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The Federal Council

Report on the implementation of Switzerland's priorities for the 77th session of the UN General Assembly

Federal Council report to the Foreign Affairs
Committees

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A UN General Assembly facing war in Europe and geopolitical tensions

The 77th session of the UN General Assembly (GA) runs from September 2022 to September 2023. It is being chaired by Hungarian diplomat Csaba Kőrösi, who has set the following priorities for his year in office as president of the GA: standing firm on the basic principles of the UN Charter, measurable progress on the 2030 Agenda, aiming at integrated, systemic solutions; enhancing the role of science in decision-making. Switzerland welcomes these priorities, which overlap with its own: upholding international law (which includes the UN Charter), improve the involvement of science and enhance measurability for the implementation of the 2030 Agenda.

The opening of the GA's 77th session in September 2022 was attended by over 150 high-level representatives, including the President of the Confederation Ignazio Cassis, representing Switzerland. Many of the statements addressed Russia's military aggression against Ukraine. The President of the Swiss Confederation also clearly condemned this serious violation of the UN Charter in his speech and called for compliance with international humanitarian law (IHL). He further recalled the UN's unique position to unite forces and thereby maintain world peace and international security.

The 77th UN General Assembly was marked by the war against Ukraine. It was also the first GA to return mainly to in-person meetings following the lifting of pandemic-related restrictions. In addition, all COVID-19-related business continuity measures at the UN in Geneva were set to be lifted at the end of June 2023. The UN in New York is expected to follow suit although the exact date has yet to be decided. This means not only a return to physical meetings but also the use of virtual conferencing tools has become more challenging as member states have yet to agree on common rules in this area. The GA session has further underscored the increasing polarisation and hardening of geopolitical fronts, particularly between the major powers.

Switzerland has also gained greater visibility in the GA thanks to its seat on the Security Council starting in 2023, even though the two organs have separate tasks and jurisdictions.

1. 1. Addressing the impact of the armed conflict in Ukraine

Shortly after Russia's military aggression on 24 February 2022 (76th GA session), UN member states convened an emergency special session. This 11th emergency special session continued during the GA's 77th session and had a major impact on it. By the end of May 2023, three more resolutions had been adopted: on Ukraine's territorial integrity, on a war damage register and reparations, and on UN Charter principles underlying a comprehensive, just and lasting peace in Ukraine. Until now, a total of six resolutions were adopted during the emergency special session. Although support for the texts sometimes fluctuated, the positions taken by most states remained largely stable - barring a few exceptions. Most of the resolutions were adopted by around 140 member states, including Switzerland.

Both the GA and the UN's Human Rights Council (HRC) in Geneva addressed the issue of accountability for Russia's military aggression. To this end, the HRC extended in March 2023 the mandate of the Independent International Commission of Inquiry on Ukraine, established in March 2022, for another year until. The commission documents violations of human rights and international humanitarian law, preserving evidence for future tribunals or other accountability mechanisms. Switzerland advocated for the commission's activities to be complementary to and coordinated with similar mechanisms, and supported the corresponding resolution. Discussions on establishing a special tribunal for the crime of aggression against Ukraine continue, and many questions remain pending, including the exact form it should take. It is clear however that any such tribunal would only be able to prosecute individuals, not states. Switzerland supports the idea of creating a special tribunal but believes that its success will depend on several factors – its operation

embedding within a multilateral framework, for example, and its complementarity to existing mechanisms, in particular the International Criminal Court (ICC).

In July 2022, Russia and Ukraine signed the Black Sea Grain Initiative (BSGI) allowing for grain and fertiliser to be exported safely to help alleviate the global food crisis and stabilise food security around the world. Since then, the BSGI has been extended three times (November 2022, March 2023 and May 2023). Respective talks have partly been held in Geneva, also due to the support of Switzerland.

2. Promoting international law

Increasing polarisation on human rights has been clearly visible, making Switzerland's role in bridge-building and its nuanced positioning a key feature. The resolution on a death penalty moratorium was adopted with the largest number of votes for a GA resolution to date. Switzerland also voted in favour of the resolution. This can be seen as a progress and reflects a global trend, whereby increasing numbers of states are either establishing moratoriums or abolishing the death penalty altogether. A resolution on prohibiting torture was also adopted by consensus in spite of difficult negotiations. The text contains important references that were introduced by Switzerland, such as the Méndez Principles.¹ Regarding the protection of minorities, in September 2022 President Cassis took part in a high-level event marking the 30th anniversary of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. As a member of government from the Italian-speaking part of Switzerland, his speech gave an additional touch of credibility to Switzerland's treatment of and commitment to minorities.

Another of Switzerland's priorities was gender equality, which it has been advocating in various resolutions on preventing female genital mutilation and forced or child marriage, for example.

Important progress has also been made through the adoption of a resolution approving the International Law Commission's proposal for new provisions on crimes against humanity. This paved the way for a first substantial discussion on the proposal. Switzerland was actively involved in these negotiations, and the follow-up work is currently under way.

Negotiations on the UN Convention on Cybercrime and work on cybersecurity are ongoing. To this end, Switzerland is working to ensure that international law is also respected in cyberspace, including human rights and IHL. Switzerland was among several states initiating the first detailed discussions on the concrete application of international law (notably the UN Charter) in the field of cybersecurity.

In the area of peace, security and human rights, Switzerland contributed with a concrete written submission to the elaboration of the UN secretary-general's New Agenda for Peace, due for publication in June 2023.

