

Towards a minority-adjust Cultural Impact Assessment in Germany

Conference Paper

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Introduction and research context

In 2009, Kupferschiefer Lausitz GmbH planned to construct a copper mine in the settlement area of Sorbs, an autochthonous Slavic minority in Germany, between the small cities of Spremberg/Grodsk and Schleife/Slěpo.¹ In 2023, the related spacial planning procedure was resumed. As a part of that, local stakeholders – such as the DOMOWINA as the Sorbian umbrella organisation and the main point of contact – were invited to inspect the relevant documents and submit their comments. This was the first time within German mining or spacial planning, that a cultural impact assessment (CIA) was requested (Domowina, 2023).

With those developments in view, the following paper merely marks a starting point for CIA research in Germany, which is still lacking within the frameworks of spatial and/or regional planning. Germany has four legally acknowledged minorities, each influenced by planning processes in specific ways. Therefore, CIA can be utilized as a tool for a Just Transformation. To explore its potentials and challenges, we will keep our focus on the example of Lusatia/Łužyca, which is also one of the three main German lignite mining regions (next to the Rhenish and the Central German mining districts). For the last about 160 years, mining in Lusatia/Łužyca took mainly place within the historically grown and now legally institutionalised Sorbian settlement area.

Despite the German federal government's decision in 2019 to phase-out lignite mining, economic and political actions aim at maintaining it the region's role as an energy hub. Economic and political actors are actively pursuing this goal by intensifying the expansion of renewable energies in post-mining areas, preparing the existing energy network for the production and usage of "green" hydrogen, and investing in the establishment of companies in the field of energy storage. These actions are imperative to ensure the region's continued contribution to the energy sector (Matern et al., 2023). A total of 40 billion euros have been earmarked to support all lignite mining regions, with 17,2 billion reserved for Lusatia/Łužyca.² As Zeissig et. al. (2023) and Schuster et. al. (2023) have shown recently, the distribution of these financial resources is not yet matching procedural or distributional justice as two of the three (resp. four) pillars of energy justice (Jenkins et al., 2016).

These developments raise the question, what kind of understanding of justice is needed to achieve a Just Transformation from fossil to post-fossil energy production. Since the transformation process in our region

¹ Following Sarah McMonagle (2020), the term autochthony, or more precisely, autochthonous minorities, refers to the "long-established" inhabitants of an area who were minoritised by processes of colonialism and/or standardization processes in the course of the emergence of nation states in the 19th century. Autochthonous minorities use criteria such as their own languages, cultural practices and a shared sense of belonging for collective identification as a separate community, but do not represent the majority in the state in which they live. This applies to the Sorbs living in Germany. To stress out this aspect, all place names within the settlement area are written both in German and Sorbian as well.

² Structural Strengthening Act for Coal Regions ("Strukturstärkungsgesetz"), August 8, 2020. See also: <https://medienservice.sachsen.de/medien/news/1048202>.

of interest is mostly based on fundamental changes within its energy sector and is also contextualised within a historically grown, complex relationship between industry and minority, the ultimate goal of CIA for Lusatian contexts should combine energy justice (McCauley et al., 2013) and restorative justice (Johnstone & Ness, 2013) to enable a Just Transformation about Sorbian interests, resp. minority rights. As Heffron and McCauley (2017, p. 660) write: "Restorative justice aims to repair the harm done to people [...] and also [defines] what injustices society should give attention to in the first place." This aim can easily be applied to the situation in Lusatia/Łužyca: Until today, 137 Lusatian villages have been devastated for lignite mining, with Neu-Laubusch/Nowy Lubań being the first one in 1924 and Mühlrose/Miřoraz being the last one in 2023/2024. In 96 of them, 50 up to 100 percent spoke Sorbian in the 19th century (Muka, 2019). In many of them, the Sorbian languages and/or cultural practices were carried out until the devastation, but in less they "survived" the resettlement. First ethnologic, sociologic, and historical studies on single villages or subregions were already carried out to reflect on the impacts of mining (Elle & Mai, 1996; Förster, 1998; F. Jacobs, 2020; Ratajczak, 2004; Tschernokoshewa et al., 2011), yet due to their differing disciplinary approaches and the spacial limits we are not yet able to create a big picture. Of course, local sources are hinting on the development of Sorbian cultural practices (communication in local press, chronicles, club registers and so on), but ultimately, a systematic approach is still needed.

