (only 18 of allegedly 200

member organisations are publicly disclosed on the homepage) – but cannot achieve acceptance among the majority of the Sorbian/Wendish people, and can hence not substitute the need for a democratic representation.

To comply with the requirements of article 15, a formal relationship between the democratically legitimate representation of the Sorbs/Wends and the German government levels remain to be established.

Article 16: No complaints

Article 17:

Sentence 1: No complaints

Sentence 2: No complaints

Article 18:

Sentence 1: No complaints

Sentence 2: No complaints

Article 19: While the principles enshrined in the Framework Convention are formally reflected by the Constitutions of the concerned states of Brandenburg and Saxony in the articles concerning the Sorbian/Wendish nation, the practical political and administrative implementation of the constitutionally guaranteed rights is not achieved, with the result of a rapidly progressing assimilation, in contradiction to the intentions of the FCNM.

Section III

The Sorbian/Wendish nation as represented by its democratically elected parliament, the *Serbski Sejm*, respects the constitutional principles of the Federal Republic of Germany, on which it is based, as well as the fundamental principles of international law, and in particular of the sovereign equality, territorial integrity and political independence of States.

III. Comments on the State report submitted by Germany, dated 31 January 2019 (ACFC/SR/V(2019/001); see Appendix 5

Section A / Preliminary remarks (p. 8)

Report text “The umbrella organizations of the national minorities were invited to express their views on the implementation status of the Framework Convention in the Federal Republic of Germany, which are not necessarily in line with those of the authorities.”

With regard to the Sorbian/Wendish nation, the “Umbrella Organisation” referred to, is the publicly financed *Domowina* organisation, which in the past has on numerous occasions for unknown reasons actively counteracted and obstructed political attempts to improve Sorbian representation in Germany and the state of Saxony, e.g.,:

- suppression of public discussion, and non-pursuance of concepts to strengthen the Sorbs/Wends developed by a commission under participation of the German ministry of the interior (2011, see Appendix 3)
- blockage of a reform of the “Sorbian law” in Saxony (2014, see Appendix 13).

As the Domowina organisation, which stands for a folkloristic, museal, and fatalistic cultural concept, reflected by its chairman, who publicly stated in the major German weekly “die ZEIT” that “Sorbian language is going to die anyway, that is clear” (2011), does not represent the cultural vision of the majority of the officially 60.000 Sorbs/Wends, the Sorbian democracy movement was formed in 2010, which led – after extensive intra-Sorbian discussions, and ongoing information of all German government levels - in 2018 to the election of the first democratically legitimated representation of the Sorbs/Wends by direct ballot, the *Serbski Sejm*, which has currently the status of an NGO (see Appendix 4).

The current unwillingness of German authorities to accept the entitlement and the ambition of the Sorbs/Wends to be democratically represented in Germany, and to survive as a non-assimilated people, is reflected by the fact, that Germany fails to report these developments in its 2019 State report.

Section C. I. 2. / General developments \ Changed framework conditions \ Funding Agreement (p. 16)

Report text „On 15 February 2016, the Federal Government, the Free State of Saxony and the federal state of Brandenburg signed a new agreement on joint funding for the Foundation for the Sorbian People. This third funding agreement covers the period from 2016 to 2020. Depending on the individual budgets, the foundation will receive €18.6 million in annual funding.” “The agreement is automatically extended for one year unless terminated by one of the participants twelve months before it is due to expire”.

The so-called “Foundation for the Sorbian People” (FSP) is annually funded with currently 18.6 M€, which corresponds to approximately 5.6% of taxes paid by Sorbian/Wendish tax

payers, considering state tax revenues of 33.4 milliards in Brandenburg and Saxony for 2019, where Sorbs/Wends account for 1% of the population. In the coming year funding is planned to be increased to 23.92 M€ (7.2%). While it is appreciated, that Sorbs/Wends enjoy a multitude of general public services paid by their taxes, the chronic underfunding of the ensemble of Sorbian cultural institutions, and the permanent insecurity (4-year planning horizons, without inflation adjustment, instead of a secured governmental budgetary position to cover the cultural needs of the population; permanent, institutionalised menace of financing withdrawal “unless terminated by one of the participants”), mechanistically prevent criticism and ensure conformism (“good conduct”) of the Sorbian structures funded by the FSP, first and foremost the Domowina organisation, which is governmentally favoured to “independently” represent Sorbian interests.

Out of the 18.6 M€ annually, approximately 16 M€ are bound for the ongoing funding of the Sorbian institutions, approximately 1.25 M€ is actually available for so-called “projects”, while the remaining budget is consumed for the administration of the funds by the FSP itself.

For reference, the German-speaking community in Belgium, with approximately 75.000 members, has an annual budget of 350 million € at their disposal, while at the same time having the opportunity to access the cultural resources of the totality of German-speaking countries, which is not possible in case of a non-kin nation, as the Sorbs/Wends.

This funding scheme employed by the German government for the Sorbian/Wendish people was characterised by Prof. M. Vogt, the expert commissioned by the FSP in 2009, to investigate the Sorbian institutional cluster as follows: “Support of the Sorbs and their culture is understood currently as act of mercy, and not expression of a strategy, but of uncertainties” (see Appendix 2).

Section C. I. 4. / General developments \ ... \ Amended legal provisions in the federal state of Brandenburg (p. 25)

Report text “Group sizes in Sorbian/Wendish language classes were regulated for the first time in 2017 in the administrative regulations governing the organization of teaching.”

While the Brandenburgian Sorbian/Wendish law⁵ specifies in paragraph 10 “children and youths in the traditional settlement area, who themselves wish, or whose parents wish so, is

⁵ <https://bravors.brandenburg.de/gesetze/swg#10>

to be given the possibility to learn the Lower Sorbian language”. No minimum numbers are specified, as further pre-requisite.

The regulation referred to above (the “Wendenschulverordnung”, see Appendix 6), was initially intended to require a minimum number of 12 pupils interested in Sorbian tuition, which would have led to termination of Lower Sorbian tuition in 20 of 26 schools with this offering in Brandenburg. Upon massive protests, this was relativised and is now handled as approx. 5 pupils, which is still menacing the ongoing tuition of Lower Sorbian in most schools in Brandenburg, constituting a practical infringement of the constitutionally guaranteed rights. To the present day, the issue has not been resolved, since a new “Wendenschulverordnung” hasn’t been adopted yet, putting a permanent question mark on the future of Sorbian tuition in Brandenburg.

This regulation is in direct contradiction to the intentions of the FCNM.

Section D. IV. Recommendations of the Committee of Ministers \ Recommendation 4 - Equality data collection and evaluation (p. 73)

Report text “The Committee of Ministers has recommended to the German authorities that they make use of available equality data to promote full and effective equal treatment of members of national minorities. Furthermore, the Committee of Ministers requests that additional ways of gathering reliable qualitative and quantitative data regarding the equality of access to rights of persons belonging to national minorities be investigated.”

In the absence of a strategic and proactive monitoring of minority rights in Sorbian/Wendish own responsibility, governmental statistics on actual access of Sorbs/Wends to their rights essentially do not exist.

In the critical field of language tuition, statistics on numbers of Sorbian/Wendish children not able to access Sorbian/Wendish language tuition, due to school closures, lack of teachers, or deployment of existing teachers for other subjects or to other institutions, will remain to be generated by a Sorbian/Wendish school administration empowered to focus on actual improvement of the situation.

The statistic investigation on Lower Sorbian language proficiency, achieved by the current pre-school and school system in Brandenburg has produced sobering results (see Appendix 7), which did so far not lead to any changes of the educational system. A similar investigation on the WITAJ project, requested by Sorbian education experts from Saxony, was not commissioned for years. A scientific evaluation to study the impact of abolishing Upper Sorbian mother tongue tuition in technical subjects in 2001, in favour of the “2plus” (German-Sorbian tuition) concept, is pending since 2010 (see footnote 12).

The argument frequently put forward by German government officials, statistics on the efficacy to grant minority rights were not possible to be generated in view “of the German

history”, are generally used to dissimulate the consequences of an ongoing *de facto* assimilation policy.

Section D. V. Recommendation 5 - Preservation of cultural heritage (p. 74)

Report text “In addition, the Committee of Ministers has asked the German authorities to ensure continued support for the preservation and promotion of national minority cultures, in close co-operation with the representatives of these minorities and paying particular attention to their long-term needs, the necessity of sustainable action and the diversity existing within minority cultures.”

The governmental financing practise of the FSP, described above, is insufficient in volume to ensure a continuous replication of the Sorbian/Wendish cultural system, does not provide an unquestioned, reliable long-term perspective, and is under the control of German government officials (dominating the decision-making FSP *Council*), precluding the Sorbs/Wends to freely define investments of the available funds, according to own their cultural priorities.

Public funding and privilege of the Domowina organisation, to directly or informally control Sorbian institutions (WITAJ language centre, media) leads to a progressive depletion of inner Sorbian diversity and intellectual life, further reducing the attractiveness of Sorbian/Wendish culture for the younger generation and persons already alienated from their cultural roots.

So far, the Federal Republic of Germany, the Free state of Saxony, and Brandenburg refuse to constructively cooperate with NGOs, active to pursue a revival of Sorbian/Wendish life, in particular, the *Serbski Sejm*, in favour of an exclusive exchange with the government-funded Domowina organisation, which is essentially satisfied with the existing *status quo*.

Report text “In addition, the preservation and promotion of the culture of national minorities in Germany is supported at federal level by a regular, institutionalised exchange of information between the national minorities and politicians and administrators” (p. 74)

The “institutionalised exchange”, appears to relate to the interactions of the “Minority Council” (German: Minderheitenrat). Since the Sorbs/Wends are to date only represented by the government-funded Domowina organisation, the *Serbski Sejm* as independent NGO has applied for an additional Sorbian/Wendish seat to the Council in August 2021. The council announced to discuss the application at the meeting on 20-Sep-2021.

Report text “The federal state of Brandenburg reports that an application involving a number of *Länder* submitted under the lead responsibility of the Free State of Saxony in cooperation with Domowina was approved and that in 2014, in the course of the year, Sorbian/Wendish customs were included in the Nationwide Inventory of Intangible Cultural Heritage.” (p. 76)

Public activities with explicitly Sorbian/Wendish character essentially focus on musealisation, while the tuition of active cultural competences is neglected.

Section D. VI. Recommendation 6 - Targeted improvement of police structures (p. 74)

Report text “The Committee of Ministers urges the German authorities to ensure that racist elements of criminal offences are systematically taken into account. In addition, the Committee of Ministers has called for the elimination of the practice of ethnic profiling. The Committee of Ministers also calls for active measures to be taken to build trust between persons belonging to national minorities and the police.”

The Free state of Saxony, which regularly forms the scene of verbal and violent offenses against Sorbian/Wendish persons (exemplarily detailed in section V „Shit Sorbs“ – current racism), in particular, repetitive, systematic assaults on youth parties, which over years had a police elucidation and prosecution rate of zero, did not provide any comment in this section of the German report, evidencing either a lack of problem consciousness, or alternatively the intention to dissimulate the unacceptable situation.

Section D. VII. Recommendation 7 - Minority languages in the media (p. 90)

Report text “The Committee of Ministers has recommended increasing support for the media in minority languages and developing locally produced radio and TV programmes in minority languages. The Committee of Ministers has also recommended that support be provided to achieve better representation of persons belonging to national minorities on media regulatory boards.”

A greater public presence of the Sorbian/Wendish language in public, and ideally a 24h programme enabling to comprehensively cover informational and entertainment needs, are one of the key postulations of the Sorbian/Wendish democracy movement.

Public broadcasting in Germany under public law is financed by compulsory broadcasting fees (“*Rundfunkgebühren*”), payable by any household. Annual broadcasting fees in 2020 amounted to a total of 8.1 milliards of € for total Germany⁶, which corresponds to a Sorbian/Wendish contribution of 5.83 million € to the system, considering 60.000 Sorbs/Wends and a total population of 83 million inhabitants in Germany.

The Sorbian TV is restricted to a twice 30 min programme once monthly. In total 12 TV programmes in Lower Sorbian (“*Łuzyca*”⁷) are produced by the Brandenburgian broadcasting organisation RBB, and another twelve in Upper Sorbian by the Saxonian MDR (“*Wuhladko*”⁸).

