

Switzerland's statement on Item II

Mr. Patrick Thornberry this morning reminded us that the 1992 Declaration obviously extends the scope of the legally binding Article 27 ICCPR since it adds another category of minority namely, national minorities to ethnic, religious or linguistic minorities. Now, what is a national minority?

First question: Must a person have the nationality of the state that he or she usually and legally resides to belong to a national minority?

Second question: Is minority established on the territory of a home state but whose members have a national origin of another state a national minority?

Third question: Can a minority – established in one or more home states, but whose members don't belong to a kin state still be called a national minority? Provided its members demonstrate only implicitly a sense of collective solidarity directed towards preserving the culture, tradition, religion or language. In other words, if they share a feeling that they belong to the same nation.

I would like you to give answers to these three questions.

Now, I would also like to say something on the issue of the collective existence and the identity of a minority, an issue also addressed this morning by Mr. Asbjorn Eide. In our opinion the first article of the 1992 Declaration is a very fundamental one on this issue since it does - at least indirectly – recognise the existence of a minority as such, and thus the collective identity of its members. In this context the declaration also sanctions in fact the so called self-identification principle, in other words, the right to choose to belong or not to belong to a minority. And this means that the state cannot impose a particular identity on a given person by using negative sanctions against those who want or do not want to be a part of that group.

Thank you Madam Chair.