



242.512.0 – GEN 3/14

Notification to the Governments of the States parties to the Geneva Conventions of 12 August 1949 for the Protection of War Victims

CONVENTIONS

I. Communication by the United States of America

On 16 May 2014, the Swiss Federal Council received from the United States of America the following communication (original English version):

*«The Embassy of the United States of America [...] refers to the Federal Department's notification [...] dated April 10, 2014 [...] regarding the purported accession of the 'State of Palestine' to the following multilateral treaties for which the Swiss Federal Council is depositary:
Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field of August 12, 1949;
Geneva Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of August 12, 1949;
Geneva Convention relative to the treatment of prisoners of war of August 12, 1949;
Geneva Convention relative to the protection of civilian persons in time of war of August 12, 1949.*

The Government of the United States of America does not believe the 'State of Palestine' qualifies as a sovereign State and does not recognize it as such. Accession to the said treaties is limited to sovereign States. Therefore, the Government of the United States of America believes that the 'State of Palestine' is not qualified to accede to the said treaties and affirms that it will not consider itself to be in a treaty relationship with the 'State of Palestine' under the said treaties.»

II. Communication by the State of Israel

On 16 May 2014, the Swiss Federal Council received from the State of Israel the following communication (original English version):

«The Embassy of Israel [...] refers to the communication [...] dated 10 April 2014, regarding the Palestinian request to accede to the [four Geneva Conventions of 12 August 1949 for the Protection of War Victims]. 'Palestine' does not satisfy the criteria for statehood under international law and lacks the legal capacity to join the aforesaid conventions both under general international law and the terms of bilateral Israeli-Palestinian agreements. The Government of Israel does not recognize 'Palestine' as a State, and wishes to place on record, for the sake of clarity, its position that it does not consider 'Palestine' a party to the Conventions and regards the Palestinian request for accession as being without legal validity and without effect upon Israel's treaty relations under the Conventions.»

CONVENTIONS AND ADDITIONAL PROTOCOL I

III. Communication by Canada

On 16 May 2014, the Swiss Federal Council received from Canada the following communication (original English version):

«The Embassy of Canada [...] has the honour to refer to the [...] Swiss Federal Council's communication of 10 April 2014 [...] relating to the Conventions and Protocol I. The Embassy of Canada notes that this communication was made pursuant to the Swiss Federal Council's capacity as depositary for the Geneva Conventions and Protocol I. The Embassy of Canada notes the technical and administrative role of the depositary, and that it is for states party to a treaty, not the depositary, to make their own determination with respect to any legal issues raised by instruments circulated by a depositary. In that context, the Embassy of Canada notes that 'Palestine' does not meet the criteria of a state under international law and is not recognized by Canada as a state. Therefore, in order to avoid confusion, the Embassy of Canada wishes to note its position that, in the context of the purported Palestinian accession to the Conventions and Protocol I, 'Palestine' is not able to accede to the Conventions and Protocol I and that the Conventions and Protocol I do not enter into force or have an effect on Canada's treaty relations, with respect to the 'State of Palestine'.»

ADDITIONAL PROTOCOL I

IV. Declaration by the Federation of Saint Kitts and Nevis

On 17 April 2014, the Federation of Saint Kitts and Nevis deposited with the Swiss Federal Council the following declaration (original English version):

«The Government of the Federation of St Kitts and Nevis declares that it recognises ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party, as authorised by Article 90 of Protocol I Additional to the Geneva Conventions of 1949».

ADDITIONAL PROTOCOL III

V. Ratification by the Portuguese Republic

On 22 April 2014, the Portuguese Republic deposited with the Swiss Federal Council its instrument of accession to the Protocol III.

Pursuant to its Article 11, paragraph 2, the Protocol will enter into force for the Portuguese Republic six months after the deposit of the instrument, i.e. on 22 October 2014.

The Swiss Federal Council makes the present notification in its capacity as depositary (www.eda.admin.ch/depositary) of the Geneva Conventions and Additional Protocols.

Berne, 21 May 2014