⁶ https://www.rundfunkbeitrag.de/e175/e7364/Jahresbericht_2020.pdf

⁷ <https://www.rbb-online.de/luzyca/>

⁸ <https://www.mdr.de/tv/programm/wuhladko102.html>

The production costs for a single Wuhladko programme amounted in 2019 to 37.000 €⁹, suggesting, that a large part of Sorbian broadcasting fees are actually not used in favour of Sorbian/Wendish culture, let alone, that a wealthy country like Germany would consider to pro-actively invest in the preservation of its living non-German culture (cf. “Intangible Heritage application” above) by financing a contemporaneous broadcasting coverage, as practised elsewhere (e.g. Rhaeto-Romanic broadcasting by RTR in Switzerland).

Beyond the scarcity of the Sorbian TV programmes, they more or less openly convey the concept of “exotism, regional speciality and non-normality”, as analysed in a recent dissertation on the topic (see Appendix 8), rather than to encourage a perception of contemporaneous and equal value of the Sorbian/Wendish culture, as intended by the FCNM.

Sorbian radio programmes are available in Saxony weekdays only in off-peak hours from 5.00 – 9.00 a.m.¹⁰, whereas news are only available in German language, implying a reduction of the practical relevance of the Sorbian language for the “non-folkloristic”, real life. In Brandenburg, daily an hourly Sorbian programme is available 12.00 – 13.00 h, which is repeated in the evening¹¹.

Recently, possibly in response to the prior FCNM inspection in Germany, the position of a Sorbian representative in the MDR broadcasting Council has been created. The nomination and suggestion of an independent, qualified Sorbian/Wendish candidate by the *Serbski Sejm* for democratic election by the Council members to improve the current shortcomings, has been refused by the acting Council president, indicating, that only nominations by the government-funded Domowina organisation will be considered.

Section D. VIII. Recommendation 8 - Minority languages in public life (p. 96)

Report text “The Committee of Ministers has recommended the full transposition of existing legislation to promote the use of minority languages in communication with local and regional authorities. To this end, suitable measures are to be implemented to promote the use of these languages.”

In spite of the formally existing constitutional, and partially legal guarantees to learn and use Sorbian/Wendish and in particular to implement official dealings with communal and regional authorities, the fact that on one hand administrative regulations are lacking, which ensure that the granted rights of Sorbian/Wendish citizens are actually implemented, and the

⁹ <https://www.mdr.de/unternehmen/informationen/finanzen/mdr-herstellkosten-sendungen-zweitausendneunzehn-100.html>

¹⁰ <https://www.mdr.de/sorbisches-programm/rundfunk/programm/artikel75924.html>

¹¹ https://www.rbb-online.de/radio/sorbisches_programm/sorbisches_programm.html

unavailability of administrative personal effectively able to speak Sorbian/Wendish on the other, increasingly preclude in praxis the use of Sorbian/Wendish in official contexts.

No systematic hiring or qualification strategies exist, to improve the situation, which is further aggravated by the closing of the Upper Sorbian language school for adults in 1993 in the context of the FSP foundation.

To improve such problems, the publicly funded Domowina organisation recently received governmental funding to set-up a translational and interpreting office (Sorbian <-> German) in the city of Hoyerswerda / Wojerecy. The services of this office, however, are – for unknown reasons - not available to the general public, or the *Serbski Sejm* as an NGO; and are restricted to written documents only.

Official activities to promote use of minority languages, as correctly described in the country report, mainly focus on cosmetic marginalities (printing brochures, train computer systems to allow to correctly represent Sorbian orthography, mounting of signpostings in Sorbian/Wendish language in the Sorbian/Wendish area), while the tuition of the language and its actual daily use is administratively not facilitated.

Section D. X. Recommendation 10 - Education (p. 119)

Report text “The Committee of Ministers recommended that efforts to increase the availability of teachers qualified to teach in minority languages at all levels of the education system be pursued and intensified. Furthermore, the Committee of Ministers called upon the German authorities to take positive measures to promote the appointment of these teachers to areas where such skills are needed.”

Academic education and research at the Institute of Sorbian Studies (University Leipzig / Lipsk), the globally only dedicated university institute, has been reduced in staff from three to one professorial positions since 1990 (suppressing dedicated positions for literature and history). In parallel, the Sorbian teacher training college (SSW) was closed in 1991, with the result of a chronic deficiency of Sorbian/Wendish teachers, and the reduction of attractiveness of Sorbian Studies as scientific matter.

Rather than creating locally own possibilities (e.g., at the universities Potsdam or Cottbus) to study, document and pro-actively further the UNESCO registered Lower Sorbian language only spoken here, Brandenburg has entirely outsourced the education of Sorbian/Wendish teachers to Saxony. An additional annual investment for a 50% scientific assistant (approximately 30.000 €) at this university by Brandenburg, as means “to increase the attractiveness of Sorbian Studies” is not considered adequate to ensure the functioning of the Lower Sorbian school system in Brandenburgian responsibility.

Currently, approximately 100 Sorbian/Wendish teachers are expected to leave school services in the coming 5 – 8 years for regular retirement, acutely menacing the future of Sorbian/Wendish education.

Nevertheless, currently (2020/2021) in Brandenburg 40 / 85 (47%) and in Saxony 50/139 (36%) of existing specialised teachers of Sorbian/Wendish employed by the public German school system, are – for undisclosed reasons - not deployed for Sorbian/Wendish tuition by the school administration.

More detailed statistics, e.g., on the number of teachers in Saxony, able to give tuition in Sorbian/Wendish language for subject matters other than Sorbian language itself, officially do not exist. Therefore, an adequate statistical basis, enabling to meaningfully plan and implement the so-called “2plus” concept (German-Sorbian tuition of subject matters, other than language) advocated by the government, is either ignored, or concealed from the public.

The results of the introduction of the “2plus” concept, replacing full Sorbian tuition for mother tongue Sorbian children in 2001, has since 2010 not been scientifically evaluated, in spite of critical results of the first evaluation¹², repeated requests from Sorbian/Wendish educational experts and of being mentioned in the coalition agreement in Saxony since 2019.

Section E. III. 5. 1. / Recommendations of the Advisory Committee / Preserving and promoting the culture of members of national minorities (p. 144)

Report text “The Advisory Committee encouraged the German authorities to continue supporting the preservation and promotion of national minority cultures, in close cooperation with the representatives of these minorities. It called on them to pay particular attention in this context to the long-term needs of persons belonging to national minorities and to ensure that funding arrangements, in particular in support of Sorbian and Frisian culture, allow for sustainable action to be taken. It further invited the authorities to seek means to make the funding process more transparent.”

The dysfunctionality of the so-called “Foundation for the Sorbian People” (FSP), and the Sorbian structures funded in this way, has been described above. For further details, the expert opinion of M. Vogt (see Appendix 2) is referred to.

Lack of long-term financial security, inadequate for the ambition to ensure an ongoing replication of the entire Sorbian/Wendish cultural system, untransparent decision-making mechanisms by a FSP Council, dominated by German government officials, absence of any democratic or success control for investments made, continue as described and criticised by Vogt, and observed by the ACFC during its last visit. The Sorbian representatives in the Council continue to be determined by the Domowina organisation, which itself is governmentally

¹² <https://www.ew.uni-hamburg.de/ueber-die-fakultaet/personen/gogolin/pdf-dokumente/abschlussbericht-sek-i.pdf>

funded by the FSP, to “represent Sorbian interests”, effectively precluding any independent position, as would be required to overcome the ongoing cultural decline.

Funding decisions are made in secret, with no records taken or public accountability, who voted for or against an individual application, and without a possibility for the applicants to present their case beforehand. In conclusion, the Sorbian civil society has no influence whatsoever in the dealings of the FSP, which by its funding decisions, technically acts as a governmental control instance, which by its funding decisions determines, which type of Sorbian/Wendish cultural activities are governmentally desired, and which not.

To this end, the FSP disclosed – in response to a formal request for funding a two-person parliamentary office to support the work of the *Serbski Sejm* - that “a political representation of the Sorbs/Wends was not in the intention of the founders of the Foundation (i.e., the Federal Republic of Germany, Brandenburg and Saxony)”, on which ground funding was refused (see Appendix 11).

Similarly, funding requests for cultural projects from independent Sorbian/Wendish persons, only rarely actually successfully are selected for FSP funding, while members of the publicly funded Domowina organisation - itself present in the FSP Council, which takes the funding decisions – typically have easier access to financial support.

Section E. III. 5. 2, / Recommendations of the Advisory Committee / Impact of lignite mining on the preservation of Sorbian language and culture (p. 149)

Report text “The Advisory Committee strongly urged the German authorities to pay close attention to the interests of persons belonging to the Sorbian minority in all matters related to possible relocations of the population. According to the Advisory Committee, such relocations should be contemplated only where no other viable alternative exists. The individuals concerned must be closely involved from the earliest stage in preparing for such relocations and identifying effective solutions in order to safeguard the history, language and culture of the Sorbian minority in the affected areas.”

Planning of the mining activities, and consequently the extent of destructive impact on Sorbian/Wendish settlement areas and culture, is effectively left to the mining companies. The government effectively sees its function, to serve the needs of the mining industry by providing the required formal permissions. Cultural obligations toward the Sorbian/Wendish nation are seen as secondary, compared to economic interests of the mining companies.

In spite of the destruction of more than 136 Sorbian/Wendish villages including the entirety of their pertaining culture in the last 100 years by the lignite industry, protection of the remaining Sorbian/Wendish cultural room is still no priority.

De facto, the political and social climate in the villages planned for destruction (currently Mühlrose / Miłoraz) is proactively destroyed by personal menaces (e.g., limited destruction of properties, e.g., tyre damages), in order to demoralise inhabitants willing to fight for their

right to remain in their home. Buildings left by inhabitants succumbing to such pressure, are immediately destroyed by the mining company, to create irreversibly accomplished facts, thereby further psychologically impacting the remainders.

It is very questionable, whether financial contributions (“charitable donations”) of the mining company LEAG to the government-funded Domowina-organisation, constitutes a “partial recompense of cultural losses”) as reported by the German report (p. 149).

This representation, though, reveals the – democratically highly questionable - underlying German government position, that a government-funded association, the Domowina organisation, should be entitled to allow and effectively approve further destructions of Sorbian/Wendish cultural space, and to classify and accept “donations” as adequate recompense, on behalf of the Sorbs/Wends, for whom “a political representation was not in the intention of the founders of the Foundation (FSP)” *see above*.

The Sorbs/Wends continue not to have any collective possibility by law or otherwise to actually influence the commercially-driven ongoing devastation of their social structures and natural environment.

Details of the social, environmental and psychological effects of this process which has been ongoing for decades can be found in the EU “*Petition for the Preservation of the Settlement area of the Nation of the Lusatian Sorbs/Wends*” (2015, see Appendix 12).

Section G / Concluding remarks (p. 301)

Report text “The competent authorities at federal and federal state level will look into the critical comments expressed by the representatives of the national minorities and will report on further progress in the next Report”

As per current experience, with regard to the Sorbian/Wendish nation, this statement is grossly misleading, since federal and state government levels to the present day, refuse

- a) to seriously and constructively consider independent intellectual contributions of NGOs representing the Sorbian/Wendish civil society (e.g., independent contributions to the “Report on the situation of the Sorbian people in Saxony”, Concepts for a democratic control of Sorbian finances, candidate selection for representative functions).
- b) to enter into serious discussions about the implementation of improvements of Sorbian representation, as suggested by a German government commission already in 2011, as a prerequisite, to actually achieve the constitutional guarantees, formally granted to the Sorbs/Wends
- c) to treat the democratically elected parliament of the Sorbian/Wendish nation, the *Serbski Sejm*, elected according to the democratic principles governing otherwise in

Germany at all societal levels, as a legitimate representative of Sorbian/Wendish interests.

Instead, federal and state government levels:

- a) try to monopolise as channel for political interactions of the Sorbian/Wendish civil society with German government officials the non-transparent, politically uninfluential, though internally authoritarian (“one people, one voice”) Domowina organisation, funded by the government itself.
- b) tolerate, that the publicly-funded Domowina organisation, counter-acts or blocks any political attempt to improve the dysfunctional *status quo*.

