



FEDERAL DEPARTMENT OF FOREIGN AFFAIRS

p.o.411.61.(1)

Note of information

On April 25, 1991, the Permanent Observer of Palestine to the Office of the United Nations at Geneva sent a letter to the Swiss Government, depositary State of the Geneva Conventions of August 12, 1949, for the protection of war victims, as well as a "Second Memorandum of the State of Palestine concerning its accession to the four Geneva Conventions of August 12, 1949" attached thereto. In that letter, the Swiss Government was asked to reconsider its position on the question of said accession and, in any event, forward the letter together with the "Second Memorandum" to the States parties to the Geneva Conventions. The Swiss Government was also requested, in case it persisted to refuse to register Palestine's instrument of accession, to take all the necessary steps to obtain the opinion of the States parties to the Geneva Conventions on the subject and to implement, pursuant to the applicable procedure, the provisions of paragraph 2 of article 77 of the Vienna Convention on the Law of Treaties.

In its notes of information of September 13, 1989 and December 13, 1990, which were submitted to all the States parties to the Geneva Conventions, the Federal Department of Foreign Affairs specified the reasons for the Swiss Government's inability to decide, in its capacity as depositary State, whether the document received on June 21, 1989, from the Permanent Observer of Palestine to the Office of the United Nations at Geneva concerning Palestine's accession to the four Geneva Conventions of August 12, 1949 and their Additional Protocols of June 8, 1977, can be considered an instrument of accession according to the pertinent provisions of the Conventions and their Additional Protocols.

The Department also draws attention to the fact that the "Memorandum concerning the accession of the State of Palestine to the four Geneva Conventions of August 12, 1949", which was sent to all the States parties to the Geneva Conventions on December 13, 1990, had been the object of a legal analysis which was transmitted to the Permanent Observer of Palestine on December 11, 1990.

The Swiss Government had carefully examined the "Second Memorandum of the State of Palestine concerning its accession to the four Geneva Conventions of August 12, 1949". As that Second Memorandum contained no new elements in relation to the first one, the Swiss Government informed the Permanent Observer of Palestine on July 30, 1991, that its position expressed in its note of September 13, 1989, and reconfirmed in its note of December 13, 1990, must be maintained.

In accordance with the international practice codified by the Vienna Convention of May 23, 1969, on the Law of Treaties, notably with its article 77, paragraph 2, and in response to a request of the Permanent Observer of Palestine, the Federal Department of Foreign Affairs brings the enclosed letter of April 25, 1991 and the "Second Memorandum" attached thereto to the attention of the States parties to the Geneva Conventions.

Berne, July 31, 1991

Enclosures: copy of letter and copy of "Second Memorandum", both of April 25, 1991, one document only in French