To support and accompany Sorbian stakeholders within the current transformation process, the Sorbian Institute / Serbski institut founded a new department for regional development and minority protection in 2022. The department itself is founded with resources of the Structural Strengthening Act for Coal Regions ("Strukturstärkungsgesetz") and is a direct result of the Institute's continuous engagement within the these processes since 2018. In our work within the department, we combine research within the field of social, political, and cultural studies to support the revitalization of one of the two main Sorbian languages, the Lower Sorbian, as well as the valorisation of Sorbian culture within the local economy and politics.

As a part of that, we aim to develop an adapted concept for a minority-adjust CIA (MACIA) that enables us to measure the impact mining already had on Sorbian culture on the one hand, and that can be used, on the other hand, as a tool to strengthen minority protection within current and upcoming planning processes. Before we discuss this in the third section of the paper, the following section will summarise main aspects of mining planning, minority rights and IA within the region.

Legal framework

Three main aspects form and influence the legal framework of our research, each on the national and regional level: (1) mining planning, (2) minority rights, and (3) impact assessment. Each of these topics is highly complex and can only be mentioned shortly at this point. In addition to the broader historical developments such as industrialization and the emergence of nationalisms during the "long 19th century" (Hobsbawm, 2017), a crucial factor for the compensation mechanisms, as well as the scope for action and organization of those affected, was the respective mining laws of the Weimar Republic, the German Democratic Republic (until 1989), and the Federal Republic of Germany (Berkner & Gesprächskreis Braunkohlenplanung, 2000; Förster, 2014; F. Jacobs, 2020; Kotsch, 2000; Otto & Pinkepank, 2022; Reichenbacher & Sedmak, 2008).

The legal framework for minority rights in Lusatia/Łužyca are, on a national level, the [Framework Convention for the Protection of National Minorities](#) (FCNM), 1998 and the [European Charter for Regional or Minority Languages](#) (Language Charter) from 1999, each adapted at federal states level in Saxony and Brandenburg (Elle, 2004, 2005). Germany also ratified the [International Labour Organisation's Indigenous and Tribal Peoples Convention](#) from 1989 in 2021, but did not acknowledge Sorbs as Indigenous Peoples,

since they are not matching the ILO's definition of indigeneity (Deutscher Bundestag (Wissenschaftliche Dienste), 2020). This also calls for a context-based adaptation of current CIA practices (Piňosová, 2022).

As mentioned, regional and/or mining planning in Germany does not yet provide for a CIA, but for an EIA and SEA based on a definition of protected assets and the methodology for measuring the potential impact of regional planning projects on these protected assets (Weiland, 2010).

Guidelines for MACIA in Lusatia/Łużyca

Our concept for MACIA stems from an analytical comparison of guidelines and best practices in all kinds of IA: EIA, as it is the most established form of IA within German contexts and therefore provides decades of practical experiences (Senécal et al., 1999). Together with SIA (Mancini & Sala, 2018; The Interorganizational Committee on Guidelines and Principles for Social Impact Assessment, 1994), those are the two forms of IA in which questions of minority rights are negotiated in international contexts if there is no separate CIA. This is, for example, the case in Swedish or Norwegian settlement areas of the Sami (Larsen, 2018). In human rights impact assessment (HRIA), the European approach of minority rights is well implemented. Also, methods and guidelines for HRIA aim for a special sensibility towards vulnerable groups and an intense self-reflection of practitioners (Götzmann, 2019; The Danish Institute for Human Rights, 2020). All these aspects aim to minimise negative impacts of the assessment itself and to maximise positive outcomes for already minoritised groups, which serves our goal of a Just Transformation.