IV. Historical Background

Middle Ages until World War 2¹³

From the 6/7th century onward, numerous Western Slavonic tribes came to settle East of the rivers Elbe and Saale, roughly corresponding to the area of the former GDR (East Germany) in its entirety. Following the military expeditions of the Ottonian kings in the 10th and 11th century, these tribes had successively to give up their political independence. In the context of the medieval German colonisation of the area, the formerly Slavonic areas were increasingly settled with German farmers and townsmen, so that the Sorbian language area by the year 1500 had been reduced to Upper and Lower Lusatia and some adjacent areas North and West to it. Lacking an own governmental and ecclesiastical leadership, the Sorbs have been under permanent social, cultural and hence psychological pressure since.

The respected German geographer Richard Andree describes in 1874 in his book “Wendish peregrine studies”¹⁴, that the distribution of power between Germans and Sorbians has been asymmetric since the Middle Ages, and that “to become a citizen was tremendously impeded for the Wends (Sorbs)”. The right “of the Sorbs was not higher than that of the Jews in a German city”, that is why they were excluded from entering the professional guilds.

Sorbians were disdained, for which reason they were not considered suitable to learn an honest handicraft. Craftsmen had not to be of “Wendish, but of German descent”. The author clearly mentions the historical facts, and confirms violent suppression, discrimination and Germanisation, denies at the same time, however, any governmental coercion on Sorbian life.

¹³ See also “Wie man seine Sprache hassen lernt” (How to learn to hate the own language) by Martin Walde/Měrcin Wałda, extracts available at: https://kultur.org/wordpress/wp-content/uploads/WALDE_CP_6_SPRACHE_101026.pdf

¹⁴ Andree, Richard: *Wendische Wanderstudien. Zur Kunde der Lausitz und der Sorbenwenden*. Stuttgart 1874

He mentions all sorts of discriminations, which he deems, however, right and proper. In general, if a Sorb wanted to societally advance, he would be forced to transition to Germanness. A German citizen would never consider “to learn the Wendish language”. Even worse, the Sorbian language was “under severe punishment” forbidden, since any indulgence and “artificial care for the Slavonic” was in vain. According to Andree, Sorbians “cannot be heroes”. They “only remained at the place, have perhaps fought, but lost, and ultimately have given up themselves”.

To the present day, in most history books adequate reports are lacking, in which way Sorbs were physically, mentally, and psychologically pressured by incessant Germanising measures, aiming to increasingly reduce them to a minority. Sorbian intellectuals were only to a limited extent able to resolve this dilemma, and to the present day the consequences of this process have essentially been not discussed. Rather the “objectivity” or “neutrality” of historical science is invoked. Even if awareness of the problems is present, the power and energy to mobilise against them is often lacking. In the disparate dispute without a chance, the weaker party exhausts, and eventually loses its dignity.

To counteract Andree, the Sorbian scientist Arnošt Muka responded with an own statistical survey. To this end, he visited around 1880 each single village in Upper and Lower Lusatia, where he counted meticulously Sorbian-speaking and not anymore Sorbian-speaking villagers. According to his research, which can be considered to have been valid until at least the end of the first world war, the Lusatian villages formed an almost compact Sorbian language territory, with exception of the towns. Until the beginning of the 20th century, Sorbian was the colloquial language in everyday life in villages, majority of crafts, trade and commerce, even in small towns, such as Wittichenau.

The post-war situation

The German post-war society 1945 was based on the promise to never again tolerate discrimination and prosecution. Several politicians, publicists, and historians reprimanded the German society to face up to the violent oppression of the Sorbs, and believed that they – as antifascists – had to provide a recompense. On March 23rd 1948 the Saxonian parliament resolved the “Law on the rights of the Sorbian population”, which for the first time codified the right of the Sorbians for recognition and support of their language and culture. In 1950, the same was introduced in Brandenburg by ordinance. With this, Sorbs were entitled for the first time in history to publicly use their mother tongue.

A book publishing house, later the German-Sorbian peoples theatre, a folklore ensemble, a research institute, and a broadcasting editorial office were created, newspapers and magazines were founded, and a Sorbian school system was established.

The so-called Marxist-Leninist nationality policy of the GDR, however, was superimposed by concrete ideological purposes, namely to carry the socialist ideology into the mostly Christian socialised Sorbian population. The actual Sorbian culture – mostly Christian and (lower)

middle class – appeared to the SED (Socialist Single Party of Germany) as reactionist and progress-avers. This was based on the Marxist-Leninist hypothesis, that with the resolution of the *Social Issue* any *National Issue* would disappear on its own volition.

Everything not bowing to this ideology, came under the verdict to be “reactionist” or “nationalist”. “Nationalist aspirations” of the Sorbs should be prevented by all means. For this reason, the Sorbian roofing bond “Domowina” founded in 1912 was put under direct control of the Central Committee of the SED. Also, the GDR did not succeed to eliminate century-old pejorative preconceptions towards the Slavonic culture among the German population.

Protestant and catholic Sorbians soon found themselves in a hierarchy, in which self-determination was not foreseen for them, so that they withdrew into inner emigration.

The GDR period and its psychology toward the Sorbs

The neither organically grown, nor by a self-determined revolutionary act imposed socialist political system started to cover the East German society like mildew after 1945¹⁵. The official “antifascism” was generally reduced to communist resistance. Any public or free discourse about National Socialism, which might have forced the concerned to reflect their personal involvement, failed to appear.

In spite of honestly intended elucidation in the beginning, own experience with National Socialism soon ceased to be critically reflected. On the contrary, the appeal to consider oneself now – especially in view of the East-West confrontation – as citizen of an antifascist state, led to a psychological exoneration for many people in East Germany. A perceived collective “relief of guilt” of an entire population followed, which was partially perceived as release from personal involvement. In addition, the by the authority-imposed antifascism led to the desire, to informally “undermine” it, in order to tie in with preconceptions, racism, and individual national distancing strategies, which had only short before dominated their thinking.

All this had sure enough a strong effect on the societal dealings with the Sorbs and influenced in a hidden manner social tradition in all areas of the society: schools, churches, government agencies, down to the families. When in the 1960ies a convergence of all social classes to the working class for the creation of a “socialist community of humans” was politically propagandised, any other form of community, for instance ethnic milieus, became taboo. This

¹⁵Biographien im Grenzraum, Eine Untersuchung in der Euroregion Neiße, Dresden 2006, S. 29 ff.

created a society of equals. The creation of equal structures in everyday life, though, frowned upon the particular, and rejected the different.

The sympathetic trait of this egalitarian habitus, the acceptance of the other as “equal”, had also its dark side – the collective demarcation against anything non-equal and different. Prejudices, racist conceptions and dispositions emerged time and again, and were never debated in an open non-ideological manner. Large parts of the “non-Sorbian” population continued to adhere to a non-discredited pool of racist preconceptions towards the Sorbs, in part up to the present day.

Attacks or abusive statements toward Sorbs occurred over and over. They were considered acceptable not only in large parts of the general population, but even among members of the government and SED party leadership, as well as in the churches. A scientific appreciation of this issue remains to be performed. Complaints and petitions against such circumstances were either trivialised or tabooed, non-concealable conflicts were dealt with “discretely”.

In no event such conflicts were freely debated, not even in the Sorbian media. The few critical Sorbian teachers and journalists were immediately “disciplined”, whereat also forced dislocation or occupational banning were used. With equal rights for the Sorbs being official government policy, problems with the nationality policy were not allowed to exist.

The policy of the German protestant church toward the Sorbs

A) Lower Lusatia (Brandenburg)

In continuation of the Prussian tradition, the protestant church of Brandenburg continued after 1945 the policy of exclusively German parochial work. The Sorbian/Wendish parish priests were – with one exception – all retired. The request of this letter, to serve in a Wendish parish in his mother tongue, was not met.

When, for instance, in February 1996, on occasion of the 50th Wendish (Lower Sorbian) church service – after their re-introduction in 1987 – the then Cottbus-based general superintendent Dr. Rolf Wischnath offered for the first time his apologies, for the deeds of the church toward the Wends by prohibiting Wendish church services in 1941, no further consequences followed.

Since 1994 the registered association of the friends of the Wendish language in the church tries to obtain a single regular parish rectorate for the Wendish pastoral care in Lower Lusatia, which was denied to the present day by the protestant church of Brandenburg/Oberlausitz (EKBO). The then responsible general superintendent of the – tax paid - EKBO did not consider herself the “right address” for the implementation of such request, and informed that she considers Wendish clerics a “phase-out model”. Currently, there are two reverends at 12.5% each assigned for the pastoral care in Wendish language.

The need for the Word of God in the mother tongue has never ceased to exist in Lower Lusatia. Only this can explain the in-expectedly high participation, when Wendish church

services were re-established in 1987 by private initiative. Likewise, the magazine “Pomagaj Bog” (God help) was produced in private initiative from 1988 – 1990 twice annually as an addendum to the protestant Upper Sorbian monthly “Pomhaj Bóh”. Since 1991 the Lower Sorbian weekly “Nowy Casnik” continues the magazine as monthly special page. Additional religious literature and CDs were published.

The establishment of a church working party “Wendish church services” in 1988 then had exerted great effect: the number of Wendish church services has since continuously increased (currently 12 – 14 times annually), chanting became increasingly elaborate, and the number of churchgoers stabilised. Efforts for renewal of Sorbian parochial life and indemnification of prior injustice in Lower Lusatia are meanwhile seen among church representatives with understanding, but concrete expectations and requests are still discouraged.

The deep-rooted inferiority complex among Sorbs/Wends in Lower Lusatia continues to be nourished by ongoing reprisals and social exclusion. In 1999, on occasion of the annual assembly of the “association for the use of the Wendish language in the church” founded in 1994, the Wendish pastor reported about a first pastoral visit to an old Wendish lady. After he had introduced himself, and suggested to pray and sing with her in her mother tongue, she asked back frightened and full of doubt “whether this in Wendish was authorised at all by the church”.

School

Language instruction in Wendish (Lower Sorbian) in Lower Lusatia was only permitted in 1952 in some selected schools in the Cottbus district, under the form of a foreign language (type B). German parents, supported by some school directors, teachers and regional SED party took action against the instruction.

Only some years ago, the elementary school in the Lower Sorbian village Heinersbrück/Móst was closed by central decision, against the will of the parents and the community, which was justified with “decreasing numbers of pupils”. Here, after the German unification nearly all children had participated in the facultative Wendish instruction. In addition, the Wendish Museum Heinersbrück/Móst of local history was closed, depredating the culturally particularly active village of its two main public institutions.

In further schools, in which facultative language instruction in Wendish is offered, supervisory school authorities permanently announce cancellation of instruction, should certain minimum numbers of participants not be reached, although the pertaining law, does explicitly not specify minimum numbers.

The currently most serious problem is the lack of mother tongue teachers, since for many years, neither the Lower Sorbian Gymnasium (grammar school), nor the Institute of Sorbian Studies (University Leipzig) can provide sufficient students or graduates,

respectively. For unknown reasons, in spite of this shortcoming, only 45 of a total of 81 teachers (55%), currently (2020) employed in Brandenburg and qualified to give lessons in Lower Sorbian, are actually deployed for this purpose.

The following unrightful practise to the disadvantage of Wendish/Sorbian lessons has acutely and markedly exacerbated under the conditions of the Corona pandemic: If a teacher of Sorbian falls ill, Sorbian lessons are cancelled, since no German teacher can give the lessons. If a German teacher falls ill Sorbian lessons are also frequently cancelled, since often exactly the Sorbian teacher has to cover the stand-in-class.

In other instances, a competition between facultative religious education and Sorbian lessons is created, by putting both offerings to the same time table slot (elementary school Peitz, 2021). As it is well-known, that many Wendish families have a deep-rooted Christian belief, it is difficult to believe in a mere coincidence.

In Burg / Bórkowy (Spreewald) the establishment of a Sorbian-speaking secondary school class was planned by parents, pupils, and a Sorbian teacher for the school year 2020. All formal requirements were met. The school director obstructed the project and prohibited the performance of a parent's informational evening with the argument "no undue hopes should be raised".

These and similar conditions, are in the meantime dealt with as "normal", so that they are not anymore, perceived, reported or criticised. Even cases of bullying at work are ignored: the affected persons typically do not get any support neither from the school management nor the Domowina organisation, resign and often withdraw in frustration.

