



242.512.0 – GEN 2/15

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

ADDITIONAL PROTOCOLS II and III

I. Communication by Canada

On 21 January 2015, the Swiss Federal Council received from Canada the following communication (original French version):

«L'Ambassade du Canada [...] a l'honneur de se référer [...] à la communication du Conseil fédéral suisse du 9 janvier 2015 [...] concernant le Protocole II et le Protocole III. L'Ambassade du Canada constate que cette communication a été faite par le Conseil fédéral suisse en sa qualité de dépositaire du Protocole II et du Protocole III. L'Ambassade du Canada tient à noter que le dépositaire joue un rôle de nature technique et administrative, et qu'il appartient aux États parties à un traité, et non au dépositaire, de se prononcer sur toute question de droit rattachée aux instruments diffusés par le dépositaire. Dans ce contexte, l'Ambassade du Canada note que la "Palestine" ne remplit pas les critères voulus pour être considérée comme un État en droit international et n'est donc pas reconnue comme tel par le Canada. Par conséquent, pour éviter toute ambiguïté, l'Ambassade du Canada tient à énoncer sa position selon laquelle la "Palestine" n'a pas qualité pour adhérer au Protocole II et au Protocole III, de sorte que sa prétendue adhésion à ces Protocoles n'a aucune valeur juridique ni aucune incidence sur les relations conventionnelles du Canada avec l'"État de Palestine".»

ADDITIONAL PROTOCOL III

II. Communication by the State of Israel

On 16 January 2015, the Swiss Federal Council received from the State of Israel the following communication (original English version):

«The Embassy of Israel [...] refers to the communication by the depositary dated 9 January 2015, regarding the Palestinian request to accede to [Protocol III]. 'Palestine' does not satisfy the criteria for statehood under international law and lacks the legal capacity to join the aforesaid convention 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 Protocol and regards the Palestinian request for accession as being without legal validity and without effect upon Israel's treaty relations under the Protocol.»

III. Communication by the United States of America

On 21 January 2015, 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 January 9, 2015, regarding the purported accession of the 'State of Palestine' to [Protocol III] for which the Swiss Federal Council is depositary. 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 Protocol III 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 Protocol III and affirms that it will not consider itself to be in a treaty relationship with the 'State of Palestine' under Protocol III.»

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

Berne, 26 January 2015