As Partal & Dunphy (2016) pointed out in their systematic literature review, specific CIA is gaining in importance, yet, methods and definitions, such as "culture", remain often unclear. Nevertheless, CIA concepts are developed and carried out in indigenous or minoritised contexts – and, more importantly, in exchange with the affected groups – much more often than other forms of IA (Mackenzie Valley Review Board, 2009; Secretariat of the Convention on Biological Diversity, 2004; Watson et al., 2023). This makes CIA especially fruitful for a suiting concept for Lusatia/Łużyca. In terms of the process, this also leads to a specifically high focus on participatory possibilities, fairness, and neutrality. In terms of the content, CIAs tend to highlight the value of (traditional) knowledge and the conditions of its maintenance, as well as rights on or access to land (Croal & Tetreault, 2012; Watson et al., 2023).

Our understanding of a CIA can be summarised as a process of assessing the likely impact of a proposed development on the way of life of a particular group or community of minoritized people, with the full involvement of that group and possibly carried out by that group. It generally addresses the positive and negative impacts of a proposed development that may affect, for example, people's values, belief systems, customs, and traditions. Its goal is to minimize negative effects, to prepare the community for the planned change and to ensure that the project fits into existing structures. Ultimately, MACIA should serve the self-empowerment of the affected groups in the way they define it themselves. To do so, the involved industrial and political stakeholders provide financial and/or other resources to ensure these goals.

In addition to the general principles of good evaluation – usefulness, practicability, fairness, and accuracy (DeGEval – Gesellschaft für Evaluation e.V., 2016) –, MACIA is based on the following six principles adapted from existing CIA guidelines (such as: Porou, 2008; Secretariat of the Convention on Biological Diversity, 2004):

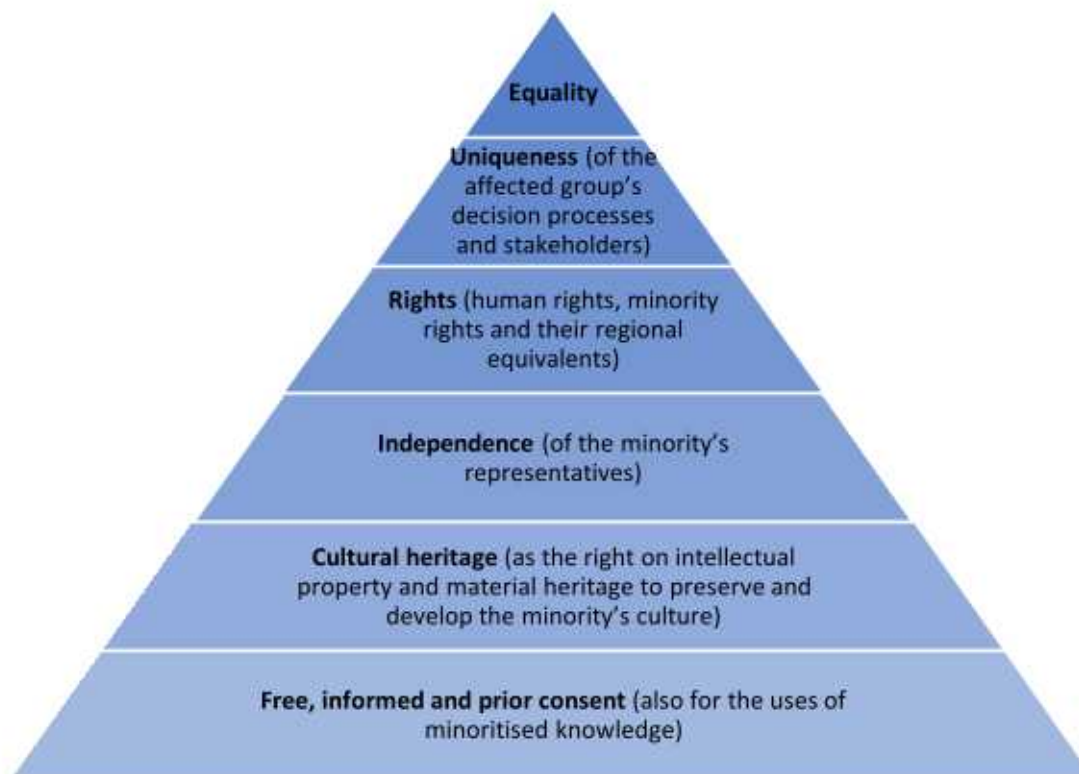


Figure 1: Six guidelines for MACIA.