Since for decades neither municipalities, nor the Domowina organisation, nor other institutions have minded to hire for leading positions and general workplaces in Sorbian institutions candidates with proficiency in Sorbian, in a number of such institutions the use of the Sorbian language can be no longer guaranteed, further diminishing the scanty language rooms. Criticists are disciplined. Embitterment and "internal quitting" by the concerned persons marginalised this way, are the result of subtle anti-Sorbian actions, which are publicly hardly noticed.

B) Upper Lusatia (Saxony)

The development for the protestant Sorbs in Upper Lusatia (Saxony) was slightly more favourable. In 1947 a first Sorbian protestant church congress was held. In 1949, even an own superintendenture was granted to the protestant Sorbs, however without relevant competences – for instance in personal issues. Since 1950 the protestant magazine „Pomhaj Bóh“ is published.

On the other hand, in many parishes the provision of church services in Sorbian language was actively terminated soon after the war by the protestant church, when many refugees from the former Eastern territories of Germany came to settle in previously predominant

Sorbian villages, with which the church negatively influenced the status and use of the Sorbian language. Again, an open discussion about the suffered traumatisation in these days inside the church has not taken place.

School

In 1963/64 the GDR ministry of national education ruled by the 7th implementing provision that Sorbian language education for Sorbian children was to be considered as “voluntary”. The Domowina organisation was not allowed to further promote Sorbian language education. Additional restrictions came along – the lessons were given at inconvenient time slots or external to the normal time table. Parents wishing participation of their children, had to separately inform the school in writing. Sorbian communication rooms were markedly reduced, and finally, with very few exceptions, the language was banished into the family domain.

Only in the Sorbian catholic area, the Sorbian language has so far survived as colloquial language.

The policy of the German catholic church toward the Sorbs

Subsequent to the foundation of the German empire 1871 a fierce dispute arose between the German catholic church and the protestant state, which finally culminated in the so-called cultural battle. As a result, catholic clergy and believers moved closer together. Catholic associations were founded, and a vivid religious journalism was initiated, as were various religious traditions.

From this also the catholic Sorbs benefitted. Their priests, which were educated until 1927 in Prague and not in Germany, shaped as “teachers of the people” the Sorbian believers, furthered an active social life in associations, renewed religious customs, and supported familial, popular forms of piety. In addition, they saw their religious central point in the Vatican, and their spiritual authority in the pope – consequently institutions outside Germany. While they had to continuously claim their right for the Sorbian from the German church hierarchy, a close mutual interrelation of religion, Sorbian language and nationality developed, leading to an own, relatively compact Sorbian catholic milieu. Nationality turned into a religious value in itself, and Catholicism became a basic element of ethnic identity.

While the „ordinary“ Sorbian catholic Christian always believed in a benevolent German church hierarchy, catholic Sorbs were no less discriminated and marginalised by the German catholic church, than the protestant Sorbs (by the German national church). Sorbian Catholics, though, vouched for the unity of Roman Catholicism, and subordinated themselves to the German church hierarchy.

Sorbian priests, which aimed for a sophisticated pastoral, had to continuously balance the tensions between Sorbian believers, and the German church hierarchy. About these

battles, ordinary Sorbian believers did not hear as far as possible. This shall be illustrated with some examples in the following.

After the prosecutions during National Socialism catholic Sorbs hoped for a more relaxed relationship with the German catholic church hierarchy. Considering the greater conflict between the atheistic GDR regime and the church, ethnic tensions between the Sorbian clergy and German church hierarchy were not to attract attention.

In a documentation about the controversies between church officials and Sorbian clergy, a Sorbian priest states, “that only the old, pre-war situation was restored. When Sorbian priests approached the episcopal chair with modest requests or criticism about the still withheld equal rights of the Sorbian Catholics, it reacted irritated. Alone the allowance for the edition of religious literature, books for religious instruction, and prayer was given. Everything else remains to the present-day laborious work in addition to the demanding pastoral work”¹⁶

When after the war in the large Sorbian parish of Wittichenau Sorbian believers requested church services in their mother tongue again, fierce disputes arose. “Among four catholic priests there was no Sorbian priest, although the parish was – in spite of aggressive Germanisation – demonstrably 80% Sorbian. The German priest, who had been installed during National Socialism after expulsion of the Sorbian clerics, categorically refused even after the collapse of the Nazi regime any Sorbian pastoral care.” In his presence he refused to tolerate any Sorbian conversation, even among altar boys. All urgent requests and submissions to employ a Sorbian candidate were refused by the archepiscopal chair asserting that “all Sorbians understand German”. When parish members indicated to the bishop, that „in the German parish of Muskau [in the same diocese] a Sorbian acts as priest, while in the Sorbian parish of Wittichenau three German and three re-located priests germanise the parish“, the episcopal chair discontinued the communication.

Severe disputes also arose around the pilgrimage church of Rosenthal, which is considered an important sanctuary by the Sorbs. By the end of the war, the church had been completely burnt down, as were most houses in the villages in the vicinity. Thanks to the active help of the Sorbian believers, the church was rebuilt as one of the first buildings, as “Sorbian place of pilgrimage”. The then bishop Dr. Legge, though, had the plan to transform the place into a “German St. Mary sanctuary”. During a Sorbian pilgrimage in front of more than thousand Sorbs, he refused to grant to the Sorbians more religious

¹⁶Rudolf Kilank: Die katholischen Sorben seit der Wiedererrichtung..., S. 23

rights, arguing, “they are a minority in his diocese”. In 1970, the then bishop Schaffran relocated – against all protests - a German male Convent into the Sanctuary, which the Sorbs interpreted in light of the prior experience as an act of purposeful Germanisation of this Sorbian place of pilgrimage. When the Sorbian catholic magazine *Katolski Posol* planned to inform about the unpleasant circumstances, it was forbidden by the prior of the convent, and the magazine was menaced with sanctions under ecclesiastical law. The bishop personally interdicted the dissemination of a pertaining documentation and a memorandum prepared by Sorbian priests.

Subsequently to 2nd Vatican council (1962 – 65), at which pastoral work in mother tongue was one of the main decisions, the more than 10.000 catholic Sorbians hoped for an own episcopal curate, similar as granted to much smaller dioceses, such as in Reykjavik or Oslo, with merely 987 or 6790 believers. The then bishop, Dr. Spülbeck, however, categorically refused the nomination of a Sorbian episcopal curate, who might have managed the Sorbian pastoral care, especially the deployment of Sorbian priests. Instead, an “advisor for Sorbian matters” was installed, who had no competences in pastoral or personal issues, who was only allowed “to express his opinion, when asked to do so. He was informed in case of re-locations or replacements of priests, only after decisions had been taken”.

Although the request for Sorbian pastoral care was huge, Sorbian priests were systematically appointed to non-Sorbian parishes. When 1971 the city parish of Bautzen/Budyšin, considered the capital of Upper Lusatia, was to be staffed anew, the then bishop ruled “a Sorb comes not into consideration for optical reasons”. In the 1970ies Sorbian intellectuals lobbied again for the employment of a Sorbian priest for the city of Wittichenau, after a suitable candidate had qualified. Against any expectation, the bishop relocated the priest in a small German-speaking parish. He – against better knowledge – asserted that only few Sorbians were left in the city. The argument, that Sorbian priests were qualified also to serve German-speaking believers, as confirmed by the bishop’s own decision, the bishop nevertheless rejected. Sorbian interests were treated with explicit indifference and continue to do so to the present day.

In spite of the fierce tensions during the entire GDR period and beyond the catholic church retained its function as point of identification. The very fact that it represented resistance against the communist government, made the church untouchable, and Catholicism a public value in itself, which anew stabilised the catholic milieu. An important role further played the “Slavonic” pope John Paul II., who openly demonstrated his solidarity with the Sorbs.

Since Sorbian Catholics form the majority in their region, they feel closer bound to the structures of this milieu – religious association, parish, circle of friends, family. Inside this milieu, they can experience a much stronger in-group situation and confess their values openly, compared to protestant Sorbs in their respective, largely very assimilated regions. In view of the increasing threat to their existence as Sorbs by forced assimilation, many

see traditional Catholicism and ethnic traditionalism as their only option, and to persevere in well-established behavioural patterns.

Sure enough, the political and economic change in 1989 represents also for the Sorbs a decisive break. Also practising Catholics are confronted with an increasing liberalisation of society and an unlimited media offering. The entire societal structure, including the milieu, are questioned and re-evaluated. The attitude towards many religious traditions becomes looser.

V. The Sorbian institutions and current issues

The nationality policy during the GDR period was certainly an improvement, compared to earlier epochs. After the war, even before the foundation of the GDR itself, the roofing bond of Sorbian cultural associations (the *Domowina* organisation), was granted the status of a statutory body (Körperschaft öffentlichen Rechts).

The Sorbian institute for formation of teachers¹⁷, a Sorbian language school for adults¹⁸, an educational centre for bi-lingual pedagogics¹⁹, the Centre for Sorbian popular art²⁰, and a number of complementary cultural institutions, such as a publishing house ²¹, were established.

The establishment of the “Foundation for the Sorbian People” after German unification

During the GDR period, financing of these Sorbian institutions was via a multitude of structures, which ceased to exist after German unification (e.g., the “Freie Deutsche Jugend” FDJ, the SED youth organisation, Academy of Sciences of the GDR, and others). After unification, the first post-GDR Saxonian prime minister, Kurt Biedenkopf, therefore, suggested to concentrate financing of all Sorbian institutions in a Foundation, the so-called “*Foundation for the Sorbian people*” (“Stiftung für das sorbische Volk”²², in this document referred to as “FSP”). The FSP was established on October 19th, 1991. Since the Domowina organisation, used during the GDR period as a means to control, monitor and observe the Sorbian/Wendish people²³, was morally highly discredited, the German government did not

¹⁷ https://de.wikipedia.org/wiki/Sorbisches_Institut_für_Lehrerbildung

¹⁸ https://www.serbski-institut.de/de/Zentrale-Sorbische-Sprachschule-Milkel_2/

¹⁹ https://www.serbski-institut.de/de/APW--Arbeitsstelle-fuer-Schulen-im-zweispachigen-Gebiet_2/

²⁰ https://www.sorabicon.de/kulturlexikon/artikel/prov_hwt_zcz_1mb/

²¹ <https://www.domowina-verlag.de/ueber-uns>

²² https://de.wikipedia.org/wiki/Stiftung_für_das_sorbische_Volk

²³ Meschank 2016, Sorben im Blick der Staatssicherheit

wish to entrust these funds to the Sorbians themselves, but retained control via deciding body of the FSP, the *Council* (“Stiftungsrat”), a structure, in which German government officials retain the majority. Sorbian members are not elected, but continue to be determined by the Domowina organisation, according to unknown and untransparent rules. The official purpose of this FSP is to be a „joint instrument of the German federation, and the federal states of Brandenburg and Sachsen to support Sorbian language, culture and identity, providing institutional financing of Sorbian institutions, as well as to support individual projects”. The constitutions of both federal states declare a guarantee for the Sorbian people to maintain and develop their traditional language and culture (Brandenburg art. 25, Saxony art. 6)

As a result of establishing the *FSP*, however, government financing of institutions, which were central for a proactive maintenance of the Sorbian educational and cultural system altogether was stopped, by excluding them from funding, so that they had to be closed (Sorbian institute for formation of teachers 1991, educational centre for bi-lingual pedagogics 1991, Centre for Sorbian popular art 1993, Sorbian language school for adults 1993, the real estate of which was thereafter left to decay.) In parallel, the number of higher academic positions (professorships) at the only institute of Sorbian Studies (university Leipzig) was reduced from three to one.

In contrast, funding of institutions having a focus in musealising Sorbian culture was continued by the *FSP* (Sorbian Museum, folklore ensemble, Sorbian institute with a predominantly historiographic approach), as were the funding of the Domowina organisation, which carried a - to the present day never reflected - tradition as a GDR mass organisation, as well as funding of the *FSP* itself, which currently consumes in excess of 10% of the total funds administrated for its own administration.

For unknown reasons, in 1991 the Domowina organisation, re-established itself as a “registered association” (German e.V., eingetragener Verein), thereby giving up the previous status of a statutory body with legal capacity, which had survived the GDR time.

