Chapter Eleven

Working with the Committee of Experts on Issues relating to the Protection of National Minorities

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I. The History of the DH-MIN

A cat has—depending on the culture—seven or nine lives. The Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) has already had three.

In the extraordinary system of the Council of Europe (CoE), with its mixture of French and English, the DH-MIN is a committee of experts on issues relating to the protection of national minorities under the Steering Committee for Human Rights (CDDH).¹

A. The Three DH-MIN

The first DH-MIN appears in the 32nd and 33rd CDDH Meeting Reports (May and October 1992),² in which it says that the CDDH took note of the ad hoc Terms

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¹ “The CDDH’s principal role, under the auspices of the Committee of Ministers, is to set up standards jointly accepted by the 47 member states with the aim of developing and promoting human rights in Europe and improving the effectiveness of the control mechanism established by the European Convention on Human Rights”. See <http://www.coe.int/t/dghl/standardsetting/cddh/default_en.asp>.

of Reference that the Committee of Ministers (CM) had assigned to it by Decision CM/535/210592 of 20 May 1992 relating to the protection of national minorities. The following meetings were foreseen: one meeting and one working party in 1992 and two meetings in 1993. The meetings took place in November 1992, March 1993 and June/July 1993. A final Report was presented to the CDDH.\(^3\) At its first meeting the DH-MIN created a working party, which met twice: once in January and once in April 1993.\(^4\)

The second life of the DH-MIN began with the CM Decision of December 1997 on the Specific Terms of Reference for a DH-MIN.\(^5\) Regarding the “life expectancy” of this Committee, it was mentioned that its Terms of Reference were to be reviewed before the end of 1999, so the Committee was expected to work for longer than that. This DH-MIN convened three times: in March 1998, in October 1998 and in March 1999. In August 1999 the Chairperson of the DH-MIN was informed by mail that the Ministers’ Deputies had agreed to postpone the fourth meeting, which had been scheduled for October 1999. With that, the activities of (this) DH-MIN faded out. This (second) DH-MIN had a “Working Group on Dispersed Ethnic Minorities (DH-MIN GT-DEM)”, which published three papers.\(^6\)

It became apparent that quite a number of CoE Member States were not content with closing down the DH-MIN. Germany even described that feeling in its second State Report to the FCNM:

> Germany once more suggests that the DH-MIN [Committee of Experts, Minorities], a body set up to deal with minority law issues, which—regrettably—has not been convened in the past few years, should discuss this matter in depth; it would be appropriate and expedient to have the Advisory Committee on the Framework Convention (ACFC)

30 October 1992; nearly all documents published in connection with the work of the DH-MIN and related bodies are to be found on the website of the FCNM under the subtitle “Resources (Archives)” at <http://www.coe.int/t/dghl/monitoring/minorities/6_Resourc-es/DocumentaryResources_en.asp> (in that collection formerly restricted documents are declassified).

\(^3\) DH-MIN, Report to the CDDH, DH-MIN(93)4, dated 28 July 1993.

\(^4\) Ibid.

\(^5\) DH-MIN, Specific Terms of Reference, DH-MIN(98)1, dated 29 January 1998.