Steps and methods

But how to measure impacts on minority culture? First of all, if we consider “culture” as a practice of ascribing meaning and of wrestling with the validity of shared interpretations (Hall, 2013), then culture enables and conditions how people interpret their world. In this sense, culture is a resource to understand and implement certain practices in a certain way – speaking a language, for example (Laschewski, 2023). For a minoritised group such as the Sorbs, the mitigation of negative impacts on their culture becomes especially crucial. Measuring culture here, means measuring socio-cultural interactions – both quantitatively and qualitatively.

To do so, MACIA follows the basic structure of general IA, with specifications within the following steps or research fields:

Table 1: General steps of MACIA and their specifications.

screening	<ul style="list-style-type: none"> ▪ Establishing an advisory board consisting of 50 % local Sorbian stakeholders and public institutions ▪ Terms of reference formulated by advisory board ▪ Identification of possible conflicts of interest and ethic questions ▪ Agreement on suiting form for knowledge transfer
description of the planned project and its alternatives	<ul style="list-style-type: none"> ▪ conditions of the current environmental and regional planning ▪ use of language or working language of the employer ▪ involvement of the affected community ▪ Cultural sensibility of the employer³
baseline-study analysing the initial situation	<ul style="list-style-type: none"> ▪ customs and traditions as well as other commemorative culture in the surrounding area ▪ Associations ▪ Informal community structures and events ▪ Personnel continuities/discontinuities ▪ Conventional land use ▪ Field names, street names, place names ▪ sites used for socio-cultural activities / land utilisation ▪ Building methods ▪ Language use ▪ linguistic landscape ▪ Local actors in the Sorbian cultural sector (economics, leisure) ▪ Historical context ▪ Political and social structures ▪ Conditions of the respective environmental and regional planning ▪ Education, school system and teaching practices
scoping-phase with the central assessment of identified impacts	No specifications
report	No specifications
decision-making based on the IA	No specifications
follow-up to ensure the realization of the IA results	<ul style="list-style-type: none"> ▪ Meta-evaluation via matching with terms of reference ▪ Evaluation through

One of the challenges of MACIA is the definition of affected areas, respective, the research field. Within the framework of so-called “complex research” (Komplexforschung), there have already been initial approaches to this at the Sorbian Institute / Serbski institut, which, however, need to be continued and adapted (T. Jacobs, 2015; T. Jacobs & Keller, 2020). With an additional view to the general globalisation and de-spatialisation of the working and social world, we come back to our understanding of culture: If culture is defined as shared practices based on shared knowledge, and we want to understand industrial effects on culture, the area of research for MACIA is defined by the physical placing, networks and movement of the practitioners of this culture – the effected “community of practice” (COFP) (Wenger et al., 2002). MACIA should therefore include all areas, where the COFP works: places of residence, work places, and locations of clubs or other collective activities such as traditional and memorial sites.

³ E.g.: Are customers allowed to take days off for (traditional) cultural practices? Are there concepts or positions intended for representatives/contact persons in the context of social justice and cultural diversity (e.g. multilingualism coordinators, or specifically minority representatives)?

Since MACIA is not yet realized in Lusatia/Łużyca, suiting methods for assessing culture still must be adapted and tried out. In existing CIA within minoritised or indigenous contexts, the following methods were carried out:

- Oral history
- Focus group interviews
- Statistical analysis
- Surveys
- Field research (site visits)
- Expert interviews
- Consultation with the community's own administrative and decision-making structures

Assessment scholars such as Hanna et al. (2016) have already stressed out the importance of cultural aspects and ethnographic fieldwork for IA, especially in indigenous or minoritized contexts. Building on that and from our current point of view, we suggest the following additions: literature analysis and archival research to trace down continuities and discontinuities within cultural practices and ethnographical photography as well as videography to record interdependences between practices and places.