The liquidation of the above-mentioned cultural institutions by discontinuation of funding, and the abandoning of the legal status of the Domowina organisation as statutory body, are today euphemistically referred to officially as “re-structuring of the Sorbian institutions”.

Current funding of the *FSP* amounts to 18.6 M€ annually, which will be increased to 23.92 M€ in the future, which corresponds roughly to 5.6 or 7.2% of the Sorbian tax payers contribution,

6 Wolfgang Wippermann: Sind die Sorben in der NS-Zeit aus „rassischen“ Gründen verfolgt worden? – In: Lëtopis. – Bautzen – 1(1996), S. 37

(the Sorbs account for at least 1% of the population in Brandenburg and Saxony, which had a total tax revenue of 33 bill. € in 2019. The contributions of the many Sorbs living elsewhere in Germany are not considered).

The chronic underfunding and legal imprecision of regulations make the Sorbian politics to a source of permanent discussions. The implementation of minority rights has no priority in the parliaments of Brandenburg and Saxony. Brandenburg officially denied for many years, that there is a need for teachers of Sorbian and for bilingual (Sorbian-German) tuition in other subjects. Today, the Brandenburg state government has to concede this deficit towards the Council of Europe. In parallel, an intended reform of the ordinance on Sorbian schooling in Brandenburg (the “Wendenschulverordnung”), important to provide planning security for the population, the school system, and any language strategies, has been dragging along for the past six years, without recognisable progress. In view of the acute menace for the Sorbian language to disappear – in the meantime increasingly also for the catholic region - the mostly merely formal efforts of the government cannot satisfy.

In detail, it is the far-reaching non-binding nature of individual legal paragraphs, which are subsequently not sufficiently or not at all specified by obliging ordinances. Furthermore, neither do exist clear regulations regarding responsibilities of federal states, administrative districts and communities, nor control of the same. This legal deficit was also not healed with the recently implemented communal charters for support of the Sorbian language and culture.

In particular, a general protection of Sorbian villages in their settlement area is missing – especially in view of the open-cast lignite mining. Although there is a law on paper protecting the settlement area as a whole, however, no protection is provided against interventions affecting the internal structure (local government restructuring, destruction of the settlement structures for economic reasons etc.).

Last not least, there is no timely involvement of Sorbian representatives, when decisions of federal state or administrative district level affecting the Sorbs are being taken.

Many regulations concerning financial provisions in connection with the applicable legal regulations regarding the Sorbs remain unclear, leading to either an overutilization of the resources of the *FSP* or to a negligence of its essential tasks.

On the whole, an indolent and disinterested, rather than a creative, furthering proactive approach in implementing the legal obligations toward the Sorbs can be observed, as well exemplified by the Brandenburgian “Wendenschulverordnung”.

Another highly controversial issue is the thinning of the Sorbian school system. After the liquidation of the Sorbian institutions after the political change in 1989 (see above), in 2003 the state of Saxony ordered the closing of the secondary school in the catholic Sorbian heartland village of Crostwitz/Chrósćicy. Parents and students, supported by the local population raised a massive protest, and refused to give up their community school, which

served an important social function, beyond mere tuition, and fought tirelessly for its preservation. The government did not correct its decision. Soon the next round of secondary school closures was to follow in the same region in Radibor²⁴ and Panschwitz-Kuckau.

An expert committee for the implementation for the European charter for regional and minority languages criticises in its report the extraordinarily high minimum number of pupils required by Saxony to establish a class, and referred to the practise in other European countries. The criticism of Saxony had then reached also the European parliament, remained however, without consequences.

An extremely sensitive issue remains the recognition of the Sorbian language in the public. A language, which has at all levels – from domestic dialect up to discourse in humanities and social sciences – retained its capability of communication, and has developed further according to modern linguistic criteria. While in Saxony on paper all citizens living in the official “settlement area” have the right to reach out to authorities in Sorbian language, there is no entitlement to be served in Sorbian. The Brandenburgian “Sorbian law” gives even less status to the Lower Sorbian language. Only bi-lingual signposting in the official “settlement area” is mandatory.

The in truth effectively restricted rights of the Sorbs to use their language are further reflected by the fact, that official documents, forms etc. are only available in German language. Only school certificates in the few remaining Sorbian schools or electoral documents in some Saxonian communes form exceptions to this, according to the state or communal regulations. The general status of the Sorbian language is not supported in this way. Language psychology plays a vital role. The courage to use the Sorbian language in public largely depends on its appreciation by politics. Instrumental for the low prestige of the Sorbian language are persistent preconceptions and discriminating assaults from amidst society. The Historian Wolfgang Wippermann criticised, that racist preconceptions about the Sorbs are rankly in everyday life and even in the media, without any consequences²⁵. Informally, Sorbian journalists working in the public-law broadcasting institution MDR (Mitteldeutscher Rundfunk) are reprimanded to the present day, not to publicly confess as Sorbs in the German programme.

²⁴The closing of the secondary school Radibor could be prohibited by a legal complaint.

²⁵ Wolfgang Wippermann: Sind die Sorben in der NS-Zeit aus „rassischen“ Gründen verfolgt worden? – In: Lëtopis. – Bautzen – 1(1996), S. 37

„Shit Sorbs“ – current racism

Travelling through Sorbian Lusatia, one can notice, that many bi-lingual signages or public buildings are smudged with Neonazistic, anti-Sorbian slogans and unconstitutional symbols. To this end a punctual analysis of cases, which permanently repeat according to this or a similar pattern.

On the part of the police mostly no serious reaction occurs. For this reason, the then deputy of the Saxonian parliament for the Green party, Antje Hermenau, directed a so-called “small political inquiry” to the president of the Saxonian parliament and referenced further examples, alone from the city of Bautzen/Budyšin: “on 16.2.2005 unknown offenders smudged on Sorbian name plates “Sieg Heil”, and on a commemorative plaque SS-runes. On the city wall at the Sorbian Museum a swastika was sprayed. On 6.3.2005 unknown persons sprayed over Sorbian names on public signpostings. In a pub a visitor confessing as Sorb is clobbered by two unidentified offenders. While doing so, they shouted, that the they were going to bring the Sorbians to Auschwitz again and to stockpile them there. About the same time another offender demanded from a Sorbian speaker: “Speak German, or you will end up in the gas”. The harmed is a Canadian citizen, living in Germany and speaking Sorbian.

Public prosecution was stopped, due to the “lack of evidence” and the public prosecutors doubted, that words as “gas” were used at all, since as a Canadian allegedly speaks no German, so that he could not have understood these words – other than from his companion²⁶.

Further unknown offenders were reported to „have thrown at night a bottle with an inflammable liquid through a window of the Sorbian Gymnasium (grammar school)”. A pupil of the second grade running down the hallway of this school shouting “shit Sorbs!” As explanation is presented, that „as a German-speaking in a Sorbian school in the so-called B class (non-mother tongue), he has no contact to his Sorbian schoolmates, but all the more preconceptions”. It is added „his exclamations were hardly commented, it is accepted with embarrassment, how the Sorbs are trampled underfoot”²⁷. Another similar incident underlines, how omnipresent the problem is. On her way to tuition a Sorbian girl was spit at and insulted with the words: „dirty little Sorbian slut [...] 60 years ago one would have put you in the concentration camp and gassed you“. She thereafter reported „to have informed the headship of the school and the police in Bautzen / Budyšin, but not filed charges.²⁸ When in a joint public event of the Räckelwitz secondary school and the Sorbian Gymnasium Sorbian

²⁶ Letter of the dep. of prosecution to the complainant, file reference 170 Js 17536/04

²⁷ Sächsische Zeitung, Dresden 13.10.2007 (local edition of Bautzen/Budyšin)

²⁸ Sächsische Zeitung, Dresden 30.2.2007, S.15 (local edition of Bautzen/Budyšin)

pupils were encouraged to speak about such problems and exchanged their own experience with intolerance and hostility toward the Sorbs, they had to realise, that – irrespective of whether insultations, prohibitions of the own mother tongue, or property damages - aggressivity and incomprehension toward the Sorbs in Lusatia is much bigger, than the majority of the population is aware of, since under-reporting of similar instances can be expected to be massive²⁹.

Indeed, these incidents are only a cut-out of cases during six months of 2007 occurring in Bautzen / Budyšin and surroundings, which made it to the media. Mostly such incidents are preventively overridden. The reason, why no more dramatic incidences occur, is that Sorbians usually retreat.

This results into a habit, that Sorbs speak in public rooms – whether in public transport, shopping centres, the football club, fire brigade or in private associations, i.e., everywhere, that Sorbs are in a minority situation – only stealthily in their mother tongue, or better in German from the beginning, only in order not to attract attention as a Sorb.

The experience, that a Sorbian amateur football player, is forbidden by the trainer to have a conversation with Sorbian friends in Sorbian, or that a Sorbian apprentice in a German class is told by schoolmates and teacher “with you Sorbians we are yet going to contend”. The dubious attitude of the teacher toward the Sorbian the apprentice also saw in the marking of her school performance. Apart from the interview basis to this report, she never spoke about this with anyone. She subsequently had no courage to further qualify, although she had met all preconditions³⁰.

Unequal treatment, defamation and discrimination of Sorbs are not taken notice of except for by Sorbs, or are as dealt with as petty offence and turned down. If public prosecution takes on investigations due to charges, it usually regrets such events, but sees no hold for prosecution of such actions, due to insignificance or due to the right of freedom of speech. A new development was the article “Saxony increases manhunt pressure on anti-Sorbian offenders”. On the 09.07.2009 the Saxonian ministry of the interior, responsible for the police, had to admit, that the elucidation rate of anti-Sorbian offenses, was “more than sobering”, meaning that not a single offender had been arrested. According to the newspaper the ministry justified this result, that offenses had “occurred frequently in remote places”.

²⁹ Pozdatne zrozumjenje: Projekt wo tolerancy a identiče w Budyšinje wotměli, in: Serbske Nowiny, Bautzen 19(25.09.2009)186, S.1

³⁰ Personal communication with C.K., 07.01.2009

Preconceptions and resentments toward Sorbs survive not only stubbornly amid society, but also on the different administrative and political levels, offices or diverse – also Christian – institutions. For instance, in the Mary-Martha house of the monastery St. Marienstern in Panschwitz-Kuckau, an institution for the care of mentally disabled persons, a prohibition of the Sorbian language was implemented in 2003. This ordinance was renewed in 2005, and in case of infringement menaced with consequences under labour law. The language prohibition in the care institution, in which many Sorbians are cared for and in which many Sorbs work has elicited international protests. Even in the European parliament the language prohibition was discussed³¹. The discriminating language prohibition was withdrawn only eight years later under massive public pressure.

The public image of the Sorbs, as conveyed in public schools and the media

In an analysis of school curricula of Saxonian schools on the topic “Sorbs” it is ascertained, that an acquisition of knowledge about culture, history and facts about the Sorbs is hardly possible for German pupils³². Most seriously it strikes, that – in spite of recommendation lists for German or music lessons - not a single Sorbian author or composer is listed – even not the internationally acclaimed Sorbian writer Jurij Brězan. In the curriculum for sports at the secondary school, reference to Sorbian contents is made, however only with regard to traditional Sorbian dances. Altogether the offered curriculum appears folklorising and historizing, as far as the Sorbs are concerned. In addition, further education for teachers on Sorbian matters is only facultative, and the offerings for non-mother tongue Sorbian teachers are minimal to absent.

Similar results yields another investigation on the topic „Sorbs“ in school books of Brandenburg³³. It strikes, how stubbornly demarcation processes between majority and minority are reproduced in daily practise. In the state constitution, and the pertaining school legislations Sorbian matters are indeed mentioned: „ history and culture of the Sorbs (Wends) are to be considered in an appropriate extent”³⁴.

An in-depth analysis of school framework plans demonstrated, though, that for instance in the elementary school plan for the subject history “Sorbs/Wends” are mentioned only once. When the European Middle Ages are dealt with in the 5/6th grade, under the section

³¹ www.linksfraktionsachsen.de/media/directory/.../137_2005.pdf. (12.12.2008)

³² Martin Wenzel: Mehrheit nicht mitgebildet. Vortrag im Sorbischen Instiut am 23.09.2009

³³ Martin Neumann: Schule, Tracht und Rassenwahn. Konferenzvortrag „Dialogische Begegnungen.Minderheiten – Mehrheiten interferent gedacht“, Bautzen, 16.05.2009, als Mskr. gedr.