In addition, Switzerland ensured the correct use of IHL terminology in GA texts wherever possible.

3. Supporting an effective UN system

Switzerland is continuing to support reforms for an effective UN system where possible. As coordinator for the Accountability, Coherence and Transparency Group (ACT Group), it remains committed, for instance, to making the Security Council's work more transparent particularly to non-council members. Switzerland has been following discussions on Security Council reforms, including the veto. One of its actions in this regard was to advance its initiative with the ACT Group calling on all council members to refrain from voting against any credible draft resolutions seeking to prevent mass atrocities, to be achieved through a code of conduct. This code of conduct has to date (end May 2023)

¹ The Méndez Principles are a new standard for effective interviewing by police and other authorities while respecting human rights and upholding the prohibition of torture.

been signed by 129 countries. In addition, Switzerland supported Liechtenstein's initiative which ensures that the use of the veto automatically triggers a respective discussion in the GA.

After a three-year pilot phase, the GA approved a new annual budget cycle as part of the reform process (formerly a two-year budget cycle). This allows the UN to respond faster in terms of financing to unforeseen developments such as COVID-19 or the Ukraine war. Switzerland was a vocal advocate for this outcome during the negotiations.

“Our Common Agenda” (OCA) is a set of measures aimed at strengthening multilateralism and the UN reforms. Switzerland played an active role in these negotiations and discussions, calling for the prevention of duplication and for leveraging existing synergies. In particular, existing forums and mechanisms such as the development banks should not be duplicated. Another important topic were developments regarding data usage and digitalisation. Switzerland supported better usage and sharing of data (such as through stakeholder networks and a common platform for sustainability data) and participated in the preparatory work for a global digital compact. The negotiations for this compact are scheduled to start at the end of 2023. One of Switzerland's main concerns is that all the relevant stakeholders, particularly also those in International Geneva, are included.

In relation to the issue of sexual harassment, exploitation and abuse, Switzerland has actively advocated for greater transparency and accountability within the organisation and suggested wording on misconduct and survivor-centred support.²

4. Advancing sustainable development

For the drafting of the SDG Summit political declaration at the GA, Switzerland has advocated greater effectiveness in the implementation of the SDGs. As co-chair of the UN's Economic Commission for Europe regional forum, Switzerland called for an implementation of the 2030 Agenda goals. Switzerland has been active in harmonising data in order to make it possible to measure and compare the implementation of the SDGs. One such project is the “Unlocking the Power of Data Initiative”, which aims to advance data usage and sharing among stakeholders with the goal of providing the necessary information for fact-based discussions and decision-making.

There has been progress on different environmental issues during the 77th session of the GA, also thanks to Switzerland's support. In the field of biodiversity, for example, negotiations for a high seas agreement to protect marine biodiversity have been concluded. In the fight against climate change, Switzerland has supported a resolution commissioning a non-binding advisory opinion from the International Court of Justice in order to clarify the specific obligations states have in terms of climate change.

A key event during the 77th session was the UN Water Conference in March 2023, which saw the adoption of a Water Action Agenda setting out a number of voluntary commitments. Switzerland announced five voluntary commitments, among other things related to the Blue Peace Initiative and contributions to various organisations, all based on ongoing SDC projects. It also co-chaired with Senegal one of the conference's five main sessions on the topic of water and cooperation.

Regarding disarmament, Switzerland has actively participated in a number of UN processes concerning, for example, space security, as well as the drafting of a non-binding text on munitions management. Switzerland will continue to advocate for the conclusion of these matters in the GA during 2023, while safeguarding its national interests.

Within the HRC, Switzerland and several other states presented a resolution on human rights and the environment, which reaffirmed the importance of a human rights-based

² The term survivor is used in order to acknowledge that victims of sexual exploitation and abuse can overcome their trauma.

approach to environmental protection measures. The resolution was adopted without a vote.

Other activities

Switzerland has been taking part in a wide range of topics during the 77th session. In September 2022, it presented together with other states resolutions on transitional justice as well as on human rights and neurotechnology in the HRC. Both texts were adopted by consensus. In March 2023, Switzerland presented a resolution on human rights and drugs, which was also passed without a vote. During the HRC's 53rd session (19 June to 14 July 2023) it submitted together with other states a resolution on business and human rights. Switzerland also took part in the special sessions on the human rights situation in Iran (November 2022) and Sudan (May 2023).

During the 77th session of the GA, work in the area of taxation advanced, mainly due to pressure from a number of African states. One of the ideas to take clearer shape is a UN convention on tax issues. Switzerland is sceptical about these developments, not least because there is a risk of duplicating existing OECD processes. It remains, however, actively involved in the related negotiations in order to protect Switzerland's interests and continues to closely monitor further developments.

Summary

Challenges at multilateral level remain considerable, particularly because of increasing polarisation. Against this backdrop, the fact that there have been no setbacks in some areas such as gender equality must be considered a success. It is increasingly difficult for Switzerland to maintain its nuanced position in this environment. At the same time, its differentiated approach continues to create opportunities for Switzerland to fulfil its traditional role as a bridge-builder. By implementing its GA priorities consistently and maintaining its coherent position, Switzerland continues to enjoy a strong and widely recognised profile at the UN. This is to be cultivated further, particularly in view of its term on the Security Council.

Annex:

- Switzerland's voting record during the 77th General Assembly