Also, if MACIA will be carried out in an area affected by lignite mining, and since lignite mining already took place in Lusatia/Łużyca for so long, MACIA here should also combine sociological, anthropological, and historical approaches, such as historical comparison (Haupt & Kocka, 2009), case studies, and the general intersection of different layers of comparison: before, during, and after mining, within the changing political contexts before as well as after the Inner-German Reunification.

Indicators for minority culture and industrial effects – an outlook

There are a couple of methodological challenges that are related to the time scale of the developments and the retrospective nature of our assessment. For instance, about language loss, we lack reliable historical data. The same applies to cultural data. The process of language loss is usually multi-generational. While in historical terms it can take place rather rapidly within just a few decades. However, such durations go far beyond the time horizon of conventional impact assessments. Therefore, a long-term monitoring approach is required.

A further issue is the separation of the effects of mining from other social causes that contribute to language loss and cultural assimilation, such as political pressure and immigration, since, at least in lower Lusatia, mining has transformed the landscape and the whole settlement structure of the region. Thus, a separation of mining/non-mining is not so clear-cut.

A useful adaptation of further concepts such as indigenous-led impact assessment (Hanna et al., 2022; Nishima-Miller et al., 2024) also marks a challenge, since those concepts and their implementations are based on highly specific livelihoods of indigenous peoples, which are only to a certain degree comparable with the situation of the Sorbs – legal frameworks even aside. Sorbian economy, e.g., does not differ from German economy. To frame the Sorbian-German relationship with colonialism would be historically highly debatable, due to the complex developments throughout the centuries. Nevertheless, those developments lead to a highly minoritized position of Sorbian cultural practices and self-understandings, which ultimately calls for tools of civic participation, such as MACIA.

Furthermore, the ultimate goal of a Just Transformation in minority-based regions is not only (restorative) justice itself or the fulfilment of legal framework conditions, but to ensure a good way of living (Acosta Espinosa, 2008) for every inhabitant of the region, regardless of their ethnic belonging. We therefore suggest, that the compilation of indicators for a MACIA should combine the focus on minority-specifics –

in general (Biagini et al., 2015), as well as within the region (Häfner & Schürmann, forthcoming) – with a focus on future-orientated and sustainable well-being within this region (Laschewski et al., 2020). Those include indicators in the field of work, education, income and living, digitalisation, health and care, mobility, culture, language, community and participation, demography, environment, and climate protection as well as perspectives within regional development (for a complete list of indicators, see table 2 in annex).

By combining and adapting both approaches, MACIA can play a significant role in achieving a fair and equitable transformation within Lusatia/Łużyca. However, the specific steps needed for its implementation are still to be determined. While the spatial planning procedures for copper mining in Brandenburg and Saxony have come to an end without a positive decision for the company KSL in March 2024, it is only one example of the current and future industrial settlements in the region that will influence the socio-cultural structures of Lusatia/Łużyca.

Annex

Table 2: Indicators for the Good Living in Lusatia/Łużyca (Laschewski et al., 2020) and for assessing the implementation of Sorbian interests within the region's transformation process (Häfner & Schürmann, forthcoming), combined. Translation by the authors.

Indicator categories	Indicators
1. Work	<ul style="list-style-type: none"> ▪ Unemployment rate ▪ Satisfaction with own work ▪ Median gross monthly salary of full-time employees subject to social security contributions ▪ Poverty risk rate of employed persons ▪ Desired, agreed, and actual working hours ▪ Entrepreneurship indicator(s)
2. Education	<ul style="list-style-type: none"> ▪ Proportion of pupils with a school-leaving certificate ▪ Early school leaver rate: proportion of pupils without a school-leaving certificate ▪ Proportion of highly qualified people ▪ Number of students/inhabitants ▪ Childcare rate for small children
3. income and living	<ul style="list-style-type: none"> ▪ Disposable income per inhabitant ▪ At-risk-of-poverty rate ▪ Proportion of households suffering from (significant) material deprivation ▪ Satisfaction with own housing situation
4. digitalisation	<ul style="list-style-type: none"> ▪ Broadband connection ▪ Online contacts with authorities ▪ Use of online courses for further training ▪ Employees in the ICT sector
5. health and care	<ul style="list-style-type: none"> ▪ Healthy Life Years ▪ Number of inhabitants per GP ▪ Travelling time to the GP ▪ Accessibility with the ambulance service ▪ Care rate ▪ Emissions of air pollutants (index of 5 parameters)
6. mobility	<ul style="list-style-type: none"> ▪ Modal split of public transport ▪ Distance to public transport stop