³⁴ § 4 (2) Public law on education and examination of teachers (Gesetz über die Ausbildung und Prüfung für Lehrämter und die Fort- und Weiterbildung von Lehrerinnen und Lehrern) in Brandenburg. The implementation is pending.

“formation of sovereignty” Sorbs/Wends are mentioned merely once in connection with “colonisation of the East, subjugation of Slavonic tribes, for instance Sorbs”. In the curricula of the matter “shaping of life- ethics- religion” no national minority is mentioned by name. In the Brandenburg edition of the school workbook “discover, experience, act 4” has a section: “With us live the Sorbs”, in which traditional dresses and customs are described. The heading at the same time subconsciously defines the non-Sorbian norm: the Sorbs are not a component of “us”. Also, the sentence “in Lower Lusatia in Brandenburg (...) Sorbians live still today [highlighted by the author], demonstrates the non-implicitness of this fact.

In a workbook for the 4th grade in chapter “the Sorbs” the Spreewald region is mentioned in the context of traditional dressing, horseradish, cucumbers, and a canoe. The pertaining work instructions in the categories “agriculture” and “tourism” indicate, that Sorbian culture is to be considered mainly under touristic aspects. In geography books is a tendency to reduce the sections dealing with the Sorbs, stating “in some villages not only elderly people speak a language unintelligible for us. We are in the region of the Sorbs. They belong besides the Danish minority, the Friesians to the three acknowledged small ethnic groups in Germany”. Like this Sorbians are excluded from the “We”, and an “unintelligible” language is implied.

In a Finnish investigation it is criticised, that there are only very few scientific investigations about the Sorbs, and that not only internationally, but also in Germany the Sorbs are hardly known³⁵.

In an investigation of the German media market it is diagnosed, how usually misinterpretations and distortions characterise most coverages about „the“ Sorbs. The Sorbian view on things remains mostly excluded³⁶. The Sorbian is mostly folklorised and hence marginalised, presented as a contrast to the German living environment.

Although Sorbians, like other people differ by Christian confession, between atheists and believers, Upper and Lower Lusatia, generations and sex, between an urban and rural way of living, they are typically represented as a homogenous stereotype of a uniform “egg-painting” species. The folklorisation suggests a kind of obsolescence, that is something historically outdated. In contrast to this, the normal German world is different, just modern.

Folklorisation always transports a cultural pejorative connotation. Difference is interpreted as antiquated, under-developed and inferior. Since the “harmless” elements of folklore –

³⁵ Anna Kristina Kohon: Die Darstellung der sorbischen Minderheit in der deutschsprachigen Presse: Eine Untersuchung der Lausitzer Rundschau, Sächsischen Zeitung, Univ. Ostfinland, Kuopio 2018

³⁶ Elka Tschernokoshewa: Das Reine und das Vermischte, Münster 2000, S. 167

customs, dresses, dances or old handicraft techniques – are placed in a societal hierarchy, they symbolise in contrast to the usual German every day and professional life a “minimum level”, with which a claim of superiority and power is exerted by the majority population.

The impossibility of Sorbian cultural self-determination under the current status quo.

The relationship between German politics and the Sorbs follows a balance between moral obligation, and a meticulously kept distance, with which Sorbian requirements can be turned down, even using applicable law, without undergoing reproaches. Practise shows, what pertinent minority regulations on paper are worth. Such regulations do not reveal, which deficits and need for clarification exist regarding the misconduct toward the Sorbs in the joint German-Sorbian history, what quality the relationship between majority and minority population has, and which prospects for living and developing the respective minority actually has in a country.

Ultimately, any discussion strictly takes place at the standards of the German majority. Not least the closing of the Sorbian schools demonstrates, how - in spite of formal laws actually aiming to support the Sorbian language - the last public Sorbian language rooms are being destroyed. Many Sorbs are afraid to lead an open debate, fearing to lose the last German supporters as a consequence.

The former chairman of the Domowina organisation, Jan Nuck stated, that the Sorbs culturally are not allowed to be self-determined, but still are externally directed, that „it is dictated, how things are to be dealt with. We are permanently given the impression „if you want to develop, you have to do so at the condition of the majority. This kind of ‘support’ in our experience is doomed to fail completely, since any free development is impossible.“³⁷

About his experience with the politicians on all levels he spoke out in public at a board meeting of the Domowina organisation and said, that for instance in a meeting with mayors and the Saxonian ministry of the interior the impression prevails, that the Sorbian is „an absolutely formal matter. With the attitude of these politicians, we cannot advance at all, rather it appears, that the ultimate aim is to ring the final bells for the Sorbian culture“.

He further meant, that there exists a deep crevice between the public, as it were nationalised confession of German guilt on one hand, and the own private attitude toward the dark

³⁷ He gave this statement on the meeting of the Domowina federal executive board, held on 13-Sep-2008.

chapters of German-Sorbian history on the other. Under protest and despair, he was not available for re-election as chair of the Domowina organisation in 2011.

The former chair of the Domowina organisation had experienced the authoritarian-patriarchally structured relationship traditionally used by the German governments towards the Sorbs. This long-lasting experience of heteronomy affects the Sorbs. Patriarchies, even in their variation as formal democracies are as a basic principle systems of command, which render minorities voiceless.

What the former chair of the Domowina organisation did not mention is, that as a chair of only a registered private association, he has no political competences whatsoever in front of government officials. He cannot meet with a protestant superintendent, a catholic bishop or a democratically elected politician at eye level. He personally or his private association can neither prevent the closing of schools nor take part in political decision-making. A chairman of the Domowina organisation can talk to every active politician, and may humbly request their solidarity or support. Though politicians may grant it or not at their own discretion, in the absence of a formalised process protecting the Sorbian interests, which in principle are formally guaranteed by the constitution.

The externally dominated Sorbs have developed a rigid superego, which forbids them any kind of independent and autonomous thinking, ultimately making them lose believe in politics, and respect for the government, leading to apathy and mental resignation.

Also, inside the Sorbian „political” life prevails a collective lethargy, dominated by patriarchal and clannish patterns of thought, and interspersed by institutions and hierarchies, lacking any democratic foundation.

Against the incapacitation by a patriarchal government on one hand, and clannish and dysfunctional societal organisations on the other, only a democratically elected parliament is appropriate, to implement a functioning subsidiarity. Subsidiarity, leaving to the government only that many competences as absolutely needed, is the codified constitutional principle of the Federal Republic of Germany.

“Divide and rule” as German governmental principle toward the Sorbs

Usually it is assumed, that smaller people and communities live harmonious and peaceful among themselves. This, however, is not possible, if they are since time immemorial governed by the authorities according to the principle “divide and rule”. Wends and Sorbs today live in the two federal states Brandenburg (Lower Lusatia) and Saxony (Upper Lusatia). After the reformation, more than 90% of Sorbs became protestants. Only seven parishes subordinated to the cathedral St. Peter in Bautzen/Budyšin and the monastery St. Marienstern remained catholic. Even the small region of the catholic Sorbs was administratively split into two dioceses, the protestant Sorbs were divided into three regional churches, which was imposed by the German governmental and church authorities.

Each governmental or church hierarchy had its own policy towards the Sorbs – one worse than the other. As a result, each single region and confession developed a distinct identity, leading to a certain self-imposed seclusion. In the end each region considers itself to represent the “true” Sorbs.

Sorbs are currently further divided by political convictions, associations, institutions and municipalities. Even the Domowina organisation is divided into Upper Sorbian regional associations and a Lower Sorbian association (*župa*). In contrast, municipal parliaments in the Sorbian settlement area are democratically elected, and do not accept any instruction from a private association, such as the Domowina. The same applies for all Sorbian institutions and bodies, for which reason no joint constructive discourse, nor a joint planning of resources or strategy do exist.

The revitalisation of the Upper and Lower Sorbian languages and culture, however, is tied first and foremost to communes, churches and independent associations, in which active Sorbian life takes place. No collective or transparent exchange of experience occurs. For this reason, the current structures cannot counteract the rapid assimilation of Sorbian culture. Not only are Sorbian schools closed, anywhere there is a lack Sorbian teachers, while at the same time, the government does not maintain meaningful statistics. Sorbian churches, institutions, political parties and offices do not find any longer junior staff.

The use of the Upper Sorbian language does decrease in the meantime also in the catholic region more than ever before, especially in the middle and younger age groups, even in the so-called Sorbian core communes Ralbitz/Ralbicy and Crostwitz/Chróścicy³⁸. While Ralbitz/Ralbicy was described traditionally as the „most Sorbian“ commune, conversations at the school yard now are increasingly in German.

Any and all scientific expert opinions commissioned by the FSP (see Appendix 2 and collection in footnote³⁹), as well as the results of the working group at the German ministry of the

³⁸ Martin Walde: Demographisch-statistische Betrachtungen im Oberlausitzer Gemeindeverband „Am Klosterwasser“, in: *Lětopis*, Bautzen 51 (2004) 1, S. 3–27

³⁹

- „So langsam wirts Zeit“: Bericht der unabhängigen Expertenkommission zu den kulturellen Perspektiven der Sorben in Deutschland = Pomalu je na času, Bonn ARcult 1994 (Bautzen)
- Peter Pernthaler: "Gutachten über die Errichtung einer Körperschaft als öffentlichrechtliche Vertretung der Sorben (Wenden)". - In: Vogt, Matthias Theodor / Sokol, Jan / Bingen, Dieter / Neyer, Jürgen / Löhr, Albert (Hrsg.): *Minderheiten als Mehrwert*, Frankfurt a.M., Berlin, Bern, Bruxelles, New York, Oxford, Wien, 2010. 582 S., 2 Abb., zahlr. Tab. und Graf. (Schriften des Collegium Pontes)
- Markus Kotzur: Die Förderung des sorbischen Volkes: Rechtlicher Status, rechtspolitische Gestaltungsmöglichkeiten, insbesondere die Finanzierungszuständigkeit des Bundes. Gutachterliche Stellungnahme, Univ. Leipzig, Juristenfakultät, Institut für Völkerrecht u. ausländ. öffentl. Recht (als Mskr. gedr.)
- Vladimir A. Kreck M.A.: Das sorbische Kulturgefüge: Analysen eines kult. Clusters am Beispiel der sorb. Minderheit. Diss., Wien 2013, 427 S. (*Europäisches Journal für Minderheitenfragen*, Vol. 6 Nr.3)

interior (see Appendix 3) – urgently request a reformation of the political representation of the Sorbs. All of them, though, were disregarded and a fundamental modernisation could not be achieved to the present day, as will be elaborated further in the following.

The traditional roofing bond of Sorbian cultural associations – the Domowina organisation

The Domowina organisation, founded in 1912, forbidden by the National Socialists in 1937, was re-established in 1945 and soon after put under direct control of the Central Committee of the SED, the GDR state party. After the political change in Germany 1989, the politically compromised Domowina organisation had the choice to dissolve itself, or to undergo a fundamental reformation.

The Sorbian opposition movement *Narodna zhromadźizna* (Sorbian assembly) active in the years of the political change decided following consultations with Kurt Biedenkopf (from 1990 to 2002 first prime minister of the re-established Free State of Saxony), not to establish an alternative roofing organisation to the Domowina organisation. Instead, Sorbians were to enter the Domowina organisation, in the intent to effectuate a reformation from within. This essentially failed. During the 1990 elections for the chairman of managing-committee of the organisation, the deeply GDR-rooted Domowina leadership prevented the election of the opposition candidate by means of dishonest measures (e.g., voting instructions given to language ignorant participants from Lower Lusatia, and uncontrolled ballots). A number of opposition candidates still made it into the managing-committee of the organisation, but were excluded later from their functions, based on fabricated allegations. The opposition movement had dissolved in the meantime.

During the GDR period, in most of the larger Sorbian villages existed a location group of the Domowina organisation, which were looked after by regional organisations, the župas. After the political change in 1989, most Domowina location groups, with few exceptions, were dissolved. Individual professional associations were formed, which entered the Domowina organisation, mainly in order to be entitled to receive financial grants, managed by the organisation.

