

Brief der Schweiz zuhanden des UNO-Generalsekretärs vom Januar 2010:

«Progress of consultations regarding action pursuant to paragraph 5 of General Assembly resolution 64/10

On 5 November 2009, the United Nations General Assembly adopted resolution 64/10, entitled "Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict", in paragraph 5 of which the General Assembly "Recommends that the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, undertake as soon as possible the steps necessary to reconvene a Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1".

In accordance with this recommendation, Switzerland, in its capacity as depositary of the Geneva Conventions, and through its Permanent Mission to the United Nations in Geneva, undertook preliminary consultations between 9 and 17 December 2009. Because of time pressure, the preliminary consultations could be held only with a limited number of parties.

Switzerland consulted Israel and Palestine, as parties directly involved; Egypt, Saudi Arabia, Syria, Pakistan (as coordinator on human rights and humanitarian issues in Geneva of the Organization of the Islamic Conference) and Algeria (as the Chair of the Council of Arab Ambassadors in Geneva), as interested parties from the region; China, the United States of America, France, the United Kingdom and Russia, as permanent members of the United Nations Security Council; and Sweden and Spain, as outgoing and incoming holders of the Presidency of the European Union.

The League of Arab States, the International Committee of the Red Cross, the Office of the High Commissioner for Human Rights, the human rights coordinators of the five regional groups in Geneva, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the Department of Political Affairs of the United Nations Secretariat were informed of these steps.

In addition, Switzerland was notified of the positions of Australia and Canada on the matter, and was approached by a number of delegations from various regional groups, which expressed their desire to be informed of the process under way. The preliminary consultations were oral and informal. The responses followed the same pattern, with the exception of the two written contributions. Switzerland began each meeting by emphasizing its view that a Conference of High Contracting Parties must be inclusive and be conducive to a concrete result, rather than being used as a platform to air recriminations connected with any party to the conflict. Switzerland accordingly requested the parties it approached to give their views on the content, timing and level of representation at a Conference, and to make concrete suggestions. The reactions can be divided into three categories: (1) The first group favoured the holding of a conference, preferably at high level, aimed at identifying individual and collective steps to ensure respect for and implementation of the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem. The A/64/651 72 10-22583 States in question took the view that a Conference of High Contracting Parties should be held in April 2010, in order to avoid a clash with other major conferences or events in Geneva, while still acknowledging the importance of proper and appropriate preparation. They emphasized the need to focus on legal issues. Some States were reflecting on concrete steps, including proposed mechanisms, which they intended to submit for consideration at a later stage. (2) The second group firmly opposed the holding of a Conference of High Contracting Parties. The States in question were concerned that such a conference could be a needless distraction from, or a damaging obstacle to, the resumption of

bilateral negotiations between the Government of Israel and the Palestinian Authority. A politicization of the discussions was regarded as inevitable. Some States also voiced their opposition on grounds of substance. They pointed to the lack of specific provision for such a conference in the Geneva Conventions. They also underlined that paragraph 5 of General Assembly resolution 64/10 took the form of a recommendation. (3) The third group, while not formally opposing the convening of a Conference of High Contracting Parties, was unenthusiastic at that prospect. Those States regarded such an event as neither useful nor urgent. They were sceptical about the added value of a reconvened conference, indicating that the experience of the Conference of High Contracting Parties of 5 December 2001 had shown no discernible tangible impact on the ground. They could not support a conference that would be used to criticize one particular country.

In conclusion, these consultations, which were limited in number, did not reveal a dominant trend for or against the holding of a Conference of High Contracting Parties, or a view on the contribution to the civilian population affected of a reconvened Conference of High Contracting Parties to the Fourth Geneva Convention; in other words, it was uncertain what results could be expected for what issues.

Switzerland has been encouraged to hold its own discussions on the matter and to share their outcome at the appropriate time. Such discussions will focus on the environment and aims of a reconvened Conference of High Contracting Parties. They will be an integral part of a second round of consultations, open to all the High Contracting Parties and other interested parties, that Switzerland intends to conduct in the near future. In that task, Switzerland will be guided by the desire to protect civilians and to ensure that their humanitarian needs are met.»

Quelle: Bericht des UNO-Generalsekretärs über die Folgemaßnahmen des Goldstone-Berichts vom Februar 2010

<http://unispal.un.org/UNISPAL.NSF/db7f13669e3abfd885257501007e0e51/5e96a25e79e3c35c852576c1004e5c30?OpenDocument>