	<ul style="list-style-type: none"> ▪ Population potential reachable within 45 minutes by public transport or car ▪ Functional areas: Number of cities reachable within 1, 2.5 or 5 hours by car and public transport ▪ Commuting time or commuting distance ▪ E-cars per charging station ▪ "Equal access": travelling time to the nearest school facility
7. culture	<ul style="list-style-type: none"> ▪ Persons employed in the cultural and creative industries ▪ Public expenditure for cultural policy measures ▪ Density of cultural institutions and events ▪ Surveys on external and self-perception ▪ Number of pupils learning Sorbian ▪ Members of the Domowina ▪ Sorbian/Wendish cultural events ▪ Project applications Foundation for the Sorbian people ▪ Perception of discrimination ▪ Number of publications at the Sorbian Institute ▪ Members of the Mašica a Mašica Serbska (Sorbian Research Association) ▪ Social media (number of channels) ▪ Media lendings of the Lower Sorbian library ▪ Access to Sorbian radio programmes online ▪ Edition of Sorbian Newspapers ▪ Members of the Sorbian Cultural Tourism Association (SKT) + Sorbian Craftsmen's Association ▪ Proportional economic performance in tourism ▪ Employees in Sorbian cultural institutions ▪ Number of Sorbian (short) films ▪ Visitors to museums with Sorbian focus
8. Language	<ul style="list-style-type: none"> ▪ Transitions to secondary schools after the 6th grade ▪ Use of online translations ▪ Language certificates A1+A2 ▪ Kindergartens participating in the Witaj programme ▪ Participants in online language courses in the Sorbian/Wendish language ▪ Participants in VHS courses for the acquisition of the Sorbian/Wendish language ▪ Proportion of the population who speak Sorbian on a daily basis ▪ Percentage of the population who understand/speak Sorbian/Wendish ▪ Use of online translations ▪ Participants in Wendish church services
9. participation	<ul style="list-style-type: none"> ▪ Engagement rate (only through survey) ▪ Acceptance of diversity (survey only) ▪ Tax revenue of the municipality ▪ Pay gap between women and men ▪ Proportion of barrier-free railway stations (including infrastructure facilities) ▪ Participation in elections Council for Sorbian/Wendish Affairs ▪ Sorbian-speaking employees in public administration ▪ Sorbian/Wendish minority statutes ▪ Specific committees/boards/advisory boards for Sorbian/Wendish affairs
10. demography	<ul style="list-style-type: none"> ▪ Total population ▪ Old-age dependency ratio (population aged 65 and over in relation to the population aged 15-64) ▪ Net migration ▪ Gender ratio

	<ul style="list-style-type: none"> ▪ Fertility rate / birth rate
11. environment & climate protection	<ul style="list-style-type: none"> ▪ Resource efficiency / total raw material productivity ▪ Emissions of greenhouse gases (in CO2 equivalents) ▪ Valuable cultural and natural landscapes: Total number and area ▪ Sustainability indicator for biodiversity and landscape quality ▪ Lusatia's natural capital - shares of the respective ecosystems in per cent (and later option of calculating "natural capital" in monetary terms)
12. perspectives within regional development	<ul style="list-style-type: none"> ▪ Number of services of general interest accessible within a certain travelling time ▪ Facilities of general interest available locally ▪ Commuter balance ▪ Employees in tourism ▪ Number of farms with direct marketing ▪ Organic farming

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