On the Domowina homepage⁴⁰, 13 registered member associations are mentioned, which are more or less stable, and can be considered to live a life of their own. In addition, six district chapters of the organisation are presented as own associations, although their function remains obscure. Publicly, though, the Domowina organisation talks about “200 integrated associations”, with altogether “7.300 Members”. This figure essentially remained unchanged

⁴⁰ <http://www.domowina.de/start>

since the immediate post-unification period, shedding serious doubt about its value. In addition, individual persons, being members to several Sorbian associations, are counted multiple times. An adjusted or independently verified figure, does not exist⁴¹.

In 1989/90, the Domowina organisation gave itself formally a typical association structure, while it continues, as in GDR times, to be financed by public money. As clear as structure and processes may formally seem in a registered association, communication, formation of will and decision-making in an organisation with a publicly non-verifiable number of members and member associations, remains diffuse. Personal opinions and functional mandates become indistinct. Asymmetries of power and changing alliances hold the potential of conflicts. Preconceptions and imputations burden decision-making in an organisation, which ensures the economic existence of its members – in a privileged manner, without transparent accountability nor control of success. In short, an association, as compact as it may appear from the outside, is frequently affected by internal unrest.⁴²

Professor Stefan Oeter (public international law, university Hamburg) further determined, that the legal form of a registered association is not suitable for the representation of a national minority, since it is without any obligation. In addition, it is only entitled to represent the interests and rights of its own members, but not of the entire nation. This is further aggravated by the fact, that a separation between political activities and cultural practise is not possible, neither personally nor structurally.

Political decisions of importance, therefore, are not taken in formally authorised committees, but are discussed, and decided beforehand inside a closed circle of few persons.⁴³ As a result, Sorbians represent to the outside not with one, but various voices⁴⁴.

Since from a government perspective the process of self-purification of the Domowina organisation was not reached after the GDR period, the state was unwilling to entrust to the Domowina the funds for the continuation of the Sorbian institutions, at least for those institutions, selected for survival. For this reason, the „*Foundation for the Sorbian people*“ was founded in 1991, as extended arm of the German government. Rather, the Domowina developed a nepotistic, oligarchic consolidation of power, leading to strong inner-Sorbian conflicts between the Domowina-leadership and its own professional associations (Sorbian

⁴¹ Vladimir A. Kreck M.A.: Das sorbische Kulturgefüge: Analysen eines kult. Clusters am Beispiel der sorb. Minderheit. Diss., Wien 2013, 427 S. (Europäisches Journal für Minderheitenfragen, Vol. 6 Nr.3)

⁴²ibid., p.292

⁴³ibid., p. 293

⁴⁴ In: Vogt, Empfehlungen... p. 51 ff; see Appendix 2

artists association, Sorbian school association, religious Cyril and Method association), which negatively affect the Sorbian cultural life, and repels many Sorbs, especially younger people.

For the majority of Sorbs, outside member associations, the Domowina organisation plays hardly any role. Employees of Sorbian institutions – the so-called vocational Sorbs – though, behave, due to the majority structures in the *Council of the Foundation for the Sorbian people* necessarily loyal towards the Domowina organisation. Since the Sorbian members of the *Council* are also determined by the Domowina organisation, conflicts are programmed: all Sorbian members of the *Council* vote without exception about their own employment relationship, but also about the destiny of the Sorbian institutions, and frequently that of family members also employed there (an infringement of the so-called prohibition of self-contracting according to § 181 German civil law, which even representatives of the Saxonian government deem unsolvable).⁴⁵

This also affects the freedom of the Sorbian media, and their coverage. Reporting about the affairs of the meanwhile established Sorbian parliamentarism is often biased, disproportionally truncated or totally suppressed. For this reason, also Sorbian intellectuals, increasingly refrain from contributing to the debate, for which reason the disputation culture largely ran dry. All this leads to a destructive, paralysing influence of the Domowina organisation on Sorbian cultural life.

Systematic blockade of suggested political improvements for the Sorbs by the Domowina

The latest by 2007, federal and state authorities expressed strong reservations against the practise by which Sorbian culture was funded. Irregular circumstances were criticised, especially however, the parallel structures of the *FSP* and Domowina organisation. Among others, the Saxonian General Accounting Office harshly criticised “a severe mismanagement with public funds”. It was stated the financing was “beyond any effectiveness and economic viability”. The federal government menaced to completely withdraw from funding of Sorbian matters, unless a new approach to this non-transparent practise was found.

Not least for this reason, the government commissioned scientific expert opinions on the “*Foundation for the Sorbian people*” (initially in 1994 from the Sorbian institute, Bautzen / Budyšin; in 2010 from Peter Pernthaler, Innsbruck, Markus Kotzur, Hamburg, and Vladimir A. Kreck, Görlitz; see footnote 39). Finally, the cultural scientist Professor Matthias Vogt (Görlitz) was commissioned, to evaluate all Sorbian institutions funded by the *FSP*. This was

⁴⁵ibid., p. 3

conducted in great detail in two steps. (Part I: an actual state analysis of the institutions funded by the *FSP*, see Appendix 9; part II a master plan, to support the Sorbian language and culture, recommendations to an empowerment of the Sorbian minority by creation of a harmonised cluster of self-administration, cooperation, projects and institutions, see Appendix 2).

About the same time in 2010, the members of the German federal parliament (Bundestag) C. Behm, V. Beck und M. Lazar (fraction BÜNDNIS 90/DIE GRÜNEN) made a so-called “small request” (Kleine Anfrage) to the government on the topic „legitimate parliamentary representation of the Sorbs”⁴⁶. They firstly emphasised, that the Sorbians are undisputedly entitled to partial rights of self-determination, although questions on the implementation remained. They referred to the expert opinions of Pernthaler and Kotzur and demonstrated, that the political and legal representation of the Sorbs is 20 years after the democratic revolution in the GDR still not arranged – *nota bene* up to the present day.

Thereupon the federal government (CDU, CSU, FDP) replied: „The Sorbs enjoy protection and recognition as a national minority in the sense of the Framework Convention for the protection of National Minorities of the European Council, which is in power for the Federal Republic of Germany since February 1st, 1998.” Further, it is stated essentially, that the second convention concerning financing of the Foundation for the Sorbian people was undersigned, although the federal government had initially considered a withdrawal. As condition was mentioned, that the financing practise was to be verified (for which reason the expert opinions mentioned above were commissioned).

In all of the commissioned expert opinions, it is criticised, that the political and legal representation of the Sorbs decades after the democratic revolution is still not arranged. In addition, democratic elections are stipulated. To the very same conclusion also comes Vogt in his comprehensive master plan and emphasises: “Support of the Sorbs and their culture is understood currently as act of mercy, and not expression of a strategy, but of uncertainties”. He found the institutional system, funded by the state-run “*Foundation for the Sorbian People (FSP)*”, to be “highly dysfunctional”, “representing a largely self-secluded subsystem of the Sorbian society”, to “award mediocrity” and “promoting negative stereotypes about the Sorbs/Wends, hence *de facto* furthering assimilation especially of potential future elites”. Further he states: “Relative to the aspiration of a continuous renewal of the Sorbian society, culture and language, the current cluster of institutions is highly dysfunctional. A

⁴⁶ <https://dip.bundestag.de/vorgang/legitime-vertretung-der-sorben-wenden/28860>

comprehensive strategy, which would comprise Sorbian culture and support of the language, cannot be identified”.⁴⁷

As a result of Vogt’s expert opinion, the FSP convoked several working parties, among others on the topic „corporation under public law”. This latter working party (under direction of the German ministry of the interior, BMI) suggested two models to reorganise the political representation of the Sorbian people (see Appendix 3). The federal government promised also, that the *Council* of the FSP would discuss about the results of the working parties, and take the necessary decisions to implement the required measures. It further referred to the expected final report of the working party „corporation under public law”, the results of which were to be discussed broadly in the Sorbian public.

A broad and free discussion about the pros and cons of the two models, however, never occurred.

The first model suggests the establishment of a „corporation under public law”, associated with a democratic election by direct vote. In the corporation, all essential functions, which need to be fulfilled in the interest of the Sorbian people, should be concentrated. In the alternative model, an invigoration of the Domowina organisation as a registered association is discussed, while the major draw-back, a lack of general democratic legitimacy, and consequently weak position, is clearly mentioned.

The discussion, by which model the Sorbian people should be represented in the future, was led - thanks to the existing *de facto* control of all Sorbian media by the Domowina organisation - essentially only inside the Domowina organisation - primarily by the managing-committee (“Bundesvorstand”) – and steered by publicly paid functionaries of the organisation, who had a vital personal interest to perpetuate the situation. Finally, it was publicly tolerated, that Domowina organisation suppressed the required public discussion, in order to further ensure the dysfunctional *status quo*.

Like this, a discussion about the political representation of the Sorbian people requested by the federal government was formally led, however, principally inside the Domowina organisation, which has to be considered highly biased by the by the almost total public funding of their functionaries.

Regarding the expert opinion provided by Vogt, the inner circle of the Domowina leadership stated “that the Vogt master plan, was not worth the paper it was written on”. Reason for this

⁴⁷Vogt, Empfehlungen..., p. 1 and 5, see Appendix 2

value judgement was, that in the actual state analysis (in a first version) Vogt had substantially criticised the Domowina leadership, for which reason several Sorbian members of the *Council* of the *FSP* wished to see the analysis pulled into pieces, and tried to personally disqualify professor Vogt as a scientist, a reiterating pattern of reaction to external criticism traditionally used by the organisation. Vogt himself mentions in his master plan, that a scientific publication (precisely the actual state analysis, part I, 2008) was prevented by the Domowina leadership, to which end even the Saxonian data protection officer was involved.

Again, Vogt's analysis (see Appendix 9) was essentially largely held back from the public, and simultaneously a considerable pressure was exerted. Everyone actually willing to read the publicly funded analysis, had to personally register with the *FSP* with name and address, which dared only a few in the agitated and intimidating atmosphere purposefully created at the time. About the work on part II concept Vogt reports: "a part of the Sorbian members of the *Council* of the *FSP* systematically undermined the preparation of a comprehensive master plan [...], the goodwill of the experts was rough-handled to the extremes."⁴⁸ First and foremost the expert was resented for criticising the lacking „organisational transparency“, the „rigid demeanour of the Domowina organisation“ or the “Sorbian institutionalism”.

In contrast to the initial promises of the government, in the meantime twelve years after the results of the expert opinions and the working group on the improvement of Sorbian representation in Germany have become available, no public or official resolution has been passed. Inside the Sorbian institutions, the dysfunctional situation, analysed more than a decade before, continues unabatedly or worse, since the required reformations sanded-up.

The federal government, as well as the states of Brandenburg and Saxony get around a clear position, and consequently make any reliable planning impossible. On the other hand, public statements are contradictory, ranging from “the Sorbs have to first find a uniform position among themselves”, on the other hand government officials assert: “our dialogue partner is the Domowina organisation”. For this reason, the Domowina organisation blocks any public discussion, and have at their recent main assembly even taken a “decision for eternity”, not to discuss with members of the Sorbian parliament⁴⁹, which cannot have escaped to the attention of German official authorities.

⁴⁸Vogt, Empfehlungen..., p.27

⁴⁹

https://www.domowina.de/pressebereich/blog/d3d179c68bce390c568b15d7caa7a100/?tx_news_pi1%5Bnews%5D=1719&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail

This constellation suggests, that this antidemocratic obstructive behaviour of the Domowina organisation, at odds to any of the principles of a pluralistic representative democracy otherwise valid in Germany, is not only tolerated, but possibly also encouraged at various government levels.

Most unfortunately, the impression is nurtured, that the government – as a high-ranking German politician put it - intends to wait, until the “Sorbian question will soon resolve by itself, just by self-disintegration.”⁵⁰

With this cynical nihilism, the Sorbs are placed outside any rightfulness, for which reason there does not exist a legal handle to guarantee Sorbian life, in spite of formal constitutional warranties. The impassive extinction of a living language and an entire culture would be a dramatic example of a severe democratic deficit in one of the globally wealthiest countries, which considers itself a well-established democracy.

The Domowina organisation - Lobby of Sorbian or governmental interests?

Lobby organisations representing the interest of any societal group, irrespective of whether commercial or non-for-profit, are as a matter of principle financed by their members, in order to independently represent the interests of these members toward society and government the best possible.

In complete reversal of this principle, the Domowina roofing bond is financed by the government - via the *FSP*, fulfilling technically the role of an informal government agency, similar as during the GDR period. This explains, why the Domowina is allowed to influence and directly or indirectly control Sorbian language teaching via the WITAJ language centre, Sorbian media and journalism, dominate nomination of candidates for public Sorbian institutions, and at the same time is privileged by the government to “independently” report on the situation of the Sorbs (e.g., Saxonian report, 2019 German FCNM report).

Considering this construction, an effective, independent representation of Sorbian interests and cultural needs in the sense of the Framework convention for National Minorities, cannot be expected from the Domowina organisation.

The democratically legitimated Sorbian representation: The Serbski Sejm

The recommendations of the working party to improve the representation of the Sorbian people were never implemented, neither the establishment of a corporation under public law,

⁵⁰ Details can be inquired from the authors of this text.

nor an empowerment of the Domowina organisation, as even the “5th report of the Saxonian government on the situation of the Sorbian people” stated in 2017. “Neither Domowina organisation, nor *Foundation for the Sorbian people*, nor the *Council for Sorbian Matters* took any initiative for a reformation” since 2011. On the contrary, a political initiative to modify the so-called Sorbian law in Saxony, which might have improved the situation, was torpedoed by the Domowina organisation (see Appendix 13).

In view of the unacceptable inactivity of those responsible, namely the Sorbian functionaries, and the state government, the Sorbian democracy movement “Initiative for a democratically legitimated representation of the Sorbs” was formed in 2010. The initiative seized the suggestions and results of the above-mentioned expert opinions, and developed concepts based on multiple subsequent discussions.

The initiative was convinced, that cultural self-determination and self-administration are the keys for preservation, revitalisation and development of Sorbian identity, language and culture. Prior knowledge and ideas were reviewed, and combined with additional ideas, which were integrated in a “seven-point plan for the strengthening of the Sorbian community” (see Appendix 10). The activities of the Sorbian democracy movement resulted into in 2018 into the suggested election by direct ballot, the first free, equal and secret election of a democratically legitimated, and hence general Sorbian representation – the *Serbski Sejm*.

Of note is, that the leadership of the government-funded Domowina organisation did everything to block the elections, using intimidation, boycott appeals, and disinformation campaigns, although the Domowina associations were at all times explicitly invited to partake in the elections, to maximise participation and representativeness. Among others, the Domowina chairman contacted all member associations, and regional chapters in writing, requesting them to visit an information event about the above-mentioned elections organised by the Initiative in Crostwitz / Chrósćicy, and informing them that “the Domowina could no longer keep silent”. “All active Sorbs shall visit the event and refuse the elections”⁵¹ Further he requested everyone, to disseminate this information. In the attachment, he added a catalogue with ten questions to be asked, which were immediately answered by himself, e.g., why Sorbs cannot have a parliament, why Sorbs are not entitled to vote, why a parliament does not have more competences than a registered association, or why a parliament will lead to a schism of the Sorbian people.

⁵¹ This email is available to the authors of this text and can be provided if enquired.

The elections were conducted as absentee voting from May to November 2018. On November 3, 2018 the verification and counting of the voting documents was conducted in Nebelschütz / Njebelčicy. The election supervisor confirmed 1.282 registered voters, 908 ballot papers received, of which 828 votes were valid (see Appendix 4).

The elections and counting were supervised by eight international election supervisors, as follows: Representatives of the European party *European Free Alliance* (EFA), Marta Binka (Upper Silesia) and Dr. Cristian Kollmann (South-Tirol); politicians from the Czech Republic, Jaroslav Količek (MEP), Jaroslav Růžička (Litoměřice city councillor), Petr Brázda (Usti nad Labem regional parliament); politicians from Poland - Bogusław Wontor (former deputy of the Polish Sejm), Adam Maciąg (deputy Voivode of Opole). They unanimously described in their statement the course of the elections as exemplarily correct, especially, that all pertaining institutions, each citizen concerned had the unrestricted opportunity to partake in the elections without any hurdles.

The difference between the registered and actual voters is understandable, if the massive negative propaganda of the entire electoral procedure by the Domowina organisation, as well as the reservation of the Sorbian media strongly influenced by the Domowina are taken into consideration. For the Sorbian democracy movement, the democratic elections were an important step for the legitimacy of the *Serbski Sejm*. The election supervisors congratulated the organisers for the conduction and the elected candidates for their election with the words: “We believe that the *Serbski Sejm* will be a good and dignified representative of the Lusatian Sorbs and Wends”!

The elections for the *Serbski Sejm* demonstrate the possibility to record the Sorbian electorate and also to conduct an election according to the principles of public law. The *Serbski Sejm* is proportionally composed of 12 Lower and 12 Upper Sorbian deputies, and has functional committees, which are open for collaboration to anyone interested. Like this, the aims “internal self-determination and self-administration” are advanced. Most recently, the application for an institutional funding of two administrative positions for the *Serbski Sejm* was declined by the “*Foundation for the Sorbian people*” with the argument, that “funding of political activities was not intended by the founders of the FSP” (i.e., the Federal Republic of Germany, the state of Brandenburg, and the Free state of Saxony; see Appendix 11). As the Domowina organisation is financed in spite of its political activities, this argumentation highlights the inconsistency of governmental argumentation, and suggests that the dysfunctional, democratically deficient *status quo* is intended to be perpetuated from a government perspective.

The *Serbski Sejm* is based in its formation and its work on the free democratic basic order of the Federal Republic of Germany. The international and national reputation as a constitutional state is at stake, should Germany continue to refuse to negotiate with the democratically legitimated representation of the Sorbian people the framework for the effective implementation of the constitutional guarantees given to our nation.

All activities and resolutions of the Serbski Sejm are transparent and can be studied on the public online database⁵².

⁵² <https://dokumenty.serbskisejm.de>

Appendices

Appendix 1

“Program for the democratic self-determination of the Sorbian/Wendish people”, published 02-Jun-2021, available at: <https://mrok.serbskisejm.de/index.php/s/b2pcYaFGrRxSpzR>

"Taking up and further developing the ideas of the working group "K.ö.R." from 2011, led by the Federal Ministry of the Interior, the Serbski Sejm demands the following

Program for the democratic self-determination of the Sorbian/Wendish people

- 1.The Sorbian/Wendish people acquire collective legal personality through the creation of a public-law corporation.
- 2.The Sorbian/Wendish people organise their affairs in democratic self-determination and self-administration (personal autonomy) by means of a representative parliament resulting from direct, free, equal and secret elections and the executive appointed by it.
- 3.The previous Foundation for the Sorbian People becomes part of the executive of the corporation as a financial administration.
- 4.The German state shall provide the corporation with adequate financial resources for self-administration from the general tax revenue.
- 5.The Sorbian/Wendish languages have equal status to the German language in the Sorbian/Wendish settlement area and are accessible to the entire population.
- 6.The Sorbian/Wendish people are granted extensive rights of consultation, co-determination and veto in state decision-making processes.
- 7.The Sorbian/Wendish people shall be granted the right to take legal action (Actio popularis) in an appropriate manner.
- 8.The planning of the school network for the Sorbian/Wendish schools as well as the distribution of teachers for Sorbian/Wendish education shall be placed in the hands of the corporation.
- 9.The corporation becomes the public service provider of educational institutions at all levels, as well as charitable and social institutions. It shall operate its own school transport.
- 10.Sorbian/Wendish public radio and TV stations as well as online programmes will provide a comprehensive and modern media supply.
- 11.The details are regulated in a state treaty with the Federal Republic of Germany, the State of Brandenburg and the Free State of Saxony.”

Appendix 2

Matthias Theodor Vogt and Vladimir Kreck: “Empfehlungen zur Stärkung der sorbischen Minderheit durch Schaffung eines abgestimmten Selbstverwaltungs-, Kooperations-, Projekt- und Institutionenclusters.” [recommendations to an empowerment of the Sorbian minority by creation of a harmonised cluster of self-administration, cooperation, projects and institutions.]

[in German]

The report was ordered by the “Foundation for the Sorbian People” (Stiftung für das sorbische Volk), and was provided by the “Institut für kulturelle Infrastruktur Sachsen” (Institute of cultural infrastructure Saxony) on 15-Oct-2009.

It can be downloaded from <https://mrok.serbskisejm.de/index.php/s/397bo2CeMQJbR6m>

Appendix 3

“Endbericht der Arbeitsgruppe „Körperschaft des öffentlichen Rechts“” (Final report of the working group “statuary body”).

[in German]

This report was created under direction of the German ministry of the interior, BMI. It can be downloaded at <https://mrok.serbskisejm.de/index.php/s/w3qR3mtN7SKBbgJ>

Appendix 4

Elections of the first representative parliament of Sorbian people: Serbski Sejm 2018; Summary report of the election’s process

[in English]

The report was compiled by the election administrator and is available at <https://mrok.serbskisejm.de/index.php/s/FmEb9CJtqPNMoQn>

Appendix 5

Council of Europe, Framework Convention for the Protection of National Minorities, 5th report of Germany received on 31 January 2019, available in

- English (<https://rm.coe.int/5th-state-report-germany-english-language-version/16809232ba>)
- and German (<https://rm.coe.int/5th-state-report-germany-german-language-version/16809232bc>)

Appendix 6

“Bericht der Beauftragten für sorbische/wendische Angelegenheiten der Stadt Cottbus/Chóšebuz” (report of the commissary for Sorbian affairs of the city of Cottbus/Chóšebuz).

[in German]

Presented on 25-Oct-2017, available at

<https://mrok.serbskisejm.de/index.php/s/H9bbPfHskt4J8nn>

Appendix 7

Abschlussbericht zur WITAJ-Evaluation (final report on the evaluation of WITAJ)

[in German]

Published by the Institute of Sorbian Studies at the University of Leipzig, online 06-Dec-2018, available at <https://sorb.philol.uni-leipzig.de/start/aktuelles/details/news-id/6695/>

Appendix 8

“Sorben im Fernsehen. Diskursanalytische Betrachtung von deutschsprachigen, öffentlich-rechtlichen Fernsehsendungen zu den Sorben unter Bezugnahme auf Produktionskontexte und ihre Korrelationen zu sorbischen Selbst- und Fremdwahrnehmungen.” (Sorbs in television. Discourse analysis of German-language, public TV broadcast about Sorbs under

reference to the context of their production, and their correlation to Sorbian self- and foreign perception)

[in German]

Dissertation at the University of Freiburg, available at <https://freidok.uni-freiburg.de/pers/256007>

Appendix 9

Matthias Theodor Vogt and Vladimir Kreck: “Gesamtkonzept zur Förderung der sorbischen Sprache und Kultur; Teil I: Ist-Analyse der von der Stiftung für das sorbische Volk geförderten Einrichtungen.” [an actual state analysis of the institutions funded by the FSP]

[in German]

The report was ordered by the “Foundation for the Sorbian People” (Stiftung für das sorbische Volk), and was provided by the “Institut für kulturelle Infrastruktur Sachsen” (Institute of cultural infrastructure Saxony) on 29-May-2009.

It can be downloaded from <https://mrok.serbskisejm.de/index.php/s/4ycbFZt9xkP9mF7>

Appendix 10

Flyer containing the 7-bullet-program of the initiative for the Serbski Sejm.

[in German]

<https://mrok.serbskisejm.de/index.php/s/iC5pkDWM46fHkjT>

Appendix 11

Letter of rejection to the request of institutional funding of the Serbski Sejm, issued by the FSP on 10-Jun-2021.

[in Upper Sorbian]

<https://mrok.serbskisejm.de/index.php/s/PaFCSm2DQi7gqcZ>

Appendix 12

Petition to the EP for the Preservation of the Settlement area of the Nation of the Lusatian Sorbs/Wends, 07-Jul-2015.

[in German]

<https://mrok.serbskisejm.de/index.php/s/edGpMdsRSk8Cra4>

Appendix 13

Letter from the chairman of the Domowina organisation, Dawid Statnik, to the president of the Saxonian state parliament, .Dr. Matthias Rößler, dated 27-Jun-2014; stating that the Domowina organisation is against a reform of the current “Sorbian law”.

[in German]

<https://mrok.serbskisejm.de/index.php/s/GRN7pXBQf6sifEZ>